

ILLINOIS POLLUTION CONTROL BOARD

June 5, 1997

BERNICE LOSCHEN,)	
)	
Complainant,)	
)	PCB 97-174
v.)	(Enforcement - Citizens)
)	
GRIST MILL CONFECTIONS, INC.,)	
)	
Respondent.)	

DISSENTING OPINION (by J. Theodore Meyer):

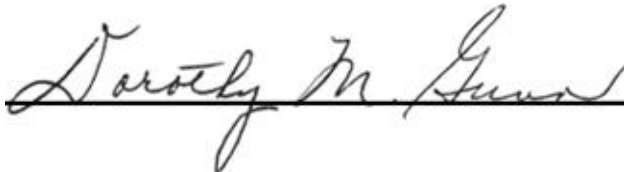
I dissent from the majority opinion because this matter should be dismissed as frivolous. As the majority indicated, the Board cannot grant the relief complainant is requesting in her complaint, i.e., ordering respondent to purchase purifiers for complainant's use or to compensate complainant so that she may purchase another home at a different location. In addition, I believe that the Board cannot consider this complaint because the reactions of a person suffering from Multiple Chemical Sensitivity are not those of the reasonable person. The law judges an interference such as the one complained of in this matter by the reasonable person standard, not the hyper-sensitive person standard.

For these reasons, I respectfully dissent.



J. Theodore Meyer

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above dissenting opinion was filed on the 13th day of June, 1997.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board