



D'Angelo & Hashem, LLC
ATTORNEYS & COUNSELORS AT LAW

6 Beacon Street, Suite 505
Boston, MA 02108

Tel: 617-624-9777

Fax: 617-624-0999

January 25, 2007

Mayor Joseph Curtatone Municipal Building 93 Highland Avenue Somerville, MA 02143 CERTIFIED MAIL NO: 7006 0100 0006 0880 8468	Administrator U.S. Environmental Protection Agency 1200 Pennsylvania Ave., NW, (1101) Washington, DC 20460 CERTIFIED MAIL NO: 7006 0100 0006 0880 8444
Attorney General United States Department of Justice Tenth and Pennsylvania Avenues, NW Washington, DC 20530 CERTIFIED MAIL NO: 7006 0100 0006 0880 8451	OSHA JFK Federal Building Room E340 Boston, MA 02203 CERTIFIED MAIL NO: 7006 0100 0006 0880 8437
Attorney General Commonwealth of Massachusetts McCormack Building One Ashburton Place Boston, MA 02108 CERTIFIED MAIL NO: 7006 0100 0006 0880 8659	

VIA CERTIFIED MAIL—RETURN RECEIPTS REQUESTED

Re: **Notice of Tort Claims Act Pursuant to Mass. Gen. Laws, ch. 258, §4**
Notice of CERCLA Violation, 42 U.S.C. § 9659(d)(1)
Notice of RCRA Violation, 42 U.S.C. § 6972(b)
Notice of Alleged Safety or Health Hazards, 29 U.S.C. § 651

Dear Mayor Curtatone, et al.:

Please be advised that this office is counsel to the individuals listed herein. This written notice serves as presentment pursuant to Mass. Gen. Laws, chapter 258, § 4; 29 U.S.C. § 651, 42 U.S.C. §§ 6972(b), 9659(d)(1).

Introduction

There has been a long documented history regarding the poor environment within and around the building located at 220 Washington Street, Somerville, Massachusetts (“220 Washington Street” or “Public Safety Building”). Since 1986, more than one hundred Somerville Police and Fire Department employees, 911 dispatchers, other administrative personnel and their children and involuntary detainees have occupied 220 Washington Street. Many of the occupants developed symptoms consistent with exposure to environmental toxins. Such occupants include the individuals listed herein.

Although this building is the subject of an investigation by the Commonwealth of Massachusetts Division of Occupational Safety (DOS) and Department of Environmental Protection (DEP), it is the contention of its occupants that they have been subjected to carcinogenic chemicals and the mycotoxins and aflatoxins generated by mold spores. The City of Somerville has deliberately chosen not to remedy the environment inside 220 Washington Street after numerous studies and notices by DOS making them aware of the contaminated air within the building.

History

In 1986, 220 Washington Street housed the Somerville Police and Fire Departments and the 911 Operations Center, as well as their administrative offices. In 1998, the Somerville Fire Department was forced to evacuate and relocate because the entire building was flooded with water.

The Public Safety Building has a long history of state sanitary code violations. For example, the Department of Environmental Protection conducted investigations dating back to May of 1999. During their investigations it was discovered that there existed hazardous materials, including, but not limited to, spilled oil. Additionally, it was learned anecdotally that employees of the Massachusetts Bay Transit Authority (previous occupant of 220 Washington Street) had a habit of splitting batteries, draining the contents thereof into the ground in and around 220 Washington Street and recycling the lead at local salvage yards, creating a dangerous condition for any individual occupying the building.

In 1999, an engineering firm, Simpson, Gumpertz & Heger, Inc. (SGH), was retained to investigate and evaluate the condition of the environment within 220 Washington Street. Their investigation reported the presence of toxic mold, fungi, and bacteria existing within the building, namely: Penicillium 1, Penicillium 2, Stachybotrys Chartarum, Aspergillus Glaucus, Aspergillus Sydowi, Staphylococcus, Pseudomonas and Chaetomium. The report of investigation noted the presence of fine black dust and the “persistent problem of dust and particulate accumulation on the interior surfaces of the building.” SGH Report at p. 6, § 2.3 (Exhibit A, attached). Further, there was evidence of a heavy accumulation of fine black dust “on horizontal surfaces” and on the interior of the supply and return air duct[s]”. *Id.* at p. 10, § 3.7. No effort was ever made to determine the make up of the “fine black dust.” Moreover, the 1999 SGH report stated that the “fine black dust found throughout the facility [220 Washington Street] suggests that the mechanical systems [HVAC] may be distributing poor quality ventilation air”

throughout the building. Id. at p. 20, § 5.8. SGH believed the fine black dust was soot, the afterburn of the engines of the fire trucks located in the basement of the building.

