

Lisa Madigan  
Attorney General  
Office of the Attorney General  
500 South Second Street  
Springfield, IL 62706

August 20, 2004

Ms. Madigan:

I am a resident of Lake County, Illinois. I am very concerned about the presence of asbestos (both visible and microscopic) on the beaches and surrounding areas of Illinois Beach State Park. I have been an Illinois Licensed Asbestos Professional since 1986. I have taught USEPA accredited asbestos courses since early 1988. I am a Certified Safety Professional and a professional member of the American Society of Safety Engineers (ASSE). ASSE is a professional safety association with approximately 30,000 members who protect people, property and the environment. I have been recently elected as the Administrator of ASSE's Environmental Practice Specialty which is comprised of 2000 ASSE members who are both safety and environmental professionals. As an asbestos professional, a safety professional, Illinois citizen, and concerned parent (who has previously brought his family to the beaches), I am troubled and alarmed by actions taken by the State of Illinois in response to the discovery of asbestos in public areas of Illinois Beach State Park.

Over the last 17 months, I have volunteered a significant amount of time to review the cause of and responses to asbestos contamination at Illinois Beach State Park. I authored the June, 2003 report on asbestos contamination at Illinois Beach State Park entitled "Review of Current Asbestos Contamination Concerns" at the request of the Illinois Dunesland Preservation Society. Upon reviewing my report, I noticed that your office and other State agencies responded in an effort to protect the public and environment from asbestos contamination. These actions included:

1. Your office convened an Asbestos Task Force;
2. Your office assessed a proposed fine to Johns-Manville for asbestos water pollution emanating from their Superfund site as identified in my report;
3. The IDNR closed access to the Fishing Pier due to excessive asbestos contamination,
4. The IDNR, Johns-Manville, and Midwest Generation/Exelon picked up some visible asbestos on the State Park found just outside of the Superfund site on their property.

Unfortunately, these efforts did little to prevent continued asbestos exposures to the public and environment.

There are several other asbestos concerns that were raised in my report that have not been addressed. To date, the Asbestos Task Force has never interviewed me regarding my opinions on the asbestos-contaminated sand issue or any other asbestos concerns identified in my report. The Asbestos Task Force was also exempted by a ruling from your office from the Public Meetings Act, restricting my participation. The secrecy involved with the Asbestos Task Force has been somewhat circumvented by documents

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received through FOI requests from Paul Kakuris, President of the Illinois Dunesland Preservation Society. I have only reviewed the documents we have been able to obtain describing actions taken by the Asbestos Task Force over the last year. I have several comments and questions which will be identified in a second report I will be releasing to your office shortly. I am hoping to review the final official conclusions of your Task Force (including those individuals and agencies that will be held accountable for the conclusions) before finalizing my second report.

I will summarize a few of the issues that will be addressed in my second report.

- First, visible and microscopic asbestos exists and continues to appear in public areas of Illinois Beach State Park beaches.
- Second, agencies in the State of Illinois that represents the public's interests deny or minimize these hazards. They defend their position by using previously unsuccessful arguments put forth by polluting asbestos manufacturers.
- Third, State of Illinois Agencies have allowed regulated pollution waste containing asbestos to be (what appears to be illegally) dumped on Illinois Beach State Park public beaches.
- Fourth, as an apparent polluter to the environment and public beaches, members and agencies on your Task Force have a conflict of interest.
- Finally, actions taken by your Task Force over the last year appear to focus on inventing data using scientific fraud to claim the beaches are safe. This invented data appears to be used by your Task Force to redefine the apparent illegal dumping of asbestos-containing pollution on public beaches in efforts to avoid responsibility and accountability by those involved.

Your office has previously taken a strong stance on protecting the public from those who mishandle asbestos and contaminate our environment in other areas of Illinois. One of your press releases stated that you were concerned about asbestos because it poses an airborne health risk to the public. I share your concern. I assume that you are relying on the technical expertise of your Asbestos Task Force to assist you in making the proper choices for protecting the public and environment from asbestos hazards at Illinois Beach State Park. There are "some" competent individuals on your Task Force that have not had their voices documented in minutes made available from your Task Force. Unfortunately, the more vocal members of the Asbestos Task Force whose comments are documented have an apparent conflict of interest since it appears they have directly or indirectly contributed to the visible and microscopic asbestos containing pollution and subsequent contamination on Illinois Beach State Park beaches. The public has been prohibited by your office from participating in Task Force meetings and as a result do not have access to verbal discussions by Task Force members. The public would benefit from documentation concerning comments and opinions of all Task Force members.

