



Accommodation and Compliance Series

Employees with Multiple Chemical Sensitivity and Environmental Illness

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A service of the U.S. Department of Labor's Office of Disability Employment Policy

Preface

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JAN'S ACCOMMODATION AND COMPLIANCE SERIES

Introduction

JAN's Accommodation and Compliance Series is designed to help employers determine effective accommodations and comply with Title I of the Americans with Disabilities Act (ADA). Each publication in the series addresses a specific medical condition and provides information about the condition, ADA information, accommodation ideas, and resources for additional information.

The Accommodation and Compliance Series is a starting point in the accommodation process and may not address every situation. Accommodations should be made on a case by case basis, considering each employee's individual limitations and accommodation needs. Employers are encouraged to contact JAN to discuss specific situations in more detail.

For information on assistive technology and other accommodation ideas, visit JAN's Searchable Online Accommodation Resource (SOAR) at <http://AskJAN.org/soar>.

Information about Multiple Chemical Sensitivity (MCS)/ Environmental Illness (EI)

What is MCS/EI?

Defining MCS/EI has been a difficult task for the environmental health community. MCS/EI is generally an inability to tolerate an environmental chemical or class of foreign chemicals. It develops from exposure to substances in the environment and may result in intolerance to even very low level exposure to chemicals. Symptoms can occur in more than one organ system in the body, such as the nervous system, the lungs, and the vascular system (heart problems). Exposures can come through the air, from food and water, or through the skin (What is . . ., 2005).

What are the symptoms of MCS/EI?

MCS/EI causes different symptoms in different people. Symptoms may include: headaches, dizziness, fatigue, nausea, breathing difficulties, tightening of the throat, difficulty concentrating, memory loss, learning disorders, eczema, arthritis-like sensations, and muscle pain. A person who experiences limitations due to MCS/EI may have any of the above mentioned symptoms when exposed to such irritants as fragrances, cleaning agents, smoke, pesticides, molds, office machines, car exhaust, paint, new carpeting, solvents, and poor indoor air quality among other irritants (What is . . ., 2005).

MCS/EI and the Americans with Disabilities Act

Is MCS/EI a disability under the ADA?

The ADA does not contain a list of medical conditions that constitute disabilities. Instead, the ADA has a general definition of disability that each person must meet (EEOC Regulations . . . , 2011). Therefore, some people with MCS/EI will have a disability under the ADA and some will not.

A person has a disability if he/she has a physical or mental impairment that substantially limits one or more major life activities, a record of such an impairment, or is regarded as having an impairment (EEOC Regulations . . . , 2011). For more information about how to determine whether a person has a disability under the ADA, visit <http://AskJAN.org/corner/vol05iss04.htm>.

For additional information regarding whether MCS/EI is a disability, see the following in EEOC informal guidance letter:
http://AskJAN.org/letters/EEOCLetter_MCS_Disability_July_96.doc

Accommodating Employees with MCS/EI

(Note: People with MCS/EI may develop some of the limitations discussed below, but seldom develop all of them. Also, the degree of limitation will vary among individuals. Be aware that not all people with MCS/EI will need accommodations to perform their jobs and many others may only need a few accommodations. The following is only a sample of the possibilities available. Numerous other accommodation solutions may exist.)

Questions to Consider:

1. What limitations is the employee with MCS/EI experiencing?
2. How do these limitations affect the employee and the employee's job performance?
3. What specific job tasks are problematic as a result of these limitations?
4. What accommodations are available to reduce or eliminate these problems? Are all possible resources being used to determine possible accommodations?
5. Has the employee with MCS/EI been consulted regarding possible accommodations?
6. Once accommodations are in place, would it be useful to meet with the employee with MCS/EI to evaluate the effectiveness of the accommodations and to determine whether additional accommodations are needed?
7. Do supervisory personnel and employees need training regarding MCS/EI?

