

December 22, 2005

Centers for Disease Control and Prevention  
Management Analysis and Services Office  
1600 Clifton Road, N.E., Mailstop E-11  
Atlanta, Georgia 30333

Attention: ATSDR and Information Quality Appeal Officer

Re: ● **Immediate Precautionary Response Needed for Public Health Emergency**  
● **Expert Appeals ATSDR Non-Response to Challenge of Invalid Asbestos Study**  
● **HHS Lacks Diligence Over Funded Work, False Public Health Statements Made**  
● **Science Fails to Support Conclusions in 2000 Beach Public Health Assessment**  
● **ATSDR Chief Science Officer Snider Embarrasses Agency with Sham Response**  
● **Appeal Calls Buff of ATSDR's Response Which Hides Behind Agencies' Integrity**  
● **ATSDR Fails to Acknowledge & Expose Tremolite Asbestos on Illinois Shorelines**  
● **Millions Face Toxic Tremolite Asbestos Risk on Illinois Lake Michigan Beaches**  
● **Request for Independent Investigation of ATSDR Cover-up of Partners' Errors**

Dear Sirs:

The Illinois Lake Michigan shoreline is contaminated with microscopic, tremolite and other toxic asbestos fibers. The historic, and apparently current major asbestos source (Johns-Manville Superfund site near the Illinois–Wisconsin state line) contaminates the water which flows southward in the currents to the North Shore and Chicago beaches. I found that the Manville site spewed nearly 2 trillion asbestos fibers per day from an NPDES discharge into the Federal and State Navigable Waters of Lake Michigan in July, 2004 alone! This site has been discharging asbestos-polluted water into the lake for over 80 years. Adjacent to the 130 acre, 3 million cubic yard asbestos-containing Superfund site, is 6 ½ miles of shoreline at Illinois Beach State Park (IBSP) which includes the first Dedicated Nature Preserve in the United States as well as a Federal Critical Habitat. Historic asbestos studies began in this area in the early 1980's. It is the 2000 Public Health Assessment (PHA) conducted at this “crown jewel” of Illinois that is the basis of my original complaint and this appeal. It is your response in defense of this flawed 2000 Public Health Assessment partnered by ATSDR's Region V Office that I now challenge.

For many years, millions of adults, children, and pets have been unwittingly exposed to tremolite and other toxic, microscopic asbestos fibers along most of the Illinois Lake Michigan shoreline while ATSDR attempts to cover up its scientific bungling concerning this deadly asbestos contamination. These trusting citizens not only face asbestos exposures at the contaminated shoreline, but risk secondary exposures to toxic asbestos fibers as they are carried home with them on their clothes, belongings and pets. ATSDR knew of this contamination and failed to notify the public of their exposure to this highly toxic tremolite asbestos contamination. ATSDR's chief science officer Snider apparently failed to check the accuracy of the response to my complaint, allowing his aides to embarrass the agency further by using pseudo-science to cover-up their own past questionable conduct and that of their Illinois “partners.”

**Conflict of Interest Mars Response, Illinois “Partners” and Authors of Challenged PHA Apparently Ghostwrite Defense of Their Own Flawed Work Product That is Then Rubber-Stamped by ATSDR**

I would like to appeal your response of December 6, 2005 to my July 26, 2005 request for correction concerning the June, 2000 Illinois Beach State Park (IBSP) Public Health Assessment (PHA). Both my

July 26, 2005 complaint and the December 6, 2005 ATSDR response are attached. I am appealing the fact that my request for correction was not properly addressed in the December 6, 2005 letter from Dixie E. Snider, Jr., M.D., M.P.H., ATSDR Chief Science Officer. Most of the responses were divisive and deceptive, mischaracterizing aspects of the requests found in my complaint for correction. It is apparent that the authors of this indefensible response appear to be the Illinois “partners” of ATSDR. The “partner” is the Illinois Department of Public Health (IDPH). The IDPH has a long and compromised history involving secrecy with the apparent cover-up of past/current and ongoing mischaracterization of facts at this site. It is important for those reviewing this appeal to understand just how deceptive and duplicitous your “partner” has been with you in representing their involvement and knowledge of downplaying their mistakes at this tremolite and other toxic microscopic asbestos contaminated site.

#### Illinois Department of Public Health Dupes Public to Protect State Officials’ Deceptive Behavior

ATSDR has apparently allowed IDPH free rein to defend the document they authored in 2000 regarding the “safety” of a public beach from asbestos. In 1997 and 1998, Hansen Engineering performed consulting for the State of Illinois for removal of tons of visible asbestos that had washed onto the 6.5 miles of shoreline at IBSP. Hansen Engineers also prepared a document which was the scientific foundation of the 2000 PHA that I challenged. On May 13, 1998 Hansen Engineering completed its document alleging the beaches were now safe. Two day later, then IDPH Director Lumpkin issued a press release stating, “...after a thorough analysis of Illinois Beach State Park air, water and sand for possible asbestos contamination, it has been determined the popular recreation area is safe for public use.” He also claimed that “...the results were reviewed by representatives of IDPH, DNR and the Illinois Environmental Protection Agency.” Freedom of Information requests to the IDPH found that 1) there was no evidence of anyone at IDPH approving or signing off on the Hansen study, and 2) no evidence of a meeting with IDPH, IEPA, and DNR where the results of the Hansen study was reviewed. Two years later, IDPH authored the 2000 PHA which concluded once again that, “The information available indicates that no apparent public health hazard exists related to asbestos contamination at Illinois Beach State Park.” IDPH used the unapproved Hansen Study a second time to claim the beach was safe.

#### IDPH Deceptively Works Behind the Scenes in Conflict of Interest on Secret Illinois Asbestos Taskforce

I authored a report in June 2003 that found significant issues with the continuous presence of asbestos at IBSP and an apparent lack of care from responsible state and federal agencies. This report, now referred to as the “Camplin Report”, thoroughly attacked and destroyed the validity of the science used in the 1998 Hansen study. The Illinois Attorney General (IAG) was then compelled to form an Asbestos Task Force to defend against my findings, of which the IDPH was an active member. This IAG’s task force operated in secrecy, ruled exempt from the Open Meetings Act of Illinois by the IAG. This secret group used Illinois taxpayer money combined with grants from ATSDR/CDC through its “partner” IDPH. No open meetings were held discussing how this group was spending these resources. The secret group conducted a study by another ATSDR “partner,” the University of Illinois-Chicago School of Public Health. The study was not transparent, did not involve public review or comment, and was shielded from repeated Freedom of Information inquiries to UIC. The UIC interim report failed to mention my study in their analysis of asbestos problems at this public beach, even though the “Camplin Report” was the initiator of their involvement in this secret taskforce. An interim report was issued in June 2005 finding no health risks from asbestos at the beach even though analytical data found statistically significant elevated levels of tremolite and other toxic microscopic asbestos fibers in the beach sands. Without justification, UIC failed to discuss the presence of tremolite asbestos in their non-peer reviewed June, 2005 interim report. The Illinois Attorney General quickly issued a press release in June

2005 stating the beaches were once again found to be safe. The press release went on to state that this was the third report to find the same conclusions. This press release was the motivator for me to challenge the information contained in the 2000 PHA because it was erroneously being cited in the June, 2005 Illinois Attorney General's press release as a currently valid Public Health Assessment.

#### **IDPH Incredibly Allowed to Review and Approve Its Own Flawed Work Product for the Third Time**

The IDPH went on record in a 1998 press release claiming to find IBSP safe for the public even though there is no evidence of their review or sign-off on the quality of the data. They then produced a PHA in June, 2000 that relies upon this non-reviewed, non-approved data. When this 2000 PHA was challenged by me in July 2005, the IDPH is once again allowed to apparently ghost write a response on ATSDR's behalf. That response found my challenges to be valid yet did not answer my complaint request. Now the non-peer reviewed, secretly prepared, 2005 interim report is being touted in this "partner" authored response as the defense for supporting the conclusions of the non-risk based 2000 PHA. The strange claims contained in the December 6, 2005 response to my challenge and complaint appear to have come from the original authors of the PHA, and not an independent party as I had thought. Now I find ATSDR and CDC compromised because of their lack of supervision and diligence on the response to my complaint. I therefore have no other choice but to appeal the error-ridden response. I will also seek an outside impartial review of my challenge and an independent investigation into the "sell-out" response provided by your Illinois "partners" which was apparently rubber-stamped by ATSDR Chief Science Officer Dixie E. Snider, Jr., M.D., M.P.H.

