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"CHEMICAL SENSITIVITIES IN THE WORKPLACE"
TRACIE SAAB AND LINDA CARTER BATISTE
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>>LINDA CARTER BATISTE: Hello, everyone, and welcome to the Job Accommodation Network's series. I'm Linda Batiste, and I'll be the moderator for today's program called Chemical Sensitivities in the Workplace. If any of you experience technical difficulties during the webcast, please call us at 800-526-7234 for voice, and hit button three, or for TTY, call 877-781-9403. Second, toward the end of the webcast, we'll spend some time answering any questions you have. You can send in your questions at any time during the webcast to our E-mail account at question@Jan.Wvu.Edu, or you can use our new question and answer pod located in the bottom left corner of your screen. To use the pod, just put your cursor on the line next to the word question, type your question, and then click on the arrow to submit to the -- finally, I want to remind you that at the end of the webcast, an evaluation form will automatically pop up on your screen in another window. We really appreciate your feedback, so please stay logged on to fill out the evaluation form.

And now, let's meet our featured speaker for today's presentation. Tracie Saab. Tracie is a seasoned JAN consultant with nearly 14 years of service. She is JAN's lead sensory impairment specialist and provides accommodation information and Americans with disabilities act compliance assistance for individuals with sensory immunology and endocrinology limitations. Tracie brings over 13 years experience consulting with employers and individuals regarding chemical sensitivity in the workplace.

She is a proud alumnus of West Virginia University with a master's degree in rehabilitation counseling. And now I'll turn it over to Tracie to start today's program.

>>TRACIE SAAB: Thank you for the introduction, Linda, and thanks to everyone listening for joining us today. As a sensory specialist, I provide information regarding a number of different impairments,

including hearing loss, blindness, diabetes and HIV, but one of the areas you might not think of right away is chemical sensitivity. And, of course, chemical sensitivity is why we're all joined here today. Chemical sensitivity might be seen as a hidden disability because it may not be obvious, and it's often impacted by an invisible barrier in the workplace. When we think of workplace barriers, we commonly think of those that are physical or obvious in nature. For people who are sensitive to chemicals or fragrances or who have asthma or another respiratory impairment, workplace barriers may be invisible - such as fragrances and cleaning agents or fumes - but, indeed, no less challenging than a flight of steps that keeps someone in a wheelchair from entering a building, for example.

Today's topic is a challenging one. People are more familiar with chemical sensitivity, or CS, now than ever before, but the condition or diagnosis or sensitivity, whatever you want to call it, is still something that's difficult to understand. The medical community has yet to fully accept chemical sensitivity as a medical condition, and it's idiopathic - or its not understood - nature still leaves doctors and others highly skeptical about the reality and the nature of the condition. However, I'm not here to debate that today. Today, we're going to learn about the condition and how it affects people in the workplace. I don't have all the answers. I'll tell you that right off the bat. But I have talked with hundreds, of employer representatives, employees, rehabilitation professionals and many others who are dealing with accommodation and ADA issues related to chemical sensitivity in the workplace.

Today I'll talk about chemical sensitivity and some of the common symptoms and triggers associated with the condition. We're going to learn about accommodation ideas, and also filter in some ADA issues, particularly the definition of disability and how the Equal Employment Opportunity Commission (EEOC) has responded to fragrance issues. We will hold questions until the final ten minutes so I can get through the material. Many of your questions will likely be answered throughout the lecture.

>>LINDA CARTER BATISTE: Tracie, you mentioned that chemical sensitivity is not fully accepted or understood. Can you start by talking about what chemical sensitivity is?

>>TRACIE SAAB: Sure. In broad terms, it means an unusually severe sensitivity or reaction to many different kinds of irritants, particularly chemically-based irritants, like solvents, organic compounds, perfumes, diesels, smoke, a number of different irritants. It's an inability to tolerate an environmental chemical or class of chemicals. And we're talking about intolerances to very low level exposures to chemicals. Someone may have been exposed to a certain chemical and subsequent exposures to that chemical, then results in symptoms or limitations at very low levels of exposure. Levels that the average person may not even notice. For example, an employee might say she can't be around someone wearing a certain designer body lotion, but the average person can't smell it. The scent might be light, but it triggers a reaction for the person who's sensitive. This can become complicated for supervisors, managers and co-workers to understand because they may not even smell anything and feel unaffected by it. But it's a low-level exposure that's triggering the symptoms for the person who is hypersensitive.

When someone has chemical sensitivity, symptoms stem from more than one organ system. For example, the respiratory system, the nervous system or the lymphatic system. An individual may have

difficulty thinking, remembering, they may experience tightness of the throat, difficulty breathing, they may have sinus related symptoms or they may experience headaches, migraines or nausea. So, many systems in the body are impacted when somebody has chemical sensitivity. Also, in chemical sensitivity, the sensitivity is something that's ongoing. Meaning, once sensitive, continually sensitive with repeated exposures. And from my experience, once a person develops a chemical sensitivity, it will likely be a long-term issue, something that's going to be ongoing for that individual. Of course, everyone is different, so you need to keep in mind that how someone reacts to a trigger is case by case. Individually unique. When someone has chemical sensitivity, the symptoms generally are reproducible, meaning that if the person continues to be exposed to a particular type of chemical or product, they'll react with the same or similar symptoms repeatedly.

>>LINDA CARTER BATISTE: Tracie, can it get better or can someone be treated for the condition?

