

Act 154 Chemical Use Working Group

Meeting Minutes: Nov. 17, 2016

The Montpelier Room, Agency of Natural Resources Offices

1 National Life Drive, Montpelier, Vermont

Facilitated by Jen Duggan, ANR General Counsel

1. The meeting convened at 12:35pm with introductions and review of the agenda by Agency of Natural Resources (ANR) General Counsel Jen Duggan.
2. Paul Burns moved to approve the minutes from the November 1, 2016 meeting. Martin Wolf seconded the motion. The November 1st meeting minutes were unanimously approved with no further discussion.
3. Ken Rumelt discussed the revised citizen suit proposal put forth by Vermont Law School. The group discussed the benefits of and concerns related to the proposal.
4. Ian Balcom discussed his revised proposal for funding to provide staff support for an interagency committee charged with the review of chemical inventories and identification of actions and strategies to minimize potential risks to Vermonters and the environment from chemicals. The revised ANR proposal incorporates some of his initial proposal. The discussion was opened to any further questions on the proposal; none were asked.
5. Jen Duggan discussed the revised proposal from the ANR regarding reporting of annual chemical inventories, creation of an interagency committee to review chemical inventories, and creation of a comprehensive chemical database. Prior to the November 17th meeting, ANR had consulted with several working group members to produce a revised proposal that combined and expanded on several themes identified in many of the other draft policy proposals discussed at the November 1 meeting. The group discussed the benefits of and concern related to the proposal.
6. The Working Group accepted questions and comments from Nat Shambaugh, an interested member of the public in attendance.
7. The group took a break and engaged in informal discussion of the policy recommendations prior to the policy selection process.
8. Three proposals (Ian Balcom, Agency of Natural Resources, and Vermont Law School – Citizen Suit Enforcement) were revised during the informal discussions; the revisions were presented and discussed with the entire working group after the break and prior to the selection process. The proposal authored by Seventh Generation staff was withdrawn because the policy recommendations made in the proposal were reflected in other proposals.
9. The group then participated in the policy selection process. With respect to the thirteen policy recommendations proposed for consideration, the working group members had three options: (1) support the proposal; (2) oppose the proposal; or (3) not take a position on the proposal at this time. It was also clarified that members could indicate either whole support or partial support (i.e., support of specific provisions of a recommendation). In order to qualify as a majority recommendation, at least 11 out of the 20 working group members must fully support

the proposal. See below for results of the policy selection process. If a working group member is not identified in connection with a policy recommendation below, the working group member chose not to take a position on the proposal at this time.

(1) Creation of an Interagency Advisory Committee to Address Risks to Vermonters Posed by Chemicals; Expansion of Chemical Reporting Requirements; and Creation of a Comprehensive Chemical Database (ANR)

16 full support: Agency of Natural Resources (ANR), Vermont Conservation Voters (VCV), Planned Parenthood of Northern New England (PPNNE), Ian Balcom (Balcom), Burton Snowboards (Burton), Department of Public Service (DPS), UVM Medical Center (UVM), Vermont Department of Health (VDH), Seventh Generation (7th Gen), Agency of Agriculture (AAFM), Department of Labor (DOL), Vermont Law School (VLS), Toxics Action Center (TAC), Vermont Natural Resources Council (VNRC), Vermont Public Interest Research Group (VPIRG), Lake Champlain International (LCI)

3 partial support: Agri-Mark support sections (1) & (3); Associated Industries of Vermont (AIV) support sections (1) & (3); Global Foundries (GF) support sections (1)(a) & (1)(b) and streamlining reporting

1 partial oppose: AIV oppose sections (2), (4), (5)

(2) Funding of toxicologist position to head interagency committee to review chemical inventories and identify potential risks to Vermonters and the environment (Ian Balcom)

13 full support: ANR, VCV, PPNNE, VDH, UVM, AAFM, VNRC, TAC, VPIRG, DPS, VLS, Balcom, DOL

2 oppose: AIV, GF

(3) Institute a Certified Planner Requirement Under Act 100, and Improve Technical Assistance Available to Companies in Vermont (VPIRG, VNRC, VCV)

14 full support: ANR, VCV, PPNNE, VDH, UVM, VNRC, LCI, DOL, TAC, VPIRG, Agri-Mark, DPS, Balcom, VLS

2 oppose: AIV, GF

(4) Expand the List of Substances that Trigger Reporting Under Act 100 (VPIRG, VNRC, VCV)

14 full support: ANR, VCV, PPNNE, VLS, Balcom, UVM, VNRC, LCI, DOL, TAC, VPIRG, VDH, Agri-Mark, DPS

2 oppose: AIV, GF

(5) Ban the Use of Poly and Perfluoroalkyl Substances (PFASs) From Food Contact Substances and Dental Floss (VPIRG, VNRC, VCV)

11 full support: VCV, VLS, DPS, Balcom, PPNNE, VNRC, UVM, LCI, TAC, VPIRG, Global Foundries

