



FUCHS NORTH AMERICA, INC.
3800 Hampstead Mexico Road
Hampstead, MD 21074 USA
Phone: 800.365.3229
FAX: 410.363.6619
fuchsna.com

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:

Fuchs North America (“Fuchs”) is a seasoning and spice company located in Hampstead, Maryland. Although we’re part of the worldwide Fuchs Group, you may also know us as Baltimore Spice. That’s because our company began as Baltimore Spice Company all the way back in 1939. At our Maryland location, we employ about 250 people.

Senate Bill 916 would ban the use, manufacture, sale, or distribution of ethylene oxide (EtO) in the state.

As part of our seasoning manufacturing process, Fuchs uses ethylene oxide (“EtO”) as a fumigant to ensure that our spices meet Food and Drug Administration (“FDA”) standards, 21 CFR 117. EtO is highly effective and validated to kill the pathogen, *Salmonella*. Fuchs’s products are treated with EtO in an enclosed chamber using a programmed cycle of EtO treatment, followed by nitrogen and air washes that are intended to reduce the amount of EtO residual left on the product. Fuchs is compliant with all Federal and State requirements for the use of EtO on spices (FDA, EPA, OSHA and MDE). Fuchs is also in compliance with the Maryland air toxics requirements of COMAR 26.11.15.06 and the emissions limitations of 40 CFR 63.3629(c). Passage of this bill will cause irreparable damage to Fuchs business and negatively affect the food safety of our customers and consumers of food.

In summary,

- Fuchs use of EtO is safe for food, the environment, our employees and our community through following established use requirements already established by Federal and State agencies for the use of EtO on spices.
- Passage of this bill would result in insufficient capacity to sterilize our raw materials through alternative means, greatly affecting our ability to serve our customers and consumers.
- Passage of this bill would negatively affect the food safety and quality of the products that we produce.
- Passage of this bill would result in giving a significant commercial advantage to our competitors who operate outside of the state of Maryland.

We appreciate you taking the time to consider our request for an **UNFAVORABLE** report on Senate Bill 916.



FUCHS NORTH AMERICA, INC.
3800 Hampstead Mexico Road
Hampstead, MD 21074 USA
Phone: 800.365.3229
FAX: 410.363.6619
fuchсна.com

Fuchs requests an Unfavorable report on SB 916 as ethylene oxide is of critical importance for the spice industry for food safety purposes.

The human health benefits of using EtO to rid spices of dangerous pathogens greatly outweigh any exposure risk from the substance itself. Importantly, EtO allows for packaged spices to undergo treatment. This has significant food safety benefits, since it prevents the potential for post process contamination. Additionally, when treated spices require reconditioning due to a post-process contamination, EtO may be the only viable option available.

While alternative technologies are available for some applications of spices, EtO remains critical for the spice industry. Some spices are particularly vulnerable to alternative treatments due to having more delicate flavor and color. Steam is particularly challenging for use with low-density products such as herbs, and spice products with a high density, such as ground spices and cannot be used for pre-packaged spice. Steam treatment can also result in discoloration or loss of flavor, thus destroying certain spice products -- for which the main purpose is to add flavor to foods. Another potential alternative – gamma – comes with issues. Because of world-wide shortages of cobalt, there is very low availability.

Most likely, the result of banning EtO sterilization in Maryland will result in shutting down facilities operating in the state that are in compliance with all federal regulations. And could push much of the spice sterilization offshore to developing countries with far less sophisticated regulatory systems than the U.S., which presents both significant food safety and environmental risks.

Fuchs requests an Unfavorable report on SB 916 as it creates inconsistencies with pending federal regulations and other states.

The U.S. Environmental Protection Agency (EPA) regulates the use of EtO & requires emissions controls and worker protections. Fuchs and the spice industry have a long track record of working effectively with EPA to address concerns regarding the safety of ethylene oxide use on spices. EPA is working on several forthcoming regulations to further reduce air emissions of EtO. These actions will put in place extensive new protections for residents and workers as well as environmental controls, including emissions restrictions, limitations of non-critical uses, and equipment requirements. Fuchs and the spice industry has been actively and voluntarily pursuing ways to reduce EtO worker exposure and EtO emissions and will continue these efforts. The unintended consequences of SB 916 creates inconsistencies with pending federal regulations and other states.

Spice companies that use EtO have worked for the last 20 years to reduce residues and emissions to the lowest possible level, sometimes achieving undetectable emissions levels, while still ensuring spices are treated to control food safety hazards. In conclusion, concerns regarding EtO exposure risks should be balanced with critical benefits. Passage of SB 916 would unnecessarily pose health risks to Marylanders and irreparably harm Maryland businesses.

Thank you,