Meeting of the TUR Administrative Council

March 16, 2016
9:00 AM – 11:00 AM
100 Cambridge Street, Conference Room D
Boston MA, 02114

Council Members Attending:
Dan Sieger, Executive Office of Energy and Environmental Affairs (EOEEA)
H. Jacob Nunnemacher, Department of Fire Services (DFS)
Michael Flanagan, Department of Labor Standards (DLS)
Nancy Seidman, Department of Environmental Protection (MassDEP)
Tim Wilkerson, Executive Office of Housing and Economic Development (EOHED)

Others Attending: Mike Ellenbecker, Heather Tenney, Liz Harriman, Rachel Massey, Joy Onasch (Toxics Use Reduction Institute [TURI]), Rich Bizzozero (EOEEA), Danielle Domingos, Tiffany Skogstrom (Office of Technical Assistance [OTA]), Suzi Peck (MassDEP), Andy Irwin (Irwin Engineers), Katherine Robertson (MCTA), Christopher Melite (DFS), Tricia McCarthy, Margaret Gorman (American Chemistry Council), Meg Blanchet (Department of Public Health), Amanda Griffiths (Rep. Smizik's Office)

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 September 22, 2015 meeting minutes. There were no changes brought forth and there was a motion to accept the minutes. Five members approved the motion, with no members opposing or abstaining.

Program Agency Updates

The Executive Director noted that the final draft of the TURA Program FY15 Report to the Governor was available for comment. There were no questions or comments from the Council and the Director asked that any comments be emailed to him in the next week. It was also stated that the regulatory pause in the Commonwealth will continue into April. Currently, the regulations regarding the designation of TDI as a Higher Hazard Substance and the TURA fees are both on hold at the Governor's Office. The Executive Director also told the Council that as part of the Executive Order 562 review, EEA recommended the Department of Public Health (DPH) change current regulations that allowed for the sanitization of mattresses with cyanide gas since effective less toxic alternatives exist.

OTA

A representative from OTA told the Council members about recent outreach, which notified approximately 300 facilities about the four new Higher Hazard Substances. The other recent

outreach effort was the MassDEP letter regarding the ongoing enforcement amnesty, which has generated dozens of phone calls and emails at OTA.

OTA recently finished the MassCAR grant, completing six trainings across the Commonwealth, teaching approximately 100 individuals on good practices for safer shops. In October, OTA won an EPA grant with a focus on climate change resiliency and chemical safety. The grant includes funding for up to 8 Regional Planning Agencies (RPAs) to hold two events. One event would introduce stakeholders to the grant and the other would focus on actions that could be taken in the region to create a framework that builds chemical safety into emergency planning and climate change resiliency.

MassDEP

A representative from MassDEP told the Council about the recent mailing sent to over 1000 facilities in Massachusetts, informing them of the ongoing TURA reporting enforcement amnesty. From the letter, 10 to 12 companies have come into the TURA Program, and dozens of others have contacted OTA.

MassDEP recently finished reviewing reports for calendar year 2014 chemical use and told the Council that 18 facilities failed to file and were issued notices of noncompliance (NONs) and that one facility was found to have failed multiple times in the past few years and was fined. Currently, MassDEP is working on switching the platform for TURA reports from an Adobe-based system to a web-based system. This transition will reduce the number of issues reported by filers, phone calls, and the number of paper reports filed. The transition to the new platform is underway and will be ready for the TURA reports due at the end of June.

TURI

A representative from TURI noted that academic research grants will be available to link companies with UMass researchers. Council members were invited to send any recommendations to TURI. TURI small business grants were recently awarded to four facilities: Merrimack Ales in Lowell, Mike's Autobody in Fall River, and two childcare facilities in Fall River. The peer-mentoring workgroup, hosted by Siemens, continues to meet regularly. The group is looking at best practices and chemical management.

TURI informed the Council about a number of upcoming events, including the Spring Continuing Education conference, which will take place in Chicopee. The Mass Chemistry and Technology Alliance (MCTA) is helping to arrange one of the session tracks. Other upcoming events include a Science Advisory Board meeting and a Greening Food Processing event taking place on May 5. The Council members were invited to attend all events.

