



assess.
advise.
restore.

405 Concord Avenue #352, Belmont, MA 02478

| 617-977-4304

| info@lspa.org

| www.lspa.org

June 30, 2025

Via email

The Honorable Rebecca Rausch, Senate Chair
The Honorable Christine P. Barber, House Chair
Joint Committee on Environment and Natural Resources
Massachusetts State House
24 Beacon Street
Boston, MA 02133

Re: Opposition to H.929 and S.646

An Act relative to the board of registration of hazardous waste site cleanup professionals

Dear Chair Rausch, Chair Barber, and Members of the Committee:

The LSP Association (LSPA) is writing to express its opposition to **H.929 and S.646**, both of which are titled, *An Act relative to the board of registration of hazardous waste site cleanup professionals*. The LSPA has provided written testimony in opposition to this bill in previous legislative sessions for the same reasons provided below.

The LSPA is the non-profit association for Licensed Site Professionals (LSPs) and related practitioners. LSPs are the scientists, engineers, and public health specialists licensed by the Commonwealth to work on behalf of property owners, operators, and other involved parties to oversee the assessment and cleanup of oil and hazardous materials contaminating the environment.

The LSPA has nearly 800 members, over half of whom are LSPs. Our members are consultants who work with government, non-profit, institutional, and private clients to remediate contaminated sites, so these properties can be placed back into active and productive use. Along with the Massachusetts Department of Environmental Protection and the Board of Registration of Hazardous Waste Site Cleanup Professionals (“LSP Board of Registration” or “LSP Board”), LSPs are the third “arm” of an innovative, privatized program created in 1993. LSPs have since helped bring over 42,000 sites to a condition where they meet regulatory standards for a variety of uses, including business, commercial/retail, industrial, institutional, open space, and housing.

H.929 and S.646 propose to change the composition of the current 11-member LSP Board of Registration that is under the jurisdiction of the MA Executive Office of Energy and Environmental Affairs (EOEEA).

This bill would:

- Reduce the number of LSPs on the Board from five to three.
- Reduce the representatives of a “non-profit public interest environmental organization that promotes the protection of the environment” from three to one.
- Eliminate two current seats on the LSP Board: one held by a hydrogeologist with expertise in responding to oil and hazardous material releases and protecting the environment, and another held by a labor representative with similar experience in spill response.

It is proposed that these six seats be filled by:

- A Massachusetts citizen who owns or has owned a single-family residence heated by petroleum.
- A licensed construction supervisor and a representative of the homebuilding industry.
- A banking official active in providing mortgage loans..., including a full-time environmental due diligence officer employed by a Massachusetts bank.
- An active member of the Massachusetts Bar with experience in real estate or environmental compliance.
- An active member of a municipal fire department...[who] has participated in the removal and replacement of underground storage tanks.
- A full-time employee of MassDEP with experience investigating sites.

The LSPA is concerned that the proposed composition of the Board would result in problematic decisions in the licensing and disciplinary areas due to the lack of expertise of some of its members in the technical specialty of hazardous waste site cleanup. LSPs and other professionals on the LSP Board rely on their technical expertise and experience to interpret what is considered an appropriate standard of care for conducting the highly technical and extremely complex work conducted by this profession, which requires a thorough understanding of the Massachusetts Contingency Plan (MCP). (The MCP is the detailed set of regulations at 310 CMR 40.0000 to which all LSPs must adhere as they assess and remediate sites.)

A single-family homeowner who heats petroleum is unlikely to be qualified to interpret the MCP. Neither a licensed construction supervisor/representative of the homebuilding industry nor a banking official is likely to have a sufficient depth of knowledge about the work of LSPs or knowledge of the MCP. It is unclear how such qualifications would augment the work of the LSP Board.

The other proposed seats (attorney, firefighter, MassDEP employee) are perhaps more connected to the work of the LSP Board and might provide some expertise, but not necessarily more than that of an LSP or a member of an environmental organization with expertise in hazardous waste site cleanup. Moreover, based on decades of observation of the workings of the LSP Board, we think having two members of the Board be MassDEP employees would introduce even more opportunities for conflict-of-interest situations.

Reducing the number of LSPs on the Board (where they are already in the minority) would significantly reduce the Board's level of technical expertise. Moreover, the requirement that one of the LSPs be a civil engineer is arbitrary; many LSPs with experience in hazardous waste site cleanup are engineers with an environmental, chemical, and other specialties.

Reducing the number of representatives of environmental organizations on the Board would weaken the credibility and a central tenet of the privatized hazardous waste site cleanup program—that the Board be a diverse body representing the public interest and the environment.

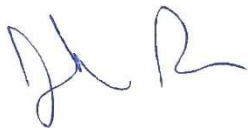
H.929 and S.646 also propose that the LSP Board be under the jurisdiction of EOEEA with members appointed by the Governor, as is the case with the current LSP Board. The Chair of the current Board is the Commissioner of MassDEP or a designee. These bills propose that, in addition to being the "...commissioner of the department or a designee...", the Board Chair "...shall have legal experience serving in an administrative judiciary role or with the environmental crimes strike force within the office of the attorney general. " These are more specific qualifications than are currently required by statute and they significantly limit the pool of qualified professionals. The LSPA has confidence that, without these proposed specifics, the MassDEP Commissioner and EOEEA will appoint a well-qualified professional to chair the Board, and therefore there is no need for changes to the statute in this area.

Lastly, **H.929 and S.646** propose that, essentially, Board members not be allowed to serve more than one 4-year term. While we believe that term limits have value, limiting to one 4-year term is shortsighted and unwise, especially without staggering of terms.

Overall, it is our strong opinion that these bills would not result in a more effective or efficient LSP Board, nor will the proposed changes to the LSP Board better serve consumers or protect the environment. The LSPA strongly urges the Committee to give both **H.929 and S.646** adverse reports.

Please do not hesitate to contact us for further information.

Respectfully,
The LSP Association, Inc.



Joe Roman, LSP
President



Mariellen Morris
Executive Director

CC:

Millie Garcia-Serrano, Acting Executive Director, Former Chair, LSP Board of Registration
Stephanie Cooper, Undersecretary for Environment, EOEEA