From: George Mulligan <georgeemcom@yahoo.com>

Sent: Wednesday, July 06, 2016 9:56 PM

To: margaret.harvey@ct.gov; DiLorenzo, James; Murphy, Jim; Charlie Perez; Tom Smith; Paul

Rohaly; Ron Mazz; Tina Manus; Scott & Dana Farrington-Posner; Henry Bruce; Jezebel

Bloghost

Subject: Re: EPA record email # 3 > MEG - Please reply > I SEEK Health information about

RAYMARK

Attachments: Elements of Circumstantial Evidence and Ethics Code for ALL Government Service.docx

Meg,

Has the CT HEALTH Department used these method to identify relationship between Stratford CANCERS / DISEASE and RAYMARK? YES or NO?

If NOT, why NOT?

If NOT, when shall these methods be employed?

I'm including attachments for SOME ELEMENTS of CIRCUMSTANCIAL EVIDENCE and these emails to EPA RAYMARK PROJECT MANAGER James DiLorenzo are to be entered as part of the official record for comments for their proposed RAYMARK CLEAN UP, which we ALL want to minimize HEALTH and SAFETY ISSUES.

Please reply. Thank you.

Epidemiologists' possible way to pin these high cancer rates definitively on Raymark:

- **1 backward induction =** is the process of reasoning backwards in time, from the end of a problem or situation, to determine a sequence of optimal actions. It proceeds by first considering the last time a decision might be made and choosing what to do in any situation at that time.
- **2 pattern analysis =** The phase of pattern recognition that consists of using whatever is known about the problem at hand to guide the gathering of data about the patterns and pattern classes, and then applying techniques of data analysis to help uncover the structure present in the data.

3 - elements of circumstantial evidence =

Circumstantial evidence is <u>evidence</u> that relies on an <u>inference</u> to connect it to a conclusion of fact—like a fingerprint at the scene of a crime. By contrast, <u>direct evidence</u> supports the truth of an assertion directly—i.e., without need for any additional evidence or inference.

On its own, circumstantial evidence allows for more than one explanation. Different pieces of circumstantial evidence may be required, so that each <u>corroborates</u> the conclusions drawn from the others. Together, they may more strongly support one particular <u>inference</u> over another. An explanation involving circumstantial evidence becomes more likely once alternative explanations have been ruled out <u>[citation needed]</u>.

Circumstantial evidence allows a <u>trier of fact</u> to infer that a fact exists. [1] In criminal law, the inference is made by the trier of fact in order to support the truth of an assertion (of guilt or absence of guilt).

4 - Epidemiographical survey with comparative statistical analysis = *Epidemiography* designates a class of games played on directed graphs. - <u>treatise upon</u>, <u>or history of</u>, <u>epidemic diseases</u>. - 1. A descriptive treatise of epidemic diseases or of any particular epidemic.

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On Wednesday, July 6, 2016 1:26 PM, "Harvey, Margaret" < Margaret. Harvey@ct.gov> wrote:

Good afternoon George – thank you for identifying the broken link on the DPH website. I have put in a request to our webmaster to fix the link. Our webpage should link directly to the Stratford Health Department's "Raymark" page which has all of our health-related documents (under List of Health Studies). Until our link is fixed you can use the link below to access the documents.

http://www.townofstratford.com/Raymark

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From: George Mulligan [mailto:georgeemcom@yahoo.com]

Sent: Wednesday, July 06, 2016 12:59 PM

To: Harvey, Margaret; Jim Murphy; James DiLorenzo

Subject: EPA record email # 3 > MEG - Please reply > I SEEK Health information about RAYMARK

Meg

I SEEK Health information about RAYMARK

But researchers have identified at least one clear link between cancer and Raymark waste: bladder cancer.

The surge in bladder cancer in town over 33 years through 1991 is perhaps the most significant finding in 18 years of state-led health research at the Superfund site because it's the only high disease rate found concentrated among people living on or near Raymark dump sites. "It's really not possible to say for sure why there's a blip in bladder cancer," said Meg Harvey, an epidemiologist for the DPH. "But there is an association between bladder cancer and the waste." By contrast, elevated rates of mesothelioma during the same period were spread throughout the town population with no apparent link to Raymark dump sites, studies found.

A new study released by the state Friday (2011) shows that bladder cancer rates in town have not been elevated above the state rate since 1989.

State researchers currently have **no plans to conduct any new health studies or follow-ups related to the Raymark site.**

Since the 1980s, Meisenkothen's firm has represented 380 former Raymark employees, most of whom worked in the Stratford plant. Of these former employees, five developed mesothelioma, about

18 had cancer of the gastrointestinal tract, about 44 suffered from lung cancer, about 100 developed pleural plaques, which are localized scars in the chest cavity, and about 210 had asbestosis, he said. "Those are just the ones we know about," Meisenkothen said. "I'm sure a lot of people just got sick and died and never pursued legal action."

"I was told by another neighbor that the two dogs owned by the previous owners died of cancer and they used to play in Ferry Creek all the time. That kind of scared me a little bit," she said. "That's when the fence went up."

Many experts would discount the story of dogs dying of cancer from the creek as neighborhood lore. There is no way to conclusively prove -- or disprove -- Raymark waste as the cause of a specific case of cancer, either for humans or pets.

Yet perhaps the most enduring legacy of the town's asbestos plant is one that resonates even in the absence of proof: When someone here has cancer, there will always be a suspicion and a fear that Raymark is the culprit.

But when it comes to making legal claims, Meisenkothen, the New Haven lawyer specializing in asbestos litigation, said town residents who believe they have an illness caused by exposure to hazardous waste dumped by Raymark are generally out of luck.

There's just no way to prove it, he said.

