

## **Meeting of the TUR Administrative Council**

November 18, 2019

Saltonstall Building

100 Cambridge Street, Suite 900 OTA Conference Room

### **Council Members Attending**

Daniel Sieger, Executive Office of Energy and Environmental Affairs (EOEEA)

Michael Flanagan, Executive Office of Labor and Workforce Development (EOLWD),  
Department of Labor Standards (DLS)

Greg Cooper, Department of Environmental Protection (MassDEP)

Jennifer Hoyt, Executive Office of Public Safety and Security (EOPSS), Department of Fire  
Services (DFS)

Meg Blanchett, 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**

Katherine Robertson (Massachusetts Chemistry & Technology Alliance [MCTA]), Erin DeSantis  
(American Chemistry Council [ACC]), Carol Holaha (Foley Hoag for ACC), Tricia McCarthy  
(Coyne Law Office for ACC), Elizabeth Harriman (Toxics Use Reduction Institute [TURI]),  
Rachel Massey (TURI), Heather Tenney (TURI), Rich Bizzozero (EOEEA, Executive Director  
of the Administrative Council), Tiffany Skogstrom (Office of Technical Assistance [OTA]), Bill  
Judd (Industrial Compliance Group), Laura Spark (Clean Water Action), Lynn Cain (MassDEP),  
Larry Boise (Franklin Paint), Jamie Dunbar (O'Neil Associates for MCTA), Eva Murry  
(EOEEA)

### **Welcome and Introductions**

The Chair of the Council welcomed everyone to the meeting and attendees introduced themselves. The chair opened the meeting by asking if there were any changes to the September 25, 2018 meeting minutes. There were no changes brought forth and the motion to accept the minutes as written was seconded and unanimously approved with two abstentions: the EOPSS and EOHED Council members.

### **NPE Update**

The Council Executive Director provided an update on the status of the proposed regulation under the TURA program for listing of the EPCRA/TRI nonylphenol ethoxylates category (NPEs). During the public comment period one set of comments were received in support of listing NPEs. The Secretary of State promulgated the NPE regulations on November 15, 2019.

Tracking of these chemicals by Massachusetts filers begins Jan 1, 2020 and first reporting to MassDEP is due by July 1, 2021. Nationally, EPA anticipates that approximately 100 companies

will be subject to reporting. Information should be available by fall of 2020 on how many Massachusetts companies have reported under TRI, as federal reporting is one year earlier.

### **SAB Update**

A representative of TURI provided an update on the activities of the Science Advisory Board (SAB). A handout entitled Summary of SAB Recommendations on PFAS (Per- and Polyfluoroalkyl Substances) dated November 14, 2019 was distributed, showing a summary of the SAB's work on PFAS chemicals since the winter of 2017. The SAB's work drew upon peer reviewed literature, reports from authoritative bodies, and other information, as described in greater detail in the draft policy analysis. For example, the SAB reviewed in-depth information from the C8 Science Panel study of epidemiological data on individuals exposed to C8 compounds in drinking water in Parkersburg, West Virginia.

### **PFAS Draft Policy Analysis**

TURI representatives presented the Draft PFAS Policy Analysis dated November 2019. The draft does not have all the sections that will be included in final policy analysis. PFAS are a large class of chemicals that includes more than 4700 individual chemical abstract numbers (CAS). In order to understand the many PFAS sub-classes, the document references the system developed by the Organization for Economic Cooperation and Development (OECD). PFAS properties include persistence in the environment, mobility in groundwater and the ecosystem, and their breakdown products that pose health and environmental concerns.

The Council Chair invited questions or comments and added that this topic has the potential to affect the work of many Massachusetts agencies and that PFAS contamination is a significant emerging issue for many other states as well.

Questions were posed about trends in the presence of PFAS chemicals in the environment. C8 PFAS concentrations in living organisms and in the environment have gone down since the manufacture of PFOA and PFAS was stopped in the US. The concentration of the shorter chain newer substitutes in the environment and in living organisms and the ecosystem has gone up during the same time period.

