



**ENVIRONMENTAL PROTECTION DIVISION**

**Richard E. Dunn, Director**

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**Air Protection Branch**

4244 International Parkway  
Suite 120  
Atlanta, Georgia 30354  
404-363-7000

May 14, 2020

Delivered electronically to: [boone.brothers@bd.com](mailto:boone.brothers@bd.com)

Boone Brothers  
Becton, Dickinson and Company  
Sr. EHS Manager, UCC Business Unit  
8195 Industrial Blvd.  
Covington, GA, 30014

Dear Mr. Brothers:

On May 13, 2020, the Georgia Environmental Protection Division (EPD) received your written notification that Becton, Dickinson and Company (BD) will not meet the installation and initial performance testing requirements of Attachment A, Condition 19, of the Consent Order entered on October 28, 2019, by the Newton County Superior Court (Consent Order). Condition 19 requires, in pertinent part, that BD:

shall complete installation and initial performance testing of the fugitive emissions control system and other related upgrades at the BD Madison facility no later than May 31, 2020.

Your letter states that the “primary contractor for the project at BD Madison, POND, provided written notice to BD on May 11, 2020 that, because of various COVID-19 impacts in the supply and fabrication of steel and other components, the girders and joist critical to the construction at the BD Madison facility would not be available in time for POND to complete the project by May 31, 2020. Given these unanticipated delays, BD will be unable to complete installation and initial performance testing of additional emission controls and related upgrades by May 31, 2020 in accordance with Paragraph 19 of the Consent Order dated October 28, 2019.”

Your current schedule indicates that the BD Madison emissions control systems will be operable on or before June 30, 2020, in accordance with Paragraph 19 of the Consent Order and that the required performance testing will be completed on or before June 30, 2020.

EPD is aware that COVID-19 impacts have resulted in some disruptions to supply chains and delays in construction schedules. Based upon the entirety of the circumstances of the delay, EPD has decided not to pursue action against BD for its failure to meet the May 31, 2020 deadline. EPD expects BD to make all efforts to meet the schedule described in your notification, which includes completion of construction, performance testing and commencing operation of the new fugitive emission control system on or before the June 30, 2020 deadline in the Consent Order.

Boone Brothers  
Becton, Dickinson and Company  
Page 2 of 2

Please contact me at 404-363-7016 or [karen.hays@dnr.ga.gov](mailto:karen.hays@dnr.ga.gov) if you have any questions regarding this letter or the conditions of the Consent Order.

Sincerely,

A handwritten signature in black ink that reads "Karen Hays". The signature is written in a cursive, flowing style.

Karen Hays, P. E.  
Chief  
Air Protection Branch

cc: Peggy Eckrote, Senior Assistant Attorney General, Office of the Attorney General  
Robin Leigh, Senior Assistant Attorney General, Office of the Attorney General  
Sean Taylor, Manager, Stationary Source Compliance Program