



Department of Environmental Protection

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Report to the Legislature on Massachusetts Department of Environmental Protection's Implementation of M.G.L 21I, Massachusetts Toxics Use Reduction Act (TURA)

Line Item 2210-0106 of Section 2 of Chapter 140 of the Acts of 2024 states in part that "...provided, that not later than February 3, 2025, the department shall submit a report to the house and senate committees on ways and means detailing the status of the department's progress in meeting the statutory and regulatory deadlines associated with said chapter 21I and the number of full-time equivalent positions assigned to various implementation requirements of said chapter 21I..."

Massachusetts Department of Environmental Protection (MassDEP) Statutory and Regulatory Deadlines under the Act

- c. 21I, sec. 3(B): Completed Environmental Protection Integrated Computer System – implementation ongoing
By January 1, 1991 the department shall, to the extent practicable, coordinate information about the manufacture, distribution, process, sale, storage, disposal, release or other use of toxics, including the inventory reporting requirement of section ten, on a computer system in order to provide reliable and accessible information across the commonwealth to aid in standardizing the inspection, enforcement and other activities of the commonwealth. The department shall also cooperate with and make this information readily available through computer connections and other means to the Office, the Institute, the environmental protection division of the department of the attorney general, and other state agencies and POTW operators.
- c. 21I, sec. 3(D): Completed– implementation ongoing
The department shall develop and implement, by January 1, 1992, guidelines and regulations on inspections which (1) ensure that, where appropriate, inspections are multi-media in approach; (2) ensure that, where appropriate, the inspections are performed by teams of inspectors representing existing programs within the department; and (3) minimize duplication of inspection and enforcement efforts being conducted with other agencies.
- c. 21I, sec. 3(G): Issued in 1996

On or before January 1, 1990, the department shall issue guidelines concerning classification of production units in user segments according to similarities in products and processes. Such guidelines shall be based primarily on the logic and methodology of the product process codes developed for the Organic Chemicals, Plastics, and Synthetic Fibers ("OCPSF") effluent guidelines and pretreatment standards under the Federal Water Pollution Control Act ("FWPCA") as amended and, to the extent feasible and appropriate, on protocols and standards used by Massachusetts and others. Based on these guidelines, reports filed pursuant to section ten as of July 1, 1991, and further consideration of then existing classification systems and protocols, the Department shall on or before January 1, 1992 promulgate regulations establishing classifications for production units.

- c. 21I, sec. 3(H): Ongoing, 2022 data report was issued (February 2024) – 2023 data report is being prepared.
The department annually shall compile, analyze and summarize the reports required by section 10, to the extent available, and shall submit a report to the council on the agency's findings regarding progress in toxics use reduction and emissions reduction in the commonwealth. A copy of the report shall be filed with the clerk of the House of Representatives and the clerk of the Senate.
- c. 21I, sec. 3(J): Completed
Unless indicated otherwise in this chapter, the department shall develop and make operational all programs and functions required of the department by January 1, 1992.
- c. 21I, sec. 6(E): Completed – implementation ongoing
By July 1, 1991, develop, in consultation with the department, the office, the department of economic development, and the Science Advisory Board, a toxics use reduction planning program for individuals who wish to be certified as toxics use reduction planners. Programs may also be available at other public and private colleges and universities located in the commonwealth, subject to the approval of the council. Such programs shall be designed to train toxics use reduction planners to be qualified to assist toxics users in the development and implementation of current toxics use reduction techniques and shall be designed to train toxics use reduction planners to be qualified to prepare, review, and approve toxics use reduction plans established in section eleven of this chapter.
- c. 21I, sec. 8 (C): Completed – implementation ongoing
By January 1, 1992, coordinate, to the extent feasible, reporting requirements and guidelines concerning the manufacture, use, or release of toxic or hazardous substances in a manner consistent with the recommendations for standardized, consolidated and coordinated state reporting requirements developed by the council pursuant to section four (B) of this chapter;
- c. 21I, sec. 10(A): Promulgated 1992 and amended to reflect 2006 changes to MGL 21I in 2007 – implementation and updating as needed are ongoing

The reports shall use reporting forms required by the regulations promulgated pursuant to section 313 of EPCRA. To the extent that information required by this section is not included in such forms, such information shall be submitted on supplemental forms established by the department by regulation promulgated no later than January 1, 1991 and modified thereafter as appropriate.

