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9 *Attorneys for Plaintiffs*

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **IN AND FOR THE COUNTY OF LOS ANGELES**

12 **AMBER PALMA**, an individual,
13 **SYLVIA PALMA**, an individual,
14 **YURI MUNOZ**, an individual,
15 **DANIA GONZALEZ**, an individual,
16 **IRMA ARIAS**, an individual,
17 **ANTONIO ARIAS**, an individual,
18 **YOLIE TORRES**, an individual,
19 **MARITZA FUENTES**, an individual,
20 **HENRY FUENTES**, an individual,
21 **BLANCA ARGUETA** individually as heir to
22 **DALIO ARGUETA**, **BLANCA ARGUETA** as
23 successor-in-interest to **DALIO ARGUETA**,
deceased,
24 **IVAN ARGUETA**, an individual,
25 **DORA COLATO**, an individual,
26 **OCTAVIO CAMPOS** individually as heir to
JOSEFINA LANDIN TULE, **OCTAVIO**
CAMPOS as successor-in-interest to **JOSEFINA**
LANDIN TULE, deceased,
27 **RODRIGO CAMPOS** individually as heir to
JOSEFINA LANDIN TULE, **RODRIGO**
CAMPOS as successor-in-interest to **JOSEFINA**
LANDIN TULE, deceased, and
28 **STEVEN BUSTAMANTE**, a minor by and
through his *Guardian Ad Litem*, Dulce Margarita,

Plaintiffs,

v.

CASE NO.: 24STCV06677

COMPLAINT FOR DAMAGES

- 1) NEGLIGENCE
- 2) STRICT LIABILITY FOR ULTRAHAZARDOUS ACTIVITY
- 3) CONTINUING PRIVATE NUISANCE
- 4) PERMANENT PRIVATE NUISANCE
- 5) CONTINUING PUBLIC NUISANCE
- 6) PERMANENT PUBLIC NUISANCE
- 7) VIOLATION OF UNFAIR COMPETITION LAW (BUS. & PROF. CODE, § 17200, *ET SEQ.*)
- 8) TRESPASS
- 9) CIVIL BATTERY
- 10) FRAUDULENT CONCEALMENT
- 11) LOSS OF CONSORTIUM
- 12) WRONGFUL DEATH

-AND-

DEMAND FOR JURY TRIAL

1 **STERIGENICS U.S., LLC**, a Delaware limited
liability company;
2 **SOTERA HEALTH, LLC**, a Delaware limited
liability company;
3 **GTCR, LLC**, an Illinois limited liability
company;
4 **WARBURG PINCUS**, a New York limited
liability company;
5 **GRIFFITH FOODS GROUP, INC.**, an Illinois
corporation;
6 **ECSi – ENVIRONMENTAL CONSULTING**
7 **SOLUTIONS, INC.**, a California corporation,
8 and
9 **DOES 1-100**, inclusive,

Defendants.

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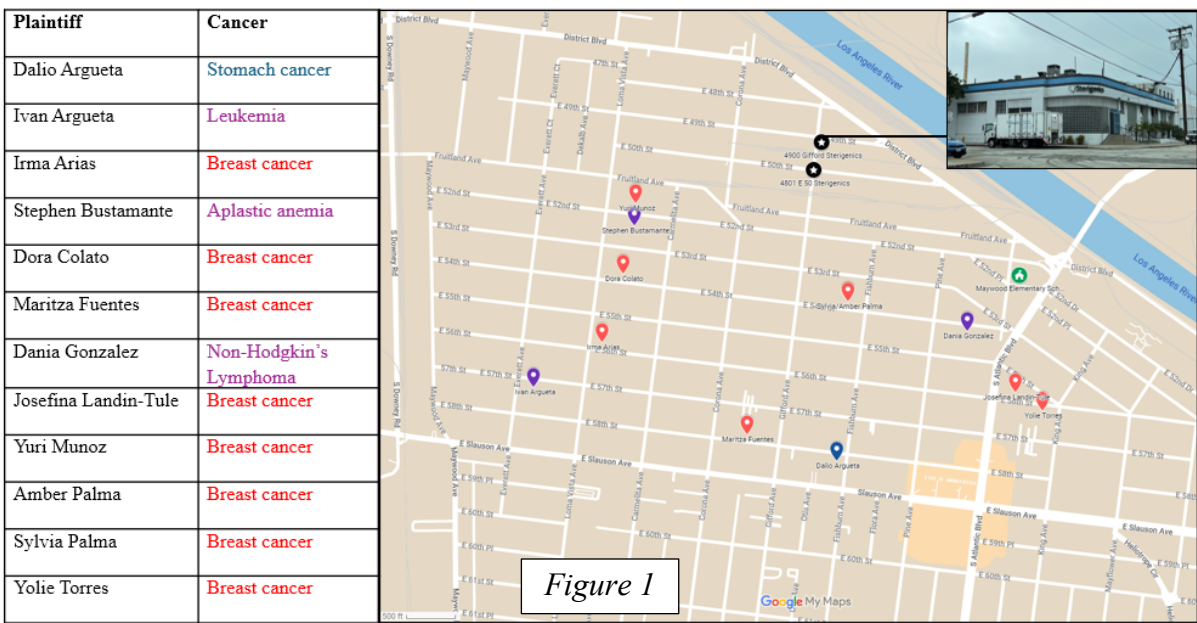
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COME NOW Plaintiffs AMBER PALMA, an individual; SYLVIA PALMA, an individual; YURI MUNOZ, an individual; DANIA GONZALEZ, an individual,; IRMA ARIAS, an individual; ANTONIO ARIAS, and individual; YOLIE TORRES, an individual; MARITZA FUENTES, an individual; HENRY FUENTES, an individual; BLANCA ARGUETA, individually as heir to DALIO ARGUETA; and as successor-in-interest to DALIO ARGUETA, deceased; IVAN ARGUETA, an individual; DORA COLATO, an individual; OCTAVIO CAMPOS individually as heir to JOSEFINA LANDIN TULE, and as successor-in-interest to JOSEFINA LANDIN TULE; RODRIGO CAMPOS individually as heir to JOSEFINA LANDIN TULE; and Steven Bustamante, a minor by and through his *Guardian Ad Litem*, Dulce Margarita; and hereby allege as follows, based on information and belief:

I. INTRODUCTION

1. This tragic case involves **12 innocent victims who have been diagnosed with, or died from, cancer**¹. For decades, Defendant STERIGENICS has been exposing residents of adjacent Maywood, California to carcinogenic ethylene oxide (“EtO”). EtO is odorless and colorless, so Maywood residents like Plaintiffs listed below, living just blocks away, never knew they were being exposed. But STERIGENICS knew. Its predecessor GRIFFITH MICRO SCIENCES knew. And with reckless disregard for Plaintiffs and other Maywood residents, Defendants have continued to release EtO into the atmosphere from their sterilization facilities in the City of Vernon, California, causing cancer, illness, and death to nearby Maywood residents, as shown in the map in *Figure 1*, below.



¹ One case involves precancerous aplastic anemia.

1 2. EtO is a potent carcinogen, recognized as such by the world’s scientific community for
2 decades. It carries the highest classification of known human carcinogen, meaning it is widely
3 accepted that only a small amount of EtO can cause cancer in humans. On March 14, 2024, the EPA
4 strengthened its regulation on EtO, stating: “...protecting people who live near commercial sterilization
5 facilities from the disproportionate risk of being significantly harmed by toxic air pollution is also a
6 core responsibility for the EPA...” The EPA clearly states:

7 **“EtO is a human carcinogen.** It causes cancer in humans. Scientific evidence in
8 humans indicates that regular exposure to EtO over many years increases the risk of
9 cancers of the white blood cells, including non-Hodgkin lymphoma, myeloma, and
10 lymphocytic leukemia. **Studies also show that long-term exposure to EtO**
11 **increases the risk of breast cancer in women.”**

12 (emphasis added.)

13 The EPA further warns of the **health risk to children from EtO**:

14 **“Because children’s bodies are growing, they are expected to be more**
15 **susceptible to the toxic effects caused by EtO.** This is because EtO is mutagenic,
16 meaning it can damage DNA. As children grow, they tend to be more susceptible
17 to the harmful effects caused by chemicals, including chemicals that are mutagenic.”

18 (emphasis added.)

19 3. Defendants have owned, operated, and certified for operation two adjacent sterilization
20 facilities in Vernon since 1986. The facilities are located at 4900 South Gifford Avenue, Los Angeles,
21 California 90058 (“Gifford facility”) and 4801-63 East 50th Street, Los Angeles, California 90058
22 (“50th Street facility”) (collectively, the “Vernon facilities”).

23 4. Since the 1980s, Defendants’ conscious disregard for safety has exposed countless
24 individuals – including Plaintiffs herein – to unlawful and toxic levels of EtO. Defendants chose to
25 operate and release EtO into the air in a densely populated residential area, where children and families
26 – including Plaintiffs herein – reside, attend school and innocently live their lives. Even after
27 Defendants were sued in other states for EtO causing cancer to nearby residents, Defendants did not
28 inform the residents of Maywood of the risk of living in the shadow of the Vernon facilities. Then,

1 even after a jury returned a verdict of \$363 million dollars against Sterigenics *for a single resident with*
2 *breast cancer caused by EtO*, Defendants failed to inform the residents of Maywood of the risk.

3 5. In upholding the \$363 million dollar verdict, the Illinois Court said “...the Plaintiffs’
4 expert witness, Drs. Smith and Felsher gave their opinions under oath...They cited multiple sources as
5 the bases of their opinion; epidemiological, animal and mechanistic studies, all of which support that
6 **inhalation of EtO can cause cancer**. Additionally, they testified that Susan Kamuda’s level of
7 exposure from the EtO emitted from the Willowbrook (Illinois) facility more likely than not
8 significantly contributed to her development of breast cancer.” (emphasis added.)

9 6. Plaintiffs seek punitive and exemplary damages for this despicable conduct of
10 Defendants, *spanning decades*, in conscious disregard of the rights of the innocent residents of
11 Maywood, California, as explained below.

12 7. Inhalation of EtO carries significant short-term and long-term effects in humans. The
13 short-term effects include nausea, vomiting, neurological disorders, bronchitis, pulmonary edema, and
14 emphysema; the long-term effects include leukemia, lymphoma, breast cancer, stomach cancer, and
15 aplastic anemia.

16 8. On November 2, 2021, ProPublica released data of more than 1,000 toxic “hot spots”
17 across the country that carry an increased level of cancer risk.² The Vernon facilities made the list.

18 9. Plaintiffs have lived near the facilities since 1983 to the present and unknowingly
19 inhaled substantial and dangerous amounts of EtO emitted from the Vernon facilities on a routine basis
20 for, in some cases, decades. As a result, Plaintiffs have been diagnosed with serious – sometimes fatal
21 – diseases or conditions, including breast cancer, stomach cancer, leukemia, lymphoma, and aplastic
22 anemia. They have sustained severe personal injuries causing them to incur medical bills, lost wages,
23 pain and suffering, anguish, disability, reduced life expectancy, and loss of normal life.

24 ///

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27 _____
28 ² ProPublica, *The Most Detailed Map of Cancer-Causing Industrial Air Pollution in the U.S.* (Nov. 2, 2021),
[https://projects.propublica.org/toxmap/#:~:text=ProPublica%E2%80%99s%20analysis%20of%20five%20years%20of%20modeled%20EPA,excess%20cancer%20risk%20that%20the%20EPA%20deems%20unacceptable.\(last%20visited%20March%207%202024\).](https://projects.propublica.org/toxmap/#:~:text=ProPublica%E2%80%99s%20analysis%20of%20five%20years%20of%20modeled%20EPA,excess%20cancer%20risk%20that%20the%20EPA%20deems%20unacceptable.(last%20visited%20March%207%202024).)

1 **II. PARTIES**

2 **A. Plaintiffs**

3 10. Plaintiffs are individuals who, at all times relevant to this action, resided in the areas
4 impacted by the release of EtO from the Vernon facilities dating back to the mid-1980s. Plaintiffs were
5 exposed to and inhaled EtO from Defendants' Vernon facilities on a daily and continuous basis.

6 11. Plaintiff AMBER PALMA is 51 years old and resided in Maywood, approximately 0.25
7 miles from the Vernon facility, from 1987 to 2009. In 2020, Ms. Palma was diagnosed with **breast**
8 **cancer**. Ms. Palma did not have notice that her breast cancer was wrongfully caused or that it was
9 caused by Defendants' emissions of EtO until she received an informational flyer in April 2023.

10 12. Plaintiff SYLVIA PALMA is 71 years old and has resided in Maywood, approximately
11 0.25 miles from the Vernon facility, since 1987. In 2007, Ms. Palma was diagnosed with **breast**
12 **cancer**. In December 2022, Ms. Palma was diagnosed with **stomach cancer**. Ms. Palma did not have
13 notice that either her breast or stomach cancers were wrongfully caused or that they were caused by
14 Defendants' emissions of EtO until she received an informational flyer in April 2023.

15 13. Plaintiff YURI MUNOZ is 40 years old and has resided in Maywood, between
16 approximately 0.27 and 0.55 miles from the Vernon facility, from 1983 to 2002 and 2011 to the present.
17 In March 2023, Ms. Munoz was diagnosed with **breast cancer**. Ms. Munoz did not have notice that
18 her breast cancer was wrongfully caused or that it was caused by Defendants' emissions of EtO until
19 she received an informational flyer in April 2023.

20 14. Plaintiff DANIA GONZALEZ is 35 years old and has resided in Maywood,
21 approximately 0.35 miles from the Vernon facility, since 2014. In 2006, Ms. Gonzalez was diagnosed
22 with Hodgkin's lymphoma, for which she underwent chemotherapy. In May 2021, Ms. Gonzalez was
23 diagnosed with **non-Hodgkin's lymphoma**. Ms. Gonzalez did not have notice that her non-Hodgkins
24 lymphoma was wrongfully caused or that it was caused by Defendants' emissions of EtO until she
25 received an informational flyer in April 2023.

