

Meeting of the TUR Administrative Council

October 16, 2017
Saltonstall Building
100 Cambridge Street, Boston
Conference Room B

Council Members Attending

Daniel Sieger, Executive Office of Energy and Environmental Affairs (EOEEA)
Michael Flanagan, Department of Labor Standards (DLS)
Greg Cooper, Department of Environmental Protection (MassDEP)
Jennifer Hoyt, Executive Office of Public Safety and Security (EOPSS)
Meg Blanchet, Department of Public Health (MassDPH)

Others Attending

Katherine Robertson (Massachusetts Chemistry Technology Alliance [MCTA]), James Dunbar (O'Neill and Associates representing MCTA), Margaret Gorman (ACC), Bill Coyne (Coyne Law Office), Karen Rankin (Cabot Corporation), Jillian Riseman (Clean Water Action), Liz Harriman (Toxics Use Reduction Institute [TURI]), Rachel Massey (TURI), Heather Tenney (TURI), Suzi Peck (MassDEP), Rich Bizzozero (Executive Office of Energy and Environmental Affairs [EOEEA]), Maia Rodriguez-Semp (Office of Technical Assistance [OTA])

Welcome and Introductions

The Chair of the Council welcomed everyone to the meeting and opened the meeting by asking if there were any changes to the June 5, 2017 meeting minutes. There were no changes brought forth and the motion to accept the minutes was approved (3-0). The member from EOPSS abstained and the member from DLS had not yet arrived at the meeting.

Executive Director Update

The Executive Director stated that a brief update would be delivered with each agenda topic to summarize the corresponding discussion of the same topics (the Science Advisory Board (SAB) Update, policy analysis on Halogenated Hydrocarbons/Halocarbons: C1-C4 Not Otherwise Listed, and nanomaterials policy development request) at the October 5, 2017 meeting of the Advisory Committee to the Administrative Council.

Science Advisory Board (SAB) Update

A representative from TURI provided a brief overview of the SAB's work over the past year stating that, in September 2016, SAB began examining chemicals in the broad category of highly fluorinated chemicals, beginning with PFOA and PFOS. In January, 2017, the SAB recommended that PFOS and its salts and PFOA and its salts be listed as categories under TURA based on persistence, bioaccumulation, ecotoxicity, and animal acute toxicity.

The representative from TURI stated that, starting with the January 2017 SAB meeting, the Board began examining short chain perfluorinated alternatives to PFOA and PFOS and continues this work.

Halogenated Hydrocarbons: C1-C4 Not Otherwise Listed

Based on Advisory Committee member comments and discussion at the October 5, 2017 meeting of the Advisory Committee to the Administrative Council, additional modifications to the policy analysis were included before the October 16, 2017 meeting of the Administrative Council. Members of the Council and other attendees were provided with copies of the updated policy analysis.

Representatives from TURI presented the policy analysis for the proposed chemical category described as “C1 - C4 Halogenated Hydrocarbons/Halocarbons Not Otherwise Listed” (C1-C4 NOL). The presentation included an overview of each section of the Policy Analysis with focus on the information added since the June 5, 2017 meeting.

TURI distributed an illustrative draft list of chemicals that fit the C1-C4 chemical structure. The number of substances in the category that are expected to be currently in use in Massachusetts is small, as many are already individually listed on TURA, and many others are not known to be currently in commerce. The list was made available as a handout for all attendees of this meeting.

Comments and questions were then invited from Council members and attendees. Questions and comments included the following.

A member asked if a comparison between new (no prior filing for any chemical) and existing filers (new filers for a chemical in the proposed category but existing filers for other chemicals) had been drawn from the available Tier II data. TURI representatives stated that this distinction could be added to the policy analysis based on the 2015 Tier II data and that it is likely that most new TURA filers for chemicals in the proposed category would be existing TURA filers. TURA program representatives gave the example of a new, exceptionally large refrigeration system as an occurrence that could bring in a new TURA filer without any prior reporting experience. It was clarified that this situation would be rare.

A member asked about the next steps regarding the consideration of the category. The Executive Director stated that a vote to list the category under TURA would take place at the next meeting of the Administrative Council.

The Council Chair specifically invited comment from the Massachusetts Chemistry Technology Alliance (MCTA) and a representative from MCTA expressed concern with listing “theoretical” chemicals as part of the defined category; stating that this practice stifles innovation. Representatives from TURI and MassDEP stated that the category as currently defined includes many chemicals that are not in use. This also is consistent with other categories under EPCRA and TURA.

