Economic Development Advisory Board
Lab & Bio/Life Sciences Subcommittee
Minutes

May 25, 2021
11:00 AM-12:15PM held remotely via Zoom

EDAB Board Lab Subcommittee members in attendance (noted by Y/N)

Cliff Brown	Y
Marilyn Newman	Y
Carol Levin	Y
Paul Saner	Y

Staff present: Kara Brewton

Members of the Public included: John VanScoyoc and Jennifer Dopazo Gilbert.

Paul Saner opened the meeting remotely via Zoom due to COVID and announced that the Zoom meeting would be recorded. He then moved the minutes from April 27 and May 11 as amended. They were approved unanimously by those present at the time of the vote.

Paul mentioned that he had established contact with Patricia Maher, Chair of the Advisory Council on Public Health who has expressed interest in what the subcommittee is doing and who Paul hopes will attend a meeting in the near future. Paul discussed with Ms. Maher the ultimate need for a Bio-Safety committee and commented his view that Ms. Maher might help the subcommittee network with individuals knowledgeable of the area as public awareness/support is sought.

Paul stated that the focus of the meeting was to report back on research done on public health regulatory regimes of other cities and towns with respect to biolabs with a specific eye towards what the group should do with the information.

Marilyn began the discussion by reviewing her research on Cambridge and Boston (previously summarized in reports to the subcommittee). She stated that Boston's system, described as 'very robust' by Dr. Jett was not a good analog for Brookline but understanding it better could still be illuminating and useful. The other goal was to use the research to get a broad feel for the topics of regulation that are covered. The objectives in looking at Cambridge were similar.

Boston: Change in regulatory scheme driven by construction of Level IV lab at BU. Many of the changes are geared specifically to Level IV and are therefore not applicable to Brookline. Concurrently established a permitting system and a registration and supervisory system with the Boston Fire Dept. Extensive annual submissions by all facilities, significant requirements for Level III labs as well. Discussed Bio oversight comprised of staff and the Public Health Commission. There are also some community members on facility-specific Institutional Biosafety Committees which Marilyn surmised are federally required for all federally regulated facilities). There are different Boston requirements/permits for different lab levels (II, III, IV) as well as types of materials being handled. Also special permits for certain large-scale uses/production as defined by the National Institutes of Health.

Cambridge: Like Boston started with an rDNA ordinance (Cambridge was actually the first) and added other high risk substance research in 2009. There is an appointed biosafety committee that is actively involved in the regulatory program. Separate ordinance and regulation for supervision of laboratory animals. Also have an annual review program by the fire department connected to flammable storage permits. Like others, there are notification requirements for significant rodent/insect issues, annual reports on medical incidents, accidental releases, etc. Permit fees fund staff and consultants to support the program.

Other: Zoning for both municipalities is too complex to summarize/report. Would need more expert help to decipher, but that is not necessary for Subcommittee's purposes. Both municipalities do use special districts, overlay districts and other schemes to administer zoning. Belief that all labs are within one of these special districts so the result is a variety of special permit interfaces along with special site plan reviews, special performance standards etc. that vary depending on the specific special district. Some of the particular performance standards may be worth looking at in the future for some specific guidance.

Paul thanked Marilyn. Raised issue of when to talk about this…suggested that we wait until we have info from Watertown, Newton or Somerville where zoning might be less complex.

Carol reported on Watertown:

Watertown: Lab use is classified as a principal use permitted by right within existing industrial buildings and by special permit with site plan review for new construction, conversion from other commercial uses or when there is an addition greater than 4000 sq. ft. With respect to regulations, Watertown's are keyed off of and refer back to both NIH Guidelines for Research and the CDC Biosafety and Microbiological and Medical Laboratories and the Federal Select Agent Program which may not still be in existence. Carol suggested that a downside of referencing another set of regulations when building your own is not necessarily knowing when there are important or relevant changes. Clear that Watertown regulations require compliance with most recent NIH/CDC guidelines. Low risk activities exempt from NIH guidelines are exempt from requiring a permit but must register with Watertown biosafety committee. Regulate Level II and Level III facilities doing rDNA research or using biologic agents or agents that have a biologic origin. She felt that the permitting process was somewhat similar to Cambridge and Boston. She reviewed permitting fees and registration requirements. Level II facilities not working with rDNA or exempt rDNA materials are required to seek full permitting in Watertown but are not required to do so in Boston or Cambridge (though they still need lab specific permits from fire departments there). She felt hat the Watertown regs were fairly straightforward and felt it could be a good template for Brookline.

Paul asked about what is meant by the term bioagents beyond rDNA and whether it applied to Level II facilities. Carol confirmed that it does apply and then went on to say that Watertown is essentially taking definitions straight from NIH/CDC guidelines. Marilyn stated that Cambridge used the same approach but that reference was to agents classified as risk III or IV.

