

United States Senate

WASHINGTON, DC 20510

March 27, 2019

The Honorable Andrew Wheeler
Administrator
U.S. Environmental Protection Agency (EPA)
1301 Constitution Ave. NW
Washington, DC 20460

Dear Administrator Wheeler:

We write to request information related to the EPA's efforts to assess the health risks and investigate potentially illegal releases of ethylene oxide (EtO) in Illinois. EtO is a chemical used to sterilize medical equipment and other products, that EPA has also concluded is carcinogenic.¹

Recent newspaper reports² document the potential for higher cancer rates coincident with higher detected levels of EtO near the Sterigenics facility in Illinois. These reports further express concern³ that EPA political officials may have directed EPA career staff to cease inspecting facilities using the chemical and refused⁴ to take immediate action. These news stories, and the resulting lack of public confidence in EPA's enforcement efforts, led the Governor of Illinois to direct the owner of the facility to cease using EtO last month.

EPA concluded in 2016⁵ that its "confidence in the hazard characterization of EtO as 'carcinogenic to humans' is high." EPA now appears to be entertaining the American Chemistry Council's September, 2018 request⁶ to re-assess this conclusion, and the agency has formally requested public comment on whether EPA's 2016 conclusion is accurate in a recent regulatory proceeding.⁷

So that we can better understand the role of EPA political officials in examining EPA's 2016 conclusion about the health risks associated with EtO or directing enforcement efforts at the

¹ <https://www.epa.gov/sites/production/files/2016-09/documents/ethylene-oxide.pdf>

² <https://www.chicagotribune.com/news/local/breaking/ct-met-pritzker-sterigenics-shutdown-willowbrook-20190215-story.html>

³ <https://www.milfordbeacon.com/news/20190121/carper-duckworth-durbin-request-investigation-into-misconduct-allegations-at-epa>

⁴ <https://www.chicagotribune.com/news/local/breaking/ct-met-epa-sterigenics-ethylene-oxide-testing-cancer-20190205-story.html>

⁵ https://cfpub.epa.gov/ncea/iris/iris_documents/documents/subst/1025_summary.pdf

⁶ <https://www.americanchemistry.com/Media/PressReleasesTranscripts/ACC-news-releases/ACC-Requests-Correction-to-Information-Used-In-National-Air-Toxics-Assessment.html>

⁷ https://www.epa.gov/sites/production/files/2018-12/documents/frn_hydrochloric_acid_production_rtr_proposal_preamblerule_11192018.pdf

Sterigenics or at any other facility that uses the chemical, please provide the following materials no later than April 18th, 2019:

1. All documents (including comments, notes, emails, legal and other memoranda, white papers, scientific references, letters, telephone logs, text messages, meeting minutes and calendars, photographs, slides and presentations) prepared for, obtained by, or regarding, EPA political officials' involvement in enforcement activities at Sterigenics or any other facility that uses EtO, since January 21, 2017.
2. All documents (including comments, notes, emails, legal and other memoranda, white papers, scientific references, letters, telephone logs, text messages, meeting minutes and calendars, photographs, slides and presentations) prepared for, obtained by, or regarding, EPA political officials' involvement in deciding whether and how to amend EPA's 2016 hazard assessment for EtO, since January 21, 2017.
3. Copies of each request for information sent by EPA to Sterigenics under Section 114 of the Clean Air Act since January 21, 2017, and all of Sterigenics' responses thereto.

Thank you very much for your attention to this important matter. If you have any questions or concerns, please have your staff contact Michal Freedhoff of the Environment and Public Works Committee staff at 202-224-8832, Radha Adhar of Senator Duckworth's staff at (202) 224-2854, or Gina Mazzuca of Senator Durbin's staff at 202-224-2152.

Sincerely,



Tom Carper
Ranking Member
Senate Committee on
Environment and Public Works



Tammy Duckworth
United States Senator



Richard J. Durbin
United States Senator