In December, 2005, six years later, the same molds were found by Boston Environmental & Engineering Associates, Inc. BEEA Report (Exhibit B, attached). The continued exposure to these molds over such a long term period of time could only cause significant health problems, as demonstrated by the disproportionate share of asthma, respiratory other immunological illnesses associated with mold. Additionally, suspect filters were analyzed for the presence of diesel oil, which, upon being found, prompted further testing. Until the epidemiological study, currently underway, is complete, one can only surmise that ill health effects suffered must have been exacerbated by toxic chemicals and heavy metals occupants were exposed to daily over the past two decades. The question to be answered is how so many people, in such a small group of people, could suffer and die from these grave illnesses like cancer.

Air quality within 220 Washington Street remains problematic. In August 2006, Safdoc Systems, LLC, and GeoLabs, Inc., analyzed a used air filter from 220 Washington Street. Although a thorough analysis was not possible at that time, the results were alarming. Diesel fuels are known to produce semi-volatile compounds known as non-halogenated polycyclic aromatic (PAH) compounds—they are compounds of hydrocarbons with multiple benzene rings. PAHs such as di-n-butyl phthalate and di-n-octyl phthalate were found in exceedingly high amounts. In addition, metals such as antimony, chromium and mercury were found in the air filter. These PAHs and metals have been tied to disease and cancer causation.

As a follow-up to that cursory analysis, Safdoc entered the facility on November 8, 2006, to conduct a more comprehensive examination, testing and evaluation of the air quality, taking air, bulk, and swab samples. Safdoc Report (Exhibit C, attached). Air sampling revealed the presence of the following Volatile Organic Compounds: benzene, xylenes, toluene, chloromethane, 1,1,1, Trichloroethane, ethylbenzene, bromomethane and Freon. Bulk samples of the air filters revealed the presence of the following semi-Volatile Organic Compounds: bis (2-ethylhexyl) phthalate, chrysene, fluoranthene, indeno (1,2,3-cd) pyrene, phenanthrene, pyrene, di-n-octyl phthalate; and the following metals: beryllium, lead, zinc, chromium, copper, nickel, thallium and antimony. Swab samples of horizontal surfaces revealed the presence of lead and chromium. The City of Somerville's Environmental Protection Office has stated that Volatile Organic Compounds (VOCs) cause runny nose, eye tearing, throat irritation, and may seriously impact reproductive health, increase the risk of cancer, and contribute to chronic respiratory illnesses like cancer.

Despite repeated notices, complaints, and investigative reports regarding the unsanitary conditions within 220 Washington Street, those in charge of maintaining the structure of 220 Washington Street as well as determining the location and placement of the Somerville Police Department improperly handled or failed to remediate the hazardous environment within the building. In fact, certain officials within the City of Somerville have admitted to local media that the potential dangerous conditions present within 220

Washington Street were intentionally covered up out of fear that the situation would be blown out of proportion and become a political issue.

Because of the negligent inaction of government officials and the City of Somerville, numerous and continuous complaints were made to the Massachusetts Department of Occupational Safety (“DOS”) concerning the unsafe and unhealthy environment within 220 Washington Street. Following a DOS investigation in 2004, the presence of many dangerous toxins was discovered and questions began to arise concerning the structural integrity of the building. The only action taken was to instruct, via correspondence, that certain remedies take effect by November 30, 2004. In April 2005, Joseph Curtatone, current mayor of Somerville, informed the DOS that due to financial reasons no further work was to be performed.

Mayor Curtatone promised in a letter dated April 19, 2005, that the building would be evacuated by the end of the “fiscal year” which was June 30, 2005. No evacuation has taken place to date. On December 22, 2005, the City of Somerville was penalized in the amount of \$10,000 by DEP for failure to complete cleanup response actions within deadlines. Despite being well aware of the hazardous environment within 220 Washington Street, City officials put political ambition and budgetary concerns ahead of the health, safety, and welfare of the occupants of 220 Washington Street.

