

## TURA Advisory Committee Meeting, May 4, 2022

### Meeting Attendees

#### *Committee members*

**Robert Audlee**, Stainless Steel Coatings, Inc.  
**Karen Blood**, Hollingsworth and Vose  
**Larry Boise**, Franklin Paint  
**Diana Ceballos**, BUSPH  
**Mark Monique**, Savogran  
**Michael Fiore**, MA Dept. of Labor Standards  
**Andy Goldberg**, Atty General  
**Bill Judd**, Industrial Compliance Group  
Tennis Lilly, Groundwork Lawrence  
**Laura Spark**, Clean Water Action  
**Jodi Sugarman-Brozan**, MassCOSH  
**Lucy Servidio**, Capaccio Environmental Engineering  
**Matt Taylor**, Dupont  
**Rebecca Weidman**, MWRA

#### *TURA Administrative Council*

**Michael Flanagan**

#### *TURA program*

**Richard Blanchet**, DEP  
**Lynn Cain**, DEP  
**Walter Hope**, DEP  
**Veronica O'Donnell**, DEP  
**Jenny Outman**, DEP

**Beth Card**, EEA  
**Caroline Higley**, EEA

**Caredwen Foley**, OTA  
**John Raschko**, OTA  
**Kari Sasportas**, OTA  
**Tiffany Skogstrom**, OTA

**Heather Tenney**, TURI  
**Liz Harriman**, TURI  
**Pam Eliason**, TURI  
**Baskut Tuncak**, TURI  
**Lindsay Pollard**, TURI

#### *Other attendees*

**Raza Ali**  
**Matthew Dam**, MWRA  
**Erin DeSantis**, ACC  
**Jamie Dunbar**, O'Neill and Associates  
**Carol Holahan**, Foley-Hoag/ACC  
**David Jones**, Arxada LLC  
**Martha Mittelstaedt**, AW Chesterton Company  
**Patrick Pelletier**, Sika Sarnafil  
**Robert Rio**, AIM  
**Kathy Robertson**, MCTA

### Minutes

#### **Welcome and introductions:**

Tiffany acknowledged and welcomed incoming Secretary Beth Card

Members were welcomed and introduced themselves.

**Meeting minutes from previous meeting:** Matt Taylor moved to accept the meeting minutes from October 30, 2020. Tennis Lilly seconded. Roll call vote:

Audlee: Yes  
Ayed: Absent  
Blood: Yes  
Boise: Yes  
Ceballos: Yes  
Fiore: Absent

Goldberg: Yes  
Judd: Absent  
Lilly: Yes  
Monique: Yes  
Riley: Absent  
Rossi: Absent

Servidio: Yes  
Spark: Yes  
Sugarman-Brozan: Did not vote

Taylor: Yes  
Weidman: Yes

**Remote meeting policy:** Tiffany Skogstrom stated that the existing policy has been extended through July 15, 2022. Would like to set regular quarterly meetings to keep momentum and allow members to schedule ahead. Members were polled on dates. Mondays 1-3pm and Tuesdays 2-4pm. Will plan to alternate these to get the most participation possible, avoiding popular vacation times.

**TURA Program Strengthening Ad Hoc Committee:**

- Beth Card and TURA Program staff provided background on the formation of the Ad Hoc Committee, the original goals of the TURA program, and a brief history of the TURA program. Program staff then provided summaries of each of the background on each topic covered by the Ad Hoc Committee, and on the committee's discussion on each topic.
  - Lynn Cain: Compliance and Enforcement
  - Pam Eliason: Alternative Planning; Planning and Planners
  - Heather Tenney: TURA List; TURA Fees

**Discussion:**

A member asked for clarification about the Ad Hoc Committee members' roles in drafting a final report. Program staff clarified that the poll of committee participants taken at the final meeting was not to identify members willing to contribute to developing a final report, but was only about which members would be willing meet again to approve the final fees meeting minutes. Clarification from EEA legal counsel established that the minutes from the final meeting of an ad hoc committee remain in draft. The synthesis document was developed by program staff, compiling all the discussion of the Ad Hoc, to present back to the Advisory Committee.