26 15. Plaintiff IRMA ARIAS is 64 years old and has resided in Maywood, between 0.6 and
27 0.77 miles from the Vernon facility, since 1990. In 2018, Ms. Arias was diagnosed with **breast cancer**.

28

1 Ms. Arias did not have notice that her breast cancer was wrongfully caused or that it was caused by
2 Defendants' emissions of EtO until she received an informational flyer in April 2023.

3 16. Plaintiff ANTONIO ARIAS has resided in Maywood since 1990. Plaintiff ANTONIO
4 ARIAS is a loving and devoted spouse to Plaintiff IRMA ARIAS. Plaintiffs ANTONIO ARIAS and
5 IRMA ARIAS have been married for 30 years. Plaintiff ANTONIO ARIAS brings claims for **loss of**
6 **consortium**.

7 17. Plaintiff YOLIE TORRES is 63 years old and has resided in Maywood, approximately
8 0.5 miles from the Vernon facility, since 1986. In 2017, Ms. Torres was diagnosed with **breast cancer**.
9 Ms. Torres did not have notice that her breast cancer was wrongfully caused or that it was caused by
10 Defendants' emissions of EtO until she received an informational flyer in April 2023.

11 18. Plaintiff MARITZA FUENTES is 57 years old and has resided in Maywood,
12 approximately 0.55 miles from the Vernon facility, since 1990. In February 2017, Ms. Fuentes was
13 diagnosed with **breast cancer**. Ms. Fuentes did not have notice that her breast cancer was wrongfully
14 caused or that it was caused by Defendants' emissions of EtO until she received an informational flyer
15 in April 2023.

16 19. Plaintiff HENRY FUENTES has resided in Maywood since 1990. Plaintiff HENRY
17 FUENTES is a loving and devoted spouse to Plaintiff MARITZA FUENTES. Plaintiffs HENRY
18 FUENTES and MARITZA FUENTES have been married for 30 years. Plaintiff HENRY FUENTES
19 brings claims for **loss of consortium**.

20 20. Plaintiff BLANCA ARGUETA is the wrongful death Plaintiff and successor-in-interest
21 to her spouse DALIO ARGUETA, deceased. DALIO ARGUETA was diagnosed with **stomach**
22 **cancer** in early 2020 and passed away on March 12, 2020 at the age of 63 years old. As successor-in-
23 interest to DALIO ARGUETA, Plaintiff BLANCA ARGUETA brings a survival action for
24 compensation for the pain and suffering endured by Decedent pursuant to California Code of Civil
25 Procedure § 377.30. Plaintiff BLANCA ARGUETA also brings a wrongful death claim for the loss of
26 her husband pursuant to California Code of Civil Procedure § 377.60(a). Decedent DALIO ARGUETA
27 resided in Maywood, approximately 0.5 miles from the Vernon facility from 1985 until his death. Mr.
28 and Ms. Argueta did not have notice that Mr. Argueta's stomach cancer was wrongfully caused or that

1 it was caused by Defendants' emissions of EtO until Ms. Argueta received an informational flyer in
2 April 2023.

3 21. Plaintiff IVAN ARGUETA is 28 years old and has resided in Maywood, approximately
4 0.5 miles from the Vernon facility from 1995 until the present. In late 2010, Mr. Argueta was diagnosed
5 with **leukemia** while in high school. Mr. Argueta did not have notice that his leukemia was wrongfully
6 caused or that it was caused by Defendants' emissions of EtO until Mr. Argueta received an
7 informational flyer in April 2023.

8 22. Plaintiff DORA COLATO is 64 years old and has resided in Maywood, approximately
9 0.5 miles from the Vernon facility since 1999. In 2020, Ms. Colato was diagnosed with **breast cancer**.
10 Ms. Colato did not have notice that her breast cancer was wrongfully caused or that it was caused by
11 Defendants' emissions of EtO until she received an informational flyer in April 2023.

12 23. Plaintiffs OCTAVIO CAMPO and RODRIGO CAMPO are the wrongful death
13 Plaintiffs for their mother JOSEFINA LANDIN TULE, deceased. JOSEFINA LANDIN TULE was
14 diagnosed with **breast cancer** in 2010 and passed away on May 30, 2014 at the age of 59 years old.
15 Plaintiffs OCTAVIO CAMPO and RODRIGO CAMPO bring wrongful death claims for the loss of
16 their mother pursuant to California Code of Civil Procedure § 377.60(a). Decedent JOSEFINA
17 LANDIN TULE resided in Maywood, approximately 0.82 miles from the Vernon facility from 1993
18 to 1997 and approximately 0.55 miles from the Vernon facility from 1997 until her death in 2014.
19 Neither Plaintiffs nor Decedent had notice that Ms. Landin Tule's breast cancer was wrongfully caused
20 or that it was caused by Defendants' emissions of EtO until Plaintiff OCTAVIO CAMPO received an
21 informational flyer in April 2023.

22 24. Plaintiff OCTAVIO CAMPO is successor-in-interest to his mother JOSEFINA
23 LANDIN TULE, who died of **breast cancer**. As successor-in-interest to JOSEFINA LANDIN TULE,
24 Plaintiff OCTAVIO CAMPO brings a survival action for compensation for the pain and suffering
25 endured by Decedent pursuant to California Code of Civil Procedure § 377.30.

26 25. Plaintiff STEVEN BUSTAMANTE is 3 years old and his mother, *Guardian Ad Litem*,
27 Dulce Margarita, has resided in Maywood, approximately 0.6 miles from the Vernon facility since she
28 was pregnant with Steven. STEVEN BUSTAMANTE was diagnosed with **aplastic anemia** in

1 February 2023. Plaintiff’s mother did not have notice that his aplastic anemia was wrongfully caused
2 or that it was caused by Defendants’ emissions of EtO until she received an informational flyer in April
3 2023.

4 26. Plaintiffs have suffered damages, losses, and harm as a result of their exposure to the
5 toxic air contamination including, but not limited to, cancer, physical injury, fear of future physical
6 injury, increased risk of future injury, emotional distress, interference with the quiet use and enjoyment
7 of their home, medical expenses, and economic damages.

8 **B. Defendants**

9 27. Defendant Sterigenics U.S., LLC (“Sterigenics”) is a wholly owned subsidiary of Sotera
10 Health, LLC and is a limited liability corporation organized under the laws of Delaware with its
11 headquarters and principal place of business in Illinois. Sterigenics U.S., LLC (along with other
12 Defendants, as alleged herein) operates a sterilization business, including two adjacent buildings in
13 Vernon, California. The two facilities have the following addresses: 4900 South Gifford Avenue, Los
14 Angeles, CA 90058 and 4801-63 East 50th Street, Los Angeles, CA 90058. The two facilities are
15 referred to collectively herein as “the Vernon facilities.” Sterigenics does regular and substantial
16 business in Los Angeles County, California.

17 28. Defendant Sotera Health, LLC (formerly known as Sterigenics International, LLC and
18 Sterigenics International, Inc.³) (“Sotera” or “Sotera Health”) is a limited liability company organized
19 under the laws of Delaware with its headquarters and principal place of business in Ohio. On
20 November 7, 2017, Sterigenics International, LLC changed its name to Sotera Health, which owns and
21 operates sterilization facilities through three companies – Nelson Labs, Noridion, and Sterigenics.
22 Defendant Sotera Health wholly owns defendant Sterigenics U.S., LLC. Sotera participates directly in
23 Sterigenics U.S.’s operation of the Vernon facilities. Sotera undertakes responsibilities for and directly
24 participates in various functions in connection with the Vernon facilities’ operation, including
25 implementing risk management plans, and developing “state of the art emissions control.”⁴ Sotera
26 does regular and substantial business in Los Angeles County, California.

27
28 ³ Sterigenics (A Sotera Health Company), *Company Overview*, <https://sterigenics.com/about-us/> (last visited March 7, 2024).

⁴ Sotera Health, *Responsibility*, <https://soterahealth.com/responsibility/> (last visited March 7, 2024).

1 29. Defendant GTCR, LLC (“GTCR”) is a private equity firm based in Illinois with its
2 principal place of business in Chicago, Illinois. GTCR distinguishes itself from other private equity
3 firms as partnering with management teams “in core domains to identify, acquire and build market-
4 leading companies through transformational acquisitions and organic growth.”⁵ This approach is so
5 fundamental to its core business practices that GTCR has trademarked “The Leaders Strategy” to
6 describe its collaborative investment approach.⁶ At least four of GTCR’s ten managing directors
7 currently serve, or have served, on the board of directors of either Sterigenics U.S., LLC or Sotera
8 Health, LLC, acting (upon information and belief) for the protection of GTCR’s interest.⁷

9 30. Defendant Warburg Pincus, LLC (“Warburg Pincus”) is a private equity firm based in
10 New York with its principal place of business in New York, New York.

11 31. On March 23, 2011, GTCR acquired Sterigenics International, LLC (now known as
12 Sotera Health, LLC) for \$675 million USD.⁸ In 2015, GTCR and Warburg Pincus (“Equity
13 Defendants”) completed a transaction to recapitalize Sterigenics International, LLC (now known as
14 Sotera Health, LLC).⁹ On information and belief, the recapitalization resulted in Warburg Pincus
15 obtaining a majority ownership stake in Sterigenics International.¹⁰ On information and belief, GTCR
16 and Warburg Pincus partner with Sotera Health management to run Sotera’s various sterilization
17 facilities, including the Vernon facilities operated by Sterigenics. From 2011 through the present,
18 GTCR and Warburg Pincus have jointly owned, operated, managed, and/or maintained Sotera Health,
19 LLC and Sterigenics U.S., LLC. Both GTCR and Warburg Pincus do regular and substantial business
20 in Los Angeles County, California.

21 ///

22
23 ⁵ GTCR, *Identifying the Right Leader Is the Critical Difference in Building Market-Leading Companies*,
<https://www.gtc.com/the-leaders-strategy/> (last visited March 7, 2024).

24 ⁶ *Id.*

25 ⁷ <https://www.gtc.com/team-member/sean-l-cunningham/>; <https://www.gtc.com/gtc-promotes-aaron-d-cohen-and-sean-l-cunningham-to-principal/>; <https://www.gtc.com/team-member/benjamin-j-daverman/>

26 ⁸ GTCR, *GTCR Announces Agreement to Acquire Sterigenics International, Inc.*, <https://www.gtc.com/gtc-announces-agreement-to-acquire-sterigenics-international-inc/> (last visited March 7, 2024).

27 ⁹ GTCR, *GTCR and Warburg Pincus Complete Recapitalization of Sterigenics International*, <https://www.gtc.com/gtc-and-warburg-pincus-complete-recapitalization-of-sterigenics-international/> (last visited March 7, 2024); Warburg Pincus, Investments, <https://warburgpincus.com/investments/sotera-health/> (last visited March 7, 2024).

28 ¹⁰ Thompson Reuters, *Warburg Pincus to take majority stake in Sterigenics: source*, <https://www.reuters.com/article/us-sterigenics-m-a-warburg-pincus/warburg-pincus-to-take-majority-stake-in-sterigenics-source-idUSKBN0MJ1QL20150323> (last visited March 7, 2024).

1 32. Defendant Griffith Foods Group, Inc. (“Griffith”) is an Illinois corporation with its
2 principal place of business in Alsip, Illinois. Griffith operated the Vernon facilities from approximately
3 1986 or 1987 until approximately 1999 under the name(s) Griffith Micro Science, Inc. and/or Griffith
4 Laboratories, Inc. for the purpose of sterilizing foods and spices, and was responsible for emitting high
5 levels of EtO during that period of time.

6 33. Defendant ECSi - Environmental Compliance Solutions Inc. (“ECSi”) is a California
7 corporation with its headquarters and principal place of business in California. ECSi is a consulting
8 company specializing in EtO emissions compliance. Founded in 1992, ECSi helps companies comply
9 with local EtO regulations by providing monitoring and testing services for EtO as well as guidance on
10 ensuring and maintaining compliance. ECSi claims to be a leader in the field of EtO consulting, having
11 done over 3000 ethylene oxide source tests worldwide.¹¹ ECSi provided EtO testing and consultation
12 to the Vernon facilities from at least 2011 to the present, resulting in continued operation of the facility.

13 34. Plaintiffs are informed and believe and, based upon such information and belief allege,
14 that at all times relevant to this action, Defendants DOES 1 through 50, inclusive, are individuals and/or
15 entities that negligently, carelessly, recklessly, and/or unlawfully used, owned, operated, managed,
16 supervised, maintained, repaired, and/or controlled the Vernon facilities, such that they directly and/or
17 proximately caused or contributed to the EtO emissions out of which this action arises, and the injuries
18 sustained by Plaintiffs as a direct and proximate result thereof.

19 35. Defendants DOES 51 through 100 are individuals and/or entities whose true names and
20 capacities are currently not known to Plaintiffs. DOES 51 through 100 are legally responsible and
21 liable to Plaintiffs to the extent of the liability of the named Defendants. Plaintiffs will seek leave of
22 Court to amend this Complaint to reflect the true names and capacities of the Defendants designated
23 herein as DOES when such identities and capacities become known.

24 36. At all times herein mentioned, each of the Defendants was the agent, servant, employee,
25 and/or partner of each of the remaining Defendants named herein and were at all times operating and
26 acting within the purpose and scope of said agency, service, employment, and/or partnership. Each
27 Defendant has rendered substantial assistance and encouragement to the other Defendants, acting in

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¹¹ ESCi – Environmental Compliance Solutions, Inc., *Homepage*, <https://www.ecsi1.com/index.html> (last visited March 7, 2024).

1 concert, knowing that its conduct was wrongful and/or unlawful, and each Defendant has ratified and
2 approved the acts of each of the remaining Defendants.

3 **III. JOINT VENTURE AND ALTER EGO LIABILITY**

4 37. Each of the members of a joint venture, and the joint venture itself, are responsible for
5 the wrongful conduct of a member acting in furtherance of the venture.