I have previously documented the presence of friable asbestos on the public beaches. I recommended last year that the IDNR close the beach to the public until a proper evaluation and cleanup could take place. The IDNR along with the IEPA have stated the asbestos pollution found on the beach is non-friable and subject to minimal regulations. This argument was used by Johns-Manville over 15 years ago to minimize the extent of

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their asbestos pollution which is now a Superfund site. The U.S. EPA found that the asbestos contamination located in and around the Johns-Manville Waukegan Superfund Site had become deteriorated from exposure to the outdoor elements and are no longer a non-friable material. The U.S. EPA stated in response to a Johns-Manville claim that the asbestos cement pieces on the surface of the Johns-Manville Superfund Site in Waukegan are non-friable, "THE PRIMARY BONDING AGENTS USED AT THE SITE ARE SILICATES AND GYPSUM (CEMENT) AND ASPHALT. IT IS WELL-KNOWN THAT SUNLIGHT AND MOISTURE, AND PARTICULARLY FREEZING MOISTURE, DETERIORATE THESE MATERIALS. THE SILICATE AGENTS ARE ALSO HIGHLY ALKALINE AND SUSCEPTIBLE TO CHEMICAL ATTACK BY ACID RAIN AND GROUND WATER. THE PRODUCTS MANUFACTURED AT THE SITE WERE OF COURSE DESIGNED TO BE WEATHER-RESISTANT; NEVERTHELESS, THEY ARE NOT WEATHER-PROOF, AND DETERIORATION TO A FRIABLE CONDITION WILL EVENTUALLY OCCUR. AS FOR A "MEANINGFUL" TIME FRAME, THE WRITER HAS OBSERVED CEMENT-BONDED ASBESTOS BOARD LYING ON THE SURFACE AT OTHER SITES IN SUCH A ROTTED CONDITION THAT ANY DISTURBANCE WOULD CAUSE THE APPARENT STRUCTURE TO VANISH; YET THESE SCRAPS HAD BEEN EXPOSED ON THE SURFACE FOR NO MORE THAN 2 TO 5 YEARS. IT IS ALSO QUITE POSSIBLE THAT A SIGNIFICANT DEGREE OF THIS STRUCTURAL BREAKDOWN HAD OCCURRED DURING THE UPFREEZING PERIOD, EVEN BEFORE EXPOSURE TO AIR AND SUNLIGHT".

The same type of apparently illegal asbestos pollution exists on Illinois Beach State Park. Why is your Task Force parroting the arguments of illegal asbestos polluters and not the over-ruling position of the USEPA? Isn't a member of the USEPA's Superfund Program on your Task Force? Once again, I would recommend that the Illinois Beach State Park remain closed to the public until an independent, impartial, and scientific evaluation of the extent of the visible (friable and damaged non-friable) and microscopic asbestos contamination can be identified and removed.

It is my understanding from review of accessible internal documents that the Asbestos Task Force formed by your office is only working on asbestos issues related to asbestos-contaminated beach nourishment sand for use at Illinois Beach State Park. The IDNR has allowed the Army Corp of Engineers and Midwest Generation (Commonwealth Edison) to dump tens of thousands of cubic yards of asbestos-contaminated sand on the public beaches of Illinois Beach State Park. This visibly and microscopically contaminated dredge material has been classified by the Illinois EPA's Director's Office as a pollution control waste or industrial process waste. Isn't this apparent illegal dumping of asbestos-containing pollution a violation of State of Illinois Environmental regulations? No actions have been taken by any State of Illinois Agency to address the apparent illegal disposal of this pollution on a state park's public beaches. The general public and park workers have been allowed to come into contact with this apparently illegally dumped asbestos-containing pollution for several years. This pollution was not only spread throughout the 6.5 miles of public beaches, but was also placed on the feeder beach. This feeder beach, located at the north end of Illinois Beach State Park, has been

“feeding” visible and microscopic asbestos-contaminated sand to several miles of public beach areas to the south.

- Why hasn't your office addressed what appears to be the illegal dumping of an asbestos-containing regulated pollution waste on a state park and public beach?
- Why are adults, children, and employees of the State of Illinois allowed to come into contact with this asbestos-containing pollution?
- Why isn't the public restricted from the entire beach areas where the illegal dumping of asbestos contaminated sand is present?
- Members of your Task Force have invented a sampling protocol in what appears to be an attempt to redefine the asbestos-containing pollution waste as unregulated. Why is a secret Task Force that is protected by your office from public scrutiny allowed to invent environmental sampling protocol in an attempt to redefine a regulated form of an asbestos-containing pollution waste?
- Isn't the Illinois Pollution Control Board responsible for defining or redefining a pollution waste?
- Is the Illinois Pollution Control Board aware of the actions of your Task Force or are they also prohibited (like the public) from participating?

