



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

September 18, 2018

Senator John F. Curran
7501 Lemont Road
Suite 315G
Woodridge, IL 60187

Chairman Dan Cronin
421 N. County Farm Road
Wheaton, Illinois 60187

Dear Senator Curran and Chairman Cronin:

Thank you for your letter dated September 7, 2018, regarding the emission of ethylene oxide (EtO) from the Sterigenics facility in Willowbrook. My Office has been and continues to review this matter, including discussing the safety issues with managers at the Illinois Environmental Protection Agency, and meeting, along with a DuPage County Assistant State's Attorney, with senior officials from the United States Environmental Protection Agency and the Agency for Toxic Substances and Disease Registry. I welcome the opportunity to respond to your letter about this very important issue.

As you state, Sterigenics has been operating under Clean Air Act Permit Program (CAAPP) Permit No. 95120085, issued by the IEPA on June 8, 2015 ("Operating Permit"), which requires Sterigenics to meet the required control efficiency of 99.0% of emissions regulated under the Operating Permit (emissions from "back venting" are not covered under the Operating Permit). Based on the ATSDR's August 21, 2018 report, we learned that the requirements for controlling EtO emissions contained in the Operating Permit are alarmingly inadequate.

On June 26, 2018, the Illinois EPA issued to Sterigenics Construction Permit No. 18060020 ("Construction Permit") to connect previously uncontrolled and unregulated "back vent" emissions to existing pollution control equipment for the purpose of meeting the required control efficiency of 99.0% of those emissions. Our office was not involved in that permit process. We learned from Senator Curran that the "back vent" emissions were connected to existing pollution control equipment on or about July 27, 2018. The Construction Permit adds requirements in addition to the Operating Permit. ATSDR cited the additional controls in its

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August 27, 2018 statement in which it declared that the “emissions of ethylene oxide from the Sterigenics International, Inc. facility in Willowbrook, IL are not an immediate threat to public health and are not considered to be an emergency situation.”

Notwithstanding the aforementioned additional controls, we continue to have serious concerns about the emissions from the Sterigenics facility. We addressed these concerns and urged U.S. EPA to conduct further ambient air testing in the enclosed letter we sent to U.S. EPA. We are continuing to scrutinize the legal issues, regulatory context, technical data, and control technologies at the Sterigenics facility and will take necessary and appropriate actions as needed to protect the health of individuals living and working around the facility.

Please continue to feel free to contact my Office with any comments, information, questions or expressions of concern about this matter.

Very truly yours,



Matthew J. Dunn, Chief
Environmental Enforcement/
Asbestos Litigation Division
Illinois Attorney General's Office
500 South Second Street
Springfield, IL 62706
(312) 814-2550

cc: Lisa Smith, Assistant State's Attorney, DuPage County State's Attorney
Elizabeth Wallace, Chief, Environmental Bureau, Office of Illinois Attorney General



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September 17, 2018

Sent via email

Mr. Edward K. Nam, Ph.D.
Director, Air and Radiation Division
United States Environmental Protection Agency, Region V
77 W. Jackson Blvd., MS A-18J
Chicago, IL 60604

Re: *Sterigenics International, Inc./Willowbrook, IL*

Dear Mr. Nam:

Thank you again for meeting with us on Wednesday, September 12, 2018, and providing information on the work that U.S. EPA and the Agency for Toxic Substances and Disease Registry (ATSDR) have and continue to perform related to the ethylene oxide (EtO) emissions from the Sterigenics facility in Willowbrook, Illinois. We appreciate your work on this important matter.

As you know, we have reviewed the Letter Health Consultation regarding Sterigenics, prepared by the ATSDR dated August 21, 2018, along with numerous other documents related to this issue. Based on that Letter Health Consultation, it is clear that the requirements for controlling EtO emissions contained in the Clean Air Act Permit Program (CAAPP) Permit No. 95120085, issued to Sterigenics by the IEPA on June 8, 2015 ("Operating Permit"), are alarmingly inadequate and not protective of the community around the facility. It remains to be seen whether recent modifications to the facility's emission control system pursuant to the Construction Permit issued to Sterigenics by the Illinois Environmental Protection Agency on June 26, 2018, will mitigate the risk identified in the Letter Health Consultation. By this letter, we make the following requests.

First, please provide your timetable for implementing the second recommendation made by ATSDR in the Letter Health Consultation, which is:

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ATSDR recommends that U.S. EPA work with the Sterigenics facility to initiate long-term air monitoring as soon as possible to measure ambient air levels of EtO. Ongoing air monitoring can demonstrate the effectiveness of actions taken by the company to reduce emissions and subsequent exposures in the community.

The Illinois Attorney General's Office agrees with ATSDR that ambient air monitoring data is a critical piece of information necessary to evaluate ongoing impacts to the community, due to the fact that the company recently installed equipment to control previously uncontrolled emissions. This ambient air monitoring should be expedited, because the modifications to control emissions from the back vents of the sterilization chambers at the facility reportedly have been in place since July 27, 2018. The neighboring community needs to know if the level of EtO measured in the ambient air by U.S. EPA in May, 2018, has abated.

Second, it is imperative that U.S. EPA work with ATSDR to immediately provide relevant information to the public to assist the community in understanding the current risks posed by the monitored levels of EtO near the facility. U.S. EPA prepared public outreach documents, and, in fact, posted them on its website for a short period of time, only to pull them offline. It is typical for U.S. EPA to publish a Fact Sheet in this type of situation and we ask that U.S. EPA immediately publish such a Fact Sheet and FAQs on the Sterigenics webpage that currently exists on U.S. EPA's website. The shared information can and should be updated as matters develop. The void left by U.S. EPA providing NO community relations information is causing significant anxiety to hundreds, if not thousands, of Illinois residents concerned about their health and that of their children and loved ones. U.S. EPA should act immediately to address these real concerns.

Please let us know as soon as possible whether and when U.S. EPA anticipates accomplishing the two issues identified herein.

Very truly yours,



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cc: James O. Payne, Jr., Acting Deputy Regional Administrator, U.S. EPA, Region V
Leverett Nelson, Regional Counsel, U.S. EPA, Region V
John Kim, General Counsel, Illinois EPA
Lisa Smith, Assistant State's Attorney, DuPage County State's Attorney
Elizabeth Wallace, Chief, Environmental Bureau, Office of Illinois Attorney General