



COBB COUNTY BOARD OF COMMISSIONERS

COBB COUNTY, GEORGIA
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Michael H. Boyce
Chairman

2020 MAR 25 PM 5: 39

COBB COUNTY CLERK'S OFFICE

**ORDER PURSUANT TO DECLARATION OF EMERGENCY IN COBB COUNTY
PERMITTING TEMPORARY RESUMPTION OF OPERATIONS BY STERIGENICS
FOR THE STERILIZATION OF PERSONAL PROTECTIVE EQUIPMENT (PPE)
NECESSARY TO COMBAT THE COVID-19 PANDEMIC**

WHEREAS, the President of the United States declared a National Public Health Emergency on Friday March 13, 2020; and

WHEREAS, the Governor of the State of Georgia declared a State Public Health Emergency in Georgia on March 14, 2020, which was affirmed by the General Assembly on March 16, 2020; and

WHEREAS, the Chairman of the Cobb County Board of Commissioners declared a Local Emergency on March 24, 2020; and

WHEREAS, the World Health Organization has declared Corona Virus Disease 2019 (COVID-19) a world health emergency and a global pandemic; and

WHEREAS, the U.S. Food and Drug Administration (FDA) has indicated that the need for personal protective equipment (PPE), such as surgical masks, surgical and isolation gowns, and surgical suits, may outpace the supply available to healthcare organization during the COVID-19 outbreak; and

WHEREAS, the FDA has indicated that PPE provides barrier protection for the patients and the healthcare workers from the transfer of microorganisms, body fluids, and particulate and is necessary to help contain the spread of this disease; and

WHEREAS, the FDA wrote a letter to Governor Brian Kemp on March 19, 2020, requesting assistance in helping to increase the supply of PPE to help protect against COVID-19 by working with Sterigenics to allow for the appropriate sterilization of PPE; and

WHEREAS, State officials subsequently requested that Cobb County take all reasonable steps to allow Sterigenics to temporarily resume operations in Cobb County so as to increase the supply of critically-needed PPE; and

WHEREAS, Sterigenics has represented it has approximately 200 truckloads of PPE outside its Cobb County facility awaiting sterilization; and

WHEREAS, the Official Code of Cobb County, Georgia, and the Declaration of Emergency issued by the Chairman on March 24, 2020, grant the Chairman authority to performance and exercise any functions, powers and duties as may be deemed necessary by the Chairman, with advice from the CDBH and CEMA, to promote and secure the safety and protection of the civilian population during and following the COVID-19 public health emergency; and

WHEREAS, the Official Code of Cobb County, Georgia, and the Declaration of Emergency issued by the Chairman on March 24, 2020, grant the County Manager authority to suspend any law, code provision or regulation prescribing the procedures for conduct of county business, or the orders, rules or regulations of any county agency, if strict compliance with any ordinance, resolution, order, rule or regulation would in any way prevent, hinder or delay necessary action in coping with the emergency or disaster, provided that such suspension shall provide for the minimum deviation from the requirements under the circumstances and further provided that, when practicable, specialists shall be assigned to avoid adverse effects resulting from such suspension; and

WHEREAS, correspondence provided to Cobb County from the Georgia Environmental Protection Division dated March 24, 2020, certifies that certain protocols regarding recently constructed negative air pressure and exhaust systems have been verified and deemed safe by the Georgia Environmental Protection Division in order remediate and reduce fugitive emissions from the usage of Ethylene Oxide at the facility;

NOW, THEREFORE, pursuant to the authority vested in me by local and state law;

IT IS HEREBY DECLARED that Sterigenics' facility, located in Cobb County at 2971 Olympic Industrial Drive, is temporarily permitted to resume operations for the sole purpose of sterilizing PPE necessary to combat the COVID-19 pandemic.

WHEREFORE, IT IS ORDERED:

1.

In direct response to the correspondence from the FDA to the Governor, and State officials' request that Cobb County take all reasonable steps to allow Sterigenics to temporarily resume operations in Cobb County so as to increase the supply of critically-needed Personal Protective Equipment (PPE), the Chairman hereby authorizes Sterigenics to temporarily resume operations at 2971 Olympic Industrial Drive (the "Facility"), pursuant to the local Declaration of Emergency issued on March 24, 2020.

2.

Activity at the Facility is limited to the sterilization of PPE that is necessary to stem and combat the spread of the current global COVID-19 pandemic, as specifically requested by the FDA.

3.

This limited emergency authorization for sterilization of PPE at the Facility is granted so as to promote and secure the safety and protection of the civilian population during the COVID-19 public health emergency.

4.

This limited emergency authorization does not grant a right to perpetual operation, constitute a valid certificate of occupancy, or authorize continued sterilization upon the expiration or termination of the local Declarations of Emergency.

5.

Upon expiration or termination of the local Declaration of Emergency, Sterigenics must immediately suspend sterilization operations at the Facility. Cobb County will require Sterigenics to revert back to a pre-emergency posture and to wholly comply with all its applicable codes.

6.

Cobb County staff, including but not limited to the Fire Marshal and Chief Building Official, shall reserve the right to inspect any activity at the Facility at any time, and encourages appropriate officials from the Georgia Environmental Protection Division to exercise the same, whether unilaterally or in coordination with Cobb County. The Georgia Environmental Protection Division maintains exclusive jurisdiction over emissions from the Facility.

7.

This limited emergency authorization restricts the total amount of Ethylene Oxide to 20 drums in the Ethylene Oxide storage area and 10 drums for the chamber room area.

8.

To avoid expiration of the limited emergency authorization, Sterigenics shall take swift action to address the outstanding permitting issues at the Facility. Such actions will be supplied to Sterigenics by the County on or before April 1, 2020. Failure to take aggressive action to address these concerns will result in the limited emergency authorization immediately expiring without opportunity for renewal under the terms of this Order.

9.

Any accidents, spills, leaks or other life-threatening incident occurring at the Facility must be reported to the Georgia Environmental Protection Division and to the Cobb County Manager within one hour of said accident and must contain sufficient information to allow response by the State of Georgia or Cobb County.

The limited emergency authorization, effectuated by the Order, is only authorized due to the unprecedented challenge we currently face. As of this date of this Order, the greatest risk to the health, safety and welfare of society is the unabated spread of COVID-19 and the tremendous threat it places upon the healthcare system in the State of Georgia. Allowing the sterilization of critically-needed PPE will assist in combating the exponential growth of COVID-19 and help equip our healthcare providers with the protection they need and deserve.

ENTERED at 5:02 p.m. on March 25, 2020.

COBB COUNTY, GEORGIA

(COUNTY SEAL)



Michael H. Boyce, CHAIRMAN
Cobb County Board of Commissioners



ATTEST:



Pamela L. Mabry, COUNTY CLERK
Cobb County Board of Commissioners