

ARTICLES FOR 6-15-17 ROUNDUP

TASK FORCE WANTS THE DOPE ON OPIOIDS

By: Sarah Terry-Cobo The Journal Record

OKLAHOMA CITY – Mike Hunter needs both carrots and sticks to fight a dangerous drug problem.

The Oklahoma attorney general said he's working to get the right people at the table to holistically address the opioid addiction epidemic the state is facing, as part of a task force dedicated to preventing and treating substance abuse. He will also need consensus and eventually will need money from the Legislature.

It's important to tackle both demand and supply in order to combat widespread opioid abuse and reduce drug-related deaths, Hunter said. Representatives from several health care segments said they're ready to provide guidance and input to Hunter and his staff.

First he's looking at supply. He'll gather data from the state mental health agency and from the narcotics control agency on how much of the drugs are obtained legally from prescriptions and how much comes from black market sources. He's also seeking recommendations from physicians and pharmacists on how to monitor and to control legal supply.

Hunter said he needs to hear from substance abuse treatment specialists on how to best treat people suffering from addiction. First-person accounts of people who were formerly addicted is an important puzzle piece, too.

Robert Hicks' staff is on the front line. He's the CEO of New Hope Recovery Center, an in-patient alcohol and drug treatment center in Sayre. Residents must first hit rock bottom and be motivated to change; otherwise, they're likely to go back to old habits when they complete the 42-day program.

Many need psychiatric treatment. Once they're stabilized, they can concentrate on creating healthy coping mechanisms and learn how to deal with triggers that lead to self-medicating. The majority of female patients also receive trauma treatment and grief counseling.

But there could be 300,000 or more Oklahomans who have brain illnesses and substance abuse issues, Hicks said. National data suggests about one in 10 people are afflicted with both.

Hunter said more inpatient drug centers are necessary, but it could take nearly a decade to get enough money to establish enough beds to meet demand. The commission needs to consider empirical data as it develops a model to fund rehab programs, he said.

Dr. Kevin Taubman said continued education for physicians is an important part of the solution. A surgeon and president of the Oklahoma State Medical Association, Taubman said university

professors are readjusting their approach to treating patients who might meet criteria for chronic pain conditions.

“We have to learn more and understand better the biology of the patient with chronic pain before they get their medicine, so we can see those that could be at risk for addiction,” he said.

Changes requiring mandatory checks into Oklahoma’s prescription monitoring program helped doctors in recent years learn a patient’s prescription history. And though the state’s program was recently expanded to connect with dozens of other states, not all participate.

“We need to insist the databases are nationwide,” Taubman said. “Some border states don’t share (data) with us.”

Debra Billingsley said the Oklahoma Pharmacists Association supports improvements to the prescription monitoring program. Her members tell her they want to be involved in Hunter’s task force. Pharmacists can teach first-time opioid recipients how to take their medicines properly, as well as how to safely store those drugs and how to properly destroy them once they’re no longer needed.

Billingsley said it is important that health care workers can get anonymous data to identify possible trends. That would help combat the problem.

“Then you could focus on which drugs were the number one and what’s different in one part of the state versus another,” she said.

Hunter said he’s looking at other states that have stricter requirements for prescription monitoring programs and is considering recommending stricter controls.

Mark Woodward said his agency welcomes recommendations on how to improve the prescription database. The spokesman for the Oklahoma Bureau of Narcotics and Dangerous Drugs Control said it’s important to offer treatment for people who commit addiction-based crimes. But law enforcement should be tough on people who sell drugs for profit.

Hunter said law enforcement agencies will play a crucial role in addressing illegal supplies, including combating Mexican cartels bringing heroin into the state.

“My approach to that will be a concerted, collaborative way to develop a well-organized state and federal approach on the law enforcement side,” Hunter said.

Fighting opioid abuse is critical to help reduce the strain on the criminal justice system, to help people get the treatment they need and help families who are affected. Hunter coached boys’ football when he lived in northern Virginia, and said he saw players who were hurt on the field and received a prescription painkiller, but later became addicted. Their lives were destroyed.

