

DRAFT

Oak Bluffs Board of Health Board of Health Moratorium

The Installation of Certain Artificial Sports Playing Surfaces In the Town of Oak Bluffs

WHEREAS, Per-and polyfluoroalkyl substances, also known as PFAS, are a large group of manmade chemicals that have been manufactured and used in a variety of industries since the 1940s, and are referred to as ‘forever chemicals’ inasmuch as they are persistent in the environment and our bodies, mobile in the environment and many will not naturally degrade. PFAS chemicals are most often commercially used to create grease, water, and stain resistant barriers for materials, including Teflon, grease-resistant take-out containers, and upholstery and carpet treatments; these chemicals are also found in firefighting foam and gear.

WHEREAS, PFAS compounds can be found in:

- Food packaging, in certain materials, processed with equipment that used PFAS, or made from materials grown in PFAS-contaminated soil or water.
- Commercial household products, including stain- and water-repellent fabrics, nonstick products (e.g., Teflon), polishes, waxes, paints, cleaning products, firefighting gear, and fire-fighting foams (a major source of groundwater contamination at and around airports and military bases where firefighting training occurs).
- Workplaces, such as production facilities or industries (e.g., chrome plating, electronic manufacturing, or oil recovery) that use PFAS.
- Drinking water, typically localized within municipal and private drinking water wells, and associated with a specific facility (e.g., airports, military installations, manufacturer, landfills, wastewater treatment plant, firefighter training facility and specific firefighting sites).
- Living organisms, including fish, animals and humans, where PFAS have the ability to build up and persist over time.
- Certain fertilizer and compost materials.
- Certain artificial athletic playing surfaces, including, without limitation, playing fields, running tracks, racquet sports facilities, playgrounds and other recreational surfaces, unless said surfaces can be utilized with no risk of leaching PFAS.

WHEREAS, PFAS compounds have been found in two of the Oak Bluffs municipal drinking water wells . The source of the pollution requires further study, as it is suspected to have leached

into the groundwater and migrated to the wells from the use of firefighting foam at the Head of Lagoon Pond and possibly the unlined landfill on County Road.

WHEREAS, The Oak Bluffs Board of Health is concerned by the fact that PFAS pollutants whose actual source is suspected but yet unknown, have been found in different geological locations in Oak Bluffs and other Island towns, and may not be associated with the well-established presence of extensive PFAS contamination found at the Martha's Vineyard Airport from the use of Firefighting Foam which has leached into the groundwater, migrating through the aquifer and is believed to have polluted neighboring wells of private homes to the south of the airport.

WHEREAS, the fact that the Island of Martha's Vineyard is connected by a sole source aquifer makes PFAS contamination of the water in any Island Town a regional problem warranting caution by this Board.

WHEREAS, most people have been exposed to PFAS, and as such there has been a plethora of scientific, peer reviewed literature generated examining the persistence of PFAS, the effects of exposures and other effects of PFAS on the public health.

WHEREAS, concerns have been raised regarding human health and ecological risks associated with certain PFAS chemicals. The Town of Oak Bluffs is following the guidance and testing requirements of Massachusetts Department of Environmental Protection (MassDEP) as it pertains to PFAS.

WHEREAS, on April 20, 2022, the Massachusetts PFAS Task Force issued a "Final Report of the PFAS Interagency Task Force," in which they state they will prohibit the sale of consumer products with intentionally added PFAS" by 2030, "expand PFAS regulation" by regulating PFAS as a class and defining them as "fluorinated organic chemicals containing at least one fully fluorinated carbon atom," and encourage MADEP to increase the number of PFAS regulated in the Commonwealth.

WHEREAS, the scientific evidence demonstrates that the continued use and environmental presence of PFAS on the island of Martha's Vineyard constitutes a clear and present danger to the public health of the inhabitants of the Island.

WHEREAS, it is widely known that the most prudent action to decrease PFAS pollution on the Island is to purchase fewer PFAS-containing products. This can be challenging because of the persistent presence of PFAS in so many household and consumer products; however, the Town can itself minimize and mitigate the dangers from PFAS-containing products and byproducts, by minimizing its use of PFAS-containing products.

WHEREAS, certain mitigation steps such as purchasing PFAS-free alternatives to these products and prudent avoidance of utilizing PFAS-containing products and materials will help decrease the amount of additional PFAS entering the Island's sole source aquifer, surface waters,

soil, fish, and wildlife, and therefore minimize risks of adverse health outcomes to the residents of Oak Bluffs.

WHEREAS, Artificial turf carpets, shock pads, and some infills have known environmental and health hazards. They contain toxic chemicals, including flame retardants, plasticizers, and PFAS; each field can shed hundreds of pounds of microplastics with these toxic chemicals each year.

WHEREAS, in the educated opinion of the Board of Health, based upon a review of scientific papers, oral conversations and public hearings, the installation of a PFAS containing athletic surface in the Town of Oak Bluffs may contaminate the drinking water supply of the Town of Oak Bluffs as well as other municipalities on the Island of Martha's Vineyard. This significant risk of contamination may lead to undesired results, including PFAS levels over the Maximum Contaminant Level (MCL) set by MADEP, which in turn would adversely affect the Island's drinking water supply.

WHEREAS, the Board of Health is of the opinion it is prudent to take steps at this time to cease and desist from any further introduction of PFAS-containing materials until the potential public health risks and nuisances can be studied, evaluated, abated and otherwise determined.

1. **NOW THEREFORE**, The Board of Health for the Town of Oak Bluffs, upon consideration of the above matters, **HEREBY ORDERS**: That the Board of Health institutes a **MORATORIUM** on the installation of artificial turf on any land, or any size, in the Town, for up to 36 months in order to further study the PFAS risk issue as set forth herein.
 - a. Should there be a determination that PFAS is not harmful or toxic to humans in less than the said 36 months, the Board of Health will revisit the duration of this **MORATORIUM** and may retire the moratorium at such earlier date.
 - b. Should there be a reasonable alternative to products posing a PFAS risk, and if such reasonable alternative is studied and approved by the Board of Health, this **MORATORIUM** shall be retired automatically upon the approval of the use of such reasonable alternative.
 - c. Should there be good cause, as determined by the Board of Health, to continue the duration of this **MORATORIUM**, beyond the said 36-month term, the said Board shall extend the term of this moratorium for a period it then deems reasonable, upon a proper public health risk analysis.
2. That the approval, installation, and use of athletic playing surfaces containing PFAS be **ENJOINED** until the said Board of Health can conduct a full public health safety and risk analysis of said materials of athletic playing surfaces insofar as the risks attendant upon the Town should such a surface be installed.
3. That actions by all other Boards and Commissions within Oak Bluffs currently considering any application for the installation of such turf field **CEASE AND DESIST** all further proceedings and considerations of such application until the Board of Health rescinds this Moratorium following its study of the risks mentioned hereinabove.

4. That the Board of Health commission a full Public Health safety and risk analysis, as called for in Paragraph 1, above, forthwith.
5. That agents of the said Board of Health be empowered to take such steps to carry out this **ORDER** as are deemed reasonable, desirable and/or necessary by the Board.

SO ORDERED.

Passed by a vote of ____ members voting in the affirmative, ____ members voting in the negative, and ____ members abstaining from voting, this ____ day of _____, 2022.

By: _____, Chairman
William White, Chairman

By: _____
Tom Zinno

By: _____
James Butterick

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