>>TRACIE SAAB: It's possible for the condition to improve or for the person to feel better, by taking steps to avoid known triggers. Generally, people with chemical sensitivity become familiar with what they need to avoid and that's why it's important for the employee to talk to his or her employer about the triggers that should be avoided, so an effort can be made to reduce or eliminate potential limitations. Avoidance is the key.

We're on slide four now, talking about symptoms and triggers. Chemical sensitivity can be triggered by one or many different chemicals. The most common triggers we hear about at JAN are fragrances, like colognes, perfumes, any fragrance products or hygiene products, cleaning products used in the home or workplace, new carpet and office furnishings, paints, pesticides, solvents, office machinery, like exhaust from copiers or printers, tobacco smoke, and just general poor indoor air quality, IAQ. The triggers can lead to a number of different symptoms or limitations, such as breathing difficulty, headaches or migraines, nausea, and difficulty concentrating. But people also experience problems with fatigue, tightening of the throat, dizziness, skin irritation, even arthritis-like sensations and muscle pains as well. I think part of the problem with chemical sensitivity, from a diagnostic standpoint, is there are so many possible triggers and symptoms that it's difficult for doctors to sort of wrap their heads around what's going on with the patient. And the multitude of triggers and limitations also challenges employers in the area of accommodation as well.

Moving to slide five now. I'm going to talk about just a few statistics to think about. A study that was published in the American Journal of Public Health in 2004 suggests that approximately 13 to 16% of the general population do report some type of chemical sensitivity. The original study was done at Atlanta, Georgia, and the researchers compared the results of studies done in California and other parts of the country, and so basically, the general consensus seems to be that the national prevalence of self-reported hypersensitivity to chemicals is between 13 to 16% of the general population.

Just a few other statistics of interest related to chemical sensitivity, according to the American Cancer Society, since the industrial revolution introduced a myriad of chemicals, the incidence of cancer has increased to a startling one out of three people. And, the Journal of American Medicine reports that the

incidence of respiratory infection is about 45% higher among occupants of new buildings than those of older buildings.

So chemicals are really impacting our lives, and in some negative ways. Chemical sensitivity affects women and men, but women tend to be affected more often, and I can attest to that from the calls that I receive on the topic. The majority tend to come from women, particularly in office environments and schools. It seems that a lot of the calls we receive come from those types of environments.

Chemical sensitivity does impact people on a variety of ages and educational levels, so it's not as though we're able to pinpoint a certain population of individuals and say a class of individuals tends to have a chemical sensitivity. The condition really affects people of all ages, classes, etcetera. And I think it's something we're going to see affecting people more and more in the years to come.

So what about JAN cases? Well, when I started as a consultant in 1995, we were hearing about environmental illness and sick building syndrome at that time. But over time, I started to notice a changing trend in the issues; fewer calls about environmental illness and sick building syndrome, and more questions about fragrance and general chemical sensitivity issues in the work environment. JAN doesn't get an extraordinary number of calls on the topic of chemical sensitivity if you compare it to, say, back injuries, but approximately 3% of the cases that we log, which do indicate a functional limitation, document chemical sensitivity or fragrance sensitivity as a limitation. So I looked at the past five years, and our database shows that between March 2003 and 2008, approximately 787 callers reported chemical sensitivity as the limitation, and 695 specifically called about fragrance sensitivity. I have noticed these numbers seem to be on the decline, and I'm unscientifically attributing that to the fact that people are generally more knowledgeable about the topic and accommodations in this area than they were many years ago when I first started in this area, and thus, they may not need to call, and also the fact that there's a lot more information out there on the internet, for example, about chemical and fragrance sensitivity and how it impacts people at work.

So, you know, the numbers have changed in terms of calls that are being received. However, people are using other avenues to get general information or just maybe become familiar with the condition, whereas many years ago they really were not.

>>LINDA CARTER BATISTE: Okay, Tracie, thanks. That's a really good overview of chemical sensitivity and what it is. And at this point, I'm sure most of our audience is probably wondering how the Americans with Disabilities Act or the ADA, applies to employees with chemical sensitivities, so Tracie, can you talk about whether chemical sensitivity or fragrance sensitivity are disabilities under the ADA?

>>TRACIE SAAB: Okay. Well, as you all probably know, under the ADA, there is no specific list of disabilities or impairments that are covered all the time. So, in making a determination of disability under the ADA, an employer has the right to evaluate each person on a case by case basis to determine if the employee has an impairment that substantially limits one or more major life activities, so just thinking or breathing, for example. So how does the employer make the determination? Since the

employer's understanding of the condition is not clear or obvious, you can request documentation from the individual's medical practitioner that provides information about the impairment and its severity. Is the individual substantially limited? The impairment is substantially limiting if the person is either unable to perform or significantly limited in the ability to perform an activity compared to the average person in the general population. So the determination as to whether an individual is substantially limited must always be based on the effect of an impairment on that individual's major life activities - minor discomforts will not be disabilities under the ADA.

So you really have to look at how substantially limited is the individual, look at them on a case by case basis, and not so much look at the specific diagnosis. You know, is it -- it's not a matter is chemical sensitivity a disability, but rather is the individual with the sensitivity impaired to the extent that he or she is substantially limited. If you're an individual with chemical sensitivity, JAN suggests that you submit a written accommodation request to the employer. And in that letter, you'll want to explain your current limitation and need for accommodation. You can choose to attach medical documentation to the letter, or offer to provide it upon request. And JAN offers informational materials to help you write your request for accommodation which you can access on the JAN Web site. Supervisors and managers, when an employee comes to you, and, for example, says I'm having trouble thinking and breathing because of the new carpet, or I have a migraine because of Kelly's perfume, address the employee's disclosure the same way you would when someone who has a back injury or a heart condition or diabetes comes to you and says there's a workplace barrier due to a medical condition. You handle the disclosure or the request the same way. You ask job-related questions, and you ask what can be done to help. And all of this will help you make a determination as to whether or not the person is substantially limited, and then in turn, whether or not you must consider accommodations.