- c. 21I, sec. 11(A)(1): Promulgated 1992, amended in 2007 to reflect 2006 changes to M.G.L. 21I – implementation ongoing
The department shall, by January 1, 1991, specify criteria for acceptable plans according to the requirements of this section.
- c. 21I, sec. 12(A): Completed – implementation ongoing
In order to be a certified toxics use reduction planner, an individual must either (1) have satisfactorily completed a toxics use reduction planning program, developed pursuant to section six (E) of this chapter, and passed a uniform certification examination which the department shall prepare by January 1, 1992, and modify thereafter as appropriate, or (2) have at least two years of work experience in toxics use reduction activities. The department shall by January 1, 1991, after consultation with the Institute and the office, promulgate regulations implementing the requirements of this section.
- c. 21I, sec. 12(A): Promulgated 1992, amended in 2007 to reflect 2006 changes to M.G.L. 21I – regulations are periodically reviewed for future changes that may be needed
The department shall by January 1, 1991, after consultation with the Institute and the office, promulgate regulations implementing the requirements of this section.
- c. 21I, sec. 13(B): Completed
The department shall compile annually the goals of all reduction plans submitted by toxics users. By January 1, 1995, the department shall complete a report comparing large quantity toxics user goals to the statewide goal (50% reduction by 1997) and file a copy of the report with the council, the clerk of the Senate, the clerk of the House of Representatives, and the Joint Committee on Natural Resources and Agriculture.
- c. 21I, sec. 17: Not Promulgated – The Department decided it was not prudent to waive all environmental regulations of a toxic user as it is inconsistent with the Department's overall mission.
A toxics user may petition the department for the temporary waiver of any law which the department administers or any regulation adopted by the department if the toxics user proposes to comply with such law or regulation through implementation of a toxics use reduction technique or combination of toxics use reduction techniques in preference to other techniques, or through use of innovative toxics use reduction techniques. By January 1, 1991, the department shall develop regulations governing waiver applications and issuance of waivers.
- c. 21I, sec. 19(A): Completed

No later than April 1, 1990 the department shall prepare and distribute to all employers in the commonwealth in SIC codes Ten through Fourteen inclusive, Twenty through Forty inclusive, Forty-four through Fifty-one inclusive, Seventy-two, Seventy-three, Seventy-five and Seventy-six a toxics use survey...The department shall analyze the results of such survey no later than October 1, 1990, and shall recommend to the council any adjustment to the toxics use fee that may be necessary to comply with paragraph (D) of this section.

- c. 21I, sec. 19(D): as required
The council shall by regulation adjust the toxics use fee as set forth in this paragraph... and the department shall annually on or before April 1, publish in the Massachusetts register the adjustments to be made for that year.

Full-time equivalent (FTE) positions assigned to various implementation requirements of said chapter 21I

MassDEP will continue to evaluate staffing levels necessary to carry out elements of the TURA program.

Regional Inspections and Enforcement related to TURA reporting and planning requirements:	1.0 FTE
Boston enforcement of the reporting requirements	1.0 FTE
Managing receipt and data entry of reports and plan summaries	0.2 FTE
Report review and quality assurance	0.7 FTE
Reporting and Planning guidance, policy development and assistance	0.3 FTE
Annual report preparation	0.2 FTE
TURA Program management and coordination with OTA/TURI/Administrative Council/Advisory Committee	0.4 FTE
Toxics Use Reduction Planner certification	0.2 FTE
Massachusetts DEP Indirect – bureau and department management, legal, data systems, administrative services	1.0 FTE
Total	5.0 FTEs