

TOWN OF BROOKLINE ADVISORY COMMITTEE
PUBLIC SAFETY SUBCOMMITTEE

Public Hearing (virtual)
October 5, 2023

WARRANT ARTICLE 17

Resolution Urging the Town to Avoid the Purchase or Use of Products Containing Fluorinated Hydrocarbons (“forever chemicals”)

Petitioner: Moderator’s Committee on PFAS

Contact person: Alisa Jonas email: alisa@jonasdays.net

Attendees:

Subcommittee members David-Marc Goldstein (chair), TMM - 8; Neil Gordon, TMM – 1; and Alisa Jonas (also Chair of Moderator’s Committee on PFAS), TMM – 16; Moderator’s Committee on PFAS members Jesse Hefter, TMM -14; Anita Johnson, TMM – 8; and John Kleschinsky, Assistant Director of Public Health Policy; David Geanakakis, Chief Procurement Officer; Kevin Johnson, Director of Highway & Sanitation; Patty Cripe, Firefighter and Vice-President of Brookline Fire Fighters Local 950; Brian Bergeron, Firefighter and Treasurer of Brookline Fire Fighters Local 950; Advisory Committee member Katherine Florio, TMM – 10; Carla Benka, TMM – 14; Yolanda Rodriguez, member of the public.

Recommendation: No recommendation was voted because the Public Safety Subcommittee did not have a quorum present.

Executive Summary:	
Voting Yes will...	Voting Yes will encourage all Town Departments, working together with the Purchasing Division, to purchase and use products that do not contain PFAS to the extent such products are available. It will also assert Town Meeting’s support for current state legislation that will restrict the sale of consumer products that contain PFAS.
Voting No will...	If Town Meeting votes no, Town Departments may continue to make purchasing decisions without necessarily factoring in the presence of PFAS in products;
Financial impact [if any]	The Harvard Office of Sustainability, which has looked into the cost of purchasing PFAS-free products, has told the Moderator’s Committee that they have not found the costs of such products to be higher. The Town may find, however, that there may be some increased costs. At the same time, as more lawsuits are being initiated by persons exposed to PFAS, Brookline will have less exposure to such litigation.

Legal implications [if any]	None, except to the extent that the Town will be less susceptible to lawsuits by employees and residents for harms potentially arising from the presence of PFAS in Town products.
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The recording of the hearing can be viewed here:

https://brooklinema.zoomgov.com/rec/play/sgqQ6w59nI4LFCONEPejHJBsjHsz5ohcc4XMb_jdfwI8FBUB6jzbnA4bcJ6gqTXvjrVJG-OV4wxPZEVN.9TBoCG_qplYuwdei?continueMode=true

Background:

Warrant Article 22 of the May 2022 Town Meeting entitled "Fluorinated Chemicals Reduction By-Law" called for restricting the sale of products containing fluorinated chemicals, including PFAS, in certain categories of products: cosmetics, personal care products, certain packaged Food ware, non-stick cookware, and fabric treatments.

The Advisory Committee (“AC”) had been concerned that the by-law would be difficult to implement: Product labels often do not provide the information needed to identify which products fall under the by-law, and even if manufacturers are contacted, they do not always provide accurate info. Plus, the current staffing at DPH likely is inadequate to properly enforce the by-law. For these reasons, the AC recommended referring the substance of the by-law to a Moderators Committee to consider approaches that would be easier to implement. The SB concurred and TM voted to establish the committee. WA 17 is a product of the research carried out by that committee.

Evaluation Methodology/Research:

There was no formal evaluation or research conducted by the subcommittee itself, though the Moderator’s Committee on PFAS did research that was condensed in their report to Town Meeting, which is included in the Documents listed for this meeting. The link also is provided here:

[https://www.brooklinema.gov/DocumentCenter/View/45469/PFAS Committee Report Final-1-20230516?bidId=](https://www.brooklinema.gov/DocumentCenter/View/45469/PFAS_Committee_Report_Final-1-20230516?bidId=)

Discussion:

The Moderator’s Committee provided the following explanation for drafting this warrant article:

There is an increasing amount of research being performed on the possible health implications of incorporating PFAS in so many of our products. This research has identified a variety of potentially harmful effects – some documented more than others, including disturbances in hormone activity and increased lipids in the bloodstream. In its research, the Moderator’s Committee discovered that more than half the states have implemented laws to restrict the sale and use of products containing PFAS, though the extent varies by state. Maine will prohibit the sale of all PFAS-containing products effective in January 2030.

However, the Committee did not identify any municipalities that have restricted the sale of consumer products that contain PFAS. While product lists are being developed that identify PFAS-free and PFAS-containing products, the Moderator's Committee concluded that these lists are somewhat confusing and, at least at this time, difficult to use to implement restrictions across a broad category of consumer products at the municipal level (though it has not ruled out a later warrant article to implement some very narrowly tailored restrictions).

The Moderator's Committee also met with several department heads regarding their knowledge and use of PFAS. During these meetings, the Committee discovered a broad range of knowledge and actions taken among different departments. The Director of the Brookline Schools Food Services Department, for example, was very aware of the issue and has taken many measures to restrict its use of PFAS. The Chief Procurement Officer, moreover, was enthusiastic about working with departments and with other municipalities both to educate them and to help guide purchasing decisions.

The Committee also learned that there are a variety of tools that have been developed to help municipalities in their purchasing decisions vis a vis the presence of a variety of toxic chemicals, including PFAS. In recent months, the State itself has developed lists of preferred products for government purchases that exclude PFAS titled *A Slick New Guide to Avoiding PFAS (Forever Chemicals) in Products Using Massachusetts Statewide Contracts*, which the Town can use to guide its purchasing decisions. Other resources are available as well to help guide the Town's purchasing, such as the Harvard Sustainability Department Compliant Matrix Protocol and the San Francisco Approved list for various product categories.

The Moderator's Committee therefore decided that the best approach to minimize exposure to PFAS by employees and residents under current conditions would be to focus efforts first at limiting its use by the Town itself. This decision was supported by the Department of Public Health, which would have the resources to support efforts by town departments, including providing education, whereas that Department expressed concern with the original focus of implementing broad restrictions on sales by vendors throughout the Town.

The Committee considered a warrant article for the implementation of a by-law to restrict the purchase and use of PFAS-containing products, but decided that at this time a Resolution is more appropriate, since it will provide Town Departments with more flexibility, especially as the product environment vis a vis PFAS is in flux.

Dave Geanakakis attended the subcommittee hearing and expressed full support for the warrant article, noting his appreciation that he had been included in the process early on.

John Kleschinsky from the Department of Public Health, who was on the Moderator's Committee, also expressed strong support on behalf of that department.

While the primary focus of the warrant article is to work on shifting purchasing to fewer toxic products by Town departments, the second Therefore clause would have Town Meeting provide support for legislation being considered in the current session that is modeled on legislation already passed in other states to restrict sales of products containing PFAS. The subcommittee requested that the Moderator's Committee provide a link to the legislation or a summary of the substance, which it will do.

The subcommittee proposed modifying the warrant article by changing the word “citizens” to “residents” in the first Whereas clause, which the Moderator’s Committee was fully supportive of, noting that use of the term “citizens” was an oversight.