

**From:** [ntefusa@aol.com](mailto:ntefusa@aol.com)  
**To:** [Greg D. Ott](#)  
**Subject:** BDR suggestions  
**Date:** Saturday, February 9, 2019 4:45:17 PM

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Hi Greg,

My suggestions are at the end.

I think that besides hearing me tout x,y,z, I figured you might find what is being enacted at the federal level regarding my issues informative.

This is wide enough of an issue, for two major federal agencies to address recommendations, more elevated than what I have requested.

The US Access Board has identified all the issues I mentioned, I specifically chose not to address the EMF/RF issues, that the task force will never garner any attention to, that the Access Board expanded upon.

**General Recommendations:** <https://www.access-board.gov/research/completed-research/indoor-environmental-quality/general-recommendations>

## Policies

The O & M committee recommends the following policies be adopted in commercial and public buildings:

### -Fragrance-Free Policy

It is recommended that a **fragrance-free policy** include prohibition of fragrance-emitting devices (FEDS) and sprays; use of fragrance-free maintenance, laundry, paper and other products; **restrictions on perfume, cologne, and other scented personal care products used by employees, visitors, and other occupants**; and prohibitions on use of potpourri and burning incense and scented candles.

An important first step is educating staff and others about the need for and benefits of reducing or eliminating the use of fragranced products.

### -Notification Policy

It is recommended that facilities adopt a **posting and notification policy** to notify staff, visitors, and other building occupants of **pesticide applications, cleaning and maintenance activities, renovation and construction**, and other activities that may produce hazardous fumes or dust.

You will notice on page 2 of my letter, right under the proposed language about using fragrances, there was a notation about renovations, pesticides, '*We are doing construction, renovations until xyz time, and on xyz date we will be having pest control coming into the building.*' (Showing that I am just parroting what is considered 'reasonable' via the feds.)

**Recommendations:** <https://www.access-board.gov/research/completed-research/indoor-environmental-quality/recommendations-for-accommodations>

- The severity of sensitivities varies among people with chemical and/or electromagnetic sensitivities. **Some people** can enter certain buildings **with minor accommodations** while others may be so **severely impacted** that they are **unable to enter these same spaces without debilitating reactions.**
- Meanwhile some exposures, such as the **application of certain pesticides or extensive remodeling**, for example, may be **devastating to all chemically sensitive people** and make a **building or facility inaccessible for a substantial period of time.**
- According to the Americans with Disabilities Act (ADA) and other disability laws, **public and commercial buildings are required to provide reasonable accommodations** for those **disabled by chemical and/or electromagnetic sensitivities.** These accommodations are **best achieved on a case-by-case basis.**
- For individuals who are **unable to use or meet in a building** or facility, or who are **too severely impacted by chemical** and/or electromagnetic exposures to use a designated Cleaner Air Room, **accommodations** may include:
- Allow participation in a meeting by **speakerphone** (They have a lot more suggestions, but, I think they would be too problematic to try to achieve on a 48 hour notification of such.)

**Fragrance free Environment:** <https://www.access-board.gov/the-board/policies/fragrance-free-environment>

- “As a result, the Board has adopted a policy for its meetings and public gatherings that will help reduce exposure to personal fragrances. Under this policy, the *Board requests that all participants refrain from wearing perfume, cologne and other fragrances, and use unscented personal care products in order to promote a fragrance-free environment. This request is included in notices and on displayed signage for the Board’s meetings, hearings, and other public events.*” (They are basically banning as opposed to limiting use.)

The state relies upon policies and recommendations of the CDC, which is kind of ironic, that the CDC has a policy that they NEVER made public. Apparently, they know that IAQ is a major health concern and they are very aggressive about it in order to protect their employees. <https://www.national-toxic-encephalopathy-foundation.org/cdcff.pdf> One has to wonder, why are they not protecting the public?

**Page 1, Background:**

2<sup>nd</sup> paragraph: ‘*Goal to promote and protect health and well being of CDC personnel, et al, prevent ... illness, harm to and pollution of the environment.*’

**Page 2, 3C Building occupants**

**Page 4, 7-Definitions:**

**Indoor Environmental Quality Hazard-** ‘**Potential hazards** include chemicals, biological agents, **fragrant products**...may cause irritation, illness or exacerbate existing health conditions.” (Interesting that they include fragrant products as a

Environmental Quality Hazard.)

Page 9-10, C- **Non-permissible products**

Page 11. C4- **Sensitive individuals**

Page 13, 4- **Limitations of IEQ Investigations**  
2<sup>nd</sup> paragraph

**SUGGESTED CHANGES:**

As discussed, 241.---complete removal of Sec 2 about discretion by a chair to allow telephonic appearances for the public.

