TURA Advisory Committee Meeting, October 30, 2020

Meeting Attendees

Committee members

Robert Audlee, Stainless Steel Coatings, Inc.
***Magdalena Ayed**, Harborkeepers
Karen Blood, Hollingsworth and Vose
Larry Boise, Franklin Paint
***Michael Fiore**, MA Dept. Labor Standards
Andy Goldberg, Atty General
Bill Judd, Industrial Compliance Group
***Tennis Lilly**, Groundwork Lawrence
Mark Rossi, Clean Production Action
Elizabeth Saunders, Clean Water Action
Jodi Sugarman-Brozan, MassCOSH
Lucy Servidio, Capaccio Environmental Engineering
Matt Taylor, Dupont
Rebecca Weidman, MWRA

*Appointments pending

TURA program

Richard Blanchet, DEP
Veronica O'Donnell, DEP

Caroline Higley, EEA

Caredwen Foley, OTA
John Raschko, OTA
Tiffany Skogstrom, OTA
Michelle Spitznagel, OTA

Greg Morose, TURI
Heather Tenney, TURI
Liz Harriman, TURI
Lynn Cain, TURI
Pam Eliason, TURI
Rachel Massey, TURI

Other attendees

Jeffrey Davis, Hubbard-Hall Inc.
Erin DeSantis, ACC
Diana DiGangi, Inside TSCA
Kuper Jones, ACC
Harry Hechehouche, ACC
Carol Holahan, Foley-Hoag/ACC
Stephen Korzeniowski, ACC
Tricia McCarthy, ACC
Himaja Nagireddy, HSPH
Rick Reibstein
Robert Rio, AIM
Kathy Robertson, MCTA
Jay West, ACC

Minutes

Welcome and introductions: Members were welcomed and introduced themselves.

Meeting minutes from previous meeting: A correction to the previous meeting's minutes was identified (change March 13, 2020 to March 13, 2019). Rebecca Weidman moved to accept the meetings with this revision. Bob Audlee seconded. Roll call vote:

Karen Blood – Yes
Larry Boise – Abstain
Andy Goldberg – Yes
Mark Rossi – Abstain
Elizabeth Saunders – Yes
Lucy Servidio – Yes
Jodi Sugarman-Brozan – Yes
Matt Taylor – Abstain

Advisory Committee appointment update: Tiffany Skogstrom presented a brief update on the advisory committee appointment process. Three new members with appointments still pending were in attendance.

PFAS TRI additions; SAB recommendations/policy analysis
Tiffany Skogstrom provided a regulatory update about the listing of the 172 PFAS that have been added to the EPCRA 313 TRI list; the Administrative Council voted to add these PFAS on 9/10/20 and now they are going through the remaining regulatory steps, including a public comment period that will end on 11/20/20.

- TURI presented an updated PFAS Policy Analysis. This was followed by Q&A and discussion. Clarification requested for definition for "per-" vs. "poly-." the proposed definition states that a certain number of carbons need to be perfluorinated, but that doesn't mean it needs to be all the carbons. Some of the carbons may not be fluorinated or have just one fluorine.
- Will any substances be double-listed? A program representative replied that they would not be double listed. The assumption (see pg. 3 of the policy analysis) is that companies prefer to have TURA listings consistent with EPCRA, so any individually listed substances, such as the 172 TRI PFAS, would not be part of the TURA category.
- Are PFAS-containing articles covered under TURA? A program representative confirmed that articles are generally not covered, unless the facility is producing the article. It was also noted that TURA follows EPCRA with respect to article exemptions.
- Appendix D doesn't mention bioaccumulation for certain chemicals. A TURI representative responded that this is because it wasn't emphasized as the SAB's top reason for listing. That doesn't mean that characteristic wasn't present. Table 2 of the PFAS Policy Analysis indicates the endpoints for which there was evidence of that effect. In general, the evidence for shorter chain PFAAs shows bioaccumulation in plants, rather than animals.
- A committee member noted that the EU chemical strategy came out two weeks ago, and highlights PFAS as a class for many of the same reasons highlighted here, including persistence and mobility. This is an important role of TURA program in helping companies identify alternatives; the EU is a big market for our products. This also ensures against regrettable substitutions. Along with the scientific rationale, it is important for TURA to help companies make these transitions.
- In response to a member's question, it was clarified that the proposed category would include "other PFAS, fluoropolymers and PFPEs."
- Is there software that can be used to help companies identify if they are above threshold? There are CAS number lists, e.g., the program will provide the OECD list of approximately 5,000 PFAS, which facilities could check their known chemicals against. A member clarified that there are not 4700 PFAS compounds in commerce; the OECD List is a list on inventories but gives no indication of commercial relevance. Another member replied that it depends on how an individual compound is defined, and that a single fluoropolymer family may have thousands of individual variations.
- A visitor mentioned concerns about smaller companies' ability to comply with new reporting requirements, identifying substitutes, and implementing process controls. Program staff reinforced the availability of assistance from TURA partners.
- Are the 172 PFAS already in process listed individually or as a class? The TURA listing will follow the EPCRA listing and those 172 chemicals will be listed individually.