6 38. Plaintiffs are informed and believe, and thereon allege, that Defendants Sterigenics
7 U.S., LLC and Sotera Health, LLC, together with Equity Defendants (hereinafter collectively, “Present
8 Facility Defendants”), are, and at relevant times herein were, operating a joint venture because (a) the
9 Present Facility Defendants share ownership interest in the Vernon facilities and their operations; (b)
10 the Present Facility Defendants have joint control over the business; (c) the Present Facility Defendants
11 share profits and losses of the business; and (d) an implied or express joint venture agreement has been
12 formed by the Present Facility Defendants’ conduct.

13 39. Each of the members of a joint venture, and the joint venture itself, are responsible for
14 the wrongful conduct of a member acting in furtherance of the venture.

15 40. Plaintiffs are informed and believe, and thereon allege, that Present Facility Defendants
16 are operating a single company as a Joint Venture and each of the members of the Joint Venture are
17 responsible for the wrongful conduct and obligations of a member acting on behalf of the venture.

18 41. Plaintiffs are further informed and believe, and thereon allege, that a unity of interest
19 and sameness of purpose exists between Present Facility Defendants such that each is the alter ego of
20 the other. There is a unity of interest between GTCR, Warburg Pincus, Sterigenics U.S., LLC and
21 Sotera Health, LLC because all Present Facility Defendants (a) failed to abide by corporate formalities
22 by operating the sterilization company interchangeably; (b) commingled corporate funds and other
23 assets; and (c) dominated the legal and administrative affairs of the sterilization company.

24 42. On information and belief, Warburg Pincus and GTCR collectively own a controlling
25 majority of Sotera Health stock shares.

26 43. On information and belief, in or around 2016, Sterigenics and Sotera Health learned that
27 the U.S. Environmental Protection Agency planned to reclassify ethylene oxide from a “probable
28 human carcinogen” to a “known human carcinogen.”

1 44. On information and belief, throughout 2016 through 2019, Sterigenics and Sotera
2 Health moved large sums of money from the companies to shareholders, investors, and lenders
3 engineered to avoid liability to creditors and potential creditors, including Plaintiffs herein.

4 45. Sotera Health is inadequately capitalized. The fiscal year 2022 10-K filing by Sotera
5 Health, LLC lists total indebtedness of approximately \$1,963.6 million (or approximately two billion
6 dollars), all of which is indebted to Sotera Health Holdings, LLC.¹² The “significant leverage” of
7 Sotera Health as well as its recent “history of net operating losses,” as referenced in its 10-K filing,
8 creates the risk that it may not maintain profitability in the future.

9 46. The financial gutting of Sotera Health, LLC comes among a wave of litigation involving
10 Sterigenics’ Willowbrook, Illinois facility. On information and belief, though Sotera Health’s financial
11 stability has decreased during the time period 2016 through the present, the compensation of its
12 executives has increased.

13 47. At all relevant times, Present Facility Defendants were operating a single sterilization
14 operation in Vernon (the Vernon facilities). Present Facility Defendants are alter egos of each other,
15 for purposes of operation of the sterilization facility in Vernon, such that the corporate form of GTCR,
16 Warburg Pincus, Sterigenics U.S., LLC and Sotera Health, LLC should be disregarded.

17 48. In light of Sotera Health and Sterigenics’ indebtedness and undercapitalization, it may
18 not have the capital to adequately compensate Plaintiffs herein. An unjust result will follow if the
19 Court chooses to observe and uphold the corporate fiction between Defendants GTCR, Warburg
20 Pincus, Sterigenics U.S., LLC and Sotera Health, LLC.

21 **IV. JURISDICTION AND VENUE**

22 49. This Court has jurisdiction pursuant to California Code of Civil Procedure Sections 394
23 and 395.5 because Defendant ECSi is headquartered in California and each of the named Defendants
24 transacts business in the County of Los Angeles, California.

25 50. Additionally, Plaintiffs reside in California and their damages exceed the jurisdictional
26 minimum for this Court.

27 _____
28 ¹² Form 10-K submitted by Sotera Health Company to the United States Securities and Exchange Commission for the
fiscal year ended December 31, 2022, [https://investors.soterahealth.com/static-files/65a37213-00a5-4fd5-a9a9-
6204c1b05326](https://investors.soterahealth.com/static-files/65a37213-00a5-4fd5-a9a9-6204c1b05326) (last visited March 7, 2024).

1 51. Venue is proper in the County of Los Angeles because Defendants perform business in
2 this County, and a substantial part of the events, acts, omissions, and transactions complained of herein
3 occurred in and/or originated within Los Angeles County.

4 **V. FACTUAL ALLEGATIONS**

5 **A. ETHYLENE OXIDE (“EtO”)**

6 52. Ethylene oxide (“EtO”) is a hazardous chemical compound used to sterilize or fumigate
7 products such as medical supplies, food products, and cosmetic and pharmaceutical ingredients. It is
8 an extremely efficient chemical agent, causing mutations in DNA molecules with which it reacts.

9 53. When emitted into the air, the same properties which made EtO so effective as a
10 sterilizing agent render it extremely dangerous to human beings. Once emitted, EtO remains in the air
11 without breaking down for long periods of time.

12 54. EtO is odorless and colorless. It is also widely understood in the scientific community
13 to be a potent human carcinogen. It is one of the very few chemicals listed as both a carcinogen and
14 reproductive toxin under Proposition 65.

15 55. The DNA-damaging properties of EtO have been studied since the 1940s and the
16 consensus of the scientific community is that EtO is toxic, harmful to human health, mutagenic, and
17 carcinogenic.¹³

18 56. In 1977, the National Institute for Occupational Safety and Health (“NIOSH”) reported
19 that occupational exposure to EtO increases mutation frequency in humans. In 1981, NIOSH found
20 new evidence of the carcinogenic hazards associated with EtO and recommended that the gas be
21 considered a potential occupational carcinogen. NIOSH reported that no safe levels of EtO exposure
22 were demonstrated.

23 57. In 1985, the U.S. Department of Health and Human Services (“HHS”) National
24 Toxicology Program (“NTP”) published the Fourth Annual Report on Carcinogens and classified EtO
25 as reasonably anticipated to be a human carcinogen.¹⁴

26 ¹³ U.S. Environmental Protection Agency, *Evaluation of the Inhalation Carcinogenicity of Ethylene Oxide In Support of*
27 *Summary Information of the Integrated Risk Information System (IRIS)*, <https://iris.epa.gov/static/pdfs/1025tr.pdf> (last
visited March 7, 2024).

28 ¹⁴ National Toxicology Program, Department of Health and Human Services, *Report on Carcinogens, Fifteenth Edition,*
Ethylene Oxide, <https://ntp.niehs.nih.gov/sites/default/files/ntp/roc/content/profiles/ethyleneoxide.pdf#:~:text=Ethylene%>

1 58. In 1987, the International Agency for Research on Cancer (“IARC”) classified EtO as a
2 Group 1 definite human carcinogen from evidence gathered from animal and human studies. The State
3 of California also classified EtO as a definite human carcinogen that same year.

4 59. In 1994, the World Health Organization classified EtO as a Group 1 human carcinogen.
5 Group 1 classification indicates that there is sufficient evidence of the chemical’s carcinogenicity in
6 humans.

7 60. In 2000, the HHS published the Ninth Annual Report on Carcinogens and upgraded its
8 classification of EtO from “reasonably anticipated to be a human carcinogen” to a “known human
9 carcinogen.”¹⁵

10 61. In 2016, the EPA’s Integrated Risk Information System (“IRIS”) raised the cancer
11 potency of EtO by 30 times. The IRIS found strong evidence of increased risk of breast cancer in
12 females working in or living nearby EtO-manufacturing and sterilizing facilities.

13 62. The OEHHA of CalEPA has identified EtO as a known human carcinogen by inhalation.
14 EtO is also included in Proposition 65 list of chemicals that requires businesses to provide warnings if
15 their products or facilities expose individuals to substances known to cause cancer or reproductive
16 harm.¹⁶

17 63. Recent peer reviewed scientific literature has reported increased incidence of certain
18 cancers in humans from exposure to EtO, including breast cancer, stomach cancer and hematopoietic
19 cancers, including lymphoma.

20 64. Acute exposure to EtO can cause nausea, vomiting, neurological disorders, bronchitis,
21 pulmonary edema, and emphysema.

22 65. Scientific evidence in humans indicates that regular long-term exposure to EtO
23 increases the risk of cancers, including breast cancer in women, stomach cancer, non-Hodgkin
24
25

26 20oxide%20is%20known%20to%20be%20a%20human,demiological%20studies%20and%20studies%20on%20mechanis
27 ms%20of%20carcinogenesis (last visited March 7, 2024).

28 ¹⁵ *Id.*

¹⁶ California Office of Environmental Health Hazard Assessment, *Notice to Interested Parties Proposition 65 Listed Chemicals Affected by Hazard Communications Standard Amendments* (Sep. 20, 2013), <https://oehha.ca.gov/proposition-65/crnrt/notice-interested-parties-proposition-65-listed-chemicals-affected-hazard> (last visited March 7, 2024).

1 lymphoma, myeloma, and lymphocytic leukemia.¹⁷ People who work, live or go to school near EtO-
2 producing facilities may breathe in EtO at levels that create an increased cancer risk.

3 66. Children are expected to be more susceptible to the toxic effects of EtO because their
4 bodies are growing. Because EtO is mutagenic—meaning it can damage DNA—as children grow, they
5 are more vulnerable to the harmful effects caused by the chemical.¹⁸

6 67. The EPA has concluded that EtO is carcinogenic to humans by the inhalation route of
7 exposure. The stated confidence in this classification is “high.”¹⁹

8 68. The atmospheric half-life of EtO is long – greater than 100 days. It is well known that
9 gaseous EtO from sterilization and aeration facilities are difficult to control.

10 **VI. STERIGENICS’ VERNON OPERATION**

11 69. Sterigenics operates within two buildings, the Vernon facilities. The nearest residential
12 area is about 500 feet away from the Vernon facilities, and the nearest school, Maywood Elementary,
13 is approximately 1,700 feet away.²⁰

14 70. The 50th Street facility is permitted to use (not emit) up to 438,000 pounds of EtO per
15 year. The 50th Street facility has 9 sterilization chambers, 2 heated aeration areas, 1 acid washer
16 scrubber, and 1 catalytic oxidizer. Importantly, products sterilized at the 50th Street facility await pick
17 up without negative pressure control, leading to even more fugitive emissions.

18 71. The 49th Street facility is permitted to use (not emit) up to 333,975 pounds of EtO per
19 year. The 49th Street facility has 8 sterilization chambers, 1 heated aeration area, 1 acid washer
20 scrubber, and 1 catalytic oxidizer.

21 72. The residential areas downwind from the Vernon facilities—primarily within the City
22 of Maywood—are predominantly working-class, Hispanic neighborhoods which have been historically
23 underrepresented.

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26 ¹⁷ U.S. EPA, Our Current Understanding of Ethylene Oxide (EtO), <https://www.epa.gov/hazardous-air-pollutants-ethylene-oxide/our-current-understanding-ethylene-oxide-eto> (last visited March 7, 2024).

27 ¹⁸ *Id.*

28 ¹⁹ U.S. Environmental Protection Agency, *Evaluation of the Inhalation Carcinogenicity of Ethylene Oxide In Support of Summary Information of the Integrated Risk Information System (IRIS)*, <https://iris.epa.gov/static/pdfs/1025tr.pdf> (last visited March 7, 2024).

²⁰ South Coast AQMD, *Sterigenics Emissions Investigation in Vernon*, <http://www.aqmd.gov/home/news-events/community-investigations/sterigenics> (last visited March 7, 2024).

1 73. According to 2021 U.S. Census data, 97.4% of reported Maywood residents were
2 Hispanic or Latino. The median household income of Maywood residents from 2017 to 2021 was
3 \$54,535, compared to the Los Angeles County median income from 2017 to 2021 of \$76,367 and State
4 of California median income during the same time period of \$84,097.²¹

5 74. Griffith, Sterigenics, and Sotera Health have been using and releasing EtO at its Vernon
6 facilities since the Vernon facilities began operations in 1986 or 1987. The Vernon facilities sterilize
7 45 million medical devices and supplies every year by injecting EtO gas into chambers containing the
8 medical devices. After sterilization in the chambers, fugitive EtO gas is then released into the air from
9 the Vernon facilities. Air scrubbers are necessary to control the release of the high-concentration and
10 extremely potent emissions by filtering the carcinogenic EtO in the chambers before it is released. In
11 a January 13, 1987 letter from John A. Kjellstrand (Vice President – Technical at Griffith Mirco
12 Science, Inc.) to William V. Loscutoff (Chief of the Toxic Pollutants Branch of the California Air
13 Resources Board), Griffith admitted the lack of emissions controls and disclosed, for the first time, a
14 plan to install air scrubbers.

15 75. Beginning in 1986 or 1987, or possibly earlier, Griffith provided sterilization services
16 to the health care and food industries. Griffith used EtO to sterilize medical equipment and spices, and
17 then discharged the EtO into the air surrounding the Vernon facilities. Griffith operated its EtO
18 sterilizers 24 hours a day, seven days a week, approximately 350 days per year, and during the cset of
19 each of these days, emitted large quantities of EtO into the air. Once emitted, EtO is dispersed into the
20 open air where it is breathed by a large number of unknowing persons.

21 76. From 1987 to 1988, the Vernon facilities emitted a total of at least 276,572 pounds of
22 unfiltered EtO, leaving surrounding residents unknowingly exposed to uncontrolled levels of cancerous
23 toxins without notice of the emissions.²² Uncontrolled emissions continued through 1989.

24 77. During those years, Sterigenics constantly emitted dangerously high amounts of EtO,
25 resulting in high atmospheric concentrations of EtO in the neighboring community of Maywood.
26 Emission scrubbers became operational in both Vernon facilities by May 1990, but emissions data

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²¹ United States Census Bureau, Maywood City, California, <https://www.census.gov/quickfacts/fact/table/maywoodcitycalifornia,CA/INC110221> (last visited March 7, 2024).