#### **Restatement of Original July 20, 2005 Correction Request That Remains Unanswered by ATSDR**

Your response did not address my complaint which read as follows:

##### **Complaint**

*This public health assessment was quoted in a June 16, 2005 joint press release issued by the Illinois Attorney General, Illinois Department of Public Health, Illinois EPA, Illinois Department of Natural Resources, and the USEPA as finding "no significant public health threat at IBSP due to asbestos exposure" (see Agencies' memo attached). I believe that based upon a new understanding of asbestos risk assessment methodologies the testing data reviewed and used in the ATSDR Public Health Assessment at IBSP is insufficient to support the findings of "no significant public health threat." There should be a qualifier added to the document stating the health assessment is no longer valid because analytical data used to determine that there is "no significant public health threat at IBSP due to asbestos exposure" is not supported by current science on public risk to asbestos exposure in contaminated soils.*

#### **Precautionary Principle Ignored by ATSDR Scientists**

The precautionary principle is used by governmental public health agencies when there are reasonable scientific grounds for believing that an environmental condition may not be safe. What the precautionary principle does is to put the burden of proof onto the owner or perpetrator, but not in an unreasonable or impossible way. It is up to the perpetrator to demonstrate beyond reasonable doubt that it is safe, and not for the rest of society to prove that it is not. No one should have any difficulty understanding this principle because it is precisely the same sort of argument that is used in criminal law. The prosecution and the defense are not equal in the courtroom. The prosecution is supposed to prove beyond reasonable doubt that the defendant is guilty. Members of the jury do not have to be absolutely certain that the defendant is guilty before they convict, but they do have to be confident they are right. The 2000 ATSDR Public Health Assessment is riddled with doubt regarding public safety involving

exposure to tremolite and other toxic microscopic asbestos fibers at Illinois Beach State Park and the Illinois Lake Michigan shoreline.

### **The Precautionary Principle and Why Should it be Used by ATSDR, When in Doubt Keep Public Out**

The most current working definition of the Precautionary Principle is explained in the United Nations document entitled, “Precautionary Principle” (March 2005) which states:

*“When human activities may lead to morally unacceptable harm that is scientifically plausible but uncertain, actions shall be taken to avoid or diminish that harm.*

- *Morally unacceptable harm refers to harm to humans or the environment that is threatening to human life or health, or*
- *serious and effectively irreversible, or*
- *inequitable to present or future generations, or*
- *imposed without adequate consideration of the human rights of those affected.*

*The judgment of plausibility should be grounded in scientific analysis. Analysis should be ongoing so that chosen actions are subject to review. Uncertainty may apply to, but need not be limited to, causality or the bounds of the possible harm. Actions are interventions that are undertaken before harm occurs that seek to avoid or diminish the harm. Actions should be chosen that are proportional to the seriousness of the potential harm, with consideration of their positive and negative consequences, and with an assessment of the moral implications of both action and inaction. The choice of action should be the result of a participatory process.”*

### **CDC/ATSDR/Public Health Agencies Stray From Well Established Precautionary Principle at Beach**

The Precautionary Principle has been used in the U.S. in the public health field and environmental fields. The federal government used the Precautionary Principle in the formulation of controlling Hazardous Air Pollutants under the Clean Air Act. Here hazardous air pollutants were heavily regulated until scientific evidence proved otherwise. CDC and ATSDR has used this approach for numerous public health and safety issues including hazards presented from asbestos, mold, lead paint, AIDS/HIV, West Nile virus, chronic wasting disease, and more recently with the Asian bird flu.

### **Safety Precautions Made on Other Exposures to Tremolite Asbestos Ignored in 2000 PHA by ATSDR**

The Precautionary Principle is now being used by the U.S. Government and State of Illinois for materials contaminated with low levels of tremolite asbestos such as vermiculite. The Illinois Department of Public Health (IDPH) website states, *“If the vermiculite in your home contains asbestos, we recommend that you leave it in place as long as it is in a location where people are not routinely exposed to it. If it is sealed behind wallboards and floorboards or is in an attic that is not used for habitation, the best advice is to leave it in place. By not disturbing the vermiculite, you are reducing your chances for exposure to asbestos. If vermiculite is disturbed, it could cause tiny, needle-like asbestos fibers to become airborne. Asbestos in the air can be inhaled and cause lung damage.”* In fact, the Governor of Illinois invoked the concept of Precautionary Principles when he commented on the presence of asbestos contamination at Illinois Beach State Park in the summer of 2003. The governor was quoted in the Sun-Times regarding the unknown risks of asbestos contamination at IBSP by stating, *“If we err, we err on the side of public safety.”*

### **ATSDR Chief Science Officer Uncharacteristically Ignores Tremolite Risks and Precautions at Beach**

The ATSDR understands the uncertainty with low level exposures to tremolite and other toxic microscopic asbestos fibers. Most information on tremolite asbestos published by ATSDR, CDC, and

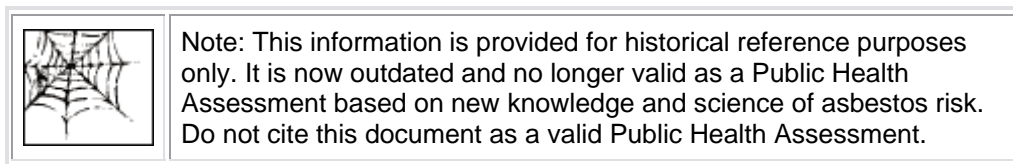
USEPA, particularly in public areas where children are present, invoke the Precautionary Principle. The scientists at ATSDR are breaking all of the rules of the Precautionary Principle in their shameful response to my complaint challenging the validity of the 2000 PHA for Illinois Beach State Park. Two million visitors a year visit this Park not knowing that precautions are warranted to protect themselves and their families from this invisible, but toxic, hazard. Dixie E. Snider, Jr., M.D., M.P.H., Chief Science Officer, who signed the December 6, 2005 reply to my complaint knows better. So do the deceptive scientists who actually authored this morally and scientifically bankrupt response.

**Outdated Public Health Assessment No Longer Holds Up to Agencies' Knowledge on Asbestos Risk**

The June, 2000 PHA performed at Illinois Beach State Park contains significant and fatal scientific flaws which no longer would stand up to an independent scientific peer review as a legitimate public health assessment. As in Libby, Montana, tremolite asbestos has been found on the Illinois Lake Michigan shoreline from IBSP south to Oak Street beach in Chicago. This is a significant public health issue. The response by ATSDR did find that my challenges to the validity of testing data reviewed and used in the PHA were legitimate. ATSDR then contradicted itself by admitting the PHA is no longer based on current science, yet refuses to acknowledge it is no longer useful as a PHA. The response blatantly failed to address my request that **"...there should be a qualifier added to the document stating the health assessment is no longer valid because analytical data used to determine that there is 'no significant public health threat at IBSP due to asbestos exposure' is not supported by current science on public risk to asbestos exposure in contaminated soils."** Instead, the response mischaracterized my request by stating *"Finally, you request to have the IBSP PHA withdrawn so that the State of Illinois will perform a scientifically sound human health risk assessment. We do not believe withdrawal is warranted."*

I never requested that the PHA be withdrawn. I merely asked that two qualifiers be added to the PHA in my request for correction due to the significant health risk potential posed by the recent findings of tremolite and other toxic microscopic asbestos fibers along the Illinois Lake Michigan shoreline. These two qualifiers were stated in my complaint as:

- 1. There should be a qualifier added to the document stating the health assessment is no longer valid because analytical data used to determine that there is "no significant public health threat at IBSP due to asbestos exposure" is not supported by current science on public risk to asbestos exposure in contaminated soils.*
- 2. A qualifier should be placed on the document stating it should not be cited or quoted and that the report is no longer valid as a public health assessment.*



**Example Disclaimer**

**ATSDR Ignores Asbestos Experts Request for Correction of Outdated PHA in Dec. 6, 2005 Response**

The response from Dixie E. Snider, Jr., M.D., M.P.H., Chief Science Officer, did not attempt to address these qualifiers I requested to be added to the PHA in my July 20, 2005 request for information. Instead, the response ignored my complaint and provided an embarrassing defense of the no longer current and

now defective asbestos PHA for Illinois Beach State Park. I will dissect this shameful and inadequate response by ATSDR paragraph by paragraph. I will also show how ATSDR conveniently omitted key points addressed in my request for correction to downplay the significance of their inadequate, misleading and incomplete response. Finally, I will demonstrate that ATSDR's lack of ethical management practices resulted in the failure to use sound scientific principles and current risk-based protocols in evaluating asbestos contamination at Illinois Beach State Park. This lack of scientific leadership presents an unknown risk to the citizens of Illinois from exposure to tremolite and other toxic microscopic asbestos fibers.