So we're on slide seven now and we're still talking about the ADA. Basically the bottom line is you want to evaluate the individual on a case by case basis and gather information. If somebody says, well, this is just bothering me, I don't have a diagnosis, that's okay. You can still ask her to see a physician, get information about the severity of the symptoms and functional limitations. If you're the person making the request, go to your doctor. Talk about what you've been experiencing, how limited you are, and what you're being exposed to. The medical provider might not offer a diagnosis of chemical sensitivity specifically. Diagnosing the condition can be very difficult. As I mentioned, it's an idiopathic condition which means that there really isn't a known cause or manifestation of the illness so it's difficult for some doctors to diagnose.

Documentation may indicate that the employee is sensitive to fragrances or chemicals or specific type or class of chemicals, or it may be that the person has asthma or some other respiratory condition that is, in fact, exacerbated by exposure to certain irritants or chemicals. I talk to many people about asthma that is triggered by or exacerbated by fragrances. If an employer requests medical documentation, I do not suggest that you ask for a list of all chemicals the person is sensitive to. Because really, you won't get it. It's not really that reasonable to expect it. For some irritants, there's no test, and in other cases, doctors won't test because it's too harmful to the patient to actually test them for a sensitivity. So ask specific job-related questions that will help you understand how the

person is impacted by the irritant, whatever it may be, and then how the employee can avoid being exposed to it - which could really be as simple as using an alternative product.

For more information, JAN offers a document, JAN's consultant's corner, regarding how to determine whether a person has a disability, and that's on the JAN Web site.

Also, EEOC offers a document regarding the definition of disability. They have another document regarding guidance on reasonable accommodation and undue hardship under the ADA, and also information regarding medical examinations and inquiries of employees, and all of this information is available to you free of charge on the JAN Web site, or, if you call our office directly, we can also provide that information.

>>LINDA CARTER BATISTE: Okay, Tracie. Sounds like a lot of people are being affected by exposure to fragrances and chemicals, but if I'm understanding you correctly, at the same time, there's still a lot of debate about chemical sensitivity, especially with employers and the medical community. How do you suggest employers deal with all this, especially with employees with chemical sensitivity who request job accommodations?

>>TRACIE SAAB: Well, really, just like you would any other employee who requests accommodation. You want to enter into that required interactive process under the ADA or the Rehabilitation Act, sit down with the employee and get information about his medical impairments, what limitations is the employee experiencing? How do these limitations affect the employee and her ability to perform job functions? What accommodations does the employee or her medical provider suggest? And, of course, how can JAN help. You know, using us as a resource in that accommodation process. Essentially, start communicating and gathering information. That's where that interactive process begins.

So, let's see, slide nine now. Let's talk about some common chemical sensitivity related limitations. There are many limitations that I could cover today, but because our time is limited I chose to select a few of the most common limitations that we address at JAN. One of these is difficulty working in poor indoor air quality, or IAQ. Really, addressing indoor air quality concerns cannot only improve a situation for someone with a chemical disability, but it could affect the whole work force in terms of making it a better work environment for everyone. So, if there appears to be an IAQ issue, consider air quality testing by an engineer or a heating ventilation and air conditioning specialist. The AIHA offers a listing of consultants on their Web site, and you can also check your local directory. I can't recommend specific testing because I'm not an IAQ expert, but you can locate a professional and find out what's recommended by that professional according to your specific situation.

Another option, maintain the heating ventilation and air conditioning systems. You want to keep HVAC systems clean and working properly. It's probably not a good idea to pump air freshening chemicals throughout these systems, make sure there's enough fresh air exchanges for the room size, and that's something that your facilities people can help with.

Another option is air cleaning systems. There's a wide range of air cleaning products available, and I'm talking about installed systems as part of the HVAC system, as well as small portable systems that can be used at a work station. Ensure that you have an appropriate system based on the square footage of the

room and also based on what needs to be filtered, so if you're filtering chemicals, if you're filtering odors, if you're filtering dust, whatever it is, you want to make sure that you have the right air cleaning system for the job because there's really not a one-size-fits-all type situation. JAN offers information regarding air cleaning systems. We won't tell you which system to use, but we can direct you to resources that can help you make a purchase decision.

A work environment free of known pollutants, such as fragrances, pesticides, tobacco smoke, copier exhaust, cleaning agents. Don't allow the use of scented candles in the work environment. You may notice a beneficial impact upon much of the work force as a result of removing things that you know could be potential irritants to the workforce, so making just simple changes like that can have a positive impact on the work environment.

Maintaining a dry work environment. This isn't specifically chemical related, but I do talk to a lot of people who have had issues in the workplace related to moisture, whether it's some sort of leakage that occurs, some sort of flooding that occurs, mold and mildew can create serious health issues for people and also it can sometimes lead to chemical use meaning that, you know, if there are certain odors in the environment, or things that need to be cleaned up, people tend to use chemicals in order to manage that. So if you -- you sort of prevent the problem, then you won't need to use agents to clean up the problem. Another option is pre-notification of events such as pesticide applications, floor waxing and carpet shampooing. You know, it's helpful to have some sort of pre-notification of these events so the employee can make alternative work arrangements. Some employers set up a registry of individuals who need to be notified when certain activities take place in the work environment.