“That is what motivates me, seeing this firsthand, how this can impact a little boy and his parents,” Hunter said. “It’s horrific, the toll is not only on the person but the family.”

MONTANA DEPARTMENT OF JUSTICE LAUNCHES WEBPAGE TO ASSIST WITH MARSY'S LAW COMPLIANCE

The Montana Department of Justice announced Tuesday a new webpage to assist local law enforcement and county prosecutors with Marsy's Law implementation and compliance, as well as provide victims and victim advocates with information and resources about the new law.

"Our Marsy's Law webpage is a one-stop shop for victims, victim advocates, law enforcement, prosecutors and anyone else interested in how the law works," said Montana Attorney General Tim Fox. "We want to assist local law enforcement and prosecutors with Mary's Law implementation to the best of our ability, and this webpage will be a fantastic resource to better ensure compliance."

The webpage is one of multiple efforts by the attorney general's office to assist with compliance. Other efforts included facilitating legislative efforts (HB600), training at the Montana Law Enforcement Academy, and speaking engagements to educate and raise awareness.

The webpage includes:

A model "Marsy's Card" that law enforcement and prosecutors can provide to victims. The card includes: The nineteen rights amended into Montana's Constitution through CI-116 (required to be on the card); contact information for the responding law enforcement agency; contact information for the victim; and victim advocacy resource information;

Maps that provide locations and contact information for country prosecutors, law enforcement agencies, county courts, and victim advocacy and resource centers across Montana.

In addition to assisting with Marsy's Law implementation, the new webpage also fulfills requirements that certain information be made available.

Article II Section 36 sub (1)

(r) to be informed of the above rights and to be informed that the victim may seek the advice and assistance of an attorney with respect to the above rights. This information must be made available to the general public and provided to all crime victims on what is referred to as a Marsy's card.

HB 600 (Rep. Frank Garner), passed by the 2017 Montana Legislature, directed the attorney general's office to develop a model Marsy's Card, and make the card available to local law enforcement and prosecutors. The card serves as an example, providing general guidance to law enforcement and prosecutors as they develop a card for their own jurisdiction.

You can view the webpage at: <https://dojmt.gov/marsys-law/>

About Marsy's Law

Constitutional Initiative 116 (CI-116) also known as “Marsy’s Law” was passed by Montana voters in 2016. The initiative amended Article II, Section 36 of Montana’s Constitution to include nineteen constitutional rights, that make up a “victims’ bill of rights.”

MEANINGFUL LEGISLATION PROPOSED BY AG COFFMAN WILL NOW IMPROVE PREVENTION STRATEGIES TO ADVANCE DOMESTIC VIOLENCE RESPONSE AND INTERVENTION

DENVER- Today Attorney General Cynthia H. Coffman joined survivors and advocates at the signing of SB17-126, which will create a statewide domestic violence fatality review board to examine cases of domestic violence in Colorado that resulted in one or more fatalities. The goal of the domestic violence fatality review process is to learn from tragedy by looking at the complex dynamics when a fatality occurs in order to determine how to prevent future tragedies of intimate partner violence. The findings can be integrated into training for professionals, utilized to improve intervention efforts, and to help determine what revised policies may be needed across the state.

The board will evaluate all the circumstances surrounding a death including what was happening in the home, in school, and at work, as well as any contact with law enforcement, the judicial system, advocates, mental health treatment, or any other potential point of intervention.

The members of the board will represent a wide cross-section of Colorado including: domestic violence survivors; social service providers; healthcare and medical representatives; government entities; and law enforcement.

“Colorado is blessed to have incredible community leaders who work tirelessly to prevent the scourge of domestic violence and sexual assault in our state,” said Attorney General Coffman. “As government representatives, domestic violence advocates and citizens, we must always be asking ourselves what we can do better. I believe that by working collaboratively with a diverse group from across our state, the review board will help us better understand the root causes of domestic violence in our communities, and help prevent these unthinkable tragedies from happening in the future.”