#### **Flaws Cause Request for Impartial and Independent Peer Review of ATSDR and "Partners" PHA**

W.R. Grace and seven of their officials were indicted by the USEPA earlier this year for, among other things, exposing workers and the public to low level tremolite asbestos-contaminated materials they knew contributed to adverse health effects. It now appears that the ATSDR with its "partners" are apparently covering up and downplaying their knowledge concerning the existence of these same potential non-occupational, intermittent exposures to tremolite and other toxic microscopic asbestos fibers at Illinois Beach State Park and the Illinois Lake Michigan shoreline. This deception is furthered by ATSDR and its Illinois "partners" conveniently reviewing and rubber stamping each other's work products creating a façade of independence and objectivity. I request a timely response to my unanswered original complaint which is now five months old. It is inconceivable to think that a concerned citizen, let alone a safety, health and environmental professional with expertise in asbestos, must wait five months for a response from ATSDR, only to find that the response blatantly ignores that citizen's serious complaint. The stalling tactics being perpetrated by ATSDR and its Illinois "partners" to avoid a proper response is evident when a citizen has to file an appeal just to get a scientifically credible reply to a complaint. The apparent collusion between ATSDR and its Illinois "partners" affects its ability to ethically and honestly review the 2000 PHA work product at this site and has resulted in compromised science. The response I am now appealing provides clear evidence of this fact. Again, I request that there be an impartial and independent peer review of ATSDR and their Illinois "partners" PHA activities, or lack thereof, regarding the presence of tremolite and other toxic microscopic asbestos fibers present along the Illinois Lake Michigan shoreline where they wash ashore with a potential to become airborne.

#### **Outdated 2000 ATSDR Public Health Assessment Puts Illinois Children at Risk for Tremolite Exposure**

The deceptive boiler plate information on the 2000 PHA's evaluation of asbestos risks to children amazingly does not identify an airborne exposure route as a completed exposure pathway. This is specifically evident in the PHA's claim that, *"When exposure pathways are evaluated, children are taken into consideration. At Illinois Beach State Park, children would be expected to be part of the exposed population. The exposures evaluated could be especially important for young children with excessive hand-to-mouth activity that would lead to greater ingestion of asbestos in soil. This was taken into consideration when evaluating the completed pathways. No adverse health effects are expected to occur for any children exposed to the very low levels of asbestos found at the Park."*

Again, this statement clearly identifies that the ATSDR and their "partners" in Illinois did not consider airborne exposure to tremolite and other microscopic toxic asbestos fibers as a completed pathway to children. The ATSDR response shamefully defends this statement with the knowledge that no activity-based air monitoring was performed to support this conclusion regarding low level exposure to tremolite and other toxic microscopic asbestos fibers at this public beach. It is scientific fraud and an apparent criminal act to allow this statement to stand as a current and valid public health assessment now that

ATSDR has knowledge that elevated levels of tremolite and other toxic microscopic asbestos fibers are present on public beaches along the Illinois Lake Michigan shoreline.

**Lack of Action by Government Agencies has Apparently Allowed Toxic Tremolite Asbestos to Spread**

This toxic tremolite asbestos contamination has now been identified in beach sand testing to the south at the prominent Oak Street Beach in Chicago where the highest concentrations of tremolite and other toxic microscopic asbestos fibers were found in 2005. It appears that these toxic fibers have traveled south by lake currents from the massive asbestos fibers spewed into Lake Michigan from the Johns-Manville Superfund site located just south of Illinois Beach State Park. An NPDES permit allowed an average of nearly two trillion asbestos fibers a day to be spewed into Lake Michigan in July, 2004 alone! The contaminated lake sediments near this massive asbestos discharge have been transported to the north, and then dumped on and offshore at Illinois Beach State Park. This area continues to be dredged with USEPA approval, expanding the areas that will be contaminated with tremolite and other toxic microscopic asbestos fibers. These microscopic toxic asbestos fibers then wash onshore where they dry and contaminate beachgoers, their belongings, and the shoreline air.

**Paragraph by Paragraph Challenge to ATSDR's December 6, 2005 Response**

**1. ATSDR Response Misstates Request for Correction to Avoid Proper Reply to Valid Complaint**

The first and second paragraph of the ATSDR response provides background information. However, the first paragraph contains a footnote which reads, *“Although your request initially identifies the challenged information as a 2005 press release disseminated by state agencies and the EPA that references the 2000 IBSP PHA, we understand that your request concerns the PHA.”* This is not true. This is just another deceptive diversion by ATSDR from the facts contained in my complaint. I referred to a 2005 press release in my complaint that quoted your PHA as finding *“no significant public health threat at IBSP due to asbestos exposure.”* I referenced this press release as evidence that public agencies were relying on this PHA as being currently valid for evaluating public risk from asbestos (including tremolite) at this beach. This reference to the 2005 press release supported my requests to add the two qualifiers to the PHA that 1) it is no longer valid as a current PHA, and 2) should not be cited as a valid PHA based upon current knowledge of risks to low level intermittent exposures to tremolite and other toxic microscopic asbestos fibers. **LET THERE BE NO CONFUSION THAT MY COMPLAINT CLEARLY CHALLENGED THE CURRENT USE OF THE OUTDATED 2000 PHA BY ILLINOIS PUBLIC OFFICIALS AS EVIDENCE THAT THE ASBESTOS-CONTAMINATED BEACH OF ILLINOIS BEACH STATE PARK IS SAFE FOR THE PUBLIC TO USE.**

**2. ATSDR Ignores Newer Methods and Valid Science for Their Outdated Asbestos Beach Study**

The third paragraph of the response reads, *“PHA’s prepared by Cooperative Agreement Partners for ATSDR include a certification page. The certification page of the IBSP PHA contains the disclaimer that the IBSP PHA “...is in accordance with approved methodology and procedures existing at the time the public health assessment was begun.” ATSDR realizes that newer methodologies and better scientific analysis are always evolving. ATSDR strives to base public health evaluations on the best science available at the time of the evaluation. As new data and information become available, ATSDR re-evaluates sites, as warranted.”* I understand that the PHA was in accordance with approved methodology and a procedure existing at the time the public health assessment began. However, my complaint itemized precisely how newer methodologies and better scientific analysis have evolved since the release of the 2000 PHA. In fact, none of the data

used in the 2000 PHA used risk-based testing or analytical methodologies. The evolution of these newer methodologies and better scientific analysis have invalidated the methodologies and scientific analysis used in the 2000 PHA. This further supports my requests to add the two qualifiers to the PHA that 1) it is no longer valid as a current PHA, and 2) should not be cited as a current PHA. It also warrants a re-evaluation by ATSDR now that new data and information on public health risks from low level, non-occupational exposures to tremolite and other toxic microscopic asbestos fibers have become available.