Another option is alternative work arrangements. This can include working from a different office, it can be working from home. It can also be working a different schedule. So you can sort of be creative with alternative work arrangements.

Using a mask or using a personal air cleaner. There is a small neck-worn product that's sort of a personal air cleaner that can be worn, like I said, around the neck, and it's about the size of a pager, and some people have worn this unit and have had reported to me in the past that it's been successful for them. I don't know if it would work for everybody, but it may be something to consider, and you can contact our office for more information about that.

So these accommodation suggestions may be helpful for dealing with poor indoor air quality issues. Let's move to the next slide, then.

On slide ten, another common limitation that we hear about is difficulty working in an old or a new building. Now, I mentioned earlier that we used to hear about environmental illness and sick building syndrome, which typically involved problems with older buildings. Well, everyone decided to build new buildings to get away from the old, the mold and the mildew and the asbestos, and who knows whatever else in the old buildings, and then new problems developed. Now we're dealing with all the off-gassing of the chemicals. So what do you do?

Well, if you're remodeling an old building, the pre-notification comes in again, so pre-notify workers of events such as remodeling and painting, et cetera, and setting up, you know, alternative work arrangements to manage that type of scenario.

Many of the suggestions offered for poor indoor air quality earlier will also apply.

Also, if possible, try to schedule remodeling activities when the building is not occupied - during evenings, weekends or holidays so try to take that into consideration where possible.

If we're talking about a new building in the construction phase, start with using non-toxic or green building materials. The construction industry has become very wise to the need for eco friendly and sustainable building so there are products that can be used to create a safe home or work environment – with people with chemical sensitivity in mind. So before people start working in the new building you may want to use products that keep chemically sensitive individuals in mind, but then also once they have entered into the new building, if you haven't used such products, you might want to allow some additional time for off-gassing of paint, carpeting and new office furnishings to the extend extent that it's possible and really try to get some fresh air into that building. Again, using air cleaning systems suitable for fumes, whether they be portable or installed systems. And I'm not just talking about HEPA filters here. If you're filtering chemicals or fumes, you need a filter that will filter gasses such as a carbon or a gas filter. So check with your specialist or vendor that you're purchasing from to make sure that you're purchasing the right system to filter out the irritants that need to be filtered out. Also, see about increasing the number of air exchanges in the building or the room.

When you're purchasing products like carpeting or floor covering, purchase products that are non-toxic or earth friendly. These are products that are not made with toxic chemicals, dyes or glues, et cetera. Products like wool carpet, low VOC carpet adhesives and bamboo and cork flooring. There are also carpet sealants that are designed for people with chemical sensitivity that can actually be applied over new carpeting to help with some of that off-gassing of the carpeting, the new carpeting. And for more information, you can, of course, contact JAN.

Now let's move to the next limitation, difficulty with cleaning agents. Slide 11. Difficulty working around or with cleaning agents and deodorizers is a common limitation that I hear about. Consider discontinuing the use of products that can be irritating such as spray deodorizers, scented candles and harsh cleaners. When an employer calls and says they have an employee that can't use the restroom because of spray deodorizers or bleach used in the restroom and asks what should they do, the first thing I ask is what does the employee suggest? What does she use at home to clean and deodorize? People who are chemically sensitive often have a handful of safe products that they use at home. So don't experiment with different products if the employee already knows of something that works that will be suitable for the work environment. Of course, some of the things we use at home may not be heavy-duty enough for the work environment, so you really want to make sure it's suitable for that work environment. If the employee doesn't have suggestions, there are many non-toxic, non-fragranced or natural products to choose from.

So, it may be necessary to try a few products before finding the right solution. For product ideas, JAN maintains an accommodation database known as the Searchable Online Accommodation Resource, or SOAR. The SOAR system leads the user through an accommodation process and then offers suggestions, including links to products. So for example if you go to SOAR at www.jan.wvu.edu/soar, you can select multiple chemical sensitivity and it will ultimately lead you to alternative cleaning products, and if you didn't get that Web site entirely, that's fine, just go to the JAN home page and look for the SOAR link.

Of course, when possible you want to schedule the cleaning activities when the building is not occupied. Generally cleaning activities do occur when a building is not occupied, or after hours, but sometimes you'll go somewhere when they're actually waxing the floor while people are there, and I've heard from a number of people who can't be around floor waxing, so schedule that type of activity when people are not in the building, if at all possible.

So let's talk a little bit more about cleaners. We're on slide 12 now. Has anyone ever actually looked at the labels of common household products? It can be scary. Caution. Warning and danger, oh, my! This makes me think of lions and tigers and bears, oh my! Hence the Wizard of Oz photo. Most cleaning products are marked by signal words, caution, warning or danger. These are required by law for products containing harmful ingredients. I read the labels of a couple of products that probably 80% or more of you have in your homes, and what I found was kind of disturbing. Here are some examples: This is an unnamed common air sanitizer, and this is what the label says. It has a caution warning, and it says, avoid contact with food and food utensils. Well, that makes sense. Avoid contact with the eyes. Again, that makes sense. Before using product throughout your home, use in one room and wait 24 hours to ensure that no one has any physical reactions to the product. How many of you test a product and then wait 24 hours to see what happens to your family? Hmm.