A Council member asked if the PFAS chemicals have been ranked with regard to persistence and bioaccumulation, in addition to the "yes/no" information provided in the policy analysis about these characteristics. TURA program staff explained that the environmental health and safety summaries used by the SAB include more detailed information about persistence and bioaccumulation for all the chemicals reviewed by the SAB, but that a ranking system has not been created.

A Council member also asked about the utility of listing chemicals such as PFOS and PFOA, which are not currently manufactured in the US. TURA program staff clarified that these chemicals can still be found in facilities, even if they are no longer manufactured. In addition, listing under TURA provides information to businesses so that they can make informed decisions.

A Council member asked what sources of exposure led to the generation of epidemiological studies on PFAS. Some of the studies focused on worker exposures, while many focused on exposures through contamination of drinking water and other sources of ambient environmental exposure.

Questions were also posed about the approach to regulating PFAS in the European Union (EU). Certain PFAS have been designated as Substances of Very High Concern (SVHCs), among other policy actions in the EU. SVHCs are subject to several requirements, including notification if the chemical is used in an article. SVHCs are also placed on a Candidate List for ‘authorization.’ When a substance is subject to authorization, businesses may only use the chemical if they obtain authorization by demonstrating that it is necessary and there are no safer substitutes, among other requirements. Within REACH, there are also options to restrict certain chemical use.

Council members also expressed interest in activities in other states, including states that have created task forces to address PFAS and that are conducting additional monitoring of PFAS in the environment.

The chair asked TURA program staff to complete a full draft of the PFAS policy analysis for the next meeting, considering the questions posed by the Council.

#### **Ad Hoc Committee on TURA Improvement**

The chair presented a short PowerPoint presentation entitled TUR Program Review dated November 18, 2019. The presentation outlined a proposal for an ad hoc subcommittee of the TURA Advisory Committee to review the current program activities and services. The committee would work with program staff and based on that review a report would be drafted with a list of recommendations for the council.

A Council member asked for clarification about whether the scope would be within only the current statute, and the chair indicated yes, that was the intent, unless there was some broad consensus that statutory changes were necessary. A council member asked for context around the TURA fees, and it was explained that the fee structure is set in the statute and the Council has the authority to adjust the fees within the existing structure. The amount of the fees had not been changed since 1990, although the statute provides for them to be adjusted each year according to changes in the Producer Price Index. In addition, the 2006 TURA amendments authorized a

review of the fees and the fee structure. An Advisory Committee subcommittee study had been convened and had made a detailed proposal in 2014, however, the proposal was never acted on.

A member of the Advisory Committee, attending the Council meeting, stated that for the MassDEP-led update to the TURA Planning Guidance conducted this past spring, this approach worked very well and he believes that the TURA Resource Conservation planning guidance would also benefit from this kind of review and update process. The chair asked that the TURA program staff present at the next Council meeting an overview of the TUR planning guidance update process recently undertaken.

A member of the public asked why an ad hoc committee was being proposed, as opposed to just using the Advisory Committee, and how sub-committee members would be selected. The chair stated that there was an interest in potentially broadening participation, but that the Advisory Committee members would be considered first before adding members of the public.

Between and now and January, the Chair asked that Council members and members of the public think about the proposal and get back to him with any recommendations on the proposal or make-up of the sub-committee. The Council could then bring back a more fully formed proposal. Several individuals at the meeting expressed interest in participating.

A request was made from a member of the public that nanomaterials be on the next Council meeting agenda. The chair agreed.

Meeting adjourned

### **Handouts**

September 25, 2018 Administrative Council Meeting Minutes

November 18, 2019 Administrative Council Meeting Agenda

November 14, 2019 Summary of SAB Recommendations on PFAS

Per- and Poly-fluorinated Alkyl Substances (PFAS): Policy Analysis Draft November 2019

TUR Program Review, Undersecretary Daniel Sieger, November 18, 2019

TURA Program Update November 15, 2019