28 ²² Sterigenics' self-reported emissions data is publicly available at <https://www.epa.gov/toxics-release-inventory-tri-program/tri-data-and-tools#tridata-facilities> (last visited March 7, 2024).

1 voluntarily submitted by Griffith and Sterigenics shows unlawful levels of EtO continuing to be
2 released after that date.²³ On information and belief, emissions exceeded the data voluntarily self-
3 reported by Griffith and Sterigenics during the time period 1986 through the present.

4 78. Sterigenics self-reported emitting an average of 422.22 pounds of EtO per year from the
5 Vernon facilities from 1995 to 2016.

6 79. On information and belief, despite installing “state-of-the-art scrubbers” designed to
7 eliminate 99.9% of emissions, the Vernon facilities continue to emit unsafe levels of EtO and
8 underreport their emissions to regulatory agencies.

9 80. In 2022, the South Coast Air Quality Management District (“SCAQMD”) conducted
10 24-hour EtO air monitoring samples at the Vernon facilities after detecting high levels of EtO. The
11 results recorded an EtO level of 103 ppb near one of the facilities, and average measured EtO air
12 concentrations exceeding health-protective air quality standards.

13 81. The SCAQMD’s investigation confirmed ongoing emissions of EtO at concentration
14 levels which exceed both OEHHA and EPA standards. Based on the data collected, the SCAQMD
15 designated the Vernon facilities as a “Potentially High-Risk Facility” and concluded that the facilities
16 endanger the health and safety of surrounding communities and residents. The agency also issued
17 numerous notices of violations and compliance orders.

18 82. Defendants have engaged in a long-term pattern of misconduct demonstrating
19 indifference and a conscious disregard for the safety of neighboring residents. The Vernon facilities
20 have operated 24 hours a day since 1987 and have emitted EtO, a known carcinogen, on a routine and
21 constant basis. As a result, the EtO that is released into the air is constantly unknowingly inhaled by
22 those who live and work near the Vernon facilities.

23 83. For a vast majority of their time in operation, the Vernon facilities were not mandated
24 to submit EtO emissions data to the EPA. However, in 2021, the EPA expanded its Toxics Release
25 Inventory (“TRI”) reporting requirements to include the Vernon facilities.

26 84. Sterigenics voluntarily submitted self-reported EtO emission data to the EPA from 1987
27 to 1988 and 1995 to 2016. According to this self-reported data, the Vernon facilities released in excess
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²³ *Id.*

1 of 175,000 pounds of EtO into the air during the period 1987 to 1988.²⁴ On information and belief, the
2 actual emissions from the Vernon facilities of EtO far exceeds the self-reported data.

3 85. At all relevant times, Facility Defendants knew or should have known that EtO was, and
4 is, harmful to humans and toxic to human health. Additionally, at all relevant times, Facility
5 Defendants knew or should have known that EtO is a known human carcinogen and has been
6 scientifically proven to cause various illnesses, including, but not limited to, cancer.

7 86. On information and belief, at all relevant times, Facility Defendants took precautions
8 from exposing its employees to EtO. However, at no time did Facility Defendants warn Plaintiffs or
9 the neighboring community about the EtO exposure they faced on a daily basis.

10 **VII. INVESTIGATIONS AND ENFORCEMENT**

11 87. The Vernon facilities have been the subject of numerous regulatory investigations and
12 administrative enforcement actions.

13 88. On May 7, 1990, Griffith Micro Science received a complaint from the Air Resources
14 Board regarding “possible escape of ethylene oxide from sterilizing units to the outside.” At the time,
15 Griffith installed an air “scrubber to cleanup exhaust from sterilizing unit in question.”

16 89. Throughout April of 1992, Griffith underwent inspections for compliance with testing
17 and installation of backflow preventers. Several violations were found, and violations and notices to
18 comply were issued.

19 90. Throughout the early 1990s, Griffith’s air scrubber was inoperable on several known
20 occasions, during which time hundreds or thousands of pounds of unfiltered EtO was emitted into the
21 air from the Vernon facilities. On information and belief, similar instances of system breakdowns have
22 occurred with regularity over the past three decades.

23 91. In 2008, an employee at Sterigenics alleged that the air emission controls were
24 “bypassed” an unknown number of times, causing untreated EtO to be released directly into the
25 atmosphere. Sterigenics put together an investigation team and determined that “it is physically
26 possible to emit untreated EtO through the normal ductwork of the emission control devices, if those
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²⁴ *Id.*

1 devices are not operating in accordance with all permit limitations.” Sterigenics never informed
2 Plaintiffs or their community of this finding.

3 92. Based on the 2008 internal investigation, Sterigenics found seven possible violations of
4 federal, state, and local regulations. From 2005 to 2007, Sterigenics found it had underreported EtO
5 emissions to the SCAQMD from the breakdowns of its scrubbers. In fact, the Vernon facilities had a
6 total of thirty-four equipment breakdowns during that time period. Sterigenics never informed
7 Plaintiffs or their community of this finding.

8 93. In 2005, three air scrubber breakdowns occurred due to a power outage, releasing high
9 levels of EtO in the scrubber tower, and an internal circuit break. During these breakdowns, unfiltered
10 EtO was uncontrollably emitted into the atmosphere. In 2006, one scrubber broke down for a total of
11 26 hours because the scrubber pump failed. In 2007, eleven scrubbers broke down due to various
12 mechanical problems and power outages. Sterigenics never informed Plaintiffs or their community of
13 this finding.

14 94. In March 2022, the SCAQMD conducted an unannounced investigation into the
15 operations of the Vernon facilities based on the EPA’s preliminary reevaluation of the toxicity of EtO
16 and risks associated with sterilization facilities. Initial air samples were collected directly outside the
17 two Vernon facilities and around neighboring communities. The results showed high levels of EtO,
18 prompting a more comprehensive investigation and monitoring effort.

19 95. In April 2022, the SCAQMD collected multiple 24-hour air samples near the Vernon
20 facilities to verify the EtO levels in the initial sampling. Site #1 was on 49th Street, Site #2 on 50th
21 Street, Site #3 on Gifford Ave, and Site #4 on Fruitland Ave, nearest to the residential
22 community. Figure 2 shows the locations of the air monitoring samples around the Vernon facilities.

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Figure 2

96. The SCAQMD recorded a measurement of 102.84 ppb level of EtO near Site #1, substantially higher than the OEHHA risk threshold.²⁵

97. Throughout April of 2022, the SCAQMD issued Notices of Violation to Sterigenics for failing to comply with air pollution control standards.²⁶

98. The SCAQMD’s recent monitoring data confirmed elevated levels of EtO surrounding the Vernon facilities in recent years when Facility Defendants knew they were being investigated. The SCAQMD concluded that individuals near the Vernon facilities could be “experiencing cancer risks as high as about 750 in a million.”²⁷ This risk level is more than one and a half times higher than the average lifetime cancer risk throughout the region, according to the SCAQMD’s Multiple Air Toxics Exposure Study V.²⁸

99. The SCAQMD contends that since the cancer risk posed by EtO emissions from the Vernon facilities is “multiple times greater than the significant risk level to those exposed for many

²⁵ Letter from Ian MacMillian (Assistant Deputy Executive Officer, AQMD) to Kevin Wagner (VP Environmental Health & Safety, Sterigenics US, Inc.) (June 7, 2022), <http://www.aqmd.gov/docs/default-source/compliance/sterigenics/phrlf-designation-letter-june7-2022.pdf?sfvrsn=9> (last visited March 7, 2024).

²⁶ South Coast AQMD, *Sterigenics Emissions Investigation in Vernon*, <http://www.aqmd.gov/home/news-events/community-investigations/sterigenics> (last visited March 7, 2024).

²⁷ *Id.*

²⁸ *Id.*

1 years to the EtO concentrations measured recently outside of the Facilities,” these emissions “endanger
2 the health of a considerable number of persons.”²⁹

3 100. Pursuant to SCAQMD Rule 1402, the SCAQMD designated the Vernon facilities as a
4 “Potentially High-Risk Level Facility.”³⁰ A facility is designated a “Potentially High-Risk Level
5 Facility” when emissions data show either a potential to exceed or that emissions have already exceeded
6 cancer risk thresholds (greater than 100 chances in a million).³¹

7 101. After receiving this designation, Sterigenics was required to develop an Early Action
8 Reduction Plan that includes measures that can be taken immediately to reduce health risks, submit an
9 air toxics emissions inventory report, conduct a Health Risk Assessment (“HRA”), and submit a Risk
10 Reduction Plan (“RRP”).

11 102. As of early March 2023, these documents have all been submitted by the facility.
12 However, the SCAQMD staff identified deficiencies and rejected the draft air toxics inventory report
13 and is currently reviewing the HRA and RRP.

14 103. After its investigatory findings, the SCAQMD issued a Proposition 65 Notification of
15 the discharge of EtO from the Vernon facilities to the Los Angeles County Board of Supervisors, the
16 Los Angeles County Health Officer, the City of Vernon Director of Health, and Cal/OSHA.

17 104. The SCAQMD also contacted federal, state, and local elected officials—including
18 representatives for the City of Maywood—and other government agencies to provide continued and
19 updated information on the public health and safety impacts of the Vernon facilities. Figure 3 depicts
20 the community advisory notice sent by the SCAQMD.

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26 ²⁹ South Coast AQMD, *Proposed Findings and Decision for an Order and Abatement (Stipulated)*,
27 [http://www.aqmd.gov/docs/default-source/compliance/sterigenics/proposed-stipulated-findings-and-](http://www.aqmd.gov/docs/default-source/compliance/sterigenics/proposed-stipulated-findings-and-decision.pdf?sfvrsn=8)
28 [decision.pdf?sfvrsn=8](http://www.aqmd.gov/docs/default-source/compliance/sterigenics/proposed-stipulated-findings-and-decision.pdf?sfvrsn=8) (last visited March 7, 2024).

³⁰ Letter from Ian MacMillian (Assistant Deputy Executive Officer, AQMD) to Kevin Wagner (VP Environmental Health
& Safety, Sterigenics US, Inc.) (June 7, 2022), [http://www.aqmd.gov/docs/default-source/compliance/sterigenics/phrlf-](http://www.aqmd.gov/docs/default-source/compliance/sterigenics/phrlf-designation-letter-june7-2022.pdf?sfvrsn=9)
28 [designation-letter-june7-2022.pdf?sfvrsn=9](http://www.aqmd.gov/docs/default-source/compliance/sterigenics/phrlf-designation-letter-june7-2022.pdf?sfvrsn=9) (last visited March 7, 2024).

³¹ *Id.*



Health Facts

Ethylene Oxide is a gas used in the facility to sterilize medical equipment. It has a sweet, but pungent chemical odor. Short-term exposure to Ethylene Oxide in humans can irritate the eyes, nose, throat, and lungs. Long-term exposure can cause damage to the brain and nervous system. Ethylene Oxide has been linked to cancer in humans, including breast and blood cancers.

Figure 3

105. In May 2022, SCAQMD inspectors issued several notices of violation to the Vernon facilities for failing to operate and maintain air pollution control systems in accordance with the facilities’ permit, and for installing control equipment without obtaining air quality permits. During an on-site visit, inspectors also observed equipment operating in violation of permit conditions. The 2022 violations were:

- Failure to operate the air pollution control system in accordance with all data and specifications submitted with the application under which permit is issued (ethylene glycol waste tank and scrubber vent pipes) (May 5, 2022);
- Failure to maintain the air pollution control system in good operating condition at all times (scrubber glycol reactor and storage tanks) (May 5, 2022);
- Failure to equip control equipment with a pressure gauge to indicate the pressure drop across the scrubber air system (May 5, 2022);
- Failure to equip control equipment with a pH meter to accurately indicate the pH of the scrubbing solution used in the system (May 5, 2022);
- Installation of air pollution control equipment without first obtaining a Permit to Construct (filters on exhaust fans) (June 30, 2022);
- Operation of air pollution control equipment without first obtaining a Permit to Operate (filters on exhaust fans) (June 30, 2022); and

- Operating air pollution control equipment contrary to permit conditions (failed to maintain minimum scrubbing solution flowrate on 6/17/2022) (June 30, 2022).

106. Additionally, in April 2022, the Vernon facilities were issued notices of violation for “discharging such quantities of air contaminants which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health, or safety of any such persons or the public.”³²

107. The SCAQMD also issued Notices to Comply, requiring the facilities to provide operating records.³³ To date, the SCAQMD continues to investigate and evaluate all equipment used by the Vernon facilities to monitor the Vernon facilities’ regulatory compliance.

108. In July 2022, the SCAQMD filed a petition for a Stipulated Order for Abatement (Case No. 6225-1) alleging that the Vernon facilities were operating in violation of Health & Safety Code, § 41700 and District Rule 402 due to fugitive EtO emissions causing a significant cancer risk.³⁴ The Order sought to require the Vernon facilities to either cease the non-compliant operations or take risk reduction actions approved by the SCAQMD.

109. California Health & Safety Code, § 41700 states that no person “shall discharge from any source whatsoever such quantities of air contaminants or other materials that cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or that endanger the comfort, repose, health, or safety of any of those persons or the public, or that cause, or have a natural tendency to cause, injury or damage to business or property.”³⁵

110. SCAQMD Rule 402 provides that “a person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health, or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property. The provisions of this rule shall not apply

³² South Coast AQMD, *Facility Information Detail* (Sterigenics US, Inc.), <https://xappprod.aqmd.gov/find//facility/AQMDsearch?facilityID=126191> (last visited March 7, 2024).

³³ South Coast AQMD, *Sterigenics Emissions Investigation in Vernon*, <http://www.aqmd.gov/home/news-events/community-investigations/sterigenics> (last visited March 7, 2024).