The label also suggests asthma and allergy sufferers, consult your physician before using the product in your home. They include that statement on the label for a reason. Think about when someone comes to you and says, I can't take the deodorizers in the restroom, we have to do something different. There's a reason for it. So let's look at one other example on the next slide. This is another common household cleaner with bleach. This particular product has a warning on it that reads, eye and skin irritant, vapors may irritate, harmful if swallowed. Do not get in eyes or on clothing. All of that makes sense. And then it goes on to say for sensitive skin or prolonged use wear gloves. Okay. That's reasonable. Avoid prolonged breathing of vapors. Use only in well-ventilated areas. You should ventilate the room when cleaning, and that makes sense. And then, not recommended for use by persons with heart conditions or chronic respiratory problems such as asthma, emphysema or obstructive lung disease. Who would have thought to find such a warning on a cleaning product? And it goes on to say, this product contains bleach. Do not mix this product with other household chemicals such as ammonia, toilet bowl cleaners, rust removers or acids as this releases hazardous gasses. Yikes! You see warnings like that on roller coasters. But cleaning products?

So the point really is just that it's good to be aware of the products that are being used in the workplace and consider alternatives. I'll admit that before I actually picked up the labels and looked at these cleaning agents, you know, I really hadn't thought a whole lot about the types of warnings that were on the cleaning agents. So it's a good idea to be aware of what's on the products that are being used in the work environment. And frankly, all employees can really benefit from that sort of awareness.

>>LINDA CARTER BATISTE: Wow. That's some scary stuff, Tracie. It sounds like there are a lot of limitations associated with chemical sensitivity. And Tracie, what, in your opinion, do you think is the most common limitation, especially that you hear about, and the calls related to chemical sensitivity?

>>TRACIE SAAB: Well, I'm sure that most of you can probably guess this one. It's difficulty working around fragrances. Sensitivity to fragrance products, perfumes, colognes, lotions, laundry products. I could go on and on. So many of the things that we use include fragrance of some kind. So I typically hear about fragrance and colognes, but it can also be other products. Now, I have to tell you I really have heard some doozies in terms of stories of what goes on in the work environment. For example, an employee who might be sensitive to fragrances tells a co-worker her perfume is making it difficult for her to breathe. And the employee asks the co-worker, you know, would she mind not wearing it again. Some people are okay with hearing such a request, and they comply, and, you know, there's not a problem. But sometimes, there are other individuals who do get offended by that, by the individual with the sensitivity asking them not to wear the product.

So it can turn into, you know, a real issue in the work environment. A lot of personality conflicts come up, and it can be real challenging. It can turn into a management headache, actually. People have told me, actually, that co-workers have sprayed perfume around their work station and chair when they're out of the office, to see, well, how does that individual react, because it's maybe just not accepted as something that's really a true or a real problem. I've heard people say they've found air fresheners stuck up under -- underneath their desk and they didn't actually put them there. So people who are not sensitive sometimes don't accept that someone else is sensitive. And when something isn't concrete or understood or it's not tangible in some way, when people can't explain something, or don't experience it personally, it's a lot harder to grasp. And chemical sensitivity and fragrance sensitivity kind of fall into that category. It's that way for a lot of people.

So let's talk about fragrance accommodations. Next, on slide 15, then. Difficulty working around fragrances. What can you do?

Well, at first, you know, of course if it's possible, discontinue using fragranced products at work. And I mentioned this from a general chemical sensitivity standpoint. Don't use scented products at work if it's not needed, like deodorizers, hair care products, perfumes or scented candles, for example.

Modifying work station location. The environment seems to be getting smaller these days, and with all these little cube farms, when you know someone is sensitive and they sit next to a co-worker who doesn't care to stop wearing their designer perfume, then maybe see if there's another work station to

move one or the other to, or maybe group people in what I'd call cooperative pods. You know, those people who are willing to forego the wearing of perfume on a daily basis, and can sort of co-exist together. So, you know, modifying that work station area and where those individuals are working together to see if you can, you know, create an environment where people can work together.

Another option is modified work schedule. I talk to people who feel it's easier for them to come to work at maybe 6 in the morning because at that time there are fewer people in the work environment so they have less to deal with in terms of chemicals and fragrances, and then also, lets them leave earlier in the day, and they'll not have to be exposed to irritants as long and can feel better and able to work the next day. It also gives them a little bit more recoup time in the day time before the following day. So look at maybe modifying a work schedule that works for that individual.

Air purification, a fan or a mask, again, mentioning the air cleaners, you know, they can be limited in their effectiveness, depending upon the environment. And again, you want to make sure the gas or carbon filter is something that's going to work for what you need to filter out. Something like that is going to work best in a smaller, enclosed environment, as opposed to a large, open environment. You can use fans to sort of move the air around. You can increase air exchanges -- basically some of the same things that I mentioned earlier in this program.

Masks. There are masks that are specifically designed to filter out chemicals, and I don't just mean those that you might find in your local home improvement store, although, you know, that's certainly an option. But some people might not feel comfortable wearing that in their work environment. But there are masks that are designed sort of with people with chemical sensitivity in mind. And you can contact JAN for more information about that sort of mask.

Modified communication methods, if there are a couple of people who just are not willing to work together on this issue and they don't want to cooperate, that's okay. Are there different ways for them to communicate? And so it may not be necessary for them to work one on one, or face to face all the time. Maybe it's possible to restructure how they communicate, using E-mail or instant messaging, just talking on the phone, et cetera. So take a look at job functions and whether or not it's possible for those individuals to communicate through alternative methods.

Alternative work arrangements. I mentioned this a little bit earlier. Different work sites, different departments. If, for some reason, people in a certain department don't want to cooperate, maybe the person can work in a different area. Maybe it's not so important where they're actually physically situated.

