

Legal

Courts Rule in Favor of MCS

Two courts recently ruled in favor of allowing multiple chemical sensitivity (MCS) legal claims to move forward.

First, seven former employees of Moore County, North Carolina were given permission to continue pursuing their worker compensation claims for sick building syndrome.

Their health problems started in 1994 when something in the building was suspected for having caused chronic fatigue, fibromyalgia, lesions, mood swings, respiratory and nervous problems, headaches, nausea, dizziness, and other symptoms of multiple chemical sensitivity.

The Court of Appeals ruled that since the workers first filed their claims a decade ago, medical science has made advancements to understand fibromyalgia and multiple chemical sensitivity, two conditions which the workers suffered as a result of their employment in a sick building.

Fibromyalgia, the 2nd most common disorder seen by rheumatologists, is a disease process characterized by chronic widespread musculoskeletal pain, non-restorative sleep, fatigue, headache, morning stiffness, poor memory, difficulty concentrating, paresthesias (numbness and tingling) and overall impaired functioning in both social and occupational settings. The severity of the pain is typically more constant than other forms of pain and may come and go rapidly, move around to various parts of the body, and worsen with touch.

Multiple chemical sensitivity is an affliction in which low levels of toxic chemicals impact neurological function and may trigger cardiac and pulmonary symptoms with a myriad of effects. This may occur when hepatic detoxification is im-

paired as a result of injury or toxic exposure.

Though it was claimed that no employees other than the seven who filed claimed became ill, the employees' supervisor was also ill.

Lennon, the employees' attorney, said he is confident that the seven employees will prevail because they have a case in which the medical evidence of cause-and-effect is indisputable.

Second, another New Jersey woman has filed a lawsuit over a co-workers perfume.

The New Jersey appellate court has allowed Doris Sexton to proceed with a lawsuit for worker's compensation. Sexton worked in the nursing home where she was employed for nearly 40 years before she became disabled by her co-workers repeated spraying of perfume in the work area.

According to the appellate court, "The air Sexton had to breathe in order to fulfill her contract of service, contaminated by a co-employee, was a condition of the employment for Sexton. Therefore, if inhaling the substance injured her, the injury arose out of the employment."

As fragrances and chemicals become more pervasive in our indoor and outdoor environments, legal cases such as these are increasing. Though these cases have previously been barred from courts under Daubert for lack of scientific evidence, new data is rapidly emerging which confirms the toxic impact of mold, fragrances, cleaners, and chemicals in buildings along with the devastating effects of many of these illnesses.

