

117TH CONGRESS  
1ST SESSION

# S. 1903

To require the Administrator of the Environmental Protection Agency to revise certain ethylene oxide emissions standards under the Clean Air Act, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MAY 27, 2021

Mr. DURBIN (for himself and Ms. DUCKWORTH) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To require the Administrator of the Environmental Protection Agency to revise certain ethylene oxide emissions standards under the Clean Air Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. ETHYLENE OXIDE EMISSIONS STANDARDS.**

4 (a) IN GENERAL.—Not later than 180 days after the  
5 date of enactment of this Act, the Administrator of the  
6 Environmental Protection Agency (referred to in this sec-  
7 tion as the “Administrator”) shall amend subpart O of  
8 part 63 of title 40, Code of Federal Regulations—

1           (1) to revise the standards for the emission of  
2 ethylene oxide under that subpart based on the re-  
3 sults described in the report of the National Center  
4 for Environmental Assessment of the Environmental  
5 Protection Agency entitled “Evaluation of the Inha-  
6 lation Carcinogenicity of Ethylene Oxide” and dated  
7 December 2016;

8           (2) to apply maximum achievable control tech-  
9 nology (within the meaning of the Clean Air Act (42  
10 U.S.C. 7401 et seq.)) requirements to chamber ex-  
11 haust vents; and

12           (3) to apply to area sources and major sources  
13 (as those terms are defined in section 112(a) of the  
14 Clean Air Act (42 U.S.C. 7412(a))) of ethylene  
15 oxide.

16       (b) RESIDUAL RISK REVIEW.—Not later than 180  
17 days after the date on which the Administrator finalizes  
18 the revised standards required under subsection (a), the  
19 Administrator shall carry out a residual risk assessment  
20 pursuant to section 112(f)(2) of the Clean Air Act (42  
21 U.S.C. 7412(f)(2)) with respect to the revised standards.

22       (c) NOTIFICATION.—

23           (1) IN GENERAL.—Not later than 30 days after  
24 the Administrator learns of a violation of the stand-  
25 ards revised under subsection (a), the Administrator

1 shall notify the public of the violation in a manner  
2 determined to be appropriate by the Administrator.

3 (2) FAILURE TO NOTIFY.—If the Administrator  
4 fails to notify the public under paragraph (1) by the  
5 end of the period described in that paragraph, the  
6 Inspector General of the Environmental Protection  
7 Agency shall carry out an investigation to deter-  
8 mine—

9 (A) the reason or reasons for which the  
10 Administrator failed to notify the public;

11 (B) the public health risks associated with  
12 the failure of the Administrator to notify the  
13 public; and

14 (C) any steps the Administrator should  
15 take to ensure the Administrator meets the re-  
16 quirements described in paragraph (1) in the  
17 future.

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