EPA Changes to the EPCRA and CERCLA Chemical Lists

Nonylphenols category. Recently, the U.S. Environmental Protection Agency (EPA) added the nonylphenol category as a group to the EPCRA list.

The Council deliberated and there was a motion to adopt the nonylphenol category to the TURA list, maintaining continuity with the EPCRA list.

- The motion was approved by 5 Council members, with no members opposed or abstained.

Sodium phosphate tribasic category. When the CERCLA list was created, three chemicals in the sodium phosphate tribasic category were listed incorrectly on the list. The names of chemicals were correct, but the CAS numbers were for other forms of sodium phosphate (STPP, SMTP and SHMP). In 2011, EPA was notified of this error and the three chemicals were removed. In 2008, the Administrative Council voted to retain these chemicals on the TURA chemical list. The main concern with these chemicals is the eutrophication of fresh water bodies.

The Council discussed the following points.

- It was noted that less than half of the wastewater treatment facilities in Massachusetts have phosphorus limits, but it is likely that EPA will implement these limits in the near future.
- A member asked about whether the council understood them to be sodium phosphate tribasic, or the actual forms represented by the CAS numbers, when they voted. The response was that they were voting based on the SAB's recommendation citing eutrophication concerns, a concern that applies to both the tribasic and the forms represented by the CAS numbers.
- Another member asked about the number of Massachusetts facilities that would be affected by delisting the chemicals or keeping them on the list. MassDEP responded that there is one known and currently filing under TURA and there is another company that has come in under the amnesty program for the chemical.
- It was also asked about how other states are coping with this issue? Have other states chosen to keep it as a reportable chemical or have they adhered to what EPA chose to do?
- There was also a general question asked about where and how the substances are used and discharged.

Following the discussion, the Council decided to postpone a vote until the next meeting. Prior to the next meeting, additional information will be gathered to address the Council members' questions. In the interim, MassDEP will have discretionary reporting for this chemical in this reporting year, which means that no reports will be due for this chemical and no NONs will be issued.

Science Advisory Board (SAB) Update

A representative from TURI passed out a handout outlining the SAB's current work. See the update appended to this document.

Update: Trends in Perchloroethylene Use and Professional Wet Cleaning at Massachusetts Professional Garment Care Businesses

TURA program staff presented an update on the trends on the use of perchloroethylene (perc) in the Commonwealth and handed out a summary of MassDEP dry cleaners Environmental Results Program (ERP) data. This update is a follow-up to an Administrative Council decision to monitor the chemical's use prior to considering additional regulation of perchloroethylene use in dry cleaning operations.

As an alternative to designating a Priority User Segment (PrUS), the Council voted to institute a voluntary comparative analysis of perc alternatives by dry cleaners looking to replace their perc machines. This comparative analysis helps a dry cleaner evaluate the performance, cost and environmental, health and safety attributes of the various alternatives. If MassDEP finds that too many perc machines are being installed, they will make the comparative analysis mandatory.

Since 1998, dry cleaners have submitted ERP data to the MassDEP. Based on these data, there were 324 dry cleaners reporting to ERP in Massachusetts in 2015, a decline from 646 in 1998. Between 1998 and 2015, 110 dry cleaners switched from perc to another method of cleaning, including nPB, acetal, professional wet cleaning, propylene glycol, siloxane, and hydrocarbons.

Currently, there are 444 operating perc machines in Massachusetts. Of these, the owners plan to replace 139 in the next 5 years, and 48 in the next 2 years. 73% of the ERP respondents believe that an alternative method is a viable option.

Following the discussion of the ERP data, a representative from TURI discussed TURI's dedicated professional wet cleaning grants, which provide funding and technical assistance to help dry cleaning facilities make the transition to 100% professional wet cleaning. Facilities that switch to professional wet cleaning use less electricity and water, reduce hazardous waste generation, and save money. Following the switch, grantees from this program hold demonstration events at the facilities to show other dry cleaners the technology. Recently, an event was held in Western Massachusetts.