But health experts say it's nearly impossible to pin these high cancer rates definitively on Raymark. The only indicator of a persistent community health problem caused by Raymark would be if the town's mesothelioma rates were high, said David Egilman, a health policy professor at Brown University. Mesothelioma is a rare cancer of the tissue surrounding the heart, lungs and other internal organs caused only by asbestos exposure.

The Tumor Registry counts 16 mesothelioma diagnoses among Stratford residents from 1958 and 1991 -- when the town had the highest incidence rate in the state -- and two dozen between 1973 and 2008.

The rates have since tapered. The rate of mesothelioma in Stratford from 2004 to 2008 -- there were four diagnoses -- is on par with the state rate, according to the Tumor Registry.

Epidemiologists' possible way to pin these high cancer rates definitively on Raymark:

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3 - elements of circumstantial evidence =

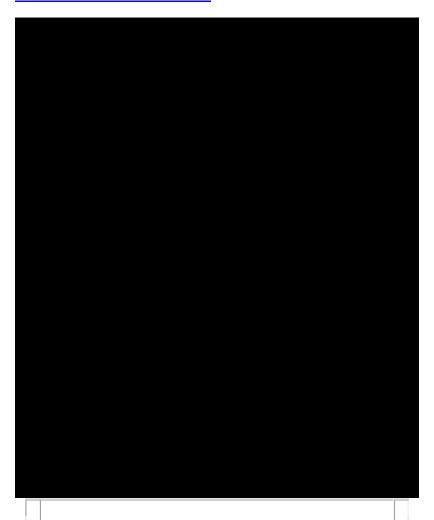
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DPH: Environmental Health



DPH: Environmental Health

By Department of Public Health Asbestos Program, Asbestos in Schools, Asbestos Consultants and Contractors Lists, Contact Information, Educatio...

< Site Documents by Town

http://www.atsdr.cdc.gov/HAC/pha/ContractPlatingSoilEvaluatioinCT/ContractPlatingHC111506.pdf < CONTRACT PLATING

http://www.ct.gov/dph/lib/dph/environmental_health/eoha/atsdr/stratfordarmyenginehc.pdf < AVCO SAEP

RAYMARK HEALTH ISSUES - NOT FOUND

Health Questions (860) 509-7740 Information about specific hazardous waste sites (CT DEP) (860) 424-3705 <>

http://www.ct.gov/dph/lib/dph/environmental_health/eoha/pdf/cancer_clusters_information_sheet.pdf

< CANCER CLUSTERS

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Elements of Circumstantial Evidence:

actus reus non facit reum nisi mens sit rea, which means

"the act is not culpable unless the mind is guilty".

* Jurisdiction; * law violation;

* Liability and strict Liability;

- * Animus (motive);
- * Mens Rea (Mental state = guilty mind);
- * Actus reus = (guilty act)

- * Chronology time line = Timing;
- * Ability = position to create crime(s);
- * Foreknowledge which can lead to planning;
- * Premeditation means it was an intentional act to commit a crime;
- * Causation = causal relationship between conduct and result;
- * Complicit in a crime if he is aware of its occurrence has the ability to report the crime, but fails to do so;
- * Misprision of felony US Code Whoever, having knowledge of the actual commission of a felony cognizable by

a court of the United States, conceals and does not as soon as possible make known the same to some judge or

other person in civil or military authority under the United States code Title 18 s 4

- * High crimes and misdemeanors: covers allegations of misconduct peculiar to officials, such as: perjury of oath, abuse of authority, bribery, intimidation, misuse of assets, failure to supervise, dereliction of duty, conduct unbecoming, and refusal to obey a lawful order.
- * Offenses by officials also include **ordinary crimes**, but perhaps with **different standards of proof and** punishment than for non-officials, on the grounds that more is expected of officials by their oath of office
 - Criminal Negligence:
 - * inchoate offense, inchoate offence, preliminary crime, or inchoate crime

is a crime of preparing for or seeking to commit another crime.

- > The most common example of an inchoate offense is " attempt."
- ~ "Inchoate offense" has been defined as: "Conduct deemed criminal without actual harm being done,

provided that the harm that would have occurred

is one the law tries to prevent."

* 1958 CODE of ETHICS for ALL GOVERNMENT SERVICE

Code of Ethics for U.S. Government Service

Adopted July 11, 1958

CODE OF ETHICS FOR GOVERNMENT SERVICE

Any person in Government service should:

- 1. Put **loyalty** to the **highest moral principals** and **to country** above **loyalty to Government persons, party, or department.**
- 2. Uphold the Constitution, laws, and legal regulations of the United States and of all governments therein and never be a party to their evasion.
- 3. Give a full day's labor for a full day's pay; giving to the performance of his duties his **earnest effort and best thought.**
- 4. Seek to find and employ more efficient and economical ways of getting tasks accomplished.
- 5. Never discriminate unfairly by the dispensing of **special favors or privileges to anyone**, whether for remuneration or not; and never accept for himself or his family, favors or benefits under circumstances which might be **construed by reasonable persons** as influencing the performance of his governmental duties.

- 6. Make no private promises of any kind binding upon the duties of office, since a *Government employee has no private word which can be binding on public duty*.
- 7. Engage in no business with the Government, either directly or indirectly which is inconsistent with the conscientious performance of his governmental duties.
- 8. Never use any information coming to him confidentially in the performance of governmental duties as a means for making private profit.
- 9. Expose **corruption** wherever discovered.
- 10. Uphold these principles, ever conscious that **public office is a public trust**.

[Source: *U.S. House of Representatives Ethics Committee*]

Coincidences, correlation, and causation.:

FDR: In politics, there are no such things as coincidences.