Telecommuting is another option, and, you know, I do often talk to people about telework or telecommuting as an accommodation for individuals with chemical sensitivity because it does allow that individual to create a safe work environment, where they have control over what's entering that environment. So it can be another great option if the position can accommodate such an arrangement.

Implement a fragrance policy. Whoa! The guy on this slide is making the same face that many of you are probably making right now, the, "Are you out of your mind" face. Implementing a fragrance policy is a workplace change that we do talk to people about on a frequent basis. It's something to debate and it's something that employers can certainly address from a reasonableness standpoint under the ADA.

>>LINDA CARTER BATISTE: Tracie, I'm going to push you a little bit on that one and just flat out ask you the question I know you get all the time: Can employers ban fragrances in the workplace as an accommodation under ADA?

>>TRACIE SAAB: Oh, that's a good question, Linda.

>>LINDA CARTER BATISTE: I knew you'd love it.

>>TRACIE SAAB: There are employers who have implemented policies about using or wearing fragrances in the work environment. Hospitals, private employers, so there are employers out there who have policies, whether it be that they've actually created a policy just designed to address this issue, or have incorporated a fragrance statement into a hygiene policy of some sort. So, you know, it's something that's happening. Employers are sort of becoming aware of this as something they need to consider in the work environment. We have talked to the Equal Employment Opportunity Commission about this issue, and JAN has asked for guidance from EEOC on the topic. Not a formal opinion, not EEOC's formal position regarding fragrance policies and the idea of banning fragrances in the work environment, but EEOC has given us some input on this topic, and they've indicated that banning fragrances, and I quote, banning fragrances would probably not be considered a form of reasonable accommodation under the ADA. But they would encourage an employer to consider other ways to assist the individual.

Bottom line: I think that each employer should address the situation case by case to determine what's reasonable for them. While it may not be possible to truly ban fragrances, and, you know, it really is something that can be quite difficult in the work environment, I do think that informing the workforce that fragrance can make people sick, and making an effort to improve air quality by reducing exposure to fragrance and other harmful chemicals can certainly improve workplace harmony for everyone. However, the quote, unquote policy issue becomes a practical problem from the perspective of enforcement. Will a supervisor stand at the door and sniff workers as they arrive? What happens when a key employee arrives smelling pretty sweetly? Are you going to send an employee home, tell him to shower? So it really gets a little bit complicated. EEOC does say that implementing a policy in this case is probably not a reasonable accommodation under the ADA, but that certainly doesn't mean that employers are precluded from doing so. Or, you know, simply sending out memos to make people aware of the concept of being courteous to fellow co-workers.

So slide 17 now. I'm sometimes asked about the language that might be used in a fragrance policy. JAN's fragrance accommodation publication, one of the handouts that you have, does include a few examples of fragrance policies. But know that actually you can locate examples right on the web at this time. Many years ago, we weren't finding a lot of information on this topic, and we certainly weren't

finding policies, and so I did, over time, sort of collect policies from employers who are willing to offer that information, and did include that in our fragrance publication. But at this point, with the internet at our fingertips, you can actually run a Google search for fragrance policy and it will lead you to public and private employers who have implemented fragrance policies in their place of employment. Here are just a few examples to consider. The first is posted on the United States Access Board's Web site. The board requests that all participants refrain from wearing perfume, cologne and other fragrances, and use unscented personal care products in order to promote a fragrance-free environment. So here is an example of a government agency who has sort of taken an initiative to consider this as something that's impacting individuals who are attending their meetings, and working in their work environment.

The second comes from Cecil College, Maryland. And again, this is simply a policy that I found in doing a search. So if you just get on line, you'll be able to locate this policy as well. This one I found to be quite interesting because it's not just something that's used from an employment standpoint. It's not just an employer's policy, but rather it's something that they have actually implemented campus-wide. So the Cecil College policy states that Cecil College strives to maintain an environment comfortable for all as a courtesy to college employees and fellow students who express sensitivity to fragrances. As a courtesy to college employees and fellow students who express sensitivity to fragrances, the college requests students and staff to please refrain from wearing scented products on campus. So it is something they're asking students and, you know, basically anyone who is attending college on this campus, or affiliated with a college in some way. I have no idea how they are following or enforcing this policy, but it is something that's out there. It's something that employers can sort of take a look at and decide whether it may be of use to them and create a policy of their own.

So that's certainly, the major issue that I hear about. There are a number of different situations that come in under chemical sensitivity that employers certainly do -- are dealing with on a regular basis, and there are a number of different accommodation options to consider. I mentioned just a few of the most common limitations that we're hearing about. Certainly in the documents that you have as handouts, there are some others included, and if you'd like, take a look at those handouts. This is the end of our discussion today. I hope that the information presented here today shines a little bit of light on chemical sensitivities in the workplace. It's certainly an invisible barrier that more employers are addressing from an accommodation standpoint. And I'm happy to answer any of the questions that you might have at this time.

>>LINDA CARTER BATISTE: Thanks, Tracie. Just a reminder, you can send in your questions to our E-mail account at question@Jan.wvu.edu, or you can use our new question and answer pod located in the bottom left corner of your screen. To use the pod, just put your cursor on the line next to the word question, type your question, and then click on the arrow to submit to the question cue. And Tracie, I know we have a couple questions in here about latex allergies. I'm going to combine these. One is whether latex allergies fall under the category of chemical sensitivity, and then once you address that if you could talk about the types of accommodations that there might be for people with latex allergies.