3. **Response Deceptively Mischaracterizes Complaint Claims of Multiple Errors as Mere Concerns**  
The fourth paragraph discusses my challenge of the use of PLM analysis of sand for the presence of asbestos as was used in your PHA. The paragraph begins by characterizing my statements of fact as “concerns.” The issues characterized by your response as my first concern were actually stated in my complaint as, *“The first error used by the IDPH in the 2000 public health assessment at IBSP was to use PLM analysis and the 1% asbestos or less threshold as ‘sufficient to determine that the asbestos content of the sand was below a level of health concern.’”* The IDPH finding that no health hazard exists from asbestos-contaminated beach sand, on the basis that it contained less than 1% asbestos, is now considered to be in error, as well as a significant concern. This is now characterized as a major scientific blunder that current risk-based science has found significant concerns with intermittent, non-occupational exposures to low levels of tremolite and other toxic microscopic asbestos fibers. My response did identify as a statement of fact that use of the PLM analytical method and the 1% threshold is an error, and not a mere concern.
4. **ATSDR Ignores Scientifically Valid Complaint of PHA, Instead Cites Flawed Interim Report**  
The response appears to agree with my finding of an IDPH error in using the PLM analytical method and 1% in the PHA. This paragraph reads, *“Although PLM still has value as a field screening tool, you are correct in observing that there are more accurate analytical methodologies for asbestos evaluation today. Your request cites a December 20, 2001, EPA memorandum regarding PLM analytical methods. The memorandum you cite was released over a year after the IBSP PHA and not available for review at the time of the 2000 PHA.”* Yet, the response did not acknowledge that the newer methodologies and better scientific analysis I cited in my complaint supported my requests to add the two qualifiers to the PHA that 1) it is no longer valid as a current PHA, and 2) should not be cited as a current PHA. Instead, the response went on two unusual and non-applicable tangents in defense of the error riddled PHA.
  - a. The first tangent was to state that the facts cited in my complaint were released over a year after the completion of the 2000 PHA and were not available for review. This statement of fact verifies that there are now more accurate methods for asbestos evaluation at IBSP that were not used in the PHA. This fact supports my requests to add the two qualifiers to the PHA that 1) it is no longer valid as a current PHA, and 2) should not be cited as a current PHA.
  - b. The second tangent in the response involved citing a flawed, non-peer reviewed, June, 2005 interim report by the University of Illinois-Chicago (UIC) on behalf of the Illinois Attorney General’s Asbestos Task Force. This task force was formed in July, 2003 after the Illinois Dunesland Preservation Society released a report I authored on extensive asbestos contamination at Illinois Beach State Park and the Illinois Lake Michigan shoreline in June, 2003. It is amazing how the same individuals can author a study as a State of Illinois official, then switch hats and become an ATSDR review “partner”, and finally wear a third hat as the rubber stamp approving the other two hats work product. Now, this same collusive process is at work with a “secretly” prepared, error laden, June 2005 interim



report by another ATSDR “partner”, the University of Illinois-Chicago, School of Public Health (UIC). This non-peer reviewed, ATSDR funded document has been allegedly evaluated but not peer reviewed by both ATSDR and USEPA. This controversially and secretly conducted June 2005 UIC interim report is now quoted by the December 6, 2005 ATSDR response to my complaint as supporting the flawed conclusions of your 2000 PHA.

- i. How can a non-peer reviewed, ATSDR “partner” prepared, secret report substantiate a Public Health Assessment that is based on a flawed interpretation of outdated science?
  - ii. Why does the ATSDR response use the limited and unsubstantiated 2005 UIC interim findings that Illinois Beach State Park does not pose a public health hazard, as supporting the findings of the now-outdated 2000 PHA?
- c. However, the problematic 2005 UIC interim report contains significant flaws and has not been properly or scientifically peer reviewed by any credible source. Also, the citing of the June, 2005 UIC interim report does not provide any rationale for not acknowledging my request to add the two qualifiers to the 2000 PHA. The 2000 PHA and the 2005 UIC interim report are mutually exclusive and independent from each other. Citing an interim report which has apparent conflicts of interest and that has not been peer reviewed, as evidence in support of the now invalid 2000 PHA, is dishonest, deceptive, and harmful to the health of the citizens of Illinois. Current risk-based knowledge and science clearly supports my requests to add the two qualifiers to the 2000 PHA that 1) it is no longer valid as a current PHA, and 2) should not be cited as a current PHA.

5. **ATSDR in Response Uses Interim, Unqualified Report in Attempt to Hide Their Flawed Position**

The response improperly relies upon the June, 2005 UIC interim report as supporting the finding that “ISBP does not pose a public health hazard.” Your response to my complaint states, “*The conclusions of the 2000 PHA are supported by the June, 2005 UIC interim report.*” I must challenge the validity of this claim and the factual misstatements contained in the response regarding the scope and findings of the flawed, non-peer reviewed 2005 UIC interim report.

- a. **ATSDR Scientists Cite Flawed & Secretly Prepared Report to Hastily Cover Their Errors**  
I must first point out that your response in defense of the 2000 PHA relies upon the non-peer reviewed 2005 UIC interim report as a support document, while this same non-peer reviewed 2005 UIC interim report relies upon your 2000 PHA as a historic report that supports their flawed claims and findings. Two wrongs do not make a right! Both of these documents were prepared using flawed science by the same “partnership” between ATSDR, CDC, and IDPH. The 2005 UIC report was prepared and conducted in a secret, non-transparent manner. According to the Illinois Attorney General Lisa Madigan, her own task force was not subject to the Sunshine Laws of the State of Illinois. The 2005 UIC interim report did not include any public oversight or public review. Now ATSDR scientists respond to my complaint using this problematic, non-peer reviewed, and secretly prepared interim document as a reason to consider the now-outdated 2000 PHA as a currently valid document. In fact, the authors of the 2005 UIC interim report failed to follow the principles of risk assessments as taught in their own public health courses and as posted on the UIC School of Public Health website. The use of this document is an indefensible act because the ATSDR scientists know better. The willful use of the flawed, non-peer reviewed, June, 2005 UIC interim report in the ATSDR’s December 6, 2005 response should be investigated by an impartial third party to determine the motives for such unprofessional, and misleading conduct which erodes the public’s image and the ethics of ATSDR and could manifest in further asbestos exposure of an unwitting public.

- b. **Flawed June, 2005 UIC Interim Report Omits Assessing Risk of Handling Asbestos Debris**  
 The first line of the first page of the 2005 UIC interim report under “Executive Summary” states, “*ACM washing onto the beach at IBSP is still a concern.*” The fourth paragraph on this same page reads, “*The screening risk assessment estimates do not address the potential risk from handling ACM. The condition, friability, and handling circumstances for any particular piece of ACM are not predictable. Therefore, the greatest risk to beach users in the targeted areas should be considered to be the potential handling of ACM.*” This completed exposure pathway was not evaluated by the PHA or the non-peer reviewed, June, 2005 UIC interim report.
- c. **The Flawed UIC Report Evaluated Airborne Asbestos Exposure Without Taking Air Tests**  
 Under “Study Objectives” on page 3 the June, 2005 UIC interim report reads, “*This report addresses the following questions: Has ACM contaminated the sand at IBSP beaches and potential sources of nourishment sand with asbestos structures in unsafe concentrations? Could these structures represent an airborne hazard?*” The first line of page 19 states, “*Air sampling is generally the most useful measure of potential asbestos exposure.*” The June, 2005 UIC interim report allegedly evaluated whether asbestos structures in beach sand at IBSP, represented an airborne hazard to the public, without taking any site-specific, activity-based asbestos air samples. Yet this flawed interim document, without any peer review, is cited by your response in support of the outdated methodologies and conclusions of your 2000 PHA. Are you aware that in the last few months both USEPA and your scientists at ATSDR have recommended that activity based asbestos air testing should be performed at Illinois Beach State Park and the Illinois Lake Michigan shoreline?
- d. **Non-Peer Reviewed UIC Report Fails to Conduct Beach Activity Exposure Air Testing**  
 The rationale for the limited risk screen performed by UIC is described at the top of page 35 stating, “*Risk assessments for asbestos are usually based on air sampling results, which are used in a risk assessment model to calculate risk. There are limitations inherent in predicting airborne asbestos concentrations from other media in general.*” Yet, UIC attempted to predict airborne asbestos concentrations from other media instead of taking air samples. This non-peer reviewed, interim report from UIC did not take any activity based air samples to evaluate airborne asbestos risk to the public. How does this scientifically crippled, non-peer reviewed, interim UIC report from June, 2005 support the outdated methodologies and subsequent flawed conclusions of the challenged 2000 PHA?
- e. **Non-Peer Reviewed Interim UIC Report Also Uses Non-Government Approved Sampling and Analytical Methodologies, Contributes to Poor Data Quality that Leaves Public at Risk**  
 The end of the first paragraph on page 35 concludes the discussion of the methodology selected for the limited and flawed UIC risk screen by stating, “*The sample preparation and analysis methodology is under review by the Science Advisory Board, but has not been approved by the USEPA.*” Page 35 concludes with, “*This report focuses specifically on the contamination and possible health effects from asbestos in sand used for beach nourishment. This report does not attempt to estimate exposure from a person handling actual ACM because there are a large number of variables inherent in such an estimate, including meteorological conditions, material conditions, and type of handling. A basic protective recommendation for such material is that exposures should be limited to the extent possible.*” Why are you citing this yet-to-be-peer-reviewed, interim UIC report that 1) uses methodologies “under review” and “not been approved by the USEPA,” 2) “does not attempt to estimate exposure from handling actual asbestos,” and, 3) did not perform

activity-based air testing, as a defense for not responding to my requests. I find this argument to be deceptive and non-responsive to my complaint that requests to add the two qualifiers to the PHA that 1) it is no longer valid as a current PHA, and 2) should not be cited as a current PHA. This leaves citizens using the public and private beaches unaware of the current risks associated with potential non-occupational, intermittent exposures to tremolite and other toxic microscopic asbestos fibers present along the Illinois Lake Michigan shoreline and beaches.

