

Massachusetts Program for Air Testing and Remedial Measures for Residential Dwellings Insulated with Urea Formaldehyde Foam Insulation (UFFI): Request to Rescind 105 CMR 651.000

Public Health Council



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Director, Bureau of Environmental Health**

Outline

- I. Background
- II. Health effects of exposure to Urea Formaldehyde Foam Insulation (UFFI)
- III. Regulatory history of response to public health concerns associated with UFFI exposure
- IV. Our intention to rescind 105 CMR 651.000

I. Background

- In 1979 MDPH promulgated regulations which banned urea formaldehyde foam insulation (UFFI) from use in MA
- Industry challenged the ban in court
- In 1983 the Massachusetts Supreme Judicial Court upheld the ban and MPDH moved forward with further regulatory requirements relative to UFFI

II. Health effects of exposure to UFFI

- Upper respiratory effects (e.g. nose irritations, burning sensation in eyes and throat)
- Lower respiratory effects (e.g. shortness of breath, coughing, fatigue)
- Cancer risks (studies have shown that exposure may cause cancer in humans and animals)

III. Regulatory history of response to public health concerns associated with UFFI exposure

- In 1983, MDPH promulgated repurchase regulations which, like the original ban, were also challenged in court
- MDPH began negotiations with industry/plaintiffs, and the legislature to identify a path forward which addressed health concerns as well as industry concerns

- In 1985 the legislature passed Chapter 728 of the Acts of 1985: An act Establishing a Fund for Urea Formaldehyde Foam Insulation
- In 1986 regulations were promulgated concerning UFFI that among other activities established a UFFI trust account

- The so-called UFFI fund was an industry funded trust account that provided for
 - 1) Indoor air testing for formaldehyde in homes when UFFI was installed
 - 2) UFFI removal if
 - a) Formaldehyde levels were greater than or equal to .1 ppm, or
 - b) An occupant of the dwelling had suffered health impacts associated with UFFI

The UFFI regulations also

1. Set forth requirements relative to landlords/sellers to determine presence of UFFI
2. Provided forms for disclosure
3. Specified conditions under which banks and mortgage lenders were relieved from liability

- The UFFI air testing program was successful in evaluating air quality in more than 5800 homes in MA
- A number of houses qualified for financial assistance for UFFI removal and testing. Funding was provided to Massachusetts residents primarily during the late 1980's and 1990's. No funds have been requested since March of 2003

IV. Our intention to rescind 105 CMR 651.000

- Research demonstrates that formaldehyde emissions from UFFI decline over time
- Given the decades that have passed there are no homes in MA that could still have UFFI and presently pose a health risk
- All the statutes authorizing 105 CMR 651.000 have been repealed

- The Department held a public hearing of 105 CMR 651.000 on February 13, 2013
- No one attended the hearing to present testimony. Similarly, no written testimony was received
- 105 CMR 651.000 – air testing and remediation for residential dwellings is obsolete and should be rescinded

Questions