Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection
100 Cambridge Street Suite 900 Boston, MA 02114 • 617-292-5500

Maura T. Healey
Governor

Kimberley Driscoll
Lieutenant Governor

Rebecca L. Tepper
Secretary

Bonnie Heiple
Commissioner

IMPORTANT TIME SENSITIVE NOTICE
TOXICS USE REDUCTION PLANNING AND EMPLOYEE NOTIFICATION REQUIREMENTS
AND NOTICE ABOUT TRI PFAS CHEMICALS

This is a reminder that **2024 is a planning year** under the Toxics Use Reduction Act (TURA). Facilities are subject to TURA reporting if they used one or more chemicals above the reporting threshold in 2023 and in any previous calendar year. These facilities are required to develop a Toxics Use Reduction (TUR) Plan or Plan Update, a Resource Conservation (RC) Plan, or a TURA Environmental Management System (EMS) plan or progress report by **July 1, 2024.** The TUR regulations found at 310 CMR 50.42(5) and 310 CMR 50.92(6), respectively, require facilities that will be developing TUR or RC plans, to notify their employees of their intent by **January 1, 2024**. This notification provision does not apply to EMS plans or progress reports.

Requirements for a TUR Plan
A facility is required to:

- identify the toxic chemicals and production units within the facility
- provide the TUR plan requirements to facility employees, and
- solicit comments and suggestions from employees on toxics use reduction options.

Requirements for a RC Plan
A facility is required to:

- provide the RC plan requirements to all employees,
- identify the asset(s) and processes under consideration, and
- solicit comments and suggestions from employees on resource conservation options.

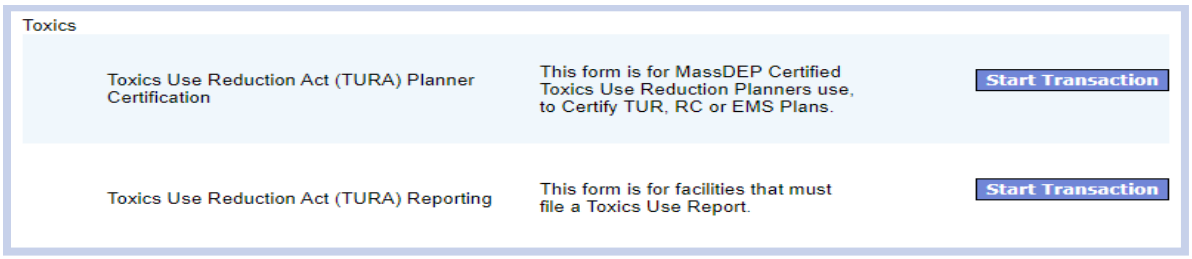
For information on Resource Conservation Planning, please see the MassDEP Toxic Use Reduction regulations found at 310 CMR 50.90 through 97. For information on TUR Environmental Management Systems, please see 310 CMR 50.80 through 84. These regulations can be found at the following link: *https://www.mass.gov/doc/310-cmr-5000-toxics-use-reduction/download.*

Requirements for Plan Certification
TUR Plans must be certified by a MassDEP approved Toxics Use Reduction Planner (TURP). RC Plans (for energy, water, and solid waste assets) must be certified by a TUR Planner that has been approved by MassDEP to certify RC Plans. *If your facility submitted an RC plan in 2022, the last planning cycle, then your facility must complete BOTH a TUR Plan and an RC Progress Report.*

An existing TUR Planner can obtain RC certification from MassDEP by taking required training pursuant to 310 CMR 50.63.

EMS Progress Reports must be certified by either a TUR Planner with training in EMS and who is approved by MassDEP to certify EMS plans, or by an EMS professional with training in TUR. These requirements can be found at 310 CMR 50.62.

Electronic Filing in eDEP
When electronically filing your Toxics Use Reduction Act (TURA) Reporting electronically in eDEP remember that the Toxics Use Reduction Act (TURA) Planner Certification must also be completed. The pathway to the forms that must be completed are pictured below. You will see this prompt when you are filing your report:



If you need to make corrections on your filing you must use the AMEND feature. Instructions on how to use AMEND can be found at https://www.mass.gov/how-to/toxics-use-reduction-tur-online-reporting.

