

Facts Regarding Sterigenics' Atlanta Facility

Cobb County has alleged that a comprehensive independent inspection of the facility is required before issuing a certificate of occupancy allowing Sterigenics to resume operations. A review of the County's own records demonstrates that its rationale for preventing Sterigenics' work and use of the facility is without merit and against the public interest.

The Building Permit Issued by Cobb County Authorizes Construction and Occupancy of Facility

- The Cobb County Building Permit issued on August 15, 2019 legally entitles Sterigenics to complete construction related to the additional emission controls agreed to with the Georgia EPD and occupy its facility upon completion of that construction.
- The County's review and approval of the Building Permit was under an "Industrial High Hazard" occupancy classification, as the Building Permit expressly states.

Sterigenics' Operations Have Been Documented as an "Industrial" Occupancy Since at Least 1984

- A Certificate of Occupancy dated April 25, 1984 applies to the portion of the facility dedicated to the use and storage of ethylene oxide (EO) for sterilization operations and expressly certifies that this area is for "Industrial" occupancy.
- The County recognized this status upon issuing the Building Permit in August 2019.
- The "Industrial" occupancy classification for the facility is regularly noted in other County documents including in 1992, 1993, 1999, 2004, 2007, 2014, 2015 and 2016.
- The existence of Sterigenics' sterilization operations at the facility (since the early 1970s), before the County's adoption of its building and fire codes, legally entitles Sterigenics to continue its use of the facility without change.

The "Storage" Classification Applies to only a Portion of the Sterigenics Atlanta Facility

- The Certificate of Occupancy for "Storage" is from July 25, 2007 and relates to the adjacent warehouse space at the facility.
- That warehouse space is used for the storage and shipment of medical products after they are sterilized – no storage or use of EO for sterilization operations occurs in the warehouse.

The County was Clearly Aware of the Nature of Sterigenics' Operations

- The County toured and inspected the facility many times over the years.
- County records show it has known of Sterigenics' operations, including its use of EO for sterilization of products.

The County's Actions Are Not in the Public Interest

- Sterigenics' voluntary installation of emissions control technology will provide the greatest reduction in EO emissions available.
- This technology would further reduce EO emissions at the facility below their already safe levels with an efficiency of greater than 99.99%.

Further Delays in Resuming Sterilization Operations Places Patients and Businesses at Risk

- The County's actions are jeopardizing access to medical treatment and putting medical patients at risk, including patients in Cobb County.
- More than one million critical and life-saving medical products are sterilized at Sterigenics' facility each day. If these products are not sterilized in accordance with FDA requirements, they cannot be used, and vital medical procedures are at risk of not occurring.
- The County's actions threaten to put medical device manufacturers, including Georgia companies, out of business because medical providers cannot use (and, therefore, will not purchase) their products unless they are properly sterilized.

EPD's Recent Investigation Reaffirms Sterigenics' Consistent Compliance with Applicable Rules

- Following a thorough investigation into a July 2019 release of EO, the EPD concluded that Sterigenics complied with the relevant reporting rules.
- All EO releases from the facility in aggregate over the past five years were less than the reporting level for a single release.