

Interagency ICCM on Chemical Management
ICCM/Technical Team
Meeting Minutes: December 12, 2018
Winooski Room, 1 National Life Drive, Montpelier, VT 05620
Facilitated by Peter Walke, ANR Deputy Secretary

1. Welcome

2. Review of October 10 and November 14, 2018 Meeting Minutes

Motion by Meyer to approve the October 10 and November 14, 2018 minutes. Seconded by Giguere. The ICCM members voted to approve the October 10 and November 14, 2018 minutes.

3. Review and Discussion of CAP/Interested Party Comments

The ICCM received four (4) sets of substantive comments. The ICCM considered each in turn. Where the commenter numbered or itemized their comments, the ICCM's response either corresponds to that number, or are otherwise grouped:

A. Jessica Wignall, ICF - The ICCM took each of the comments submitted by Report Section:

Report Section II:

1. The ICCM will incorporate this comment into the draft report.
2. The ICCM will incorporate this comment into the draft report.
3. The ICCM will incorporate this comment into the draft report.
4. The ICCM will be looking at this aspect as it moves forward.
5. The ICCM will incorporate this comment into the draft report.
6. The ICCM will look to incorporate flexibility into the type of information needed for a nomination.
7. The ICCM will incorporate this comment into the draft report.
8. The ICCM will incorporate this comment into the draft report.
9. The ICCM will switch c. and d. to incorporate this comment.
10. The ICCM will further evaluate whether and if so how to identify the scope and type of CAP comments as it moves forward.
11. A responsiveness summary is a response to comments.
12. The ICCM will make revisions to the draft report to better frame this step generally, but specific implementation steps would be carried out by the involved Agency or Department using their own processes.

Report Section III:

13. The spreadsheet has been updated.

B. Global Foundries - The ICCM took each of the comments submitted by Report Section:

Report Section II:

- First bullet: The ICCM agrees and is looking to make the process transparent and inclusive.
- Second bullet: The ICCM will incorporate this comment into the draft report.
- Third bullet: The ICCM will evaluate whether screening criteria are appropriate as this process moves forward.
- Fourth bullet: The draft report generally identifies the technical team makeup.
- Fifth bullet: The ICCM anticipates the makeup of the CAP would be similar to its current iteration.
- Sixth bullet: The ICCM will incorporate this comment into the draft report.
- Seventh bullet: The decision-making process the ICCM has utilized up to this point has been outlined in the draft report, and may be further examined as this process moves forward. The ICCM will incorporate the comment regarding the timing of CAP review into the draft report.
- Eighth bullet: The decision making criteria will be further examined as this process moves forward.

Report Section IV:

- The ICCM will continue to look at all appropriate factors as it continues its work with respect to TURA. The ICCM reviewed the Massachusetts model and incorporated those aspects it felt were most suited for Vermont.

Report Section V:

- The ICCM will continue to review and approach changes or additions to chemical regulations in accordance with its charge.

Report Section VI:

- The ICCM will look to incorporate this comment into the draft report.

Additional Comments – Electronic Reporting:

- The comments are noted.

C. Ian Balcolm, Northern Vermont University – Lyndon - The ICCM took each comment in turn:

General Comments: The ICCM is conducting its work pursuant to its charge and believes its recommendations help to further the State's chemical reporting,

recordkeeping, assessment, and increased protection goals. The evaluation and assessment process is envisioned to be conducted through in part, a class-based approach as appropriate. While some individual chemicals may be proposed or evaluated, the ICCM believes there should be flexibility in review in order to more comprehensively address issues a chemical or class of chemicals presents.

Specific Comments:

1. The ICCM will look to incorporate this comment into the draft report, and further clarify that it is not expecting fully complete information in a petition.
2. The respective member Agencies have committed to this work, and at this stage it is too early to place a cap on nominations or reviews. These will need to be determined with further experience working through the process.
3. The respective member Agencies have committed to this work. At this stage it is too early to determine whether timeframes need to be established for reviews, and the ICCM anticipates that timeframes for review may necessarily vary based on the specific chemical or group of chemicals nominated. The ICCM believes it has the requisite expertise on staff to conduct reviews and if not, the draft report identifies the ability for the ICCM to bring in such expertise as necessary.
4. The draft report identifies shortcomings with the Tier II database, and its July 1 Report outlines how the proposed electronic system can address the various recordkeeping and reporting shortcomings across the State. The ICCM will look to incorporate this comment into the draft report.
5. See comments 2 and 3 above.
6. The ICCM is conducting its work pursuant to its charge and believes its recommendations help to further the State's chemical reporting, recordkeeping, assessment, and increased protection goals.

General Comment: The ICCM believes it is following the mandates of the EO.

D. Vermont Natural Resources Council, Vermont Law School Environment and Natural Resources Law Clinic, Vermont Public Interest Research Group, Toxic Action Center, and Vermont Conservation Voters – The ICCM took each comment in turn:

- A. The ICCM will look to incorporate this comment to further clarify that it is not expecting fully complete information in a petition. While nothing prevents an Agency currently from initiating appropriate action using its existing authority, the ICCM also believes its recommendations provide for a more effective process than we have currently.
- B. The ICCM will look to incorporate this comment into the draft report.
- C. This is a complex topic and area of evaluation. The ICCM does not believe it relied solely on regulatory determinations when reviewing the Tier II database.

Chemical Reporting: The ICCM's July 1 Report identified, among other items, the estimated funding needed for the system and an implementation plan. These aspects are under review.

Toxic Use Reduction: The ICCM has taken those aspects of the Massachusetts model it believes can work in Vermont as identified in its July 1 Report.

Flame Retardants: The ICCM appreciates the support for its recommendations.

4. Discussion of process for finalizing Biennial Report and discussion of meeting times for 2019

Zaikowski will update the draft report, and circulate to the ICCM Members on 12/13/18. Any final comments due by COB 12/13/18. The final draft will be sent to Walke on 12/14/18 for submission to the Governor. Future ICCM meetings will be moved to Wednesday mornings, 10 AM to noon, starting in January 2019. Zaikowski will work to schedule these accordingly.

Motion to adjourn by Herrick, seconded by Giguere. The ICCM voted to adjourn.

ICCM Members in attendance:

Peter Walke, Agency of Natural Resources
Cary Giguere, Agency of Agriculture, Food and Markets
Scott Meyer, Department of Labor
Sarah Vose, Department of Health
PJ Telep, Agency of Digital Services
Chris Herrick, Department of Public Safety

Agency Staff in attendance or on conference line:

Chuck Schwer, Agency of Natural Resources
Tami Wuestenberg, Agency of Natural Resources
Rick Levey, Agency of Natural Resources
Jessie Motard-Côté, Agency of Natural Resources
Lynn Metcalf, Agency of Natural Resources
Erica Cummings, Agency of Agriculture, Food and Markets
John Zaikowski, Agency of Natural Resources
Jordan Gonda, Agency of Natural Resources