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By Tessa Weinberg and Nausheen Husain

BOHINGYA FAMILY: Refugges put down roots in Chicago, yearn for loved ones fet behind. Chicagoland, Page 16

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Will plant connected to Rauner be closed?

Neighbors urge strong response to polluting site in Willowbrook

On the hunt for fresh tech talent in Illinois

A year after Maria, ripple effects still felt

Nation & World, Page 31

Van Dyke defense starts presenting case Monday





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Will plant tied to Rauner be closed?

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State EPA withholds Sterigenics records

Governor has financial stake; Republicans' calls get reports moving BY MICHAEL HAWTHORNE Chicago Tribune

Gov. Bruce Rauner's administration is at odds with the state's chief lawyer again, this time about the public health investigation of a suburban Chicago sterilization plant connected to the governor. Urged by fellow Republicant book isn't running for re-election, the Rauner-led Illinois Environmental Lisa Madigan, a Democrat who isn't running for re-election, the Rauner-led Illinois Environmental Protection Agency instead are fused in late August to provide Madigan's highly toxic ethylene oxide gase emitted in Willowbrook by Sterigenics, a global sterilization compliance and the provide Madigan's confice with key documents about highly toxic ethylene oxide gase emitted in Willowbrook by Sterigenics, a global sterilization compliance of the confidence of the state of the country for the confidence of the state of the country for the confidence of the state down the amount of pollution for the confidence of the state down the amount of pollution for the provide Madigan's office with key documents about highly toxic ethylene oxide gase emitted in Willowbrook by Sterigenics, a global sterilization compliance of the state of the state



Sept. 23, 2018

Will plant connected to Rauner be closed?

Neighbors urge strong response to polluting site in Willowbrook

By Michael Hawthorne

A company responsible for some of the nation's highest cancer risks from toxic air pollution says its sterilization plant in west suburban Willowbrook operates well within the law.

Also vouching for the company is Republican Gov. Bruce Rauner, a former private equity executive who still has a financial interest in Sterigenics, a global corporation that uses highly potent ethylene oxide gas in Willowbrook and 16 other cities to fumigate medical instruments, pharmaceutical drugs and food.

"This is not an emergency," Rauner said in his only public comments about a federal study released in late August that revealed significant health threats posed by the Willowbrook facility. "My understanding is that particular company has followed all the regulations and the proper procedures."

Air pollution within legal limits can still be dangerous. With the Nov. 6 election just two months away, residents in traditionally Republican communities near Sterigenics are clamoring for a more aggressive response from local, state and federal officials. Yet quick action is unlikely for a variety of reasons.

Ideas floated so far by local elected officials -- introducing legislation, passing resolutions, calling to revoke the company's permit -- either offer little leverage against the company or would take months, if not years, to wind through the legislature and courts.

Another option is buried in the same permit that allows Sterigenics to pollute surrounding neighborhoods. Written in obscure legal language, it gives Rauner -- or President Donald Trump's administration -- authority to declare the DuPage County facility a threat to public health and seek a court order to immediately shut it down.

Bipartisan majorities of Congress included provisions in the 1970 Clean Air Act that enable environmental regulators to respond quickly to air pollution emergencies. Legal powers also can be invoked to address cancer-causing pollution, "the harm from which might take many years to manifest itself," according to a guidance memo on the U.S. Environmental Protection Agency website.

"Compliance with all federal, state or local permits was never and is not a determination that a facility's operations are 'safe,' " said Bruce Buckheit, a former EPA

and U.S. Department of Justice lawyer who oversaw enforcement of air pollution laws during the late 1990s and early 2000s.

The Rauner administration, which has cut back on enforcement of state environmental laws, appears more inclined to work with Sterigenics than take the company to court. Nearly two months before the cancer report was made public, the Illinois EPA quietly gave the Willowbrook facility another permit to voluntarily install new pollution-control equipment, making it more difficult for authorities to pursue legal action against the company unless it can be proved the fix has failed to eliminate health risks from ethylene oxide pollution.

Trump administration officials also appear reluctant to crack down on Sterigenics. "The agency will review its air toxics regulations for facilities that emit ethylene oxide," an EPA spokesman said in a statement. Neither federal nor state regulators have committed to anything beyond overseeing a consultant hired by Sterigenics to gauge the effectiveness of its new pollution controls, and using computer models to analyze the results.

