

TURA Administrative Council Meeting

July 13, 2022

9:30am – 11:30am

The July 13, 2022 TURA Administrative Council convened remotely, over Zoom, consistent with [An Act Extending Certain COVID-19 Measures Adopted During the State of Emergency](#). This Act includes an extension, until July 15, 2022, of the remote meeting provisions of Governor Baker's March 12, 2020, Executive Order resulting from the outbreak of the 2019 novel coronavirus, known as "COVID-19."

Council Members Attending (attendance taken by roll call):

Gary Moran, Executive Office of Energy and Environmental Affairs (EEA)

Richard Blanchet, Department of Environmental Protection (DEP)

Michael Flanagan, Department of Labor Standards (DLS)

Jen Hoyt, Department of Fire Services (DFS)

Marc Nascarella, Massachusetts Department of Public Health (DPH)

Edward Palleschi, Executive Office of Housing and Economic Development (OEHD), Office of Consumer Affairs and Business Regulation (OCABR)

Meeting Attendees (recorded by participant list):

EEA: Caroline Higley

DEP: Veronica O'Donnell, Rebecca Dolan

OTA: Caredwen Foley, Kari Sasportas, Tiffany Skogstrom

TURI: Liz Harriman, Heather Tenney, Rachel Massey, Hayley Hudson, Baskut Tuncak

Other attendees:

- Amanda Burwell
- Carol Holahan
- Clean Water Massachusetts Office
- David Jones
- Dieldrich Bermudez
- Katherine Robertson
- Matt Taylor
- Rick Reibstein
- Tom Estabrook
- Jamie Dunbar (O'Neill & Associates)

1. Welcome and Introductions:

Council members were identified by roll call.

Tiffany Skogstrom welcomed new Undersecretary of Environmental Policy and Climate Resilience and Designated Chair of the TURA Administrative Council Gary Moran. Secretary Moran briefly introduced himself.

It was explained that chat would be disabled during the meeting, and that there would be opportunity for attendee participation at designated times. The procedure for attendee participation was explained.

2. Approval of December 7, 2021 Meeting Minutes

The chair opened the meeting by asking if there were any changes to the December 7, 2021 meeting minutes. There were no changes brought forth and the motion to accept the minutes as written was seconded and approved.

3. Remote Meeting Vote

Secretary Moran invited a motion to allow remote participation in all subsequent meetings of the TURA Administrative Council and its committees in accordance with the requirements of 940 CMR 29.10. A motion was made, seconded, and approved unanimously.

4. Addition of 8 Toxics Release Inventory (TRI) Per- and Polyfluoroalkyl Substances (PFAS) to TURA List

TURA Program staff provided background on the addition of PFAS listed under the Toxics Release Inventory (TRI) to the TURA List, including the 2020 addition of 172 PFAS, and distinguished this process from the more recent addition of the TURA category 'Certain PFAS Not Otherwise Listed'. Since the original 172 PFAS additions, the EPA has added 8 more PFAS to TRI. Under TURA, EPCRA chemicals are incorporated into the TURA chemical list after a vote by the Administrative Council. The reporting threshold for each of the 8 additional PFAS will be 100lbs per year.

The TURA Program has to date not identified any companies using these 8 associated CAS numbers. An affirmative vote today from the Administrative Council to add these 8 TRI PFAS to the TURA list would be the first step in beginning the public participation process, including collecting and responding to public comments.

No questions from Council or from public.

Secretary Moran requested a motion to approve the adoption of 8 TRI PFAS to the TURA List. A motion was made, seconded, and approved.

5. Draft QAC Policy Analysis

TURA Program staff presented the draft DDAC and ADBAC Quaternary Ammonium Compounds policy analysis. The analysis has been shared directly with committee members and will be attached to the meeting webpage.

A Council member asked if we knew which kinds of facilities (e.g., size, sector) we expected to report, and how they were using QACs. Program staff responded that they are primarily processing it into a product they sell, and unsure about the size of company. Additionally, they asked if the products would be used as disinfectants, and whether they would be business to business or direct

to consumer products. Program staff are not sure, noting that without any data this is difficult to discern before they are listed, but additional research could be undertaken.

Questions and comments from stakeholders:

A visitor offered comments that they had made at the Advisory Committee meeting, including that all of these QACs have been approved by EPA under FIFRA for use as disinfectants and have undergone scrutiny by the federal government. They haven't seen anything from this analysis that suggests that EPA should change this decision. They see a disconnect listing these as toxic chemicals in MA while the federal government says they're safe to use. In addition, listing would only address formulators, and would not push individuals, hospitals, or food service to switch to safer alternatives. This would disadvantage MA formulators because it's difficult to go through and requalify a new cleaning solution, and formulators will not do that if they don't have to.

Undersecretary Moran noted that he appreciated the comments, and responded that on one of the issues, as a policy matter, if Massachusetts wanted to approach the federal government about a pesticide registration, that would be a question for the Secretariat – it would be more of an advocacy position to take it to the federal government and encourage them to revisit.

