GLOBAL INDOOR HEALTH NETWORK

WORKING TOGETHER FOR HEALTHY INDOOR ENVIRONMENTS
IN OUR HOMES, SCHOOLS AND BUSINESSES









September 1, 2016

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Nuns Sickened by Toxic Mold

After 18 years at the humble home that serves as their Stanwood convent, the sisters of the Convent of the Meeting of the Lord have discovered the place is contaminated with toxic mold. The sisters have gotten sick. Four of them have had to move out. One now sleeps in a camper, another in an outbuilding. To read the article, click <a href="https://example.com/here/beauty-sisters

Until we understand that this is a crisis, things are not going to change.

Mold Still Plagues Bronx Housing Almost 2 Years After Court Order

Residents of a South Bronx housing project say they are still living in moldy and damaged apartments roughly 18 months after a court ordered NYCHA to finish making repairs to their homes.

"We are still having mold," said Morris Houses tenant Julia Saravia. "The leaking is coming back again."

Saravia and other tenants at Morris Houses first went to court in September 2014 for a lawsuit against NYCHA over their living conditions.

A state judge ordered NYCHA to complete all repairs by February 2015, but tenants have repeatedly disputed that the repairs have been done, and they are now in the midst of a contempt hearing with NYCHA over them, according to Rajiv Jaswa, a staff attorney at the Urban Justice Center.

Superficial repairs have been one of the main problems with this lawsuit, as the people NYCHA has been sending to fix residents' issues are not addressing their underlying causes, according to Jaswa.

This has been particularly troublesome with regard to mold in apartments where tenants suffer from asthma or other medical issues, he said.

Assemblyman Michael Blake toured some of the apartments and said, "<u>Until we understand that this is a crisis</u>, what's happening to the residents that are living here, things are not going to change. Until people that are not living in NYCHA, not living in these communities, do something, things won't change."

Forgotten Residents of New Orleans Still Live in Deplorable Conditions, Suffer Chronic Health Issues

The devastating toll of Hurricane Katrina is still apparent throughout New Orleans' 9th ward. Flood-ravaged homes with shattered windows line the streets, while the stench of growing mold and decay permeate the air.

The deadly hurricane made landfall 11 years ago, yet residents of the predominantly Black neighborhood are still living amid blighted houses crawling with disease-carrying vermin. Even residents who were evacuated and encouraged to come back say the putrid, abandoned structures are threatening their health.

"We're getting sick from inhaling all this stuff," longtime resident Roger Lewis Sr. told The Huffington Post.

According to the news site, Lewis' home stands just across the street from Press Park, a 237-unit housing complex gutted by the raging floodwaters of Katrina over a decade ago. The decrepit state of the buildings hasn't changed much since the floodwaters receded.

Retired trucker Loveice Stewart, 63, expressed disappointment with how bad things have gotten and said the area in the 9th ward has been "totally neglected." Stewart said he and other residents have suffered breathing difficulties, strokes and seizures, among other health issues, as city leaders turn a blind eye to their strife.

"The mold and stuff, it's still here, trust me," he said. "You can smell it in the air. It bothers me. If I had the money, I'd get the hell out of here and take my family with me. It's affecting our bodies."

City Sewage and Water Board employee Jesse Perkins has dubbed the 9th ward's residents "the forgotten people." Even after evacuees were encouraged to come back and rebuild, Perkins said the city just hasn't done enough to restore the community and accommodate those who have returned.

Concern over the spread of disease and mold spores has grown, as crumbling houses have the potential to circulate millions of tiny spores into the open air.



Devastation after Hurricane Katrina

Forgotten Residents of New Orleans Still Live in Deplorable Conditions, Suffer Chronic Health Issues (cont'd)

Testing by a non-profit environmental organization in 2005 found that the airborne mold levels in New Orleans posed a serious health risk to returning residents.

"The outdoor mold spore concentrations could easily trigger serious allergic or asthmatic reactions in sensitive people," said Dr. Gina Solomon, M.D., of the National Resources Defense Council. "The indoor air quality was even worse, rendering the homes we tested dangerously uninhabitable by any definition."

The environmental health crisis in New Orleans' 9th ward still persists, and community activist Rev. Willie Calhoun Jr. is tired of the excuses.

