

TURA Ad Hoc Committee Meeting, March 30, 2021

Meeting Attendees

Ad Hoc Committee members

***Larry Boise**, Franklin Paint
Tom Estabrook, TNEC, GRACE-MTA/UML
***Wendy Heiger-Bernays**, BUSPH, TURA SAB
Andy Irwin, Irwin Engineers
***Bill Judd**, Industrial Compliance Group
Jay Kaufman, Beacon Leadership Collaborative
***Mark Monique**, Savogran
Jim Reger, MAAPA
Rick Reibstein, BU
Bob Rio, AIM
Kathy Robertson, MCTA
Cora Roelofs, UML
***Lucy Servidio**, Capaccio
***Laura Spark**, CWA*Other Advisory Committee members*
Magdalena Ayed, Harborkeepers
Karen Blood, Hollingsworth and Vose
Becky Weidman, MWRA

Administrative Council members

Greg Cooper, DEP

TURA program
Richard Blanchet, DEP
Lynn Cain, DEP
Walter Hope, DEP
Veronica Wancho O'Donnell, DEP
Jenny Outman, DEP
Caroline Higley, EEA
Dan Sieger, EEA
Jim Cain, OTA
Caredwen Foley, OTA
Marcela Rojas, OTA
Michelle Spitznagel, OTA
Tiffany Skogstrom, OTA
Pam Eliason, TURI
Liz Harriman, TURI
Rachel Massey, TURI
Greg Morose, TURI
Heather Tenney, TURI

Other attendees

Jeff Bibeau, Tighe and Bond/MCTA
Tom Hmiel, Teknor Apex Company
Carol Holahan, Foley-Hoag for ACC
Tricia McCarthy, Coyne PC for ACC
Patrick Pelletier
Myles Perkins, WA DEP

One other attendee, full name and affiliation unknown
413-335-6149
Ralph
936-697-3584
978-376-1522

**Denotes members of the AHC who also sit on the Advisory Committee*

*Absent: Lauren Bradford, Terry McCormack, *Elise Pechter, *Mark Rossi, Elizabeth Saunders, *Jodi Sugarman-Brozan, *Matt Taylor*

Minutes

Welcome and introductions: Members were welcomed and introduced themselves.

Approval of minutes: Minutes approved.

Presentation: TURI staff delivered presentation on TUR planners and planning. A summary of the discussion following the presentation follows

1. TUR planning

- a. A member noted that a recent survey of Massachusetts manufacturers showed no financial savings from planning process by 60% of respondents and that they are tired out after many cycles of planning
- b. A member asked whether part of the certification and education process is helping TUR planners to understand the communities they work in (e.g., integrating an awareness of environmental justice), and proposed including this training if it doesn't currently exist.
 - i. TURA program staff responded that it is not currently a formal training requirement but that environmental justice programming is included at the Continuing Education conference, and there may be other opportunities to integrate it into planner education.
- c. A member noted that the TURA program is highly effective and should be expanded, but instead is smaller than it once was. He observed that when a model is successful, it should be expanded – it is a problem when a society has a successful program and fails to apply it more broadly. Applying the TURA approach to other populations and modifying the requirements requires more staff and resources, but currently the program is simply in maintenance mode. Another member agreed with this point about expansion in the chat.
- d. A member wished to challenge the idea that the reductions of toxics used in Massachusetts over time was the result of TURA. Citing a survey of her organization's membership, she indicated a belief that Massachusetts manufacturers would continue their TUR efforts in-house in the absence of TURA program requirements because TUR is a best practice, in compliance with ISO 14001 and good for business. She also noted that her members felt the planning cycles were insufficient and that a 3 to 8 year planning cycle (average of 5 years) would be sufficient for meaningful change. She also proposed fee waivers for manufacturers using substances that are required by law in bid specifications, because fees impede TURA filers from competing for these contracts. She also raised concerns about the value of TURA program CE offerings and noted that competing with the TURA program's double credit trainings was difficult, as outside entities are only able to offer single credits. Finally, she expressed the opinion that if the value of TUR benefits everyone, it should be shouldered by society as a whole, not a small number of toxics users who pay the fees.
- e. Another member noted that there is some data to support the notion that companies will pursue toxics reduction with or without TURA. He also stated that some planners receive credits merely for being in the room without true learning or competency. Finally, he noted that to support the practice of TUR planners, reporting guidance must be free of technical inaccuracies.
- f. A member noted that she disagreed with the idea that TURA filers should not bear the cost of toxics use reduction, since the use of the chemical is what creates the harm. The broader public receives the potential harm as well as the potential benefit, but because the harm is related to a specific activity, she supports a fee-based structure. She also expressed confidence in the TURA program's ability to collect reliable data from a group of planners, and noted that if other members have data from other sources, the data should be shared with the committee for consideration. She noted that the legislature had previously considered and had not passed some of the implicit policy suggestions in

the other member's comment, and noted that she would not support many of those proposals.