>>TRACIE SAAB: Okay. I would say that generally I don't think of latex allergies so much in the category of chemical sensitivity. Latex allergy tends to stem from individuals who have a sensitivity to natural rubber latex. So it's a natural product. Certainly, you know, when you have a latex allergy, you're -- what I tend to hear about are individuals with issues related to latex gloves, and there can also be chemical properties within those gloves that can present a problem as well.

With regard to latex allergy, accommodations can range depending upon the environment that we're talking about. I do hear from a lot of people in the healthcare industry, but I've also noticed, I would say more lately, hearing from people who are also working in office environments. Of course, in the healthcare industry, it's usually about gloves. That's what I hear about the most. And in those cases, I do talk to people about switching to non-latex gloves when it's appropriate, depending upon the type of barrier control that's needed. But if it's not possible to entirely switch to latex-free, then switching to non-powdered latex gloves because with the non-powdered gloves, you're not spreading the latex proteins as much as you -- as you would otherwise. So you don't have the latex proteins just sort of floating around as much. So that is certainly one option to consider. Certainly the healthcare industry has become much more knowledgeable about latex allergy from -- more so from a patient standpoint. But they are also taking precautions in many hospitals and medical facilities related to latex allergy. In the office environment, I do talk to people about using alternatives to rubber latex bands, instead using Elastibands which are not actually made of natural rubber latex, not having the sort of things like pencil erasers in the work environment, using suede mouse pads instead of the latex mouse pads so there are some things that can be done to avoid exposure to latex, depending upon the environment.

>>LINDA CARTER BATISTE: Okay. Great. The next question is what about seasonal allergies, do employers have to provide accommodations for employees with seasonal allergies?

>>TRACIE SAAB: Okay. That's a good question. I certainly do get questions related to what might be classified as just seasonal allergies. It doesn't come in under the chemical sensitivity area, but I think you kind of have to come back around, too, if you're going to make this an ADA issue, for example, addressing the definition of disability, and whether or not the person is substantially limited with regard to, you know, whether -- the major life activity of breathing, or whatever their specific symptoms are related to the seasonal allergy. If it's severe enough, then it's possible that, yes, they may need to consider accommodations for someone with seasonal allergies, but it's really just going to come back around to that definition of disability, and the substantial limitation. That aside, you know, certainly people may have limitations that could impact their ability to do the job, even if it's not truly an ADA issue.

So I think it makes good business sense to make changes within the work environment that are going to enable somebody to perform their job function. You don't always have to go the ADA route necessarily. Employers need to use their judgment, take a look at, you know, how an individual is going to be impacted in the work environment and how those allergies might affect their ability to be productive.

>>LINDA CARTER BATISTE: Okay, great. And a follow-up question about allergies, and I can tell you just from backing you up sometimes, Tracie, we get lots of questions about allergies and chemical sensitivity and the combination of the two. This is a question I know we get all the time. How do you balance one accommodation against another? For example, what if someone needs to bring a service animal into the work environment, but somebody else is allergic to the dander on the dog?

>>TRACIE SAAB: Oh, that's a tough one. We actually get this question quite a lot because we do -- we do get a number of inquiries related to service animals in the work environment, and it can be quite a challenge. You know, how does an employer accommodate both individuals, someone with an allergy to the dog, and someone with, you know, the need to have the dog. And I think you have to address both needs individually, but then also take a look at, well, what can be done so that both parties can be in that work environment together. Some of the things that we talk to individuals about is, for one thing the individual with the service animal may want to speak with their veterinary specialist about using a dander control product on the animal. They want to ensure that the animal is groomed properly, and is well-kept. And then some things that can happen in the work environment include using air purification systems, trying to create different paths of travel. So, for example, if the individuals are working in a similar department that also happens to have maybe two main hallways or two break rooms, or perhaps different restrooms, then maybe setting up a system, in agreement, where parties will use specific rooms, alternative restrooms or alternative hallways to get to their destinations. So you essentially minimize the contact that both parties need to have. These are just some things that could potentially be considered. So bottom line, you need to address both areas there, or both individuals, and see what you can do to provide a reasonable accommodation on both sides of that.

>>LINDA CARTER BATISTE: Okay, great. And we have a follow-up question about the latex allergy issue. This individual is located in the midwest and said that in the midwest, air quality is high in latex, especially in the summer. How do you avoid this in the work force, or in general, especially if it's latex and it's not related to the medical field?

>>TRACIE SAAB: Okay. Good question. That's not one that I get very frequently at all, but I think you can relate it back to the seasonal allergy issue in a similar way simply because it's something that the person's being exposed to in the general air that they're breathing on a daily basis and, you know, accommodations -- well, they'll depend on that specific individual, but of course hopefully that person is maybe seeing a physician and maybe seeking some sort of treatment if that's possible. If they wish to, and have chosen to do that. Alternatively looking at ways to improve the air quality, whether it be, in the work environment, if there's something that can be done from a HEPA filtration standpoint, for example, a HEPA can be used to filter out the latex particles. Masks may be appropriate. The person may not be comfortable with that, though. You just really have to address it individually. Something else that could be looked at -- options for telework may be a good solution because the person may have been able to take some measures within their own home to deal with that air quality and if they don't need to leave the home, then they may be able to work effectively in the telework capacity, so setting up an arrangement to do that, either it can be something that's as needed, it can be something

that's set up on a part-time or a full-time basis. You really just want to take a look at the job functions that are involved there and decide what's going to be appropriate for that particular position.