"For 11 years, we've been given excuses on why these buildings still stand," Calhoun said. "Simply put, this area is not a priority to them and it's unfortunate. There's no reason kids should be out here breathing in the toxins of this area."

"Without any remediation of this area, those mold spores are going to constantly stay in the air," he continued. "People should not have to live like this."

Mold Threatens to Leave Thousands More Homeless After Recent Floods (Louisiana)

Even for Louisianans whose homes remained intact after this month's devastating floods, a second, invisible menace still threatens to wipe out many residences: mold, which can overwhelm a home and leave gutting it as the only recourse.

As many as 11 people were killed when unrelenting rain flooded the state beginning August 13. Gov. John Bel Edwards called the disaster a "historic, unprecedented flooding event" after the storm system dropped three times as much rain on Louisiana as Hurricane Katrina, according to National Weather Service records.

And many more than the 60,000 residents already left homeless could lose their homes, too.

"Mold removal is a top priority," the state Health Department warned in the days following the floods.

Mold in your home isn't like the mold that grows on old bread. This mold can cause severe allergic reactions and potentially fatal respiratory seizures — and it begins growing in only 24 hours.

Doctors, along with state and federal authorities, say mold removal is best done by licensed contractors, because the danger to homeowners is severe.

The best course for many whose homes may still be structurally sound is to rip everything out anyway and start all over. That's because the list of stuff that probably has to go begins with foundational materials like sheetrock, insulation, plaster, paneling, ceiling tiles, carpet and padding, state Health Secretary Rebekah McGee said.

Kyung Kim pointed Friday at a pile of debris almost 20 feet long outside her home in Lafayette — flooring and wood that had to be ripped out because of the mold hazard.

The Federal Emergency Management Agency said the flooding ravaged even areas that aren't considered flood zones — so many wiped-out homeowners, like Kim and Welch, didn't have flood insurance.

The August 2016 storm system dropped three times as much rain on Louisiana as Hurricane Katrina

Mold Threatens to Leave Thousands More Homeless After Recent Floods (Louisiana)—cont'd

And the situation is made worse by slimy scammers who go around the state trying to persuade homeowners that they can easily go back home — if they just pay for their help.

"Fly-by-night contractors often go door to door after natural disasters, offering to help victims clear debris, remove mold or repair homes," state Attorney General Buddy Caldwell said.

Caldwell's office has begun circulating flyers warning stunned homeowners to be particularly wary of anyone offering to help them move back in by procuring "mold remediation certificates" proving that their homes are safe. Some scammers are charging residents as much as \$1,000 to provide the "certificates" — which the state doesn't even require, Caldwell's office said.

Instead, his office advised that homeowners needing help look only at approved mold-removal contractors:

- •Get at least three bids on identical itemized work orders.
- Demand proof of insurance and call the contractors' insurers to confirm coverage.
- Check that the contractors are licensed through the State Licensing Board.
- •Don't cave in and agree to a large down payment, which a reputable contractor won't demand.
- •Get guarantees and contracts in writing, and don't agree to pay cash.

Union Asks Regulators to Investigate Mold Problem at Maile Sky Court (Hawaii)

The Hawaii Carpenters Union began looking into reports of unsafe working conditions at the Maile Sky Court several months ago.

Union officials said workers there had complained about respiratory problems after working 70-hour work weeks.

They also complained about crowded living conditions, in some cases-- 6 people to a hotel room.

The union said it was looking into possible undocumented construction workers from Mexico and Honduras and came across the black mold.

"What we found here was very disturbing. We conducted testing with an independent certified laboratory that tested the drywall. They found the presence of toxic black mold on four floors in the Sky Court," said Kyle Chock of the Hawaii Carpenters union.

The union has filed a complaint over the black mold with the EPA, state health department and the city. It's raised the question of where the construction material is ending up.

The union said it's been trying to unravel the relationship between three different companies linked to the job site: R and R Construction, Selby Construction Services and TRG- who is listed as the General Contractor on the job.

"We hope they are being held accountable to the standard that all law abiding companies who do business in Hawaii are held to," said Chock.

Chock recalled the last major crackdown was in 2007 during another red hot construction market.

"We saw unsafe working conditions in the Pinnacle and saw job site action with the feds going in and arresting people," Chock said.

To read the article, click here.



