

# GLOBAL INDOOR HEALTH NETWORK

"WORKING TOGETHER FOR HEALTHY INDOOR ENVIRONMENTS"

<http://globalindoorhealthnetwork.com>

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## GIHN Member Announcements

Please join me in welcoming our newest member, **Ruby Cox**. Ruby lives in Birmingham, Alabama. She was exposed to mold in 2005, and her lawsuit is now at the State Supreme Court in Alabama. Ruby wants to connect with others and share her personal experience to help them through this process.

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Tune in to [IAQ Radio](#) on Friday, December 16, to listen to GIHN member **Greg Weatherman**. Greg is the owner of Aerobiological Solutions in Virginia.

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Invisible No More: **Andrea Fabry**

Through the project, Invisible No More, the Invisible Disabilities Association is bringing awareness, compassion and belief to millions living with debilitating conditions, shining a light on the "invisible" and making these valuable, incredible people Invisible No More! This [video](#) features the story of Andrea Fabry and her family who experienced severe mold toxicity from their home.

## EPA Cleans House, Industry Fights Back

The Environmental Protection Agency is cleaning house. Last week, Administrator Lisa P. Jackson released [hundreds of chemical studies](#), which were formerly kept secret from the public as confidential business information.

This week, National Public Radio reported that the EPA released information on pollution violations at more than 1,600 power plants, which expose communities to benzene, formaldehyde, mercury and other hazardous chemicals. According to NPR, at least 300 of these—considered "high priority violators" for at least 10 years—were on a secret [EPA "watch list"](#) until now.

But the industries that depend on these chemicals are fighting back. Recently, the International Fragrance Association North America challenged a law introduced by Representative Steve Israel of New York that would force them to have ingredient lists on their bottles, claiming that fragrance recipes are "artistic creations that need to be protected," according to the [National Journal](#).

As the fight heats up, pediatricians, are becoming even more vocal about our need to clearly identify and reduce chemical toxicants that can affect children's health, according to [Family Practice News](#). At a recent conference sponsored by the Mid-Atlantic Center for Children's Health and the Environment, Dr. Jerome Paulson referred to children's increased vulnerabilities to pesticides such as organophosphates, pyrethrins, Bisphenol A, phthalates, manganese and arsenic, calling them "the canaries in the coal mine."

Our children's health needs protecting—not ["artistic chemical creations"](#) or the profits of industry.

To read the article:

[EPA Cleans House, Industry Fights Back](#)

See *Military housing...mold problems* on page 2

## Lawmakers Press Military Housing Company to Fix Problems

There has been a series of articles about mold and other problems in military housing owned by Lincoln Military Housing. Here's the latest:

In response to complaints about mold in privately run military housing from residents to federal lawmakers, Lincoln Military Housing representatives said they will make changes.

Sen. Mark Warner and Reps. Scott Rigell and Bobby Scott said they expect a status report by the end of the week.

"If I'm one of these families, I'm not going to take that at face value," Warner said.

On Sunday, he hosted a discussion with residents, the two congressmen, two Navy rear admirals and representatives of Lincoln, which manages 4,380 military rental units in the region.

Residents began by describing their problems with water damage, mold and service. They brought photos and paperwork. One woman drove from Charlotte, N.C., to talk about the problems she had for the five years she lived in military housing in Virginia. She moved in October.

Warner often had to raise his hands to quell the roar of residents as complaints grew to include Lincoln personnel and contractors' behavior. The one-hour meeting stretched to nearly two.

"It shouldn't take a senator and two congressmen to help you," Warner said. "You're not alone anymore."

Jeff Franzen and Jarl Bliss of Lincoln said they will change contractors, create a new customer service officer position and find a resident family housing advocate.

On Friday, Lincoln officials said they would contact tenants in Hampton Roads to ask about any maintenance problems and seek permission to conduct new inspections.



*U.S. Sen. Mark Warner (right) speaks to residents during a discussion about Lincoln Military Housing and reports of mold. Warner and Reps. Bobby Scott (left) and Scott Rigell (center) said they expect a status report by the end of the week.*

## Lawmakers Press Military Housing Company to Fix Problems (continued)

Warner also asked that Lincoln create individual action plans for the families at Sunday's meeting, look at compensation for those who have had personal property damaged or destroyed, and that it review its employees' behavior and make changes as necessary.

