



**JOB ACCOMMODATION NETWORK**

## Accommodation and Compliance Series

# Employees with Multiple Chemical Sensitivity and Environmental Illness

Job Accommodation Network  
PO Box 6080  
Morgantown, WV 26506-6080  
(800)526-7234 (V)  
(877)781-9403 (TTY)  
jan@jan.wvu.edu  
<http://www.jan.wvu.edu>

## Preface

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JAN does not endorse or recommend any products or services mentioned in this publication. Although every effort is made to update resources, JAN encourages contacting product manufacturers/vendors and service providers directly to ensure that they meet the intended purposes. This guarantees that the most up-to-date information is obtained.

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Authored by Tracie DeFreitas Saab, M.S. Updated 02/01/06.

# **JAN'S ACCOMMODATION AND COMPLIANCE SERIES**

## **Introduction**

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

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

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

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

### **What is MCS/EI?**

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

### **What are the symptoms of MCS/EI?**

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

## **MCS/EI and the Americans with Disabilities Act**

### **Is MCS/EI a disability under the ADA?**

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

A person has a disability if he/she has a physical or mental impairment that substantially limits one or more major life activities, a record of such an impairment, or is regarded as having such an impairment (EEOC, 1992). For more information about how to determine whether a person has a disability under the ADA, visit <http://www.jan.wvu.edu/corner/vol02iss04.htm>.

For additional information regarding whether MCS/EI is a disability, see the following in EEOC informal guidance letter:  
[http://www.jan.wvu.edu/letters/EEOCLetter\\_MCS\\_Disability\\_July\\_96.doc](http://www.jan.wvu.edu/letters/EEOCLetter_MCS_Disability_July_96.doc)

## **Accommodating Employees with MCS/EI**

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

### **Questions to Consider:**

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

### **Accommodation Ideas:**

#### Ventilation and Indoor Air Quality Issues:

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

## Construction, Remodeling, and Cleaning Issues:

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

## Situations and Solutions:

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

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

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

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

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

### **Products:**

There are numerous products that can be used to accommodate people with limitations. JAN's Searchable Online Accommodation Resource at <http://www.jan.wvu.edu/soar> is designed to let users explore various accommodation options. Many product vendor lists are accessible through this system; however, JAN provides these lists and many more that are not available on the Web site upon request. Contact JAN directly if you have specific accommodation situations, are looking for products, need vendor information, or are seeking a referral.

## Resources

### **Job Accommodation Network**

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

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

### **Office of Disability Employment Policy**

200 Constitution Avenue, NW, Room S-1303  
Washington, DC 20210  
Direct: (202)693-7880  
TTY: (202)693-7881  
Fax: (202)693-7888  
infoODEP@dol.gov  
<http://www.dol.gov/odep/>

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

### **American Industrial Hygiene Association**

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

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

**Anderson Laboratories, Inc.**

Box 323  
West Hartford, VT 05084  
Direct: (802)295-7344  
<http://www.andersonlaboratories.com>

A source of information about the health effects of indoor air pollution with toxic chemicals and Sick Building Syndrome. Offers printed materials, videotapes, consultations, site visits, and laboratory testing services.

**Chemical Injury Information Network**

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

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

**Environmental Health Network**

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

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

**Fragranced Products Information Network**

Fax: (801)340-3578  
[fpinva@fpinva.org](mailto:fpinva@fpinva.org)  
<http://www.fpinva.org/>

Owned, maintained, and financed by Betty Bridges, RN. The Fragrance Products Information Network website was developed to help fill the void of information that exists regarding scented products.

**Human Ecology Action League, Inc.**

P.O. Box 29629  
Atlanta, GA 30359-0629  
Direct: (404)248-1898  
Fax: (404)248-0162  
<http://members.aol.com/HEALNatnl/index.html>

For twenty-three years, HEAL has provided current information about the health effects of environmental and chemical exposures from the unique perspective of noted professionals, as well as from those who have experienced and dealt with numerous exposure-related illnesses, through various services.

**MCS Referral & Resources, Inc.**

618 Wyndhurst Ave. #2  
Baltimore, MD  
Direct: (410)362-6400  
Phone: (410)362-6401  
<http://www.mcsrr.org/whoweare.html>

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

**National Air Filtration Association**

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

The National Air Filtration Association promotes and advances the common interest of those engaged in the air filtration industry.

**National Coalition Against the Misuse of Pesticides**

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

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

**National Foundation for the Chemically Hypersensitive**

4407 Swinson Rd.

Rhodes, MI 48652

Direct: (989)689-6369

<http://www.mcsrelief.com>

The National Foundation for the Chemically Hypersensitive is a non-profit, tax-exempt, volunteer organization devoted to providing information and referral services regarding chemical sensitivity.

## References

Equal Employment Opportunity Commission. (1992). *A technical assistance manual on the employment provisions (title I) of the Americans with Disabilities Act.*

Retrieved April 29, 2005, from <http://www.jan.wvu.edu/links/ADAtam1.html>

*What is MCS? MCS referral & resources.* Retrieved January 26, 2006, from

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

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