Illinois Attorney General Lisa Madigan, a Democrat who isn't running for re-election, said more information is needed from the Rauner-led Illinois EPA before her office can build an effective case against Sterigenics. Her office also is pushing the federal EPA to conduct long-term air quality monitoring in neighborhoods near the Willowbrook facility, rather than just a single test of its emissions.

"It is clear that the requirements for controlling (ethylene oxide) emissions ... are alarmingly inadequate," Matthew Dunn, chief of Madigan's environmental enforcement division, wrote in a letter last week to Ed Nam, director of the federal EPA's regional air division.

Willowbrook is among a small number of U.S. cities that stand out in the latest federal assessment of toxic air pollution, released on the same day the Sterigenics cancer report was made public in late August.

Seven DuPage County census tracts near the facility are among 109 nationwide with cancer risk scores greater than 100, according to the EPA, meaning if 1 million people were exposed to the same level of pollution throughout their lives (24 hours a day, for 70 years), 100 of them would likely develop cancer.

Most of the other tracts are in "Cancer Alley," an infamous stretch of chemical plants along the Mississippi River in Louisiana.

Even more alarming are the results of an EPA investigation in Willowbrook. Based on air samples collected in May, a related federal health agency determined the cancer risks from breathing ethylene oxide pollution in southeast DuPage communities could be orders of magnitude higher than initially estimated: up to 6,400 per million, or more than six cases of cancer for every 1,000 people.

Neighbors have formed a "Stop Sterigenics" group, organized protests outside the Willowbrook plant and picketed the company's regional headquarters in Oak Brook. Many have said they want the sterilization plant driven out of town if Sterigenics continues to release ethylene oxide into the community.

"Even if they stop tomorrow, there are going to be repercussions for our community for years, if not decades," said T.J. Kelleher, a longtime Darien resident whose wife died of pancreatic cancer in February. "To think the very place my wife loved, the place where we raised our children, might have killed her is devastating."

Kelleher is among 19,000 people who live roughly a mile from the Willowbrook facility. Four schools and a day care center also are close by, including Hinsdale South High School in Darien and Gower Middle School in Burr Ridge.

Local officials are scrambling to respond to the cancer report, mindful the political landscape of DuPage County is changing. Once a dependable base of power for Republicans in Illinois, the county has trended more toward Democrats in recent national elections. Hillary Clinton won nearly 54 percent of the DuPage vote in 2016, compared with 39 percent for Donald Trump.



Organizer Neringa Zymancius, of Darien, leads protesters in front of the Oak Brook headquarters of Sterigenics on Sept. 14, 2018. (Mark Black/for the Chicago Tribune)

With Democratic challengers in local congressional and legislative races making Sterigenics a campaign issue, two local Republicans -- state Sen. John Curran of Downers Grove and Dan Cronin, the DuPage County Board chairman -- have urged Rauner and Madigan to work together to overhaul the facility's air pollution permit. Sean Casten, a Democrat in a close race with U.S. Rep. Peter Roskam, R-Wheaton, accuses the incumbent of putting the chemical industry ahead of public safety, citing Roskam's 7 percent rating from the League of Conservation Voters on public health and environment legislation.

While there is no evidence Sterigenics poses the type of immediate health threats seen in some work settings, federal records show the facility has been emitting ethylene oxide into neighborhoods for more than three decades.

Rauner's ties to to the company date to 2011, when a private equity firm he co-founded bought Sterigenics for \$675 million and quickly expanded its operations.

The governor's most recent state ethics statement, filed in May, shows he retains an interest in the fund used to buy the sterilization company, which in 2015 sold a majority stake to another private equity firm.

Sterigenics' parent company is in talks for a sale worth as much as \$5 billion, Reuters reported last month.

On its website, Sterigenics calls the use of ethylene oxide "a critical step ... to protect patients who use these products from harmful bacteria that could cause infection or death." Online statements from the company and an industry trade group attack the Willowbrook study and contend the chemical isn't nearly as dangerous as the government has concluded.

"Healthy human bodies internally produces (sic) EO," the company website says, using an acronym for ethylene oxide. "There is far more EO internally produced within our own bodies than the risk level stated in EPA's ... risk assessment."

When asked about the U.S. EPA investigation, Rauner and local officials have made a point of noting it has been less than two years since the agency officially declared that

ethylene oxide is far more dangerous than previously thought.