The Executive Director indicated the intention to personally reach out to Tier II filers in Massachusetts that are expected to be impacted by the listing of the category.

An attendee raised a question about the process to list a chemical or chemical category and requested confirmation that SAB meetings are open to the public. TURA program representatives confirmed that SAB meetings are open to the public, referred to the Decision-Making under TURA: Resources for the TURA Administrative Council and Advisory Bodies

document that is publicly available, and offered to further explain the process for listing at another time.

The Executive Director provided an update from the discussion of the policy analysis at the October 5, 2017 Advisory Committee meeting. A Committee member asked why the category was defined as “not otherwise listed.” In response to questions, TURA program staff clarified that the category is defined as including only “not otherwise listed” chemicals meeting the chemical structure criteria. Chemicals that are already listed individually would not be affected by the addition of this category to the list. TURA program staff also clarified that filers would add together their use of all chemicals in the category for reporting purposes, and that the program would not receive detailed information on use of individual chemicals within the category.

Request for policy development for nanomaterials

The Chair reminded members and attendees that, in November 2016, a request was sent to Massachusetts Secretary of Energy and Environmental Affairs, Matthew Beaton, regarding policy development for nanomaterials. Thirteen environmental, labor, and advocacy groups coauthored the request that nanomaterials be assessed to ensure that they are used and disposed of in a manner that protects environmental and worker safety in the Commonwealth.

As part of the TURA program’s ongoing response to the request, TURI developed an educational fact sheet on several types of engineered nanomaterials. A representative from TURI provided a brief overview of the information covered by the fact sheet.

The Executive Director provided a summary of the TURA program’s effort to develop and distribute a short survey for the purpose of gathering information on the use of nanomaterials in the Commonwealth. The survey in draft form was provided as a handout at the meeting and the Chair invited members and attendees to provide feedback within two weeks of the meeting to Rich Bizzozero, Executive Director, Administrative Council on Toxics Use Reduction. A member asked if companies knew if they were using nanomaterials and if they would be identified as nanomaterials on safety data sheets or other as other materials/chemicals. Attendees mentioned instances where products were being marketed as nano-scale as a performance feature, but also situations where the particle size would not be mentioned.

The Executive Director also provided an update on the other activities regarding the response to the original November 2016 request. At the last Council meeting on June 5, 2017, the Executive Director requested information and input from all Council member agencies on agency-level policies, expertise and actions regarding nanomaterials. Council members and attendees, including representatives from MCTA and the American Chemistry Council (ACC), were invited to send information on nanomaterials and their use in Massachusetts to Rich Bizzozero, Executive Director, Administrative Council on Toxics Use Reduction. In response, a representative from the Executive Office of Labor and Workforce Development provided information on previous nanotechnology work by a state interagency workgroup. At the October 5, 2017 Advisory Committee meeting, a representative from the ACC provided the Committee with comments from ACC and MCTA that had been delivered to Secretary Beaton in response to the original November 2016 request. At the October 5th Advisory Committee meeting, the ACC

representative also offered to provide publicly available use information and experts from the ACC's nanomaterials panel who could attend a future meeting.

A representative from MCTA distributed several copies of a letter to the Council Chair (dated 10/10/2017). TURI noted that they had received feedback from the ACC's nanomaterials panel, the Silver Nanotechnology Working Group (SNWG), and the NanoBusiness Commercialization Association (NanoBCA), on the Engineered Nanomaterials fact sheet.

Agency Updates

Representatives from MassDEP, OTA and TURI presented the summarized program information available on the October 2017 TURA Program Update.

Schedule Next Meeting

The Executive Director stated that the next meeting would likely be scheduled for December 2017 or January 2018 and that members should expect a message requesting their availability.

Adjourn

Handouts

June 5, 2017 Meeting Minutes for the TUR Administrative Council

TURI Policy Analysis, C1-C4 Halogenated Hydrocarbons/Halocarbons Not Otherwise Listed (C1-C4 NOL) October 2017

Draft Chemical List, Halogenated Hydrocarbons/Halocarbons C1-C4 Not Otherwise Listed October 2017

November 2016 Nanomaterials Request to Secretary Beaton

TURI Engineered Nanomaterials Fact Sheet

Draft Nanomaterials Survey October 2017

October 5, 2017 ACC Letter to Secretary Beaton

TURA Program Update October 2017

FY18 TURI Grants Overview