A short history of the work with the dry cleaning sector was reviewed. In 2006, perc in dry cleaning was addressed in the TURI 5 Chemicals Study. In 2008, TURI hosted its first demonstration event in Lowell. In 2009, the TURA program listed perc as a HHS. From 2008 through 2015, TURI has awarded 12 grants to dry cleaners to move to dedicated professional wet cleaning. Technical assistance and demonstration grants have also been provided. Each cleaner that receives grant money collects data that is then developed into case studies to share with other cleaners.

Adjourn

Handouts

1. Agenda for March 16, 2016 TUR Administrative Council Meeting
2. FY15 Toxics Use Reduction Program Governor's Report
3. TURA Administrative Council Update on Changes to the CERCLA and EPCRA Chemical Lists – March 2016
4. Building Chemical Safety into Climate Resiliency Planning: Grant Opportunity for Massachusetts Regional Planning Agencies
5. Green Your Bottom Line in Food Processing: An Energy and Environmental Workshop

Summary of the SAB's Current Work

February 2016

Certain Halogenated Compounds Category, or C1-C4 Halogenated Compounds

This topic originated at the SAB when the SAB was reviewing nPB. The Board wanted to consider a recommendation that would encompass a larger group of structurally similar chemicals, in order to discourage against poor substitutions of similar, but unlisted, chemicals. The Board defined a category as a group of substances with 4 or less carbons, at least one halogen and only hydrogen as the other constituent. Data was reviewed for approximately 138 substances. Primary concerns are CNS effects & volatility. The Board recommended listing this category in November 2011.

Volatile Methyl Siloxanes

In June 2010, the Board began looking at substances that were known common replacements for then-designated Higher Hazard Substances, most specifically TCE and PCE. Amongst these common substitutes were Volatile Methyl Siloxanes (VMS). The SAB discussed two cyclic VMSs and one linear VMS over the course of several meetings. The Board recommended to list hexamethyldisiloxane (HMDS) and place it on the SAB less hazardous chemicals list in March 2011. The primary concern is flammability (flash point 1ºC). HMDS is used in cleaning operations. The board discussed 2 cyclic siloxanes, octamethylcyclotetrasiloxane (D4) and decamethylcyclopentasiloxane (D5), over the course of a couple of years, noting concerns but having difficulty getting sufficient information. In March of 2012 D4 was tabled and in March of 2013 the Board recommended no action for D5, while noting several concerns including uterine carcionomas in rats, potential effects on the dopamine pathway, and persistence and bioaccumulation issues. In the summer of 2015 TURI received comments from GreenEarth, a dry cleaning solvent brand, on the D5 rating in TURI's *Assessment of Alternatives to Perchloroethylene for the Dry Cleaning Industry*. TURI committed to reviewing new information on D5 with the SAB and is currently working on that. In addition, the Board is also looking at new information on D4.

Phthalate esters

In May of 2012, the SAB began work on the phthalate esters category. The phthalate esters category originated from the CERCLA list and has been on the TURA list since the program's inception. However, the category was not well defined and when the category was added in 1993 as part of the phasing in of the CERCLA chemical list, a DEP policy was put in place that exempted reporting of this category. The Board reviewed data and studies for 58 ortho-phthalate esters as well as several meta- and para-phthalate esters. Primary effects were reproductive and developmental effects, and liver effects. The Board completed their review of phthalate esters in September 2015 and TURI will be delivering their report to DEP shortly. The Phthalate Ester

work differs in that the phthalate ester category is already listed and TURI is providing this information to DEP so they can reevaluate their reporting policy.

Ethyl acetate

During the process of preparing the policy analysis for Higher Hazard Substances methylene chloride and nPB, ethyl acetate was noted as a possible replacement for some applications. Ethyl acetate was also on the SAB's less hazardous chemicals list. In 2013, TURI consulted with the SAB regarding this proposal. The SAB compared it to three acetates that had been designated as Lower Hazard Substances by the Council, and noted more concern because of its much lower flash point, but less concern with toxicity. The policy analysis for Ethyl Acetate as a Lower Hazard Substance will be presented today. The primary concern with Ethyl Acetate is its flash point of 24ºF.

Diisocyanates

At the time that TDI was recommended as a Higher Hazard Substance, the Advisory Committee suggested that EPA's TRI diisocyanates category be reviewed as well. This work was begun in 2014 and is likely to continue in 2016.