East St. Louis Closes Its Jail Over Mold Problem

East St. Louis Closes Its Jail Over Mold Problem (Missouri)

A complaint of unsanitary conditions lodged Monday morning by a police officer prompted city leaders to shut down the East St. Louis jail and move all of its prisoners to the St. Clair County Jail.

In the interest of the health and safety of the employees and prisoners, the prisoners who were being housed there were removed from their cells and transported to the county jail.

"I received a complaint from an officer and I felt it was probably incumbent upon us to shut the jail down," said East St. Louise City Manager Courtney Logan.

Logan said the jail has flooded numerous times, and as a result there may be some mold there. The complaint was being investigated.

Mayor Emeka Jackson-Hicks said she's aware the jail has flooded multiple times.

"Yes. I am aware of the complaint. The city manager shut the jail down to prevent employees or prisoners from getting sick," Jackson-Hicks said.

For now, anyone arrested by East St. Louis Police will be taken to the county jail instead of first being held at the city jail.

Sitting in Traffic Jams Can Harm Your Health

A new study reveals pollution at intersections and traffic jams have higher levels of pollution than on the open road.

Why is pollution higher at intersections?

This new study out of the United Kingdom found pollution is 29 times higher at intersections than on the open road. And cars sitting at red lights or in traffic jams had up to 40% more pollution inside than cars that were moving. That's because in these situations, cars are closer together. They slow down, stop and rev their engines to move forward. This leads to higher levels of particle concentration that lingers and accumulates.

What are the health risks associated with indoor air pollution?

Exposure to particulate matter in the air is the eighth leading cause of death here in the United States. Air pollution contributes to fatal diseases like lung cancer, asthma and other respiratory disease. It's also been linked to heart disease and stroke.

Steps to Reduce Your Exposure

To reduce the amount of pollution you're exposed to while stuck in traffic or at busy intersections, here are my prescriptions:

- 1. Keep Your Car Windows Closed. This will help reduce the amount of pollution you're exposed to.
- 2. Switch off the Fan. This can reduce the chance of breathing in hazardous levels of air pollution by 76 percent.
- 3. If You Need the Fan on, Have It Circulate the Air Internally. This prevents pollution from entering.
- 4. Try to Avoid Busy Intersections or Rush Hour Traffic if possible. If you can't, increasing the distance between you and the car in front will also help.

To read the article, click <u>here</u>.



Mold and Fungi in Bagpipes Caused His Death

Doctors have an important message for musicians: <u>Don't</u> <u>forget to clean your instruments</u>. It could be a matter of life and death.

Their warning was inspired by a 61-year-old British bagpipe player who developed a dry cough and breathlessness that worsened over a period of seven years. His condition became so severe that he could walk only 22 yards before tuckering out. Previously, he'd been able to walk far enough to finish a 10K, according to a case report published Monday in the journal Thorax.

Doctors diagnosed him with hypersensitivity pneumonitis, or HP, a rare disease of the lungs. HP is the result of an allergic reaction to mold, fungus, dust or other substances a patient breathes.

Typical triggers for HP include exposure to birds or household mold caused by excessive water damage, but the patient had no history of either. Nor did he have a history of smoking. Doctors prescribed the steroid prednisolone and the immunosuppressive drug azathioprine, but they had little to no effect.

After he was admitted to the hospital, it occurred to someone to test his bagpipes to see whether they were the source of his HP. The hunch proved correct. Samples of air from inside the bag were found to contain the fungi Rhodotorula mucilaginosa, Fusarium oxysporum and various species of Penicillium. The neck of the blowpipe added Trichosporon mucoides to the mix, and the chanter reed protector had many of these same fungi as well.

Parents & School Leaders Square Off Again Over Mold Concerns (Florida)

Parents and school leaders have previously met to discuss mold concerns at the Largo school. They gathered again Monday. While school officials said no mold has been discovered, a former teacher says that's not the case.

Some parents believe there's mold, say it's made kids sick

Still, not all parents were satisfied. "You promised us on the news on Friday, that we could have of our choosing, a mold inspector come and do the testing," Michelle Zamparelli said. "To this day, I don't think that there has been a certified mold inspector that has come out here."

Several parents questioned why students continue to become ill with breathing problems. They said these issues are caused by dangerous mold. "Don't lie and say there was never an issue. Own up to it and just fix it. That's all we want," one parent said.