Many of the individuals representing state and federal agencies appointed by your office to the Asbestos Task Force (especially the technical committee) had actions or statements questioned in my report of last year. Many of these individual have an apparent conflict of interest into issues they are charged with investigating. I would recommend the re-reading of my report from last year (enclosed) in light of the recent admissions by State Officials and their consultants that visible friable, damaged non-friable, and microscopic airborne asbestos does exist on the public beaches of Illinois Beach State Park. Several other members of the Task Force do not appear to have any documented training on asbestos and do not have the background, knowledge, or experience to actively contribute on the Task Force. Documents obtained through “freedom of information” inquiries reveal that only a small number of the Task Force members are making decisions which are not subject to review by Task Force members competent in this discipline. The Asbestos Task Force should be knowledgeable, experienced, and impartial. The discussions and activities of the Asbestos Task Force should be conducted out in the open for the public to observe and comment upon.

***I don't believe the current recommendations and actions taken by the Asbestos Task Force are protective of the public or environment.*** Since the Asbestos Task Force has been meeting secretly and is unavailable to the public, I am submitting my questions and comments about their activities to your office. Each member of the Task Force should be held accountable for information generated by the Task Force. Each Task Force member's positions on Task Force recommendations should be documented in the public record. Additionally, each State of Illinois Agency participating on the Task Force should state their agencies official position on the recommendations, actions, and findings of the Task Force. It should be clear to the public which individuals and agencies are responsible and accountable for actions taken by your Task Force. The following impartial questions should be posed to each Asbestos Task Force member. A

review of their responses will provide a more accurate portrayal of their actions and provide you with a better understanding of their motives.

1. The Asbestos Task Force seems to only focus on microscopic asbestos fiber contamination in beach sand that is greater than 10 microns in length and thinner than 0.4 microns in diameter. Yet current information on asbestos health risks finds microscopic asbestos fibers exempt from this Task Force invented definition are also hazardous to health. The first question to ask of your Asbestos Task Force members is
  - a. **“Do you believe that microscopic asbestos fibers that are 10 microns or less and/or greater than 0.4 microns in diameter pose no health risk to adults or children?”**
2. If most or all members are not willing to commit in writing that they agree with this statement you have to follow up with the second question,
  - a. **“Why is the Asbestos Task Force excluding disease and cancer causing microscopic asbestos on a public beach from an asbestos study that is suppose to evaluate safe vs. unsafe beach sand?”**
  - b. **Why are they not measuring ALL asbestos fibers that pose a health risk to the public?**
3. The Asbestos Task Force, your agency and other state agencies have stated that it is “safe” for the public to use the beach. Most of these statements are based upon a report prepared by Hansen Engineering after the asbestos beach clean-up in 1998. The third question to ask is
  - a. **“Did you or your agency review and approve the Hansen Report from 1998 that seems to be relied upon on to evaluate risks to the public?”**  
To date, I have not found any State of Illinois agency that has “officially approved” this report even though these same agencies rely upon it. The Illinois Department of Public Health has reviewed the report but has no record of approving this report. My 2003 report found the data in the Hansen report to be useless when evaluating health risks from asbestos.
4. A follow-up question to the safety of the beach should be,
  - a. **“What other reports are relied upon to indicate that there is no health risks from microscopic asbestos fibers to the public using the beach that doesn’t rely on the information gathered in the Hansen Report?”** A report entitled “Public Health Assessment for Illinois Beach Park” by the Illinois Department of Public Health evaluated the asbestos contamination on the beach in 2000. This report relied exclusively on sampling data generated from the Hansen report (which the IDPH never approved). It is my opinion that no asbestos sampling data currently exists to properly perform an evaluation of health risk to the public from microscopic asbestos fibers. It is also my opinion that a legitimate risk assessment of the public’s exposure to microscopic asbestos was never performed on Illinois Beach State Park public beaches.
  - b. **“What approved testing, sampling and analytical reports and studies have been used by the IDPH in performing risk assessments on the Illinois Beach State Park Beaches? What agencies officially reviewed**

