

BREAKING: Jury Awards \$363M In First Sterigenics Ethylene Oxide Trial

By Celeste Bott and Lauraann Wood

Law360 (September 19, 2022, 12: 16 PM EDT) – A Cook County jury on Monday sided with a woman claiming industrial sterilization company Sterigenics polluted the community surrounding its now-shuttered Willowbrook plant with ethylene oxide for decades, agreeing the emissions contributed to her development of breast cancer and awarding her \$363 million in damages.

Jurors reached their verdict after **a five-week trial** in Illinois state court, handing plaintiff Sue Kamuda a victory in the first of **hundreds of personal injury lawsuits** to reach a jury over Sterigenics' ethylene oxide emissions. She'd sought \$21 million in compensatory damages and \$325 million in punitive damages.

The company has been mired in litigation since 2018, when regulators began sounding the alarm about the risks residents and workers faced from exposure to the Willowbrook facility's air pollution.

Kamuda claimed that Sterigenics, now a unit of Setera Health, and former parent company Griffith knew since at least the early 1980s that ethylene oxide exposure posed significant cancer and reproductive health risks but fought the science studying the molecule and regulators' efforts to curb its emissions in a bid to put profits over public safety. She **also alleged** the companies failed to study how long the chemical would stay in the Willowbrook community's air or how far it would travel before the plant opened its doors in 1984.

During **closing arguments** Thursday, counsel for Sterigenics had urged jurors to "follow the science," contending that Kamuda relied on risk assessment and other regulatory studies to inaccurately assert that the now-closed plant's emissions led in part to her breast cancer diagnosis.

Counsel for Kamuda, meanwhile, reminded the jury that Sterigenics and Griffith recklessly failed to install emission controls they knew were available decades earlier.

Sterigenics converted ethylene oxide into a gas it used to sterilize primarily medical supplies, such as syringes. The process involved shutting the products into a room and sealing it tight before releasing the colorless and odorless gas, which penetrates through boxes, wrapping and any other packaging to kill every living microorganism on the products.

The state of Illinois issued a so-called seal order in February 2019 that **effectively shut down** facility operations until Sterigenics could significantly curb its emissions, and although the company had **settled a lawsuit** from the Illinois attorney general and **applied for new permits** to forge a path toward reopening, the company ultimately announced that the facility would **stay closed**, given the state's "unstable legislative and regulatory landscape."

Sterigenics and Setera Health are represented by Bruce Braun, Kara McCall and Eric Mattson of Sidley Austin LLP; Stephen Wood of Chuhak & Tecson PC; and Ann Marie Duffy, Joe Hollingsworth, Eric Lasker and Matthew Malinowski of Hollingsworth LLP.

Griffith is represented by Christopher Wilson, Jonathan Buck, Kathleen Stetsko and Keith Klein of Perkins Coie LLP.

Kamuda is represented by Patrick A. Salvi II, Lance D. Northcutt and Jennifer M. Cascio of Salvi Schostok & Pritchard PC; Shawn Collins and Margaret Galka of The Collins Law Firm; and Scott A.

Entin, Roisin Duffy-Gideon and Deanna N. Pihos of Miner Barnhill & Galland PC.

The case is Sue Kamuda v. Sterigenics et al., case number 2018-L-010475, in the Circuit Court of Cook County, Illinois, Law Division.

--Editing by Alyssa Miller.