f. **Flawed UIC Report Cited by ATSDR Knowingly Applied Wrong Data, Skewing Risk Find**

The last paragraph on page 41 discusses the toxicity assessment by stating, *“Carcinogens are generally considered to have no threshold, or no safe level of exposure, although the uncertainty surrounding the dose-response relationship increases at low exposure levels.”* The toxicity assessment discussion continues on the next paragraph on page 42 which states, *“It should be noted that the IRIS file for asbestos states that: ...The unit risk is based on fiber counts made by phase contrast microscopy (PCM) and should not be applied directly to measurements made by other analytical techniques.”* Yet the very next sentence finds, *“The data for this study was collected using TEM instead of PCM, which adds uncertainty to the risk estimate.”* UIC selected a risk model that warned against using data that was not generated by PCM analysis, yet UIC generated data using other analytical techniques that added further uncertainty to their risk estimate conclusions. How does this blatant misuse of data in the secretive, non-peer reviewed, interim UIC report, defend the 2000 PHA to the extent that the response does not have to address my requests to add the two qualifiers to the PHA that 1) it is no longer valid as a current PHA, and 2) should not be cited as a current PHA?

g. **ATSDR Avoids Formal Peer Review Request Of UIC Report, Instead Provides Secret, Non-Transparent Review That Quietly Recommends Additional Activity-Based Air Tests, Yet Agencies Remain Silent on Needed Precautions While Beaches Remain Open to Public**

Page 42 concludes with the sentence, *“If more information or guidance is provided by U.S. EPA in the future, this approach may be revised.”* It is my understanding that no federal agency has committed to an open and transparent peer review of the June, 2005 UIC interim report. **HOWEVER, BOTH ATSDR AND USEPA HAVE PROVIDED INFORMAL COMMENTS TO UIC THAT RECOMMEND FURTHER EVALUATION INCLUDING CONDUCTING ADDITIONAL ACTIVITY-BASED EXPOSURE MONITORING.** I understand UIC has formally requested a full peer review of their report by ATSDR. When questioned, Mark Johnson, head of ATSDR Region V’s Chicago office has documented in an email that ATSDR has initiated a peer review of the UIC 2005 interim report. Mr. Johnson further stated that ATSDR was not a “partner” with UIC on this report. Mr. Johnson states in a December 3, 2005 email in response to a peer review inquiry made by Mr. Paul Kakuris, President of the Illinois Dunesland Preservation Society: *“As I mentioned in our numerous phone conversations, the review of the UIC Report on the IL Beach State Park was conducted as a professional request from the University of Illinois School of Public Health and not part of a formal peer review process that we would initiate if the project were funded by CDC/ATSDR. Our comment letter on the document has been released to the public by the UIC and the IAG’s Taskforce. That is the extent of the information that I can provide to you. This will be the last communication that I will have with you on this question.”*

This is a quite unusual response from the head of ATSDR’s Chicago office since the fourth

paragraph of your response states, *“In June, 2005, the University of Illinois-Chicago (UIC) released an interim report on a health hazard evaluation conducted at IBSF in conjunction with the Centers for Disease Control and Prevention (CDC), and Illinois Department of Public Health (IDPH).”* Who at ATSDR has accurate knowledge of the current status and extent of reviews being performed on the interim UIC document? DOESN'T ATSDR HAVE A POLICY TO PEER REVIEW DOCUMENTS THEY PARTNER WITH, FUND, AND THEN CITE IN RESPONSES TO PUBLIC COMPLAINTS? I would second the request by UIC for a full peer review by ATSDR before citing this questionable document in support of your response. In the meantime, I still seek a response to my requests to add the two qualifiers to the PHA that 1) it is no longer valid as a current PHA, and 2) should not be cited as a current PHA.

- h. ATSDR Helps Keep Secrets of Flawed UIC Report Hidden, Claims Non-Peer Reviewed Document is Being Peer Reviewed But No Transparent Public Peer Review Can Be Cited**  
All of the activities involving decisions to spend taxpayer dollars on the flawed June, 2005 UIC interim report were conducted in secrecy. The public asked to participate on the task force that developed and approved the scope of the project and was denied. The public asked to sit in on the meetings of the Illinois Attorney Generals Asbestos Task Force as observers to decisions made regarding UIC and other public agencies spending of taxpayer dollars. However, citizens were denied public oversight of the UIC study by the Illinois Attorney General Lisa Madigan when her Asbestos Task Force meetings were ruled by her office as being exempt from the Open Meetings Act. The fact that this Asbestos Task Force operated in secrecy was documented in newspapers in the Chicago area. Yet, neither the ATSDR nor UIC spoke out on the need for transparency on a document they now rely upon in support of a now-outdated PHA. Presently, this flawed UIC interim 2005 report has been “informally” reviewed by USEPA and ATSDR. However, both agencies refuse to release the names of reviewers or their comments. Nevertheless, ATSDR has the nerve to claim in the December 6, 2005 response to my complaint that the June, 2005 UIC interim report is currently being peer reviewed, without stating who these peer reviewer are.

**Additional Questions:**

- i. Would you please identify who is peer reviewing this document you assisted in funding with your “partners”?**
  - ii. Is this peer review open and transparent or is it also being conducted in secrecy, hidden from public oversight or public comment like most other activities related to this site?**
  - iii. Why was this report conducted, and now being reviewed in secrecy, even though there are state and federal funds used to finance it?**
  - iv. Why is ATSDR giving so much credibility to such a known, questionable and flawed document that has avoided public scrutiny or any formal and transparent peer review process?**
  - v. Why is ATSDR avoiding a formal peer review of the interim June, 2005 report they partnered with UIC on and helped fund?**
  - vi. Why is ATSDR’s December 6, 2005 response avoiding my complaint’s requests to add the two qualifiers to the PHA that 1) it is no longer valid as a current PHA, and 2) should not be cited as a current PHA?**
- i. ATSDR Veers From Review Policy, Challenged to Open up Their Peer Review of UIC Interim Report for Public Comment so Flaws Can Be Addressed in a Transparent Forum**

These brief comments demonstrate that the non-peer reviewed, flawed, June, 2005 UIC interim report has no applicability to my request to add the two qualifiers to the 2000 PHA that 1) it is no longer valid as a current PHA, and 2) should not be cited as a current PHA. I have quite an abundance of additional comments regarding the validity of the non-peer reviewed June, 2005 UIC interim report. However, I will defer these comments for the public comment period when, or if, any agency dares to legitimize this document with an official peer review process. I will hint that issues with quality control between laboratories during sand and sediment sample analysis should be grounds alone for undercutting the integrity of the troubling and limited risk screen conclusions contained in the flawed June, 2005 UIC interim report. I look forward to a public comment period on the open and transparent peer-reviewed version of this questionable document. Until then, ATSDR should not cite this interim UIC document in support of their now outdated 2000 PHA of Illinois Beach State Park.

