

## **TURA Administrative Council Meeting**

March 5, 2021 3pm–5pm

The March 5, 2021 TURA Administrative Council convened remotely, over Zoom, consistent with Governor Baker’s Executive Order of March 12, 2020, due to the current State of Emergency in the Commonwealth due to the outbreak of the 2019 novel coronavirus, known as, “COVID-19”.

### **Council Members Attending** *(attendance taken by roll call):*

Greg Cooper, Department of Environmental Protection (DEP)

Michael Flanagan, Department of Labor Standards (DLS)

Marc Nascarella, Massachusetts Department of Public Health (DPH)

Edward Palleschi, Executive Office of Housing and Economic Development (OEHD), Office of Consumer Affairs and Business Regulation (OCABR)

Dan Sieger, Executive Office of Energy and Environmental Affairs (EEA)

### **Meeting Attendees** *(recorded by chat box and/or participant list):*

**EEA:** Caroline Higley, Tiffany Skogstrom (Executive Director, TURA Administrative Council)

**DEP:** Veronica O’Donnell, Lynn Cain, Richard Blanchet, Jenny Outman

**OTA:** Caredwen Foley

**TURI:** Liz Harriman, Rachel Massey, Heather Tenney

### **Other attendees:**

- Magdalena Ayed, Harborkeepers
- Karen Blood
- Erin DeSantis, ACC
- Larry Feldman
- Ben Gann
- Margaret Gorman
- Harry Hechehouche
- Wendy Heiger-Bernays, BUSPH/SAB
- Carol Holahan, Foley Hoag on behalf of ACC
- Jay Kaufman
- Tricia McCarthy, Coyne/ACC
- Jim Reger, MAAPA
- Rick Reibstein, BUSPH
- Katherine Robertson, MCTA
- Laura Spark, Clean Water Massachusetts
- Robert Rio, AIM
- Katherine Robertson, MCTA
- Emilee Scott
- Shawn Swearingen, ATCS
- Rebecca Weidman
- Lauren Bradford

## **1. Welcome and Introductions**

Participants were admitted at 3pm. Council members were identified by roll call. Other attendees were identified by their Zoom login name.

It was explained that chat would be disabled during the meeting, and that there would be opportunity for attendee participation at designated times.

## **2. Approval of Meeting September 10, 2020 Meeting Minutes**

The chair opened the meeting by asking if there were any changes to the September 10, 2020 meeting minutes. There were no changes brought forth and the motion to accept the minutes as written was seconded and unanimously approved.

Votes were 5 approvals, and recorded as follows:

- Greg Cooper (motion to approve): yes
- Michael Flanagan: yes
- Marc Nascarella: yes
- Edward Palleschi (second): yes
- Dan Sieger: yes

## **3. PFAS Policy Analysis Presentation**

*EPA PFAS additions:* The Council Executive Director summarized Council activities in approving the 172 PFAS chemicals added to the US Environmental Protection Agency (EPA) Toxics Release Inventory (TRI) under Section 313 of the Emergency Planning and Community Right-to-know Act (EPCRA) as part of Fiscal Year 2020's National Defense Authorization Act (NDAA). Under TURA, EPCRA chemicals are incorporated into the TURA chemical list after a vote by the Administrative Council. As of March 2021, three additional PFAS have also been added to the TRI; these substances will be added to the TURA chemical list following an additional Administrative Council vote and regulatory process.

*TURA PFAS Policy Analysis:* TURI staff presented an overview of TURI's PFAS Policy Analysis, covering the last three years of work by the Science Advisory Board. Previously, the Council had received an update and draft policy analysis in February 2020. An updated, comprehensive policy analysis was presented to the Advisory Board in October and distributed to the Council members, and that policy analysis is what is being presented today.

The SAB recommends that the Per- and Polyfluoroalkyl Substances Not Otherwise Listed (PFAS NOL) category be added to the Toxic or Hazardous Substances List. The policy analysis provides:

- A definition of the proposed category
- A summary of the science
- Current uses of these substances
- Opportunities for TUR
- Regulatory context
- Implications for the TURA program

The proposed definition is: "those PFAS that contain a perfluoroalkyl moiety with three or more carbons (e.g.,  $-C_nF_{2n}-$ ,  $n \geq 3$ ; or  $CF_3-C_nF_{2n}-$ ,  $n \geq 2$ ) or a perfluoroalkylether moiety with two or more carbons (e.g.,  $-C_nF_{2n}OC_mF_{2m}-$  or  $-C_nF_{2n}OC_mF_m-$ ,  $n$  and  $m \geq 1$ ), that are not otherwise listed."

