

National Center for Environmental Health Strategies, Inc.
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July 15, 2008

RE: Public Comment on Notice of Proposed Rulemaking (NPRM) Proposal to Revise ADA Regulations under Title II and Title III

Good Afternoon:

My name is Mary Lamielle. I am executive director of the National Center for Environmental Health Strategies (NCEHS). The Center focuses on solutions to environmental health problems with an emphasis on chemical and electrical sensitivities and related environmental disabilities as well as on healthy buildings and healthy people.

Thank you for the opportunity to provide public comment by phone for today's meeting.

People with chemical sensitivities are an underserved, underrepresented population who face significant barriers to conducting their daily lives. The proposed regulations have failed to address these barriers and in particular have failed to identify such barriers to access within the specific topic areas under discussion in the proposed rulemaking.

In 1999, in response to the U.S. Access Board's rulemaking on accessible guidelines for recreational facilities, representatives of the chemical sensitivity community, including myself, described the discriminatory practices that prevent them from access to swimming pools, wading pools, and whirlpools/Jacuzzis due to chlorine or bromine, as well as to parks, recreation areas, and golf courses due to pesticides.

These barriers are significant. These exposures are debilitating for all people with chemical sensitivities. There are currently available technology and facilities management practices which would permit significant minimization or removal/elimination of these barriers without compromising health or services.

The Notice of Proposed Rulemaking (NPRM) notes that “individuals with disabilities and advocates were particularly concerned about the accessibility of pools, and noted that for many people with disabilities, swimming is one of the few types of exercise that is generally accessible and, for some people, can be an important part of maintaining health. (p. 34536)

The need for access to swimming pools for exercise and therapy is equally great for people disabled with chemical sensitivities.

For all people with chemical sensitivities and for some people with asthma the use of chlorine or bromine as disinfectants in pools is a barrier to access. Alternative technology exists to keep pools safe for occupants and accessible for all people. I would add that recent scientific studies have implicated by-products of chlorination, particularly in indoor pools, in the causation of asthma and triggering asthmatic reactions, which is further evidence of this unhealthy practice.

People with chemical sensitivities frequently do not have access to parks, recreation areas, and golf courses due to the use of pesticides. Exposure to pesticides is not healthful for anyone and a barrier to access for people with chemical sensitivities.

Pesticides have been identified in several studies as a primary cause or initiator of chemical sensitivities as well as a trigger for extremely debilitating reactions upon reexposure. In a comparison of pesticide versus remodeling-induced illnesses done by Dr. Claudia Miller, patients who became disabled following exposure to pesticides had a greater level of neurological and cardiovascular involvement than their remodeling-exposed counterparts.

Some communities around the country have adopted policies that ensure Pesticide Free Parks and have posted their parks as such. (A copy of the *Township of Voorhees Pesticide Reduction Policy No. 126-08*, for Voorhees, New Jersey, is attached.) Certainly all government parks should be pesticide free and thereby accessible. Such practices are healthful for all and remove a significant barrier to access for people with chemical sensitivities.

People with chemical and electrical sensitivities continue to find it difficult and many times impossible to access public and commercial buildings due to environmental exposures. Many of these barriers are unhealthy for everyone

but more importantly they can prevent the person with these disabilities from access to the basic necessities of life and preclude access to such essentials as healthcare including hospitals.

I would like to comment on the distribution of handicap accessible rooms within a hospital. I believe that it is wise to disperse these rooms throughout a building. I also think that the number of rooms should reflect the needs of an aging population.

As a personal anecdote, I was hospitalized in the summer of 2006. I was unable to stay inside the hospital emergency room for the hours I needed to be there prior to examination and admittance because parts of the emergency room were undergoing remodeling and other areas were recently remodeled. In order to be admitted to the hospital, we needed to find an area that I could tolerate due to my debilitating reactions to many exposures as well as one that was wheelchair accessible because I could not stand or walk and could only transfer from wheelchair to another surface of similar height.

