



## **Updated Comment by Sterigenics on the Santa Teresa, New Mexico Litigation as of April 22, 2021**

“Sterigenics denies the unfounded claims made in the lawsuit filed by the New Mexico Attorney General. The recent procedural decision to remand the case to state court is in no way an indication of the merits of the claims. We operate safely and are committed to protecting public health. Our Santa Teresa facility sterilizes vital medical products for healthcare providers and patients who need them – including life-saving medical products that are used to respond to the Covid-19 pandemic – and we consistently comply with applicable laws and regulations governing the use of ethylene oxide in our operations. We will vigorously defend our essential and safe operations against this baseless lawsuit.”

### **Q&A**

#### **1. What is the nature of the New Mexico Attorney General’s lawsuit?**

- The New Mexico Attorney General’s lawsuit makes certain allegations regarding the emission of ethylene oxide from Sterigenics’ Santa Teresa facility.
- The complaint makes claims for damages and certain penalties, and seeks an order prohibiting uncontrolled emissions from the facility. It does not demand closure of the facility.
- Sterigenics denies the unfounded claims made in the complaint and will vigorously defend its essential and safe operations against this baseless lawsuit.

#### **2. What is the status of the lawsuit?**

- The lawsuit was filed in state court in December 2020, transferred to federal court for approximately four months, and has now transferred back to state court.
- That decision to transfer the case back to state court was a procedural decision and is in no way an indication of the merits of the lawsuit.

#### **3. What is the timing of next steps in the New Mexico matter?**

- The state court has scheduled a May 26, 2021 hearing on the New Mexico Attorney General’s motion for a preliminary injunction seeking to prohibit alleged uncontrolled emissions from the facility.

#### **4. Is the facility regulated?**

- The facility and its operations are subject to stringent regulatory oversight by several federal and state agencies, including the US Environmental Protection Agency, US Food & Drug Administration, US Department of Transportation, and US Department of Homeland Security.
- The facility also operates under an Air Quality Permit issued by the New Mexico Environment Department (“NMED”) pursuant to federal and state environmental regulations and standards.
- The facility has consistently complied with the requirements of its Air Quality Permit.
- The state environmental regulator, NMED, is not a party to the lawsuit.

#### **5. How does this situation compare to actions taken related to Sterigenics’ facilities in Illinois and Georgia?**

- The New Mexico matter is unrelated to actions in Illinois and Georgia.

**6. How does the company's previously announced program of general facility enhancements impact the Santa Teresa facility?**

- Sterigenics has voluntarily installed enhancements to the Santa Teresa facility that reduced EO emissions beyond already safe, permitted levels.
- Sterigenics has previously stated its intent to implement enhancements across its US EO sterilization facilities and was already acting on additional emission reduction enhancements for the Santa Teresa facility before the New Mexico Attorney General's lawsuit.
- Sterigenics remains committed to Santa Teresa facility enhancements.

**7. Is the Santa Teresa facility safe?**

- Yes. The Santa Teresa facility operates safely and consistently complies with applicable laws and regulations governing emissions.
- Sterigenics has voluntarily installed enhancements to the Santa Teresa facility to reduce EO emissions beyond already safe, permitted levels. Sterigenics was already acting on additional emission reduction enhancements before the New Mexico Attorney General's lawsuit, and will continue to do so.
- Sterigenics remains committed to operating safe facilities that protect patients, employees and communities.

**8. How large is the Santa Teresa facility?**

- Approximately 2.5 million essential medical products and devices are sterilized EVERY DAY at the Santa Teresa facility.
- This includes vital products, many of which are essential in battling Covid-19, such as prefilled syringes, custom surgical kits and catheters, surgical diagnostic equipment, surgical drapes and gowns and tracheotomy, cardiovascular and ear, nose and throat tubing sets.