

Meeting of the TUR Administrative Council

February 11, 2020
Saltonstall Building
100 Cambridge Street, 2nd Fl, Rm 2A, Boston, MA

Council Members Attending

Daniel Sieger, Executive Office of Energy and Environmental Affairs (EOEEA)
Greg Cooper, Department of Environmental Protection (MassDEP)
Marc Nascarella, Department of Public Health (MassDPH)
Edward Palleschi, Executive Office of Housing and Economic Development (EOHED), Office of Consumer Affairs and Business Regulation (OCABR)

Others Attending

Jenny Outman (MassDEP),
Katherine Robertson (Massachusetts Chemistry Technology Alliance [MCTA]),
Erin DeSantis (American Chemistry Council [ACC]),
Carol Holahan (Foley Hoag for ACC),
Tricia McCarthy (Coyne Law Office for ACC)
Liz Harriman (Toxics Use Reduction Institute [TURI]),
Heather Tenney (TURI),
Pam Eliason (TURI)
Rich Bizzozero (EOEEA, Executive Director of the Administrative Council),
Tiffany Skogstrom (Office of Technical Assistance [OTA]),
Lynn Cain (MassDEP)

Welcome and Introductions

The Chair of the Council welcomed everyone to the meeting and attendees introduced themselves.

The Chair requested that the MassDEP TUR Plan Guidance Updates for 2020 agenda item be postponed until the next meeting; the Council concurred.

Approval of Minutes from November 18, 2019 Council Meeting

The chair opened the meeting by asking if there were any changes to the November 18, 2019 meeting minutes. There were no changes brought forth and the motion to accept the minutes as written was seconded and approved with 3 voting to accept and one abstention: the MassDPH Council member.

PFAS Draft Policy Analysis

TURI representatives presented the Draft PFAS Policy Analysis dated February 2020. An overview of the document was provided and sections that had been modified since the last

Council meeting were described in more detail. The SAB process and status of the deliberations were reviewed. TURI continues to evaluate approaches to defining a PFAS category, taking into account the SAB's findings on PFAS as a class, drawing upon their detailed review of individual chemicals within the class as well as their ongoing review of breakdown pathways.

The challenges with determining where PFAS are used in Massachusetts, and in what quantities was discussed. They are largely unregulated, so there is little public reporting of use. There is uneven reporting under Tier II, although it is a good starting point. There is ongoing work to identify sources of PFAS contamination in groundwater and in waste streams being emitted to POTWs. Over the next year or so, this work will help in identifying where the chemicals are used in MA industries.

The regulatory section has been recently updated, but it was noted that this is a quickly changing landscape, as states and countries begin to enact legislation and set contaminant limits.

A Council representative suggested adding the ATSDR PFAS Draft Toxicological Profile to the key resources for health concern. In particular, they noted that PFAS are in everyone, we are all exposed, and the half-lives in humans are very long, so that exposure will last a long time. It was noted that the SAB did review and use the ATSDR document during their deliberations. The Council representative also provided helpful background information on other ATSDR and MA Department of Public Health PFAS activities around contaminated water supplies and impacted communities, biomonitoring, and medical clinician assistance.

A council representative asked if there are sectors using or emitting PFAS other than those noted in the policy document. Program staff mentioned several, including municipalities (especially fire departments) and research institutions which are using PFAS, and municipal waste combustors and solid waste landfill leachate as potential PFAS emission sources.

USEPA Addition of certain PFAS to TRI under NDAA

The National Defense Authorization Act passed in December of 2019 instructs USEPA to add a list of longer chain PFAAs and their precursors, as well as GenX (a fluorether compound) to the federal Toxics Release Inventory list. At this time, EPA has identified 160 substances that meet the requirements of the NDAA. The NDAA stipulates that they will be reportable under TRI for 2020 (the current year) with a 100 lb threshold. TURA adopts changes to the federal TRI reporting, so as EPA finalizes their listing, the Council can expect a summer reg package to adopt these additions to the TURA list. If the TURA regulations are final before the end of 2020 calendar year, then they would be reportable under TURA for the 2021 reporting year (reports submitted in 2022).

Northeast Conference on the Science of PFAS

A flyer for an upcoming PFAS conference scheduled for the end of March in Framingham was circulated. NEWMOA is the conference organizer, and several TURA program staff are involved as organizing committee members, sessions organizers or as presenters.