- g. A member noted that changes in technology over time can make previously-impractical TUR options feasible. When planners can review several years of data, this can surface opportunities for TUR. A longer planning cycle would not give you the opportunity to go back and find these options. If you're not looking at the options every two years, you'll miss opportunities. He proposed that, for any TUR options chosen to be reviewed, the list should be maintained for the life of the facility. New planners can review old recommendations that may now be much more feasible than they were before. He also noted that his clients are in a wide array of industries, and only one company he has worked with as a planner has really not had any feasible TUR options. He believes that extending the timeline is not going to support the program.
 - h. A member noted that, in his industry, companies are required by law to use liquid asphalt, and consequently must file under TURA. This places them at a competitive disadvantage with companies in surrounding states that use the same products but are not subject to TURA's costs and requirements.
 - i. Another member responded that TURA does not prevent companies from using required chemicals, and that TURI's work has sometimes assisted with changing those requirements of specs.
 - ii. The member replied that specifications do change from time to time, but he remains concerned about Massachusetts businesses who cannot adopt an alternative needing to pay additional fees when their competitors don't.
 - i. A member noted that the TUR planning process is valuable because it can be used to facilitate any kind of change, not just chemicals. She has used it with clients who are trying to align any of their EHS goals with their internal goals.
2. How can TUR planning support broader goals?
- a. A member noted that planning is essential in worker health and safety and that TURA is useful in identifying solutions. Expanding TUR planning will increase worker participation, and TUR planning and safety planning should be in sync.
 - b. A member noted that occupational and public health were both originally a goals of the program, but are not explicit in the TUR plan, which focuses on quantities of emissions and byproduct. Education of planners could focus more on occupational and public health.
 - c. A member stated that value of TUR and planning are clear, and compared TUR planning to going to the dentist twice a year for a tooth-cleaning—when it's working, it's easy to feel like we should stretch out the timeline, but that's because the timeline is effective. Reducing frequency of planning would be like reducing visits to the dentist: taking something that is working, and reducing it to a frequency at which it will no longer work.
 - d. A member stated that worker health and safety is an explicit goal of the TURA program but it's not always operationalized. While OSHA implements few new standards, TURA's work on methylene chloride led to the near-elimination of methylene chloride. The infrastructure moves the needle, and provides benefits that are absent from federal efforts. She stated that she would be happy to participate in trainings on TUR and worker health and safety. She also noted that her previous research had found that OTA

creates benefits for worker health and safety, and she believes that by extension of that principle, planners likely do as well.

3. What can the program do to ensure that planning is high quality?
 - a. A member stated that if you want to look for quality plans, you need to review them, identify planners who need assistance, and re-educate them. There is generally good data among TURI's resources, but on the other hands, sometimes reporting follows the guidance but the guidance is in error. Key concepts, like amount per unit of product rather than total amount, should be reinforced for high-quality planning.
 - b. A member stated that, for long-time filers, planning fatigue can set in. She suggested that it may be helpful to reduce the number of credits people have to get, but hone in on specific issues (e.g., emerging issues or challenges in specific industries) so that people don't have to go to a primer on TURI principles if they have a good founding in the fundamentals.
 - i. TURA program staff responded that this is a conundrum as we have also gotten the opposite feedback, that we shouldn't be doing programming that isn't relevant to everyone.
 - c. A member acknowledged the earlier analogy to dentist visits, and suggested that what we have now might be more analogous to a dental cleaning every month. Less-frequent, higher-priority planning might be more valuable. He also noted some delays in work with the TURI Cleaning Lab.
4. Are there innovative ways the TURA program can engage with filers to improve plan quality?
 - a. A member asked whether companies are contacting OTA for assistance when they "hit a wall" and have a toxic they can't stop using. When a planner comes across a company that isn't making headway, do they talk to the program about those areas? Are these being surfaced for program staff to look at them?
 - i. TURA program staff responded that desk audits can help surface these issues.
 - b. A member noted that the companies she has talked to who are hitting the planning wall have reduced the use of toxics substantially and have continued to do that.
 - i. TURA program staff clarified that some desk audits revealed several feasible options that were not implemented and several chemicals that were not addressed, but that this was not a general comment about industry as a whole.
 - c. A member suggested that MassDEP could support high-quality planning over time by providing examples of deficiencies identified in desk audits and descriptions of what companies need to do to overcome them and demonstrate a good faith effort.
 - d. A member suggested that when companies are implementing change, TUR should be part of the review of management of change.
5. Strengths and weaknesses of training currently provided
 - a. A member suggested strengthening the assessment of learning. On innovative topics, there isn't much to be assessed, but on fundamentals, he has observed planners participating in case studies without basic knowledge of topics like how to calculate byproduct, for instance.
 - i. TURA program staff agreed and responded that we have been doing some assessments for virtual conferences.

