



Massachusetts Chemistry & Technology Alliance, Inc.

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Chemistry Makes Your Life Better Every Day

Newsletter

January, 2015

Letter to Membership

By Katherine Robertson, Executive Director

On January 1, I was hired as MCTA's executive director and tasked with coordinating and overseeing the administrative, organizational, and advocacy work we do on behalf of our members. Transition team members – Bob Napolitano, Astro Chemicals, Inc.; Laurie Stewart, Barrday Composite Solutions; Paul Connor, Dow Chemical Company; Ted Stolz, ITW Performance Polymers & Fluids; and Mike Garvey, Styrolution – volunteered their time to insure that MCTA continued to work hard for its members during the period when it was without an executive director.

The past six months not only marked the end of the Patrick administration, it saw the inauguration of the Baker/Polito Administration, the wrap-up of the 2013-2014 legislative session and the filing deadline for the 2015-2016 session. MCTA's regulatory and legislative team worked hard and managed to fend off legislation that would have negatively impacted our members and hurt the viability of the chemical and plastics industry in the Commonwealth. The legislative and regulatory summary included as part of this newsletter shows that we accomplished what needed to be done.

2015 started off well. The Patrick Administration left office before acting on the recommended increase in TURA filing fees, which would have had an onerous impact on MCTA members. And, on January 15, Governor Baker imposed a "regulatory pause" forbidding state departments from sending a proposed regulation out for comment or filing a regulation with the Secretary of State's office without the expressed approval of the administration. MCTA is committed to working with the administration and is hopeful that this deliberative approach to regulation will continue and any new proposals will be thoroughly vetted for impacts on economic development in the Commonwealth.

My first priority is to stabilize our membership base and we sent out membership renewal notices, which you should have received by now. Membership fees are critical to retaining the team that has successfully served as the industry's voice on Beacon Hill since 1992. We have been persistent; we have been successful; and we need your support. We are planning an aggressive agenda and will provide a solid return on investment for our members.

If you have not received a renewal letter, or if it should be directed to another person at your company, please let me know. Also, please call or email me if additional people at your firm should be included on our mailing list for newsletters and regulatory updates.

The rest of January will be spent working with the Board to set organizational priorities, and familiarizing myself with the issues important to you. We will update the web site and make sure that members are

kept current on the work we are doing on their behalf. After that, I would like to start meeting with members to get a better idea of your operations, priorities, and concerns. I thank you for your patience while I get up to speed, but please note that MCTA itself has never stopped working on your behalf on regulatory and legislative issues.

I am very much looking forward to working with you all, and assure you that we will continue to be a vital voice for our members. Please do not hesitate to contact me with questions. The best way to reach me is through email at krobertsconsulting@hotmail.com or via phone at (office) 508-791-0445 or (cell) 508-572-9113.

Legislative Summary 2014

MCTA continued its legislative and regulatory advocacy program through this past year. Despite the resignation of Executive Director David Wawer in June, the advocacy team led by Bill Delaney and Sean Moynihan, with guidance from MCTA government affairs designee Laurie Stewart, continued their work on behalf of our member companies. Highlights include:

- advocating common sense TURA reform through legislative action;
- opposing adverse Massachusetts chemicals policy legislation through lobbying and grassroots communication;
- educating House and Senate members of the economic value of chemistry and plastics to the Massachusetts economy;
- facilitating on-site meetings at MCTA member companies with their elected members of the Legislature;
- developing and implementing state legislator recognition program through member companies;
- monitoring municipal ordinances and state-wide referendum ballot initiatives on policy proposals such as product bans;
- tracking legislative proposals regarding interstate transportation of materials by rail.

Cleaning Products Ban/Alternatives Legislation

This is a persistent issue for MCTA and comprises two bills (1) The Healthy Families and Businesses Bill and (2) The Safe Cleaning Products Bill. Both were unsuccessful in 2013-2014, but are expected to be filed in the new legislative session.

The Healthy Families and Businesses Bill effectively levies a fee against businesses and directs the funds to the Toxic Use Reduction Institute (TURI) at UMASS Lowell creating the so-called "Green Screen" technology to assess chemistries used by businesses.

The Safe Cleaning Products Bill, would require that only products approved by the Department of Public Health (DPH) be used in public schools, hospitals, health care facilities, day care centers, public buildings and common areas of public housing.

Polystyrene Packaging

This legislation would authorize municipalities to prohibit the use of polystyrene packaging otherwise known as Styrofoam. Brookline and Somerville have locally banned the use of these products, however this bill seeks to extend this ban to all municipalities within the state. MCTA has worked with policy makers to educate them on the effect upon costs for businesses were this to take place and has participated in discussions on best practices for recycling.

Regulatory Summary 2014

MCTA Vice President for Regulatory Affairs Attorney Sean P. Moynihan monitored and advocated on behalf of MCTA before state agencies and regulators and interacted with executive branch public officials throughout the year. With 2014 as the final year of the Patrick Administration, considerable effort needed to be exercised in the regulatory arena. In addition to the below highlights, regulatory advocacy efforts included, but were not limited to:

- engaging TURA regulators to restore balance to the regulatory process for designating chemicals under TURA;
- identifying regulations proposed by state agencies (DEP, DFS, DPH, TURA, and others) and mobilize MCTA members to oppose, modify or support;
- educating elected officials and state agencies on the economic value of chemistry and plastics to the Massachusetts economy;
- working with the Division of Fire Services, MCTA members and local fire departments to assist in the implementation of 527 CMR 33 Board of Fire Prevention Process Safety Management Regulations;
- monitoring actions of the Northeast Ozone Transport Commission for Proposed Regulatory Models Impacting VOC's, adhesives & sealants, and other chemicals, and;
- monitoring municipal Boards of Health for chemicals policy initiatives such as product bans.

Toxic Use Reduction Act Fee Increase

A major issue MCTA faced this year was a proposal to increase TURA filer fees. The Patrick Administration announced in September that a significant fee increase (up to a 69% increase) would be sought and implemented for the RY2014 Report (July 1, 2015). Of most concern to MCTA was that there was little to no notice of this initiative and no consideration was given to the fact that a cumulative increase of this magnitude would impact members' budgets and affect budget forecasts during an already difficult economic time.

Through a thoughtful, concerted, and aggressive regulatory advocacy effort, MCTA and member companies were successful in demonstrating the negative impact such an increase would have on their businesses and the manufacturing industry in the Commonwealth. We are happy to report that the fee increase regulatory proposal WAS NOT filed before the Patrick Administration's term was completed. With the recent action of the Baker Administration to place a "hold" on the filing of any new regulations until March 31, MCTA has a window to work with the Administration to ensure that key policy makers appreciate the damaging effect this proposal will have on our economy.

We thank all of our member companies who participated in the public hearing process for their expertise in articulating the effects of this initiative and look forward to their continued involvement and support.

Above Ground Storage Tank Bill (AST) – Regulatory AND Legislative Initiative

For several legislative sessions, MCTA has filed and supported legislation that would lessen the regulatory burden of annual inspections of above-ground storage tanks. MCTA was successful in changing the regulation so inspections are required every five years. The regulation also excludes from inspection tanks that hold water.

Ethyl Acetate (TURA Lower Hazard Substance)

MCTA initiated an effort to designate Ethyl Acetate as a chemical for lower hazard designation and is working with regulators to move the recommendation quickly through the process. With the successful passage of this regulation, members utilizing this chemical will still need to report but will not be required to pay a fee.

If members have questions or require additional information on any of the above issues please do not hesitate to contact either Bill Delaney at bill@billdelaneyboston.com or Sean Moynihan at sean@themoynihangroup.com.