On Friday night dozens of parents crowded into the school's cafeteria to grill the president and CEO of Superior Schools, Steve Christopoulos.

Last week several parents showed News Channel 8 crews the middle school classrooms in question, pointing out what they believe is mold near a vent, wet floors where tiles are coming up and places where, they claim, paint is hiding the mold.

A former teacher says there is mold – and that it's been a problem for years.

"By the middle of the year, by Christmas break, we were seeing the mold. And then by spring break, we thought Superior had acted. They asked us to pull all our furniture away from the wall, they were going to replace floor tiles that had come up all moldy. They were going to pull down the whole back wall of the modular building, so we spent hours moving everything away from the wall and nothing ever happened," she said.

To read the article, click here.



Additional News Stories on Mold in Schools

<u>GIHN Note</u>: Every year when school starts, we see many news stories about mold problems in schools. It's typically caused by lack of maintenance during the summer months or because the air conditioning systems are turned off (to save money on utility bills).

Here are a few of news stories for August 2016:

East Pennsboro Schools Deal With Mold. Click here.

Mold Forces Local School District to Cancel Classes. Click <u>here</u>.

Parent Voices Concerns about Mold Issue at Englewood Elementary. Click <u>here</u>.

Mold problem at West Vigo High School serious. Click here.

Pinellas Parents Grill Charter School CEO about Possible Mold Issues. Click here.

Mold Plagues School Complex Rebuilt After Deadly Tornado. Click here.

Farmington School Tackles Mold Problem. Click here.

Concerns Over Mold Continue at Largo Charter School. Click here.

Mold Pushes Back School Start Date. Click here.

Pennsylvania District Closes All Schools after Mold Outbreak. Click <u>here</u>.

See *Toxic mold after Detroit flooding* on page 7

Toxic Mold is New Worry for Detroiters Affected by 2014 Flooding

Jimmy Sue Caldwell and her husband, Thomas, remember August 11, 2014, all too well.

The longtime Detroit residents were home on Ward Street. Outside, a once-in-a-lifetime storm was lashing their northwest neighborhood with rain for hours.

"It was really bad outside, so we decided to go down stairs until it passed," Jimmy Sue said. "That's what we usually do when there are bad storms."

They would soon find out this wasn't just a bad storm. It was a historic one.

As they sat on a couch in their tidy, finished basement, Jimmy Sue felt a strange sensation on her feet. She looked down to see water covering the carpeted floor and rising fast. They retreated up the stairs, but within minutes the murky, smelly water was almost knee deep and just about everything in the basement was saturated with the sewage-laced storm water rising through the drain.

When the storm finally passed, much of metro Detroit was under water, with more than 100,000 homes flooded in Oakland, Macomb and Wayne counties. Detroit, where the infrastructure is oldest and least capable of handling such a torrential rainfall, had been struck by the largest natural disaster in the United States in 2014, according to the Federal Emergency Management Agency (FEMA) and American Red Cross.

With this month's two-year anniversary, the storm is just a memory for most people. But not in Detroit, where government at all levels has essentially moved on from the poorest of flood victims.

According to disaster relief agencies, from volunteer groups to the American Red Cross, thousands of mostly lower-income Detroiters, including those not previously counted by the government still live in damaged homes, with families exposed to toxic molds that can cause asthma and chronic disease. Some have now gone through two winters without working furnaces or water heater tanks.

Experts say
basements in
thousands of homes
were not cleaned up
after devastating
storm 2 years ago

Toxic Mold is New Worry for Detroiters Affected by 2014 Flooding (cont'd)

There are flood-damaged homes that haven't even been visited by government agencies or relief organizations. In some cases, it's because the people living there were renters, not homeowners. In others, FEMA staff said they were told by the state to avoid walking Detroit's streets because the city was too dangerous for door-to-door canvassing.

Relief agencies told Bridge Magazine that still other families received only a portion of the disaster funds needed to repair flood damage, and were too poor to make up the difference.

"The devastating effects of the flooding can still be seen in a number of Detroit communities," said Kimberly Burton, regional chief executive officer for the American Red Cross Michigan Region. "Sadly, the aftermath of the disaster left... ongoing challenges to many who survived the initial rains."

Wilson said the number of people in northwest Detroit still living in homes with damaged basements is staggering.