- What if a supplier refuses to respond and tell the facility what they're using? Program staff replied that wastewater treatment facilities are starting to look upstream to find out what industries are discharging. They will be eventually testing the effluent and sludge from industries, which may motivate industries to scrutinize a supplier that refuses to disclose what they are using. Another member mentioned working with companies in China/electronics sector/cleaners and degreasers; one company was unaware of its full chemistry so they went upstream and found a fluoropolymer in the chemistry. Another member observed that sometimes the supply chain is many layers deep.
    a. Program staff added that this is one of the advantages of the category approach; they don't have to find out exactly what chemical is in a formulation. We would expect that facilities would have some basic information on what they are purchasing; if not, there may be larger problems they need to address in their product formulation or other aspects of their process. A member agreed that, if we go forward with the listing, the category approach is appropriate. This will make communication within the chemical industry a lot easier, and easier for those who need to implement.
    b. A member noted that this reminded him of past situations when suppliers wouldn't provide an MSDS. The advice from EPA to manufacturers was to keep all your correspondence, so they can see you made a good faith effort to get the information.
- A member noted issues highlighted in a recent EPA seminar for pretreatment coordinators, covering landfill leachate, and issues with contaminated sludge becoming fertilizer on farms. Recommended Northeast Pretreatment Coordinators Association (NEPCRA) PFAS presentation from 11/28/20 as a good overview of wastewater treatment facilities needs and issues. The member will ask EPA to share the presentations with the TURA Advisory Committee.
- A member expressed appreciation for the several years of work of the SAB. From public health standpoint, regrettable substitutions occur all too often, so the category approach is appropriate.

End of committee discussion. Invited comments from public. No comments at this point.

Nanomaterials: TURA partners briefly described the Clean Water Action petition to list carbon nanotube/nanofibers and shared that the SAB is beginning to examine the available data on these substances.

A member asked whether the SAB will be looking at each of the carbon nanotubes and nanofibers individually? Will they be looking at lengths? Response: The SAB will probably break them down into single-walled, multi-walled and fibers. They will be determining this as they get briefed on the science.

Another member asked whether there's a justification for the 100 gram threshold, since that's very low. Other members noted that 100g is a low number for carbon nanotubes because of their extremely small size, and that 100 g is a lot of nanotubes. DEP noted that the only other chemical reportable in grams is dioxin. Another member asked whether a threshold of numbers of nanotubes (versus mass) might be possible .

A member asked whether companies are currently required to report nanomaterials. Program staff clarified that they are just considered as bulk material, so e.g., carbon is not reportable.

TURI is also preparing a video in response to the request from the Administrative Council for a better basic understanding of nanomaterials.

TURA Program Strengthening Ad Hoc Committee:

An orientation was held recently that kicked off a series of topical meetings of the Ad Hoc committee, which will occur through the winter and spring. TURA partners will be preparing background documents before each of the topical meetings, to make sure everyone has the relevant information as a starting point.

Wrap up:

A written TURA Program update of recent publications, videos, events and news was distributed as part of the meeting materials, and will be available on the meeting web page.

A member offered kudos on the pace and quality of work completed during the pandemic.

A member asked when the Advisory Committee can expect to meet next. Tiffany Skogstrom responded that the next meeting would probably be in the new year.