

THE MORNING CALL

Cancer victims sue over toxic gas emissions from B. Braun's Lehigh Valley plant, claiming 3 died

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Toxic gas released from the B. Braun Medical plant in Lehigh County caused the cancers that sickened more than a dozen people and killed three more, lawsuits against the German medical device company allege.

Ethylene oxide used to sterilize products has been vented into the air around the Hanover Township plant for decades, the lawsuits filed Tuesday in Philadelphia County Court claim. For people who live, work, shop and otherwise spent time near the Marcon Boulevard facility, that has meant years of exposure to the cancer-causing gas, the suits say.

Philadelphia law firm **Kline and Specter** said Wednesday it represents the families of three people who died of cancer and 13 other people who developed breast, brain, blood and pelvic cancers after they were allegedly exposed to ethylene oxide released from the plant. The plaintiffs live in Allentown, Bethlehem, Coopersburg, Kunkletown, Northampton and Whitehall Township but spent significant time near the plant.

"This plant is deadly. Its dangerous emissions need to be curtailed now and the wrongful harms must be compensated and punished quickly and fairly," said Shanin Specter, who represents the plaintiffs with colleagues Tom Bosworth and Aaron Dunbar.

B. Braun spokesperson Allison Longenhagen said Wednesday that the suits are completely without merit and that B. Braun will mount a decisive and vigorous defense to protect its good name and reputation.

She added that data from the Pennsylvania Cancer Registry shows that cancer rates in communities around B. Braun's facility are comparable to other areas of Pennsylvania for the five types of cancer the Environmental Protection Agency says are potentially related to ethylene oxide.

"B. Braun's dedication to safety and sustainability is evident in every product that we produce and in every patient touched by our life-saving medical devices, many of which are essential to the fight against COVID-19," Longenhagen said.

The plant's emissions of ethylene oxide, a colorless, odorless gas used to sterilize medical equipment, were largely unknown until The Morning Call highlighted the EPA's concern in a July 2019 article. The story cited EPA data showing the cancer risk from ethylene oxide was 200 times as high as the state average.

Although B. Braun, which has headquarters for its U.S. operations in Bethlehem, broke no laws with its releases of ethylene oxide, in November 2019 the company submitted plans to the state to reduce emissions of the gas by 99%.

An earlier proposed class-action lawsuit in federal court on behalf of Whitehall Township resident Adam Akarsoy seeking medical monitoring for residents of the area was voluntarily withdrawn last year after B. Braun asked a judge to dismiss it for failing to make a case that he had been harmed. Lawyers for Akarsoy did not respond to inquiries about whether it would be refiled.

Specter said Wednesday that his firm approaches claims such as those in the suits against B. Braun cautiously and obtains support from medical experts, including toxicologists and epidemiologists, before moving forward.

"Typically toxic tort cases are difficult because you're trying to prove that something in the atmosphere caused something real in a person's body. That's why we have been very careful not to go forward until we have highly credible and highly substantial expert support," Specter said.

He said a goal of the litigation is to lead B. Braun to make changes at the plant. In addition to the lawsuits, Specter filed a complaint with the EPA and asked the Pennsylvania Department of Environmental Protection to investigate the emissions and order remediation, the firm said.

It noted that there are alternatives to ethylene oxide for sterilizing medical equipment and, even when the substance is used, controls can reduce emissions.

Longenhagen said ethylene oxide is the only available option to effectively sterilize certain medical products. She also said B. Braun's emissions are significantly lower than permitted by the DEP and that the company has reduced emissions during the last several years.

Ethylene oxide pollution has raised cancer risks for more than half a million people across the country, according to a Chicago Tribune analysis of EPA data. Specter noted that at least 76 lawsuits by suburban Chicago residents have been filed alleging a plant there caused their illnesses.

The risks weren't widely known until political leaders and community advocates in Illinois raised alarms about the EPA's 2018 cancer risk analysis. That led to the closure of a sterilization plant in Willowbrook, Illinois, which reopened last year with drastically reduced emissions.

After The Morning Call's 2019 report, U.S. Sen. Pat Toomey, R-Pa., and U.S. Rep Susan Wild, D-7th District, called on B. Braun and regulators to review the situation at the Hanover Township plant.