The current condition within 220 Washington Street includes the presence of chronic dampness, water intrusion, questionable structural integrity, existence of bird feces, elevated levels of carbon dioxide, inadequate or inoperative ventilation systems, and the presence of dangerous molds, bacteria, fungi, lead, and chromium, and other metals and chemicals which should not be present in the building.

Injuries Suffered

It is the position of the occupants of 220 Washington Street that the negligence of city officials, the failure to properly investigate and warn occupants of the hazardous condition(s), the failure to evacuate all occupants from the contaminated building and the failure to remediate the unsafe and dangerous conditions caused them to suffer personal injuries and expose them to future harm to their health as well.

This office presently serves as counsel to the following:

Mr.	John	Aufiero
Mr.	Neil	Collins
Estate of	John	Conway
Ms.	Robyn	DeFranzo
Mr.	Cameron Aidan	DeSousa
Ms.	Susan	DeSousa
Ms.	Shannon	Dottin

Ms.	Patricia	Elpidoforos
Ms.	Denise	Grosse
Mr.	Dennis	Hodgdon
Estate of	Kevin	Hough
Mr.	William	Hurley
Mr.	Daniel	Hyde
Mr.	Patrick James	Irving
Ms.	Julie	Kiely
Mr.	Thomas	Leyne
Mr.	David	Lyons
Mr.	Joseph	Macarelli
Mr.	John	Mahoney, Jr.
Mr.	Clifford M.	Mansir
Mr.	Leo	Martini
Mr.	Dan	Matthews
Ms.	Nikki	Mayer
Mr.	Joseph	McCain
Mr.	William	McCarthy
Ms.	Joan	McKenna
Ms.	Cathleen	McLaughlin
Mr.	James	McNally
Mr.	Timothy	Mitsakis
Ms.	Dorothy	Nardone
Estate of	Peter	O'Donnell
Mr.	John	Oliveira
Mr.	Louis Manuel	Remigio
Mr.	Rudolfo M.	Revilla
Mr.	Charles	Siciliano
Mr.	Dennis	Silva
Ms.	Mary	Stone
Mr.	Paul	Sullivan
Ms.	Kristine	Vallery
Mr.	John	Vozella
Mr.	Robert	Vozella
Ms.	Nancy	Ward

Mr. William John White

Aside from the individuals this office presently serves as counsel to, there are many other individuals who have hesitated in coming forward out of fear of reprisal.

The result of the deliberate indifference and negligence of officials of the City of Somerville is that numerous known individuals have developed asthma and other respiratory diseases including two documented cases of sarcoidosis since working inside 220 Washington Street. Sarcoidosis is a rare disease linked to moldy and damp buildings. Most troubling is the high cancer rate among employees who worked within and around this building.

At present there are fourteen known deaths attributed to cancer, including our clients, the Estate of Peter O'Donnell, the Estate of Kevin Hough, and the Estate of John Conway. We have been made aware of eleven other individuals who died. Many of the environmental toxins have also been shown to have immunosuppressive effects and have been linked to cardiac illness. These effects are especially worrisome in light of the repeated sewage backups and their attendant bacteria, which, at the time of the December 2005 inspection, was draw up through the ventilation system and distributed throughout the entire building. The number, types, and severity of illnesses suffered by the occupants of 220 Washington Street is both shocking and alarming. Many of the individuals suffer numerous ailments, as listed below. The list is meant to be illustrative and includes, but may not be limited to, the following:

Symptom/Illness	Victim Names
Acquired Chronic Mylonginal Leukemia	William Hurley
Allergic Reaction	Dan Matthews, Dorothy Nardone, Kristine Vallery. Two other individuals are not represented.
Asthma	Neil Collins, Robyn DeFranzo, Shannon Dottin, Patricia Elpidoforos, Daniel Hyde, Thomas Leyne, David Lyons, Joseph Macarelli, John Mahoney, Jr., Clifford Mansir, Leo Martini, Nikki Mayer, Joseph McCain, Mary Stone. Two other individuals are not represented.
Bloody Nose	John Aufiero, Rudolfo Revilla. Two other individuals are not represented.
Bone Cancer	One individual, who is not represented, died from this disease.

