



# Department of Environmental Protection

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## **IMPORTANT TIME SENSITIVE NOTICE TOXICS USE REDUCTION PLANNING AND EMPLOYEE NOTIFICATION REQUIREMENTS AND NOTICE ABOUT NEW TURA CHEMICAL CATEGORY AND NEW TRI CHEMICAL CATEGORY**

This is a reminder that **2022 is a planning year** under the Toxics Use Reduction Act (TURA). Facilities are subject to TURA reporting if they used one or more chemicals above the reporting threshold in 2020 and in any previous calendar year. These facilities are required to develop a Toxics Use Reduction (TUR) Plan or Plan Update, a Resource Conservation (RC) Plan, or a TURA Environmental Management System (EMS) plan or progress report by **July 1, 2022**. The TUR regulations, found at 310 CMR 50.42(5) and 310 CMR 50.92(6), respectively, require facilities that will be developing TUR or RC plans, to notify their employees of their intent by **January 1, 2022**. This notification provision does not apply to EMS plans or progress reports.

### **Requirements for a TUR Plan**

A facility is required to:

- identify the toxic chemicals and production units within the facility
- provide the TUR plan requirements to the facility employees, and
- solicit comments and suggestions from employees on toxics use reduction options.

### **Requirements for a RC Plan**

A facility is required to:

- provide the RC plan requirements to all employees,
- identify the asset and processes under consideration, and
- solicit comments and suggestions from employees on resource conservation options.

For information on Resource Conservation Planning, please go to MassDEP Toxic Use Reduction regulations at 310 CMR 50.90 through 97. For information on TUR Environmental Management Systems, please see 310 CMR 50.80 through 84. These regulations can be found at the following link: <https://www.mass.gov/doc/310-cmr-5000-toxics-use-reduction/download>.

### **Requirements for Plan Certification**

TUR Plans must be certified by a MassDEP approved Toxics Use Reduction Planner (TURP). RC Plans must be certified by a TUR Planner that has been approved by MassDEP to certify RC Plans.

An existing TUR Planner can obtain certification from MassDEP by taking required training pursuant to 310 CMR 50.63.

EMS Plans and Progress Reports must be certified by either a TUR Planner with training in EMS who is approved by MassDEP to certify EMS plans, or by an EMS professional with training in TUR. These requirements can be found at 310 CMR 50.62.

### **Listing of TUR Planners**

For a list of licensed TUR Planners, please consult the MassDEP website at

<https://eeaonline.eea.state.ma.us/Portal/#!/search/permits/results?Program=TOXIC%20USE%20REDUCTION>. If you do not have a certified in-house TUR Planner, you will need to hire a general practice TUR Planner to certify your plan. This TUR Planner can also help to guide you through the planning process.

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### **New TRI Chemicals: Per- and Polyfluoroalkyl Substances (PFAS) Effective for TURA Reporting Year 2021 for Reports due 2022**

Section 7321 of the National Defense Authorization Act for Fiscal Year 2020 (P.L. 116-92) (NDAA) added 172 Per- and Polyfluoroalkyl Substances (PFAS) to the Toxics Release Inventory (TRI) list, effective for TRI reporting forms due by July 1, 2021. Although these chemicals have the 100 lb. reporting threshold, they are **not** classified as persistent bioaccumulative toxic chemicals (PBT), and the *de minimis* exemption applies. (Please note that the *de minimis* level for Perfluorooctanic acid (PFOA)/CAS 335671 is 0.1%. All other TRI PFAS chemical additions have a *de minimis* of 1%.)

The TURA Administrative Council added these 172 chemicals to the TURA chemical list, to be TURA reportable, effective. The final listing requires covered businesses to track use beginning in calendar year 2021 and report above-threshold use by July 1, 2022.

For questions or more information on TURA planning requirements, please contact Lynn Cain via email at [lynn.cain@mass.gov](mailto:lynn.cain@mass.gov).

For any regulatory questions, please contact the MassDEP TURA program via email at [veronica.odonnell@mass.gov](mailto:veronica.odonnell@mass.gov) with any questions.

For guidance on managing PFAS at your facility, please contact Office of Technical Assistance (OTA) via email at [tiffany.skogstrom@mass.gov](mailto:tiffany.skogstrom@mass.gov).