To the residents, Warner said to call his office or the offices of Rigell and Scott if there are further problems or if there's any blowback for coming forward.

Rigell, who went on to meet separately with the Navy and Lincoln officials, said he wants the immediate problems fixed and to make sure there isn't a widespread problem.

To read some of the previous articles about mold problems in military housing, go to the following links:

[Lawmakers Share Health Concerns at Navy Homes](#)

[Military Families with Mold Problems Go to Congress](#)

[Mold Inside of Military Housing Causes Frustration, Illness for Many](#)

[Military Families Say Dangerous Mold is Taking Over Their Homes](#)

[Home Mold Issues Concern Hawaii Army Families](#)

[Fort Bragg Infant Death Toll Rises to 12](#)

[Navy Makes Big Changes After Families Complain About Mold Problems](#)

See *Buck Stops with Landlord (Japan)* on page 3

## Buck Stops with Landlord of Moldy Apartment (Japan)

This article was posted online in the Japan Times.

Reader G.R. writes: "My apartment has a serious mold problem. The bathtub is built in such a way that there is a space between the tub and the wall and water can easily get underneath and does not drain well.

I have already dealt with this problem once. My coworker told our manager (our company rents these apartments for their employees), and they hired some people to remove our tubs; we had to clean the mold ourselves. When the men came to remove the tubs I asked them what I could do to prevent this mold from coming back, and they told me essentially that I just had to clean it every now and then.

"Well, that's not OK with me. Now it's back in full force. I can actually smell it when I walk in and I'm getting headaches.

"What are my rights in this situation, according to Japanese law? Does my employer or my landlord have a responsibility to remedy this problem, clean up the mold, and make sure it cannot grow back in the future?"

The first issue is whether the mold is caused by a structural problem or not. It sounds like it might be in your case, as the tubs had to be moved to clean the mold.

As you probably know, mold is a problem in most parts of Japan all year long (and at its worst during the humid months). It grows and spreads rapidly, and it's impossible to keep it from growing in bathrooms (and other areas) without preventative measures (e.g. running a fan while in the shower) and regular cleaning.

Let's assume it is a structural issue. If your company is the official leaseholder, ultimately they're responsible for addressing the mold issue with the landlord. If maintenance responsibilities are not mentioned in the lease, the Civil Code will apply. Yoshiya Ishimura, of Omotesando Sogo Law Office, explains: "Generally speaking, a landlord is responsible for maintaining a leased property in a good condition suitable for use and

....continued in the next column...



## Buck Stops with Landlord of Moldy Apartment (continued)

for repairing any damage or wreckage to the property such as walls, floors, ceiling, air conditioners, lighting, etc. It should be noted that if such damages are caused by a tenant's misuse, a tenant would at least be charged for the repair costs.

We also contacted the Real Estate Transaction Improvement Organization (RETIO) and the National Network of Tenant Associations; both emphasized working out the situation with the landlord.

The latter said a landlord would probably blame a mold problem on the tenant, but if the mold made the bathroom "nonfunctional," a tenant could negotiate with the landlord to reduce rent for a certain number of months if the tenant arranges and pays for repairs.

Also, according to the Civil Code, if a part of the apartment is nonfunctional through no fault of the tenant, they can demand a rent reduction equivalent to the value of the nonfunctional part. To prove this to the landlord, you likely would need a professional inspector to declare the area nonfunctional.

If the landlord still refuses to take care of the problem, the next step would be to go to civil court. If it does come to that, it would be best to consult with a lawyer or law office.

To read the entire article:

[Buck Stops With Landlord of Moldy Apartment](#)

See *Member Profile: Dodd Fisher* on page 4

## Member Profile: Dodd Fisher

Dodd is an attorney in Michigan. He was born in Tennessee and has lived in various parts of the country including two years on an Indian Reservation in Montana when he was a teenager. He earned his Bachelor's Degree at the University of Michigan, Ann Arbor, and a joint Master's and Law degree (J.D./M.B.A.) from the University of Detroit Law School. He has been in private practice since graduation.