Accommodation Ideas:

Ventilation and Indoor Air Quality Issues:

- Provide an office or workspace that has working windows.
- Make certain the ventilation system is not distributing pollutants throughout the work-site from locations within or outside of the building.
- Use HEPA filters in the ventilation system if possible and have ducts maintained.
- Have an air quality test performed by an industrial hygiene professional to assess poor air quality, dust, mold or mildew accumulation, VOC concentration, etc.
- Work with specialists in the industrial hygiene field by contacting resources like the American Industrial Hygiene Association for a member referral.
- Use air purification systems throughout the building or in personal workstations. Work with specialists in the air filtration field by contacting resources like The National Air Filtration Association for a member referral.
- Maintain a work environment which is free of pollutants such as fragrances, toxic cleaning agents, pesticides, exhaust fumes, tobacco smoke, etc.
- Provide adequate exhaust systems to remove fumes from copiers and similar office machines.

Construction, Remodeling, and Cleaning Issues:

- Provide pre-notification of events such as remodeling, painting, pesticide applications, floor waxing, and carpet shampooing by way of signs, memos, e-mail or an employee register. A voluntary registry can be created for people to be notified on a regular basis.
- Allow for alternative work arrangements for those people who may be sensitive to the chemical agents used in the above activities such as offering the use of another office, work on another floor of the building, work outside, or work from home.
- Use non-toxic building materials, furnishings, and supplies.
- Use non-toxic carpeting or alternative floor covering such as tile or cotton throw rugs. Products can be used to reduce the out-gassing of newly laid carpeting.
- If industrial products are being used such as solvents, primers, stains, paints, lubricants, etc., consider any alternative products that could possibly be used that may not illicit an MCS/EI reaction.
- If possible, have cleaning, maintenance, and remodeling activities performed when the building is not occupied to reduce employee exposure to these activities.
- Discontinue the use of toxic pesticides and opt for an alternative pest management policy. Contact resources like the National Pesticide Telecommunications Network or the National Coalition Against the Misuse of Pesticides to find out more about alternative pest management practices.
- Discontinue the use of synthetic lawn care products.

Situations and Solutions:

A clerical employee was having difficulty breathing due to coworker fragrances and new carpet fumes. The employee was placed in a more enclosed cubicle with an air purification system, coworkers were asked to decrease or eliminate the use of fragrances, and time the employee spent in the office was reduced by altering face-to-face communication with coworkers to telephone, e-mail, or fax. It was also suggested that the carpet be detoxified or removed and replaced with a non-toxic floor covering like tile or wood.

A teacher diagnosed with sick building syndrome was required to attend weekly faculty meetings in the school building. She usually taught class from a portable classroom outside of the building and could not be in the school building for extended time. JAN suggested that she use either a speakerphone or public address (PA) system from her classroom to listen in and participate in the meetings, be provided with meeting minutes, or attend the meetings and wear a respirator mask if she felt comfortable doing so.

A graphic arts professional whose company was in the process of remodeling was having some difficulty working in the building due to paint fumes and construction materials. It was too far into the process to change the products that were being used so the company needed some other way to accommodate. The employee was able to

work from home on a temporary basis during the remodeling phase of her portion of the building. The employee already had a computer at home so the employer provided all of the necessary software, modem, and a new telephone line to be used for business purposes only. The company also provided a fax machine so the employee could fax materials back and forth between the work-site and her home office. To monitor her work performance, the employee was required to respond to e-mails in a given time period and to keep a log of all work completed. The employee attended weekly meetings by speakerphone.

An outside laborer was having difficulty doing his job due to the fumes from the diesel equipment he was operating. A portion of his time was spent operating heavy equipment while the rest of his time was spent as a laborer. He was better able to function as a laborer as he was not as exposed to the fumes performing laborer functions. JAN suggested he consider the use of a respirator mask to filter out the diesel fumes. Alternatively, his job could be restructuring so he only worked as a laborer or he could be reassigned to a vacant position that would accommodate the need to avoid exposure to diesel fumes.

Products:

JAN's Searchable Online Accommodation Resource at <http://AskJAN.org/soar> is designed to let users explore various accommodation options. Many product vendor lists are accessible through this system; however, JAN provides these lists and many more that are not available on the Web site upon request. Contact JAN directly to discuss a specific accommodation situation, are looking for products, need vendor information, or are seeking a referral.

Resources

Job Accommodation Network

West Virginia University
PO Box 6080
Morgantown, WV 26506-6080
Toll Free: (800)526-7234
TTY: (877)781-9403
Fax: (304)293-5407
jan@AskJAN.org
<http://AskJAN.org>

The Job Accommodation Network (JAN) is a free consulting service that provides information about job accommodations, the Americans with Disabilities Act (ADA), and the employability of people with disabilities.

