



Illinois Dunesland Preservation Society

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U.S. Attorney Patrick Fitzgerald Receives Complaint Against Illinois Attorney General Lisa Madigan's Asbestos Task Force for "Rigging" Tests

U. S. Attorney Patrick Fitzgerald received a complaint on Wednesday from the Dunesland Society against Illinois Attorney General Lisa Madigan and her Asbestos Task Force for "rigging" the tests and sampling protocols in a study to cover-up extensive, microscopic asbestos fiber contamination on the Illinois shoreline.

The complaint states that the Task Force spent federal and state public funds to "rig" protocols in order to cover-up the fact that many of Lisa Madigan's Asbestos Task Force members were actually the asbestos polluters or facilitated the dumping/dischARGE of the deadly fibers into Lake Michigan. Those actions contaminated most of the shoreline with microscopic asbestos fibers, including tremolite, now found at least as far south Chicago's Oak Street Beach.

The complaint requests that a criminal investigation be launched into the allegations of "rigged" sampling and testing, which used federal and state funds to cover-up the involvement by some Task Force members and their agencies in the past and current contamination of Lake Michigan and its shoreline.

Dunesland charges that Lisa Madigan's secret Asbestos Task Force group, formed three years ago in response to a Dunesland study [Camplin Report, 2003] exposing the massive asbestos pollution on the Illinois shoreline and at Illinois Beach State Park, willfully "rigged" and "cooked" sampling protocols in many ways, for example by:

- Diluting the samples
- Not taking a representative number of samples
- Manipulating test designs to minimize the potential of finding asbestos
- Failing to meet the standards for quality control tests which invalidated any conclusions that the beaches are safe
- Blocking public, scientific input

"The data from all previous government studies does not support the conclusions that the beaches are safe based upon current knowledge of asbestos health risks," said Jeffery C. Camplin, Dunesland's health and safety engineer and asbestos expert. "It's unfortunate that government officials waste public funds by 'cooking' studies to cover-up their own misdeeds."

MORE

The Task Force is primarily comprised of federal and state officials who have either allowed trillions of asbestos fibers to wash up on the Illinois beaches for many years or made claims the beaches were previously "safe," willfully skewing and "rigging" unscientifically collected data.

"In reality, they co-authored their own so-called "independent" report, kept the proceedings secret, "rigged" it, and deceived the public by pretending it was written by the University of Illinois School of Public Health, using federal and state funds in this apparent fraud upon the citizens of Illinois," stated Paul A. Kakuris. He is president of the Illinois Dunesland Preservation Society, a 55 year old environmental group that co-founded Illinois Beach State Park and protects the first Dedicated Nature Preserve in the United States.

"The Attorney General's office apparently knew that when she formed her Asbestos Task Force, they wanted to block public, scientific involvement; therefore, they 'rigged' the tests so the predetermined results would cover-up asbestos pollution and contamination caused by some of her clients/task force members. Evidently, they perceived that those 'rigged' results would then cover-up several previous faulty studies." said Kakuris.

Camplin officially challenged the validity of previous studies with the Centers for Disease Control (CDC), but has waited for a resolution from them for over a year. "CDC is stalling the withdrawal of older, out-dated, 'cooked' reports relied upon by state officials to claim the beaches were safe until the skewed IAG Task Force draft report is finalized, but that doesn't change the 'rigged' sampling and testing protocols. It's just bad science," Camplin stated.

Federal and state agencies also allowed unfiltered, asbestos-contaminated water to discharge trillions of deadly, microscopic asbestos fibers directly into Lake Michigan where the lake currents carry them throughout the coastline. Microscopic fibers wash onshore, dry on the beaches, and become an airborne health hazard if they are inhaled by the unwitting public.

The mesothelioma death rate in Lake and Cook counties around Lake Michigan is the third highest in the U. S., with no naturally occurring asbestos in the area.

Despite Dunesland's requests to close the beaches until they are proven safe by valid science, the feds and state "cooked" the studies and allowed families to continue visiting Illinois beaches. At the beaches, the public can be unwittingly exposed to deadly asbestos, including tremolite, which is found in Libby, MT where federal indictments are pending against officials for covering-up the public's exposure to asbestos.

Non-occupational mesothelioma (virulent cancer caused by asbestos) victims are appearing where the only known pathway is visiting Illinois beaches and subsequent exposure to microscopic asbestos.

Warren Buffett's Berkshire Hathaway owns the Johns Manville Asbestos Superfund site that has apparently discharged most of the asbestos fibers. Federal and state agencies knowingly allowed it or dumped the asbestos themselves, simultaneously ignoring multiple complaints.