Symptom/Illness	Victim Names
Bronchitis	Robyn DeFranzo, Shannon Dottin, Patricia Elpidoforos, Denise Grosse, Daniel Hyde, Patrick Irving, Julie Kiely, Thomas Leyne, David Lyons, Joan McKenna, Dorothy Nardone, Louis Remigio, Mary Stone
Cancer (unknown type)	Five individuals, who are not represented, died from this disease.
Chest Tightening	Shannon Dottin
Chronic Obstructive Pulmonary Disease	William White
Chronic Rhinitis	William McCarthy
Colon Cancer	William White
Contact Dermatitis	Patrick Irving
Cryptococcosis	William McCarthy
Difficulty Swallowing	David Lyons
Dry Throat	John Aufiero, Rudolfo Revilla, Nancy Ward
Eczema	Cameron DeSousa, Julie Kiely, Paul Sullivan
Emphysema	Thomas Leyne, Nikki Mayer
Esophageal Cancer	Estate of John Conway, Estate of Peter O'Donnell. One individual, who died from this disease, is not represented.
Eye Irritation	Susan DeSousa, Denise Grosse, Clifford Mansir, Joan McKenna, Cathleen McLaughlin, Mary Stone, John Vozella
Fatigue	John Aufiero, Denise Grosse, Dennis Hodgdon, William Hurley, Daniel Hyde, William McCarthy, John Vozella
Gastritis	William White
Gastrointestinal Problems	John Aufiero, Dennis Hodgdon
General Respiratory Problems	Cameron DeSousa, Shannon Dottin, Daniel Hyde, Dan Mathews, Cathleen McLaughlin, James McNally, Timothy Mitsakis, Kristine Vallery, Nancy Ward. Three other individuals are not represented.
Headaches/Migraines	John Aufiero, Robyn DeFranzo, Susan DeSousa, Julie Kiely, Thomas Leyne, William McCarthy, Joan McKenna, James McNally, Dorothy Nardone, John Oliveira, John Vozella, Nancy Ward. One other individual is not represented.
Heart Problems	John Aufiero, Dennis Hodgdon, Dennis Silva, Nancy Ward

Symptom/Illness	Victim Names
Legionnaires Disease	Patrick Irving
Lung Cancer	Estate of Kevin Hough, Nikki Mayer. Four other individuals, who are not represented, died from this disease.
Lupus	Nikki Mayer
Melanoma	One individual, who suffers from this disease, is not represented.
Nausea/Vomitting	Cathleen McLaughlin
Pleurisy	Joseph McCain
Pneumonia	Neil Collins, Patrick Irving, Thomas Leyne, Mary Stone, Paul Sullivan. One other individual is not represented.
Pregnancy Complications	Susan DeSousa
Premature Birth	Cameron DeSousa
Premature Labor	Susan DeSousa
Rashes	Shannon Dottin, Joseph Macarelli, John Mahoney, Jr., Dan Mathews, Cathleen McLaughlin, John Vozella
Reactive Airway Disease	Patrick Irving
Respiratory Infections	Denise Grosse, Julie Kiely, Leo Martini, Joan McKenna, Rudolfo Revilla, Kristine Vallery. One other individual is not represented.
Respiratory Syncytial Virus	Cameron DeSousa
Sarcoidosis	Timothy Mitsakis, Louis Remigio
Scabies	William McCarthy
Shortness of Breath	Susan DeSousa, Thomas Leyne, Dan Matthews
Sinus Infections	Charles Siciliano, Dorothy Nardone, John Vozella
Sinus Problems	John Aufiero, Thomas Leyne, William McCarthy
Sinusitis	Joan McKenna
Skin Irritation	Patricia Elpidoforos, David Lyons, Dan Matthews, Cathleen McLaughlin, Mary Stone, John Vozella
Throat Irritation	Susan DeSousa, Cathleen McLaughlin, John Oliveira
Throat Tumor	Dennis Hodgdon
Vasomotor Rhinitis	Robert Vozella
Vertigo	John Vozella

Claims under Massachusetts Tort Claims Act, M.G.L., ch. 258

Because of such negligence, occupants of 220 Washington Street were caused to suffer, as described above, pulmonary diseases and asthma, flu-like symptoms, allergies, acquired leukemia, sarcoidosis, neurological defects and cancer. Because the medical condition of all occupants is still being ascertained, it is not possible at this time to make a financial demand as to each individual.

In the meantime, each individual occupant of 220 Washington Street hereby make a formal demand to be relocated out of the 220 Washington Street building, if applicable, and for the maximum amount allowed under Mass. Gen. Laws ch. 258, § 2, including any and all applicable claims for loss of consortium. Kindly respond to this demand within the six month time period required by Mass. Gen. Laws ch. 258.