³⁴ South Coast AQMD, *Proposed Findings and Decision for an Order and Abatement (Stipulated)*, <http://www.aqmd.gov/docs/default-source/compliance/sterigenics/proposed-stipulated-findings-and-decision.pdf?sfvrsn=8> (last visited March 7, 2024).

³⁵ Cal. Health & Safety Code § 41700.

1 to odors emanating from agricultural operations necessary for the growing of crops or the raising of
2 fowl or animals.”³⁶

3 111. An Order for Abatement requires a facility to refrain from ongoing violations of air
4 quality rules and regulations or sometimes cease operations. It is the strongest administrative sanction
5 available to the agency. Any failure to comply with an Order for Abatement can subject a facility to
6 increased civil penalties or further legal action.

7 112. The SCAQMD has various statutory authorities to address violations at facilities,
8 including the Vernon facilities. Health and Safety Code, § 40823 and District Rule 812 empower the
9 agency to petition for an Order for Abatement from the SCAQMD hearing board.

10 113. In response to the Abatement Order, Sterigenics agreed to comply with the SCAQMD’s
11 order and take risk reduction actions. At no time did Facility Defendants inform Plaintiffs or their
12 community of those abatement orders or risk reduction actions.

13 114. SCAQMD Rule 1405 currently requires 99.9% control efficiency for sterilizer
14 emissions.³⁷ Defendants are in routine violation of Rule 1405 due to equipment breakdowns,
15 alternative emissions (e.g. from storage tanks), and equipment deterioration over time.

16 115. On information and belief, as part of its pre-acquisition due diligence of Sterigenics
17 International, LLC’s operations and in the course of providing management services to Sterigenics and
18 Sotera Health after the acquisition, GTCR learned about the use of EtO in the sterilization processes
19 which took place (and still takes place) at the Vernon facilities, its permitting and regulatory history,
20 the levels of emissions from the Vernon facilities and risks posed to the neighboring community of
21 Maywood. Nevertheless, Sterigenics and Sotera continued under GTCR’s advice, management, and
22 control to emit EtO at dangerous levels without communicating any of the associated risks to its
23 neighbors.

24 116. In 2022, more than 800 lawsuits were independently filed against Sterigenics
25 Willowbrook in the Circuit Court of Cook County, Illinois and U.S. District Court for the Northern
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27 ³⁶ South Coast AQMD, *Rule 402 (Nuisance)*, <http://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-402.pdf>
(last visited March 7, 2024).

28 ³⁷ South Coast AQMD, *Rule 1405 (Control of Ethylene Oxide and Chlorofluorocarbon Emissions from Sterilization or
Fumigation Processes)*, <http://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1405.pdf?sfvrsn=4> (last visited
March 7, 2024).

1 District of Illinois for illegally releasing EtO into the Willowbrook, Illinois community. In 2023, an
2 Illinois jury awarded \$363 million to Susan Kamuda, a woman diagnosed with breast cancer who was
3 exposed to EtO from Sterigenics' Willowbrook facility (Case No. 2017 L 010475 [*Kamuda, et al., v.*
4 *Sterigenics U.S., et al.*]).

5 117. Sterigenics subsequently reached a \$408 million dollar settlement for the remaining
6 cases. Sterigenics maintains that its Willowbrook operations did not pose a health and safety risk to
7 the community and continue to blame “years of biased media coverage in the greater Chicago area, the
8 significant costs of posting a large bond in support of the appeal of the Kamuda verdict, and time and
9 expense of continuing to litigate.”³⁸ At no time did Facility Defendants inform Plaintiffs or their
10 community about the *Kamuda* verdict, global settlement or of a similar risk from EtO exposure in
11 Maywood, California.

12 **VIII. CAUSES OF ACTION**

13 **FIRST CAUSE OF ACTION**

14 **NEGLIGENCE**

15 **(By all PLAINTIFFS against all DEFENDANTS)**

16 118. Plaintiffs incorporate by reference all allegations of the preceding paragraphs as though
17 fully set forth herein.

18 119. At all relevant times, Defendants Griffith, Sterigenics, Sotera Health, and GTCR owned,
19 operated, inspected, controlled, managed, and/or maintained the Vernon facilities. From 1986 to 1999,
20 Griffith owned, operated, inspected, controlled, managed, and/or maintained the Vernon facilities.
21 From 1999 to the present, Sterigenics and Sotera Health owned, operated, inspected, controlled,
22 managed, and/or maintained the Vernon facilities. From 2011 to the present, GTCR has jointly owned,
23 operated, inspected, controlled, managed, and/or maintained the Vernon facilities with Sterigenics and
24 Sotera Health. From 2015 to the present, GTCR and Warburg Pincus have jointly owned, operated,
25 inspected, controlled, managed, and/or maintained the Vernon facilities with Sterigenics and Sotera
26 Health.

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³⁸ Sotera Health, Press Release (Sotera Health Announces Settlement of Ethylene Oxide Litigation in Illinois) (Jan. 9, 2023), [b34747ef-fd1a-4058-9b9a-c0d86b0cf3a9](https://www.soterahhealth.com/b34747ef-fd1a-4058-9b9a-c0d86b0cf3a9) (soterahhealth.com) (last visited March 7, 2024).

1 120. At all relevant times, Defendant ECSi operated, inspected, controlled, managed,
2 maintained, and/or was responsible for testing and regulatory compliance of air scrubbers at the Vernon
3 facilities, resulting in continued operation of the facilities.

4 121. At all relevant times, Griffith and Present Facility Defendants had a duty to exercise the
5 utmost care and diligence in the ownership, design, operation, management, supervision, inspection,
6 maintenance, repair, and/or control of the Vernon facilities in compliance with relevant regulations and
7 industry standards, so as not to cause harm to individual persons, public health, and/or interfere with
8 the comfortable use and enjoyment of property and life by the public.

9 122. At all relevant times, Defendant ECSi had a duty to exercise the utmost care and
10 diligence in the operation, inspection, control, management, maintenance, testing, and regulatory
11 compliance of air scrubbers at the Vernon facilities.

12 123. At all relevant times, Griffith and Present Facility Defendants negligently, carelessly,
13 recklessly, and/or unlawfully used, owned, operated, managed, supervised, maintained, repaired,
14 and/or controlled the Vernon facilities, including but not limited to failing to properly maintain air
15 scrubbers and filters in compliance with applicable laws and regulations, allowing significant discharge
16 of EtO into neighboring communities and/or failing to timely mitigate or repair fugitive discharge or
17 emissions.

18 124. At all relevant times, Defendant ECSi negligently, carelessly, recklessly, and/or
19 unlawfully operated, inspected, controlled, managed, maintained, tested, and/or failed to ensure
20 compliance of air scrubbers at the Vernon facilities within obligations set forth by regulatory agencies,
21 legal standards, scientific health-protective standards, and/or industry standards.

22 125. Griffith and Present Facility Defendants were negligent per se based on their violations
23 of **California Health & Safety Code, § 41700** (discharge of air contaminants that cause injury,
24 detriment, nuisance, or annoyance to any considerable number of persons or to the public, or that
25 endanger the comfort, repose, health, or safety of any of those persons or the public), **SCAQMD Rule**
26 **402** (discharge of air contaminants causing injury, detriment, nuisance, annoyance, or endanger
27 comfort, repose, health, or safety of any person or the public), **SCAQMD Rule 430** (failure to report
28 emission control breakdowns within one hour of occurrence and again within seven days of repair),

1 **SCAQMD Rule 1405** (failure to capture and control 99.9% of EtO emissions), and **Cal. Code Regs.**
2 **Tit. 17, § 93108** (failure to capture and control 99% of EtO emissions).

3 126. As a direct and proximate result of the wrongful acts and/or omissions of the Defendants
4 and each of them, Plaintiffs have suffered damages, including but not limited to inhalation exposure to
5 toxic and carcinogenic gases, resulting in personal injuries including cancer and death. Upon
6 information and belief, some or all the cancers may result in permanent impairments and/or disabilities,
7 all to Plaintiffs' general damage in a sum according to proof.

8 127. As a direct and proximate result of the wrongful acts and/or omissions of Defendants
9 and each of them, Plaintiffs have suffered damages, including but not limited to emotional distress and
10 worry, which is ongoing, and a reasonable fear of cancer based on an increased cancer risk.

11 128. As a direct and proximate result of the wrongful acts and/or omissions of Defendants
12 and each of them, Plaintiffs are required to, and continue to, employ physicians and/or other health care
13 providers to examine, treat, and care for their cancer and related illnesses. Plaintiffs have incurred, and
14 will continue to incur, medical and incidental expenses for such examination, treatment, rehabilitation,
15 and care, all in an amount according to proof.

16 129. The wrongful acts and/or omissions of Defendants and each of them, were done
17 maliciously, oppressively, fraudulently, and/or in conscious disregard of the health and safety of
18 Plaintiffs and their community.

19 130. Defendants had actual and/or constructive knowledge of historical and ongoing
20 emissions of carcinogenic EtO from the Vernon facilities from 1986 through the present. Defendants
21 knew or should have known that failure to properly test for and filter the EtO emitted from its facility
22 would cause injuries to neighboring residents, including Plaintiffs.

23 131. Defendants had actual and/or constructive knowledge that breathing and inhaling EtO,
24 would pose, and did pose, a significant threat of the increased risk and development of cancer.

25 132. Despite their prior knowledge, Defendants allowed the Vernon facilities to continue to
26 release untreated EtO in excess of regulatory, legal, and health-protective limits, and failed to warn
27 Plaintiffs of the risk and of the exposure, further exacerbating the damages to Plaintiffs, and in
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1 conscious disregard of the known health risks to nearby communities and their residents, including
2 Plaintiffs.

3 133. In failing to adequately scrub potent and carcinogenic EtO emissions, which were
4 released into the atmosphere, Defendants created a substantial risk of injury to Plaintiffs and the
5 community of residents living near the Vernon facilities generally. Defendants' illicit releases into the
6 atmosphere, and failure to warn or notify Plaintiffs, were a direct and proximate cause of Plaintiffs'
7 injuries. On information and belief, Defendants concealed from Plaintiffs and the neighboring
8 communities important information regarding discharge(s) from its facilities relating to Plaintiffs'
9 personal health. Plaintiffs are entitled to punitive and exemplary damages in an amount to be
10 ascertained which is appropriate to punish or set an example of Defendants and deter such behavior by
11 Defendants in the future.

12 **SECOND CAUSE OF ACTION**

13 **STRICT LIABILITY FOR ULTRAHAZARDOUS ACTIVITY**

14 **(By all PLAINTIFFS against DEFENDANTS STERIGENICS U.S., LLC, SOTERA HEALTH,**
15 **LLC, GTCR, LLC, WARBURG PINCUS, LLC, GRIFFITH FOODS GROUP, INC., and**
16 **DOES 1-100)**

17 134. Plaintiffs incorporate by reference all allegations of the preceding paragraphs as though
18 fully set forth herein.

19 135. At all relevant times, Defendants Griffith, Sterigenics, Sotera Health, and GTCR owned,
20 operated, inspected, controlled, managed, and/or maintained the Vernon facilities. From 1986 to 1999,
21 Griffith owned, operated, inspected, controlled, managed, and/or maintained the Vernon facilities.
22 From 1999 to the present, Sterigenics and Sotera Health owned, operated, inspected, controlled,
23 managed, and/or maintained the Vernon facilities. From 2011 to the present, GTCR has jointly owned,
24 operated, inspected, controlled, managed, and/or maintained the Vernon facilities with Sterigenics and
25 Sotera Health. From 2015 to the present, GTCR and Warburg Pincus have jointly owned, operated,
26 inspected, controlled, managed, and/or maintained the Vernon facilities with Sterigenics and Sotera
27 Health.

1 136. The Vernon facilities are adjacent to the Maywood residential neighborhood. Maywood
2 is a densely populated area with around 27,000 residents.

3 137. At all relevant times, Griffith and Present Facility Defendants had supervision, custody,
4 and control of the Vernon facilities.

5 138. At all times relevant to this action, Griffith and Present Facility Defendants were under
6 a continuing duty to protect Plaintiffs, who were their neighbors, from the natural consequences of
7 using carcinogenic EtO to sterilize products, including medical equipment, foods, and spices at the
8 Vernon facilities.

9 139. At all relevant times, Griffith and Present Facility Defendants were engaged in an
10 ultrahazardous activity by handling, transporting, housing, using, and emitting EtO from the Vernon
11 facilities.

12 140. Sterilization using EtO adjacent to a residential community, involves risks of serious
13 harm, including exposing residents to harmful chemicals, which can be mitigated – but not eliminated
14 – by the exercise of due care. Nearby residents face a high degree of risk of serious harm to their
15 person due to potential exposure to EtO from the Vernon facilities. Sterilization using EtO is not a
16 matter of common usage adjacent to residential communities, and is not carried on by the great mass
17 of mankind. Sterilization by EtO is neither commonplace nor customary.

18 141. Plaintiffs have suffered harm as a result of Griffith and Present Facility Defendants’
19 conduct as described herein, including but not limited to physical injury and death.

20 142. The injuries sustained by Plaintiffs as a result of Griffith and Present Facility
21 Defendants’ conduct described herein were the direct and proximate result of Griffith and Present
22 Facility Defendants’ activities.

23 143. The harm to Plaintiffs was and is foreseeable because fugitive emissions of EtO from
24 the Vernon facilities would reasonably result in a significant environmental impact to neighboring
25 communities. The harm to Plaintiffs was the kind of harm that would be reasonably anticipated as a
26 result of the risks created by handling and releasing EtO.

27 144. At all relevant times, Griffith and Present Facility Defendants’ harm to Plaintiffs was
28 foreseeable because the continued release of untreated EtO, a known carcinogen, from the Vernon

1 facilities would reasonably result in surrounding community members developing cancer as a result
2 thereof.

3 145. Griffith and Present Facility Defendants' historical and ongoing operation and use of
4 the Facility and resulting emissions was and remains a substantial factor in causing the harm suffered
5 by Plaintiffs.