- and approved these documents as useful in risk assessment calculations?**
- c. **“What legitimate and impartial report backs up statements that the beach is safe to the public?”**
  - d. **“If no asbestos risk assessment report exists, then why didn’t the Asbestos Task Force recommend that the IDNR have the public beach closed to the public?”**
5. Clean-up efforts on Illinois Beach State Park only focus on visible asbestos. Microscopic asbestos fibers have never been cleaned on the public beach.
- a. **“What is more hazardous to the health of the public: visible asbestos debris or microscopic asbestos fibers?”**
  - b. **“Should microscopic asbestos fibers be removed in areas where the public (adults and children) has access?”**
6. Much of the asbestos debris identified on the beach is cement asbestos products. This debris has been labeled “non-friable” with the implication that no microscopic asbestos fibers are released into the environment. This is generally true when the cement product is intact and not subject to conditions or activities that would cause the material to release microscopic asbestos fibers. However, non-friable asbestos can release fibers when it becomes broken, damaged, and weathered. The debris found on the beach is non-intact, broken, damaged, and weathered. This cement asbestos debris has also been abraded by the surf/wave action of the lake and has visibly worn away releasing microscopic asbestos.
- a. **“Does the Asbestos Task Force believe that non-intact, damaged, broken, weathered and worn cement asbestos debris poses a potential for release of microscopic asbestos fibers in public beach areas where visible debris is found?”** Merely stating that the asbestos debris is non-friable (in its originally manufactured condition) does not evaluate its current ability to release microscopic cancer and disease-causing asbestos fibers into the environment.
7. Lake Michigan Federal and State navigable water has become polluted with microscopic asbestos fibers from several sources including the NPDES permitted effluent discharge pipe (directly into Lake Michigan) and leakage from a breach in the industrial canal (through the IBSP Nature Preserve into the Dead River and entering Lake Michigan) at the Johns-Manville Superfund Site. Visible asbestos has been found washing ashore from the Lake.
- a. **“Has the Asbestos Task Force evaluated microscopic asbestos fibers washing ashore and depositing in shoreline beach sand?”**
  - b. **“If visible asbestos washing on shore is picked up, shouldn’t microscopic asbestos fibers also be picked up?”**
8. The Illinois Department of Natural Resources has used asbestos-contaminated sand as beach nourishment. This dredged sand from offshore locations near the former Johns-Manville asbestos plant has been defined by the Illinois EPA’s Director’s Office as a “pollution control waste” or “industrial process waste”.
- a. **“What actions or recommendations does the Asbestos Task Force have for this regulated asbestos-contaminated waste that has already been improperly dumped on the public beach?”**

- b. **“Should the public have access to areas where an asbestos-contaminated regulated pollution waste is improperly dumped?”**
- c. **“Is this improper dumping of a pollution control waste or an industrial process waste a violation of any State of Illinois environmental regulations?”** The dumping of this asbestos-contaminated waste was temporarily halted once the Director of the IEPA ruled on it. However, the IDNR Director’s Offices has apparently ignored the IEPA Director’s ruling by allowing the Army Corp of Engineers to continue dumping dredged sand on IBSP beaches. No efforts by any agency address the visible and microscopic asbestos contamination of the beaches caused by the improper dumping of this regulated waste *prior* to the IEPA ruling. *In fact, the main effort of the Asbestos Task Force appears to be an attempt to persuade the IEPA with invented sampling protocol to redefine this waste as non-regulated so it once again can be dumped on the public beaches.*

I would hope you will present these questions to the Asbestos Task Force and share the answers to these questions with the public. Having each member of your Asbestos Task Force respond in writing to these questions would help cut through a lot of the politics and public relation efforts that cloud the actions of this secret Task Force. I have attached a simple yes/no/don’t know question and answer form to assist your office in obtaining documentation on important information that impacts our environment and public health. Members who refuse to answer these questions in writing should be removed from the Asbestos Task Force. There is nothing complicated about my questions and circling answers should not require much time. Members of the Task Force should be encouraged to expand upon their answers as necessary. I also recommend that you to provide the attached questionnaire to other asbestos professionals not affiliated with the Task Force to assist in your evaluation.