Claims under CERCLA, § 310(a)—42 U.S.C. § 9659(a)

There are many potential sources of hazardous and/or toxic wastes at 220 Washington Street, including but not limited to underground oil tank storage, unknown activities by the MBTA, the firing range, and vehicles operated by the Somerville Fire and Police Departments in the basement level of the building. There has been and continues to be flooding of the basement level, which disturbs the underground storage tanks and other contaminants in the soil. As noted above, the Public Safety Building at 220 Washington Street has tested positive for hazardous and/or toxic wastes, rendering the site potentially subject to CERCLA, 42 U.S.C. § 9601 et seq. Below is the list of toxins, concentrations found (if known), and corresponding standards, if published, from 40 CFR 302.4.

Hazard	Presence	CERCLA Standard— Final RQ: pounds (Kg)
Benzene	2.33, 2.43, 2.52, 2.43, 5.81, 2.76 µg/m ³	10 (4.54)
Xylenes (m-, p- & o- isomers)	5.98, 6.24, 6.59, 3.51 µg/m ³	100 (45.4)
Toluene	9.94, 9.94, 8.36, 18.1, 6.82 µg/m ³	1000 (454)
Chloromethane (methylchloride)	2.26, 1.84, 2.33, 2.13 µg/m ³	100 (45.4)
1,1,1 Trichloroethane (methyl chloroform)	5.00 µg/m ³	1000 (454)
Ethylbenzene		1000 (454)
Bromomethane (methyl bromide)	3.26 µg/m ³	1000 (454)
Freon 11 (trichlorofluoromethane)	5.45, 6.19 µg/m ³	
Freon 12 (dichlorodifluoromethane)	4.06 µg/m ³	5000 (2270)
Bis (2-ethylhexyl) phthalate (di-sec octyl phthalate)	260,000; 99,300; 17,100; 10,500 µg/Kg	100 (45.4)

Hazard	Presence	CERCLA Standard— Final RQ: pounds (Kg)
Butyl benzyl phthalate	28,300; 4,000 µg/Kg	100 (45.4)
Chrysene	7,110 µg/Kg	100 (45.4)
Fluoranthene	6,720 µg/Kg	100 (45.4)
Indeno (1,2,3-cd) pyrene	2,610 µg/Kg	100 (45.4)
Phenanthrene	5,180 µg/Kg	5000 (2270)
Pyrene	16,900 µg/Kg	5000 (2270)
Di-n-octyl phthalate	492,000; 25,400; 148,000 µg/Kg	5000 (2270)
Di-n-butyl phthalate (dibutyl phthalate)	6,190 µg/Kg	10 (4.54)
Beryllium	0.444, 0.480, 0.461 mg/Kg	10 (4.54)
Lead (bulk sample)	104, 22, 44.8, 25.5 mg/Kg	10 (4.54)
Zinc	1310, 167, 322 mg/Kg	1000 (454)
Chromium (bulk sample)	20.7, 7.43, 7.91 mg/Kg	5000 (2270)
Copper	205, 10.5, 73.6, 47.9 mg/Kg	5000 (2270)
Nickel	35.8, 39 mg/Kg	100 (45.4)
Thallium	5.81, 6.62 mg/Kg	1000 (454)
Antimony	2650, 1830, 1200 mg/Kg	5000 (2270)
Mercury	0.836 mg/Kg	1 (0.454)
Lead (from swab)	8.22, 7.05, 17.8, 5.16, 1650, 83.5, 190, 13.4, 9.21, 51, 2.84, 9.25, 3.51, 30.4, 9.71, 291 µg	10 (4.54)
Chromium (from swab)	6.4, 12, 17.7, 8.3, 18 µg	5000 (2270)
Penicillium 1	2.2*(10 ³)*(5/11) (bulk) & 4.0*(10 ¹)*(1/4) (swab) CFU/g	
Penicillium 2 (bulk)	2.2*(10 ³)*(2/11) CFU/g	
Stachybotrys Chartarum	2.2*(10 ³)*(2/11) (bulk), 3.8*(10 ⁶) & 4.0*(10 ¹)*(2/4) (swabs) CFU/g	
Aspergillus Glaucus group (bulk)	2.2*(10 ³)*(1/11) CFU/g	
Aspergillus Sydowi (bulk)	2.2*(10 ³)*(1/11) CFU/g	
Staphylococcus, not aureus (bulk)	2.0*(10 ²) CFU/g	
Pseudomonas, not aeruginosa (swab)	7.9*(10 ⁴) CFU/g	
Chaetomium (swab)	4.0*(10 ¹)*(1/4) CFU/g	

