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June 17, 2025

The Honorable Christine Barber
House Chair
Joint Committee on Environment and Natural Resources
State House, Room 167
Boston, MA 02133

The Honorable Rebecca Rausch
Senate Chair
Joint Committee on Environment and Natural Resources
State House, Room 215
Boston, MA 02133

RE: Comments of Massachusetts Chemistry and Technology Alliance on H998 and S593 - An Act to Reform the Toxic Use Reduction Act

Dear Chair Barber, Chair Rausch, and members of the Committee:

On behalf of our members, the Massachusetts Chemistry & Technology Alliance (MCTA) would like to make the following comments in support of H998 and S593 - *An Act to Reform the Toxic Use Reduction Act* which are currently in your committee.

MCTA is the professional organization representing manufacturers, users, and distributors of chemistry in the Commonwealth. Our membership ranges from small, multi-generational family owned businesses operating with a handful of employees to large global companies employing thousands. More than 96% of all manufactured goods – from solar panels and turbine blades to automotive parts and pharmaceutical products – are touched by chemistry.

MCTA and its members strongly support H998 and S593. The mission of the Toxics Use Reduction Act (TURA) is to incentivize companies to reduce the use of listed chemicals. It requires a regulated facility (identified by certain SIC codes) to undertake a biennial toxics use reduction (TUR) planning process to identify the steps they have taken to reduce use of TURA listed chemicals. It also requires payment of fees and the filing of an annual report disclosing the amount of listed chemicals used by the facility.

MCTA believes it is time for the TURA law to undergo a review in order to update it to reflect current business practices. The law was enacted in 1989 and has undergone only one significant

update in 2006. Other major laws, including laws related to hazardous waste site cleanup and energy undergo regular review and amendments.

None of the changes in H998 and S593 will undermine the intent or mission of TURA.

The legislation contains three proposed changes:

It will provide a waiver from some requirements of the law for companies that are required to use certain chemicals because of government specifications or drug product registrations.

In these cases, the TURA law does not “incentivize” companies to reduce their use of TURA listed chemicals because they are mandated to use them. In fact, the law punishes in-state companies unfairly, even if they are bidding on in-state projects, because they cannot “reduce” their use of some listed chemicals, yet they are required to comply with the TURA as to planning, filing reports, and paying a fee.

As an example, asphalt batch and concrete plants bidding on state highway contracts must comply with TURA yet out of state companies bidding on the exact same contracts do not have this regulatory burden or cost.

H998 and S593 will rectify this unfair situation by providing a waiver of some TURA requirements for situations in which certain chemistries are required in government procurement specifications. This waiver will not reduce the TURA requirements for other situations using the same chemicals.

It will extend the TURA reporting and planning period from two to six years.

Currently, TURA reporting and TUR planning is required every two years. This is an unnecessary burden that no longer results in any benefit.

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 previously. Likewise, the second planning cycle allows these facilities to track the results of their initial efforts. However, most MCTA members have been filing TURA report for 10 or more years and 60% have been filing since the program’s inception 33 years ago. After decades of repeating the same planning process, the value diminishes dramatically. While 65% of MCTA members who are TURA filers reported that they derived benefit from the first plan, only a single member reported benefit after the first and second planning cycle. Clearly their practical value has been reduced.

That is not because industry is not trying to find substitutes. Industry is constantly researching new technologies and processes to identify new products and safer alternatives. But it takes several years to identify, test, and retool an operation or process to implement changes and even longer to understand if the changes actually result in lower uses of a material.

The current two-year planning cycle is counterproductive. Real progress cannot be measured in such short increments and after a company conducts a good faith planning effort, the biennial exercise to review past options that were found infeasible is often fruitless and contributes to a

perception that the purpose of TURA is to punish companies for providing products necessary in commerce rather than to incentivize them to make changes.

It will increase the term for Toxics Use Reduction Planners (TURPs) from the current two years to six years and reduce the number of Continuing Education Credits (CEC) required for each renewal.

While all Toxics Use Reductions Planners can benefit from this needed change, the burden of the current registration and recertification of TURPs is particularly onerous to limited practice TURPs (those who can only certify their own company reports). Approximately 85% of the respondents to MCTA 2021 survey reported the TURI-sponsored continuing education programs were not relevant to their operations. Extending the terms will not result in any less knowledgeable practitioners.

MCTA members want to reduce their use of toxic chemicals. But the current program has become more of a paperwork exercise than productive planning. Our members estimate that an average of two weeks per year is spent on TURA related compliance, reporting and certification requirements, a substantial amount of time and costs for a small business owner. It is particularly burdensome as the TURA program requires a unique set of data tracking that is not useful for any other reports.

MCTA believes that the changes proposed in H998 and S593 are overdue and strike the right balance between updating a program and preserving its mission. We urge the committee to support H998 and S593 - *An Act to Reform the Toxic Use Reduction Act*.

Thank you for your consideration of the concerns raised by MCTA and our members. If you have any questions, please do not hesitate to call Katherine Robertson at 508-572-9113 or via email at katherine@masscta.org.

Sincerely,



Katherine Robertson
Executive Director
Massachusetts Chemistry & Technology Alliance

cc:

Senator Ryan Fattman
Representative John J. Mahoney