The results of the draft study are what the IAG's Asbestos Task Force designed them to be. But, asbestos health and safety engineer and scientist Jeffery C. Camplin proves that the data do not support the conclusions in the attachments to Mr. Fitzgerald's letter.

"Hopefully, they can explain their scientific fraud and 'rigging' of tests to the U. S. Attorney's office," said Kakuris.

Attachment:

Letter of Complaint to U. S. Attorney Patrick Fitzgerald, July 12, 2006

The attachments to Mr. Fitzgerald's letter are available at www.asbestosbeach.com.

Contact information for Mr. Camplin is in the attachments.

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July 11, 2006

COMPLAINT

U.S. Attorney Patrick Fitzgerald
United States Attorney's Office
Northern District of Illinois, Eastern Division
219 S. Dearborn Street, 5th Floor
Chicago, IL 60604
Phone: (312) 353-5300 FAX (312) 353-2067

- **Apparent Criminal Corruption & Fraud of Federal & State Officials**
- **Illinois Attorney General's Asbestos Task Force and IAG Lawyers "Rig" Studies to Cover-up Federal & State Asbestos Contamination Created by Government Agencies & Officials**
- **Federal & State Tax Dollars Carelessly Spent in an Attempt to Cover-up Pollution**
- **Willful Obstruction of Enforcement by Federal & State Officials**
- **Request for Criminal Investigation into Federal & State Public Officials & Agencies Covering Up Asbestos Pollution that has Contaminated the Illinois Shoreline & Jeopardized the Health of Millions of Unwitting Citizens**

Dear Mr. Fitzgerald:

I am the president of a 55 year old environmental organization that co-founded and protects the first Dedicated Nature Preserve in the United States, Illinois Beach State Park in Zion, IL. This nature preserve is located along 6 ½ miles of Lake Michigan shoreline and is adjacent to the Johns Manville Asbestos Superfund site, which is now owned by Warren Buffett's Berkshire-Hathaway group. The Illinois shoreline has been plagued with asbestos contamination for years and much of the microscopic asbestos fibers come from the unfiltered waste-water discharges at or near the Superfund site.

Asbestos Contaminates the Illinois Shoreline, Jeopardizing the Lives of Millions

The asbestos pollution, consisting of trillions of cancer and disease-causing fibers, is carried southward by lake currents, polluting most of the Illinois shoreline including Chicago's famous Oak Street Beach. The most virulent asbestos, tremolite, has been found along Lake Michigan and is the same asbestos found in Libby, MT, where federal indictments pend against officials for covering-up the public's exposure to low level tremolite asbestos. Lake and Cook counties have the third highest mesothelioma death rate in the country and Lake County has seven times the expected rate of this rare

asbestos-related cancer. There is a potential health-related asbestos epidemic in Illinois. There is no naturally occurring asbestos in this area that would explain the statistically significant levels of elevated contamination that was confirmed in recent beach testing.

Officials Dump and/or Permit Asbestos Contamination; Task Force Skews Protocols

Illinois Attorney General Lisa Madigan appointed an Asbestos Task Force made up of many of the same federal and state agencies that allowed the asbestos contamination to be dumped onto the Illinois Lake Michigan shoreline; some agencies knowingly discharged it themselves. This Task Force was formed to investigate the charges made in Dunesland's 2003 Camplin Report. The agencies involved are the USEPA, HHS, ATSDR/CDC, U.S. Army Corps of Engineers, Illinois Attorney General, IEPA, IDPH, University of Illinois at Chicago School of Public Health, and IDNR.

The Attorney General's Task Force proceeded to continue the pattern to "rig" or "cook" the sampling and testing protocols just as earlier agency studies have done. Examples are: diluting the samples, not taking representative numbers of samples, and creating testing protocols designed to minimize the discovery of asbestos. The laboratories analyzing sand samples failed to meet the standard for quality control testing that should have invalidated any conclusions regarding the safety of the beaches. In essence, the data does not support the conclusion that the beaches are safe. Smoke and mirrors doesn't equate credible science. Finally, this task force concluded there is no airborne hazard to the "statistically significant" elevated levels of asbestos found on Illinois shorelines without taking one air sample!

