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Submitted by: Moderator's Committee on PFAS (Jesse Hefter, TMM 14; Anita Johnson, TMM 8; Alisa Jonas, TMM 16, Chair;* John Kleschinsky, DPH; Clint Richmond, TMM 6)
*primary contact

To see if the Town will adopt the following Resolution:

Resolution urging the Town to avoid the purchase or use of products containing fluorinated hydrocarbons ("forever chemicals")

WHEREAS the Town of Brookline strives to implement policies to protect and improve the health and safety of its citizens;

WHEREAS fluorinated hydrocarbons (also known as organofluorines), including per- and polyfluoroalkyl substances ("PFAS"), are a group of thousands of primarily synthetic organic chemicals that contain carbon-fluorine bonds, a condition that occurs in nature only rarely;

WHEREAS the carbon-fluorine bond is so strong, these chemicals persist in our environment, and are thus often called "Forever Chemicals;"

WHEREAS some fluorinated compounds enter our food chain and accumulate in living organisms;

WHEREAS some fluorinated compounds have been associated with severe health effects in humans at very low levels, i.e., parts per trillion (ppt), including:

- kidney, thyroid and testicular cancers, hormone disruption and lowered sex and growth hormones in children, and altered mammary gland development,
- immune system effects, such as decreased response to vaccines in children,
- high cholesterol, thyroid disease, and hypertension;

WHEREAS the production of synthetic petrochemicals is energy intensive and generates large amount of greenhouse gasses;

WHEREAS fluorinated chemicals are widely used to manufacture non-stick, grease, and stain-resistant coatings in a variety of industrial and consumer products, including propellants, food packaging, non-stick cookware, stain-resistant carpets and upholstery, furniture, construction materials, ski wax, floor wax, paint, lubricants, outdoor gear, synthetic turf, and firefighting foams and fire-protective personal protective equipment;

WHEREAS over 6,400 PFAS-related lawsuits for endangering public health and harming and destroying natural resources have been filed in federal courts between July 2005 and March 2022;

WHEREAS in 2022, a bipartisan coalition of 22 state attorneys general (AGs), which included then AG Maura Healey, filed a class action lawsuit against PFAS manufacturers such as 3M,

DuPont, Chemours, and Corteva for drinking water pollution and other harms , which likely will be settled for an amount exceeding \$10 billion;

WHEREAS Massachusetts, Maine, Vermont, and Rhode Island have begun to regulate PFAS in drinking water, and Massachusetts, Rhode Island, and Vermont have done so for groundwater (all at levels not to exceed 20 ppt);

WHEREAS in 2009, the Town of Brookline adopted the policy of purchasing Environmentally Friendly Cleaning Products through the GreenSeal certification that now includes PFAS-free products;

WHEREAS several municipalities across the country, such as the City of San Francisco, have adopted environmentally preferable purchasing policies that include the avoidance of PFAS;

WHEREAS the Materials Buyers Club, of which the City of San Francisco and Harvard University are members, seeks to avoid the purchase of products that contain PFAS, PVC, and other chemicals of concern from building materials and furnishings;

WHEREAS there are resources available to the Town of Brookline to guide their purchasing decisions, including the Harvard Sustainability Department Compliant Matrix Protocol and the San Francisco Approved list for various product categories;

WHEREAS the Commonwealth's Operational Services Division (OSD) published, in May 2023, an extensive guide (prepared by the Responsible Purchasing Network) for all state procurement offices to assist them in avoiding PFAS in products purchased through state contracts, titled *A Slick New Guide to Avoiding PFAS (Forever Chemicals) in Products Using Massachusetts Statewide Contracts* (<https://www.mass.gov/files/documents/2023/05/11/OSD%20PFAS%20Free%20Purchasing%20Guide.pdf>);

WHEREAS President Biden issued Executive Order No. 14057 on Dec. 8, 2021 that incorporates the Federal Sustainability Plan to leverage the federal government's procurement powers to prioritize the procurement of products that contain no added PFAS;

