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Senator Brian J. Feldman  
Senate Committee on Education, Energy, and the Environment  
2 West Miller Senate Office Building  
11 Bladen Street  
Annapolis, MD 21401

**RE: SB 916 – UNFAVORABLE - Environment – Ethylene Oxide – Prohibition**

Dear Chair Feldman and Members of the Committee:

Elite Spice is writing to express our vehement opposition to SB 916 which seeks to ban Ethylene Oxide (EtO) and abolish its use in controlling harmful pathogens. EtO is a critical tool used to ensure the safety of food products and to protect public health. For more than 70 years, EtO treatment has been used by the U.S. spice industry, and demanded by the commercial food manufacturing industry, to prevent countless instances of serious and sometimes deadly foodborne illness. The proposed EtO ban is an immediate threat to public health. Its impact will reach far beyond the Maryland companies this bill is targeting. Hundreds of millions of pounds of spice produced in Maryland are used as flavoring ingredients in tens of billions of pounds of commercially produced foods. The viability and adoption of alternative treatment methods has been impeded by serious process limitations and inadequacies; there are no immediate treatment remedies capable of supplanting the EtO treatment capacity eliminated by this bill. If SB 916 is ratified, the U.S. food supply chain will suffer consequential disruptions, food safety will be compromised, and public health will be threatened. We urge you to consider this request for an unfavorable report on SB 916.

Elite Spice is an American owned and operated spice and seasoning manufacturer headquartered in Jessup, Maryland. Elite employs 800 people nationwide; 610 of whom are working at our facilities in Maryland. For 35 years, Elite has specialized in producing pure, high-quality, and safe-to-consume food ingredients marketed to commercial food manufacturers. Our products provide flavor to a wide variety of meats, seafood, vegetables, dairy items, snacks, condiments, sauces, dressings, soups, seasonings, beverages, cereals, baked goods, and other food items produced by thousands of commercial food manufacturers across the country. This year alone, the essential flavoring components we produce are estimated to impact more than 10 billion pounds of consumer foods. Given the magnitude of the consequences, Elite's guiding principles have always been purity and safety. These principles are not limited to the products we produce; they extend to the air we breathe and the environment in which we work and live. We care deeply about the health and well-being of our workers, our communities, and the consumers of our products.

Spices, as raw agricultural products, may be imported from more than 4 dozen countries where foodborne hazards could be introduced by a variety of conditions, including farming and handling practices. Like many other raw agricultural commodities, spices are known to carry a significant risk of pathogenic contamination, such as *Salmonella*. Federal food regulations and commercial standards require the use of a scientifically validated process to mitigate the risk of identified microbial hazards.



Fumigation with EtO is recognized and approved as one of the most effective and viable treatment methods for eliminating pathogens in spice.

Elite Spice has been safely using EtO to ensure food safety since the inception of our business. Multiple federal and state agencies regulate the safe use of EtO, including the Environmental Protection Agency (EPA), Maryland Department of the Environment (MDE), the Food and Drug Administration (FDA), and the Occupational Safety and Health Administration (OSHA). Elite's use of EtO is fully permitted by law, and the agencies continue to approve its use to treat spice in order to protect public health. Most importantly, **Elite's facilities operate in full compliance with stringent EPA and FDA regulations** (and all other federal and state requirements).

In an unconventional manner and in advance of forthcoming proposed rulemaking, on August 3, 2022, EPA released information about facilities across the country that use EtO. The information released by EPA included allegations that EtO emissions from two of Elite Spice's facilities may create an elevated long-term cancer risk to nearby lifelong residents. The scientific basis for EPA's assessment of the long-term risk of EtO exposure has been harshly criticized by credible scientific authorities and state environmental agencies. Additionally, the Maryland Department of the Environment has publicly criticized EPA's process of communicating potential EtO risks without having detailed source specific analyses to support EPA's assertions.

Within the EPA's published risk information, EPA states, "We are continuing to collect and verify information about these facilities and its emissions." EPA also says, "If EPA receives new data, we will update this information." As MDE can attest, on October 14, 2022, Elite Spice submitted data and modeling to EPA for its Maryland facilities demonstrating that emissions are in fact substantially lower than the risk level that EPA deems as unacceptable. However, despite EPA's unequivocal commitment that it, "will update this information," it has not done so. Consequently, inaccurate information has not been updated, and egregious errors have not been corrected. We know EPA is busy drafting proposed rules which are intended to further reduce EtO emissions and offer enhanced protections for workers and communities. We fully support EPA's rulemaking efforts and anticipate the imminent publication of proposed rules.

In the meantime, non-governmental organizations have exploited EPA's inaccurate published information as part of a misguided campaign to draft myopic public policy in Maryland and subvert EPA's directive to promulgate appropriate nationwide regulations. They have disseminated mappings and information that are misaligned with the mappings and information published by EPA; their frightening and inflammatory rhetoric is often contradicted by credible scientific authorities and common sense.

In conclusion, SB 916 fails to recognize the critical role that EtO plays in preventing outbreaks of food borne illness by mitigating the known pathogenic risks in spice. The quantities of food affected by the proposed EtO ban are exponentially greater than the quantities of spice produced by the Maryland companies using EtO treatment. Absent immediately viable alternative treatment methods, nationwide food supply and public health will be jeopardized. We urge you to consider this request for an unfavorable report on SB 916 and work to protect public health and the environment by promoting policies based upon sound scientific evidence. Elite Spice will continue to work closely with all federal,

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state, and local regulatory authorities to ensure its ongoing compliance with all environmental regulations. Above all, we will continue to operate in a manner that keeps our people, our products, and the public safe.

Respectfully,

A handwritten signature in black ink, appearing to read 'Joseph Samuel'.

Joseph Samuel  
President  
Elite Spice, Inc.