The Denver Metro Domestic Violence Fatality Review Committee has been in existence since 1995, but until now there has not been a state-level review board.

“Since 2008 we have lost at least 330 lives to domestic violence in Colorado,” said Dora Lee Larson Co-Chair of the Denver Metro Domestic Violence Fatality Review Committee. “The creation of this statewide review board is critically important, and represents years of work that has been done by the metro review committee as well as other domestic violence prevention advocates. I am hopeful that communities around the state will use this opportunity to form their own local review teams which will greatly help to inform the work of the statewide board.”

In July of 2015, Attorney General Coffman held the first of several domestic violence and sexual assault prevention convenings with representatives from 25 different advocacy and service organizations including, state and local government and non-profit organizations, with a goal to collaboratively evaluate what Colorado could be doing to better prevent and respond to domestic

violence and sexual assault in our communities. Today's signing of SB17-126 is a direct result of their work and the recommendations they made.

SB17-126 was sponsored by Senator Bob Gardner, Senator Lucia Guzman, Representative Yeulin Willett and Representative Millie Hamner.

AG ROSENBLUM'S PUBLIC RECORDS BILL PASSES OUT OF OREGON HOUSE; MOVES TO GOVERNOR'S DESK

The Oregon House today unanimously passed the Attorney General's public record reform legislation, Senate Bill 481. The bill will now move to the Governor's desk.

"When it comes to public records requests, Oregonians are entitled to both transparency and timeliness. I am proud to have spearheaded the most significant reform to our public records law in over 40 years," said Attorney General Rosenblum. "When the Governor signs this bill into law, for the first time ever there will be deadlines by which records requests must be acknowledged and records turned over by public agencies--or an explanation must be given for any delay. My office will be charged with cataloguing all exemptions that are spread out throughout the Oregon statutes. I'd like to thank all of our legislative sponsors for their support championing these important changes."

Under SB 481:

Public bodies will be required to acknowledge receipt of public records requests within five business days, and will then have no more than 10 business days from acknowledgment to either to fully respond to the request or to provide a written statement explaining when the request will be fulfilled.

The Attorney General's office will be tasked with cataloguing all 500-plus public record exemptions spread throughout the Oregon statutes.

Several other related bills are still under consideration. One, SB 106, introduced by Governor Brown, would create a public records advocate to educate and facilitate resolutions of requests. Another, HB 2101, introduced by Representative Huffman, would create a new committee to focus on addressing exemptions and would require transparency impact statements.

Senate Bill 481 is the result of the work by the Attorney General's Public Records Law Reform Task Force. The task force was formed in September 2015 as a way to promote greater transparency in government. Its purpose is to review and recommend specific improvements to Oregon's public records laws.

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AG MARSHALL ANNOUNCES PRISON SENTENCES FOR CORRUPT FORMER EMPLOYEES OF THE GENERAL CONTRACTORS LICENSURE BOARD ON FELONY ETHICS VIOLATIONS

(MONTGOMERY)—Attorney General Steve Marshall today announced that two former employees of the Alabama Licensing Board for General Contractors (GC Board) each has been sentenced to serve three years in prison for ethics violations and criminal possession of forged instruments.

Nancy C. Saffo, 52, of Pike Road, and Christy Easterling, 48, of Prattville, each pleaded guilty in December of 2016 in Montgomery County Circuit Court to one count of intentionally using her official position for personal gain, a class B felony, and one count of criminal possession of a forged instrument in the second degree, a class C felony.

Saffo was sentenced this morning and Easterling was sentenced yesterday. In addition to their prison sentences, Saffo was ordered to pay a \$45,000 fine as well as \$20,000 for Crime Victims Compensation, and Easterling was ordered to pay a \$35,000 fine.

“The people of Alabama deserve honest services from their State government. These defendants breached the public’s trust and have now been held to account through the hard work of my Special Prosecution Division,” said Attorney General Marshall. “The court’s imposition of a prison sentence sends a strong message that violations of the Alabama Ethics Act will not be tolerated.”