Since January 2009, Dodd has also been an Adjunct Law Professor at the University of Detroit teaching Toxic Torts to third-year law students. The course provides an overview of industry guidelines for mold remediation, potential health effects from microbial exposure, detecting biased science, medical causation, and how to prepare a complaint against an insurance company and remediation contractor where the insurance company recommends or hires contractors that perform incompetent mold remediation. The class includes the following guest speakers--Connie Morbach, environmental scientist, Ernest Chiodo, M.D., C.I.H., environmental medicine physician, and Vince Sugent, president of the local chapter for the National Air Traffic Controllers' Association (NATCA).

Dodd has lectured at a number of venues including Lorman Conferences, Wayne State University and the State Bar of Michigan Environmental Law Section.

Dodd has been actively involved in litigation regarding toxigenic fungi exposure since 2001. He had a mold case in the 6th Circuit Court of Appeals involving 19 air traffic controllers who had fallen ill to mold exposure at the Detroit Metro Airport (Bennett, et al vs. MIS Corp., et al). The case was dismissed by the Federal District Court for lack of duty in negligence claims against FAA remediation and environmental consultant contractors. In June 2011, the Michigan Supreme Court issued a clarifying opinion on contractor liability referencing the Bennett case as a basis that the lower courts have misapplied the law. Dr. Ritchie Shoemaker authored a cohort study of 15 air traffic controllers, and this study was included in an opinion by the U.S. Department of Labor worker's compensation bureau. In March of 2009, that study helped an air traffic controller win his disability claim for chronic inflammatory disease resulting in a multi-system illness, including neurologic deficits (i.e., memory, word finding, problem solving, concentration, etc.).



*Dodd Fisher*

## Member Profile: Dodd Fisher (continued)

Another mold case (Colaianne vs. Stuart Frankel) went to the Michigan Supreme Court in October 2009 on the issue of the "common law discovery rule." The case was filed in 2004 and dismissed in 2007 when the Michigan Supreme Court issued a retroactive order (applying to all cases) that abolished the common law discovery rule. Under the common law discovery rule, the time line for the "event" begins when the injured party discovers the causal connection to their medical condition. For mold exposure claims, an injured party often has a medical condition they are not aware is being caused by the environment until much later. As a result, the "event" may not occur until several years later. Because of this Court ruling, injured persons will be limited to the strict interpretation of the 3-year statute of limitations rule (e.g., the time line will begin on the day you move into an apartment even if you don't know the apartment is making you sick until 5 years later when you get the correct medical diagnosis).

Dodd is presently involved in a case representing a family of three with neurological disabilities (including a 4-year-old child with developmental delay). The family suffered exposure in a heavily contaminated apartment unit in Keego Harbor, Michigan. One of the defendants is a U.S. Congressman. Another current case is a wrongful death action involving a 15-year-old wheel-chaired child that suffered a fatal asthma attack, respiratory distress and cardiac arrest from chronic leaks in an apartment complex in Southfield, Michigan.

Dodd is driven by his passion to represent those suffering great injustices at the negligence of others and to spread the truth regarding the potentially devastating health effects that can result from water-damage contamination.

See *Receding Waters Leave a Flood of Despair* on page 5



## Receding Waters Leave a Flood of Despair

After 100 days and nights, the waters receded.

And, three weeks ago, Janice Phelps was ready to finally go back to their home; Ralph, her husband, tried to prepare her.

It's bad, he'd said. Real bad.

Still, what the 63-year-old woman encountered shocked her: furry, mold-covered walls in their living room; muck two feet deep in the basement; carpets squishing with her every step. When she kicked one warped kitchen floor board, a green snake slithered out.

"I can't bear seeing our home this way. It was our dream home. It's too far gone to save," she said, biting her lip, trying not to cry.

For most of us, the water was little more than a news story and some inconvenience. Interstate 29 is open again. Life moves on.

But the broken levees and battered souls stretch up and down the Missouri River on both sides.

Take Atchison County, a few miles from the Nebraska line: Amid a sandy moonscape along U.S. 136, 90 homes destroyed, 47,000 acres of Missouri's most fertile farmland scoured.

The experience is, say former residents, "like grieving a death."

Living in a rental now, the Phelpses are taking out another mortgage to build a new home.

