



Illinois Dunesland Preservation Society

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Michael J. Luke, Chief of the Public Access and Opinions Division of the Attorney General's Office

Terry Mutchler, Public Access Counselor

Illinois Attorney General's Office

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Phone 217 524-1503

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RE: Illinois Attorney General's Asbestos Task Force in Violation of Open Meetings Act

Request to Attend Task Force Meeting February 17, 2005 at the Chicago Attorney General's Office and any Future Meetings

Dear Mr. Luke and Ms Mutchler:

Over the past 1½ years or so, the Attorney General's Asbestos Task Force has been meeting in secret. Many of the meetings were just the so-called technical committee, a review of documents shows. The public has been kept out of the loop and has not had an opportunity for input. The meetings have been "behind closed doors" with an emphasis on secrecy while hundreds of thousands of dollars of taxpayers' dollars are being spent on this project.

Many of the task force members have a built-in bias to maintain the status quo for their agencies. Many have their own decisions or their agencies' decisions to defend with regard to asbestos contamination at Illinois Beach State Park and the surrounding area before they became task force members. Therefore, it is essential for the public to be present in order to balance the equation.

In a press release on October 12, 2004 about the potential health hazards posed by asbestos in a Chicago apartment building, the IAG's office said that (asbestos) is "...a known human carcinogen with no safe level of exposure." Action seems to be taken quickly and harshly on "small potatoes" asbestos violators with accompanying press releases, but in the case of the Manville Superfund site which is the primary source of the asbestos in the area of Illinois Beach State Park and Lake Michigan, action by the IAG appears to be slow and lax.

The Task Force was formed because of Dunesland's outcry over protecting the public's health and safety, Lake Michigan, and the environment. Public oversight, observation, and input are needed in this process which has been ongoing for almost two years while the public has been prevented from attending these secret meetings in violation of the Open Meetings Act.

The Attorney General's office which oversees the Open Meetings Act has generated press releases and has been quoted in the press as not permitting closed meetings of other public bodies. It appears that the Attorney General's office can dictate to other government officials what is a violation to the Open Meetings Act and what isn't, but is dysfunctional, it appears, in policing its own meetings. Do as I say, don't do as I do? As your website states, "The Office of the Attorney General is committed to ensuring compliance with these laws and increasing awareness by both the public and government officials of their rights and obligations under them."

I am attaching the Attorney General's July 2, 2003 press release which announces the formation of the task force. The task force's report was supposed to be completed in early 2004. We still don't have answers to the concerns and questions and have not been allowed to participate or observe since these meetings have been closed to the public. The serious consequences to public health and safety require that the public is allowed to be present in accordance with the rules and concepts of open government which is so heavily emphasized on the Attorney General's website.

Therefore, we request that you immediately put an end to the violations of the Open Meetings Act and allow us to attend Thursday's meeting at 2:00 and any subsequent meetings. We look forward to your reply.

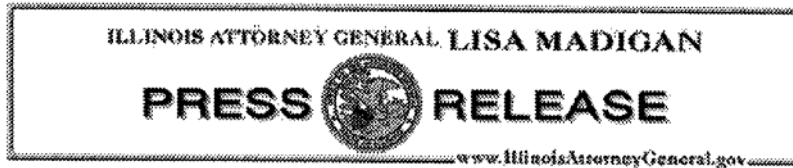
Sincerely,

Paul. A. Kakuris

Paul. A. Kakuris, President

c. D. L. F. Metzger, Esquire
Attorney General Lisa Madigan
A. Spillane, Deputy Chief
M. Mahoney, Deputy Chief
News Media

Attachment: July 2, 2003 IAG Press Release



For Immediate Release
Contact: Melissa Merz (AG)
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July 02, 2003

**ATTORNEY GENERAL'S OFFICE CALLS FOR IEPA, IDNR,
IDPH, U.S. EPA AND WAUKEGAN TO JOIN TASK FORCE TO
INVESTIGATE ASBESTOS AT ILLINOIS BEACH STATE PARK**

Chicago – Attorney General Lisa Madigan today announced her office, working with State Sen. Susan Garrett, is calling for the creation of a task force with the Illinois Environmental Protection Agency (IEPA), the Illinois Department of Natural Resources (IDNR), the Illinois Department of Public Health (IDPH), the U.S. Environmental Protection Agency (U.S. EPA) and the City of Waukegan to investigate whether asbestos found around the Johns Manville Superfund site in Waukegan creates a public health threat.

Madigan decided to call for the creation of the task force after being contacted by Garrett and local citizens.

Madigan said concerns regarding asbestos contamination and its possible public health impacts have been raised by a local citizens group in a report prepared on its behalf and made public on June 18, 2003. On June 20, Madigan's office contacted the Great Lakes Center for Occupational and Environmental Safety and Health at the University of Illinois-Chicago, School of Public Health, to request its assistance in reviewing the report and recommending any needed action to protect the health of the public in the area.

Madigan said specific areas of concern are the Illinois Beach State Park, located along a 6.5-mile stretch of Lake Michigan starting immediately north of the Johns Manville site, and a parking lot, foot path and fishing pier, located south of the Johns Manville site. Should the agencies agree to join Madigan's office in forming a task force, Madigan said the group's first priority will be to coordinate the review of the public health questions by the Great Lakes Center. The Great Lakes Center is directed by Dr. Dan Hryhorczuk, M.D., MPH, who has agreed to oversee the work of his staff in this review.

"Serious public health and environmental law enforcement questions have been raised and these questions need to be answered," Madigan said. "The job of this task force is to obtain answers concerning whether public health

is threatened by asbestos found at the state park and nearby areas and to identify any necessary enforcement steps that must be taken.”

“The most recent findings of asbestos in Lake Michigan are very troubling from many perspectives. We are concerned that the asbestos is still in the water. We are concerned that there may be a public safety issue that needs immediate attention. For those reasons, we must come together and determine what went wrong and what we can do to ensure safe water and beaches,” Garrett said.

The Attorney General’s office sued Johns Manville International, Inc., in June 2001, for alleged violations of the Illinois Environmental Protection Act at its Waukegan facility relating to wastewater discharges, the improper disposal of waste, the improper closure of an on-site landfill and the modification of its onsite WWTP without an IEPA permit.

The plant is a federal Superfund site and underwent significant remediation in the early 1990s. The new areas of concern are on property near the former plant.

“The involvement of medical doctors dedicated to the protection of public health allows us to ensure that any public health issues raised are appropriately evaluated and that all of the enforcement and regulatory agencies take the necessary steps to protect the public,” Madigan said.

The Great Lakes Center will augment the scientific resources within state and federal government already involved with the review.

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