1 oppose: AIV

(6) Make it Easier to Restrict and Label Chemicals of High Concern in Children's Products (VPIRG, VNRC, VCV)

14 full support: ANR, VLS, VCV, DPS, PPNNE, Balcom, VNRC, LCI, UVM, Seventh Gen., DOL, TAC, VDH, VPIRG

2 oppose: AIV, GF

(7) Require Act 188 to Cover all Consumer Products, and Require Reporting of Product Name and Universal Product Code (UPC) (VPIRG, VNRC, VCV)

12 full support: VLS, DPS, VCV, Balcom, LCI, UVM, 7th Gen., DOL, TAC, PPNNE, VPIRG, VNRC
2 oppose: AIV, GF

(8) Provide Greater Information to the Public about the Use of Toxic Chemicals and Hazardous Materials in Their Communities (VPIRG, VNRC, VCV)

13 full support: DOL, VCV, PPNNE, VPIRG, ANR, VLS, LCI, Seventh Gen, VNRC, DPS, TAC, VDH, Balcom
2 oppose: AIV, GF

(9) Improve Citizen Right to Know, Assess and Address Risks of Contamination (VPIRG, VNRC, VCV)

11 full support: VPIRG, VCV, PPNNE, VLS, LCI, UVM, VNRC, DPS, Balcom, TAC, 7th Gen
2 oppose: AIV, GF

(10) Citizen Suit Enforcement (VLS, VPIRG, VNRC)

14 full support: PPNNE, VCV, VLS, VDH, LCI, ANR, VPIRG, VNRC, UVM, 7th Gen., DOL, TAC, DPS, Balcom
2 oppose: AIV, GF

(11) Medical Monitoring (VLS, VPIRG, VNRC)

12 full support: DOL, VCV, ANR, PPNNE, TAC, VPIRG, VNRC, LCI, UVM, DPS, VLS, Balcom
2 oppose: AIV, GF

(12) Strict Joint and Several Liability with a Right to Seek Contribution (VLS, VPIRG, VNRC)

11 full support: VCV, PPNNE, DPS, VLS, VPIRG, VNRC, LCI, Balcom, UVM, 7th Gen., TAC
2 oppose: AIV, GF

(13) Testing of private water for manmade chemicals (Department of Health)

15 full support: DOL, VPIRG, PPNNE, VNRC, ANR, TAC, UVM, LCI, VLS, Balcom, VCV, AAFM, DPS, VDH, GF.
No opposition.

10. All proposals were selected as majority recommendations based on a minimum 11 member full support.

11. Jen Duggan outlined next steps and deadlines. Working group members should submit comments on majority recommendations no later than December 2. ANR will share a draft report with the Working Group by December 15. Mitch Krauss and Jon Groveman will be added to the report drafting subcommittee, which was convened earlier in the year.

12. The meeting ended at approximately 4:30.

Working group members in attendance:

Ian Balcom, *Lyndon State College (Balcom)*
Paul Burns, *Vermont Public Interest Research Group (VPIRG)*
Josh Cox, *Vermont Department of Emergency Management and Homeland Security (Department of Public Service (DPS))*
Bill Driscoll, *Associated Industries of Vermont (AIV)*
Jen Duggan, *Agency of Natural Resources (ANR)*
James Ehlers, *Lake Champlain International (LCI)*
Cary Giguere, *Vermont Agency of Agriculture (AAFV)*
Jon Groveman, *Vermont Natural Resources Council (VNRC)*
Lauren Heirl, *Vermont Conservation Voters (VCV)*
Deborah Hirtz, *University of Vermont Medical Center (UVM)*
Thom Jagielski, *Global Foundries (GF)*
Shaina Kasper, *Toxics Action Center (TAC)*
Mitch Krauss, *Burton Snowboards (Burton)*
Scott Meyer, *Vermont OSHA (Department of Labor – DOL)*
Aaron Page, *Cabot Creamery (Agri-Mark)*
Ken Rumelt, *Vermont Law School (VLS)*
Sarah Vose, *Vermont Department of Health (VDH)*
Martin Wolf, *Seventh Generation (7th Gen)*

Interested parties in attendance:

Linda Boccuzzo, *Vermont Agency of Agriculture Food & Markets*
David Englander, *Vermont Department of Health*
Morgan Fray, *Vermont Law School*
Rinku Kapoor, *Vermont Law School*
Matt McMann, *MMR*
Meagan Noonan, *VPRIG*
Nicole Sala, *Seventh Generation*
Falko Schilling, *VPIRG*
Nat Shambaugh, *Lake Champlain Basin Program*
Jack Spicer, *Vermont Law School*
Daniel Tukey, *Global Foundries*

Agency of Natural Resources staff in attendance:

Marjorie Gale
Joanne Garton
Jordan Gonda
Ernie Kelly
Lynn Metcalf
Chuck Schwer
John Zaikowski