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NEWS ITEM

Massachusetts Assisting Companies Affected by Higher Hazard Substance Designation

This Commonwealth of Massachusetts has launched an outreach program to support companies affected by the recent designation of trichloroethylene (TCE), cadmium, and cadmium compounds as higher hazard substances. As part of the effort, the Office of Technical Assistance and Technology (OTA) and the Toxics Use Reduction Institute are distributing information on the designation process mandated by the Toxics Use Reduction Act (TURA) amendments of 2006. "Our outreach goals," explained Rich Bizzozero, OTA director, "are to educate companies about designation implications, but also to offer our office's advisory support to help them comply with this regulatory change."

Background:

As a result of the TURA amendments, the state's toxics reduction program must now differentiate toxics according to hazard level. In October 2007, the Massachusetts Toxics Use Reduction Administrative Council (Council), which sets toxics use reduction policy statewide, voted to designate TCE, cadmium, and cadmium compounds as higher hazard substances. In March 2008, the Council voted to designate three chemicals as lower hazard substances: isobutyl alcohol, sec-butyl alcohol and n-butyl alcohol. In the coming years, the Council will assess the hazard potential of many additional chemicals. The ruling takes effect in the calendar year after the designation is incorporated into regulations.

The designations reflect a review of objective scientific hazard data conducted by a scientific advisory board, which uses screening endpoints in the areas of human health, environment, safety, and chemical persistence/bioaccumulation as a framework for deliberations.

Companies Affected:

This designation affects companies if they: operate facilities that use 1,000 pounds or more of these higher hazard substances in calendar year 2008 or subsequent years; employ the equivalent of 10 or more full-time employees; and conduct any business within manufacturing or TURA-covered Standard Industrial Codes (SIC), from 10 – 14, 20 – 39, 40, 44 – 51, 72, 73, 75 and 76 or equivalent NAICS codes.

If companies meet the above criteria, they must now report chemical use, pay annual reporting fees and regularly submit reduction plans to the Massachusetts Department of Environmental Protection. Toxics use reports for 2008 must be submitted to MassDEP by July 1, 2009 and toxics use reduction plans must be prepared by July 1, 2010 and every two years thereafter.

A lower hazard substance designation does not mean that a chemical is not hazardous; it means it is considered less hazardous than other TURA-listed chemicals. Users of lower hazard substances do not have to pay a toxics use fee for the substance, but must continue to submit annual toxics use reports and prepare toxics use reduction plans.

For additional details on the designation process, please refer to the attached Q&A, "Designating Higher Hazard Chemicals in Massachusetts."

OTA Services:

The Office of Technical Assistance and Technology is a one-stop center for compliance advice regarding toxics use reduction. OTA has helped more than 1,000 companies comply with TURA regulations. Companies requiring assistance in addressing the high hazard designations, or reducing or eliminating chemical use and or waste are invited to call (617) 626-1060 to speak with an OTA specialist. OTA services are provided at no cost and on a confidential basis. Additional information concerning OTA is available on its website: <http://www.mass.gov/envir/ota>

Information about the TURA program is available from the Massachusetts Department of Environmental Protection, <http://www.mass.gov/dep/toxics/toxicsus.htm>, and the Toxics Use Reduction Institute: <http://www.turi.org>

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