

To: United States Environmental Protection Agency

From: Tano E. Tijerina, Webb County Judge

Subject: Comments for National Emission Standards for Hazardous Air Pollutants: Ethylene Oxide Emissions Standards for Sterilization Facilities Residual Risk and Technology Review Docket ID No. EPA-HQ-OAR-2019-0178.

Submitted: June X, 2023

Webb County appreciates the opportunity to provide comments on the Environmental Protection Agency's (EPA) proposed rule National Emission Standards for Hazardous Air Pollutants: Ethylene Oxide Emissions Standards for Sterilization Facilities Residual Risk and Technology Review. It is crucial for EPA to update the regulations on ethylene oxide (EtO) sterilizers to protect the public health particularly those who live, work and attend school in the communities adjacent to them.

In Laredo, nearly 95% of the more than 83,000 people who live within five miles of the Midwest Sterilization Facility are people of color, 30% are low income and 11% have limited English language proficiency<sup>1</sup>. There are also 52 schools and childcare centers within 5 miles of Midwest Sterilization.

**1. EPA must require fence-line air monitoring**

The EPA proposal falls short in not requiring all commercial sterilization facilities to install fenceline monitors. Fenceline monitoring is useful to understand the amount of fugitive, controlled and uncontrolled emissions coming from sterilizers.

EPA must ensure the safety of frontline communities by requiring that sterilizers conduct frequent fenceline monitoring. Because the sterilizer in Laredo is amongst one of the highest emitters and highest users of EtO in the nation, we believe that this requirement can save lives. It also provides hard data that can provide a bigger picture of actual emissions coming from the facility, rather than modeling and assumption.

**2. EPA should include coverage of the rule to include off-site warehouses**

The proposed rule covers EtO emissions from commercial sterilizers and their on-site warehouses and other on-site storage areas. The proposed rule, however, does not cover **off-site** warehouses and/or storage areas. In 2020, the EPA conducted an Information Collection Request for commercial sterilizers around the U.S., Midwest Sterilization disclosed that 90% of sterilized medical equipment was transported to **off-site** warehouses after the sterilization process was completed. However, the location of the off-site warehouses was not disclosed.

Many, if not all off-site warehouses are not regulated by the Clean Air Act and do not contain the emissions controls systems necessary to capture residual EtO that is off gassed from newly sterilized equipment. Evidence suggests that off-site storage warehouses can generate significant hazardous EtO emissions. For example, in 2019, the Georgia Environment Protection Division

---

<sup>1</sup> Texas. (2023, February 7). Union of Concerned Scientists. <https://www.ucsusa.org/resources/texas>

issued a notice of violation to Beckon, Dickinson and Company, a medical sterilization company, for operating on off-site warehouse in Covington without an air quality permit <sup>2</sup>.

This is why we urge the EPA to expand the rule to cover off-site warehouses used to store sterilized equipment and require emissions controls and monitoring to ensure workers and communities nearby are not exposed to uncontrolled EtO emissions.

**3. EPA must expedite compliance with the final rule**

Although this rule is immensely welcomed, EPA has delayed updating EtO standards for commercial sterilization facilities for nearly a decade. The current proposed timeline for facilities to comply with the final rule is 18 months. Because EPA estimates that the final rule will be finalized closer to end of 2023, this means that facilities have until 2025 to comply with the final regulation. We believe this is unacceptable to the people who live and work in the communities around commercial sterilizers. Midwest Sterilization has been operating in Laredo for 18 years and has had some of the highest emissions in the nation. We cannot allow our community to continue to be exposed to a highly toxic chemical known to cause cancers at extremely low levels.

**4. EPA must continue to require that all EtO commercial sterilizers be covered in the final rule**

We are grateful that EPA is requiring both major and area source commercial sterilizers to comply with the requirements of the proposed rule. It is especially important for states like Texas since the Texas Commission on Environmental Quality's (TCEQ) cancer risk estimate for EtO is far below EPA's. We urge EPA to keep this requirement in the final rule in order to protect the health and safety of communities like ours.

Thank you,

Tano E. Tijerina  
Webb County Judge

---

<sup>2</sup> Statement from Georgia EPD Regarding BD Notice of Violation. (2019, December 20). Environmental Protection Division. <https://epd.georgia.gov/press-releases/2019-12-20/statement-georgia-epd-regarding-bd-notice-violation>