

Congress of the United States
Washington, DC 20515

June 26, 2023

The Honorable Michael S. Regan
Administrator
U.S. Department of Environmental Protection
1200 Independence Ave. NW
Washington, D.C., 20507

Dear Administrator Regan:

I write today to formally request that the U.S. Environmental Protection Agency (EPA) extend its public comment period for two Ethylene Oxide-related (EtO) proposed rules: (1) [the Reducing EtO Emissions at Commercial Sterilizer Plants Rule](#); and (2) [the Reducing Risk to Workers in the Sterilization Industry Rule](#). As you know, the public comment period expires for both proposed rules at 11:59 pm on Tuesday, June 27th, 2023. This is deeply concerning, especially given the fact that many of my constituents in Florida's 19th District didn't know about EPA's proposed EtO-related rules until EPA suddenly hosted two virtual meetings on Thursday, June 22nd, 2023, with the Fort Myers community.

A basic foundational principal of our Constitutional Republic and the backbone of federal administrative law is the ability for Americans to meaningfully engage in the federal rulemaking process by submitting comments to a proposed rule. Theoretically, a federal agency is required to consider, and if appropriate, implement the public comments it receives on a proposed rule. There's also a basic notion of fundamental fairness, and due to the specific circumstances associated with the American Contract Systems-Fort Myers Facility ([ACS Plant](#)), I believe that EPA's comment period for these two EtO rules was blatantly inadequate—full stop.

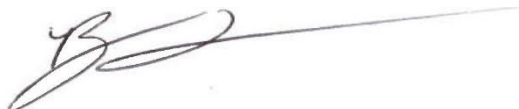
According to discussions with EPA and the Florida Department of Environmental Protection (FL DEP), the virtual meeting with the Fort Myers community to “share health risks about EtO” was scheduled abruptly—thus how the virtual nature of the community meeting came about (c.f. in-person EPA meeting with my constituents). Through conversation, I learned that the late notice of this community meeting arose when EPA ultimately remodeled its prior EtO-related risk assessment—thereby bringing to light the fact that the ACS Plant was above the EPA's EtO risk threshold. Therefore, I believe that EPA's rushed attempt to hold a virtual community meeting to discuss the EPA's proposed EtO rules was inadequate notice as it didn't provide my constituents with a meaningful opportunity to provide EPA with public comment. I base my opinion from the fact that schools, businesses, and families in the at-risk Fort Myers area weren't aware of EPA's ongoing EtO-related rule proposals. I also find it alarming that many of my constituents found out about the EtO risk through an [article](#) in the *Fort Myers News-Press* and through EPA's own virtual community meetings—even though the virtual meetings were held just five days before the comment period expired for the two EtO proposed rules. Moreover, I believe that EPA should foster and welcome feedback from individuals that would be most impacted by EPA's two EtO-related proposed rules (e.g. my constituents).

All in all, I respectfully request the following from EPA:

1. I request that EPA extend the comment period deadline **60 days** for both (1) the Reducing EtO Emissions at Commercial Sterilizer Plants Rule; and (2) the Reducing Risk to Workers in the Sterilization Industry Rule; and
2. I request that EPA provide in-person community engagement sessions as soon as practicable to interested individuals in the Fort Myers community.

Thank you for considering my requests and for your attention to this important.

Sincerely,



Byron Donalds (FL-19)
Member of Congress