

Congress of the United States

Washington, DC 20510

April 13, 2020

The Honorable Andrew Wheeler
Administrator
U.S. Environmental Protection Agency (EPA)
1200 Pennsylvania Avenue N.W.
Washington, D.C. 20004

CC: Doug Benevento, EPA Associate Deputy Administrator

Dear Administrator Wheeler:

The U.S. Environmental Protection Agency (EPA) Inspector General (IG) recently released a report on the EPA's failure to adequately inform residents living near ethylene oxide (EtO)-emitting facilities about increased health concerns. In light of this report, we urge you to fully adopt the IG's recommendations at the agency. Specifically, we ask that EPA follow the IG's directive to improve its efforts to communicate the potential health risks associated with EtO emissions to at-risk communities, and submit a corrective action plan that includes milestones, deliverables and deadlines to our offices. We also express our deep concern over the agency's request to have the IG rescind this independent report in its March 31, 2020 press release. Instead, we ask that the EPA take immediate action to effectively communicate public health risks to at-risk communities —as recommended in the report.

After the release of the 2018 National Air Toxics Assessment (NATA), your agency identified 25 facilities that emitted EtO at rates high enough to create an increased cancer risk for the surrounding communities higher than the agency's own "acceptable" threshold of 100 per 1 million cancer diagnosis. Two of these high-priority locations included constituents in Lake and DuPage counties in Illinois. Several letters were sent to the EPA IG requesting further information about EPA's efforts, including its efforts to communicate these risks.

For example, a November 2018, letter requested an investigation into whether EPA complied with all statutory, regulatory, and policy requirements and protocols when the agency intentionally withheld crucial health information from the communities near EtO-emitting facilities. In January 2019, IG was asked to investigate allegations that EPA political appointees impeded efforts to inspect facilities emitting EtO. In response to these letters, the IG began to review agency efforts to adequately communicate the health risks to communities in close proximity to EtO facilities.

Our fears were confirmed in the recent IG report, which reveals that the EPA did not properly inform communities of the increased cancer risk associated with EtO emissions. According to the report, EPA and/or state personnel have met with residents living near 9 of the 25 high-priority communities, while communities near the remaining 16 facilities have not had an opportunity to receive direct outreach or participate in a public meeting to discuss their health

concerns and risks. While there are plans by the agency to engage in direct outreach to residents living near five additional facilities, the IG points out that there are no plans for outreach to residents living near the remaining 11 high priority facilities. The failure to conduct outreach is highly problematic. Those who live in communities that are disproportionately affected by toxins and air pollutants may not otherwise have access to the information necessary to properly manage health risks and protect their families.

Finally, we are troubled by the press release issued by your office requesting that the IG rescind its report on EtO. Failure by the agency to listen to the recommendation of its Inspector General would not only be a gross deviation from long standing agency protocol, it also would deprive those living close to EtO-emitting facilities from this information.

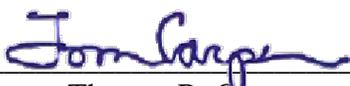
EPA has a duty that is core to its mission—to communicate risk and give impacted communities an opportunity to engage in the exchange of information. Fulfilling this duty is essential to protecting public health. It is also essential to ensure that affected communities have confidence that the EPA is working to protect public health and safety. As such, we request that you adopt the IG’s recommendation to improve and implement public health risk communication to all of the communities near the 25 high-priority EtO-emitting facilities, and to submit a corrective action plan that includes a specific timeline for each action item without delay.

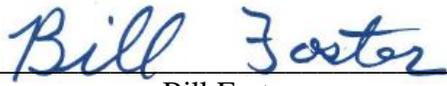
We look forward to your response to this matter, and hope you will consider our requests.

Sincerely,

Richard J. Durbin
United States Senator


Tammy Duckworth
United States Senator


Thomas R. Carper
United States Senator


Bill Foster
United States Representative


Bradley S. Schneider
United States Representative