6. **Problematic Report Cited by ATSDR as Excuse for Not Conducting Needed Re-evaluation**

The conclusions of the flawed, non-peer reviewed, June 2005 UIC interim report do not officially support the findings of the now-outdated 2000 PHA. A review of the last sentences of the second paragraph of your response state, “*ATSDR realizes that newer methodologies and better scientific analysis are always evolving. ATSDR strives to base public health evaluations on the best science available at the time of the evaluation. As new data and information become available, ATSDR re-evaluates sites, as warranted.*” However, with questions surrounding the legitimacy of the non-peer reviewed 2005 UIC interim report and the obvious errors in the 2000 PHA; your response concludes the eleventh paragraph with, “*At this time, a re-evaluation is not warranted.*” What current documents is ATSDR relying upon to protect the public from elevated levels of microscopic tremolite and other toxic asbestos fibers on and off shore at IBSP and the Illinois Lake Michigan shoreline including Oak Street beach in Chicago since the two reports they relied upon are void of valid science to support their conclusions? The non-peer reviewed June, 2005 UIC interim report and the now-outdated 2000 PHA cannot be, and should not be the documents in support of the ATSDR position that the presence of tremolite asbestos on a public beach does not warrant a re-evaluation by ASTDR. Do you still defend the invalid data used in these reports?

7. **ATSDR Scientists Caught in Serious Misstatement of Facts in Desperate Defense of Invalid and Outdated 2000 Public Health Assessment Performed at Illinois Beach State Park**

The fifth paragraph of your response addresses my complaint that sand was analyzed by PLM to determine the content of asbestos at the public shoreline. I further complained that your PHA stated sand containing less than 1% asbestos did not pose a risk to human health. Your response incredibly stated, “*Moreover, the 1% was not used to evaluate whether or not health effects would occur; the 1% was used to determine if the sand would be defined under EPA regulations as asbestos containing material (ACM).*” If ATSDR had read the PHA, instead blindly taking the word of its Illinois’ “partner” prior to authoring this reckless December 6, 2005 response, one would have discovered the following statement, “*Although electron microscopy can more precisely detect small quantities and types of fibers, use of PLM was sufficient to determine that the asbestos content of the sand was below a level of health concern.*” The 2000 PHA did in fact use the 1% asbestos content threshold as determine by PLM analysis to evaluate health concerns. Therefore, it appears that the ATSDR has knowingly tried to divert and cloud the obvious fact that they used untruthful statements in their December 6, 2005 response. This is yet another reason to honor my complaint requests to add the two qualifiers to the outdated 2000 PHA that 1) it is no longer valid as a current PHA, and 2) should not be cited as a current PHA.

8. **ATSDR Has Dilemma Defending Contractor-Invented, Deceptive, Non-Peer Reviewed Lab Tests**  
The sixth paragraph agrees with my complaint that the contractor-made-up analytical method used at IBSP does not have any value in evaluating health risks from asbestos. The response however, failed to address my assertions that this invented method was not peer reviewed and had no independent quality control. The only response provided to attempt to downplay my finding was offered in this paragraph by stating, “...*only select sand samples were analyzed using the ‘hybrid’ method. The majority of samples were analyzed with PLM. Again, ATSDR recognizes that other analytical methods would be used today instead of PLM for asbestos analysis.*” How does the selected use of this scientifically worthless contractor-invented analytical method justify the dismissing of my requests to add the two qualifiers to the PHA that 1) it is no longer valid as a current PHA, and 2) should not be cited as a current PHA? There is no defense for using this invented analytical method as an evaluation tool for a PHA.
9. **ATSDR Fraudulently States Public Asbestos Exposures Known Without Testing Public Activities**  
The seventh paragraph attempts to defend the air monitoring used in the 2000 PHA as evaluating public exposures to airborne asbestos. None of the air testing was based upon anticipated activities of the public at a beach. Air pumps used in the PHA measured ambient air levels of airborne asbestos on a few cold, wet days in March, 1998 when the beaches were frozen and empty. However, ATSDR finds this improper air sampling as being representative of public exposures on hot, dry summer days when recreational activities are taking place. I will speak more on this in the next section.
10. **ATSDR Misinforms Public by Finding Non-Activity Based Air Tests Performed in Rain on Frozen Beach Sand is Suitable for Validating Asbestos Risk Assessments and Public Health Assessments**  
The eighth paragraph agreed with my complaint that air testing performed in early spring, when the beach was semi-frozen and field logs document precipitation during air testing, was not representative of the worst case scenarios. In fact, these air tests do not have any correlation to public exposure to airborne asbestos during recreational activities in hot, dry, summer months. But the December 6, 2005 response had to attempt to downplay this finding that my complaint was correct by presenting the non-peer reviewed interim June, 2005 UIC report findings as consistent with those found in the 2000 PHA. The findings of both reports are only consistent in their failure to evaluate risk of exposure to tremolite and other microscopic asbestos fibers during public activities at an asbestos-contaminated beach. However, the rationale put forth by the response does not address my complaint’s requests to add the two qualifiers to the PHA that 1) it is no longer valid as a current PHA, and 2) should not be cited as a current PHA.
11. **ATSDR Knowingly Presents False Information Regarding UIC Non-Use of “Sensitive” Test Data**  
The ninth paragraph continues to take the response farther away from science-based logic when addressing my complaint that the PHA did not consider the higher toxicity of tremolite and other microscopic amphibole asbestos fibers. Once again, the response relies upon the non-peer reviewed June, 2005 UIC interim report to avoid addressing my complaint’s requests to add the two qualifiers to the PHA that 1) it is no longer valid as a current PHA, and 2) should not be cited as a current PHA. The response incorrectly states that the “sensitive testing” performed for the flawed, non-peer reviewed June, 2005 UIC interim report “...could distinguish fiber types and would better indicate whether any health risk involving asbestos at IBSP exists.” Deceptively, what the response fails to mention is that asbestos fiber type toxicity distinguished by this “sensitive testing,” was data that was made available to UIC, but *NOT* ever used by UIC in their flawed and limited risk screen modeling. The author of the response was either being misleading or is relying upon others for the falsehoods put forth in this portion of the December 6, 2005

response. Again, this non-peer reviewed interim UIC report from June, 2005 should not be cited in the response, particularly in conjunction with incorrect and misleading statements.

**12. ATSDR Defies the Laws of Physics With Irrational Claims to Defend Outdated Risk Study, Used Testing Methods Purposely Designed to Minimize Asbestos Fibers Detected in Beach Air Tests**

The tenth paragraph of the response would make Sir Isaac Newton turn in his grave. This paragraph claims to address my complaint that the 1998 beach air testing used in the now outdated and invalid 2000 PHA was performed using a non-applicable AHERA school asbestos air clearance method. This method is designed for use in school buildings where work areas are enclosed in a plastic tent during asbestos removal activities. Within this tented area, aggressive air testing is performed inside of the tent using leaf blowers and fans to stir up dust and asbestos fibers so a “worst case” measurement of airborne asbestos concentrations can be taken. My complaint stated that this aggressive method was inappropriate for *UNCONTAINED* outdoor beach locations. One of my many reasons in support of my position involved the use of a leaf blower to stir up asbestos fibers so they become airborne and can then be measured as a “worst case” exposure. The problem that I stated in my complaint was that the leaf blower operated on the beach a full 30 minutes before air pumps were turned on and asbestos air sampling was conducted. This works well inside of a contained tent indoors since the fibers are trapped within the tented enclosure and will be measured during air testing as they should be. However, the outdoor beach was not contained or tented and it was my contention that the airborne asbestos fibers merely blew down the beach during the 30 minutes of leaf blowing prior to turning on air testing equipment. This would explain one of the reasons why few or no asbestos fibers were detected in air samples once air testing equipment was turned on 30 minutes later. The ATSDR response disagreed with my position stating, “*We disagree that the fibers would be ‘blown off the beach.’ Instead, the microscopic fibers would be suspended to get an air sample that reflects the maximal dispersion of asbestos fibers from the sand into the air.*” Apparently, the ATSDR believes asbestos fibers at IBSP can defy physics by becoming airborne, remaining suspended in front of air testing equipment for 30 minutes while a leaf blower and the wind attempt unsuccessfully to move it. Then, apparently when the air monitoring device is turned on, the now stationary asbestos fibers then magically move into the air sampling device so they can be measured and used in the 2000 PHA. By some unexplained force, ATSDR states that this misuse of an indoor air testing method somehow evaluates a worst case measurement of asbestos in air at a non-tented outdoor beach. This selected air monitoring method of measuring airborne asbestos fibers is useless as an investigative tool if it is not conducted in a tent that controls the asbestos fibers. Another important consideration before evaluating and air testing a beach is a full understanding of the beach’s coastal processes and the dynamics of its sand. In any event, this air testing method is used as a measurement of cleanliness of asbestos work areas and not as a risk assessment tool for public exposures to outdoor asbestos levels. I would only agree that the use of this indoor air test method is the worst case for “performing” air testing for asbestos on an uncontained public beach. I strongly disagree that this unsubstantiated theory put forth by ATSDR in their December 6, 2005 response addresses my complaint requests to add the two qualifiers to the PHA that 1) it is no longer valid as a current PHA, and 2) should not be cited as a current PHA.

