

8 January 2013

Steve Sarkozy, City Manager
City of Bellevue
450 110th Ave NE
Bellevue, Washington 98009

Dear Mr. Sarkozy,

I am writing to inform you of a serious medical situation that my wife and I encountered at the North Bellevue Community Center on Tuesday, January 8, 2013. We attempted to attend the monthly dance that we have been enjoying for many years. The building and main room were filled with toxic fumes from the recently refinished dance floor. As we entered the building, we immediately suffered nausea, headache, chest pain, uncontrollable tremors, loss of mobility, and slurred speech. We were forced to leave the building immediately but continued to experience several of the symptoms for more than an hour after leaving the Community Center.

Like many others, we are handicapped by sensitivity to multiple chemicals such as used in many varnishes and lacquers. Such products continue to outgas toxic chemicals long after they have dried. Inhalation of these chemicals can disrupt the central nervous system, causing the symptoms we experienced at the Community Center. From our reaction to the fumes, it is evident that everyone in the building was subjected to neurotoxins without their knowledge and that the City of Bellevue is endangering the health of anyone who enters that building in its present state.

Furthermore, it is evident to us that the City of Bellevue has not taken appropriate actions to enable access and enjoyment of the North Bellevue Community Center by persons handicapped by a chemical environment as required by The Americans with Disabilities Act of 1990. Failure to make reasonable modifications in policies and practices is specifically defined as discriminatory in Section 12182:

Sec. 12182. Prohibition of discrimination by public accommodations

(A) Discrimination. For purposes of subsection (a) of this section, discrimination includes

(i) ...

(ii) a failure to make reasonable modifications in policies, practices, or procedures, when such modifications are necessary to afford such goods, services, facilities, privileges, advantages, or accommodations to individuals with disabilities, unless the entity can demonstrate that making such modifications would fundamentally alter the nature of such goods, services, facilities, privileges, advantages, or accommodations;

Specifically, the City of Bellevue has chosen to use products that outgas toxic chemicals and has not taken adequate precaution to ventilate the building in order to enable access by individuals with severe allergies, environmental illnesses, multiple chemical sensitivities, or related disabilities. These actions are clearly discriminatory and a violation of The Americans with Disabilities Act.

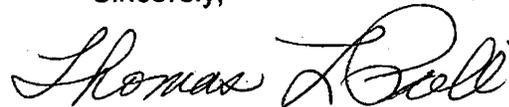
In order to comply with the ADA, I believe that the City of Bellevue needs to take at least the following actions:

1. Immediately ventilate the entire building until the residual vapors are removed and the air quality in the North Bellevue Community Center is at least as good as it was in mid December of 2012 prior to closing for annual maintenance.
2. Stop using volatile chemical products, e.g. floor refinishers, cleaning products, paints, etc., within the North Bellevue Community Center.
3. Monitor and maintain the quality of the air within the Community Center in the future so that handicapped persons like us can once again enjoy the benefits of being residents of Bellevue.

Should the City of Bellevue decline to take at least the above actions to mitigate the currently unacceptable situation, I will be compelled to file a complaint with the Attorney General as allowed under the ADA. However, I trust that you and your staff will take the above actions and will also look for other ways to keep the air in all Bellevue city buildings free of toxic chemicals.

I thank you in advance for your prompt and decisive actions in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Thomas L. Paoli".

Thomas L. Paoli

Copy to: Cathy von Wald, Community Services Supervisor
Lynne Robinson, Chair, Parks & Community Services Board

City of Bellevue



Post Office Box 90012 • Bellevue, Washington • 98009-9012

January 14, 2013

Thomas L. Paoli
4515 177th Avenue SE
Bellevue, WA 98006

Dear Mr. Paoli,

I am responding to your January 8 letter to City Manager, Steve Sarkozy, and apologize for your recent experience at the North Bellevue Community Center.

For the last 25 years, the City has utilized the Center's two-week holiday shutdown to perform maintenance activities that include refinishing the hardwood floors, painting, and cleaning the carpets. We use the shutdown to perform these type of activities so that we have ample time to purge the building of odors that might be offensive to patrons such as yourself.

The hardwood floor at the North Bellevue Community Center was refinished at the beginning of the shutdown on December 26. On December 27, the doors to the building were opened for approximately eight hours while the ventilation system that introduces outside air into the building was used to help purge the product odor from the building. Although the product specifications suggest that fresh air entry is only required during application and drying, we have continued to run the building's ventilation system 24 hours a day 7 days a week since December 28 to eliminate any residual odors.

Whenever possible, the City uses products that are environmentally friendly. In this case, the product that was applied to the hardwood floors was an ultra-low VOC of 275 g/L—or approximately half that of traditional solvent-based oil-modified urethanes. In addition to being low VOC, the product is PCBTF-free and meets EPA regulations and LEED Green Building Guidelines.

Again, I apologize for any adverse reaction this situation may have caused you. Your communication is appreciated and will prompt us to ask our center managers to post maintenance activities that might affect individuals like yourself with heightened sensitivities.

Sincerely,

Patrick Foran
Director

cc: Steve Sarkozy, City Manager
Lynne Robinson, Park Board Chair
Cathy VonWald, Community Services Supervisor

