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ATTORNEY GENERAL MADIGAN & STATE'S ATTORNEY BERLIN FILE LAWSUIT AGAINST STERIGENICS OVER TOXIC AIR POLLUTION VIOLATIONS

Madigan & Berlin File Suit & Urge Legislature to Address Use of Ethylene Oxide in Illinois

Chicago — Attorney General Lisa Madigan and DuPage County State's Attorney Robert Berlin today [filed a lawsuit against Sterigenics U.S. LLC \(Sterigenics\)](#), alleging air pollution violations due to the release of the toxic chemical ethylene oxide (EtO) at its plant in Willowbrook, Ill. In addition to filing suit, Madigan and Berlin called on the Illinois General Assembly to address the public health impacts from the use of EtO.

Madigan and Berlin's lawsuit, filed today in DuPage County Circuit Court, includes one count of causing, threatening or allowing air pollution and one count of maintaining a common law public nuisance, alleging Sterigenics poses an unreasonable and substantial risk to public health and welfare and the environment.

Madigan and Berlin's lawsuit seeks to ban Sterigenics from further air pollution violations and seeks an operating or emission limit that fully protects human health and the environment. If the court finds that there is no safe level of EtO emissions in the community, Madigan and Berlin ask that the court ban the company from all EtO emissions.

"For too long, Sterigenics emitted a dangerous, toxic chemical into the air putting the public's health at risk," Madigan said. "In addition to filing our lawsuit, I urge the General Assembly to pass legislation to ban or greatly restrict the use of ethylene oxide in Illinois. I appreciate State's Attorney Berlin's assistance in protecting the community and the environment."

"My office will not sit idly by while our residents are exposed to a noxious gas categorized by the United States Environmental Protection Agency as an agent 'carcinogenic to humans' as is alleged in this case," Berlin said. "We are alleging that since at least 2006, through July of this year, the defendant, Sterigenics U.S., LLC, allowed the release of ethylene oxide gas into the atmosphere dangerously close to a densely populated residential area with nearly 20,000 people living within one mile of the alleged release. The issue of clean air is not negotiable. I would like to thank Attorney General Madigan and her staff for their cooperative efforts in protecting the public from this alleged release of an extremely hazardous and potentially fatal human carcinogen. I would also like to thank Assistant State's Attorney Lisa Smith for her outstanding work in requiring Sterigenics to comply with our state's environmental laws."

Sterigenics and its use of EtO came under scrutiny after the U.S. EPA updated its assessment of the risk posed by EtO emissions. In a December 2016 report, the U.S. EPA classified EtO as a known human carcinogen and more dangerous than it had previously classified the chemical. Based on that new evaluation of EtO's risks, in August 2018, the U.S. EPA released the 2014 National Air Toxics Assessment (NATA) report. The NATA report provides information on the cancer risks from breathing air with toxic chemicals. As a result of the Sterigenics plant's emissions, the NATA released in August 2018 identified Willowbrook as a community exposed to high and unsafe levels of EtO.

In December 2017, as the U.S. EPA was preparing the NATA report, it contacted Sterigenics to raise the issue of the plant's emission of EtO. Then, prior to the release of the NATA report, in July 2018, Sterigenics installed new pollution controls at its Willowbrook site to reduce the amount of EtO emissions. Sterigenics, with IEPA and U.S. EPA oversight, has since performed new stack testing that analyzed emissions at the site. According to Sterigenics, that testing indicated that no EtO was detected at or above the limit of the detection equipment, which is 0.10 parts per million (ppm). The U.S. EPA is currently analyzing the results of that testing.

Following the release of the NATA report in August 2018, Attorney General Madigan called on the U.S. EPA to immediately perform ambient air testing in the community around the site and to immediately provide relevant information to the public to assist the community in understanding the risks posed by the current levels of EtO emissions by Sterigenics. The U.S. EPA committed to conducting the testing, though the testing has not yet been completed.

Handling this case for Madigan's Environmental Enforcement Division are Division Chief Matthew Dunn, Bureau Chief Elizabeth Wallace, and Assistant Attorneys General Daniel Rottenberg and Stephen Sylvester.

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