Whether you choose to keep the Asbestos Task Force secret or open it up to the public ***these questions do need to be asked and answered by your office.*** I am very concerned that the \$200,000 being spent on asbestos testing of sand proposed for beach nourishment is useless, deceptive and a waste of very scarce taxpayer money. Asbestos Task Force documents recently uncovered indicate that the actions of the Asbestos Task Force continue to focus on ***significantly modifying testing protocols*** used to evaluate asbestos-contamination in beach sand. It is my opinion that this is being done to ensure testing results will ***allow*** for microscopic asbestos-contaminated sand to continue to be dumped on the beach and also ***downplay*** the impact of asbestos contamination previously dumped by the Army Corps of Engineers and Midwest Generation (Commonwealth Edison) on the beaches with IDNR and IEPA approval. I believe the priority of the Asbestos Task Force should be to ***impartially evaluate microscopic asbestos*** on the beaches and scientifically evaluate the risk of microscopic asbestos to the public. It is my opinion that there have been no actions taken by the Asbestos Task Force to impartially evaluate microscopic asbestos exposure to the public using the Illinois Beach State Park public beaches. I will provide evidence that your Asbestos Task Force is using scientific fraud

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to select actions that are least protective of public health in my second report which will be released very soon.

**Thank you for your prompt attention to this matter. I look forward to each member of the Asbestos Task Force going on record with their positions on asbestos contamination at Illinois Beach State Park. There must be accountability in your Task Force or the secrecy of your Asbestos Task Force will reflect directly upon the environmental record of your office.**

Cordially,

Jeffery C. Camplin CSP, CPEA, REP  
1681 Verde Lane  
Mundelein, Illinois 60060

C: Kathleen Crowley, Illinois Pollution Control Board  
Joel Brunsvold, Illinois Department of Natural Resources  
Bob Grosso, Superintendent, Illinois Beach State Park  
Thomas Skinner, USEPA Region V Administrator  
Renee Cipriano, Illinois EPA Director  
Ann Spillane, Deputy Chief, Illinois Attorney General's Office  
Melissa Mahoney, Deputy Chief, Illinois Attorney General's Office  
Eric E. Whitaker, M.D., M.P.H., Director, IDPH  
Z. Scott, Executive Inspector General  
Judge David M. Hall  
Judge George W. Lindberg  
Paul A. Kakuris, Illinois Dunesland Preservation Society

Asbestos Task Force Member Information

Date: \_\_\_\_\_

Name: \_\_\_\_\_ Affiliation: \_\_\_\_\_

PLEASE DOCUMENT YOUR RESPONSE TO THE FOLLOWING QUESTIONS BY CIRCLING YOUR ANSWER. ADDITIONAL COMMENTS CAN BE INCLUDED WITH ATTACHMENTS.

1. **Do you believe that microscopic asbestos fibers that are 10 microns or less and/or greater than 0.5 microns in diameter pose a zero risk to the health of adults or children and do not require evaluation?**  
YES                      NO                      DON'T KNOW
2. **Is the Asbestos Task Force excluding disease and cancer causing microscopic asbestos fibers below 10 microns in the current public beach asbestos study that is suppose to evaluate safe vs. unsafe beach sand?**  
YES                      NO                      DON'T KNOW
3. **Did you or your agency approve the Hansen Report from 1998 that seems to be relied upon on to evaluate risk to the public?**  
YES                      NO                      DON'T KNOW
4. **Are other reports relied upon to indicate that there is no health risk from microscopic asbestos fibers to the public using the beach that do not rely on the information gathered in the Hansen Report?**  
YES                      NO                      DON'T KNOW
5. **Is visible asbestos more hazardous to the health of the public than microscopic asbestos?**  
YES                      NO                      DON'T KNOW
6. **Do you believe that non-intact, damaged, broken, weathered and worn cement asbestos debris poses a potential for release of microscopic asbestos fibers in areas where visible asbestos cement debris is found?**  
YES                      NO                      DON'T KNOW
7. **Do you believe the public should be restricted from beach areas that contain visible asbestos debris and microscopic asbestos fibers?**  
YES                      NO                      DON'T KNOW
8. **Should visible asbestos debris identified on the beach have markings restricting access by the public until it is removed?**  
YES                      NO                      DON'T KNOW
9. **Should microscopic asbestos also be removed in areas where the public has access?**  
YES                      NO                      DON'T KNOW
10. **Has the Asbestos Task Force evaluated microscopic asbestos fibers washing ashore from Lake Michigan and depositing in shoreline beach sand?**  
YES                      NO                      DON'T KNOW
11. **If visible asbestos debris washing on shore is picked up shouldn't microscopic asbestos fibers also be picked up?**  
YES                      NO                      DON'T KNOW
12. **Should the public have access to public beach areas where a regulated asbestos contaminated waste has been improperly dumped?**  
YES                      NO                      DON'T KNOW
13. **Is improper dumping of an asbestos contaminated industrial process waste or pollution control waste on a public beach a violation of any statute or regulation?**  
YES                      NO                      DON'T KNOW