

By Ms. Resor of Acton, petition of Pamela P. Resor and Anne M. Paulsen for legislation to restrict the use, manufacture or sale of chlorinated solvents. Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Seven.

AN ACT TO RESTRICT THE USE, MANUFACTURE OR SALE OF CHLORINATED SOLVENTS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. (a) Virtually all chlorinated organic compounds
2 that have been studied exhibit at least one of a wide range of
3 serious toxic effects such as endocrine dysfunction, develop-
4 mental impairment, birth defects, reproductive dysfunction and
5 infertility, hormonal disruption, immunosuppression, and cancer,
6 often at extremely low doses.

7 (b) Stratospheric ozone depletion caused in part by the use of
8 chlorinated compounds including chlorinated solvents is expected
9 to cause millions of additional cases of human skin cancer,
10 cataracts and immune suppression, as well as major effects on
11 aquatic and terrestrial food chains.

12 (c) The use of chlorinated solvents such as methylene chloride,
13 trichloroethylene and perchloroethylene in industrial and manu-
14 facturing processes has been recognized as posing significant
15 workplace hazards.

16 (d) The weight of scientific evidence indicates that exposure to
17 all organochlorines should be presumed to pose a health risk, and
18 therefore policies to protect public health should be directed
19 toward eventually achieving no exposure to chlorinated organic
20 chemicals as a class rather than focusing on a series of individual
21 chemicals.

22 (e) Numerous public health and environmental organizations
23 including the American Public Health Association and the

24 International Joint Commission have recommended that the only
25 feasible and prudent approach to eliminating the release and dis-
26 charge of chlorinated organic chemicals and consequent exposure
27 is to avoid the use of chlorine and its compounds in manufac-
28 turing processes.

29 (f) The implementation of such a goal should proceed with pri-
30 ority being given to industry sectors causing severe organochlo-
31 rine pollution.

32 (g) Chlorinated solvents have been identified in numerous haz-
33 ardous waste sites in the commonwealth and are considered major
34 contributors to the toxic contamination of many of the common-
35 wealth's public and private drinking water sources.

36 (h) Alternative processes and substitute chemicals already exist
37 for most uses of chlorinated solvents.

1 SECTION 2. Chapter 21K.

2 Section 1. Definitions.

3 As used in this chapter, the following words shall have the
4 following meanings:—

5 “Chlorinated Solvent,” the following chlorine-based chemicals:
6 methylene chloride; perchloroethylene; trichloroethylene; and
7 methyl chloroform.

8 Section 2. Restrictions on the Use, Manufacture, or Sale of 9 Chlorinated Solvents.

10 (A) Except as provided under subparagraphs (B) or (C):

11 (i) effective January 1, 1999; no person in the commonwealth
12 may manufacture, use or sell any amount of chlorinated solvents
13 for the following purposes: metal cleaning operations, paint
14 removers, industrial solvents, foam blowing, paints and coatings,
15 aerosols, synthetic pesticides, and food processing;

16 (ii) effective January 1, 2001, no person in the commonwealth
17 may manufacture, use or sell any amount of chlorinated solvents
18 for the following purposes: dry cleaning and textile processing;

19 (iii) effective January 1, 2003, no person in the common-
20 wealth may manufacture, use or sell any amount of chlorinated
21 solvents for any purpose including chemical processing, elec-
22 tronics, film processing and fibers.

23 All producers, users or sellers of chlorinated solvents or prod-
24 ucts containing any chlorinated solvents shall annually provide to

25 the commissioner of the department of public health an inventory
26 and description of their production, use or sale of chlorinated sol-
27 vents within the commonwealth. The commissioner shall, no later
28 than January 1, 1997, issue regulations prescribing the reporting
29 requirements of this subsection.

30 (B) Any person may petition the commissioner for an exemp-
31 tion from the requirements of subparagraph (A), and the commis-
32 sioner may grant by rule such an exemption if the commissioner
33 finds that:—

34 (i) the continued use of the chlorinated solvent serves a com-
35 pelling public need; and

36 (ii) an unreasonable risk of injury to health or environment
37 would not result, and

38 (iii) good faith efforts have been made to develop an alterna-
39 tive process or chemical substance which does not present an
40 unreasonable risk of injury to health or the environment and
41 which may be substituted for such chlorinated solvent.

42 An exemption granted under this subparagraph shall be subject
43 to such terms and conditions as the commissioner may prescribe
44 and shall be in effect for such period (but not more than two years
45 from the date which it is granted) as the commissioner may pre-
46 scribe. Such an exemption may not be renewed more than once.

47 (C) Educational/medical users shall be exempt from the provi-
48 sions of subparagraph (A), provided that said medical/educational
49 users shall annually provide to the commissioner an inventory and
50 description of their use of any chlorinated solvents within the
51 commonwealth. Said educational/medical users shall use any such
52 substance only in connection with instruction, education, research
53 or medical treatment. The commissioner shall, no later than
54 January 1, 1997, issue regulations prescribing the reporting
55 requirements of this subsection.

56 (D) The toxics use reduction institute and the office of technical
57 assistance, in cooperation with users and producers of chlorinated
58 solvents, shall establish an intensive technology transfer, research,
59 and technical assistance program to disseminate information
60 regarding available alternatives to the use of chlorinated solvents
61 and to develop new technologies that may be substituted for chlo-
62 rinated solvent use.

63 (E) The commissioner of the department of public health shall,
64 within one year of enactment of this Act, establish an advisory
65 task force to investigate and analyze the impact of this Act on the
66 work force and industry of the commonwealth. In addition, the
67 task shall recommend measures to provide training for affected
68 workers, to attract new businesses to the commonwealth in the
69 area of alternative technologies, and to otherwise assist the com-
70 monwealth's labor force in adapting to provisions of this Act. The
71 task force shall consist of nine members including three repre-
72 senting the public health sector and two each representing the
73 labor, business and environmental sectors.

74 (F) Failure by any person to comply with any requirements
75 established by the commissioner pursuant to this section shall be
76 considered a violation of this chapter.

77 Section 3. Safe Alternatives Policy.

78 No facility shall replace the manufacture, processing, use or
79 sale of any chlorinated solvent with any substitute toxic substance
80 that is a known or probable carcinogen, teratogen, or mutagen, or
81 with any alternative product or process that creates an unreason-
82 able risk of harm to public health, workers, consumers, or any part
83 of the environment as determined by the commissioner.

84 Section 4. Severability.

85 The provisions of this act are severable, and if any of its provi-
86 sions or an application thereof shall be held unconstitutional by
87 any court of competent jurisdiction, the decision of such court
88 shall not affect or impair any of the remaining provisions or other
89 applications thereof.