List of TUR Planners
A list of licensed General Practice TUR Planners can be found at the following link: TURA Planners List. If you do not have a certified in-house TUR Planner, you will need to hire a general practice TUR Planner to certify your plan. This TUR Planner can also help to guide you through the planning process.

TRI PFAS Chemicals: Effective Reporting Year (2023) for reports due July 1, 2024:
The following eight listed chemicals are PFAS that TRI had listed for reporting years 2021 and 2022. These chemicals were part of the TURA Certain PFAS NOL category for reporting year 2022 and have been adopted by the TURA Administrative Council as individually reportable under TURA with the TRI 100 lb. threshold effective reporting year 2023, for reports due July 1, 2024.

335-93-3	Silver(I) perfluorooctanoate reportable under TRI as of 1/1/21
507-63-1	Perfluorooctyl iodide (reportable under TRI as of 1/1/21)
2395-00-8	Potassium perfluorooctanoate (reportable under TRI as of 1/1/21)
375-73-5	Perfluorobutane sulfonic acid (PFBS) (reportable under TRI as of 1/1/22)
29420-49-3	Potassium perfluorobutane sulfonate (reportable under TRI as of 1/1/22)
65104-45-2	2-Propenoic acid, 2-methyl-, 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,12-heneicosafluorododecyl ester, polymer with 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,10-heptadecafluorodecyl 2-methyl-2-propenoate, methyl 2-methyl-2-propenoate, 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,13,13,14,14,14-pentacosafluorotetradecyl 2-methyl-2-propenoate and 3,3,4,4,5,5,6,6,7,7,8,8,8-tridecafluorooctyl 2-methyl-2-propenoate (reportable under TRI as of 1/1/21)
203743-03-7	2-Propenoic acid, 2-methyl-, hexadecyl ester, polymers with 2-hydroxyethyl methacrylate, .gamma.-.omega.-perfluoro-C10-16-alkyl acrylate and stearyl methacrylate (reportable under TRI as of 1/1/22)
45187-15-3	Perfluorobutanesolfonate (reportable under TRI as of 1/1/22)

Elimination of the *de minimis* Exemption for TRI PFAS Chemicals

Effective Reporting Year (2024) for reports due July 1, 2025:

Effective Reporting Year 2024 for reports due July 1, 2025, TRI PFAS chemicals are **no longer** eligible for the *de minimis* exemption, because EPA has designated them chemicals of special concern.

> **310 CMR 50.20 (7):**
> *With respect to toxic substances present as a component of a mixture or trade name product, toxics users shall consider the quantity of the toxic substance if the toxics user knows that the toxic substance is present as a component of the mixture or a trade name product. In determining the amount or quantity of a toxic substance manufactured, processed, or otherwise used at a facility, the toxics user shall not consider the amount of the toxic substance if it is present in a mixture in concentrations equal to or below the de minimis concentration for that toxic substance set forth in 40 CFR Part 372.38(a); provided, however, that this de minimis exemption shall not apply for any toxic or hazardous substance specified as a chemical of special concern in 40 CFR 372.28.*

PFAS Tracking and Reporting: TRI and TURA:

	Report to TRI	TURA tracking starting	Report to DEP	How Reportable	Threshold
TURA Certain PFAS NOL	---------	January 1, 2022	July 1, 2023	As a category	25,000 lbs. manufactured/ processed; 10,000 lbs. otherwise used
172 TRI/TURA PFAS – 2020	July 1,2021	January 1, 2021	July 1, 2022	Individually	100 lbs. (de minimis exemption no longer applies)
Four TRI PFAS - 2021	July 1, 2022	January 1, 2023	July 1, 2024		
Four TRI PFAS - 2022	July 1, 2023				
Nine TRI PFAS - 2023	July 1, 2024	Anticipated January 1, 2024	Anticipated July 1, 2025		

For questions or more information on TURA reporting and planning requirements, please contact the MassDEP TURA program at tura.programs@mass.gov.

Sincerely,

Veronica Wancho O'Donnell
Branch Chief
TURA/Toxics Programs/ERP Programs
Bureau of Air and Waste
MassDEP