

PAMELA G. BEIDLE
Legislative District 32
Anne Arundel County

DEPUTY MAJORITY WHIP

Finance Committee

Chair, Executive Nominations Committee

Spending Affordability Committee

Joint Committee on Gaming Oversight

Joint Committee on Management of
Public Funds

Chair, Anne Arundel County
Senate Delegation



James Senate Office Building
11 Bladen Street, Room 202
Annapolis, Maryland 21401
410-841-3593 · 301-858-3593
800-492-7122 Ext. 3593
Pamela.Beidle@senate.state.md.us

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

March 16, 2023

SB 916
Environment – Ethylene Oxide - Prohibition

Good afternoon, Chair Feldman, Vice Chair Kagan and Members of the Committee;

Thank you for the opportunity to present SB 916, Ethylene Oxide – Prohibition. Ethylene Oxide (EtO) is a chemical used for sterilization in certain medical equipment, some spices, and dried foods. It is a known carcinogen. Chronic exposure to this gas is associated with cancers of white blood cells, such as non-Hodgkin's lymphoma, as well as breast cancer in women. Children are especially vulnerable -- EtO exposure can make them susceptible to DNA mutations. EPA's own science confirms that ethylene oxide is extremely toxic to breathe.

The EPA has been reviewing the use of EtO and its emissions since 2004, in 2005 the EPA considered prohibiting its use at new facilities. It takes the EPA a long time to make a rule or prohibit the use of a chemical. Just look at lead paint:

- France, Belgium, and Austria prohibited lead in paint for interior painting in 1909,
- The European Union prohibited it for interior and exterior painting in 1940, and
- The United States finally prohibited it in 1978.

Just think of all the children that have been harmed needlessly by lead paint.

You will hear that hospitals use EtO to sterilize their equipment. The Hospital Association stated that their members do not use it in their facilities, including Johns Hopkins and the University of Maryland System. Here is quote from one hospital:

"We do not use Gas Sterilization (ETO) here and haven't since the 90s. The removal of Gas Sterilization was a safety decision for staff and patients for all hospitals. We use high temperature sterilization which is steam sterilization and we use low temperature sterilization which is vaporized hydrogen peroxide sterilization. High temperature sterilization is used for most surgical instrumentation and heat sensitive items such as cameras and endoscopes are sterilized using low temperature sterilization."

Ethylene Oxide is also used to sterilize spices and dried foods. Two plants are located within a few miles of each other. One in Hanover, District 32, and one in Jessup, District 13. This is what EPA says about the Hanover plant:

"Elite Spice, Inc. is located at 1415 Magellan Drive, Hanover, MD. The facility uses ethylene oxide (EtO) to sterilize spices. EPA scientists and analysts recently completed a risk assessment to understand the impact of EtO emissions from the Elite Spice, Inc. facility. As part of this risk assessment, we used the most recent available information about how much EtO the company emits into the air, and we modeled estimated cancer risks to people living nearby. The risk assessment identified elevated cancer risk in the Hanover."

The EPA is developing regulations to reduce these emissions, but there is no reason for these plants to be using ethylene oxide because alternatives exist. The European Union bans the importation of spices sterilized with ethylene oxide, primarily because the material can remain in the product. Meanwhile, McCormick uses steam to sterilize all of the spices we buy off the shelf here in the US.

In an article in "The Hill" from February 28, 2023:

"Last year, the EPA said that communities near 23 sterilization plants around the country have elevated cancer risks...Asked why these plants were still in operation EPA spokesperson said that its authority to shut down facilities is limited. But the spokesperson said the agency is working with state authorities to reduce emissions while developing new regulations."

Due to its highly toxic nature, the European Union and much of the rest of the world, has banned the use of EtO for the fumigation of foods and food storage areas. The EU has also banned the use of ethylene oxide as a pesticide in 1991.

There are alternatives to the use of Ethylene Oxide. Why are we protecting businesses and not protecting people?

I respectfully request a favorable report on SB 916.