



May 13, 2020

**By E-Mail** (Karen.Hays@dnr.ga.gov)

Karen Hays  
Chief, Air Protection Branch  
Georgia Environmental Protection Division  
4244 International Parkway, Suite 120  
Atlanta, GA 30354

Re: **Notice of BD Bard Madison Plant Delayed Compliance with Installation and Operational Dates in Paragraph 19 of the Consent Order**

Dear Ms. Hays:

As a follow up to our discussion on May 11, 2020, I am writing to provide additional information on the status of the installation and operation of additional emission control systems and other related upgrades at the BD Madison facility. As I noted, BD's primary contractor for the project at 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. For your information, attached is a copy of the notice provided by POND.

At this point, based on our discussion with POND, and assuming COVID-19 does not cause additional delays in the supply chain for this project, we believe the BD Madison emissions control systems will be operable on or before June 30, 2020, in accordance with Paragraph 19 of the Consent Order. The date of final performance testing will be coordinated with EPD, tentatively scheduled on or before June 30, 2020.

Accordingly, BD is requesting that Director Dunn determine this delay constitutes a force majeure event that prevents compliance with the May 31, 2020 date in the Consent Order.

Please let me know if you have any questions or need additional information.

Thank you.

A handwritten signature in blue ink, appearing to read 'Boone Brothers', with a long horizontal flourish extending to the right.

Boone Brothers, CSP, CHMM  
*Sr. EHS Manager, UCC Business Unit*

Attachments

cc: Peggy Eckrote, State of Georgia, Office of the Attorney General  
Robin Leigh, State of Georgia, Office of the Attorney General  
Michelle Quinn, BD  
Douglas Henderson, King & Spalding