"This has been life-changing for us," said Janice Phelps, who added that this holiday season, she and her husband are not putting out any Christmas decorations.

"We're just too sad. Christmas is a time of peace...in your own home."

Many like them got back to their homesteads just before Thanksgiving to see what the waters spared.

And it's not much.



*Janice Phelps surveyed the mold and damage caused by Missouri River floodwaters at their former home in Rockport, Missouri.*

## Receding Waters Leave a Flood of Despair (continued)

All but five homes within the river's reach are forever uninhabitable, especially without the deep pockets required for repairs. The standard \$30,000 payout from the government isn't enough to repair or replace these buildings, or to raise them high enough to avoid the next round of high water.

It's likely to come. The U.S. Army Corps of Engineers says there's not enough time or money to fix all the levees before next spring.

The empty homes — windowless shells striped by high water markings, many shoved off foundations — have become a concrete metaphor for how their owners feel.

"I'll be honest with you, there were times these last few months I wanted to kill myself, it hurt so bad," said Connie Shandy, 57, with a ruddy complexion and angry eyes. "The stress is overwhelming.... People tell us to just build another house, or go modular. But we have no money."

"Our lives have changed forever, but few people have noticed. This community will never be the same," said Kenny Bemberger, 67, a retired construction worker and meat packer who is now renting a house for himself and his wife in nearby Rock Port.

To read the entire article:

[Receding Waters Leave a Flood of Despair](#)

See *Lead is Still a Threat* on page 6

## Lead is Still a Threat

Buffalo (New York) is exceptional in many ways, none the least of which is the incredible architecture and the vast majority of homes built many decades ago. These older homes however, uniquely situate Buffalo for lead hazards and elevated lead levels, as lead-based paint is extremely common in older housing stock. In fact, approximately 85% of homes built before 1978 contain lead-based paint, which is the primary source of lead for children with lead poisoning.

Lead dust is ingested by children because of normal hand-to-mouth behaviors. They also ingest lead dust on toys and household surfaces. Further, there are important differences in children's bodies that make them more susceptible to elevated lead levels than adults. Children's developing digestive systems absorb up to 10 times as much lead as adults (CDC ATSDR 2010); so if an adult and a child swallowed the same amount of lead, the child's body would absorb a much greater proportion of the lead than the adult's body would. Also, children's bodies don't get rid of lead as well as adult's bodies do: an adult body will excrete about 99% of lead within a few weeks of ingesting it, but a child's body will only excrete about 32% in that same time period (CDC ATSDR 2007).

When children are exposed to and then ingest lead, it affects their developing bodies, particularly their brains, in many ways. Unlike the flu or other illnesses, there aren't usually symptoms of elevated lead levels, so the only way to tell is with a blood test.

High levels of lead can slow a child's physical and intellectual growth; cause a decrease in I.Q., vocabulary, and grammatical reasoning; lead to learning disabilities, irritability, attention deficit and/or hyperactivity; damage hearing and hand-eye coordination; inhibit reaction time; and cause kidney damage, among other issues

[Lead is Still a Threat](#)

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**[Next Newsletter: Friday, December 30, 2011](#)**



## ARB Requesting Nominations

For the past 11 years, the Air Resources Board has presented the Haagen-Smit Clean Air Awards to esteemed individuals who have made significant contributions toward improving air quality and public health. 2011 nominations are now being accepted.

If you know someone in the air quality community – scientists, professors, legislators, activists, business leaders, and others – who has made an impact in the air quality field, you can nominate them for an award by completing a nomination form.

Nominations must be submitted by January 31, 2012.

The form, as well as more information on the Haagen-Smit Clean Air Awards, and previous recipients, can be found at:

<http://www.arb.ca.gov/research/hsawards/hsawards.htm>.

<http://www.arb.ca.gov/research/hsawards/nom/2011hs-nominate.pdf>

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## Quick Links

**Website:** <http://globalindoorhealthnetwork.com>

**Members:**  
<http://globalindoorhealthnetwork.com/members.html>

**Health Effects:**  
[http://globalindoorhealthnetwork.com/health\\_effects.html](http://globalindoorhealthnetwork.com/health_effects.html)

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**Working Together for Healthy Indoor Environments**