

TURA Administrative Council Meeting

December 4, 2024

2:00pm – 4:00pm

The TURA Administrative Council convened remotely on December 4, 2024, over Zoom.

Council Members Attending (attendance taken by roll call):

Stephanie Cooper, Executive Office of Energy and Environmental Affairs (EEA)

Greg Cooper, Department of Environmental Protection (DEP)

Michael Flanagan, Department of Labor Standards (DLS)

Jacob Nunnemacher, Department of Fire Services (DFS)

Kris Callahan, Massachusetts Department of Public Health (DPH)

Layla D’Emilia, Executive Office of Economic Development (EOED) Office of Consumer Affairs and Business Regulation

Meeting Attendees (recorded by participant list):

EEA: Megan Dixon, Rebecca Mulrean

DEP: Richard Blanchet, Lynn Cain, Leoni Desai, Rebecca Dolan

OTA: Caredwen Foley, Jack Illingworth, Kari Sasportas, Tiffany Skogstrom, Elisheva Thoreen

TURI: Colin Hannahan, Heather Tenney, Baskut Tuncak

Other attendees:

- Bill Judd (TURA Advisory Committee)
- Ted Karavedas (TURA Advisory Committee)
- Laura Spark (TURA Advisory Committee)
- Annazade
- Andy Irwin
- Carol Holahan
- Chuck Latvis
- Eno Mondesir
- Jerome Lang
- Katherine Robertson
- Mason Eul
- Raza Ali
- Richard Bizzozero
- Robert Rio, RAR Strategies
- Theodorou C
- Tiffany Ruiz
- One call-in listener

1. Welcome and Introductions

Council members were identified by roll call.

The Executive Director described the format for questions and discussion.

The Chair noted the availability of a new TURA Grant funding opportunity created by a small disbursement of additional funding EEA was able to secure. Baskut Tuncak gave a brief update on

the status of current TURA grant and the expectations for upcoming grant rounds, noting that the availability of grant funding is anticipated through FY26 but not for FY27 or beyond.

2. Vote to Approve April 24, 2024 Meeting Minutes

The Chair welcomed members and attendees. The minutes from the April 4 meeting were approved unanimously.

3. TURA Appointees and Process

The Chair noted that the Advisory Committee had recently met and includes a number of new members, including Kayla Powers from Clean Production Action in the newly-created Environmental Justice seat, and Chuck Shepard of S.E. Shires and Chris Christuk of Transene in two of the business seats. Appointments are in process.

The Science Advisory Board continues to meet regularly. Appointments are in process. The TURA Decisionmaking Document is being updated with the appointment process, so that the process is clear in the event of future vacancies.

Upcoming meeting times were provided:

- The next Admin Council meeting had not yet been scheduled, but is anticipated for late February/early March 2025.
- The next Advisory Committee meeting is scheduled for January 16 from 2–4 pm.
- The next Science Advisory Board meeting is scheduled for December 16 from 9:30 am–12 pm

The Program expects a cadence of quarterly meetings for both the Council and the Advisory Committee, staggered by one month.

4. TURA Fees Background and Status

The Chair acknowledged the previous discussion on the TURA Fees discussion, thanking Council members for their input, and noted that this agenda topic is a continuation of that discussion. Program staff intend to keep the Council updated annually about the financial state of affairs. A proposal is not being put forth today; staff will present a refresh on the Ad Hoc process and then share some information about fees.

The Executive Director gave brief background on the Ad Hoc Committee's findings, including actions already taken by the Program and planned or potential future actions. She described the statutory mandate to adjust the fees each year according to inflation, and noted that despite a 114% increase in the PPI in the program's lifetime, no adjustment has ever been made. Fee adjustments were discussed on two prior occasions, in 2008 and 2014. Target revenue is currently \$2.6 million below the statutorily-mandated range.

In 2014, a proposal was put out for public comment to increase fees by approximately 50%, targeted to bring the program to \$4 million in revenue. The proposal was put on hold because of the incoming Baker Administration's Executive Order 562, and was never finalized. If this proposal had been adopted, by FY28, the program estimates that program revenue would be within \$750,000 of what it would be if PPI adjustments had been made all along.

Each implementing agency provided brief updates on how it would use additional revenue in the event of a fee adjustment, and the benefits that would accrue to filers as a result.

The Executive Director gave an update on TURA Program Activities concerning PFAS, a critical area of work for the TURA Program. Remediation is costly and insufficient and source reduction prevents future contamination, yet the TURA Program currently has insufficient resources to meet the need for PFAS source reduction.

The Chair briefly recapped the decline in program revenue, and invited discussion from Council members.

A member discussed current issues with the dedicated TURA filing software, eDEP. This is critical infrastructure for the program, but is outdated and ought to be significantly improved for filers as well as for staff. It will experience more issues over time without investment.

A member asked what the concept is behind using FTEs as the fee basis, since most reporting requirements are based on toxics used. Program staff responded that the goal at the time was to reduce the burden on small companies, and that the filer size calculations are rooted in Toxics Release Inventory reporting and are written into the statute.

Program staff also noted that for the 2006 amendments, the decoupling of the per-chemical thresholds was the main contributor to the drop in revenue.

Comments from attendees were invited.