The hospital had no wheelchair accessible rooms available. Because I could not walk at all, I was forced to use a commode. There were additional safety concerns because the hospital didn't have a drop arm commode which would have permitted me to transfer with less pain and with greater safety from the bed or wheelchair to the commode.

The admitting doctor also had to authorize permission for me to spend a significant part of each day outside of the building on the hospital grounds so that I could get necessary treatment but not further compromise my overall health.

The larger issue for people with chemical sensitivities, however, is that health care facilities are not our friends. They make us sicker. Proposals to make health care facilities healthier for all and accessible for people with chemical sensitivities are not receiving the support that is needed.

I would refer you to the first phase of a U.S. Access Board project focused on making public and commercial buildings healthier for all and more accessible for people with chemical and electrical sensitivities. See the Indoor Environmental Quality Project report at <http://ieq.nibs.org>. The report includes a section on Cleaner Air Rooms which details some of the minimum access needs for people with these disabilities who must access

public or commercial building. The section proposes a Cleaner Air Pictogram that would indicate that an area is accessible for those with these disabilities.

I would ask that the Department of Justice make every effort to address the access needs of people with chemical sensitivities and support, in principle, if not yet in specific detail, all efforts to enable access for all people with these and related disabilities.

I would like to recommend that the proposed rulemaking include language that specifically addresses the needs of people with chemical sensitivities. I would propose that the rule include the following language:

Those disabled with [multiple] chemical sensitivities are a population protected by the Americans with Disabilities Act with access requirements that may not be covered fully under the proposed rule.

Thank you.

Attachment

RESOLUTION NO. 126-08

TOWNSHIP OF VOORHEES PESTICIDE REDUCTION POLICY

WHEREAS, it is the desire of the Mayor and Township Committee of the Township of Voorhees to promote matters which benefit the health, welfare, comfort and safety of the citizens of the community, and

WHEREAS, scientific studies associate exposure to pesticides with asthma, cancer, developmental and learning disabilities, nerve and immune system damage, liver or kidney damage, reproductive impairment, birth defects and disruption of the endocrine system, and

WHEREAS, infants, children, pregnant women, the elderly and people with compromised immune systems and chemical sensitivities/intolerances are especially vulnerable to pesticide effects and exposure, and

WHEREAS, lawn pesticides are harmful to pets, wildlife, soil microbiology, plants, and natural ecosystems and can run off into streams, lakes and drinking water sources, and,

WHEREAS, Integrated Pest Management is the coordinated use of pest and environmental information and all available pest control methods (sanitation, mechanical, biological and “least toxic” chemical) to prevent unacceptable levels of pest damage by the most economical means with the least possible hazard to people, property and the environment, and

WHEREAS, Integrated Pest Management has been investigated and considered by the Environmental Commission and is recommended by the Environmental Commission and by the state of New Jersey and the Environmental Protection Agency as a desirable and appropriate policy in order to reduce or eliminate the use of pesticides, and

WHEREAS, the Township of Voorhees does maintain public properties at which pest management issues are an ongoing concern, and

WHEREAS, the Township of Voorhees has determined that it is in the best interest of the health, welfare, comfort and safety of the Township’s citizens to adopt Integrated Pest Management as the Township’s pest management policy,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township of Voorhees that the Township does hereby adopt Integrated Pest Management, as the pest control policy and strategy to be employed in the maintenance of the Township’s public properties and facilities, and

BE IT FURTHER RESOLVED, that the Mayor and the Township of Voorhees will encourage all citizens to make every effort to participate in this endeavor on their own property, and that the Township will designate public properties such as community parks as “Pesticide Free Zones”. These areas will be posted with a sign indicating that conventional chemical pesticides have not been applied at the site.

DATED: April 28, 2008 MOVED: MR. LOVALLO

AYES: ALL SECONDED: MR. MAZUREK

NAYS: NONE APPROVED BY: Michael R. Mignogna, Mayor

I, Jeanette Schelberg, RMC, Clerk of the Township of Voorhees hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Mayor and Township Committee at their meeting held Monday, April 28, 2008 in the Municipal Building, 620 Berlin Road, Voorhees, NJ.

Jeanette Schelberg, RMC