

## TURA Advisory Committee Meeting, June 27, 2023

### Meeting Attendees

#### *Committee members*

**Robert Audlee**, Stainless Steel Coatings, Inc.  
**Karen Blood**, Hollingsworth and Vose  
**Larry Boise**, Franklin Paint  
**Michael Fiore**, MA Dept. of Labor Standards  
**Bill Judd**, Industrial Compliance Group  
**Magdalena La Battaglia**, Harborkeepers  
**Tennis Lilly**, Groundwork Lawrence  
**Mark Monique**, Savogran  
**Jillian Riley**, AGO  
**Mark Rossi**, Clean Production Action  
**Matt Taylor**, Dupont  
**Rebecca Weidman**, MWRA

#### *TURA Administrative Council*

**Greg Cooper**  
**Michael Flanagan**

#### *TURA program*

**Lynn Cain**, DEP  
**Veronica O'Donnell**, DEP  
**Rebecca Dolan**, DEP

**Stephanie Cooper**, EEA  
**Caroline Higley**, EEA

**Caredwen Foley**, OTA  
**Tiffany Skogstrom**, OTA  
**Elisheva Thoreen**, OTA

**Heather Tenney**, TURI  
**Gabriel Salierno**, TURI  
**Liz Harriman**, TURI

#### *Other attendees*

**Hannah Alleman**  
**Eric B**  
**Steve Bennett**  
**Dieldrich Bermudez**  
**Amanda Burwell**, Stepan Company  
**Ligia Duarte**  
**Carol Holahan**, Foley Hoag  
**David Jones**, Arxada LLC  
**MassCOSH**  
**Emilee McCubbins**  
**Grace Miles**  
**Kathy Robertson**, MCTA  
**Shawn Swearingen**

### Minutes

#### *Introductions and Welcome Undersecretary Stephanie Cooper*

Tiffany Skogstrom welcomed Undersecretary Stephanie Cooper, and Undersecretary Cooper briefly introduced herself.

#### *Approval of June 27, 2022 meeting minutes*

Tennis Lilly moved to accept the meeting minutes from June 27, 2022. Larry Boise seconded. All members who had been present voted unanimously by roll call to accept the minutes.

#### *Administrative Council Vote to add nine PFAS and twelve other EPA Toxics Release Inventory regulated chemicals to TURA List*

The Executive Director provided information about the addition of 21 TRI substances to the TURA list, including information about the thresholds for each substance, and which substances among these TRI listings are designated by EPA as PBTs (not to be confused with the Higher Hazard Substances listing that can be adopted under TURA).

A member asked whether this listing will involve a public comment process; program staff clarified that it would.

Several members expressed support for the addition.

A guest asked about PBT listing thresholds, and the effect it has on TURA listings. Program staff responded that EPA PBTs are listed at EPA reporting thresholds, and the TURA regulations reflect the EPA's threshold level – that is, TURA listings mirror EPCRA listings. TURA can designate higher- and lower-hazard substances but that is a separate process.

#### Science Advisory Board (SAB) Recommendation and Quaternary Ammonium Compounds (QACs) Policy Analysis

TURI staff presented the TURI policy analysis on quaternary ammonium compounds (QACs), including TURI's recommendation that the Administrative Council adopt the science Advisory Board's (SAB's) recommendation to propose the listing of QACs. The presentation summarized the health endpoints assessed by the SAB, the advantages of the category designation, TURA program services available to assist filers, and anticipated additional fees to filers/program revenue.

A member asked whether the policy analysis considers the effect of a listing on the competitiveness of in-state compounders using these materials. TURI staff responded that facilities currently distributing these chemicals are already paying the maximum TURA fee, so the only additional requirement on these facilities would be planning for one more chemical. This would pose a minimal impact in terms of out-of-pocket costs.

A member asked about the volumes of QACs used in TURA-relevant vs. TURA-exempt sectors. Program staff responded that partial information on this question may be available through Tier II, though this only furnishes maximum on-site use, and that the program would explore this question further. (Later in the meeting, program staff shared that the total maximum reported on-site QAC use for all non-TURA Tier II facilities is 350,000 pounds, and 225,000 for TURA Tier II facilities.) The member asked whether the exposure studies referenced refer to industries in or outside TURA's scope. Program staff responded that many were outside the scope. The member noted that, if the majority of use is at TURA-exempt facilities such as hospitals, listing may not have a substantial impact on quat releases in the state, and stated the opinion that TURA might not be the right avenue for addressing these risks. Program staff responded that facilities that make the products used by those non-TURA users are covered, if they are located in Massachusetts.

A member asked if there is an estimate on the revenue that would result from this listing. Program staff responded that revenue would be minimal, \$5-10,000, or less.

A member expressed support for adding QACs to the list, given the chemicals' hazard profile, and the fact that listing these substances is consistent with TURA's mission and may encourage companies to adopt safer alternatives.

A member agreed with the previous statement that listing QACs will promote safer alternatives in Massachusetts, and that especially since QACs are often not used as directed, safer alternatives are preferable. The member asked about a previously-referenced study about the overall safety of QACs, and asked whether the scope of the study reflected only use as-directed or whether it also reflected real-world use. Program staff responded that the studies presented are reviews of the science the SAB considered, and that different review papers will arrive at different conclusions, and may not have apples-to-apples comparisons.

A member stated that the hazard profile on QACs is definitely a reason to pursue safer alternatives, but asked how a TURA listing could meaningfully move the needle given the use profile. Program staff responded that incremental action is still valuable, and that sometimes a small initial action inspires more research into alternatives. For example, a food processor, covered under TURA, is working with the TURI lab. They are now concerned about their use of QACs and are trying to find safer sanitizing. That's one sector that may learn something from the listing and may benefit. The member noted that if the listing moves forward, they would like to see ancillary programs to communicate out to broader users.