The GC Board protects the safety and welfare of all Alabamians by insuring that general contractors who perform large projects such as schools, hotels, and highways, meet minimum technical and financial standards. Those who cannot pass the required competency test, or who do not have the financial ability to reliably engage in large construction projects, are not issued a license.

After receiving information that some individuals had received a GC license through corruption, despite failing to meet the minimum standards, the Special Prosecutions Division (SPD) of the Attorney General's office initiated an investigation.

After a thorough investigation, the SPD determined that on multiple occasions, defendants Easterling and Saffo, who were licensing specialists at the GC Board, issued licenses to applicants who were unqualified in exchange for money. To execute the scheme, the defendants attached forged documents to the applications of the unqualified recipients. Over the course of the scheme, defendant Easterling received approximately \$32,000 and defendant Saffo received over \$60,000. The payments were made in cash and by checks that were deposited into the defendants’ personal bank accounts.

The SPD presented evidence of these crimes to a Montgomery County grand jury in July of 2016, and the defendants were indicted on multiple ethics and forgery charges. On December 8, 2016, defendants Easterling and Saffo both pleaded guilty in a Montgomery County Circuit Court to one felony count of use of official position for personal gain and one felony count of criminal possession of a forged instrument in the second degree.

Attorney General Marshall praised those involved in bringing this case to a successful conclusion, noting in particular Assistant Attorney General Katie Langer and Special Agents of his Special Prosecutions Division. He also thanked the Alabama GC Board for its cooperation in the investigation.

SCHUETTE CHARGES MDHHS DIRECTOR LYON, FOUR OTHERS WITH INVOLUNTARY MANSLAUGHTER IN FLINT WATER CRISIS

Contact: Andrea Bitely, Megan Hawthorne; (517) 373-8060

FLINT – Michigan Attorney General Bill Schuette today announced that he has charged Michigan Department of Health and Human Services Director Nick Lyon, former Flint Emergency Manager Darnell Earley, former City of Flint Water Department Manager Howard Croft, as well as Michigan Department of Environmental Quality’s Drinking Water Chief Liane Shekter-Smith and Water Supervisor Stephen Busch with involuntary manslaughter related to their alleged failure to act in the Flint Water Crisis.

Involuntary manslaughter is punishable by up to 15 years in prison, and/or a \$7,500 fine.

In addition to the involuntary manslaughter charges, Schuette also charged Lyon with Misconduct in Office, a felony, subject to 5 years in prison and/or a \$10,000 fine.

MDHHS Chief Medical Executive Eden Wells has also been charged with lying to a peace officer and obstruction of justice related to an alleged attempt to stop an investigation into the health crisis in Flint and later misleading investigators as to her actions.

Schuette was joined at the announcement by Genesee County Prosecutor David Leyton, Flint Water Investigation Special Prosecutor Todd Flood, and Chief Investigator Andrew Arena.

INVESTIGATION INTERIM REPORT

With more than a dozen people now having been charged, and pre-trial hearings and other legal proceedings occurring, Schuette released the initial results of the more than yearlong investigation. Included in the report is a comprehensive look at today’s and past charges made, as well as a review of the facts and evidence in the case.

DEFENDANTS

Multiple Flint-area residents died of Legionnaires’ disease in the time immediately following the switch from Detroit Water and Sewer Department to the Flint River. All defendants charged with involuntary manslaughter are charged in relation to the death of Robert Skidmore, 85, of Mt. Morris, Michigan. Skidmore died of Legionnaires’ disease after many others had been diagnosed with the illness, yet no public outbreak notice had been issued. The charges allege failure to notify and lack of action to stop the outbreak allowed the disease to continue its spread through Flint’s water system.

NICK LYON

As the Director of the Michigan Department of Health and Human Services, a position whose duties are outlined in the Michigan Constitution, Lyon has a duty to protect public health. The investigation has shown that Lyon allegedly received notice of a deadly Legionnaires' Disease outbreak in Genesee County nearly one year before he informed the public. After being informed about a potentially fatal health risk, Lyon allegedly deliberately failed to inform the public of a deadly Legionnaires' Disease outbreak, which resulted in the death of Robert Skidmore. Furthermore, Lyon allegedly participated in covering up the source of Genesee County's Legionnaires' Disease outbreak by repeatedly attempting to prevent an independent researcher from looking into the cause of the outbreak.

