

Jordan and Jen:

Below are VNRC's, VPIRG's, LCI's, VLS' and TAC's comments on the report. I tried to send it to the entire group list but I kept getting a message that the names in the cc list were corrupted. Can you please share with the whole group?. Here are our comments:

First, we would like to thank ANR for the hard work organizing and facilitating the Act 154 Working Group and putting together the draft report. Generally we believe the draft report accurately and thoroughly reflects the effort and issues addressed by the Working Group. Accordingly, we have comments on only a few provisions of the draft.

**Comment 1** - We don't agree with the phrase used in a couple of places in the draft that the Working Group did not consider the "affordability and technical feasibility" of the proposals made to address gaps in protections for Vermonters from the use, storage and handling of toxic substances (see pages . We believe it would be more accurate to state that:

"It was not part of the charge of the Working Group to evaluate the specific costs associated with implementing the majority recommendations in terms of state agency resources necessary to address the regulatory gaps identified, the costs to the regulated community if state programs are improved or the costs to Vermonters if protections against harm from toxic chemicals are not improved." The Working Group understands these issues will be addressed through the Legislative process."

**Comment 2** - We do not believe that the summary of majority recommendations in the main body of the report adequately describes the proposed improvements to Vermont's Toxic Use Reduction (TUR) program that are part of the majority recommendations. As written, the summary focuses of the proposal to hire a certified planner (see page 16.) . We recommend that the language be amended as follows:

Vermont's Toxic Use Reduction (TUR) under Act 100 program should be expanded in order to provide greater support for reporting companies and help create stronger toxic use reduction plans. Our current TUR program does not offer up front planning assistance for companies that are required to file under Act 100. Vermont should institute a certified planner requirement and implement technical assistance for businesses that report toxic chemicals or hazardous substances.

**Comment 3** - The report indicates that "approximately 85,000 chemicals have been approved for use under [TSCA] . . . ." (see page 6). However, TSCA grandfathered the chemicals in existence at the time of its enactment and EPA has substantively reviewed very few new chemicals. In other words, TSCA as originally enacted did not require EPA to "approve" any of those chemicals. President Obama signed the "Frank R. Lautenberg Chemical Safety for the 21st Century Act" last year, which takes steps to address this concern. It would be more accurate to state that the vast majority of the 85,000 chemicals currently in use have not undergone any substantive review by EPA.

Thank you for your consideration.

Jon