>>LINDA CARTER BATISTE: Okay, great. And I want to follow up with one of the questions that we got. You mentioned that some employees aren't comfortable wearing masks. Do you find that happens a lot that employees don't want to wear a mask as an accommodation option?

>>TRACIE SAAB: I wouldn't say that I hear that very often. I wouldn't say that I hear very often that they want to. So, you know, I think it is something -- it's one of those things where you would not want to force an employee, you could not force an employee, to wear a mask in the work environment if other employees don't need masks in order to perform their job functions. If they choose to wear a mask, however, it may be something, the accommodation might be to allow them to do so. I kind of relate that back to, a situation where somebody wants -- chooses to wear a particular type of clothing or a hat for a disability-related reason, but maybe that's not something that's normally done in the work environment. It may need to be something that's considered or allowed as an accommodation.

>>LINDA CARTER BATISTE: Okay, great. And this question follows up on one of the limitations that I believe you mentioned during the presentation, Tracie. This person wants to know how is arthritis a limitation to chemical sensitivity? Arthritis seems to be unrelated to chemical sensitivity.

>>TRACIE SAAB: Not actually. In the research, in the symptoms that have been reported by individuals, chemical sensitivity, arthritis-like symptoms have been reported. So it is something that -- it's one -- that's the thing with chemical sensitivity is there are so many different symptoms associated with the condition and it affects multiple body systems. So it's not something unrelated. It is something that some individuals have reported -- arthritis-like symptoms

>>LINDA CARTER BATISTE: Okay. Great. And I know you mentioned this, too, but I think this is an important question, I know we get this all the time. If an employer, or even the employee or a doctor, they're not sure what chemicals a person is sensitive to, what does an employer do with that? Is there anything that can be done if you don't know for sure what chemical is causing the problem?

>>TRACIE SAAB: That's a good question, and it's a hard one, and I'm glad that's come up again just so I can address it again. Now there are times when the individual knows they are sensitive to something, but they don't specifically know what chem -- if it's a chemical agent, they may not know what the chemical irritant is specifically and so it can be difficult to specifically define that through their doctor or even through self-report. But maybe they -- you know, there is a certain smell or a certain chemical that they've used before or been around before and they can at least identify that as being the problem. Sometimes it's the case where they can't specifically identify what it is, but there's something in the work environment. So it's a system of really just trying to figure out what's going on in the environment, what's new in the environment, maybe. Are there new employees, are employees using something different than they've used in the past, just sort of -- you have to sort of be a little bit of an investigator to figure out what's going on. So, you know, and I'm not saying the employer necessarily has to

investigate that, but, you know, the individual needs to be helpful to their employer in terms of explaining what the irritants are. But there may not be a specific list of those irritants that the person needs to avoid. So, you know, chemical sensitivity is not always very black and white. It's not as easy as saying, well, there are these five different products that I have an issue with. For some people, it is that simple. But it's not that way for everyone.

The other problem you have, too, is that with chemical sensitivity, one of the reasons it's called chemical sensitivity is -- or multiple chemical sensitivity is because a person may have a sensitivity to a certain type of chemical, but there's a sort of a cross contamination type scenario with multiple chemical sensitivity, meaning that any other chemical that has similar properties associated to that chemical, the individual will also react to those types of products, or those types of chemicals. So it can get very complicated. Bottom line, again, I think it comes down to, get the individual's feedback regarding what they feel they have a sensitivity to, investigate it, look at how severely impaired they are by that, and then see if changes can be made in the work environment.

>>LINDA CARTER BATISTE: And Tracie, I think we have time for just one more question. I'm going to skip to this one because I know you're going to hate it, but I think this is one that we get a lot, and we're getting more and more of. What about employees who are allergic to smoke and they have work in an area say where patients may be smoking or the customers or people that maybe the employer doesn't have any control over, how do you accommodate that kind of situation?

>>TRACIE SAAB: That's tough. You know, of course you do what you can to try to move individuals who are smoking in an area that hopefully is not going to impact a lot of people. You know, I find this in hospitals, you know, they'll have designated smoking areas, but everybody needs to walk through that area in order to get to the main entrance so it just doesn't make any sense. It may be possible that there's an alternative entrance that the person can walk through. As an accommodation you may be able to make an adjustment to policy relating to where individuals go into that facility or exit that facility. It may be allowing the individual to wear some sort of mask if that's appropriate, or if they're comfortable. That can be difficult because the problem there, too, is that smoke tends to linger. So if you have an individual working with patients who are smokers, then that's coming into the work environment, and they're having to be exposed to it. You can have air cleaners in the environment -- limited in their effectiveness, probably in the type of environments that we would be talking about. But, you know, you could also look at, this is last resort, but reassignment to an alternative position, or an alternative department where the person is not having to come into contact with individuals who are smokers. So there may be a couple of other things that could be considered, depending on the specifics of that work situation, and JAN can certainly help provide other ideas in that area.

>>LINDA CARTER BATISTE: Okay. Great. Well, that's all the time we have. If there were any questions that we didn't get to, Tracie's agreed to answer them via E-mail in the near future. And if you need additional information or you want to discuss an accommodation or ADA issue, please feel free to contact us at JAN.

Thank you all for attending, and Tracie, thank you for a great presentation. We also want to thank Alternative Communication Services for providing the net captioning, and we hope the program was useful. As mentioned earlier, an evaluation form will automatically pop up on your screen in another window as soon as we're finished. We appreciate your feedback so we hope you'll take a minute to complete the form. Thanks for attending.