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MCTA Comments on Fee Increase

TURA Ad Hoc Committee

July 22, 2021

MCTA stands firmly in opposition to any fee increases imposed against the existing universe of approximately 480 TURA filers.

We carefully read the background document circulated last Friday, and fully understand that TURA has not received additional funding from the dwindling number of TURA filers since the program was first enacted. We are aware that the statute as amended in 2006 grants the Administrative Council the ability to raise fees. We are further aware that that the enabling legislation directed the Administrative Council to increase fees according to the Producer Price Index if the aggregate fees collected from filers fell below \$4 million.

We are also aware that:

- The number of TURA filers has fallen from high of 728 in 1992 to less than approximately 480;
- That TURA fees assessed to filers only make up a portion of TURA's programmatic and operational budget. Grant funding that offsets staff costs and in-kind support in the form of office space from UMass Lowell and the Commonwealth are two such examples;
- The cost to business cited does not reflect soft costs, i.e. the expense of TURPs, staff time and CE requirements for Limited Practice TURPs;
- That long-term TURA filers receive little or no benefit to the program as funding is spent on projects that have nothing to do with their products and production.
- That TURA is limiting its funding options by concentrating solely on the small universe of filers.

Yet this small universe of designated filers – less than 500 companies out of 6,000 manufacturers operating in the state, more than a thousand biotech companies and hundreds of laboratories, colleges and universities, hospitals, and other users of the exact same toxic chemicals. A chemical is either toxic or it's not. Four-hundred and eighty companies should not be singled out to foot the bill for the social cost of chemical use in the Commonwealth.

Earlier this year, MCTA did a survey of its members who are TURA filers. Many of our findings were consistent with those of respondents to TURA's own surveys, the last of which was done in 2009. In fact 67% of TURA-filing MCTA members reported that the first TURA planning process helped them reduce the use of toxic chemicals in the work place. The usefulness and relevance of the planning process fell dramatically from there. Only one member reported benefit after the first few cycles. Yet these users are being asked to foot the bill for the entire program. This makes no sense if the real benefit of the toxic use reduction act is realized in the initial two planning processes.

MCTA is not going to argue with the TURA background document's premise that TURA wants more money and is statutorily allowed to increase fees. We are also not arguing that the program does not provide a benefit to businesses, communities, public health and the environment although we will contend that many of the businesses and organizations who derive benefit to not pay TURA fees (i.e. Auto Body Shops, drycleaners and laboratories to name a few.)

We do contest the report's inference that other states pay fees for chemical use. We asked our members about chemical fees in other states where they have facilities and we only found one and that those fees – capped at \$2,000 – were determined by the size of the company and the toxicity of the chemical. We would like a citation for this comment.

We also question the document's dismissal of a waiver for companies that cannot reduce fees because chemical use is "required." First, we do not understand why the word "required" was embraced by question marks as that is suggestive of an inaccuracy. Companies in Massachusetts are required to use certain chemicals if they want to bid on public contracts. It is that simple. The use of TURA-listed chemicals is stipulated in bid specifications for MassDOT, MBTA FAA, and DoD contracts to name a few. While I respect TURA's work in attempting to explore alternatives upstream with DoD, this effort has been in the works since before 2015 when I first joined MCTA. DoD specs still require the use of TURA-listed chemicals. I do not know if any progress – or even any attempts – have been made change bid specifications at other public departments including MassDOT and the MBTA. So, the fact remains that TURA filers pay fees on chemicals they are required to use to comply with bid specifications.

I saw little in the background document explaining why TURA needed increased funding. There was a single paragraph at the end stating that, while the universe of TURA filers has fallen significantly since the program's early days, so has the number of TURA staff.

In summation, the limited universe of TURA filers should not be expected to pay for the same staff that once oversaw the birth of a program and approximately 250 more filer. The benefit these filers receive in large part has been exhausted – many of MCTA’s TURA filers have been submitting plans for the life of the program. Companies that must use chemicals to comply with the state’s own bid specifications should not be there at all because they cannot reduce and use alternatives to the chemicals specified in bid documents. We recognize that small metal platers and small and mid-sized manufacturers – which make up the bulk of TURA filers -- are a politically easy targets but suggest that the TURA program expand its universe to new areas where participants – and the environment -- could actually benefit from the planning process.

MCTA engaged with this review process with the intent to improve, not destroy, TURA. Yet I feel that we have played around the edges concentrating on increasing audits, shoring up resource conservation, and compiling lists rather than capitalizing on what works with the program, such as the initial planning processes and the original cycle’s ability to reduce the use of toxic chemicals in the workplace, and what doesn’t work, like financial reliance on a small group of filers.