Hazard	Presence	CERCLA Standard— Final RQ: pounds (Kg)
Penicillium/Aspergillus types	200, 53, 53, 560, 53, 533 spores/m ³	
Aspergillus versicolor	94 CFU/m ³ ; 3600, 300, 2.5, 2.5 CFU/inch ² (swab)	
Penicillium	12, 1350 CFU/m ³ ; 62000 CFU/g; 2.5, 25, 25, 50, 280, 2.5, 2.5 CFU/inch ² (swab); 3700 CFU/inch ² (bulk)	
Alternaria	13 spores/m ³	
Botrytis	53, 13 spores/m ³	
Chaetomium	27 spores/m ³	
Cladosporium	53, 160, 107, 533 spores/m ³ ; 12, 12, 860 CFU/m ³ ; 83000 CFU/g; 50 CFU/inch ² (swab)	
Nonsporulating	12 CFU/m ³ ; 690 CFU/g; 2.5, 10, 5, 2.5, 2.5 CFU/inch ² (swab); 20 CFU/inch ² (bulk)	
Stachybotrys	2030 spores/m ³ ; 110000, 50, 1200 CFU/inch ² (swab)	
Synecephalastrum	23 CFU/m ³	
Yeasts	12 CFU/m ³ ; 83000 CFU/g; 2.5, 2.5, 25 CFU/inch ² (swab)	
Basidiospores	53 spores/m ³	
Smuts, Periconia, Myxomycetes	13 spores/m ³	
Aspergillus clavatus	100 CFU/inch ² (bulk)	
Aspergillus flavus	1900 CFU/inch ² (bulk)	
Aspergillus niger	6900 CFU/g; 25 (swab), 2.5 (swab), 2200 (bulk) CFU/inch ²	
Aureobasidium	25, 25 CFU/inch ² (swab)	
Phoma/coelomycetes	230 CFU/inch ² (swab)	
Rhizopus	340 CFU/g; 10 CFU/inch ² (bulk)	
Trichoderma	2.5 CFU/inch ² (swab); 20 CFU/inch ² (bulk)	
Ulocladium	6900 CFU/g; 75, 25 CFU/inch ² (swab); 100	

Hazard	Presence	CERCLA Standard— Final RQ: pounds (Kg)
	CFU/inch ² (bulk)	
Unknown	880 CFU/inch ² (swab)	
Motor oil (from HVAC filter)	14,900; 12,900 mg/Kg	

Therefore, individual occupants of 220 Washington Street hereby makes a formal demand to be relocated out of the 220 Washington Street building, if applicable, and for the costs of litigation, allowable under § 310(f). Kindly respond to this demand within the sixty day time period required by § 310(d)(1).

Claims under RCRA, § 7002(a)—42 U.S.C. § 6972(a)

As noted, there is hazardous and/or toxic waste being stored, generated, transported and/or disposed at 220 Washington Street. They are an imminent and substantial endangerment to health and the environment. This renders the City of Somerville, potentially in violation of the RCRA, 42 U.S.C. § 6901 et seq. Below is the list of toxins, concentrations found (if known), and corresponding standards, if published, from 40 CFR 261.3 & 261.24.

Hazard	Presence	RCRA Standard
Benzene	2.33, 2.43, 2.52, 2.43, 5.81, 2.76 µg/m ³	5.0 mg/L
Xylenes (m-, p- & o-isomers)	5.98, 6.24, 6.59, 3.51 µg/m ³	
Toluene	9.94, 9.94, 8.36, 18.1, 6.82 µg/m ³	
Chloromethane (methylchloride)	2.26, 1.84, 2.33, 2.13 µg/m ³	
1,1,1 Trichloroethane (methyl chloroform)	5.00 µg/m ³	.5 mg/L
Ethylbenzene		
Bromomethane (methyl bromide)	3.26 µg/m ³	
Freon 11 (trichlorofluoromethane)	5.45, 6.19 µg/m ³	
Freon 12 (dichlorodifluoromethane)	4.06 µg/m ³	
Bis (2-ethylhexyl) phthalate (di-sec octyl phthalate)	260,000; 99,300; 17,100; 10,500 µg/Kg	
Butyl benzyl phthalate	28,300; 4,000 µg/Kg	
Chrysene	7,110 µg/Kg	
Fluoranthene	6,720 µg/Kg	
Indeno (1,2,3-cd) pyrene	2,610 µg/Kg	

