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Background Sheet Amendments to the Toxic Use Reduction Act (TURA)

The Toxic Use Reduction Act (TURA), enacted in 1989, sought to reduce the use of toxic chemicals in Massachusetts by requiring users, manufacturers and distributors of chemicals to identify the chemistry used in each process in their facility and develop pollution prevention plans (Toxic Use Reduction Plans) to document evaluation of alternatives to reduce or eliminate the use of those chemicals through new or modified processes or by chemical substitutions.

No other state has a similar program.

TURA's administration, enforcement, training, research, and grant programs are nearly fully funded by industry through assessed fees. In 2015, TURA reported raising \$2.95 million from assessed fees and \$8,250 through continuing education courses. The program also requires annual reporting of toxics use which mostly duplicates Federal reporting, biennial and biennial planning recertification of planners, which collectively impose a financial cost and a manpower investment on Massachusetts companies.

The number of TURA filers has dropped from nearly 1000 early on in the program to less than 500 in 2015, meaning that half the number of companies are funding the full cost of the program.

TURA was enacted before a host of federal and state regulations were put into place that greatly increased governmental oversight of environmental and health safety including the Pollution Prevention Act of 1990, the Clean Air Act Amendments in 1990, the Federal Clean Water Act Amendments in 1987, the Hazardous and Solid Waste Amendments of 1986, and the Superfund Amendments and Reauthorization Act of 1987 as those collectively emphasized pollution prevention and minimization of by-product and waste generation.

MCTA, which represents the manufacturers, users and distributors of chemistry in Massachusetts, commissioned an analysis in 2015 which established that TURA has not resulted in greater toxic use reduction within similar industry sectors in other states. A second report, also conducted in 2015, assessed TURA's own data and determined that there has been little to no further reduction in the use of toxic chemicals in the past decade after the initial implementation of TURA and the introduction of national environmental regulations and standards.

The statute and the regulations promulgated under TURA should be adjusted to account for the dramatic changes that have occurred in the corporate culture of the manufacturing industry in the past 26 years during which most operations in the Commonwealth have embraced environmental stewardship, reducing use of toxic chemistries when possible, upgrading process for greater efficiency in use with minimization of waste, and emissions.