



Press Release

For Immediate Release

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CLOSING THE CASE

ETHYLENE OXIDE THREAT MITIGATED

JACKSON TWP., PA (Jan. 20, 2023) – Due to the United States Environmental Protection Agency’s (EPA) findings in August 2022, Jackson Township re-evaluated the facility’s light industrial use classification. Subsequently, American Contract System (ACS) was sent a notice of violation that their use does not fit the light industrial definition as defined within the flexible use definition in Township’s Zoning Ordinance.

ACS appealed the determination and went before Jackson Township’s Zoning Hearing Board (ZHB), in a public hearing, on Oct. 6, 2022, and offered expert testimony that showed that the size of the operation which uses under 1,000 tons of ethynylene oxide a year, under the current threshold for the Pennsylvania Department of Environmental Protect to regulate. The dry bed scrubber that was voluntarily installed reduced the emissions to 0.0077 PPM, a nominal number within the margin of error of the equipment used as stated by Daniel Kremer, president of Kremer Environmental Services/ECSi, Inc., a recognized expert by the EPA and other regulatory agencies, who performed the emissions testing at the facility on Oct. 5-6 2022, on the behalf of ACS.

Mr. Kremer stated, “It (EtO) was nondetect. There were no detected levels of Ethylene Oxide. It is (dry bed scrubber) effective at removing the Ethylene Oxide from air streams.”

Given the testimony, the ZHB continued the public hearing and reconvened on Nov. 3, 2022, where the ZHB found the use of ACS license area is secondary to the permitted principal use of the Subject Property as medical distribution center in consideration of the following conditions:

1. Hours of gas injection operations will be limited from 5 a.m.- 11 p.m.
2. The use shall not result in unreasonable noise, dust, odor, glare, light or other disturbances at the property line or on adjacent properties;
3. No ethylene oxide shall be stored outside of the buildings on the Subject Property;
4. Areas where ethylene oxide is used (EO storage closets, injection rooms, and aeration chambers) will not exceed 6,359 SF. This calculation does not include areas where EO is not used (breakdown rooms, assembly rooms or the remainder of the warehouse);

5. Agree to provide the Township with all test results furnished to PA DEP or EPA;
6. Shall not increase emissions of ethylene oxide from scrubbers above 0.0077 PPM;
7. Maximum usage of 1 ton of ethylene oxide annually;
8. Shall not release emissions of ethylene oxide from the facility except through the installed dry scrubbing system or an equivalent emission control systems approved by the PA DEP or EPA which would not increase the emissions of ethylene oxide above .0077 PPM or the maximum amount allowed by applicable state or federal law or regulation, whichever is less;
9. The Applicants will provide the Township biennially (every two years) with documentation from a qualified trained professional that the dry scrubbers are properly functioning; and
10. Shall comply with all federal and state laws and regulations with respect to use of and emissions of ethylene oxide.

In September 2022, ACS voluntarily installed dry scrubbers that effectively eliminate the emissions of Ethylene Oxide (EtO) from its facility located at 4050 Jackson Pointe Court. The medical sterilization operation uses a diffusion sterilization method that involves small amounts of EtO in a licensed area of approximately 12,000 square feet to sterilize consumable medical surgical supplies received and shipped by PDL Distribution Services, LLC (PDL), who occupies the remaining 151,000 square feet of the building as a medical distribution center for regional hospitals and surgical centers.

The EPA released a report on Aug. 3, 2022, naming ACS as one of several sterilization facilities across the country whose emissions of ethylene oxide were identified as being at potentially concerning levels for their communities. They published a map that estimated lifetime cancer risks of a 100 in a million or greater from breathing air containing EtO emitted from the facility over a 70-year period with daily exposure. Jackson Township, along with the general public, became aware of the identified elevated long-term cancer risks associated with the use of ethylene oxide within a facility identified within the Township at this time and was originally not aware of any known hazards or emissions of hazards stemming from the facility. The occupancy was reviewed and found to be in compliance with the International Fire and Building Codes of the Commonwealth at the time of occupancy.

“With the health and safety of our residents as a priority, the Township is pleased with the outcome of the Zoning Hearing Board decision as well as the action initially taken by ACS in response to the EPA’s report,” stated Township manager Chris Rearick. “We will continue our due diligence to ensure that the agreed upon inspections and reports are provided by ACS in the future and hope that the EPA will furnish the details of the updated scrubber installation at the upcoming webinar.”

Editorial Note: For additional information please contact Jackson Township Manager Chris Rearick at 724-452-5581 or via email at crearick@jackson-township.com.

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