IAG's Task Force Ruled Exempt by IAG from Open Meetings Act "Rigged" Report Riddled with Conflicts of Interest and Fraud

The Attorney General allowed this compromised group of polluters to operate in secret, keeping outside scientific input away from its committee, although they were spending federal and state tax dollars. By eliminating the public, the Task Force created bogus results to cover-up the asbestos contamination they caused, dumped, or facilitated. The Illinois Attorney General's Asbestos Task Force is comprised of agencies that have directly or indirectly contributed to the chronic asbestos pollution on the Illinois shoreline and at IBSP, or have bungled or purposefully rigged studies, investigations, and/or enforcement. These agencies also co-authored the draft IAG/UIC interim Asbestos Task Force report from which the state now deceptively quotes or cites as an authentic, "independent," scientific document. In fact, that draft is riddled with conflicts of interest and self-serving, filtered, flawed data. This apparent fraud is to then cite the document so that the individual authors can hide behind the authority of the government agencies (that actually wrote the report) while attempting to deceive the public into believing it is a credible, scientific document that the UIC School of Public Health wrote; in fact, they all had co-authorship. This is the epitome of scientific fraud.

Other reports had been written previously using federal and state tax dollars in an attempt to keep the proverbial holes in the dike plugged. Each time the agencies were discredited for their bad science. This latest Attorney General Task Force report takes a bold step in corrupting the process further by using ATSDR/CDC/HHS to help them further their "rigged" schemes. [Please read the enclosed reports to Leavitt, Gerberding, *et. al.*]

The clandestine activities of this secret group operated under the direction of Assistant Attorney Generals Matt Dunn and Beth Wallace who have eliminated public involvement and transparency while inappropriately applying shields and exemptions from the Freedom of Information Act to protect their clients at IDNR, IEPA, and the IDPH; this also protected federal agencies that were their partners. This action by the IAG helped them hide the fact that some of these agencies actually polluted Illinois's Lake Michigan shoreline and Illinois Beach State Park with asbestos, becoming polluters just like those they are charged to regulate. Then, they used their positions of authority to try to cover it up. They allowed the polluters to continue polluting by obstructing enforcement and looking the other way.

No Government Transparency as IAG "Spins" Report to Protect Their Cover-up

Enclosed is an email mistakenly sent to Dunesland from IAG Chief of Staff Ann Spillane instructing the Sunshine Law and Open Government/FOIA liaison Terry Mutchler, who is also an attorney, to keep their report under wraps [from Dunesland] until they have released it to the "public," even though many people already had the report in their possession. The IAG's office has been knowingly covering-up asbestos contamination because of their deep and unsavory involvement and their legal representation of the state agencies (their clients) that have contaminated and/or covered-up the contamination of the environment with deadly asbestos fibers.

As an example, they used UIC to make it appear that the report was UIC's, but records show that in reality, many of the Task Force members (who are also polluters) co-authored the report with UIC. They also manipulated, with the state's consultant, the sampling and testing protocols after they had been approved. The Illinois Attorney General and her Task Force members then palmed off the report as an independent study which says the shoreline seems to be safe. In reality, the deception is they wrote their own report, kept its proceedings secret, "rigged" it, and used federal and state public funds in this fraud upon the citizens of Illinois, allowing families to be unwittingly exposed to deadly asbestos as they visit Illinois beaches.

The Illinois Attorney General, her Asbestos Task Force, and the IAG's state agency clients have collaborated to write reports for each other's agencies and then palm off these reports as "independent" studies. In essence, they have willfully discharged asbestos into the navigable waters of the United States and used their positions of authority in their agencies to cover-up their apparently criminal activities. Many of the contaminated areas involved are federal critical habitat.

Dunesland Files Complaints; Tracks Deception of Government Officials Since 1998

The Dunesland Society has been pursuing this diligently since 1998 and has accumulated voluminous documents and records, corroborating the apparent criminal activities involved in contamination of the Illinois shoreline by public officials who are supposed to be regulating the corporate polluters. We would be glad to make these documents available to your staff. Since 2003, Dunesland's health and safety engineer and asbestos expert, Jeffery Camplin, has researched and written many complaints to government agencies and has developed many reports tracking the unconscionable behavior of public officials. There have been numerous articles in the press since 1998. Some of this information can be found on www.asbestosbeach.com.

We also have a PowerPoint presentation that we would be glad to make for your staff. It illustrates and highlights the multifaceted asbestos issues and violations committed by a multitude of government agency officials.

The Illinois Attorney General, her staff, and the federal and state government officials that are in her task force have violated the public trust and have committed the antithesis of what they are charged in their jobs to do. They refused to enforce violations and looked the other way. In order to cover-up for their own misconduct, they have contributed toward the asbestos contamination that is in epic proportions in Illinois. The corporate polluter also still continues to contaminate the Illinois shoreline. The relationship between Johns Manville and these government agencies has been very friendly instead of adversarial. As an example, in an agreed order, the IAG brokered a fine that was \$145,000 instead of the book value of \$84,000,000.

