

ILLINOIS POLLUTION CONTROL BOARD
March 6, 1975

MORTELL COMPANY,)
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 Petitioner,)
)
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 v.) PCB 74-416
)
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
)
 Respondent.)
)

DISSENTING OPINION (by Mr. Dumelle):

My reason for dissenting in this case is the wholly unjustified delay in accomplishing control of a dangerous substance.

The asbestos control regulation (R71-16) was adopted by this Board on January 6, 1972 after being published on June 14, 1971. Thus almost four years ago the Mortell Company was on notice of a pending proceeding and then had more than three years after enactment in which to comply.

The latency period for illness and death induced by asbestos inhalation is up to 40 years (R. 71-16 Board Opinion, 3 PCB 442).

The Board Opinion in R71-16 summarizes the dangers of asbestos as follows:

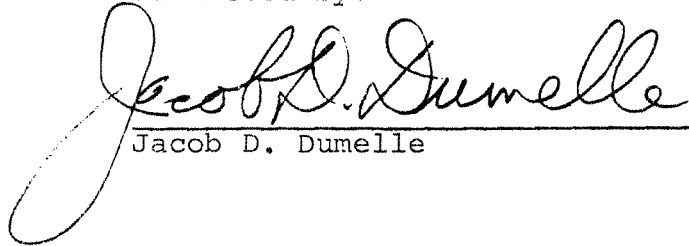
The onset of morbidity and lethal diseases have been attributed to asbestos inhalation and ingestion. Asbestosis, pleural calcification, lung cancer, and mesotheliomas are known to result from exposure to asbestos. Surveys of people living or working near asbestos mines and factories have revealed that many nonoccupational cases of asbestosis and mesothelioma have occurred either from asbestos in the polluted air or from asbestos carried home on the clothing of workers. (R71-16 Opinion, 3 PCB 441)

The Mortell Company emissions are grossly beyond the limit of 2 fibers per cubic centimeter of air set by Rule 651. Measured emissions in one test were 142.7 times the standard and in another test were "too many fibers to count"!

The nearest residence is only 100 feet from the exhaust of the Mortell Company. Damage to the health of these close-in residents by the plant's emissions may have already occurred in an irreversible fashion.


I fully agree with the Environmental Protection Agency that the variance should be denied. Delay in abating a proven health hazard should not receive from the Board a shield from enforcement.

Submitted by:



Jacob D. Dumelle

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Dissenting Opinion was submitted on the 13th day of March, 1975.



Christan L. Moffett, Clerk
Illinois Pollution Control Board