Appointment of Ad Hoc Sub-Committee on TURA Improvement

Introduction: The chair gave a brief overview of the objective of establishing the ad hoc committee, which was presented at the previous Council meeting. He also distributed a suggested slate of core Ad Hoc committee members, based on the response from the request for nominations issued at the November 2018 Council meeting. The suggested slate has good representation, and those on the list have committed to participating. All Advisory Committee members would be welcome to participate, even if not included on the core list, and it is understood that some Ad Hoc and some Advisory Committee members would participate selectively, depending on the topic being discussed. The objective is to have an open and productive discussion at the meetings. In addition, Council members or their staff are encouraged to participate.

A Council member asked about the role of program staff and agencies, and who would be coordinating and running the process. The chair responded that he would be responsible for the overall process, and that TURA and agency program staff would be active participants, even though not listed on the slate. The Executive Director added that some program staff will need to be present at all meetings, while others will be needed only at selected meetings, depending on the topic being discussed.

The options for scheduling and interaction with the Advisory Committee and Council were discussed. It was suggested that meetings could be paired up with advisory committee meetings, to make it easier for advisory committee members. The first meeting would provide an orientation to the program and the topics to be discussed, and would lay out an schedule for future meetings. Meetings will be open to the public and each agenda will be posted with advance notice of the meeting.

The Council agreed that there will be a standing “Ad Hoc Sub-Committee Update” agenda item for both Advisory Committee and Administrative Council meetings. Prior to a final report to the Council, the results of the Ad Hoc group work will be shared and discussed first with the Advisory Committee so that they can provide input.

A visitor suggested taking the TUR Planners deadlines into account when scheduling meetings, and expressed hope that there would be some give and take among those with different perspectives. A TURI representative pointed out that the objective was to identify opportunities, rather than to reach consensus among those with different perspectives.

The chair shared a letter from Clean Water Action to EEA, responding to the previous invitation to provide feedback on the proposal to create an ad hoc committee. In the letter, CWA expressed concern with the proposal, questioning the need for the additional sub-committee and noted the burden for representatives who already dedicated significant time as members of the Advisory Committee. The letter also included several helpful suggestions around process and content, should the formation of the Ad Hoc committee move forward.

The chair repeated the charge: to develop potential opportunities for TURA program improvements and to bring those back to the Advisory Committee and Council, and requested a vote on the proffered slate of nominees, while noting that they would not be the only participants in the discussion. Council members asked questions about whether they would be voting on the specific names on the list, and whether others could be added. A TURI representative noted the statute language: “ MGL 21I§4(G) The council shall, whenever it considers it necessary or favorable, establish ad hoc committees. The chairperson of the council, subject to the approval of the majority of the council, shall appoint members of ad hoc committees. Membership of the ad hoc committees shall not be limited to members of the advisory board.” MassDEP Counsel present at the meeting noted that language allowed for interpretation.

The following motion was suggested: **“to vote on the establishment of an Ad Hoc Committee composed of the group laid out before you, subject to future additions by the chair of the Council.”** The chair noted that the Ad Hoc committee will determine the list of topics. The motion was so moved and seconded. The vote was unanimous with four in favor.

The Council will be kept informed of the schedule and list of topics to be discussed.

Nanomaterials

An OTA representative summarized the nanomaterials survey that had been conducted previously and the results. A Council member asked whether we had checked with the American Chemistry Council, as they had offered information. The Executive Director responded that we had a conference call, but did not come away with any additional information. Cabot Corp is the one ACC member in Massachusetts that says they use nanomaterials. It was also noted that approximately a decade ago, there was an interagency committee on nanomaterials that was helpful in keeping the various entities abreast of state activities and emerging information.

The chair suggested that it would be helpful for the Council to better understand nanomaterials, and asked if a tour of the UMass Lowell nanomanufacturing research facilities would be possible. A TURI representative agreed to check with UML researchers to arrange a visit, probably in about a month. Council members that would be interested in participating in that site

visit should let the Executive Director know. The HED Council member offered to assist with any questions about the open meeting law, as they have experience with this kind of site visit.

A visitor noted that MCTA (Massachusetts Chemistry and Technology Alliance) had put on a well-received educational program on nano for their membership, and offered to put together a similar panel, perhaps after the UMass Lowell tour.

TURA Program Update

A few highlights were shared from the handout of TURA program events, and recent reports, videos and activities.

The meeting was adjourned.

Handouts:

Draft PFAS Policy analysis - Feb 5, 2020
11.18.19 Draft Admin Council meeting minutes
Council Agenda February 11_2020
PFAS Science Conference Announcement
TURA Program Update
Clean Water Action letter to EEA
Ad hoc committee nominees
Ad hoc Working list of topics