

DAVID SCOTT
13TH DISTRICT, GEORGIA

WWW.HOUSE.GOV/DAVIDSCOTT

DAVID.SCOTT@MAIL.HOUSE.GOV

COMMITTEE ON
AGRICULTURE

COMMITTEE ON
FINANCIAL SERVICES

Congress of the United States
House of Representatives
Washington, DC 20515-1013

The Honorable Andrew Wheeler
EPA Administrator
Environmental Protection Agency

Dear Mr. Wheeler:

Recent reports indicate a questionable series of interactions between the Environmental Protection Agency (The Agency) and the Georgia Environmental Protection Division (GEPD) concerning a toxic chemical known as ethylene oxide (EtO). This toxic chemical has potentially put hundreds of Georgians and their families at serious health risk. As a Member of Congress from the Georgia delegation, I demand transparency, an explanation as to the actions or the lack thereof in the management of this cancerous chemical, and communication with the community of its associated risks. For the time being, Sterigenics and other EtO sources must cease operations until the air quality around the facilities is tested by the Agency.

On August 21st, 2018, the EPA issued the National Air Toxics Assessment (NATA), which indicated Smyrna and Covington, Georgia as areas with high levels of airborne toxins including EtO. Despite NATA and the 2016 findings on EtO toxicity, neither the EPA nor the GEPD issued any sort of public notice or warning regarding the airborne toxin almost one year after NATA. More concerning, recent articles indicate conversations between the EPA and the GEPD, in which the EPA communicated with GEPD chief, Karen Hays, asking for more information on the sterilized medical equipment facilities and the levels of EtO produced there. Chief Hays then communicated that such a request was unnecessary and burdensome for the GEPD. I find this dismissive response unconscionable and while I appreciate the EPA's request for information, there are also significant problems in the response from both the EPA and the GEPD as both parties failed to initiate any action to track EtO or educate the community on potential risks.

Sterigenics in Smyrna is closely located to schools, a shelter for homeless women and children, the Chattahoochee River, an animal shelter, and is just a few blocks away from residential communities. As constituents continue to potentially be exposed to EtO, it is important that the EPA requires Sterigenics to suspend operations, comprehensively test the air quality around Sterigenics in Smyrna, and quickly and accurately convey information on exposure risk to the community at large. As a Member of Congress, I also ask the EPA the following:

- To ensure accurate depictions of air quality surrounding Covington and Smyrna, what are the Agency's plans to send officials to measure and report on the air quality surrounding the facilities?
- Although there is no enforcement mechanism to require the Agency to issue public notices, what are the current procedures within the Agency to notify communities on reports such as the National Air Toxin Assessment and the Toxic Release Inventory?

WASHINGTON OFFICE:
225 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-1013
PHONE: (202) 225-2939
FAX: (202) 225-4628

JONESBORO OFFICE:
173 NORTH MAIN STREET
JONESBORO, GA 30236
PHONE: (770) 210-5073
FAX: (770) 210-5673

SMYRNA OFFICE:
888 CONCORD ROAD, STE. 100
SMYRNA, GA 30080
PHONE: (770) 432-5405
FAX: (770) 432-5813

- Please provide in detail reasons why the Agency decided to take no action in warning local communities on the toxicity of EtO? Please provide information on the Agency's action to remedy previous inactions.
- The Clean Air Act also requires that the EPA produce "Residual Risk Reviews" every eight years to update standard requirements. The last review was issued in 13 years ago in 2006. What is the Agency's plan for issuing a new review? Please provide details regarding standards related to EtO for both major and area sources.
- As authorized by Section 114 of the Clean Air Act, why did the Agency not request emission reports from the facilities themselves when the GEPD did not provide such information?
- What is the Agency's plan to ensure that companies do not report false emission numbers to the Toxic Release Inventory authorized by the Emergency Planning and Community Right-to-Know Act? Please include enforcement actions as well.
- As in the cases in Illinois and in Colorado where facilities updated their technology to reduce emission of EtO, please provide information on the most modernized technology used to control the emissions of EtO and plans to ensure facilities are using such technology.

I look forward to your prompt attention to this time-sensitive issue. We must act now to ensure the American public is protected from toxic chemicals and I would appreciate a response no later than August 15th, 2019.

Sincerely,

A handwritten signature in blue ink that reads "David Scott". The signature is stylized and cursive.

David Scott
Member of Congress

Cc: Richard Dunn, Director
Georgia Environmental Protection Division

Mary S. Walker, Regional Administrator Region 4
Environmental Protection Agency

Karen Hays, Branch Chief
Georgia Environmental Protection Division, Air Protection Branch