A Council member asked whether any other state has listed these substances or if MA would be the first. It was noted that California has included them in its biomonitoring program because of concerns. Most states do not have an equivalent to TURA, and the objective here is to encourage companies to look at the safest possible chemistries to accomplish the job, not banning any chemicals, but informing them about the hazards and safer alternatives. The Massachusetts EPP program and TURI grants programs have been working to provide schools and others with information about safer alternatives. The objective is to move the needle.

A visitor raised additional comments from the previous advisory committee meeting and commented on the draft policy analysis. Businesses impacted by this listing would be formulators and distributors meeting customer demand, and this puts them at a competitive disadvantage relative to out-of-state companies. Use of QACs increased during the pandemic because of its effectiveness against COVID-19. All disinfectants contain hazardous chemicals, and that's why they're effective—they kill things. Since then, demand has declined and is approaching pre-pandemic levels. The reason given for exploring this was in part because consumer use had increased and they were being used inappropriately. This listing will not alter consumer behavior. It would apply barriers only to distributors and formulators and would not limit consumer demand. As mentioned, EPA has approved them as appropriate and safe to use. TURA looks at hazard, not risk, which has been an issue all through the SAB's discussions. Most chemistries can be toxic, and most of the time what we're looking at is the level of toxicity, and it's difficult to find a substitute with no toxicity issues. The public health need to combat a virus trumps the potential hazard of QAC-containing products, and this listing isn't going to impact the biggest users, like hospitals and schools.

Program staff mentioned that while all disinfectants have some hazard, the asthma endpoint was an important endpoint for the SAB, and the alternatives listed in the policy analysis don't have that same concern. Certainly, everyone here is interested in protecting public health.

Another visitor responded that objections have been raised that this would only create barriers for businesses. However, they believed it will have a valuable impact. It will gather information that will enable people to make better decisions about hazards and their own risk. This visitor had made efforts to help their institution and town avoid disinfectant overuse, and to understand the hazards of all disinfectants. TURI's work around safer cleaning and disinfecting is very helpful and the TURA program has an impact on the decisions companies make and moves the needle toward a less toxic world, including in ways we may not foresee.

A visitor mentioned from industry's standpoint, they had worked on education. They had done a podcast with an influencer on when to use disinfectants and when not to. The trade groups have been trying to put out that education. The peak in use during the pandemic is decreasing now. Sales increased and have flattened now. Some of that was putting overstock in healthcare facilities. They appreciate that TURA is looking at alternate chemistries. Biocides are designed to kill microorganisms and there is a proper tool for the job. Quats can be provided in highly-concentrated forms for institutions to limit the number of truckloads shipped; they are looking for a balance in the consideration. The SAB was very clear that they can only examine hazards, but those risks must be balanced. The visitor challenged the use of the AOEC listing of QACs as asthmagens, saying that it was based on limited data and there could have been multiple chemical exposures. In addition, even some of the substitutes, like thymol, have limitations and are also hazardous. We're going to have flu and cold viruses. What's the risk from future pathogens remaining unchecked? Quats are a good, accessible, affordable, effective substances accepted by many other jurisdictions. They just need to be properly used.

Program staff noted that for the asthma endpoint, there was quite a bit of information considered by the SAB (not just AOEC), and they found it concerning.

A visitor asked if current quat formulators in MA also formulate with other safer alternatives, and if they do, what policy objective other than getting them to exit the quat market would be served, if they're already providing safer products and customers aren't selecting them?

Program staff responded that we don't know that, but can look into it. The policy objective is to make the facilities look at the chemistries, costs, EHS information, and choose the safest chemistry that makes sense for them.

Another visitor replied that MA formulators do offer alternatives, and if they get a request for a certain substance, they fill it.

Program staff noted that: There is more than one kind of company that we are referring to, including - chemical distributors who deliver whatever customers order, and we also know of several formulators who make cleaning products by putting chemicals together, for business to business or to consumers. These formulators tend to have more of a decision-making role regarding what they're formulating, and we know some already have taken steps to adopt safer chemistries.

6. TURA Program Update

TURA staff provided a brief TURA Program Update. The update was also provided in writing, and included the following topics:

- Update on next steps for the input gathered from the TURA Strengthening Ad Hoc Committee
- OTA updates:
 - In-person and remote technical assistance availability
 - PFAS source identification and targeted assistance for affected industries
 - Chemical safety and climate change resiliency work
 - Environmental Justice initiatives
- TURI updates:
 - Open positions
 - Grants:
 - RFPs are open for FY23 industry, small business, and community grants
 - Updates from FY22 grantees
 - Lab assistance and technical projects
 - TUR Planner course registration in August
 - SAB consideration of multi- and single-walled carbon nanotubes and nanofibers
- DEP updates:
 - Recent hires and open hiring
 - TURA Information release posted in June
 - TURA reports were due on July 1, and over 99% have been submitted on time.

Gary Moran thanked the Administrative Council and Advisory Committee members and reminded attendees that all inquiries, comments and communications should be sent to the TURA Administrative Council Executive Director, Tiffany Skogstrom.

A motion to adjourn was made and seconded. All TURA Administrative Council members were in favor, and none opposed. Meeting adjourned.