



Maryland Department of Agriculture

Office of the Secretary

Wes Moore, Governor

Aruna Miller, Lt. Governor

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Steven A. Connelly, Deputy Secretary

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Industry

The Wayne A. Cawley, Jr. Building
50 Harry S Truman Parkway
Annapolis, Maryland 21401
mda.maryland.gov

410.841.5885 Baltimore/Washington
410.841.5846 Fax

Maryland Department of Agriculture

Legislative Comment

Date: March 15, 2023

BILL NUMBER: Senate Bill 916

SHORT TITLE: Environment – Ethylene Oxide - Prohibition

MDA POSITION: INFORMATION

SB 916 would require the Secretary of the Maryland Department of Environment (MDE) to prohibit the use, manufacture, sale, offer for sale, or distribution of ethylene oxide in the state.

From a fiscal perspective, the bill would result in a loss of \$1,210 in revenue per year. However, the impact on two industries in the state would be quite severe. They would be the spice industry and the medical kit/medical instrument sterilization.

Ethylene oxide (EtO) is used in several areas of industry, such as, spice manufacturing, healthcare (hospital, veterinary, dental, and medical), contract sterilization facilities, libraries, museums, cosmetics, clothing, and music industries. EtO is generally used in chambers to sterilize batches of spices, medical, veterinary, and dental instruments, books, artifacts, cosmetics, and musical instruments.

Spices: There are six major spice manufacturers in the state of Maryland: McCormick, JO Spice, Chesapeake Spice, Harbor Spice, Fuchs North America, and Elite Spice. The FDA will often hold products at a port without inspection depending on which country it comes from. If that is the case, the company that purchased the spice is responsible for the fumigation of the product before it is released from the quarantine. Fuchs NA in Hampstead MD uses EtO for this reason. It is a validated kill step sterilant for the control of *Salmonella sp.* This will have a large impact upon Fuchs. Elite Spice in Jessup also uses EtO as a sterilant. There are four companies that do not use EtO in the process.

If the bill is passed, this would require the two spice companies, Elite, and Fuchs, to source their spice sterilization to out of state companies. The other four companies are already doing this. The extra workload could potentially create a bottleneck in the supply chain of the spice industry in Maryland.

Healthcare Sterilant: EtO is used in specially designed chambers to sterilize medical instruments, and other medical devices before they are used. EtO is an effective sterilant for medical instruments. Although most hospitals have gravitated away from using EtO for on-site sterilization, commercial sterilization facilities still use EtO. About 50% of all medical devices, including catheters and surgical mesh, in the U.S. are sterilized using EtO. The types of devices that are sterilized with ethylene oxide range from devices used in general health care practices (for example, wound dressings) to more specialized devices used to treat specific areas of the body (for example, stents).

There is one commercial sterilization facility in Maryland, Trinity Sterile located in Salisbury MD. Trinity is a Certified Minority Business Enterprise serving the healthcare industry. They assemble and sell medical kits, procedure trays, and a wide range of disposable or reusable medical supplies. They also offer contract sterilization services for the medical field. It is used for custom medical kits and trays, catheters, esmark bandages, and surgical instruments.

The effect of the ban would be detrimental to their business in that the business is a contract sterilization facility and sells medical kits, surgical instruments, etc. Trinity would be forced to go out of business. They have been around for 30 years supporting the healthcare industry.

If you have additional questions, please contact Rachel Jones, MDA Director of Government Relations at Rachel.Jones2@maryland.gov or (410) 841-5886.