

# Congress of the United States

Washington, DC 20515

May 8, 2026

The Honorable Lee Zeldin  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue N.W.  
Washington, D.C. 20460

Dear Administrator Zeldin,

We write to express our strong opposition to U.S. Environmental Protection Agency's (EPA) proposal to weaken emissions standards for the hazardous air pollutant ethylene oxide (EtO) from commercial sterilization facilities. EPA's statutory mission is to protect human health and the environment. EtO is classified as a Group 1 carcinogen by the International Agency for Research on Cancer and EPA identifies it as "carcinogenic to humans by inhalation route of exposure." EPA must follow the law and scientific record to ensure the highest level of protection for communities living near facilities using EtO for sterilization.

EtO is a colorless, flammable gas that poses serious risk to human health, including neurological, reproductive, developmental, and carcinogenic impacts when inhaled. EtO has been linked to cancer and considered a hazardous air pollutant under the *Clean Air Act* (CAA) Amendments of 1990 (Pub. L. 101-549) for more than 35 years. In 2016, the Integrated Risk Information System (IRIS) reported the chemical to be more carcinogenic at lower concentrations than originally thought, leading EPA to officially classify EtO as a carcinogen in December 2016. In 2018, EPA's National Air Toxics Assessment (NATA) estimated that EtO significantly contributes to cancer risk of over one in one million. A 2023 study from the University of Pennsylvania found that of the 88 medical sterilizers in the U.S., 11 elevated cancer risks in neighboring communities to more than 100 in a million. In addition, the Centers for Disease Control and Prevention (CDC) and the Agency for Toxic Substances and Disease Registry (ATSDR) concluded in a 2023 report that EtO emissions from the now-closed Sterigenics medical sterilization facility in Willowbrook, Illinois, was a cause for concern for increased lifetime risk of cancer. Commercial sterilizers are a leading source of EtO, and nearly 14 million people and 10,000 schools and childcare facilities are within five miles of a commercial sterilizer. The scientific record is clear: EtO is a potent carcinogen and EtO emissions must be controlled to reduce the lifetime cancer risk of communities near commercial sterilizers.

EPA sets standards for toxic pollutants like EtO under section 112 of the CAA. In 2024, EPA issued a final rule which tightened emissions limits, monitoring, and controls last updated in 2006 for nearly 90 commercial sterilization facilities that use EtO. These standards were set under various CAA section 112 authorities, including 112(d) and 112(f), the latter of which directs EPA to analyze residual risks to the public health after initial standards are set, and tighten standards accordingly. The installation of effective and achievable air pollution controls would reduce emissions by as much as 90 percent and protect communities from toxic exposure from nearby facilities. In its rulemaking, EPA provided facilities with the maximum compliance time legally permitted, and concluded, based on careful analysis, that the facilities would be able

to access and install the required emissions controls ahead of the statutory deadline. Yet, the Trump Administration has now issued waivers under CAA 112(i)(4) for nearly half of all commercial sterilizer facilities, exempting them from the standards.

Contrary to its own findings from the 2024 rulemaking, and the widespread exemptions under section 112(i)(4), EPA now claims industry cannot meet the standards set in 2024. Despite the 2024 residual risk review's findings of negative health and environmental impacts from EtO, this EPA is determined to ignore them. Notably, in its proposal, EPA is not arguing the residual risk review results are incorrect. Instead, the agency insists that because EPA already conducted one residual health risk review on existing EtO standards, in 2006 before better science was available, a second review is not statutorily permitted under section 112(f)(2). This argument is wrong.

It is well-established that absent an express prohibition, an agency may revise a prior action.<sup>1</sup> Here, section 112(f)(2) does not prohibit a second look when new science emerges. On the contrary, a plain reading of 112(f)(2) suggests that EPA has a mandatory duty to set residual risk standards when it determines that cancer risks are unacceptable. Congress directed that “if standards promulgated pursuant to subsection (d) and applicable to a category or subcategory of sources emitting a...known, probable or possible human carcinogen do not reduce lifetime excess cancer risks to the individual most exposed to emissions from a source in the category or subcategory to less than one in one million, the Administrator *shall promulgate standards* under this subsection for such source category [emphasis added].”

Beyond the plain text of this specific provision, EPA's actions here are at odds with the structure and purpose of the CAA. The fundamental purpose of the Act is to protect the public health and welfare, and section 112 addresses the most toxic and deadly pollution. It is alarming that EPA is now claiming that even when there is clear scientific evidence of air pollution causing harm to public health and the environment after an initial residual risk review, there can be no remedy.

While EPA appears on a path to deregulate EtO despite the established carcinogenic data, we urge EPA to reverse course and set a more protective standard than the Biden Administration to address fugitive emissions from off-site warehouses and require fenceline monitoring. We know that a more protective standard is achievable: commercial sterilizers in Illinois are already meeting the State's requirement to reduce EtO emissions by 99.9 percent, a near 10 percent improvement from the 2024 standard, and are implementing the State's continuous emissions monitoring requirements. Further, emissions from warehouses where sterilized products also emit residual EtO before distribution also must be controlled to ensure maximum protection for surrounding communities. In the announcement for the 2024 EtO rule, EPA acknowledged sterilizer warehouses could be a source of EtO and monitoring of warehouses has found them to be a significant source of EtO. To further address fugitive emissions, fenceline monitoring should be required to ensure complete monitoring of EtO emissions and that the facility is in compliance and that ambient concentrations of EtO do not reach unacceptable levels, including

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<sup>1</sup> See, e.g. Rescission of the Greenhouse Gas Endangerment Finding and Motor Vehicle Greenhouse Gas Emission Standards Under the Clean Air Act 91 Fed. Reg. 7686 (Feb. 18. 2026), at 7703, 7704, 7728 (discussing EPA's broad authority to revise a prior action unless explicitly precluded from doing so.)

concentrations that exceed the 2016 IRIS value. This administration has the opportunity go above and beyond, matching the regulations Illinois has implemented, to achieve EPA's mission to protect human health and the environment by implementing these changes to the EtO sterilizer rule. Instead of stepping forward to protect human health, EPA is choosing to neglect science at the expense of our constituents.

EtO presents a clear danger to the health of the families living in communities located near facilities using the chemical. EPA rolling back these standards will lead to easily preventable harm. EPA must abandon this proposal and instead reinstate the 2024 rule that is proven to be effective and available. Thank you for your attention and consideration.

Sincerely,



Richard J. Durbin  
United States Senator



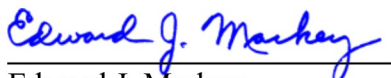
Sheldon Whitehouse  
United States Senator  
Ranking Member, Senate  
Committee on Environment  
& Public Works



Tammy Duckworth  
United States Senator



Bradley Scott Schneider  
Member of Congress



Edward J. Markey  
United States Senator



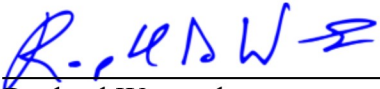
Angela D. Alsobrooks  
United States Senator



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Bernard Sanders  
United States Senator



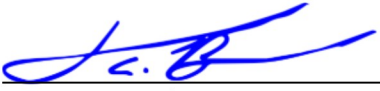
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Raphael Warnock  
United States Senator



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United States Senator



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