



(Docket No. 131710)

GRIFFITH FOODS INTERNATIONAL, INC., *et al.*, Appellees,
v. NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA,
Appellant.

Opinion filed January 23, 2026.

Justice Cunningham delivered the judgment of the court, with opinion.

This case concerns whether a permit or regulation permitting the emission of pollutants affects a pollution exclusion in an insurance policy. Nearby residents sued Griffith Foods (and its successor Sterigenics) in federal court for decades-long emission of ethylene oxide connected to medical equipment sterilization, and those claims settled. This litigation concerns whether Griffith Foods' insurance covers the defense of those claims, and the Seventh Circuit Court of Appeals later certified the question to the Illinois Supreme Court. A pollution exclusion in the policy barred coverage for damages caused by "the discharge, dispersal, release or escape of smoke, vapors, soot, fumes, acids, alkalis, toxic chemicals, liquids or gases, waste materials or other irritants, contaminants or pollutants into or upon land, the atmosphere or any water course or body of water." Griffith Foods contended that its permit from the Illinois Environmental Protection Agency (IEPA) authorized its emissions, effectively rendering them nonpollutants and exempt from the pollution exclusion in the policy.

The supreme court's answer to the certified question was that IEPA permits allowing pollution made no impact on whether those emissions were, in fact, pollution subject to the insurance policy exclusion. The plain language of the policy excluded these emissions from coverage under the policy. The policy exclusion said nothing about permitted or authorized pollution, and the court would not read into the policy terms and conditions different from the ones agreed upon by the parties. A permit to emit pollutants could not change the character of those pollutants.