

Ethylene Oxide Verdict First of Its Kind, and It's Eye Opening!

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Our [prior reports](#) discussed when an ethylene oxide case would go to verdict, and what the ensuing result would look like. We no longer need to speculate. On September 19, 2022, a Cook County (Illinois) jury awarded \$363 million to a plaintiff who alleged that she developed breast cancer as a result of ethylene oxide emissions from the [Sterigenics Willowbrook](#) plant. This was the first ethylene oxide personal injury case to go to trial, but there are hundreds of cases behind it waiting their turn.

Trial

After a five week trial in the Circuit Court of Cook County, Illinois, Law Division ([Sue Kamuda v. Sterigenics](#) et al, case number 2018-L-010475), the jury returned a verdict in the amount of \$363 million. Plaintiff had requested \$21 million in compensatory damages and \$325 million in punitive damages.

Plaintiff Kamuda argued that the ethylene oxide utilized at the Willowbrook plant, opened in 1984 and used primarily to sterilize medical equipment, caused serious cancer and reproductive health risks. Kamuda alleged that the company failed to analyze how long the chemical would stay in the air in the Willowbrook community or the distance it would travel. Further, Kamuda argued that Sterigenics recklessly failed to install emission controls decades earlier to reduce releases of the chemical.

For its part, Sterigenics argued that plaintiff Kamuda's reliance on risk assessment and regulatory studies inaccurately led to her assertion that her breast cancer resulted in part from the plant's ethylene oxide emissions.

Notably, the facility was closed a few years ago after the state of Illinois issued a seal order in February 2019 directing that ethylene oxide emissions had to be reduced significantly. Ultimately, the company decided to keep the facility closed.

Analysis

With this very large jury verdict, plaintiff firms will surely be pushing to get their ethylene oxide cases to trial, or, at a minimum, leverage steep pre-trial settlements. Further, plaintiff firms will surely recruit new plaintiffs who allege some type of cancer as a result of residing in the vicinity of an ethylene

oxide plant.

The next ethylene oxide case to go trial is scheduled for two weeks from now in the same court, though with different plaintiff counsel and judge, as well as a different alleged disease (leukemia).

We note that it remains to be seen whether the Kamuda verdict will be appealed. It also remains to be seen whether this verdict is aberrational or is a bellwether for future trials. Will juries return verdicts based on one type of cancer but not for another? We will continue to report as these ethylene oxide trials go to verdict and analyze the ramifications.

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