WHEREAS many other states have enacted laws to ban the presence of PFAS in a variety of products;

WHEREAS the State of Maine became the first government body to require that as of January 1, 2023, manufacturers have been required to report the presence of intentionally added PFAS in their products; and under the same law, the State has prohibited the sale of carpets, rugs, and fabric treatments that contain intentionally added PFAS, also effective January 1, 2023; and effective January 1, 2030, any product containing intentionally added PFAS may not be sold in Maine unless the use of PFAS in the product is specifically designated as a currently unavoidable use by the Department. (Maine Public Law c. 477, *An Act To Stop Perfluoroalkyl and Polyfluoroalkyl Substances Pollution*, July 2021);

WHEREAS Massachusetts is among the minority of states that has not yet enacted bans on the presence of PFAS in products, though such legislation currently has been filed during the 2023-2024 legislative session;

WHEREAS the Town of Brookline Department of Public Health and Human Services aims to limit resident's PFAS exposure through community education and consumer awareness and has recently focused on making information on PFAS easily accessible by creating a series of education content pieces that include flyers, videos, and social media infographics, a website page on the Town website, and collaboration with the Economic Development Department to conduct a business survey whose findings will inform future PFAS education and outreach efforts;

WHEREAS Town departments have already taken measures to reduce PFAS exposure in products purchased by the Town, including the following:

- The Fire Department is actively engaged in reducing PFAS exposure to its firefighters and the public by purchasing Class B firefighting foam that is PFAS-free and is no longer having firefighters wear their PFAS-containing protective gear when responding to EMT calls;
- Brookline Public Schools Food Services has reduced staff and student exposure to PFAS by eliminating non-stick cook and bakeware across the schools and by transitioning to recyclable or compostable "grab and go" containers that are certified by the Biodegradable Products Institute as being PFAS-free;
- The Building Department has switched hand soaps in all buildings to a PFAS-free alternative, and is engaged in searching for suppliers of other materials that are certified PFAS-free;

NOW, THEREFORE, BE IT RESOLVED, that Town Meeting urges that:

1. The Town of Brookline purchase and use products that are free of fluorinated chemical ingredients where such products are available in the marketplace, and encourage its suppliers to develop organofluorine-free products that do not have ready substitutes;
2. The Town of Brookline urge the Commonwealth's legislators to support state-wide regulation of products containing fluorinated hydrocarbons, such as S.1356 / H.2197 An Act to Protect Massachusetts Public Health from PFAS.

Or act on anything relative thereto.




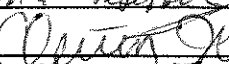
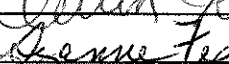
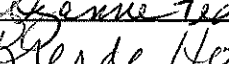
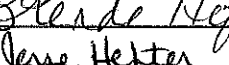



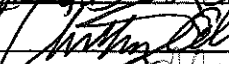
Resolution to Urge the Town of Brookline to Purchase and Use Products that are Free of PFAS if Available, and Urge our Legislators to Support Legislation to Regulate PFAS

Warrant Article signature page

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SIGNATURES (Ten registered voters required)

The following registered Brookline voters support the attached submitted article.

	<u>SIGNATURE</u>	<u>PRINT NAME</u>	<u>ADDRESS</u>	<u>Printed</u>
1.		Alisa Jonas	333 Russett Rd	16
2.		DAVID S. DAY	333 Russett Rd	16
3.		Ella Tetelboym	3 Thornton Rd.	16
4.		Clinton Q. Richmond	3 Greenough Cir	6
5.		Suzanne Federspiel	3 Greenough Cir	6
6.		Brenda Hefter	653 Chestnut Hill	14
7.		JESSE HEFTER	653 CHESTNUT HILL AV	14
8.		Scott Gladstone	383 Russett Rd	16
9.		ANTHONY AMOR	265 RUSSETT	16
10.		ANTHONY AMOR	265 Russett Rd	16
11.		CLAWALE ILORI	329 Russett Rd	16
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Resolution urging the Town to avoid the purchase or use of products containing fluorinated hydrocarbons ("forever chemicals")

Explanation

The May 2022 Annual Town Meeting Warrant included Article 22 entitled "Fluorinated Chemicals Reduction By-Law," which called for regulating the sale of fluorinated chemicals at select retailers in the Town. Because of the difficulties that would be encountered in implementing the law, Town Meeting referred the article to a Moderator's Committee to consider other options and approaches that the Town could take to reduce the public's exposure to PFAS in the near term.

