

May 28, 2010

Secretary Ian Bowles
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

RE: Board of Registration for Waste Site Cleanup Professionals

Dear Secretary Bowles:

Given the current budget constraints, the LSP Association (LSPA) urges you to prioritize support for administrative staff functions at the Board of Registration for Waste Site Cleanup Professionals (the LSP Board).

In the absence of administrative support, the LSP Board is currently relying on its recently reduced staff of two attorneys and one investigator to perform administration functions along with their primary duties. This is not an effective or efficient use of these professionals' time and, in the opinion of the LSPA, this arrangement has significantly impacted the ability of the LSP Board to conduct its operations.

The LSPA, founded in 1993, is a professional association with nearly 900 members, including 90 percent of the Licensed Site professionals (LSPs) regulated by the LSP Board and other individuals interested in hazardous waste site management. Our mission is to promote sound technical and business practices among LSPs. The LSP Association supports an agenda that protects the health and safety of Massachusetts' citizens while expediting the cleanup and reuse of contaminated properties. Without an active, adequately-staffed LSP Board, these objectives simply cannot be met.

As you know, the LSP Board has several critical functions:

- The Board is responsible for licensing LSPs, which involves both an evaluation of each applicant's education and experience and the administration of an exam with both technical and regulatory components. We note that the licensing exam questions have not been revised or updated in over 3 years, despite the fact there have been substantial changes in waste site cleanup regulations and policies during that period. Further, the LSP Board has been forced to consider reducing the frequency of its licensing exam from every two months to annually. (By comparison, other professional licensing boards in Massachusetts typically offer their examinations at least semi-annually.) If this change were to be effected, otherwise competent applicants might be forced to wait up to a year for licensure.

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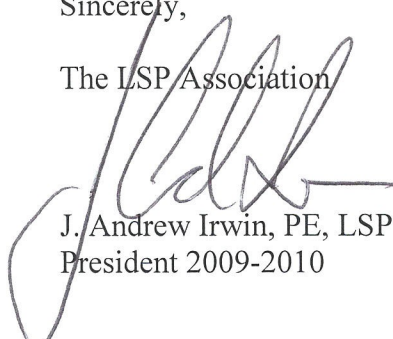
- LSPs require 48 hours of class time for every three-year license renewal. The Board is responsible for reviewing and approving the courses which LSPs may use to fulfill this requirement. The LSP Association, in coordination with MassDEP, offers over 9,000 seat-hours of training each year for LSP continuing education, and each course must be approved by the LSP Board.
- The Board is responsible for maintaining and updating its own regulations, and for preparing advisory opinions to help guide the conduct of LSPs. The Board has also provided valuable communications to LSPs through its regular contribution to the LSPA Newsletter of articles regarding its actions and decisions. They reportedly can no longer make this contribution.
- Perhaps most importantly, the Board is responsible for disciplining LSPs who do not perform in a manner consistent with the Board's regulations and/or the requirements of the Massachusetts Contingency Plan. This Board function, in conjunction with the legislative requirement for MassDEP to audit response actions at a certain proportion of disposal sites each year, is to a large extent the backbone of the current privatized system. With disciplinary cases already backlogged for months or years, some LSPs who did no wrong must live in a reputation limbo for years, while other LSPs, who should be disciplined, can continue to practice.

The privatized Massachusetts program for managing hazardous waste sites has become a national model. While not perfect, it is by far the best program out there. Without licensed professionals - LSPs - to keep the program running, the program cannot succeed. Without an effective LSP Board of Registration to license LSPs and oversee the quality of their work, the program will falter. We strongly urge you to reevaluate your decisions regarding the Board's staffing and to reassign the Board an appropriate administrative position.

Thank you for your consideration of our request. Please contact me if you have questions or if we may help in any other way.

Sincerely,

The LSP Association



J. Andrew Irwin, PE, LSP
President 2009-2010

CC: J. Commerford, Assistant Commissioner MassDEP-BWSC
W. Stimpson, Executive Director, LSPA