

September 6, 2019

**ATTORNEY GENERAL RAOUL & STATE'S ATTORNEY BERLIN ISSUE STATEMENT ON COURT
APPROVAL OF STERIGENICS CONSENT ORDER**

***Order Prohibits Willowbrook Facility from Reopening Until it Complies with State Law and the
Consent Order***

Chicago — Attorney General Kwame Raoul and DuPage County State's Attorney Robert Berlin today released the following statement in reaction to DuPage County Circuit Court Judge Paul Fullerton's approval of a consent order entered in *People of the State of Illinois v. Sterigenics U.S., LLC*.

"When our offices partnered to file a lawsuit against Sterigenics in 2018, we called upon and gave the Illinois General Assembly time to strengthen our state's laws regulating sterilization facilities that emit ethylene oxide. With nearly unanimous support, the Legislature this spring passed the nation's strictest requirements on ethylene oxide emissions at sterilization facilities, which were quickly signed into law by the governor. The consent order entered today mirrors and goes even further than the new law.

"The consent order gives our offices the tools to act quickly to protect the community and hold Sterigenics accountable for any future violations of Illinois' new ethylene oxide restrictions or other state environmental laws. To be clear, nothing within the consent order guarantees that the Willowbrook facility will reopen in the immediate future – or that it will reopen at all. Under the consent order, Sterigenics' Willowbrook facility is strictly prohibited from resuming sterilization operations until it constructs new emissions control systems that have been reviewed and approved by the Illinois EPA. The Attorney General's office, the State's Attorney's office and the court will be closely monitoring each step Sterigenics takes to potentially reopen.

"Our offices are duty bound to enforce state laws as written and passed by the General Assembly. The new law signed this summer – while containing landmark restrictions of ethylene oxide emissions – allows any facility in compliance with the law to operate in the state of Illinois. While Illinois has acted to significantly reduce ethylene oxide emissions, the health concerns arising from the use of ethylene oxide and other harmful chemicals is an issue of national importance, and the conversations surrounding ethylene oxide emissions should continue at the federal level."

Background:

The now-final consent order requires Sterigenics to comply with a new law passed by the General Assembly this spring, which contains the nation's most stringent regulations of sterilization facilities that emit ethylene oxide (EtO). Sterigenics' Willowbrook facility is comprised of two buildings, Willowbrook I and Willowbrook II. The consent order prohibits sterilization operations from taking place at Willowbrook I, Sterigenics' primary facility, until it is in compliance with both the new law and the consent order. According to the consent order, Willowbrook I is prohibited from resuming sterilization operations unless and until the company installs new emissions capture and control systems and submits plans for testing the new systems, all of which must be reviewed and approved by the Illinois Environmental Protection Agency (IEPA). Sterigenics will also be required to provide the IEPA with test results that confirm the new systems capture 100 percent of emissions. Additionally, Sterigenics must obtain multiple certifications required by the new law prior to using EtO at Willowbrook I. The consent order also prevents Sterigenics from conducting sterilization operations at Willowbrook II until Sterigenics applies for and obtains a permit from the IEPA, and the consent order is amended to allow for such operations.

If Sterigenics receives a permit and is allowed to resume operations, the net effect of the requirements in the consent order and the new law will be to reduce the EtO emissions from the Willowbrook facility to no more than 85 pounds per year. This represents a drastic reduction from Sterigenics' reported annual emissions from 2006 to 2018, which ranged from 2,840 pounds to 7,340 pounds per year.

The consent order is a court enforced agreement that resolves both the state's lawsuit against Sterigenics, and Sterigenics' lawsuit challenging the IEPA's seal order, which temporarily stopped Sterigenics from using EtO. The consent order is a stronger legal tool than the IEPA seal order because it strips Sterigenics of any legal ability to resume the use of EtO without meeting all legal requirements under the new law and the consent order, including new emissions controls. If Sterigenics fails to comply, the Attorney General and State's Attorney will seek court enforcement of the consent order and penalties, including the possible cessation of operations at the facility and contempt of court.