6 146. Griffith and Present Facility Defendants are liable to Plaintiffs for all damages arising
7 from this ultrahazardous activity pursuant to Cal Civ. Code § 3294, and attorney's fees pursuant to Cal
8 Civ. Code § 1021.5.

9 147. Griffith and Present Facility Defendants are liable to Plaintiffs for all damages arising
10 from their violations of California Health & Safety Code, § 41700 and District Rule 402.

11 148. The wrongful acts, representations and/or omissions of Griffith and Present Facility
12 Defendants, hereinabove set forth, were made, adopted, approved, authorized, endorsed and/or ratified
13 by their officers, directors or managing agents, and were done maliciously, oppressively, fraudulently
14 and/or with a willful and knowing disregard of the probable dangerous consequences for the health and
15 safety of Plaintiffs and their community.

16 149. The officers, directors and/or managing agents of Griffith and Present Facility
17 Defendants had advanced knowledge of the use and release of EtO. The officers, directors and/or
18 managing agents of Facility Defendants had advanced knowledge that a failure to treat EtO before its
19 release would result in the probability of surrounding community members being exposed to said
20 untreated EtO, which foreseeably would lead to harm and/or injuries to the health of Plaintiffs.

21 150. In failing to take protective measures to safeguard against the danger, the officers,
22 directors and/or managing agents of Griffith and Present Facility Defendants acted with a willful and/or
23 knowing disregard of the probable dangerous consequences, and/or acted with an awareness of the
24 probable dangerous consequences of their conduct and deliberately failed to avoid those consequences,
25 thereby creating a substantial risk of injury to Plaintiffs and the surrounding community.

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1 **THIRD CAUSE OF ACTION**

2 **PRIVATE NUISANCE – CONTINUING**

3 **(By all PLAINTIFFS against all DEFENDANTS)**

4 151. Plaintiffs incorporate by reference all allegations of the preceding paragraphs as though
5 fully set forth herein.

6 152. Plaintiffs own and/or occupy property at or near the exposed area. At all relevant times,
7 Plaintiffs had a right to occupy, enjoy, and/or use their property without interference by Defendants.

8 153. Defendants by reason of their wrongful acts and/or omissions described herein created
9 a condition that was harmful to Plaintiffs' health, including but not limited to causing cancer.

10 154. Griffith wrongfully emitted elevated levels of EtO during the time period 1986 to 1999
11 when it operated the Vernon facilities for the purpose of sterilizing foods and spices. Present Facility
12 Defendants wrongfully emitted elevated levels of EtO during the time period 1999 to the present when
13 it operated, and continues to operate, the Vernon facilities for the purpose of sterilizing medical
14 equipment.

15 155. Defendant ECSi wrongfully allowed the emissions of EtO from the Vernon facilities
16 during the time period 2012 (or possibly earlier) to the present by creating "source testing and leak
17 data" for submission to regulatory agencies that vastly underreported actual EtO emissions for the
18 relevant reporting periods to bring it into compliance with SCAQMD's required control efficiency.
19 The submission of underreported data to the SCAQMD and other agencies has allowed the Vernon
20 facilities to continue operating and emitting fugitive discharges of EtO into the atmosphere,
21 substantially contributing to Plaintiffs' injuries.

22 156. The continuing release of untreated EtO from the Vernon facilities has created an
23 ongoing condition that is harmful to health and interferes with the comfortable enjoyment of life and
24 property.

25 157. Plaintiffs did not consent to Defendants' conduct.

26 158. An ordinary person of reasonable sensibilities would reasonably be annoyed and/or
27 disturbed by the conduct of Defendants, as described herein.

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1 159. The seriousness of Plaintiffs' injuries outweighs any purported public benefit from
2 Defendants' conduct as described herein. While sterilization of medical equipment has a public benefit,
3 it should be performed only with proper control measures (especially when performed next to a densely
4 populated area), and only with full disclosure to the residents being exposed to the chemicals.

5 160. As a direct and proximate result of the wrongful acts and/or omissions of Defendants as
6 described herein, Plaintiffs have suffered, and will continue to suffer, discomfort, annoyance, anxiety,
7 fear, worries, and stress attendant to the interference with Plaintiffs' occupancy, possession, use, and/or
8 enjoyment of their property, as alleged above.

9 161. As a direct and proximate result of the wrongful acts and/or omissions of Defendants,
10 Plaintiffs suffered and continue to suffer damages as hereinabove set forth.

11 162. The conduct of each Defendant was a substantial factor in causing harm to Plaintiffs
12 who have suffered and continue to suffer physical injury and death. Plaintiffs are entitled to damages
13 for all such past and present injuries.

14 163. The exposure described herein constitutes a nuisance within the meaning of Section
15 3479 of the California Civil Code.

16 164. Plaintiffs are informed and believe, and on that basis allege, that the nuisance is
17 continuing.

18 165. Plaintiffs further seek compensatory damages for personal injuries, emotional distress,
19 mental anguish, and harm to Plaintiffs' person.

20 166. In maintaining the nuisance, which is continuing, Defendants are acting with full
21 knowledge of the consequences and damage being caused, and the acts and omissions of Defendants
22 were done with malice, fraud and/or oppression as described herein. As such, Plaintiffs are entitled to
23 punitive and exemplary damages.

24 **FOURTH CAUSE OF ACTION**

25 **PRIVATE NUISANCE – PERMANENT**

26 **(By all PLAINTIFFS against all DEFENDANTS)**

27 167. Plaintiffs incorporate and re-allege each of the paragraphs above as though fully set
28 forth herein.

1 168. Plaintiffs own and/or occupy property at or near the exposed area. At all relevant times,
2 Plaintiffs had a right to occupy, enjoy, and/or use their property without interference by Defendants.

3 169. Defendants by reason of their wrongful acts and/or omissions described herein created
4 a condition that was harmful to Plaintiffs' health, including but not limited to causing cancer.

5 170. Griffith wrongfully emitted elevated levels of EtO during the time period 1986 to 1999
6 when it operated the Vernon facilities for the purpose of sterilizing foods and spices. Present Facility
7 Defendants wrongfully emitted elevated levels of EtO during the time period 1999 to the present when
8 it operated, and continues to operate, the Vernon facilities for the purpose of sterilizing medical
9 equipment.

10 171. Defendant ECSi wrongfully allowed the emissions of EtO from the Vernon facilities
11 during the time period 2012 (or possibly earlier) to the present by creating "source testing and leak
12 data" for submission to regulatory agencies that vastly underreported actual EtO emissions for the
13 relevant reporting periods to bring it into compliance with SCAQMD's required control efficiency.
14 The submission of underreported data to the SCAQMD and other agencies has allowed the Vernon
15 facilities to continue operating and emitting fugitive discharges of EtO into the atmosphere,
16 substantially contributing to Plaintiffs' injuries.

17 172. This permanent condition has interfered with Plaintiffs' free use and enjoyment of their
18 residential property, in the form of exposure to a known carcinogen—EtO—on the land.

19 173. Defendants' ongoing operation of the Vernon facilities has created an ongoing condition
20 that is harmful to health and interferes with the comfortable enjoyment of life and property.

21 174. Plaintiffs did not consent to Defendants' conduct.

22 175. An ordinary person of reasonable sensibilities would reasonably be annoyed and/or
23 disturbed by the conduct of Defendants, as described herein.

24 176. The seriousness of Plaintiffs' injuries outweighs any purported public benefit from
25 Defendants' conduct as described herein. While sterilization of medical equipment has a public benefit,
26 it should be performed only with proper control measures (especially when performed next to a densely
27 populated area), and only with full disclosure to the residents being exposed to the chemicals.

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1 177. As a direct and proximate result of the wrongful acts and/or omissions of Defendants as
2 described herein, Plaintiffs have suffered, and will continue to suffer, discomfort, annoyance, anxiety,
3 fear, worries, and stress attendant to the interference with Plaintiffs' occupancy, possession, use, and/or
4 enjoyment of their property, as alleged above.

5 178. As a direct and proximate result of the wrongful acts and/or omissions of Defendants,
6 Plaintiffs suffered and continue to suffer damages as hereinabove set forth.

7 179. The conduct of each Defendant was a substantial factor in causing harm to Plaintiffs
8 who have suffered and continue to suffer physical injury and death. Plaintiffs are entitled to damages
9 for all such past and present injuries.

10 180. The exposure described herein constitutes a nuisance within the meaning of Section
11 3479 of the California Civil Code.

12 181. Plaintiffs are informed and believe, and on that basis allege, that the nuisance is
13 permanent.

14 182. Plaintiffs seek compensatory damages for personal injuries, emotional distress, mental
15 anguish, and harm to Plaintiffs' person.

16 183. In maintaining the nuisance, which is permanent, Defendants are acting with full
17 knowledge of the consequences and damage being caused, and the acts and omissions of Defendants
18 were done with malice, fraud and/or oppression as described herein. As such, Plaintiffs are entitled to
19 punitive and exemplary damages.

20 **FIFTH CAUSE OF ACTION**

21 **PUBLIC NUISANCE – CONTINUING**

22 **(By all PLAINTIFFS against all DEFENDANTS)**

23 184. Plaintiffs incorporate and re-allege each of the paragraphs above as though fully set
24 forth herein.

25 185. Plaintiffs own and/or occupy property at or near the exposed area. At all relevant times,
26 Plaintiffs had a right to occupy, enjoy, and/or use their property without interference by Defendants.

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1 186. Defendants, by reason of their wrongful acts and/or omissions created a condition that
2 has affected a substantial number of people at the same time in the form of exposure to a known
3 carcinogen—EtO—in the area where they live, work, and raise their families.

4 187. Griffith wrongfully emitted elevated levels of EtO during the time period 1986 to 1999
5 when it operated the Vernon facilities for the purpose of sterilizing foods and spices. Present Facility
6 Defendants wrongfully emitted elevated levels of EtO during the time period 1999 to the present when
7 it operated, and continues to operate, the Vernon facilities for the purpose of sterilizing medical
8 equipment.

9 188. Defendant ECSi wrongfully allowed the emissions of EtO from the Vernon facilities
10 during the time period 2012 (or possibly earlier) to the present by creating “source testing and leak
11 data” for submission to regulatory agencies that vastly underreported actual EtO emissions for the
12 relevant reporting periods to bring it into compliance with SCAQMD’s required control efficiency.
13 The submission of underreported data to the SCAQMD and other agencies has allowed the Vernon
14 facilities to continue operating and emitting fugitive discharges of EtO into the atmosphere,
15 substantially contributing to Plaintiffs’ injuries.

16 189. The condition that Defendants created and/or permitted to exist affected a substantial
17 number of people within the general public, including causing Plaintiffs personal injuries and
18 disturbance in the enjoyment of everyday living.

19 190. An ordinary person of reasonable sensibilities would reasonably be annoyed and/or
20 disturbed by the condition created by each and every Defendant.

21 191. The seriousness of the harm outweighs any purported social utility from Defendants’
22 conduct as described herein. While sterilization of medical equipment serves a social utility, it should
23 be performed only with proper control measures (especially when performed next to a densely
24 populated area) , and only with full disclosure to the residents being exposed to the chemicals..

25 192. Plaintiffs did not consent to the conduct of any Defendant as described herein.

26 193. As a direct and proximate result of the wrongful acts and/or omissions of Defendants
27 and each of them, Plaintiffs suffered harm that is different from the type of harm suffered by the general
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1 public. Specifically, Plaintiffs have developed physical ailments, including but not limited to cancer.
2 Plaintiffs are entitled to damages for all such past and present injuries.

3 194. As a direct and proximate result of the wrongful acts and/or omissions of Defendants,
4 Plaintiffs suffered and continue to suffer damages as described above and, in an amount, according to
5 proof at trial.

6 195. The exposure described herein constitutes a nuisance within the meaning of Section
7 3479 of the California Civil Code.

8 196. Plaintiffs are informed and believe, and on that basis allege, that the nuisance is
9 continuing.

10 197. Plaintiffs seek compensatory damages for personal injuries, emotional distress, mental
11 anguish, and harm to Plaintiffs' person.

12 198. In maintaining the nuisance, which is continuing, Defendants are acting with full
13 knowledge of the consequences and damage being caused, and the acts and omissions of Defendants
14 were done with malice, fraud and/or oppression as described herein. As such, Plaintiffs are entitled to
15 punitive and exemplary damages.

16 **SIXTH CAUSE OF ACTION**

17 **PUBLIC NUISANCE – PERMANENT**

18 **(By all PLAINTIFFS against all DEFENDANTS)**

19 199. Plaintiffs incorporate and re-allege each of the paragraphs above as though fully set
20 forth herein.

21 200. Plaintiffs own and/or occupy property at or near the exposed area. At all relevant times,
22 Plaintiffs had a right to occupy, enjoy, and/or use their property without interference by Defendants.

23 201. Defendants, by reason of their wrongful acts and/or omissions created a condition that
24 has affected a substantial number of people at the same time in the form of exposure to a known
25 carcinogen—EtO—in the area where they live, work, and raise their families.

26 202. Griffith wrongfully emitted elevated levels of EtO during the time period 1986 to 1999
27 when it operated the Vernon facilities for the purpose of sterilizing foods and spices. Present Facility
28 Defendants wrongfully emitted elevated levels of EtO during the time period 1999 to the present when

1 it operated, and continues to operate, the Vernon facilities for the purpose of sterilizing medical
2 equipment.

3 203. Defendant ECSi wrongfully allowed the emissions of EtO from the Vernon facilities
4 during the time period 2012 (or possibly earlier) to the present by creating “source testing and leak
5 data” for submission to regulatory agencies that vastly underreported actual EtO emissions for the
6 relevant reporting periods to bring it into compliance with the SCAQMD’s required control efficiency.
7 The submission of underreported data to the SCAQMD and other agencies has allowed the Vernon
8 facilities to continue operating and emitting fugitive discharges of EtO into the atmosphere,
9 substantially contributing to Plaintiffs’ injuries.

10 204. The condition that Defendants created and/or permitted to exist affected a substantial
11 number of people within the general public, including causing Plaintiffs personal injuries and
12 disturbance in the enjoyment of everyday living.