Charges:

COUNT 1 – HOMICIDE – MANSLAUGHTER – INVOLUNTARY Did cause the death of Robert Skidmore on December 13, 2015, by failing to alert the public about a Legionnaires' Disease outbreak in Flint, Michigan when he had notice that another outbreak would occur; contrary to MCL 750.321. [750.321-C] **FELONY:** 15 Years and/or \$7,500.00. DNA to be taken upon arrest.

COUNT 2 – MISCONDUCT IN OFFICE Did between February 2015 and May 2017, commit misconduct in office, an indictable offense at common law, in violation of his duty to protect the health of the citizens of the County of Genesee, State of Michigan and to protect the public health enjoined upon him by the Michigan Public Health Code, MCL 333.5111(1); MCL 333.5111(2)(f); MCL 333.2251(1); MCL 333.2251(3); and MCL 333.20531 and the Critical Health Problems Reporting Act; contrary to MCL 750.505. [750.505] **FELONY:** 5 Years and/or \$10,000.00.

EDEN WELLS

As the Chief Medical Executive of the Michigan Department of Health and Human Services, Dr. Eden Wells has a responsibility to protect the health and welfare of Michigan residents. During the course of the investigation of the Flint Water Crisis, it is alleged that Wells attempted to withhold funding for programs designed to help the victims of the crisis, and then lied to an investigator about material facts related to the investigation.

Charges:

COUNT 1 – OBSTRUCTION OF JUSTICE Did commit the common law offense of obstruction of justice by knowingly providing false testimony to a Special Agent and by threatening to withhold funding for the Flint Area Community Health and Environment Partnership if the partnership did not cease its investigation into the source of the Legionnaires' Disease outbreak in Flint, Michigan; contrary to MCL 750.505. **FELONY:** 5 Years or \$10,000. DNA to be taken upon arrest.

COUNT 2 – LYING TO A PEACE OFFICER – 4 YEAR OR MORE CRIME INVESTIGATION After being informed by Special Counsel Todd Flood, in the presence of Special Agent Arthur Wimmer, that they were conducting a criminal investigation, did knowingly and willfully make a statement or statements to the officer that he or she knew was false or misleading regarding the following material fact or facts relating to the investigation: the date she knew of the Legionnaires' Disease outbreak in Flint, Michigan, and the officer was conducting a criminal investigation

regarding involuntary manslaughter; contrary to MCL 750.479c(2)(c). [750.470C2C]. HIGH COURT MISDEMEANOR: 2 Years and/or \$5,000.00.

STEPHEN BUSCH

Stephen Busch served as the Michigan Department of Environmental Quality District 8 Water Supervisor, a position which would have allowed him to order the Flint Water Treatment Plant be shut down because it was not producing safe water. In January of 2015, Busch was made aware of the Legionnaires' Disease outbreak, yet he allegedly represented to the public that Flint's drinking water was safe.

Busch was previously charged with felony Misconduct in Office, Tampering with Evidence, Conspiracy to Tamper with Evidence, and two misdemeanor counts for both a treatment and monitoring violation of the Michigan Safe Water Drinking Act.

Charges:

COUNT 1 – HOMICIDE – MANSLAUGHTER – INVOLUNTARY Did cause the death of Robert Skidmore on December 13, 2015, by failing to alert the public about a Legionnaires' Disease outbreak in Flint, Michigan when he had notice that another outbreak would occur; contrary to MCL 750.321. [750.321-C] FELONY: 15 Years and/or \$7,500.00. DNA to be taken upon arrest.

LIANE SHEKTER-SMITH

As the Chief of the Office of Drinking Water and Municipal Assistance at the Department of Environmental Quality, Shekter-Smith had the ability to order the Flint Water Treatment Plant shut down for failure to produce safe water.