**Compliance and enforcement:**

- A member noted that the synthesis document did not discuss the availability of statistics for TURA compliance with respect to whether companies have truly reduced use of substances, or have simply moved out of state. The member expressed a desire to improve tracking to understand of these outcomes.

**Alternative planning:**

- No comments

**Planning and planners:**

- A member noted the value of 2-year planning cycles, stating that even if companies can't find a way to reduce a chemical, there is some way to achieve efficiency or discover something safety- or compliance-related. The member feels these benefits are very important and would not like to see that diminished.
- Another member offered a counterpoint, that this depends on the type of entity. For their facility, a project might take as long as 10+ years to implement a change (e.g., in semiconductors). That would encompass 5 or more TUR planning cycles. Two years might make sense for some, but it might not be enough for other companies.
- The previous member responded that when clients have hit brick walls with planning, there are generally alternatives (e.g., switching to aqueous cleaning; resource conservation), and noted

that he had not had a semiconductor client tell him that 2 years is too frequent. The member stated that he had encountered this phenomenon with military specifications.

- The other member noted that any good company is going to push for continual improvement, and asked whether 2-year cycle brings specific value for companies that have already gotten the low-hanging fruit.

#### **TURA List:**

- A member asked about the statutory authority to redefine substances to include groups. Program staff clarified that “substance” was added to the definition list, not redefined. Undersecretary Card noted that a great deal of information on this topic was released when the regulation was out for public comment, and that the Program would be happy to ensure that the Advisory Committee had access to those materials.
- The same member also noted that other informational lists do not all have the same scientific underpinnings as the TURA list, and encouraged the program to keep “the bar high enough” for listing.

#### **TURA Fees:**

- A member noted that, after reviewing the fees discussion, it seems like it’s never a good time to raise fees, and inquired whether a fee adjustment is being pursued. Undersecretary Card responded that no final determination has been made.

#### **General remarks:**

- A member asked about whether environmental justice (EJ) and the impact of climate change on toxics would be included in the scope of program strengthening at some point. Stakeholders depend on the Advisory Committee to represent their interests, and many communities impacted by climate change are EJ communities.
  - Program staff responded that EEA has asked all agencies to develop key agency actions related to EJ, and that many companies OTA provides TUR assistance to are EJ communities. Those actions will be shared on mass.gov once they are final. There will also be public comment on those. OTA is also assisting companies with climate change resiliency to expand services to that with the assistance of WPI interns
  - A member noted OTA’s resources on these topics, including an interactive map including toxics users, rivers, wind directions, etc.

#### **Stakeholder comments:**

An attendee expressed the belief that, while the synthesis document reflects the meeting minutes accurately, the meeting minutes did not accurately reflect the meetings. The stakeholder felt that industry concerns were minimized and not fully reflected. They clarified that TURA is not the only tool for identifying and reducing toxics and that the role for other tools is important. They stressed that companies need an exit strategy if they encounter a planning brick wall, and that industry groups do not wish to abolish TURA planning and reporting but would like some tweaks to the program. The stakeholder noted that she planned to submit a letter to this effect summarizing concerns and results of their own survey of members.

- Program staff responded that the synthesis document is only a summary of the discussions, not a document identifying next steps.

- A member stated that there are always going to be nuances that don't make it into a final report.
- A member responded that, for companies wanting an offramp, especially if they are larger, an EMS provides a good offramp. A lot of companies think of it as another thing they have to do, but once they learn it it's not a big deal. The member noted regretfully that he has encountered many companies that are not interested in operating safely, and that 26% of all multimedia audits resulted in enforcement actions because companies did not respond appropriately, so compliance can't all be carrot, unfortunately there does have to be some stick as well.
- A member noted that he comes from a large EMS-using company, and while he likes to think that everyone has the same motivation to environmental stewardship, it is important to realize that not everyone does.
- The attendee responded that TURA performs an important function and that it is true that not all companies pay attention to environmental, health and safety – some people will try to escape or don't want regulations. The stakeholder reiterated advocacy for an exit strategy and waivers for spec mandates.
- Program staff reminded attendees to send any comments to Tiffany Skogstrom.