"People just don't understand the magnitude of what is going on here," McGilvery said. "It's gut wrenching to see. There are people who will live and die by what happened with that storm. That's the reality. And most people don't even realize it."

Constructive Eviction -When a Landlord Refuses to Make Repairs

Most renters have certainly heard of eviction—the dreaded process in which a landlord kicks out a tenant for not paying rent or some other major infraction. But what is a constructive eviction?

That's a whole different ballgame, where a landlord essentially "evicts" a tenant by not fixing an uninhabitable rental. And while "constructive" may sound like a positive word, it's not. It means the landlord is failing to fulfill his legal duty.

Constructive eviction is rare, but tenants who face this dire scenario should know their rights, and how to fight back.

How constructive evictions work

"A common way landlords attempt to force out tenants would be by failing to provide heat in the winter," says Brooklyn Law School professor David Reiss. Other ways a landlord could run into constructive eviction territory include turning off the water supply or failing to clean up flaking lead paint or toxic mold.

Tenants should attempt to work through any problems with the landlord first. That said, if a property owner won't budge and the living environment puts a renter in harm's way, a tenant can pursue a constructive eviction claim.

How to file a constructive eviction claim

Unfortunately, tenants can't file a constructive eviction claim if their floors creak or if their walls are painted a hideous shade of avocado green.

"More minor conditions like peeling (nonlead) paint, stuck windows, and drafty doors would be weak bases for a claim," says Reiss.

Pellegrini agrees, adding, "The standards are very high for this, because you're basically asking the court to conclude that the landlord essentially evicted you when he hasn't."

Here are five things a tenant must demonstrate to an attorney to prove a constructive eviction:

Where a landlord essentially "evicts" a tenant by not fixing an uninhabitable rental.

It means the landlord is failing to fulfill his legal duty.

Constructive Eviction -When a Landlord Refuses to Make Repairs (cont'd)

- •Your landlord owed you (the tenant) a duty, such as providing heat in the winter or a residence free from toxic mold.
- •The landlord neglected the duty.
- •The apartment became uninhabitable as a result of the neglect.
- •You gave the landlord notice of the neglect and time to take care of it.
- •You left the apartment within a reasonable amount of time after the landlord's failure to fix the issue.

The tenant must give the landlord only one notice of any issues at hand.

"If you're talking about a toxic situation, you should ask once and seek immediate removal from the apartment, storage of your things, and an alternate place to live," says Pellegrini.

To file a successful claim of constructive eviction, tenants should gather all evidence of the issue. Make sure to document everything, including photos, videos, statements from health inspectors, and all communication with the landlord regarding the issue.

It's also important to note that you have to leave the premises in order to prove a constructive eviction. And while it may be possible to withhold rent after you've moved out, you may have to pay it later if you don't win your claim.

If you do win, however, you will be able to terminate your lease and move on to more livable quarters. To weigh whether a construction eviction lawsuit is the right avenue for you, consult the housing courts in your area. You can also call the U.S. Department of Housing and Urban Development's Multifamily Housing Complaint Line toll-free at (800) MULTI-70.

New Jersey Supreme Court Ruling on CGL Insurance

The New Jersey Supreme Court's August 4, 2016, holding in Cypress Point Condominium Association, Inc. v. Adria Towers, LLC is the latest decision to fall in line with the "strong recent trend" by state and federal courts to recognize that standard commercial general liability (CGL) insurance policies provide coverage for property damage caused by the faulty work of the insured's subcontractor.

In Cypress Point, a condominium association filed suit against the developer and general contractor who had built the condominium project using subcontractors. The suit alleged that water infiltration, such as roof leaks and infiltration at interior window jambs and sills, had caused damage to steel supports, exterior and interior sheathing and sheetrock, and insulation. The association claimed that this water infiltration was caused by faulty construction work, including defectively built or installed roofs, gutters, brick facades, exterior insulation and finishing system siding, windows, doors, and sealants.

The question in Cypress Point was whether there was coverage under the relevant CGL policies issued to the developer, which were based on the 1986 standard CGL form prepared by the Insurance Services Office, Inc. (ISO). The policies contain the standard form policy language providing coverage for "those sums that the insured becomes legally obligated to pay as damages because of 'bodily injury' or 'property damage' . . . caused by an 'occurrence' that takes place in the 'coverage territory' . . . [and] . . . occurs during the policy period."