Hazard	Presence	RCRA Standard
Phenanthrene	5,180 µg/Kg	
Pyrene	16,900 µg/Kg	
Di-n-octyl phthalate	492,000; 25,400; 148,000 µg/Kg	
Di-n-butyl phthalate (dibutyl phthalate)	6,190 µg/Kg	
Beryllium	0.444, 0.480, 0.461 mg/Kg	
Lead (bulk sample)	104, 22, 44.8, 25.5 mg/Kg	5.0 mg/L
Zinc	1310, 167, 322 mg/Kg	
Chromium (bulk sample)	20.7, 7.43, 7.91 mg/Kg	5.0 mg/L
Copper	205, 10.5, 73.6, 47.9 mg/Kg	
Nickel	35.8, 39 mg/Kg	
Thallium	5.81, 6.62 mg/Kg	
Antimony	2650, 1830, 1200 mg/Kg	
Mercury	0.836 mg/Kg	0.2 mg/L
Lead (from swab)	8.22, 7.05, 17.8, 5.16, 1650, 83.5, 190, 13.4, 9.21, 51, 2.84, 9.25, 3.51, 30.4, 9.71, 291 µg	5.0 mg/L
Chromium (from swab)	6.4, 12, 17.7, 8.3, 18 µg	5.0 mg/L
Penicillium 1	2.2*(10 ³)*(5/11) (bulk) & 4.0*(10 ¹)*(1/4) (swab) CFU/g	
Penicillium 2 (bulk)	2.2*(10 ³)*(2/11) CFU/g	
Stachybotrys Chartarum	2.2*(10 ³)*(2/11) (bulk), 3.8*(10 ⁶) & 4.0*(10 ¹)*(2/4) (swabs) CFU/g	
Aspergillus Glaucus group (bulk)	2.2*(10 ³)*(1/11) CFU/g	
Aspergillus Sydowi (bulk)	2.2*(10 ³)*(1/11) CFU/g	
Staphylococcus, not aureus (bulk)	2.0*(10 ²) CFU/g	
Pseudomonas, not aeruginosa (swab)	7.9*(10 ⁴) CFU/g	
Chaetomium (swab)	4.0*(10 ¹)*(1/4) CFU/g	
Penicillium/Aspergillus types	200, 53, 53, 560, 53, 533 spores/m ³	
Aspergillus versicolor	94 CFU/m ³ ; 3600, 300, 2.5, 2.5 CFU/inch ² (swab)	
Penicillium	12, 1350 CFU/m ³ ; 62000	

Hazard	Presence	RCRA Standard
	CFU/g; 2.5, 25, 25, 50, 280, 2.5, 2.5 CFU/inch ² (swab); 3700 CFU/inch ² (bulk)	
Alternaria	13 spores/m ³	
Botrytis	53, 13 spores/m ³	
Chaetomium	27 spores/m ³	
Cladosporium	53, 160, 107, 533 spores/m ³ ; 12, 12, 860 CFU/m ³ ; 83000 CFU/g; 50 CFU/inch ² (swab)	
Nonsporulating	12 CFU/m ³ ; 690 CFU/g; 2.5, 10, 5, 2.5, 2.5 CFU/inch ² (swab); 20 CFU/inch ² (bulk)	
Stachybotrys	2030 spores/m ³ ; 110000, 50, 1200 CFU/inch ² (swab)	
Synecephalastrum	23 CFU/m ³	
Yeasts	12 CFU/m ³ ; 83000 CFU/g; 2.5, 2.5, 25 CFU/inch ² (swab)	
Basidiospores	53 spores/m ³	
Smuts, Periconia, Myxomycetes	13 spores/m ³	
Aspergillus clavatus	100 CFU/inch ² (bulk)	
Aspergillus flavus	1900 CFU/inch ² (bulk)	
Aspergillus niger	6900 CFU/g; 25 (swab), 2.5 (swab), 2200 (bulk) CFU/inch ²	
Aureobasidium	25, 25 CFU/inch ² (swab)	
Phoma/coelomycetes	230 CFU/inch ² (swab)	
Rhizopus	340 CFU/g; 10 CFU/inch ² (bulk)	
Trichoderma	2.5 CFU/inch ² (swab); 20 CFU/inch ² (bulk)	
Ulocladium	6900 CFU/g; 75, 25 CFU/inch ² (swab); 100 CFU/inch ² (bulk)	
Unknown	880 CFU/inch ² (swab)	
Motor oil (from HVAC filter)	14,900; 12,900 mg/Kg	

