



October 14, 2021

Matthew Tejada, Director
Office of Environmental Justice, 2201A
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Joe Goffman, Acting Administrator
Office of Air and Radiation, 6103A
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

David Gray, Acting Regional Administrator - Region 6
U.S. Environmental Protection Agency
1201 Elm Street, Suite 500
Dallas, Texas 75270

Dear Director Tejada and Administrators Goffman and Gray:

We write to you regarding an urgent issue of environmental injustice involving ethylene oxide emissions from a commercial sterilizer plant in Laredo, TX - Midwest Sterilization Corp. —and the EPA's failure to hold a community meeting to communicate the public health risks this facility poses to our South Texas border community.

Midwest emits approximately 16,000 pounds of ethylene oxide into our Laredo air, annually. Nationally, the Laredo facility ranks 2nd among all facilities that emit this dangerous air toxic, and it is singularly responsible for creating extremely elevated risks of cancer in our community. Midwest Sterilization in Laredo ranks 3rd for the highest Cancer Hazard from air pollution from over 15,000 industrial facilities that reported to the EPA's Toxic Release Inventory in 2019. The City of Laredo is 95% Hispanic. Nearly one-third of our community lives in poverty, more than twice the state average, and a disproportionate number are linguistically isolated, too.¹

We submit this letter to you with four urgent asks:

¹ EJScreen Report (Version 2020) for the City of Laredo. Accessed Oct 7, 2021. Low income population: 56% (79th percentile for the state). Linguistically isolated population: 23% (89th percentile for the state).

- 1) Hold a community meeting in Laredo as soon as possible to inform us of your current data collection status, and how the EPA will ensure that our community is no longer exposed to elevated levels of carcinogens moving forward since the diameter of toxicity elevates the cancer risk for our entire city;
- 2) Order the delivery and installation of multiple air quality monitors to commence fence-line monitoring around the facility and in schools and neighborhoods within a 4-mile radius;
- 3) Work with the EPA's Office of Environmental Justice to demand that Midwest stop releasing misinformation to community groups like the Rio Grande International Study Center (RGISC), that attacks EPA's science and findings on ethylene oxide ([Link to Midwest presentation, 2021.Sept.23](#));
- 4) Issue a stronger rule governing commercial sterilizers, as soon as possible, to help end the currently unacceptable cancer risks and other health threats that this facility poses to Laredo.

As you know, EPA's 2014 National Air Toxics Assessment (NATA) found that there are multiple census tracts in the U.S. where ethylene oxide emissions contribute to an elevated cancer risk above 100 in one million—a level that EPA deems unacceptable. Census tracts in Laredo are included in such findings.

Since the NATA release in 2018, EPA has stated that it is seeking to address ethylene oxide emissions through direct engagement with facilities and by reviewing its current rules. But in 2020, EPA's Office of the Inspector General (OIG) found that EPA had failed to communicate with residents living near 16 "high-priority facilities" about ethylene oxide's health risks.² Midwest Sterilization in Laredo is one of Region 6's high priority facilities included on this list.

Recently, Region 6 has sought to remedy this failure by conducting community information sessions for some of the facilities identified in the OIG report. But the agency has not scheduled any information sessions for Laredo, even though Midwest ranks among the top emitters in the country and continues to threaten the health and safety of our community. In the absence of any action by Region 6, Midwest has attempted to conduct the outreach recommended by the OIG.

Most recently, our environmental nonprofit met with their top management from Jackson, MO on September 23, 2021. The goal was to get clarity from Midwest on their volume of emissions and plans for lowering those emissions in Laredo. Midwest's response, however, amounted to misinformation and sharp attack on EPA science. Our group should not bear the responsibility of defending EPA's science; this is the role of Region 6.

² OIG, "Report: Management Alert – Prompt Action Needed to Inform Residents Living Near Ethylene Oxide-Emitting Facilities About Health Concerns and Actions to Address Those Concerns," No. 20-N-0128 (March 31, 2020), https://www.epa.gov/sites/default/files/2020-03/documents/_epaig_20200331-20-n-0128_o.pdf

One of our chief concerns is the proximity of Midwest to multiple schools in Laredo where elementary, middle, and high school children attend daily. Earlier this year, our city's largest school district, United ISD, sent a letter to the staff and parents of one campus seeking to downplay the severity of the situation, and to calm their fears about sending their children to school near a facility that emits a cancer-causing chemical. But parents who live near this campus, Muller Elementary, were not convinced and reached out to us for help. ([Link to UISD letter, 2021.May.28](#)).

Without EPA outreach, fence-line air monitoring, or any immediate actions to reduce ethylene oxide exposure, residents will remain ill-informed and burdened with the unacceptable and frightening health risks associated with living and breathing the air near this commercial sterilizer facility.

We are aware of EPA Region 3's partnership with the West Virginia Department of Environmental Protection to employ fence-line monitoring of ethylene oxide facilities using EPA's approved Method TO-15. We believe that a similar program is critical to informing Laredo residents of the potential harm created by ethylene oxide emissions.³

Finally, we ask that EPA's new rulemaking for commercial sterilizers include a health risk review, as well as safety technology and necessary revisions as the OIG advised in its 2021 report.⁴

We look forward to your response and respectfully request a much-needed discussion on this critical issue and how to best move forward with these requests. This may be done by contacting Ms. Cortez at tricia@rgisc.org, or 956-319-4374 (mobile). Thank you.

Sincerely,



The Hon. Vanessa Perez
Laredo City Council Member, District VII
(*district in which the facility is located*)



Ms. Tricia Cortez
Executive Director

³ <https://dep.wv.gov/daq/Air%20Toxics/EthyleneOxide/Pages/default.aspx>; Presentation (Aug. 10, 2021),

<https://dep.wv.gov/daq/Air%20Toxics/EthyleneOxide/Documents/EtO%20Elected%20Officials%20Presentation%20August%2010,%202021.pdf>.

⁴ 42 U.S.C. §§ 7412(f)(2), (d)(6); see OIG, "EPA Should Conduct New Residual Risk and Technology reviews for Chloroprene- and Ethylene Oxide-Emitting Source Categories to Protect Public Health," No. 21-P-0129 (May 6, 2021), <https://www.epa.gov/office-inspector-general/report-epa-should-conduct-new-residual-risk-and-technology-reviews>.