**241.015 Definitions- 3. Meetings**

- Addition of a section regarding workshops, that the public is invited to attend and/or participate in, being recorded, not just a transcript. In the broadest sense, discussions in workshops become a part of a future action and ultimately being voted on. As future draft orders are predicated on discussions/opinions cited during workshops, even though sometimes, there is a 'call for' comments to be filed by participants of the workshop.
- Which should necessitate audio, video recordation.
- Workshop as defined by the PUC on their Glossary page- *An informal proceeding presided over by a Presiding officer where stakeholders/customers/public, can provide information on proposed regulations or in some cases other types of PUCN proceedings such as an investigation.*

**241.035 Page 12 Section 5A-**

*'A court reporter who transcribes a meeting is under no obligation to provide a copy of any transcript, minutes or audio recording of the meeting prepared by the court reporter directly to a member of the public at no charge'. unless the court reporter was paid for by a member of the general public, NGO or private entity outside of a state agency, board, public body or commission. If the court reporter was paid for by any state entity/public board, it is no longer a 'work product' and becomes a public record, having already been paid for via monies obtained from either the state's general fund or a public entity's budget.*

Consumer session court reporters are paid for by the utility aka private entities as opposed to a state public entity/body.

For example:

SWGAS

[http://pucweb1.state.nv.us/PDF/AxImages/DOCKETS\\_2015\\_THRU\\_PRESENT/2018-](http://pucweb1.state.nv.us/PDF/AxImages/DOCKETS_2015_THRU_PRESENT/2018-)

NVE

[http://pucweb1.state.nv.us/PDF/AxImages/DOCKETS\\_2015\\_THRU\\_PRESENT/2018-3/29611.pdf](http://pucweb1.state.nv.us/PDF/AxImages/DOCKETS_2015_THRU_PRESENT/2018-3/29611.pdf)

**NRS 241.0353 Page 12 Absolute privilege of certain statements and testimony.**

1. Any statement which is made by a member of a public body during the course of a public meeting is absolutely privileged and does not impose liability for **defamation** or constitute a ground for recovery in any civil action.

In my Black's Law Dictionary, 2<sup>nd</sup> Pocket Edition, copyrighted 1996, **defamation** is defined as: "1. *The act of harming the reputation of another by making a false statement to a third person. If the alleged defamation involves a matter of public concern, the plaintiff is constitutionally required to prove both the statement's falsity and the defendant's fault.* 2. *A false written or oral statement that damages another's reputation.*"

In the OML Manual, Page 71/119, **§ 7.04 Public comment: multiple periods of public comment**

Second paragraph: "...public body may prohibit comment if the content of the comments is a topic that is not relevant to, or within the authority of, the public body, or if the content of the comments is willfully disruptive of the meeting by being irrelevant, repetitious, **slenderous**, offensive, inflammatory, irrational or amounting to **personal attacks** or interfering with the rights of other speakers."

Black's Law: **Slander:** 1. A **defamatory statement** expressed in a transitory form, esp. speech. 2. *The act of making such a statement. See Defamation.*

This current section gives the public body the right to say what ever they want, cast aspersions upon anyone's character in a public venue/arena, without any legal repercussions, while the 'spirit' of the OML constrains the public and they 'enjoy' the potential for being removed from a meeting, if they enact a version of this.

There is really no difference between 'defamatory' and 'personal attacks'. Semantics toe-may-toe, toe-mot-toe.

**Potential revision:**

Any statement which is made by a member of a public body during the course of a public meeting is **limited, regarding being privileged and can potentially incur liability for defamation and/or constitute grounds for recovery in any civil action.**

It is expected that a member of a public body is to be 'professional, maintain civility, 'set an example' as they are basically a reflection of the governor who appointed them.

**241.039 Complaints regarding OML violations, that needs to be expanded upon:**

There should be more ‘open and transparency’ regarding the ‘investigation’ of a complaint. The complainant should receive any/all responses/answers that pertain to their complaint. The REFUSAL to allow the opportunity for a ‘reply’ to the opposing party’s response, allows their ‘response’ to be ‘taken’ at face value, without the right to address any ‘deceptive’ responses to be brought to the attention of the AG. Since this is ‘billed’ as an ‘investigation’, all evidence/exhibits’ should be taken into consideration and responses fully vetted for accuracy.

The other issues we discussed I guess can be more fully expanded in the manual without the necessity of having to have LCB/legislature oversight/approval.

We can discuss these suggestions prior to the meeting on Thursday at your convenience.

*"Fortunately, some are born with spiritual immune systems that sooner or later give rejection to the illusory worldview grafted upon them from birth through social conditioning. They begin sensing that something is amiss, and start looking for answers. Inner knowledge and anomalous outer experiences show them a side of reality others are oblivious to, and so begins their journey of awakening. Each step of the journey is made by following the heart instead of following the crowd and by choosing knowledge over the veils of ignorance."*

—Henri Bergson

Angel De Fazio, BSAT, President/Executive Director  
National Toxic Encephalopathy Foundation  
NTEF-USA.Org

**Organic & Chemical Free Store**  
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NVEStopSmartMeters.Info