Shekter-Smith was previously charged with a felony of Misconduct in Office and a misdemeanor charge of Willful Neglect of Duty.

Charges:

COUNT 1 – HOMICIDE – MANSLAUGHTER – INVOLUNTARY Did cause the death of Robert Skidmore on December 13, 2015, by failing to alert the public about a Legionnaires' Disease outbreak in Flint, Michigan when he had notice that another outbreak would occur; contrary to MCL 750.321. [750.321-C] FELONY: 15 Years and/or \$7,500.00. DNA to be taken upon arrest.

HOWARD CROFT

As Director of Public Works for the City of Flint, Croft had the ability to mandate changes to the treatment processes at the WTP to ensure proper disinfection was occurring, or switch back to DWSD. Mike Glasgow, former Flint Water Treatment Plant Operator, was allegedly pressured by Croft to start using the Flint Water Treatment Plant. Croft's alleged failure to treat the water properly contributed to the bacterial outbreaks found in Flint, including the legionella in the spring of 2015.

Croft was previously charged with felony False Pretenses and Conspiracy to Commit False Pretenses.

Charges:

COUNT 1 – HOMICIDE – MANSLAUGHTER – INVOLUNTARY Did cause the death of Robert Skidmore on December 13, 2015, by failing to alert the public about a Legionnaires' Disease outbreak in Flint, Michigan when he had notice that another outbreak would occur; contrary to MCL 750.321. [750.321-C] FELONY: 15 Years and/or \$7,500.00. DNA to be taken upon arrest.

DARNELL EARLEY

As an appointed Emergency Manager for the City of Flint, Earley was tasked with ensuring the health and welfare of the City. During his terms as Emergency Manager, Earley contributed to the decisions that allegedly caused the death of Robert Skidmore by keeping the City on the water source even as it became obvious the source should be switched back to Detroit Water & Sewer.

Earley was previously charged with felony False Pretenses, Conspiracy to Commit False Pretenses, Misconduct in Office and a misdemeanor charge of Willful Neglect of Duty.

Charges:

COUNT 1 – HOMICIDE – MANSLAUGHTER – INVOLUNTARY Did cause the death of Robert Skidmore on December 13, 2015, by failing to alert the public about a Legionnaires' Disease outbreak in Flint, Michigan when he had notice that another outbreak would occur; contrary to MCL 750.321. [750.321-C] FELONY: 15 Years and/or \$7,500.00. DNA to be taken upon arrest.

A criminal charge is merely an accusation and the defendants are presumed innocent until proven guilty.

ASBESTOS ABATEMENT COMPANY ORDERED TO STOP ILLEGAL WORK, CLEAN UP ASBESTOS AND HAZARDOUS WASTE IN HYDE PARK

AG's Office Previously Sued Company and Associate Alleging Illegal Asbestos Work at Eight Sites

BOSTON — A Boston-based asbestos abatement company and a man associated with the company have been ordered to secure and clean up a large amount of asbestos-contaminated waste material, waste oil, and other hazardous waste at its Hyde Park facility, Attorney General Maura Healey announced today.

The preliminary injunction, secured by the AG's Office in Suffolk Superior Court, orders Clean Air Environmental, Inc. and Neal Cass not to conduct any more asbestos abatement work, preventing them from storing additional illegal asbestos waste and stopping their ongoing pattern of illegal work.

"We allege that these defendants put the health of their workers and our residents at risk by conducting illegal abatement work and unsafely storing asbestos and hazardous waste," said AG

Healey. “We have laws in place to protect workers and the public from the serious risks of asbestos exposure, and those who violate these laws will be held accountable.”

“MassDEP will work to ensure the environmental laws of the Commonwealth not only protect residents and the environment, but also support the majority of registered and licensed environmental workers and businesses that do it right,” said Massachusetts Department of Environment Protection Commissioner Martin Suuberg. “MassDEP investigations play an important role in the state’s efforts to make sure that these protective regulations are followed by all.”