- b. A member proposed more targeted offerings requiring fewer numbers of credits for more experienced planners, and proposed equalizing credits for all offerings, inside and outside of the TURA program, so that planners can use other options to seek out trainings that are the most beneficial for them. Currently, planners struggling to get a certain number of credits will go to TURI rather than to an industry-specific program that might be more beneficial.
 - c. A member stated that he thinks we should not reduce the amount of training required for experienced planners, because even very experienced TUR planners leave things out of their plans, and many small issues are critical and can result in penalties. Instead, we should figure out how to help planners best absorb all of the training they receive.
 - d. A non-member attendee stated that fundamentals are important to emphasize, and agreed that there should be at least one fundamentals session at all trainings. There's no excuse for someone to be a planner and not to understand how to calculate byproduct, but it happens sometimes. Those should be red flags for everyone who is concerned with trying to improve planning quality.
6. Other services the program can offer to help planners develop and maintain TUR planning skills
- a. A member noted that, for any activity, reviewing the basics occasionally is central for success, even for those with ample experience. Remembering the scales on the piano is still important for experts. If weaknesses are found in plans, DEP should be able to go back to the planner and discuss the shortcomings with them. For a planner who wants to develop a niche expertise, they should be permitted to propose a course of study tailored to their interests and needs, and come back with evidence that they've learned something from it.
 - i. TURA program staff noted that planners can get credits elsewhere, and that the CE conferences provide double credit because the whole TURA program is involved in planning, so we know it will be pertinent. Planners should feel free to request credit for relevant work.
 - b. A member raised the issue of limitations imposed by military specs. Early in the program, this arose with TCE, and the program was able to talk to DoD and get those specs changed. In order to assist with these issues, the TURA program needs to know when people are hitting the wall. Conferences and events are a good venue for identifying shared challenges.
 - i. TURA program staff noted that peer mentoring is also an important strategy, especially for industry-specific issues.
 - c. A member stated that there really isn't any opportunity for double credit for courses outside of the conference, and that he had cosponsored a recent training that did not qualify for double credit even though it was a TUR fundamentals training.
 - d. A member commended the work TURA has done, including to change military specs. But until there can be changes to existing specs, she feels that companies should not be forced to repeatedly find ways to reduce substances they cannot avoid using and should not be assessed fees for their use.
 - e. A non-member attendee stated that the real solution is getting the military or the DOT to change the specs.

- f. A member stated that changes in industry make changes in specifications possible that may not have been possible before.
7. How can we improve the value of the planning guidance?
- a. A member suggested including examples that are relevant to specific industries and applications, e.g., integral recycling examples applicable to solids.
 - b. A member stated that his training organization collaborates with others to examine and revise our minimum criteria requirements every few years. Important to base trainings on people's realities. They also do assessments of their training and bring in outside educators that bring other experience. He would suggest that the TURA program should have minimum criteria and revise them continuously.
 - c. TURA program staff invited any planners who want to work with the program to improve the TUR guidance are invited and encouraged to do so.
 - d. A non-member attendee asked how often the planning guidance is reviewed, and suggested that it should be examined every few years.
 - i. TURA program staff responded that also about half of limited practice planners aren't referring to the guidance document, so we should also consider ways to improve uptake.
 - e. A member stated that, before she retired, Suzi Peck had encouraged a review of the guidance, and that he and some other planners participated. He supports the idea of reviewing the guidance every couple years.
8. Advantages and disadvantages of the 2-year recertification cycle
- a. A member pointed out that CPAs have to be recertified every 2 years, and that the imperative is to keep skills sharp, since this is a private entity to which government oversight responsibility has been outsourced. Planners must learn from peers and must be kept abreast of frequent changes in law, regulations, best practices, science, economic impact. We are working in a constantly-changing environment, so a good training program is essential – not just having people show up and fulfil a nominal requirement.
 - b. A member stated that she does not object to the 2-year cycle, but believes that recertification cycles to be relevant, so she suggests we reduce the number of credits and let people seek them elsewhere with TURA approval.
 - c. A member stated part of the value of training is that it assures the community that the source of risk is doing the best they can to reduce the risk. It shouldn't be make-work.
 - d. A member stated that he is a MA engineer, and has to fulfil other CE requirements for that license in other states. He asked whether planner recertification encompasses the engineering skills required in planning.

Dan Sieger thanked the committee for their engagement and participation.

Topic of upcoming meetings: April's meeting will cover Toxic Substances List, and May's meeting will cover Fees.

Adjourn