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September 8, 2025

Tiffany Skogstrom  
Executive Director of the TURA Administrative Council  
Executive Office of Energy and Environmental Affairs  
100 Cambridge Street, Suite 1020  
Boston, MA 02114

RE: Comments of the Massachusetts Chemistry and Technology Alliance related to Proposed Amendments to 301 CMR 41: Toxic or Hazardous Substance List (TURA List)

Dear Ms. Skogstrom:

On behalf of our members, the Massachusetts Chemistry & Technology Alliance (MCTA) is pleased to comment on the July 3<sup>rd</sup> Proposed Amendments to 301 CMR 41: Toxic or Hazardous Substance List (TURA List). The proposed amendments, if adopted, will add a substance category of Didecyl Dimethyl Ammonium Chloride (DDAC) and Alkyl Dimethyl Benzyl Ammonium Chloride (ADBAC) subgroups of Quaternary Ammonium Compounds (QACs) to the TURA List.

MCTA is the professional organization representing manufacturers, users, and distributors of chemistry in the Commonwealth. Our membership ranges from small, multi-generational family-owned businesses operating with a handful of employees to large global companies employing thousands. More than 96% of all manufactured goods – from solar panels and turbine blades to automotive parts and pharmaceutical products – are touched by chemistry.

MCTA has been active on this issue for a long time, providing comments and discussion throughout the administrative process leading to the proposed amendments. The proposed amendments have a significant impact on our members and the tens of thousands of end-users of QAC containing products that rely on them to kill harmful bacteria and viruses for general disinfection or sanitation purposes.

MCTA has the following concerns with these proposed amendments:

**QACs are necessary for public health purposes and there are no effective substitutes**

According to TURI's own Policy Analysis (June 2023), QACs are widely used in consumer products and in commercial and institutional applications as antimicrobial inhibitors for cleaning

and disinfecting, primarily in medical or food preparation settings. The QACs listing in these proposed amendments cover almost all QACs in consumer and commercial and industrial uses.

That widespread and disparate use of QACs makes this rulemaking particularly ineffective.

Consumer products containing QACs are not subject to TURA, meaning no consumer exposure will be impacted by this rulemaking unless the product is made in Massachusetts in sufficient quantities to require TURA reporting. We are unaware of any product that meets those criteria.

QACs are also used in hospitals and medical facilities, potentially at reportable levels. However, neither industry is subject to TURA reporting. Likewise, restaurants or similar food service businesses are also not subject to TURA reporting. In these industries, where exposure could actually occur, there are no ramifications or safety impact from this regulatory action.

In fact, the June 2023 TURI Policy Analysis only identified one end-use industry as a user of QACs in sufficient quantities to require reporting under TURA. Those are large facilities involved in the food service industry. Initial reports indicate there may be two facilities that meet this TURA threshold for reporting.

This is a very odd industry to be targeting for action. In these facilities the use of FDA-approved QAC-containing materials is vital to disinfecting and cleaning food preparation and processing areas. Their use has without question resulted in a safer food supply, preventing food borne disease such as listeria and e-coli throughout the food chain. These materials are familiar to users and have been used without serious incidents for decades. They are used by trained personnel using appropriate safety protection when needed.

The substitutes identified by TURI are not as effective and do not result in the same level of safety for consumers. The substitutes also have other issues: some need much larger quantities to meet the same level of disinfection, increasing user costs, and many carry risks to human health.

### **Listing QACs will penalize in-state distributors of these materials**

As stated, the majority of uses of QACs that result in consumer exposure will not be impacted by this listing, either due to inapplicability of the TURA law or the use of very low quantities.

That means in addition to the two food suppliers mentioned, the burden of complying with this proposed ruling will be felt - once again - by Massachusetts - and only Massachusetts - distributors or repackagers of QACs, a handful of companies at most.

As a result, this proposed listing penalizes a group that is already struggling - in-state businesses trying to operate in Massachusetts. Since the majority of consumer uses will not be impacted by this listing, there is zero likelihood that any end-users will be looking for substitutes. This leaves the in-state distributors to just pay a fee, pass the costs to customers and perform a meaningless TURA plan to reduce the use of a product they have no control over and for which there is consumer demand. This bureaucratic exercise (and the costs associated with it) will be added to the already significant burdens these industries face in Massachusetts, including high taxes, high health care premiums and high energy costs.

And even with those few industries reporting, a sizable portion of QACs used here will not be regulated. Bulk quantities of QACs - regulated if they were distributed from Massachusetts

companies - are delivered from companies based in other states to local end-users. Once again, this adds to an unfair competitive arrangement where in-state companies that provide jobs and economic benefit here are disadvantaged while their out-of-state competitors serve the same clients without additional costs or regulatory burdens.

Regulating QACs in this manner is not only unfair but not impactful. If DEP or any agency is concerned about consumer exposure to QACs in restaurants, hospitals, or commercial establishments, it should defer to the Department of Public Health for outreach and education to those facilities.

**The Administrative Council vote to proceed to a regulatory action was not unanimous and was controversial**

On any action such as this, there should be clarity as to its regulatory goal and transparency in the regulatory process. That did not happen here.

Members of both the TURA Advisory Council and the Administrative Council questioned the listing of QACs under TURA. In fact, the final vote of the Administrative Council for the motion to open the public participation process for this listing was divided with three members voting in support, two opposed and one abstaining. No motion was made or seconded to approve the adoption of the chemistries under consideration - which is typically done before voting to authorize DEP to promulgate regulations and schedule a public hearing.

This unusual regulatory approach makes industry lose faith that their voices are being heard and considered during the proceedings.

**Summary**

QACs are vital to our public health and are widely used safely to prevent disease and food borne illnesses. During the recent Covid pandemic, their use increased as consumers, hospitals and even government agencies looked for ways to avoid a serious and deadly illness. *There is no doubt that the use and effectiveness of QACs saved lives.*

Consumer uses and behavior will not be impacted by this listing. QAC containing products will still be available on market shelves and on-line. Penalizing a few in-state companies is not the way to better public health.

We urge DEP to reject this proposed rule.

Thank you for your consideration. If you have any questions, please do not hesitate to contact me at 508-572-9113 or at [katherine@masscta.org](mailto:katherine@masscta.org).

Sincerely,



Katherine Robertson  
Executive Director

cc: Stephanie Cooper, Undersecretary for Environment