A member asked for clarification about whether a vote would happen today and asked other council members if they had any reservations remaining about the vote. Dan Sieger responded that he would like to bring the Secretary up to speed now that the policy analysis is complete. Another member noted that it is a complex process and he appreciates approaching it deliberately.

Dan Sieger noted that the Council is expected to vote on the PFAS NOL listing at the next meeting, which would initiate the regulatory process. A member expressed appreciation for the tremendous amount of work and expertise that has gone into the proposal.

A member asked about potential updates to what we know about which companies are using PFAS and for what. TURA Program staff responded that more information is gradually being collected, including through OTA's work to develop surveys of PFAS-containing products and through learning more about work done by other states, and that more information will be available once these PFAS are reportable.

Dan Sieger invited comments from members of the public in attendance.

A visitor commented on the following topics:

- Alternatives to chemistries: While there may be alternatives, if people want to bid on military or public safety contracts, they are in some cases required to use TURA-reportable chemicals (e.g., hexavalent chromium).
- Noted that OTA's chemical supplier letter has been extremely helpful to MCTA members who are metal platers, as their suppliers have not been forthcoming about constituents of products.
- Asked for clarification about how the database of products and suppliers is being updated. OTA staff responded that they are creating industry-specific surveys to inquire about products used for purposes for which PFAS are often used. If companies give us permission to share product information, it will be included in this database.
- Asked about the 3 additional TRI PFAS just added by EPA and whether they would be included in a TURA PFAS NOL. TURA Program staff stated that the program has preferred to keep consistency with TRI where possible, so we would likely list the TRI ones individually to make it easier. MCTA supports that approach.
- A visitor asked whether there will be public comment for the PFAS proposal. The chair clarified that it will be available for comment after the Council vote, and once a draft regulation is published. He hoped the Council would be able to vote at the next meeting. After the vote, the proposed regulation would then go through the state regulatory process.

#### **4. TURA Program Role in An Act to Protect Children, Families, and Firefighters from Harmful Flame Retardants**

Greg Cooper provided an update on TURA's role as MassDEP implements this new legislation. The law bans the sale or manufacture of any products containing more than 1000 ppm of the 11 covered substances in bedding, carpeting, children's products, residential upholstered furniture, and window treatments, except for inventory manufactured during calendar year 2021. It also directs MassDEP to review and consider prohibiting other toxic flame retardants every three years, in consultation with TURI, the SAB, and other relevant state agencies. Manufacturers are also required to notify retailers and any other distributors no later than July 1.

Currently, MassDEP's main focus is outreach. Draft letters to manufacturers and retailers informing them of the law's requirements are currently under review and are likely to be delivered starting in the next month or so. MassDEP has been communicating with trade associations in and outside of Massachusetts and is also working on determining what regulations will be necessary.

## **5. Ad Hoc Committee Update**

Program staff gave a brief update on the TURA Program Strengthening Ad Hoc Committee activities. Its work has been divided into: compliance and enforcement, alternative planning options, planners and planning, TURA chemical list, and fees. So far, the Ad Hoc Committee has had an orientation and have met on the first two topics. For each topic, TURA Program staff are producing a background paper and a set of slides, which are posted on the relevant event pages on Mass.gov. Meetings are expected to conclude in May, after which key aspects of the Ad Hoc Committee's discussions will be shared with the Advisory Committee and Administrative Council.

## **6. Nanomaterials Update**

It was noted that Clean Water Action (CWA) had sent OTA a list of companies that may be using nanomaterials. OTA is investigating which of these companies may fall under TURA. A visitor asked whether the list could be made available, and a representative from CWA said that the information was already available online.

Nick Child at MassDEP and Rick Reibstein, formerly of OTA, are conducting a training for first responders and nanomaterial safety, with which CWA will also be involved. CWA also offered to cover these topics with the Administrative Council over the summer. Dan Sieger indicated that he would like it included on a future agenda.

TURI staff acknowledged the Council's request to visit UML and indicated that because of the pandemic, it had not been able to be scheduled, but that TURI was putting together a video and that a visit could be possible later this year.

## **7. TURA Program Update**

Program staff shared a few highlights from the written TURA Program Update provided with the meeting materials, and invited members to attend upcoming events.

In addition to TURA events, there is a NEWMOA PFAS webinar series which is posted on TURI's calendar as well as on NEWMOA's site.

The SAB will be continuing their deliberations on quaternary ammonium compounds at next Wednesday's meeting.

The new TURA data website is extremely helpful and an intro is available on TURI's website.

Information on remote OTA assistance is available on OTA's website.

## **8. Adjourn**

A motion to adjourn was made and seconded. All TURA Administrative Council members were in favor, and none opposed. Meeting adjourned.