"This is something we are managing," the governor said in response to a question from a reporter after an Aug. 28 event, "a product that needs to be managed carefully and we are going to try to reduce emissions over time."

The volatile, easily absorbed chemical has been on the federal list of carcinogens since 1985. EPA scientific advisory boards concluded that ethylene oxide was extremely dangerous in 2007 and 2013, linking exposure to breast cancer and leukemia in particular. But it took the EPA until late 2016 to officially update its risk assessment for the chemical, largely because of industry opposition and bureaucratic inertia.

With the Trump administration focused on rolling back environment and safety protections, there is no guarantee federal limits on ethylene oxide emissions will be updated to reflect the latest science. Even under Presidents Bill Clinton and Barack Obama, Democrats who have been accused of being overzealous with regulations, the EPA failed to take action on dozens of chemicals with well-documented hazards.

"EPA and other agencies can move fairly quickly when there is a big spill, explosion, or some other visible industrial disaster or derailment," said Eric Schaeffer, who resigned in protest as the EPA's top enforcement official during President George W. Bush's administration and now heads the nonprofit Environmental Integrity Project.

"They are less effective in moving quickly to deal with surges in air pollution that are less visible -- and most air pollutants are invisible."

State EPA withholds Sterigenics records

Neighbors urge strong response to polluting site in Willowbrook

By Michael Hawthorne

Gov. Bruce Rauner's administration is at odds with the state's chief lawyer again, this time about the public health investigation of a suburban Chicago sterilization plant connected to the governor.

Urged by fellow Republicans to cooperate with Attorney General Lisa Madigan, a Democrat who isn't running for re-election, the Rauner-led Illinois Environmental Protection Agency instead refused in late August to provide Madigan's office with key documents about highly toxic ethylene oxide gas emitted in Willowbrook by Sterigenics, a global sterilization company bought in 2011 by a private equity fund co-founded by Rauner.

The governor still has a financial interest in Sterigenics, according to a report he filed in May with a state ethics commission.

After Madigan's office filed another request for Sterigenics records under the Freedom of Information Act, the EPA took more than two weeks to respond, then withheld detailed reports about pollution from Sterigenics during the past two decades, records show.

The reason: Sterigenics had declared the documents are confidential business information.

One of Madigan's top aides said it is unprecedented for the Illinois EPA to refuse to share information with the office constitutionally obligated to represent state government in legal matters.

"In sum, IEPA has left the decision on whether to provide emissions reports to the attorney general's office to the company that has been and continues to release toxic chemicals into a populated community in DuPage County," Ann Spillane, Madigan's chief of staff, wrote in a letter to three local Republican officials dated Wednesday.

At issue are annual emissions reports filed with the EPA that break down the amount of pollution released into the air hourly by each source within a facility. Lawyers who specialize in environmental cases say the records are key evidence if the state decides to file a lawsuit against Sterigenics.

Rauner's EPA director, Alec Messina, described the dispute as a procedural issue. The agency wanted to handle the information request through the public records law for tracking purposes, he said. He also said the agency's chief lawyer had reached out to Sterigenics seeking its approval to waive any privacy concerns.

"This is a non-issue," Messina said in an interview. "We work well together with the attorney general's office. Ninety-nine percent of the time it's wonderful."

The Tribune first reported in February that enforcement of environmental laws has declined sharply under Rauner, largely because the Illinois EPA cut back sharply on using its most powerful tool: referring cases to the attorney general's office for civil or criminal prosecution.

During Rauner's first year as governor, the EPA referred 73 cases to the attorney general -- by far the lowest number since 1991. The annual average during the first three years of his tenure is 80.

By contrast, the EPA sent 198 referrals a year on average during former Gov. Rod Blagojevich's first three years in office and 144 during the same time period under former Gov. Pat Quinn, the Tribune analysis found. Rauner's enforcement record also pales in comparison to the same period under the state's last Republican governor, George Ryan, when the Illinois EPA on average referred 201 environmental cases annually to the attorney general.

Messina acknowledged he had received calls Thursday about the Sterigenics dispute from state Rep. Jim Durkin of Darien, the House Republican leader, and state Sen. John Curran, a Downers Grove Republican. Curran and Dan Cronin, chairman of the DuPage County Board, have urged Rauner and Madigan to work together to overhaul the state permit that allows Sterigenics to release ethylene oxide into the air.

By the end of the day Thursday, Messina had ordered the emissions reports sent to Madigan's office. The investigation continues.