13 205. An ordinary person of reasonable sensibilities would reasonably be annoyed and/or
14 disturbed by the condition created by each and every Defendant.

15 206. The seriousness of the harm outweighs any purported social utility from Defendants’
16 conduct as described herein. While sterilization of medical equipment serves a social utility, it should
17 be performed only with proper control measures (especially when performed next to a densely
18 populated area) , and only with full disclosure to the residents being exposed to the chemicals..

19 207. Plaintiffs did not consent to the conduct of any Defendant as described herein.

20 208. As a direct and proximate result of the wrongful acts and/or omissions of Defendants
21 and each of them, Plaintiffs suffered harm that is different from the type of harm suffered by the general
22 public. Specifically, Plaintiffs have developed physical ailments, including but not limited to cancer.
23 Plaintiffs are entitled to damages for all such past and present injuries.

24 209. As a direct and proximate result of the wrongful acts and/or omissions of Defendants,
25 Plaintiffs suffered and continue to suffer damages as described above and, in an amount, according to
26 proof at trial.

27 210. The emissions described herein constitute a nuisance within the meaning of Section
28 3479 of the California Civil Code.

1 211. Plaintiffs are informed and believe, and on that basis allege, that the nuisance is
2 permanent.

3 212. Plaintiffs further seek compensatory damages for personal injuries, emotional distress,
4 mental anguish, and harm to Plaintiffs' person.

5 213. In maintaining the nuisance, which is permanent, Defendants are acting with full
6 knowledge of the consequences and damage being caused, and the acts and omissions of Defendants
7 were done with malice, fraud and/or oppression as described herein. As such, Plaintiffs are entitled to
8 punitive and exemplary damages.

9 **SEVENTH CAUSE OF ACTION**

10 **VIOLATION OF UNFAIR COMPETITION LAW**

11 **(BUSINESS & PROFESSIONS CODE § 17200, et seq.)**

12 **(By all PLAINTIFFS against DEFENDANTS STERIGENICS U.S., LLC, SOTERA HEALTH,**
13 **LLC, GTCR, LLC, WARBURG PINCUS, LLC, ECSi – ENVIRONMENTAL CONSULTING**
14 **SOLUTIONS, INC., and DOES 1-100)**

15 214. Plaintiffs incorporate and re-allege each of the paragraphs above as though fully set
16 forth herein.

17 215. Defendants, and each of them, have engaged in, and continue to engage in, unlawful,
18 unfair and/or fraudulent business acts, omissions, and/or practices that constitute unfair competition
19 within the meaning of Business & Professions Code § 17200, et seq. including but not limited to, the
20 acts, omissions and/or practices alleged herein.

21 216. Griffith unlawfully (in violation of California Health & Safety Code, § 41700,
22 SCAQMD Rule 402, SCAQMD Rule 430, SCAQMD Rule 1405, and Cal. Code Regs. Tit. 17, § 93108)
23 emitted elevated amounts of EtO during the time period 1986 to 1999 when it operated the Vernon
24 facilities for the purpose of sterilizing foods and spices and fraudulently underreported its fugitive
25 emissions to regulatory agencies.

26 217. Present Facility Defendants unlawfully (in violation of California Health & Safety
27 Code, § 41700, SCAQMD Rule 402, SCAQMD Rule 430, SCAQMD Rule 1405, and Cal. Code Regs.
28 Tit. 17, § 93108) emitted elevated amounts of EtO during the time period 1999 to the present when

1 they operated, and continued to operate, the Vernon facilities for the purpose of sterilizing medical
2 equipment. Present Facility Defendants have also fraudulently underreported fugitive emissions to
3 regulatory agencies.

4 218. Defendant ECSi assisted Present Facility Defendants in the unlawful emissions of
5 elevated amount of EtO during the time period 2012 (or possibly earlier) to the present by creating
6 “source testing and leak data” for submission to regulatory agencies that fraudulently underreported
7 actual EtO emissions for the relevant reporting periods to bring it into compliance with CARB’s and
8 SCAQMD’s required control efficiency.

9 219. Present Facility Defendants and Defendant ECSi continue to unlawfully (in violation of
10 SCAQMD Rule 1405) emit elevated levels of EtO by failing to control emissions by more than 99%.

11 220. Griffith unfairly (by failing to comply with emissions and reporting standards, resulting
12 in more profits to Griffith to the detriment of the health of neighboring residents including Plaintiffs)
13 emitted elevated amounts of EtO during the time period 1986 to 1999 when it operated the Vernon
14 facilities for the purpose of sterilizing foods and spices and fraudulently underreported its fugitive
15 emissions to regulatory agencies.

16 221. Present Facility Defendants unfairly (by failing to comply with emissions and reporting
17 standards, resulting in more profits to Present Facility Defendants to the detriment of the health of
18 neighboring residents including Plaintiffs) emitted elevated amounts of EtO during the time period
19 1999 to the present when it operated, and continues to operate, the Vernon facilities for the purpose of
20 sterilizing medical equipment. Present Facility Defendants have also fraudulently underreported
21 fugitive emissions to regulatory agencies.

22 222. Defendant ECSi assisted Present Facility Defendants in the unlawful and unfair
23 emissions of elevated amount of EtO during the time period 2012 (or possibly earlier) to the present
24 by creating “source testing and leak data” for submission to regulatory agencies that fraudulently
25 underreported actual EtO emissions for the relevant reporting periods to bring it into compliance with
26 SCAQMD’s required control efficiency.

27 223. Present Facility Defendants and Defendant ECSi continue to unfairly (by failing to
28 comply with emissions and reporting standards, resulting in more profits to Present Facility Defendants

1 to the detriment of the health of neighboring residents including Plaintiffs) emit elevated levels of EtO
2 by failing to control emissions by more than 99%.

3 224. Griffith engaged in fraudulent business practices during the time period 1986 to 1999
4 when it underreported its fugitive emissions to regulatory agencies and failed to disclose the risks
5 associated with inhaling fugitive EtO emissions from its Vernon facilities.

6 225. Present Facility Defendants engaged in fraudulent business practices during the time
7 period 1999 to the present when it underreported its fugitive emissions to regulatory agencies and failed
8 to disclose the risks associated with inhaling fugitive EtO emissions from its Vernon facilities.

9 226. Defendant ECSi assisted Present Facility Defendants in the fraudulent business practice
10 of underreporting fugitive emissions from the Vernon facilities to regulatory agencies during the time
11 period 2012 (or possibly earlier) to the present as alleged herein.

12 227. Present Facility Defendants and Defendant ECSi continue to fraudulently underreport
13 fugitive emissions from the Vernon facilities to regulatory agencies and continue to fail to disclose the
14 risks associated with inhaling fugitive EtO emissions from its Vernon facilities to neighboring residents
15 including Plaintiffs.

16 228. Unless enjoined by order of the Court to (a) bring EtO emissions control measures
17 within health-protective standards, (b) immediately report all equipment breakdowns to the appropriate
18 agencies, and (c) provide real-time reporting of emissions to neighboring residents, Present Facility
19 Defendants and Defendant ECSi will continue in the course of conduct alleged herein.

20 229. The acts and practices of Present Facility Defendants and Defendant ECSi in continuing
21 to allow EtO emissions from the Vernon facilities pose a threat to the health of Plaintiffs herein.

22 230. Plaintiffs have no adequate remedy at law in that damages are insufficient to protect
23 them and others similarly situated from the ongoing danger and harm caused by the acts and practices
24 by Defendants described in this Complaint.

25 231. Defendants' acts and practices of emitting elevated and unsafe levels of EtO from 1986
26 through the present has injured Plaintiffs who have inhaled unsafe levels of EtO and become sick or
27 lost loved ones.

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1 232. Unless injunctive relief is granted to enjoin the future unlawful and fraudulent business
2 practices of the Defendants, Plaintiffs will suffer irreparable injury and damage. An award of damages
3 alone will not be sufficient to eliminate the risk of harm to Plaintiffs and the neighboring communities.

4 233. Defendants, and each of them, must be immediately and permanently enjoined, pursuant
5 to Business and Professions Code § 17203, from engaging in acts or practices that, as alleged in this
6 Complaint, violate the aforementioned laws and regulations, and are otherwise unlawful, unfair and/or
7 fraudulent.

8 **EIGHTH CAUSE OF ACTION**

9 **TRESPASS**

10 **(By all PLAINTIFFS against DEFENDANTS STERIGENICS U.S., LLC, SOTERA HEALTH,**
11 **LLC, GTCR, LLC, WARBURG PINCUS, LLC, GRIFFITH FOODS GROUP, INC., and**
12 **DOES 1-100)**

13 234. Plaintiffs incorporate and re-allege each of the paragraphs above as though fully set
14 forth herein.

15 235. Plaintiffs own and/or occupy property at or near the exposed area.

16 236. At all relevant times, Plaintiffs had a right to occupy, enjoy, and/or use their property
17 without interference by Defendants.

18 237. At all relevant times, Defendants Griffith, Sterigenics, Sotera Health, and GTCR owned,
19 operated, inspected, controlled, managed, and/or maintained the Vernon facilities. From 1986 to 1999,
20 Griffith owned, operated, inspected, controlled, managed, and/or maintained the Vernon facilities.
21 From 1999 to the present, Sterigenics and Sotera Health owned, operated, inspected, controlled,
22 managed, and/or maintained the Vernon facilities. From 2011 to the present, GTCR has jointly owned,
23 operated, inspected, controlled, managed, and/or maintained the Vernon facilities with Sterigenics and
24 Sotera Health. From 2015 to the present, GTCR and Warburg Pincus have jointly owned, operated,
25 inspected, controlled, managed, and/or maintained the Vernon facilities with Sterigenics and Sotera
26 Health.

27 238. The Vernon facilities are adjacent to the Maywood residential neighborhood. Maywood
28 is a densely populated area with around 27,000 residents.

1 239. Griffith and Present Facility Defendants caused a trespass by EtO beyond the boundary
2 of the Vernon facilities in such a manner that it was reasonably foreseeable that the carcinogen would,
3 in due course, invade Plaintiffs' real property and cause physical injury, and in fact that airborne
4 carcinogen did invade Plaintiffs' property such that Plaintiffs inhaled EtO emanating from the Vernon
5 facilities.

6 240. Griffith and Present Facility Defendants caused a trespass by negligently maintaining
7 the Vernon facilities and its emissions control measures, including air scrubbers, in such a way that it
8 was reasonably foreseeable that excessive fugitive release of untreated EtO would occur, causing the
9 airborne carcinogen to enter Plaintiffs' neighboring properties. It was reasonably foreseeable that the
10 untreated EtO would, in due course, invade Plaintiffs' real property and cause physical injury.

11 241. Griffith and Present Facility Defendants' release of EtO into the atmosphere, and
12 resulting exposure depositing EtO onto Plaintiffs' property entered, invaded, and intruded the real
13 property of Plaintiffs, and caused harm to Plaintiffs personally without Plaintiffs' permission, consent,
14 authorization, invitation, or justification.

15 242. Griffith and Present Facility Defendants had a duty to use reasonable care not to enter,
16 invade, or intrude on the real property owned or used by Plaintiffs. Defendants also owed a duty to
17 Plaintiffs to exercise reasonable care in the maintenance and operation of the Facility because of the
18 proximity of the Vernon facilities to the neighboring communities.

19 243. Griffith and Present Facility Defendants breached the duty they owed to Plaintiffs when
20 they failed to exercise reasonable care in the maintenance and operation of the Facility, as described
21 herein, which conduct resulted in entry, intrusion, or invasion of Plaintiffs' properties.

22 244. Griffith and Present Facility Defendants knew or should have known that their conduct
23 and the ongoing operation and maintenance of the Vernon facilities would foreseeably result in causing
24 damage to the real properties and economic interests of persons in the area affected by the exposure.

25 245. As a direct and proximate result of Griffith and Present Facility Defendants' trespass,
26 Plaintiffs have suffered and continue to suffer damages, losses, and injuries described above in amounts
27 according to proof at trial.

28 ///

1 **NINTH CAUSE OF ACTION**

2 **CIVIL BATTERY**

3 **(By all PLAINTIFFS against DEFENDANTS STERIGENICS U.S., LLC, SOTERA HEALTH,**
4 **LLC, GTCR, LLC, WARBURG PINCUS, LLC, GRIFFITH FOODS GROUP, INC., and**
5 **DOES 1-100)**

6 246. Plaintiffs incorporate and re-allege each of the paragraphs above as though fully set
7 forth herein.

8 247. Griffith and Present Facility Defendants' conduct over the relevant periods of time each
9 was involved in the operation of the Vernon facilities, as described herein, caused Plaintiffs to be
10 touched with harmful EtO, which they inhaled.

11 248. Plaintiffs did not consent to be touched by carcinogenic EtO in their homes and
12 community.

13 249. Plaintiffs were harmed by the inhalation of carcinogenic EtO.

14 250. A reasonable person in Plaintiffs' situation would have been offended by the inhalation
15 of carcinogenic EtO.

16 251. At relevant times, Griffith and Present Facility Defendants knew that operations at the
17 Vernon facilities would result in an offensive contact with members of the Maywood community.

18 252. At relevant times, Griffith and Present Facility Defendants knew that EtO was
19 carcinogenic when they acquired the Vernon facilities and throughout the relevant periods of operation.

20 253. Members of the Maywood residential community, including Plaintiffs herein, were
21 never informed about the carcinogenic dangers associated with the sterilization processes taking place
22 at the nearby Vernon facilities.

23 254. Plaintiffs are entitled to compensatory damages for the harm resulting from their
24 inhalation of carcinogenic EtO.

25 255. Griffith and Present Facility Defendants acted with full knowledge of the consequences
26 and damage being caused, and the acts and omissions of Defendants were done with malice, fraud
27 and/or oppression as described herein. As such, Plaintiffs are entitled to punitive and exemplary
28 damages.

