

United States Senate

WASHINGTON, DC 20510

May 18, 2021

The Honorable Michael Regan
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue N.W.
Washington, D.C. 20004

Dear Administrator Regan,

We write in reaction to the U.S. Environmental Protection Agency (EPA) Office of Inspector General (OIG) audit titled *EPA Actions to Address Air Toxics Emissions Through Its Residual Risk and Technology Review Program*, Project Number OA&E-FY19-0091 and the subsequent report, titled *EPA Delayed Risk Communication and Issued Instructions Hindering Region 5's Ability to Address Ethylene Oxide Emissions*, issued April 15, 2021. We request that EPA address the OIG's recommendations that remain unresolved and update Congress on the development and implementation of these new critical operating standards and procedures.

Between November of 2018 and January of 2019, our offices repeatedly asked EPA to address ethylene oxide emissions at several facilities in Illinois. Specifically, we called for an investigation of allegations that the agency acted improperly in the monitoring, reporting and inspecting facilities that emit ethylene oxide within EPA Region 5. The OIG report has shown that misconduct by Trump administration political appointees was worse than we had imagined.

OIG's investigation found that in the summer and fall of 2018, EPA delayed communicating potential health risks to Illinois residents who lived near ethylene oxide-emitting facilities and went as far as to edit the Region 5's webpage to hide emissions data. The audit also found that senior political appointees in EPA's Office of Air and Radiation (OAR) issued instructions that hindered Region 5's ability to effectively address ethylene oxide emissions, including instructions not to conduct inspections at ethylene oxide-emitting facilities unless invited to do so by the state.

By taking these misleading actions, the Trump administration chose special interests over the safety of our communities. They refused to take a public health crisis seriously and put people at risk despite knowing, according to the OIG's report, that ethylene oxide's carcinogenic emissions could negatively impact the health of communities like Willowbrook and Waukegan. We are relieved that these communities finally have the answers they deserve, but the fact remains that the EPA failed to meet its core mission of protecting human health. It is unacceptable that civil servants were instructed by senior political appointees to forgo inspections of ethylene oxide-emitting facilities, delay public notifications of dangerous levels of emissions, and refuse to hold public meetings with residents impacted by this harmful cancer-causing chemical.

We note that OIG has submitted a number of recommendations to address EPA failures in communicating health risks of ethylene oxide emissions to community residents in Illinois, both

in the recent report released on April 15, 2021, as well as a previous report “Prompt Action Needed to Inform Residents Living near Ethylene Oxide Emitting Facilities about Health Concerns and Actions to Address Those Concerns,” which was released on March 31, 2020.

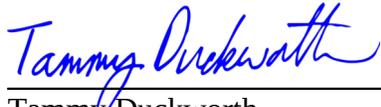
These recommendations included:

1. Develop standard operating procedures describing how the Office of Air and Radiation will work with EPA regional offices to communicate preliminary air toxics risk information, including elevated risks found in the National Air Toxics Assessment, to the public so that communities are promptly informed of potential health concerns.
2. Develop standard operating procedures describing the roles and responsibilities of the Office of Air and Radiation and regional offices in the assessing the addressing air toxics emissions contributing to potential health risks as found in the National Air Toxics Assessment, other studies, or public complaints.
3. Provide residents in all communities near the 25 high-priority ethylene oxide-emitting facilities with a forum for an interactive exchange of information with EPA or state personnel regarding health concerns related to exposure to ethylene oxide.

In EPA’s response to OIG’s April 2021 report, the Office of Air and Radiation has said that it plans to complete implementation of its corrective actions to address OIG’s recommendations (numbers 1 and 2, listed above) by Quarter 4, FY 2021. Accordingly, we request that OAR provide our staffs by Quarter 4, FY2021 with a briefing that details how those actions have been implemented, which should include a discussion on the resolution of any differences that remained between OIG’s recommended actions and OAR’s implemented corrective actions.

EPA has a responsibility to ensure that all people across the United States have access to accurate information to effectively manage health and environmental risks, and that communities can meaningfully participate in decision-making processes that affect their lives and livelihoods. With a new Administration we have renewed hope that we can right these wrongs and will continue to work with EPA to ensure that protocols are in place so that this abuse of power never happens again. If you have a questions regarding this request, please feel free to have your staff contact Brian Eiler, Brian_Eiler@epw.senate.gov of the majority staff of the Senate Committee on Environment and Public Works or Lizzy Olsen, Lizzy_Olsen@duckworth.senate.gov, within Senator Duckworth’s office. Thank you for your attention to this important matter. We look forward to continued updates of EPA’s resolution of these issues.

Sincerely,



Tammy Duckworth
United States Senator



Thomas R. Carper
Chairman
Committee on Environment
and Public Works



Richard J. Durbin
United States Senator