An attendee stated that her trade association did not oppose TURA and was surprised that the 2014 proposal was never implemented. The attendee also noted that the number of filers has fallen by more than a third since TURA's inception, including some companies that have left the state. She noted that fees are not the only cost to filers, but that planning also imposes costs, which can entail either staff time, or the cost of hiring a TURA planner, which she estimated at \$50,000-70,000. Her group enthusiastically supports expanding the TURA universe, and while they understand that certain fee increases are required, but would oppose a major fee increase undertaken all at once, and do not think that with fewer filers the program should be maintained in its current form. She stated that she plans to submit written comments as well.

A program staff member responded that feedback from the Ad Hoc Committee had very strongly and uniformly requested that any fee increase be phased in, that the Synthesis Document reflected this, and that the 2014 proposal had indeed provided for a phased-in implementation.

An attendee who had previously worked for the TURA Program and was present at the time of the 2006 amendments reiterated that the decoupling of the per-chemical thresholds affected the drop in revenue, and that this was intended to be a trade-off with the designation of additional higher-hazard substances (HHS). However, HHS designations did not take place at the expected pace because they had to go through the regulatory process and would be opposed by industry at that stage. This attendee also disputed the characterization of the cost of a TUR planner at \$50,000-70,000.

An attendee requested that, if there are changes to the fees, there should be changes to the program as well, including suggestions for legislative activity on the narrow areas everyone agrees with (such as expanding the universe of filers), as well as anything the TURA Program can do administratively or through regulations to lower the burden on filers.

A member stated that fee increases have been delayed for a long time; that the longer delays last, the worse the situation gets; and that a phased-in approach is essential because filers would struggle to absorb a sudden large fee increase. The member also responded to the concerns about the cost of planning, attesting that while it is possible for a plan to cost upwards of \$50,000, most plans likely cost between \$13-20,000, even for very large filers.

The Chair thanked participants for their comments and especially for their historical background on the program. The Chair further stated that a fee proposal has not been developed, and that any future proposal would come before the Council, and would need to pass through the Administration internally.

5. Interagency History of Nanomaterials and Update on TURA Program Consideration of Carbon Nanotubes and Carbon Nanofibers

Program staff delivered a presentation covering:

- Background on nanomaterials and on the history of the MA Interagency Nanotechnology Committee.
- OTA's efforts to learn more about nanomaterials use in Massachusetts, the limited information about nanomaterial use, presence in products, or usage best practices.
- The history of the TURA Program's consideration of listing single- and multiwalled carbon nanotubes (S/MWCNT) and carbon nanofibers (CNFs), and described the TURA Science Advisory Board's recommendations to list MWCNTs as higher-hazard substances, and SWCNTs and CNFs as standard categories.
- The elements of the policy analysis under development, including background on nanomaterial use in Massachusetts and the regulatory landscape for nanomaterials.
- Considerations for thresholds for listing; regularly-reportable substance categories are reportable only at the normal 25,000/10,000 lb thresholds. The reporting threshold for a Higher-Hazard Substance (HHS) is 1,000 lbs. A threshold can be lowered further for an HHS on recommendation from TURI and the SAB; we welcome input on this. Tenney then explained the process following the development of the policy analysis.

The Chair thanked the presenters and noted the extent of outreach but the difficulty of engaging with users of nanomaterials to date. If listing were to go forward, additional outreach will need to take place, particularly since many users may not know they are using nanomaterials.

A program staff member asked for clarification about the procedure would be for TURI and the SAB to recommend a lower threshold, and whether the Council would have to vote to request that. Heather Tenney responded that the SAB could initiate this on its own without a Council vote.

A member asked for clarification about the threshold options. Program staff explained that the only thresholds currently applicable under TURA are a.) the 25,000/10,000 threshold for regular

chemicals, b.) the 1000 pounds for HHSs, or c.) lower thresholds borrowed directly from TRI-listed chemicals. While the TURA statute allows for even lower thresholds for HHSs, this has never been done.

A member, who was also one of the petitioners requesting a lower threshold, explained the origin of the petition's requested 100 g threshold. When the statute was written, these substances didn't exist, and the experts her organization worked with estimated that 100 g would be a reasonable equivalent for substances at the nano scale. She also asked about whether it would ever be possible to lower the threshold for non-HHS reportable chemicals; program staff responded that it would not, under the statute.

A member asked whether the SAB wanted to request a lower threshold. Program staff replied that this would require a separate process.

A member asked whether the Council should request that the SAB move forward with considering the lower threshold. Program staff responded that TURI wants to collect policy input from stakeholders, as well as from the Council.

6. Regulations and TRI Updates

The Chair gave an update on regulatory updates.

- The latest Toxics Release Inventory listing was recently finalized and will go into effect on January 1, 2025.
- EPA has announced a proposed rule to add more PFAS to TRI. If this is finalized, the Program will develop a regulatory amendment package for these. Many of these are reportable under Certain PFAS NOL, but would come in on TRI thresholds if the EPA rule is finalized.
- Quaternary Ammonium Compounds – a draft package has been developed and we expect to open public comment soon.

7. Adjourn & Next Meeting Dates

The Director requested input following the meeting and thanked participants. The Chair invited any final comments. Meeting adjourned.