Another member supported the idea of communicating to other sectors, and stated that adding it to the TURA list also raises awareness, which is an important step forward.

At this point, program staff mentioned that an attendee had pointed out that attendees who aren't panelists can't see who's in the meeting, and reminded attendees for that reason to please list their names and affiliations in the chat so they can be included in the minutes.

An attendee asked about the source of the phrase "acutely toxic" in reference to QACs. The attendee also asked about whether the increased use of QACs during the COVID pandemic had declined. The attendee also noted that QACs can prevent the spread of respiratory illnesses that may trigger asthma, and that QACs appropriately diluted should not be a serious threat for asthma. Program staff indicated that they had not yet seen published numbers yet of decreased use, and offered to provide the list of papers on asthma that the SAB considered. Staff also clarified that acute toxicity was referring to undiluted compounds, which more often affects formulators and producers.

A member entered information in the chat: From the policy analysis: "EPA classifies five types of acute exposures to pesticides (oral, dermal, inhalation, skin and eye irritation) into four Toxicity Categories, with Category I being the highest hazard. ADBAC and DDAC are acutely toxic through the oral, dermal, and inhalation exposure routes."

An attendee representing manufacturers and suppliers of biocides/sanitizers asked whether TURI has evaluated the availability of these registered activated solutions? TURI staff responded that most of the alternatives are on the EPA N list for coronavirus.

The attendee then read prepared comments, stating that HCPA opposes the addition of certain DDAC and ADBAC chemicals because we fear that it will have a negative effect on public health while placing an unnecessary regulatory burden. These products are essential tools needed to protect public health. Quats are heavily regulated and re-registered under FIFRA. When used as directed, they are safe and effective. HCPA is concerned that the listing will have significant unintended effects. Since they can be used at low levels, shipping them concentrated generates less packaging and shipping. FIFRA is risk-based, rather than hazard-based. Of course biocides will fare poorly from a hazard-based standpoint. We support encouraging as-directed use of the products.

The Executive Director thanked attendees for participating, and stated that the public participation process would start after a vote from the Administrative Council, which will happen in August.

An attendee reiterated their previously-stated concerns about listing QACs for the following reasons:

- If the use has declined since the height of the pandemic, the urgency has now decreased
- Part of the danger of these substances was the misuse of products

- The main users who will be affected are distributors bringing in concentrate and then diluting it. While the fee is minimal, tracking and reporting takes work, and out-of-state formulators are willing to do this instead to meet the demand.
- TURA covers only a small universe of users and a listing will not strongly impact consumer behavior, and if the goal is to educate consumers and reduce demand, the attendee suggests that DPH consider next steps.

An attendee asked about the corrosivity of QACs when used as a manufacturing concentrate, and asked whether safer alternatives are also being evaluated in concentrated form. Hydrogen peroxide at high concentration is a strong oxidizer, but it sounds like only a 3% solution was assessed. Were the same use cases assessed for QACs and alternatives – end use, or manufacture? Program staff confirmed that several alternatives are corrosive when undiluted or used at high concentrations, and noted that when TURI conducts alternatives assessments, it tries to compare apples to apples. The attendee stated that for chemical manufacturers using high concentrations of alternatives (e.g., hydrogen peroxide), there are different handling hazards in terms of physical hazards, volatility, etc., and manufacturers will face some challenges in adopting some of the alternatives or meeting other regulatory demands (such as Homeland Security reporting). Program staff acknowledged the concern and noted that the program's goal is to help companies. A member clarified the Homeland Security reporting requirements for hydrogen peroxide.

A member stated that stakeholders had raised reasonable concerns, and reiterated the efficacy of QACs, but raised concerns about widespread misuse. The member believes the science supports listing, and while we don't want to make MA uncompetitive, the regulatory burden is necessary to motivate change. Compounders and distributors will start to look for other alternatives, which starts with regulators saying that QACs are hazardous. The attendee stated that they were not persuaded by the argument that they're regulated by the EPA and asserted the need for state-level action. The TURA program also offers many benefits – the grants given to communities, for instance. TURA listing is the first step in moving toward safer alternatives, and the regulatory burden here is relatively mild.

Another member suggested a preference for national regulation on QACs, because state action would place Massachusetts companies at a competitive disadvantage.

A member noted that the conversation has centered on the money of larger companies, and wanted to highlight the workers negatively affected by using QACs, many of whom are low-wage workers without a voice – thousands of workers who could be protected by discouraging use.

Another member responded that the workers who most need protection aren't in TURA-regulated facilities (e.g., fast food service workers), and that they believe that TURA is not the avenue to protect workers that we want to protect.

An attendee agreed that this listing would not affect workers using QACs because of the janitorial exemption. The attendee also suggested that compounders and distributors cannot influence consumer demand on products.

A member expressed the opinion that although a TURA listing would have some benefits, it would not be the best avenue to protect the environment and workers since it wouldn't cover the majority of use.

The Executive Director described next steps. The listing would be proposed to the Administrative Council, who will vote on whether to propose the listing. If there is an affirmative vote, there would then be a public comment period. If this public participation process is completed by the end of 2023, the QACs and the TRI listings would be expected to be reportable in 2024 for reports due July 2025.

#### Proposal to schedule quarterly meetings

The Executive Director asked Advisory Committee meetings to stay tuned for a Doodle poll or equivalent to set up regular quarterly meetings.

#### TURA Program Update

TURA Program staff provided brief updates about the activities of the three TURA agencies, including DEP resources for the upcoming reporting deadline, SAB activities, TURA personnel, TURI strategic planning, the FY23 Champions of TUR, TURA grants, PFAS resources, environmental justice activities, and DEP compliance actions.

#### Adjourn