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## **Briefing on Proposed Revisions to the Toxic Use Reduction Act of 1989, MGL c. 211**

On behalf of its members, the Massachusetts Chemistry & Technology Alliance representing the manufacturers, users and distributors of chemistry in Massachusetts, requests amendments to the Toxic Use Reduction Act of 1989, MGL c. 211 (TURA). The proposed amendments are modest, and do not change the intent of the law. They were developed in recognition of the changes in the state and federal regulations since the law was enacted in 1989, and the impact those laws and regulations have had on business practices and chemical use.

- Reduce TUR Planning Update Frequency from every two years to every six years. The statute requires that an industry which falls under the TUR umbrella complete and submit an initial Toxic Use Reduction Plan as well as an update after two years and subsequent updates at a frequency set by the MassDEP. MassDEP has elected that subsequent updates be made every two years. TUR Planning can be a productive exercise if there has been a sufficient time interval for technology evolution between planning cycles. Otherwise the rigorous exercise and cost delivers minimal return because it is so frequent. (TUR filers must also submit a report on chemical use to MassDEP on an annual basis.) Under this bill, the initial plan and the first two-year planning requirement would stay in place. Subsequent plan updates after the first statutorily-required update would be required every six years, rather than every two years.
- Extend the TUR Planner certification period from two years to 6 to correspond with the planning update cycle.
- Reduce the hours required for recertification of Toxic Use Reduction Planners (TURPs). Under TURA, Toxic Use Reduction Plans and Updates must be approved by a certified TURP, either a consultant or a qualified in-house manager. TURPs are currently required to have continuing education for each renewal, up to 30 hours for consultants and 24 hours for in-house managers, every two years. As pollution prevention has been widely adopted in industry over the past 25 years the need for extensive training on the topic and technology awareness is no longer as urgent. We recommend that the number of credits required every 6 years for recertification be respectively not more than 45 and 36 hours based on classification.
- Provide access to fee waivers for industries that require the use of listed chemicals to comply with state, Federal, or local regulations, or to meet bidding specifications for Federal and State contracts. The assessment of a fee for use of contractually and regulatory mandated chemicals puts Massachusetts' companies at a competitive disadvantage with companies doing business in other states. We request that MassDEP draft a guidance document enabling Massachusetts companies to receive waivers under these circumstances.
- Change funding mechanism: Currently TURA is funded nearly entirely by fees assessed on users of chemistry, most of which see no benefit from the program. The bill proposed to restrict the burden on businesses to 50% of the program cost, with the additional 50% derived from the general fund.