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## Sick building? Quick remedy can pay off

Two state offices took opposite approaches; one has been slapped with a class action

Sacramento Business Journal - by [Kathy Robertson](#) Staff writer[Print](#) [Email](#) [Reprints](#) [RSS Feeds](#) [Add to Del.icio.us](#) [Digg This](#) [Comments](#)

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In dozens of offices around California each year, workers get sick and blame the building.

It's an emerging issue at the intersection of environmental health and the law, with some employers jumping to correct reported problems and others dragging their feet. The consequences of one approach might be a disruption of the work place and expensive remediation work, while the other sometimes leads to a multimillion-dollar lawsuit.

Truly sick buildings don't shiver and shake the way sick people do, but their innards may be overrun by toxins all the same. The goal in either case is to make a diagnosis of what's gone wrong before it spreads and makes others sick.

The science behind "sick building syndrome" is complicated and disputed, the connection to human illness hard to prove, and the whole business expensive. Investigating means hiring crews to don breathing masks, tear down walls and analyze the gunk inside. That gunk -- mold or other contaminants -- generally isn't a problem unless it gets airborne and circulates around the building. Even if contaminants do get loose and airborne, some workers might get sick while others don't.

Statistics are spotty, but the state **Department of Industrial Relations** had 501 complaints about heating, ventilation and air conditioning systems over the past five years. Not all relate to sick buildings, said agency spokeswoman Kate McGuire, but that category is where complaints of sick buildings would show up.

Both the **U.S. Environmental Protection Agency** and the **World Health Organization** recognize sick building syndrome as a public health problem.

The EPA uses the syndrome to describe situations in which building occupants experience acute health problems that appear to be linked to time spent in a building, but no specific illness or cause can be identified. As far back as 1984, a World Health Organization report suggested up to 30 percent of new and remodeled buildings worldwide might be subject to excessive complaints related to indoor air quality.

Greater Sacramento doesn't appear to fare any worse or better than other metropolitan areas when it comes to sick buildings, industry observers say.

"We've seen it in half a dozen high-rises in Sacramento, but we've also seen it in other types of structures, including strip malls, grocery stores and personal residences," said Brian Daly, president of **Hygiene Technologies International Inc.**, a Torrance-based company that identifies and evaluates buildings for chemical, microbial and other toxins.

Blame it on the energy crisis in the early 1970s, Daly said. When fuel costs went up, the construction industry started making tighter buildings. Air flowing in and out was expensive to heat and cool, he said, but tighter buildings mean chemicals in the air, carpet or furniture might affect some employees.

"As a general rule of thumb, about 10 percent of the population will be sensitive to some buildings," Daly said. It usually shows up in hay fever-like symptoms.



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If the building is causing the problem, symptoms will be worse on Friday afternoon than Monday morning -- and a group of workers will have complaints.

Two state agencies less than a mile apart in downtown Sacramento have taken very different approaches to the issue over the past two months.

The **Department of Housing and Community Development** told workers to stay home for two days in March after mold was found in its headquarters on 3rd Street, which is owned by the California Public Employees Retirement System and managed by the Department of General Services. The agency scrambled to fix the problem over the weekend and reopened for business the following Monday.

That was a week after a class action was filed accusing the **State Board of Equalization** and its director of concealing years of mold problems at its N Street headquarters downtown.

#### Strange rashes and scalp sores

Rebecca Landeros says she could reach out and touch the mold growing up a pillar in her BOE office eight years ago. The associate government program analyst has worked for the agency for 15 years.

Landeros says she told her boss, was reassured that the state-owned, 25-story building was safe, and kept on working.

She dismissed breathing problems as a persistent cold but couldn't explain the headaches, strange rashes or the sores on her head that made it hurt to brush her hair. It wasn't until she started talking about it to co-workers last year that she realized others had similar symptoms.

About 2,200 people usually work in the high-rise. Twenty-three are plaintiffs in a class action filed Feb. 28 in Sacramento County Superior Court that alleges management fraudulently concealed the dangerous condition of the property for years. Seven have toxic tort claims pending, said Anthony Perez, the Sacramento attorney who represents the workers.

The building opened in 1993. The first written report of extensive water damage from rain and wind as a result of construction defects in the building came two years later, and the state negotiated an out-of-court settlement with the architects and builder in 2000, court documents show.

By the late 1990s, employees were complaining of health problems including flu-like symptoms, fatigue, rashes, headaches, nausea, memory lapses and depression.

An industrial hygienist hired by BOE to test for mold found some, but the results were kept confidential, the suit alleges. Employees repeatedly were told the building was safe, documents filed in the case show, even though the state Finance Department warned BOE in May 2004 that "the risk of toxic mold growth and sick building syndrome is increasing."

Meanwhile, workers say, interior hallways were dotted with hoses -- dubbed "waterfalls" by employees -- that drained ceiling water into waste baskets.

**Correction: An earlier version of this story misstated ownership of the Housing and Community Development Department building on 3rd Street. It is owned by the California Public Employees Retirement System and managed by the Department of General Services.**

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