1 **TENTH CAUSE OF ACTION**

2 **FRAUDULENT CONCEALMENT**

3 **(By all PLAINTIFFS against DEFENDANTS STERIGENICS U.S., LLC, SOTERA HEALTH,**
4 **LLC, GTCR, LLC, WARBURG PINCUS, LLC, GRIFFITH FOODS GROUP, INC., and**
5 **DOES 1-100)**

6 256. Plaintiffs incorporate and re-allege each of the paragraphs above as though fully set
7 forth herein.

8 257. EtO is commonly used in the medical- and food-grade sterilization process. Fugitive
9 emissions of EtO from sterilization facilities are known risks, which is why regional air quality control
10 boards require sterilization facilities to implement EtO release control measures. Reporting
11 requirements exist to protect the unknowing public and puts a duty on dischargers to fully and truthfully
12 disclose information about air quality in Plaintiffs' community. Plaintiffs have no independent means
13 to quantitatively measure or assess air quality in their neighborhood.

14 258. There exists a special relationship between Present Facility Defendants and the Vernon
15 facilities' neighboring residents, including Plaintiffs herein, who are affected by its operations.
16 Residents living in Maywood have a right to breathe clean air and to know what chemicals are in the
17 air they breathe, and at what quantities or concentrations. Maywood residents do not personally
18 monitor the air quality and are depending upon Present Facility Defendants to disclose the emissions
19 of carcinogenic chemicals into the atmosphere and to report the data to the appropriate regulatory
20 bodies, including the SCAQMD. This special relationship gives rise to a duty by Present Facility
21 Defendants to fully and truthfully report to the public, either directly or through the appropriate
22 regulatory agencies, all information relating to hazardous chemical emissions from the Vernon
23 facilities. Plaintiffs rely, and in fact have a right to rely, upon Present Facility Defendants' fully and
24 truthfully informing Plaintiffs of what is in the air they breathe, as described above.

25 259. During the time period 1986 to 1999, there existed a special relationship between
26 Griffith and the Vernon facilities' neighboring residents, including Plaintiffs herein, who were affected
27 by its operations. Residents living in Maywood had a right to breathe clean air and to know what
28 chemicals were in the air they breathed, and at what quantities or concentrations. Maywood residents

1 did not personally monitor the air quality and were depending upon Present Facility Defendants to
2 disclose the emissions of carcinogenic chemicals into the atmosphere and to report the data to the
3 appropriate regulatory bodies, including the SCAQMD. This special relationship gave rise to a duty
4 by Griffith to fully and truthfully report to the public, either directly or through the appropriate
5 regulatory agencies, all information relating to hazardous chemical emissions from the Vernon
6 facilities. Plaintiffs relied, and in fact had a right to rely, upon Griffith’s fully and truthfully informing
7 Plaintiffs of what was in the air they breathed, as described above.

8 260. From 1986 to the present, Griffith and Present Facility Defendants have been knowingly
9 emitting carcinogenic EtO at levels far exceeding health-protective standards into the atmosphere
10 where Plaintiffs live and breathe – despite Sotera’s self-proclaimed mission of “Safeguarding Global
11 Health®” and statement that it is “uncompromising in our commitment to health and wellbeing.”³⁹

12 261. Throughout 1986 to the present, Griffith and Present Facility Defendants have
13 underreported emissions data to regulatory agencies. Such underreporting is a fraudulent concealment
14 of true and accurate health risks.

15 262. From 1986 to the present, Griffith and Present Facility Defendants have *never* informed
16 their residential neighbors in the Maywood community that the Vernon facilities emit carcinogenic
17 EtO on an almost constant basis.

18 263. Griffith and Present Facility Defendants have known about the risk to human health
19 from their operations at the Vernon facilities for decades.

20 264. Griffith and Present Facility Defendants owed, and owe, Plaintiffs a duty to speak to
21 clarify mis-leading half-truths regarding emissions from its sterilization facilities. Defendants have
22 actively participated in a campaign of misinformation and half-truths with respect to the toxicity and
23 carcinogenicity of EtO for the purpose of avoiding or minimizing their financial exposure to claims for
24 damages and expenses associated with emissions controls. Defendants have done so through lobbying,
25 letter campaigns and formation of so called trade associations, which serve no health protective
26 purpose, and in fact exist for the sole financial benefit of Defendants, at the expense of the uninformed
27 public who continue to be exposed to dangerous and carcinogenic levels of EtO as a result.

28 _____
³⁹ Sotera Health, *About Us*, <https://soterahhealth.com/about/our-purpose-and-values/> (last visited March 7, 2024).

1 265. On September 17, 2018, the Ethylene Oxide Sterilization Association, Inc. (a trade
2 association which exists for the sole benefit of EtO sterilizers) issued a statement that the U.S. EPA’s
3 IRIS assessment for EtO had relied on “flawed science” and overestimated the toxicity risk by a factor
4 of over 1,000 or more.⁴⁰ This self-preservation effort following the EPA’s December 2016 IRIS
5 assessment⁴¹ publication setting forth the carcinogenicity of EtO was, itself, based on flawed science.
6 The EPA has not withdrawn its December 2016 IRIS assessment on EtO. In fact, on June 27, 2023,
7 the U.S. EPA, along with comments from environmental and community groups, published Docket
8 No. EPA-HQ-OAR-2019-0178 which reflects that the EPA’s current standards are outdated and long
9 overdue for correction.

10 266. On July 26, 2022, Michael Petras (Sotera Health CEO) wrote to Michael Regan
11 (Administrator of the U.S. Environmental Protection Agency), stating that Sterigenics is making
12 voluntary enhancements to its emissions control systems at its EtO sterilization facilities with the
13 objective of reducing EtO emissions, “even though past and current emissions from these facilities
14 have been safe and far below levels authorization in their Clear Air Act permits.” This statement was
15 false and misleading, as past air and current air emissions from the Vernon facilities had not been safe
16 for its neighbors to breathe.

17 267. In February 2023, a Sterigenics spokesperson told reporter Dan Ross that the Vernon
18 and Ontario facilities “operate safely and in compliance with both South Coast Air Quality
19 Management District (SCAQMD) and Federal regulations,” and that “Sterigenics continues to further
20 enhance emissions controls at both facilities beyond already safe levels in cooperation of SCAQMD.”
21 This statement was false and misleading, as the Vernon facilities had not been operating safely and had
22 in fact experienced both routine and major failures of its emissions control systems.

24 ⁴⁰ f Ethylene Oxide Sterilization Association, *EPA’s Ethylene Oxide IRIS Assessment: Flawed Science and the Potential*
25 *for Adverse Public Health Impacts* (Sep. 2018), <https://www.advamed.org/wp-content/uploads/2019/11/epa-ethylene-oxide-iris-assessment-flawed-science-potential-adverse-public-health-impacts.pdf#:~:text=In%20December%202016%2C%20EPA%20published%20its%20final%20Evaluation,body%20and%20what%20is%20normally%20present%20in%20air> (last visited March 7, 2024).

27 ⁴¹ U.S. Environmental Protection Agency, Executive Summary – *Evaluation of the Inhalation Carcinogenicity of Ethylene Oxide In Support of Summary Information of the Integrated Risk Information System (IRIS)*, https://cfpub.epa.gov/ncea/iris/iris_documents/documents/subst/1025_summary.pdf (last visited March 7, 2024); U.S. Environmental Protection Agency, *Evaluation of the Inhalation Carcinogenicity of Ethylene Oxide In Support of Summary Information of the Integrated Risk Information System (IRIS)*, https://cfpub.epa.gov/ncea/iris/iris_documents/documents/toxreviews/1025tr.pdf (last visited March 7, 2024).

1 268. Defendants know, and have known for some time, that EtO is toxic and carcinogenic
2 when inhaled.⁴² EtO is generally known to be both carcinogenic and mutagenic.⁴³ Importantly,
3 Defendants know, and have known for some time, that the odor threshold for EtO is extremely high,
4 such that the unknowing public would never be able to detect it using their noses.⁴⁴

5 269. In a recent trial in Illinois regarding Sterigenics' Willowbrook facilities, Sterigenics'
6 former vice president of global environmental health and safety doubled down when she testified that
7 neighboring residents did not receive notice regarding the risks of EtO "because they were exposed to
8 safe levels." This statement furthered the campaign of misinformation and concealment.

9 270. Plaintiffs reasonably relied on their ignorance of the true facts and were, therefore, in
10 no position to take corrective measures to avoid or minimize the risks created by operations at the
11 Vernon facilities. Had Plaintiffs been aware of the true facts they would have taken measures to protect
12 their persons at risk of exposure due to the inhalation of harmful EtO gas released from the Vernon
13 facilities.

14 271. As a direct and proximate result of the fraudulent acts and/or omissions of Griffith and
15 Present Facility Defendants, Plaintiffs have suffered and continue to suffer damages, losses, and
16 injuries described above in amounts according to proof at trial.

17 272. The wrongful acts and/or omissions of Griffith and Present Facility Defendants, and
18 each of them, were done maliciously, oppressively, fraudulently, and/or in conscious disregard of the
19 health and safety of Plaintiffs and their community.

20 273. In fraudulently concealing information pertaining to Plaintiffs' health and safety, the
21 Griffith and Present Facility Defendants created a substantial risk of injury to Plaintiffs and the
22 community of residents living in Maywood for the past several decades. Griffith and Present Facility
23 Defendants' acts and omissions, as described herein, were a direct and proximate cause of Plaintiffs'
24 injuries. Plaintiffs are entitled to punitive and exemplary damages in an amount to be ascertained
25 which is appropriate to punish or set an example of Griffith and Present Facility Defendants and deter
26 such behavior by Griffith and Present Facility Defendants and others in the future.

27 _____
28 ⁴² ARC Specialty Products, Safety Data Sheet (Ethylene Oxide) (Aug. 2022), https://balchem.com/performance-gases/wp-content/uploads/sites/5/2021/02/SDS_ARC_Ethylene-Oxide-1.pdf (last visited March 7, 2024).

⁴³ *Id.*

⁴⁴ *Id.*

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ELEVENTH CAUSE OF ACTION

LOSS OF CONSORTIUM

(By Plaintiffs ANTONIO ARIAS and HENRY FUENTES against all DEFENDANTS)

274. Plaintiffs incorporate and re-allege each of the paragraphs above as though fully set forth herein.

275. As a result of each Defendants’ conduct, as described herein, Plaintiff ANTONIO ARIAS brings a claim for loss of consortium in that he has been harmed by injury to his wife, Plaintiff IRMA ARIAS including but not limited to the loss of love, companionship, comfort, care, assistance, protection, affection, society, moral support, and/or enjoyment of sexual relations.

276. As a result of each Defendants’ conduct, as described herein, Plaintiff HENRY FUENTES brings a claim for loss of consortium in that he has been harmed by injury to his wife, Plaintiff MARITZA FUENTES including but not limited to the loss of love, companionship, comfort, care, assistance, protection, affection, society, moral support, and/or enjoyment of sexual relations.

TWELFTH CAUSE OF ACTION

WRONGFUL DEATH

(By Plaintiffs BLANCA ARGUETA, OCTAVIO CAMPOS, and RODRIGO CAMPOS against all DEFENDANTS)

277. Plaintiff incorporates and re-allege each of the paragraphs above as though fully set forth herein.

278. Defendants’ negligent and wrongful conduct, as alleged herein, directly and proximately caused Decedent DALIO ARGUETA’S stomach cancer, which subsequently took his life on March 12, 2020 at the age of 63 years old.

279. As a direct and proximate result of Decedent’s death, Plaintiff BLANCA ARGUETA has suffered the loss of her husband’s love, companionship, comfort, care, assistance, protection, affection, society, moral support, enjoyment of sexual relations, training and guidance, financial support, gifts and benefits, funeral and burial expenses, and the reasonable value of his household services.

///

1 280. Defendants' negligent and wrongful conduct, as alleged herein, directly and
2 proximately caused Decedent JOSEFINA LANDIN TULE'S breast cancer, which subsequently took
3 her life on April 25, 2014 at the age of 59 years old.

4 281. As a direct and proximate result of Decedent's death, Plaintiffs OCTAVIO CAMPO
5 and RODRIGO CAMPO have suffered the loss of their mother's love, companionship, comfort, care,
6 assistance, protection, affection, society, moral support, training and guidance, financial support, gifts
7 and benefits, funeral and burial expenses, and the reasonable value of her household services.

8 **IX. DEMAND FOR JURY TRIAL**

9 Plaintiff demands a trial by jury on all claims so triable.

10 **X. PRAYER FOR RELIEF**

11 Wherefore, PLAINTIFFS pray for judgment against DEFENDANTS, and each of them, as
12 follows:

- 13 1. a judgment in favor of Plaintiffs on all claims;
- 14 2. an award of compensatory and general damages according to proof;
- 15 3. an award to Plaintiffs for the amount of damages, including personal injuries and loss
16 of consortium, according to proof;
- 17 4. past and future medical expenses and incidental expenses according to proof;
- 18 5. general damages for fear, worry, discomfort, mental anguish, and emotional distress;
- 19 6. loss of consortium damages;
- 20 7. wrongful death damages;
- 21 8. an award to Plaintiffs for punitive and exemplary damages according to proof;
- 22 9. all costs of suit, including attorneys' fees where appropriate, appraisal fees, engineering
23 fees and related costs;
- 24 10. for reasonable attorneys' fees pursuant to California Code of Civil Procedure, section
25 1021.5;
- 26 11. for pre- and post-judgment interest at the legal rate on all amounts awarded;
- 27 12. for an injunction against Present Facility Defendants to (a) bring EtO emissions control
28 measures within health-protective standards, (b) immediately report all equipment

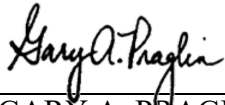
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breakdowns to the appropriate agencies, and (c) provide real-time reporting of emissions to neighboring residents;

13. for all other relief as this Court may deem just and proper.

Dated: March 18, 2024

COTCHETT, PITRE & McCARTHY, LLP

By: 

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