

Illegal Tobacco Task Force Meeting #44 Minutes

Meeting Date: Wednesday, November 3, 2021

Meeting Time: 10:00AM

Meeting Location: WebEx conferencing, dial (408) 418-9388, Meeting ID# 233 583 24992

Board Members Present: John Hayes (Co-Chair), Detective Captain Brian Connors (Co-Chair), Patricia Henley, Michael Sweeney, Susan Terrey, Amber Villa, Anna Lumelsky and Nicholas Ogden.

Call to Order:

- Meeting was called to order at 10:07AM by Mr. Hayes.
- Mr. Hayes informed all participants that this meeting, unlike prior meetings, will not be recorded by WebEx and that notes will be taken to complete the minutes. He reminds everyone to mute their phones and/or computers to limit background noise.

Opening Remarks:

- Mr. Hayes thanks everyone for attending and briefly introduces himself as this is his first meeting.
- Mr. Hayes introduces Nicholas Ogden, the new designee from the Attorney General's office. Mr. Hayes states that Nick has significant experience with tobacco-related litigation and arbitration. Mr. Hayes lets Nick introduce himself to the Board.

Approval of the minutes for Meeting #43 on August 4, 2021:

- Mr. Hayes emailed a copy of the minutes for Meeting #43 to the Task Force members prior to this meeting. He asks the Board if there are any corrections or edits to the minutes? Hearing none, he asks for a motion to approve. Michael Sweeney makes a Motion to Approve. Detective Captain Brian Connors seconds that motion. Mr. Hayes states that with no objection, the minutes are approved.

Update from Member Agencies:

- Recent Trends RE: Tobacco/ENDS Seizures (DOR/MSP/DPH)
 - ▶ Mr. Hayes speaks about stats and indicates that currently there is no centralized database tracking seizures. He further indicates that in 2020 the seizure stats were much lower than in 2021. He states that every agency is keeping their own stats and the Board is working to standardize the way we document tobacco seizures and will discuss the possibility of creating a central database to better track seizure statistics. He then shares with the Task Force stats from January 2021 to present. He mentions there are no DPH seizure stats provided. See attached slide which was displayed during the meeting.
 - ▶ Patricia Henley wanted to clarify that DPH does not seize tobacco. Mr. Hayes confirmed and stated that any tobacco seizures are carried out by the local boards of health through their tobacco enforcement programs – which are coordinated by the DPH.
- Request for Guidance RE ENDS Disposal by Government Agencies (DOR):
 - ▶ Following the testimony the task force received during our last meeting, Mr. Hayes contacted both the Massachusetts DEP and the federal EPA requesting information about the destruction of

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VAPE. Preliminary information indicates that liquid nicotine will be regulated as an acute hazardous waste at the time of disposal by a business or institution (but not by a private individual) and there will be some restrictions on any federal, state, or local agency seeking to destroy VAPE products. Mr. Hayes will be sending a letter to DEP on behalf of the Task Force asking for official guidance on both the storage and destruction of VAPE products in agency custody. The submitted letter will be discussed at the next meeting and a copy attached to the minutes.

- **Storage Facility Update (MSP):**

Detective Captain Brian Connors indicates that himself, other members of MSP and DOR/CIB staff had toured the facility in September 2021. Detective Captain Connors stated that we are still looking to go live with operation for December 1, 2021. He mentioned that the facility was coming along, however, due to the recent storm in October 2021, there had been some minor water damage to the facility which the building management were very responsive about rectifying.

- **Recent ITTF Successes:**

Mr. Hayes shared successes with the Board and states the importance of sharing them.

- ▶ A Milton man had been running an illegal tobacco distribution network. Over the summer, He pled guilty to tax evasion, money laundering, and conspiracy in Suffolk Superior Court following an investigation by the DOR Criminal Investigation Bureau and Massachusetts State Police with prosecution by the Attorney General's Office.

- ▶ A New Hampshire resident involved with the unlawful distribution of marijuana, tobacco, and ENDS products was arrested following a joint state and federal investigation involving members of the ITTF, including the Massachusetts State Police, DOR Criminal Investigations Bureau, and Attorney General's Office – among others. The investigation and prosecution are ongoing.

- ▶ DPH reports that the local boards of health tobacco programs have been very busy this year. Between January 1, 2021, and the end of September, they have conducted 2,127 youth tobacco compliance checks identifying 317 sales to minors. During that same time, the local boards of health inspected 3,578 retailers and issued 1,457 violations. I wanted to make sure and highlight the excellent work done by DPH and the local boards of health. They are an important part of the task force's team effort to combat illegal tobacco distribution.

Other Business:

- Mr. Hayes asks if board members have anything additional to address? None stated.

Schedule Next Meeting:

- Mr. Hayes indicates he would like to hold another meeting the second week of December and before the holidays. He will talk to the Board about choosing a date.

Closing Remarks:

- Mr. Hayes asks for a Motion to Adjourn? Michael Sweeney moves to adjourn. Patricia Henley seconds that motion. Mr. Hayes states that with no objections, the meeting is adjourned at 10:23AM and thanks everyone for attending.

**Massachusetts Illegal Tobacco Task Force
Public Meeting #44 – 11/03/2021
Estimated Tobacco Seizure Statistics¹**

MASSACHUSETTS TOBACCO SEIZURES JANUARY 2021 – OCTOBER 2021	
Cigarettes	128,927 cigarettes
Smokeless Tobacco	4,051 tins/cans
Cigars & Smoking Tobacco	179,433 cigars/bags
ENDS (Vape)	117,675 devices/pods

DOR – CRIMINAL INVESTIGATIONS BUREAU TOBACCO SEIZURES JANUARY 2021 – OCTOBER 2021	
Cigarettes	24,747 cigarettes
Smokeless Tobacco	762 tins/cans
Cigars	171,899
Smoking Tobacco	93 bags
ENDS (Vape)	13,886 devices/pods/bars

DOR – MISCELLANEOUS EXCISE BUREAU TOBACCO SEIZURES JANUARY 2021 – OCTOBER 2021	
Cigarettes	103,380 cigarettes
Smokeless Tobacco	2,959 tins/cans
Cigars & Smoking Tobacco	4,265
ENDS (Vape)	3,789 devices/pods/bars

MSP TOBACCO SEIZURES JANUARY 2021 – OCTOBER 2021	
Cigarettes	800 cigarettes
Smokeless Tobacco	330 tins/cans
Cigars	3,080 cigars
Smoking Tobacco	96 bags
ENDS (Vape)	100,000 devices/pods/bars

¹ The above tobacco seizure statistics were provided by the ITTF member agencies and represent an estimate of the tobacco products seized between January 1, 2021 and October of 2021. The Task Force will seek to establish a uniform metric to quantify tobacco seizures and begin discussions on the potential development of a central repository to track tobacco seizures.