**13. ATSDR Avoids Truthful Response by Recasting My Request in Attempt to Deceptively Answer**

The eleventh paragraph concludes the response by mischaracterizing my complaint request as “...to have the IBSP PHA withdrawn so that the State of Illinois will perform a scientifically sound human health risk assessment.” My complaint stated in its conclusion, “*If this report is withdrawn, the State of Illinois would have to perform a scientifically sound human health risk assessment. I*

*believe that a risk assessment is desperately needed at this site due to continued visual asbestos debris washing on shore along with the presence of amphiboles including tremolite. Hopefully, a scientifically valid risk assessment will find that there really aren't any adverse health risks present from asbestos at IBSP. Right now we can't say that."* I mentioned withdrawing the PHA in the context of the State of Illinois withdrawing the PHA report in their June, 2005 press release. Their inability to cite the now invalid PHA combined with the secretly developed, problematic, non-peer reviewed June, 2005 UIC interim report would force the State of Illinois to perform a new, transparent, scientifically sound, peer-reviewed human health risk of the tremolite and other toxic microscopic asbestos fibers found at IBSP. My complaint clearly states under the heading of "Specific Recommendations for Correcting the Errors" that, "A qualifier should be placed on the document stating it should not be cited or quoted and that the report is no longer valid as a public health assessment." There is no excuse for mischaracterizing my request for correction in the response. It is hard for me to believe this obvious mischaracterization of my complaint request in the December 6, 2005 ATSDR response was an honest oversight by scientists on your staff.

#### **Conclusion Finds Public Snookered by ATSDR with Weak Arguments and Deceptive Responses**

The response clearly did not address my requests to add the two qualifiers to the 2000 PHA that 1) it is no longer valid as a current PHA, and 2) should not be cited as a current PHA. Instead, the response mischaracterized my request as asking to rescind the PHA. This is disappointing. What is more disappointing is the weak arguments put forth in defense of the scientifically flawed and outdated PHA. Using a flawed and limited risk screen found in an interim version of a non-peer reviewed report from UIC, which itself contains questionable findings, shows an inappropriate management style as well as a lack of scientific integrity within the agency. These are not differences in opinion. These are carefully presented misstatements of fact and purposeful omissions of information in an attempt to snooker the unwitting public who rely upon the integrity of CDC and ATSDR on public health assessments.

#### **Outdated 2000 PHA Inappropriately Uses Children in Faulty Risk Assessment Claiming No Risk From Low Level Exposures to Asbestos, Yet IDPH Fails to Evaluate Risks from Virulent Tremolite Asbestos**

Consider a statement made in the PHA prior to its conclusion, "*IDPH recognizes that children are especially vulnerable to the effects of many contaminants in the environment. When exposure pathways are evaluated, children are taken into consideration. At Illinois Beach State Park, children would be expected to be part of the exposed population. The exposures evaluated could be especially important for young children with excessive hand-to-mouth activity that would lead to greater ingestion of asbestos in soil. This was taken into consideration when evaluating the completed pathways. No adverse health effects are expected to occur for any children exposed to the very low levels of asbestos found at the Park.*"

- Is this still a valid statement you want parents to rely upon now to protect themselves and their children from tremolite asbestos that has been detected in and on the Lake Michigan shoreline beach sand in 2002 and 2004?
- Is this a statement worth defending by your December 6, 2005 response to my complaint?
- The answer is NO and that is why my complaint requests should be honored immediately.

#### **How Many Must Die From Exposure to Asbestos Before ATSDR Will Reevaluate Asbestos at IBSP?**

I complained in July, 2005 to ATSDR because of the unexplained secrecy by the State of Illinois (specifically the Illinois Attorney General's Office and the University of Illinois-Chicago) and USEPA surrounding the 2002 and 2004 discovery of microscopic tremolite and other toxic asbestos fibers found in sands up and down miles of public shoreline in Illinois. I did not anticipate that ATSDR would

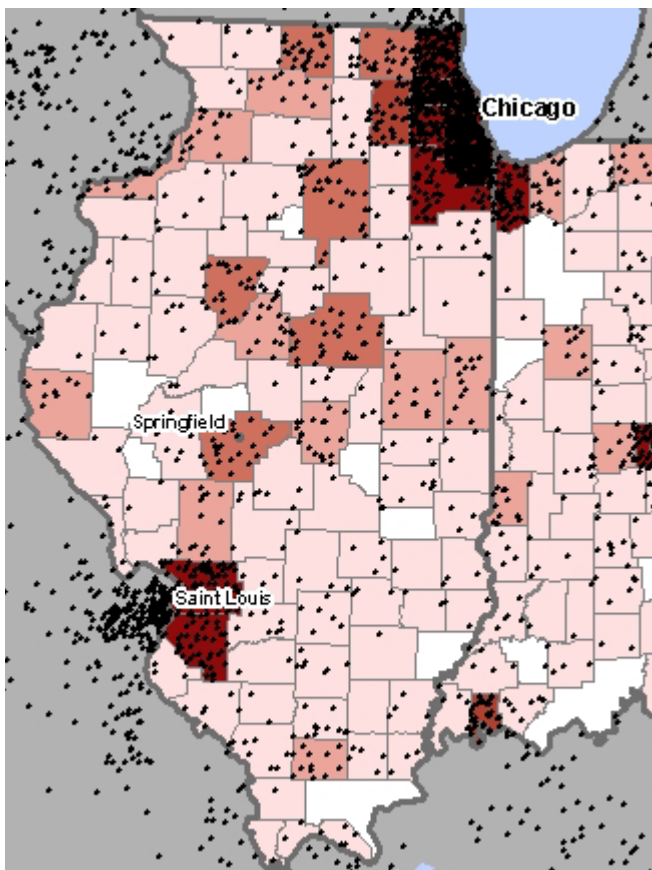


sacrifice scientific truths for political science. Now I find myself filing an appeal to one of the most ridiculous responses I could ever imagine I would receive from what I thought was such a prestigious group of scientists and professionals. ATSDR now has knowledge that microscopic tremolite and other toxic microscopic asbestos fibers are found on public beaches from Illinois Beach State Park's 6 ½ miles of shoreline at the Wisconsin border to Oak Street beach in Chicago. Much of the microscopic asbestos fibers appear to originate up-current to the north near the Johns-Manville Superfund site where I documented over 50 trillion asbestos fibers entering Lake Michigan in July, 2004 alone from an NPDES discharge pipe. This massive asbestos fiber discharge has been occurring from this pipe for nearly 15 years. Why would the USEPA, Illinois EPA, and Illinois Attorney General approve this toxic discharge?

- ATSDR is now on record with their response to my complaint that a re-evaluation of this beach is not necessary at this time. The ATSDR is apparently basing their erroneous reasoning on politics, junk science, and scientific fraud. There is no valid science supporting ATSDR's conclusions.
- Do we have to wait until we have a more noticeable body count of asbestos-related deaths in Illinois (like they now have in Libby Montana) before ATSDR finds a re-evaluation of this tremolite contaminated beach necessary? Will you immediately reconsider your position?

Could it be that there is an elevated and increasing body count already starting in northeastern Illinois?

### Asbestos Related Deaths Already Plague Illinois Counties Surrounding the Lake Michigan Shoreline



### Government Data on Asbestos Mortality

**At Least 1,697 People Have Been**

**Killed by Asbestos in Illinois Since 1979**

The map to the left displays a black dot for each asbestos death from mesothelioma or asbestosis as reported to the federal government via death certificate records from 1979 through 2001. It likely represents less than twenty percent of total asbestos mortality during that time according to the EWG Action Fund asbestos report ([www.erg.org](http://www.erg.org)).

Note that the two Illinois Lake Michigan shoreline counties, Lake and Cook County, have the highest total number of asbestos deaths in the last 25 years.

Source: EWG Action Fund analysis of Government Mortality Data.