Office of Disability Employment Policy

200 Constitution Avenue, NW, Room S-1303
Washington, DC 20210
Toll Free: (866)633-7365
TTY: (877)889-5627
Fax: (202)693-7888
<http://www.dol.gov/odep/>

The Office of Disability Employment Policy (ODEP) is an agency within the U.S. Department of Labor. ODEP provides national leadership to increase employment opportunities for adults and youth with disabilities while striving to eliminate barriers to employment.

American Industrial Hygiene Association

2700 Prosperity Ave., Suite 250
Fairfax, VA 22031
Direct: (703)849-8888
Fax: (703)207-3561
infonet@aiha.org
<http://www.aiha.org>

AIHA promotes, protects, and enhances industrial hygienists and other occupational health, safety, and environmental professionals in their efforts to improve the health and well-being of workers, the community, and the environment.

Chemical Injury Information Network

P.O. Box 301
White Sulphur Springs, MT 59645
Direct: (406)547-2255
Fax: (406)547-2455
chemicalinjury@ciin.org
<http://ciin.org/>

The Chemical Injury Information Network (CIIN) focuses primarily on education, credible research into Multiple Chemical Sensitivities (MCS), and the empowerment of the chemically injured.

Environmental Health Network

P.O. Box 1155
Larkspur, CA 94977-1155
Direct: (415)541-5075
<http://www.ehnca.org>

EHN was one of the first organizations to support and advocate on behalf of the chemically injured. The agency dates back to around 1982. They have a Support and Information Line (SAIL), a newsletter, The New Reactor, and a web site with extensive resources pertaining to chemical injury, including fragrance sensitivity.

Human Ecology Action League, Inc.

P.O. Box 509
Stockbridge, GA 30281
Direct: (707)389-4519
Fax: (707)389-4520
HEALNatnl@aol.com
<http://www.healnatl.org/>

HEAL's purpose is to serve those whose health has been adversely affected by environmental exposures, to provide information to those concerned about the health effects of chemicals, and to alert the general public about the potential dangers of chemicals. HEAL's goals are to encourage healthy lifestyles that minimize potentially hazardous environmental exposures, and to establish chapters that implement HEAL's purpose at the local level.

MCS Referral & Resources, Inc.

10145 Falls Rd
Lutherville, MD 21093
Direct: (410)889-6666
Phone: (410)889-4944
adonnay@mcsrr.org
<http://www.mcsrr.org/whoweare.html>

MCS Referral & Resources, Inc., is a non-profit (501(c)3) organization engaged in professional outreach, patient support, and public advocacy devoted to the diagnosis, treatment, accommodation, and prevention of Multiple Chemical Sensitivity disorders.

National Air Filtration Association

PO Box 68639
Virginia Beach, VA 23471
Direct: (757)313-7400
Fax: (757)497-1895
nafa@nafahq.org
<http://www.nafahq.org/>

Promotes and advances the common interest of those engaged in the air filtration industry.

National Coalition Against the Misuse of Pesticides

Beyond Pesticides
701 E. St., SE #200
Washington, DC 20003
Direct: (202)543-5450
Fax: (202)543-4791
info@beyondpesticides.org
<http://www.beyondpesticides.org/>

A national, non-profit membership organization of groups and individuals formed in 1981 to serve as a national network committed to pesticide safety and the adoption of alternative pest management strategies to reduce or eliminate dependencies on toxic chemicals.

National Institute of Environmental Health Sciences

P.O. Box 12233, MD K3-16
Research Triangle Park, NC 27709-2233
Direct: (919)541-3345
Fax: (919)541-4395
webcenter@niehs.nih.gov
<http://www.niehs.nih.gov/>

The National Institute of Environmental Health Sciences (NIEHS) is one of 27 Institutes and Centers of the National Institutes of Health (NIH), which is a component of the Department of Health and Human Services (DHHS). The mission of the NIEHS is to reduce the burden of human illness and disability by understanding how the environment influences the development and progression of human disease.

References

EEOC Regulations To Implement the Equal Employment Provisions of the Americans

With Disabilities Act, as Amended, 29 C.F.R. § 1630 (2011).

What is MCS? MCS referral & resources. Retrieved September 5, 2008, from

<http://www.geocities.com/HotSprings/Spa/4415/index.html>

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