

February 2016 LSPA Newsletter

President's Message: The LSPA at the State House

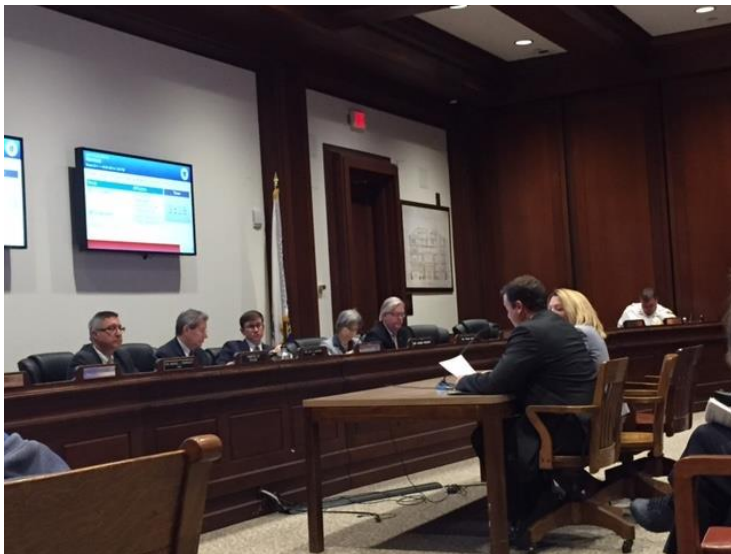
By: Kevin Beaulieu, LSPA President

Attention all LSPs!! You must provide written notification of a release condition to the City or Town Clerk in the municipality where an MCP site is identified, or GO TO JAIL. This might seem like an April Fool's joke aimed at getting your attention, but it could actually become a reality if [State House Bill H. 679](#) were to become law.

In the last several years, the LSPA has endeavored to identify and act on proposed legislation, like this, that would impact the profession and the practice. This strategy is currently being used to make progress on the "Advocacy and Awareness" goal as described in the LSPA's FY '15 – FY '17 [Strategic Plan](#). This strategic goal states that "The LSPA vigorously advocates for and provides information to increase understanding of and support for the practice." In addition, our Mission Statement states that the LSPA should "Act as the responsible advocate for our membership with respect to regulations, policies, and practices that affect the LSP profession."

Although included as an initiative in past LSPA Strategic Plans, involvement with the state legislature is one area where the LSPA has had a less consistent presence over the past few years. Perhaps the LSPA's most significant foray into the legislative arena was spearheading the coalition that helped pass Chapter 453 of the Acts of 2008 into law in January 2009, which addressed oil leaks from home heating systems. Learn more about this law [here](#).

Like many other professional associations and advocacy organizations, the LSPA believes there is value in having a legislative presence. So, in keeping with our strategic goal of advocacy and awareness, the LSPA has made a concerted effort to be more visible at the State House over the past year. This has included testifying on proposed legislation, writing letters of support or opposition regarding proposed legislation, meeting with legislators and their staff, and responding to requests from legislators. The personal meetings have been extremely productive because, while we know that LSPs are a creation of the legislature, it is surprising how few legislators and staff know what LSPs are and do, and understand how the privatized program works.



LSPA President Kevin Beaulieu testifies before the Joint Committee on Revenue on House Bill 2455 regarding brownfield sites.

At one hearing of the Joint Committee on the Environment, Natural Resources, and Agriculture (the Joint Committee), I was asked by the Senate Committee Co-Chair Gobi if the LSPA had any opinions for improving the 21J Program and how homeowners might be able to recover financially from property damages due to petroleum leaks from adjacent properties. At a follow up meeting with Senator Gobi, she requested specific recommendations from the LSPA on these issues. The LSPA, working through the LSPA Regulations Committee, developed this [letter](#) outlining some recommendations.

The LSPA was also invited to a meeting with Representative Kafka, lead sponsor of H. 695, and House Co-Chair Schmid of the Joint Committee to discuss our opposition to H. 695. (This [bill](#) proposes an appeals board that sits within the Executive Office of Energy and Environmental Affairs and hears appeals of those who have been aggrieved by the current LSP Board of Registration.) At that meeting, Representative

Kafka invited the LSPA to put forward specific suggestions for how to improve the LSP Board of Registration. This LSPA Board undertaking is in the initial stages and you will hear more as the effort develops, including opportunities for membership input.

The LSPA has been assisted in our legislative advocacy efforts by Ben Fierro and Patricia Lynch of the Boston public affairs law firm Lynch & Fierro. They provided us with a list of bills introduced in January 2015 at the start of the new legislative session and, at a meeting in spring 2015, the LSPA Board and Committee Chairs identified those bills which fell within the realm of LSPA interest and which the group agreed should be LSPA priorities. Lynch & Fierro has since been instrumental in monitoring the progress of these bills, introducing the LSPA to state legislators, tracking state budgetary issues, and assisting with the formulation of strategies for the advancement of specific LSPA initiatives. If the day comes when the LSPA wants to propose legislation, Lynch & Fierro will have the capability to lobby on behalf of the LSPA.

Since September 2015, the LSPA has provided written and/or in-person testimony on the following bills:

S. 157 “An Act Relative to Liability Insurance for Licensed Site Professionals” (Oppose). This [bill](#) would require LSPs to maintain liability insurance in an amount no less than \$100,000. Read the LSPA letter [here](#).

H. 679 “An Act Providing For Notice to the Public of Hazardous Waste Sites” (Oppose). This [bill](#) would require LSPs to provide written notification to the City or Town Clerk of the municipality in which an MCP site is located. Failure to comply with this could cause an LSP to incur a fine or spend time in jail. Read the LSPA letter [here](#).

H. 695 “An Act Establishing a Department of Environmental Protection appeals board” (Oppose). This [bill](#) proposes an appeals board that sits within the Executive Office of Energy and Environmental Affairs and hears appeals of those who have been aggrieved by the current LSP Board of Registration. Read the LSPA letter [here](#).

H. 720 “An Act Amending MGL 21E and 310 CMR 4.03,” and H. 775 “An Act exempting towns from certain fees”(Support both). These bills ([720](#) and [775](#)) would provide an exemption from Annual Compliance Assurance Fees under the MCP for cities, towns, and development corporations and agencies. Read the LSPA letters ([720](#) and [775](#)).

H. 2455 “An Act to Encourage the Remediation and Redevelopment of Properties in Economically Distressed Areas” (Support). This [bill](#) would increase the Brownfields Tax Credit from 25% to 50% for sites with an Activity and Use Limitation (AUL). The bill would also expand eligibility for the Brownfields Tax Credit to those who own, operate or lease sites. Read the LSPA letter [here](#).

So far, LSPA legislative outreach efforts have included the LSPA President, President Elect, Executive Director, and Chair of the Legislative Outreach Subcommittee. More member involvement is needed to strengthen this subcommittee. If you are interested in becoming involved, please contact Dot McGlincy, Chair of Legislative Outreach, at dotmcglinicy@gmail.com or Wendy Rundle, LSPA Executive Director, at wenrun@gmail.com.



Kevin Beaulieu, LSP, President