Program staff invited suggestions for EMS models. In chat, attendees suggested ISO 14001 and RCMS (Responsible Care system from ACC). A member also suggested RCMS; it has a drive toward continuous improvement on safety use of toxics, etc. A member reiterated that if a company has their own EHS staff, then EMS is a good option.

**Beth Card:** Thanked everyone for their time and hard work reviewing materials and for the feedback and discussion today. TURA Program staff and EEA will consider this input and any follow-up comments that are shared in writing. After some internal discussions the program will follow up and present to Administrative Council. In addition, any specific topics and proposals will be brought back to the advisory committee for input as concrete proposals are developed.

**Science Advisory Board:** Program staff provided an update on the Science Advisory Board's recent activities, including the recommendation to list certain quaternary ammonium compounds (QACs), and its progress on the consideration of carbon nanotubes and nanofibers, which is ongoing.

- A member noted the difficulty of developing a policy analysis for QACs, particularly without a risk-benefit analysis. The member noted that he would very much want to advocate for a weight of evidence approach, and a consideration of risk as well as hazard.
- A member commented on the carbon nanotubes and nanofibers work, noting that the state previously had an interagency working group on nanotechnology—different state agencies that were engaged and had some interest (economic development, labor, etc) to talk about it as a major sector and make sure it developed safely. The member suggested the possibility of recreating such a work group to address broader issues related to considerations for building this sector in Massachusetts. Could this be raised with the Administrative Council?
  - Program staff noted that OTA was a member of this work group, and there were two educational events on nanomaterials. Current OTA Outreach and Policy Analyst Kari Sasportas was a member during her time at DPH. Events were held in 2007 and 2009. The group started as a top-down approach in state government to convene a state stakeholders, and then brought in external stakeholders as well. OTA and TURA didn't

initiate the group, but participated as members; at that time TURI's Director was also heavily involved in research on nanomaterials and occupational health and safety. Only two original members are still working in state government.

- A member noted that QACs have been in use in the service industry for decades, noted surprise that the subject is coming up, and expressed interest in a risk assessment and more information.
  - Program staff noted that TURA considers hazard and not risk, but the program looks forward to discussing the policy analysis with the Advisory Committee.
- A member noted challenges with clients performing decontamination who have exceeded their ammonia allowances and are relying on QACs, who feel they do not have a good alternative to QACs.
- A member noted that she has seen a lot of discussion and concern about overuse of QACs over the last two years. They can be effective in decontaminating against COVID, but there are safer alternatives that don't present the same risks.
- Two members noted concerns about QACs and worker health with respect to new-onset or aggravated asthma.
- An attendee noted that use of QACs has declined, and expressed concerns about some of the data reviewed during SAB discussion, especially concerning reproductive toxicity. An attendee also suggested that replacements have asthma implications, leave residues that can grow bacteria the next day, etc. Alternatives should be subject to the same rigor QACs have been through. From a price perspective, some materials are dilutable in which could be affordable for environmental justice communities.

**Certain PFAS NOL:** Tiffany Skogstrom provided an update on the recent addition of Certain PFAS NOL to the TURA regulations, as well as the definition of the term "substance." Heather Tenney discussed ongoing trainings and resources the TURA Program has been creating. Program staff shared several of these resources in the meeting chat, including PFAS resource pages from [TURI](#) and [OTA](#).

**Program update:** Program staff offered brief program highlights to accompany the detailed written program updated disseminated to members as meeting materials.

A member asked whether DEP is reachable by phone. DEP staff noted that they haven't been issued cell phones, so very few of us are able to be reached that way, although staff are checking voicemail regularly and are increasingly working from the office. Undersecretary Card noted that she will pass the concern along.

Matt Taylor made a motion to adjourn, and Bill Judd seconded the motion. Motion carried unanimously.