



March 15, 2023

The Honorable Brian Feldman, Chair  
Education, Energy, and Environment Committee  
Miller Senate Office Building, 2 West  
Annapolis, Maryland 21401

**Re: Senate Bill 916 – Ethylene Oxide – Prohibition**

Dear Chair Feldman and Members of the Committee:

The Maryland Department of the Environment (the Department) has reviewed Senate Bill 916 and would like to provide the following information regarding this legislation. Senate Bill 916 would prohibit the use, manufacture, sale, or distribution of ethylene oxide in Maryland beginning July 2023.

For some background, ethylene oxide is a colorless gas. While effective in sterilization, ethylene oxide is a toxic air pollutant and has been connected to causing cancer. Maryland currently has four commercial sterilization facilities and seven medical institutions that use ethylene oxide. Of the four commercial facilities, three sterilize spices and the fourth sterilizes medical equipment.

Currently, both the EPA and the Department are using a risk management approach to address emissions of toxic and cancer-causing air pollutants, whether it is for ethylene oxide or numerous other toxic air pollutants. In doing so, a 70-year continuous exposure scenario is used in establishing an acceptable risk level.

Based on this risk-based approach, the EPA establishes technology standards that facilities need to meet to ensure emissions stay below a level that is protective of public health. The EPA had set an earlier technology standard and is poised to publish a rule that tightens up the earlier standard. This is expected to be released within the next few months. The Department supports EPA's efforts to impose stricter technology requirements to reduce risk to public health. Currently, the four commercial sterilization facilities are in compliance with the earlier standard and will need to meet the new standard upon it becoming final.

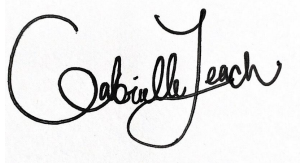
The Department is working with two of the three spice sterilization facilities to reduce their ethylene oxide usage by up to 20% through the use of a less toxic sterilization agent - propylene oxide. The Department is also in discussion with the medical sterilization facility to add equipment to further control emissions of ethylene oxide. These actions are under consideration in anticipation of the forthcoming federal rule. Again, the federal rule, once finalized, will govern the degree to which all four sterilization facilities in Maryland will further control ethylene oxide emissions to be protective of public health.

Finally, the Department would like to note that the new enforcement provisions under § 6-1703 in the bill do not authorize administrative penalties or corrective orders, nor do they provide any authority to seek injunctive relief. These authorities would be needed to ensure a prohibition could be legally sustained as a

practical matter.

Thank you for your consideration. We will continue to monitor SB 916 during the Committee's deliberations, and I am available to answer any questions you may have. Please feel free to contact me at 410-260-6301 or by e-mail at [gabrielle.leach@maryland.gov](mailto:gabrielle.leach@maryland.gov).

Sincerely,

A handwritten signature in black ink that reads "Gabrielle Leach". The signature is written in a cursive style with a large, prominent initial "G".

Gabrielle Leach

cc: The Honorable Pam Beidle  
Christopher R. Hoagland, Air and Radiation Administration