Paul asked whether his understanding was correct that zoning in Watertown was relatively new. Carol indicated that zoning was there prior to 2019. The safety regs and special permit process were newly promulgated in 2020 according to Marilyn. Paul wondered what Watertown had in terms of 'real labs' prior to the market frenzy.

Paul discussed Newton and said that it turned out to be a bit of a puzzle. Could not find relevant public health regs and could not establish contact with the individual who staffs the biosafety committee. After reviewing some minutes of the committee Paul ascertained that Newton has had a biosafety committee for many years,

that it was reinvigorated in 2014. It appears that the biosafety committee does interact with economic development. It appears through minutes of the city council's zoning and planning committee that the city may be gearing up to accommodate life science developments. Paul shared Newton's new zoning definition of Laboratory and Research Facility and Development uses. Limited to Level II uses. It seems like Newton is trying to be accommodating of lab developments.

Raised the issue of what could this group propose in areas such as public health. Should we look at other public health reg/bylaws?

Paul raised the question of how to get Bullfinch comfortable with Brookline and 10 Brookline Place. Should the Town work collaboratively with Bullfinch to get something in front of TM in 18 months?

Marilyn asked whether Newton did insert changed language into its zoning. Couldn't confirm. But City Council did take favorable action on one of the Riverside lab projects, implying that certain definitions and/or regs might have been adopted though no one can find actual evidence of that. Marilyn and Paul highlighted the need to understand where things ended up as without that information it would be hard to model ourselves after Newton (to the extent that was desirable)

Paul suggested speaking to the chair of the Newton Economic Development Commission to get some clarity. He also said there was a Newton based law firm that seemed to have a life science practice and that networking through them could be worthwhile.

Carol clarified that, for her, there were two processes being discussed…the zoning process and the regulatory process. She asked what was the thrust of the Newton discussion, both or zoning? Paul said both. Marilyn agreed, clarifying that Newton had zoning and biosafety regs in place but have updated them to enable additional development…but, we don't know the final details of what was approved.

There was discussion about Somerville and what it might be doing in the space with some interest expressed at looking more closely at their processes/regulations and reaching out to people either on staff or who are very active in the city. There was no consensus reached on that idea.

Carol stated her view that we should focus on Watertown as our template and refer back to other locations as needed. She added that focusing on one community would be more productive than trying to pick and choose and create something from scratch.

Paul expressed concern about untangling Level II and Level III in Watertown's regs. Carol expressed the belief that since everything seems to be built off of federal regs, that it should be fairly straightforward to limit ourselves to Level II.

Marilyn expressed interest in doing a "term sheet" outlining potential content of regulations, vs writing a regulation where technical aspects will need substantive input from public health department professionals. She also stated that Patricia Maher might be helpful in introducing us to people. Marilyn also said that we might want to leave the door open to Level III. Carol and Paul agreed.

Paul suggested there was a consensus to focus on Watertown but also looking at what Newton is doing. Paul asked about looking at Lexington and Waltham. Subcommittee members felt those were less relevant models.

Next steps…talk to people in Newton as Paul suggested. Carol asked about BU. With no response to date it is not clear whether conversation between BU contacts and Subcommittee will take place.

Paul asked for comments from Kara and Jennifer DoPazo Gilbert. Jennifer asked what she could do to help. In response to a question from Paul, Jennifer indicated that what the Subcommittee is considering is similar to provision of design guidelines developed when establishing special zoning overlay districts. Jennifer was supportive of developing recommended public health safeguards that can be put in place before a special permit application for specific project(s) starts

Paul said that a term sheet is a tangible item that can be given to others for review and input whenever we network. Next steps, 1. Put on EDAB Agenda for June 7th, 2. Post consolidated minutes for that meeting and expect feedback from Board members. Felt next meeting should be 1. Term sheet and 2. Incorporating feedback from EDAB.

Paul asked about chemicals in a high-rise building. Jennifer Gilbert passed on the fact that some chemicals need to be stored on the first floor. Paul stated his view that we needed to hear from Bullfinch what they would need in order to allow for successful pre-leasing. Asked whether Bullfinch was focused on 100% bio tenants. Paul offered to put questions into an e-mail.

Paul asked who would do the term sheet. Carol offered to help but that clarity was needed as to what would be included. General thought biosafety regs and zoning. Marilyn offered to help.

Paul offered to do the consolidated notes for circulation to EDAB. Said that the next Subcommittee meeting perhaps should be the week of June 14th. Agreement on June 15th at 4:00 PM. Additional date of June 29th at 8:30 AM was proposed.

The meeting adjourned at approximately 12:15 PM.