The Dunesland Society has spent thousands of hours of volunteer time in attempting to counteract the unacceptable behavior of public officials who are responsible for contaminating the Illinois shoreline and Illinois Beach State Park with invisible, deadly asbestos, in addition to tons of asbestos-containing materials that have been removed and continue to be removed. We are enclosing current examples of some of the many complaints we have filed that demonstrate the misconduct described in this letter.

Cronyism Rampant; Whistleblower Officials Forced Out and/or Persecuted

Multiple complaints have been made to these agencies since 1998, while asbestos contamination has become an epidemic. The federal and state agencies on the task force knowingly "cooked" or "rigged" the protocols in order to guarantee their outcomes, which were designed to cover-up the massive asbestos contamination they created. These agencies know that they have been responsible for contaminating the entire Illinois shoreline, where millions of people have been unwittingly exposed to asbestos fibers on the Illinois beaches. Non-occupational mesothelioma victims are showing up in Illinois. We personally know one victim whose only exposure pathway was walking the beaches.

In addition to the responsible agencies, we have sent copies of many of our letters and emails to Governor Blagojevich and his predecessors. The politics of asbestos and Big Business, with their asbestos lobby, is an unfortunate example of Illinois and the way it avoids prosecution on major asbestos business. It would be very interesting to see if ANY of the companies in Warren Buffett's Berkshire Hathaway group and W.R. Grace or their law firms have contributed to the campaign coffers of the politicians who are supposed to make sure the statutes and regulations that are designed to protect the health and safety of the public and the environment are enforced.

We are proud that you and your staff have ferreted out the cronyism and corruption in Illinois. Some of the officials in these agencies are not qualified and should never have been given the positions of authority they have of protecting the environment and the public health. As you may know, many of these officials are political appointees and not professionals in their fields. They have committed scientific fraud; politics and cover-up is more important to them than the health and safety of the public and protecting the environment. Some government employees who refused to go along with the cover-up have been harassed and/or forced out of government service after many years, or decades, of service because they wanted to do the right thing. I'm sure that some of them would be available for an interview; we have contact information.

Dunesland Requests Criminal Investigation; Offers Documented Evidence

There appear to be many public officials and agencies who may have committed criminal behavior. Dunesland thinks that there should be a criminal investigation into the willful expenditure of public funds used to knowingly cover-up illegal dumping of regulated asbestos waste and/or discharging asbestos and other contaminants into the navigable waters of the United States and the contamination of the Illinois shoreline and beaches. In order to cover-up this behavior, the public officials "rig" these studies in secrecy, using public dollars to make it appear that the Illinois shoreline is safe and not contaminated with asbestos. Unfortunately, it is contaminated and puts millions of citizens at risk from asbestos exposures along the Illinois Lake Michigan shoreline and through secondary exposures when families track this deadly asbestos contamination home with them.

An independent evaluation by your office is necessary to resolve the chronic asbestos contamination that continues to plague the Illinois Lake Michigan shoreline and beaches. These problems have been created and covered-up by officials in the federal and state agencies. We have exhausted all channels for remedy by filing formal complaints to federal and state agencies, including the Illinois Attorney General who has become part of the problem instead of the solution. It appears that unchecked public official corruption needs to be brought to your attention because the enforcers and regulators have become part of the problem. The checks and balances are gone. Your involvement is necessary.

Thank you in advance for your help in this matter. We look forward to meeting with you or your staff. We would be glad to assist in any way. We have a plethora of documents and a PowerPoint outlining the issues to share.

Sincerely,

Paul A. Kakuris

Paul A. Kakuris, President

- c. Senator Dick Durbin
Senator Barack Obama
Donald L. F. Metzger, Attorney for Illinois Dunesland Preservation Society
Jeffery C. Camplin, CPS, CPEA

Attachments:

1. Letter from Jeffery Camplin to Michael Cook, USEPA, April 14, 2006
2. Complaint from Illinois Dunesland Preservation Society to Illinois Attorney General Lisa Madigan, May 17, 2006
3. Complaint from Illinois Dunesland Preservation Society to Illinois Attorney General Lisa Madigan, copied to approximately 70 government officials by Dunesland, June 21, 2006
4. Dunesland Email Cover with Jeffery Camplin's Letter to Michael Leavitt, HHS Secretary; Howard Frumkin, ATSDR Director; Julie Gerberding, CDC Director; copied to approximately 70 government officials by Dunesland, June 28, 2006
5. FOIA Request from Dunesland to Lisa Madigan, Ann Spillane, Terry Mutchler, July 7, 2006
6. Email from IAG Chief of Staff Ann Spillane to Dunesland [by mistake], July 7, 2006
7. Email Request from Dunesland to Terry Mutchler, *et al.*, July 7, 2006