In June, the AG’s Office sued the defendants for allegedly performing unsafe, illegal asbestos work at a total of eight different locations in Boston, Quincy, Brighton, Charlestown, Cambridge, West Roxbury, and Brookline, including work on occupied homes and condominiums, on a school, and near a child care center, as well as in environmental justice neighborhoods.

The complaint further alleges that the defendants illegally stored waste from their asbestos work in ripped, unmarked, and unsecured bags that they packed in trucks, a van, and a trailer at their Hyde Park facility and stored asbestos, waste oil, and other hazardous waste unsafely in and around the building. The defendants also failed to document where they disposed of some of the illegally-stored asbestos waste and waste oil from their work.

The Court also imposed a \$50,000 attachment of Clean Air Environmental’s assets, in order to preserve the company’s ability to clean up the Hyde Park facility. If found liable, the defendants face civil penalties of up to \$25,000 per day for each violation of law.

Asbestos is a mineral fiber that is used in a wide variety of building materials, from roofing and flooring, to siding and wallboard, to caulking and insulation. If asbestos is improperly handled or maintained, fibers can be released into the air and inhaled, potentially resulting in life-threatening illnesses, including asbestosis, lung cancer, and mesothelioma. Asbestosis is a serious, progressive, long-term non-cancer disease of the lungs for which there is no known effective treatment. Mesothelioma is a rare form of cancer that is found in the thin membranes of the lung, chest, abdomen, and heart, that may not show up until many years after exposure, and that has no known cure, although treatment methods are available to address the effects of the disease.

AG Healey has made asbestos safety a priority, as part of the office’s “Healthy Buildings, Healthy Air” Initiative that was announced in March in an effort to better protect the health of children, families, and workers in Massachusetts from health risks posed by asbestos.

For more information on asbestos and asbestos-related work, visit MassDEP’s website outlining asbestos construction and demolition notification requirements.

This case was handled by Assistant Attorney General Louis Dundin, with the assistance of Senior Regional Counsel Colleen McConnell, Asbestos Program Section Chief John MacAuley, and Asbestos Program Environmental Analyst Grady Dante of MassDEP’s Northeastern Regional Office in Wilmington.

STATES' RIGHTS PREVAIL IN CHALLENGE TO FCC

MADISON, Wis. – Last year, Attorney General Brad Schimel and a coalition of states, filed a lawsuit in the U.S. Court of Appeals for the District of Columbia Circuit challenging the Federal Communication Commission's (FCC) rule regulating inmate calling costs. Yesterday, the Court found in favor of the State of Wisconsin and the coalition of states, holding that the regulation exceeded the FCC's statutory authority.

"This court ruling is a win for state and local government rights," said Attorney General Schimel. "Granting Wisconsin and communities the ability to regulate their own prisons and jails will allow the state to continue to provide this service to inmates."

"We are very pleased with this success in court," said Dean Meyer, Executive Director of Badger State Sheriffs' Association. "This FCC rule would have compromised the safe and secure operations of Wisconsin jails. Thanks to Attorney General Schimel and his team, Wisconsin jail staff, inmates, and victims will be safer."

The rule prohibited local jails and state prisons from charging inmates more than \$0.11/minute for both intrastate and interstate phone calls. State prisons and local jails incur substantial security-related costs for Inmate Calling Systems (known as "ICS"), including costs incurred in monitoring calls (both recording and reviewing prison calls), costs for escorting prisoners to and from phones, costs for escorting phone repair technicians who need to maintain the system, and costs of continually updating ICS based on new technologies that may pose security risks to prisons. State prisons and local jails also incur costs in administering ICS, including the cost of responding to questions about the system from inmates and their families. The federal rule capping these rates effectively prevented the States and counties from recovering these costs. If the rule had gone into effect, it would have directly impacted the Wisconsin Department of Corrections, municipalities that operate jails, and many county sheriffs' departments that operate jails and detention facilities.

The State of Oklahoma led this litigation on behalf of Wisconsin, Arizona, Arkansas, Indiana, Kansas, Louisiana, Missouri, and Nevada.