The policies define "property damage" as "[p]hysical injury to tangible property including all resulting loss of use of that property." "[O]ccurrence" is defined as "an accident, including continuous or repeated exposure to substantially the same general harmful conditions."

The policies also contain an exclusion that eliminates coverage for "'[p]roperty damage' to 'your work' arising out of it or any part of it and included in the 'products-completed operation hazard'" (the "Your Work Exclusion").

Court says standard CGL policies provide coverage for property damage caused by the faulty work of the insured's subcontractor.

New Jersey Supreme Court Ruling on CGL Insurance (cont'd)

But the policies also specifically provide that the Your Work Exclusion "does not apply if the damaged work or the work out of which the damage arises was performed on [the insured's] behalf by a subcontractor" (the "Subcontractor Exception").

The Appellate Division reversed, holding that "unintended and unexpected consequential damages [to the common areas and residential units] caused by the subcontractors' defective work constitute 'property damage' and an 'occurrence' under the [CGL] polic[ies]."

The Supreme Court granted certification to consider the question of whether the standard form CGL policies provide coverage to a developer/general contractor when a subcontractor's faulty work causes consequential damage to the project.

The Supreme Court affirmed the Appellate Division, holding that "the consequential damages caused by the subcontractors' faulty workmanship constitute 'property damage,' and the event resulting in that damage—water from rain flowing into the interior of the property due to the subcontractors' faulty workmanship—is an 'occurrence' under the plain language of the CGL policies at issue here."

Cypress Point is an important victory for developers and general contractors. Under the 1986 ISO standard form CGL policy, when a subcontractor's faulty work causes consequential damage to other, non-defective portions of a project, the developer or general contractor's insurance must respond with coverage.

State Farm Insurance Company Loses Appeal Over Jury Selection

Providing guidance on the rules for jury selection in trials involving an insurer's interest, the <u>Georgia Court of Appeals this week reversed a 2015 verdict</u> that was favorable to State Farm.

The decision centers on Georgia's requirement that jurors must be questioned about their financial or personal interests in any insurance company with money on the line in a trial. In an opinion issued August 15, 2016, Judge John Ellington made clear that litigants have the right to demand that jurors answer the questions in open court with all parties present. A jury administrator screening the pool of potential jurors before dispatching them to courtrooms doesn't fully satisfy the requirement.

A "party that asks that qualification of prospective jurors be done during voir dire and in open court is entitled to that procedure," Ellington wrote.

Malone said he understands why defense lawyers don't like to talk to jurors about the insurance companies whose assets they're protecting. But, he added, "If the Georgia Supreme Court says it's got to be done, I'm going to ask for them to do it. That's my job."

Ellington's decision drew heavily on the 2014 Georgia Supreme Court ruling in Conley v. Ford. In Conley, the high court held: "It is the long-standing rule in Georgia that, to ensure the right of trial by an impartial jury, a party to a civil case is entitled to have the jury qualified by the court as to any insurance carrier with a financial interest in the case. It is an equally long-standing Georgia rule that where a civil jury was not properly qualified in this way ... a new trial must be ordered."

Ellington's opinion "seems like a straightforward application of clearly established law."

To read the article, click <u>here</u>.

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School Board Adopts Indoor Air Quality Policy

Board member Brian Nelson reported the Policy Committee recommends adoption of an Indoor Air Quality Policy, referred to as a "fragrance free school" policy. This comes as a response to air quality issues brought forth by OSHA.

Air fresheners, perfumes, lotions, candles, etc. can emit strong fragrances that some people have debilitating physical reaction to; the policy asks all teachers, students, staff and visitors to not bring cleaning products, deodorizers or other personal care products into the facilities unless they are identified as fragrance free.

In addition, whenever possible, cleaning products with strong scents will only be used during off-peak hours.

The air quality policy was approved. To read the article, click here.

To see the U.S. Centers for Disease Control (CDC) Indoor Environmental Quality Policy, click <u>here</u>.

Quick Links:

Website: https://www.globalindoorhealthnetwork.com

Health Effects:

https://www.globalindoorhealthnetwork.com/healtheffects

Position Statement:

https://www.globalindoorhealthnetwork.com/GIHN-position-statement