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**Committee on Environment, Natural Resources and Agriculture
Testimony on House Bill 970/Senate Bill 534
June 8, 2021**

Thank you Chair Rausch, Chair Dykema and members of the committee for this opportunity to testify.

My name is Katherine Robertson and I am Executive Director of the Massachusetts Chemistry & Technology Alliance or MCTA. Our members are manufacturers, distributors and users of Chemistry throughout the Commonwealth and range in size from mom-and-pop shops with a handful of employees to large operations employing hundreds.

MCTA and its members strongly support House Bill 970 and Senate Bill 534, both Acts to reform the Toxics Use Reduction Act or TURA. TURA's mission is to incentivize companies to reduce the use of identified chemicals by requiring they pay fees, file annual reports, and undergo a biennial planning process to show the steps they have taken to reduce use of TURA-listed chemicals

There are few laws that do not benefit from review and adjustment over time. The update of the Ward Commission's public procurement program and the revamping of the Hazardous Waste Site Cleanup program are two examples. Both times, changes were met with resistance because, it was felt, that these processes and these laws were unassailable when, in fact, parts of them were outdated and they were impeding, not advancing, their missions. TURA is yet another example of a program that should be reviewed and adjusted.

The changes proposed in HB 970 and SB 534 do not undermine the intent or the mission of TURA law.

HB 970 and SB 534 propose four basic changes:

Provide a waiver for companies that use certain chemicals because of government bid specifications and drug product registrations that require that they do so. The TURA law does not "incentivize" these companies to reduce their use of TURA-listed chemicals because they cannot reduce; rather, it punishes them because they are in-

state companies bidding on in-state projects and required to use certain chemicals to comply with Massachusetts bid specifications.

This situation is particularly egregious because one state program – TURA – penalizes Massachusetts-based businesses for complying with the bidding requirements of other state agencies including the MBTA and the Department of Transportation. As an example, asphalt batch and concrete plants that are not chemical companies, must pay TURA fees and comply with TURA requirements, which include submitting plans for the reduction of chemicals that they only use because the state requires it. House Bill 970 and Senate Bill 534 rectify this situation by providing a waiver of TURA requirements for situations in which certain chemistries are required in government procurement specifications. This waiver does not reduce the TURA requirements for other situations using the same chemicals.

Extend the reporting period from two to six years. It takes more than two years to identify and test an alternative and retool an operation. It takes additional time to see results in terms of Toxics Use Reduction. The two-year planning cycle is counterproductive, as real progress cannot be measured in such short increments. MCTA and its members accept the value of the first TUR plan, which requires facilities to identify toxics use reduction opportunities that they may not have considered, and the second TUR plan which allows these facilities to track the results of their initial efforts. In fact, 65% of the MCTA members who are TURA filers reported that they derived benefit from the first plan. After the original planning process, however, the value diminishes dramatically. Only a single member reported benefit after the first and second planning cycle.

Without passage of significant time between updates, conditions are not likely to have changed such that new technology will have been introduced to provide new feasible options, or that market cost/prices would shift enough to make the options previously found not feasible in the past planning cycle turn into feasible options. Industry, which is subject to a host of regulations, is aware of emerging technologies and processes, but it takes several years to identify, test, and retool an operation or process. It takes additional time to see results in terms of Toxics Use Reduction.

The two-year planning cycle is counterproductive, as real progress cannot be measured in such short increments, alternatives cannot be identified and implemented, and progress cannot be assessed and reported. After a company conducts a good faith planning effort, the biennial exercise to review past options that were found infeasible and find new options is often fruitless. It leads to frustration among filers and contributes to a perception that the purpose of TURA is to punish those companies that use listed chemistries, rather than to incentivize them to make changes.

It is also worth noting that that 100% of the MCTA members that are required to file TURA reports have been filing for 10 or more years; 60% have been filing since the program's inception 33 years ago. They have run into a brick wall.

There are other forces besides the TURA law that provided a powerful incentive for industry to reduce its use of toxic chemicals. TURA was enacted in 1988 during a time of greatly increased governmental oversight that included: enactment of the Pollution Prevention Act of 1990, the Clean Air Act Amendments in 1990 addressing Air Toxics; the Federal Clean Water Act Amendments in 1987 that gave new teeth to the control of toxic pollutants; the Hazardous and Solid Waste Amendments of 1986, and; the Superfund Amendments and Reauthorization Act of 1987.

Massachusetts was not alone in realizing substantial reductions during this period. While the program achieved its goal of seeing a 50% reduction in toxic chemicals early on in the program, other states with the same industrial profile as Massachusetts saw similar or greater reductions without the existence of a TURA program.

Increase the term for Toxics Use reduction Planners from the current two years to six years and reduce the number of continuing education credits required for each renewal.

Toxics use reduction processes and technologies do not evolve quickly, and limited practice Toxic Use Reduction Planners find many of the continuing education programs costly, redundant and irrelevant to their industries. Approximately 85% of the respondents to MCTA 2021 Survey reported the TURI-sponsored continuing education programs were not relevant to their operations.

MCTA is particularly concerned about limited practice TURPs who, in many cases, are the owners of small manufacturing businesses and should be focused on running their businesses, not investing in training that is not relevant to them. Our members estimate that an average of two weeks a year are spent on TURA-related compliance, reporting and certification requirements, a substantial amount of time for a small business owner. It should also be noted that the data, record-keeping and reporting required by TURA is not consistent with that required by other state and federal environmental regulations, meaning that TURA-filers must track entirely new data sets.

Thank you for your time and consideration.