The highest death rates from asbestos related diseases in Illinois are in Lake and Cook Counties which border this asbestos-contaminated shoreline. Additional information on asbestos diseases in Illinois is available for review at [http://www.ewg.org/reports/asbestos/maps/government\\_data.php?fips=17000](http://www.ewg.org/reports/asbestos/maps/government_data.php?fips=17000).

### **ATSDR's Willfully Dishonest Response to My Complaint Now Makes the Agency Part of the Problem**

Let's not make the same mistakes that were made at Libby, Montana. Delaying the inevitable need for legitimate activity-based risk assessments along the Illinois Lake Michigan shoreline must be started immediately. We now know those with decision-making authority who have knowledge of the existence and potential hazards posed by the presence of tremolite and other toxic microscopic asbestos fibers must act appropriately or face possible criminal prosecution. This includes top officials at the Department of Health and Human Services (HHS). HHS/ATSDR helped identify the troubling risks from tremolite and other toxic microscopic asbestos fibers at Libby, Montana and other areas in the United States.

- When it comes to Illinois Beach State Park and the Illinois Lake Michigan shoreline, HHS, CDC and ATSDR has the knowledge, the authority, the responsibility, and an ethical duty to act in an accountable and conscientious manner.
- The December 6, 2005 response to my complaint from ATSDR Chief Science Officer Dixie E. Snider, Jr., M.D., M.P.H., is so deliberately misleading and ethically inappropriate that an independent investigation must be initiated to root out the individuals responsible for its creation.
- Scientists join the DHHS and the ATSDR because they want to make a difference in this world and should not be coerced into playing politics with science which can lead to unethical conduct. The deceptive and misleading non-response to my complaint request by Chief Science Officer Dixie E. Snider, Jr., M.D., M.P.H., is not why scientists join the Department of Health and Human Services, Center for Disease Control or the ATSDR.

### **HHS's ATSDR Facilitates Scientific Fraud, Further Investigation May Uncover More Serious Charges**

- You can't find what you don't seek. I'm looking for a response to my complaint.
- ATSDR Chief Science Officer Dixie E. Snider, Jr., M.D., M.P.H. admits in the response that ATSDR is a partner involved with State of Illinois agencies and USEPA by way of the evaluations of these public beaches contaminated with tremolite and other toxic microscopic asbestos fibers.
- ATSDR Chief Science Officer Dixie E. Snider, Jr.'s deceptive and misleading December 6, 2005 non-response to my complaint confirms that ATSDR and CDC are now minimally guilty of acting as a facilitator for the apparent scientific fraud perpetrated by their Illinois "partners" secretive handling of asbestos contamination at Illinois Beach State Park.
- ATSDR Chief Science Officer Dixie E. Snider, Jr.'s irresponsible and unscientific response to my complaint request has disparaged the integrity and ethics of the Department of Health and Human Services, CDC and ATSDR, leading to an erosion of confidence by the public. The failure to protect adults and children who visit Illinois beaches by not warning them that they were unwittingly exposed to tremolite and other toxic microscopic asbestos fibers is unconscionable. Your scientists knew that tremolite was on the beaches. What excuse did they have to look the other way?
- The December 6, 2005 ATSDR response, blindly signed off by ATSDR Chief Science Officer Dixie E. Snider, Jr., M.D., M.P.H., will be independently investigated. I will leave it to others to determine of what else you may be guilty.

### **Deceptive and Misleading Stall Tactics Must End, ATSDR Must Answer Request or Produce Valid PHA**

Summarizing the deceptive and misleading stall tactics perpetrated by ATSDR in their December 6, 2005 response is quite easy. I justified to ATSDR in my July, 2005 complaint that a disclaimer was now necessary for the outdated, non-valid 2000 PHA at Illinois Beach State Park. Nearly five months later ATSDR responded by not answering my request for correction. Instead, ATSDR fraudulently played a

shell game with pseudo-science in support of their shameful response. The major fraudulent themes found in the December 6, 2005 response are as follows:

- ATSDR agrees with my finding but avoids a proper answer to my request by citing a second invalid document: the flawed, non-peer reviewed June, 2005 UIC interim report.
- ATSDR mischaracterizes this second flawed report as containing support for the 2000 PHA.
- ATSDR must decide which of the two documents actually defends their position to allow the public to access a shoreline contaminated with known elevated levels of tremolite asbestos fibers.
  - The challenged 2000 PHA can't be used because the document methodologies are outdated.
  - The June 2005 UIC interim report can't be used because ATSDR will not peer review it.

I have openly challenged and successfully invalidated the 2000 PHA for Illinois Beach State Park. When can I do the same to the secretly prepared, UIC 2005 interim report that you so frequently quote, but refuse to openly, and transparently peer review? What is the UIC interim report anyway? Is it a flawed risk screen or an ATSDR certified PHA? I do know it should not be used as a defense for the 2000 PHA.

### **Public Demands the Proper Use of Science, Not Science Fiction When Evaluating Public Health Hazards**

ATSDR is, and has been, covering up for years of inappropriate behavior by their Illinois "partners" who have contributed to the presence of asbestos contamination at Illinois Beach State Park. I uncovered the State of Illinois' involvement in creating asbestos hazards on the Illinois Lake Michigan shoreline in my June 2003 "Camplin Report." Now this bungling cover-up plays like a classic horror movie. Just like Dr. Frankenstein, ATSDR Chief Science Officer Dixie E. Snider, Jr., M.D., M.P.H., attempts to revive the dead 2000 PHA by creating the December 6, 2005 response document made up of bits and pieces of data dug up from other non-applicable sources. Let me give you a little allegory about how this behavior will appear to the average citizen who has taken their children to these beaches for years when the real truth of the inactions of the government agencies they believe are protecting them is exposed. Just like Dr. Frankenstein, this creation constructed out of flawed science went out of control, causing harm to the millions of unaware villagers along the Illinois Lake Michigan shoreline. Now this victimized public has found a weakness in the 2000 PHA monster you have created. We have hunted it down and destroyed it. I consider the flawed July 2005 UIC Interim report touted in your December 6, 2005 response to be the Bride of Frankenstein, invented as a partner for supporting the publicly scorned 2000 PHA. Remember how the bride reacted when it was forced to support the monster? The bride screamed and ran away. They will then march towards your castle looking for the mad scientists who created and supported this public health monstrosity.

Your flawed 2005 UIC interim report cannot run away. As with the 2000 PHA, the flawed June, 2005 UIC interim report and its "partners" will also be publicly tracked down and exposed. Allegories aside, there must be accountability for the actions of ATSDR and its Illinois "partners."

### **Public Deserves Quick Response, Actions Urgently Needed for Apparent Public Health Emergency Along Illinois' Lake Michigan Shoreline From Virulent Tremolite and Other Toxic Microscopic Asbestos Fibers**

As a private citizen and a safety, health, and environmental professional with expertise in asbestos, I expect a timelier and more prompt response to my original complaint, my unanswered requests for correction, and my appeal. Time is of the essence for millions of people who use the Illinois Lake Michigan beach and shoreline and drink its water. The dishonorable delaying tactics put forth in your response must cease. Your lack of a response to my complaint request must be corrected without delay. Millions of Illinois citizens and visitors have been unknowingly exposed to the now apparent, undefined risks from tremolite and other microscopic toxic asbestos fibers on our Lake Michigan shoreline.

I echo the words of HHS Secretary Leavitt as stated in his January 19, 2005 confirmation speech, “*I expect the Department of Health and Human Services to achieve our nation's noblest human aspirations for safety, compassion, and trust.*” The public also deserves a proper response to my request for correction made in the original July 20, 2005 complaint, as well as the serious charges brought forth in this appeal. Aside from my own initiatives, I also request and expect you to carry out a thorough and professional review of the apparent multifaceted misconduct of the responsible parties at HHS Agencies including ATSDR, CDC, and their Illinois partners.

Cordially,

## **Private Citizen**

c: **Michael O. Leavitt, Secretary of the U.S. Department of Health and Human Services**  
**Julie L. Gerberding, MD, MPH, CDC Director and ATSDR Administrator**  
**Howard Frumkin, MD, DrPH, ATSDR Director**  
**Dixie E. Snider, Jr., M.D., M.P.H., CDC/ATSDR Chief Science Officer**  
**Drue Barrett, PhD, Acting Associate Director, ATSDR Office of Science**