The Committee was established in August 2022 and has met about 1-2 times per month. The Committee's activities have included researching which measures have been taken nationwide and which resources are available for purchasers to make informed decisions regarding the presence of PFAS in products they are purchasing. The Committee also held meetings with outside experts and with Town Departments that might be using PFAS.

The Committee discovered that numerous states have enacted laws to ban the sale of products containing PFAS within a variety of categories, such as carpeting, furnishings, baby supplies, personal care products and cosmetics. The State of Maine enacted legislation to prohibit the sale of any product containing PFAS effective in the year 2030. What the Committee was not able to identify is any municipality that has banned the sale of such products to consumers, presumably for similar reasons that Town Meeting referred Article 22 to a Moderator's Committee – the difficulty of implementation and enforcement at the municipal level, particularly at this time, when it is difficult for individual sellers to identify PFAS-containing products.

At the same time, the Committee discovered that several town departments have already taken measures to reduce the purchase and use of PFAS-containing products. The Town's School Food Services Department has been particularly aggressive in seeking to minimize the use of PFAS-containing products; and following the Fire Department Chief's meeting with the Committee, he almost immediately took action by purchasing Class B fire-fighting foam that is free of PFAS. Other department heads who had been less aware of PFAS were receptive to purchasing adjustments to reduce PFAS exposure, and the Town's Chief Procurement Officer has discussed working with departments to locate suppliers and manufacturers that are both aware of the issue and have taken action to eliminate the chemical from their product lines.

Harvard University's Office of Sustainability has already done a lot of work in identifying such manufacturers, and the University generally makes purchasing decisions that factor in whether or not PFAS, and other toxic chemicals, are present in the products purchased. Given their knowledge in this area, their Office of Sustainability is eager to provide assistance to the Town in this area.

Given what the Committee has learned – that there are tools available for the Town to change its purchasing practices; that some departments have already taken such steps; and that there is an interest and willingness on the part of Town Departments, and, in particular, the Purchasing Department, to move forward in this area – the Committee determined that providing Town Meeting support for action at the Town level would ensure ongoing progress. This resolution, rather than a by-law, is a legislative first step to reduce exposure to the public at a time when it is still a challenge to eliminate all products that contain PFAS.

At the State level, House Bill 2197/Senate Bill 39 is being considered during this legislative session. The bill would ban the sale to consumers of PFAS-containing products in many different categories of goods. While a similar bill failed to move out of committee during the last session, this bill may have more momentum: Massachusetts is not only not a leader in this area, but is now behind many other states at a time when the harms associated with PFAS are receiving an increasing amount of scrutiny - and an increasing number of successful lawsuits by consumers. To encourage the State to follow the path taken by others, the resolution urges the Town to support action at the State level, and, in particular, Bill H.2197/S.39.

In summary, the resolution asks the Town to strive to eliminate fluorinated chemicals from the products it purchases and to support further state action, including passage of Bill H.2197/S.39.

If the resolution passes, the Town will be leading by example with respect to products that contain fluorinated chemicals.

For more extensive discussion of what has been summarized in this Explanation, the Committee's preliminary Report can be read as part of the Combined Reports for the May 2023 Town Meeting, pages 582-

655. <https://www.brooklinema.gov/DocumentCenter/View/42185/Combined-Reports-May-2023-Annual-Town-Meeting-with-Supplements-060623?bidId=>

For more details on the committee, see its official webpage at <https://www.brooklinema.gov/2405/PFAS-Moderators-Committee>