Therefore, individual occupants of 220 Washington Street hereby makes a formal demand to be relocated out of the 220 Washington Street building, if applicable, and that civil penalties of \$25,000 per day be applied per 42 U.S.C. § 6928(a). Kindly respond to this demand within the sixty day time period required by § 7002(b)(1)(A) and/or the ninety day time period required by § 7002(b)(2)(A).

Claims under Occupational Safety and Health Act, § 8(f)(1)

The toxic environment of 220 Washington Street is a violation of existing safety and health standards, which threatens physical harm and presents an imminent danger to the employees of the City of Somerville who work there. Below is the list of toxins, concentrations found (if known), and corresponding standards, if published, from 29 CFR 1910.1000 Tables Z-1 & Z-2, 1910.1025 and 1910.1028.

Hazard	Presence	OSHA Standard
Benzene	2.33, 2.43, 2.52, 2.43, 5.81, 2.76 $\mu\text{g}/\text{m}^3$	1 ppm over 8hrs; 5 ppm over 15 minutes
Xylenes (m-, p- & o-isomers)	5.98, 6.24, 6.59, 3.51 $\mu\text{g}/\text{m}^3$	100 ppm; 435 mg/m^3
Toluene	9.94, 9.94, 8.36, 18.1, 6.82 $\mu\text{g}/\text{m}^3$	200 ppm over 8 hrs; 300 ppm for 5 mins. in any 2 hrs.
Chloromethane (methylchloride)	2.26, 1.84, 2.33, 2.13 $\mu\text{g}/\text{m}^3$	100 ppm over 8 hrs; 300 ppm for 5 mins. in any 3 hrs.
1,1,1 Trichloroethane (methyl chloroform)	5.00 $\mu\text{g}/\text{m}^3$	350 ppm; 1900 mg/m^3
Ethylbenzene		100 ppm; 435 mg/m^3
Bromomethane (methyl bromide)	3.26 $\mu\text{g}/\text{m}^3$	20 ppm; 80 mg/m^3 (ceiling limits)
Freon 11 (trichlorofluoromethane)	5.45, 6.19 $\mu\text{g}/\text{m}^3$	
Freon 12 (dichlorodifluoromethane)	4.06 $\mu\text{g}/\text{m}^3$	1000 ppm; 4950 mg/m^3
Bis (2-ethylhexyl) phthalate (di-sec octyl phthalate)	260,000; 99,300; 17,100; 10,500 $\mu\text{g}/\text{Kg}$	5 mg/m^3
Butyl benzyl phthalate	28,300; 4,000 $\mu\text{g}/\text{Kg}$	
Chrysene	7,110 $\mu\text{g}/\text{Kg}$	0.2 mg/m^3 (coal tar pitch)
Fluoranthene	6,720 $\mu\text{g}/\text{Kg}$	
Indeno (1,2,3-cd) pyrene	2,610 $\mu\text{g}/\text{Kg}$	
Phenanthrene	5,180 $\mu\text{g}/\text{Kg}$	
Pyrene	16,900 $\mu\text{g}/\text{Kg}$	
Di-n-octyl phthalate	492,000; 25,400; 148,000 $\mu\text{g}/\text{Kg}$	
Di-n-butyl phthalate	6,190 $\mu\text{g}/\text{Kg}$	5 mg/m^3

Hazard	Presence	OSHA Standard
(dibutyl phthalate)		
Beryllium	0.444, 0.480, 0.461 mg/Kg	2 µg/m ³ over 8 hrs; 25 µg/m ³ over 30 mins.
Lead (bulk sample)	104, 22, 44.8, 25.5 mg/Kg	50 µg/m ³ over 8 hrs
Zinc	1310, 167, 322 mg/Kg	
Chromium (bulk sample)	20.7, 7.43, 7.91 mg/Kg	1 mg/m ³
Copper	205, 10.5, 73.6, 47.9 mg/Kg	1 mg/m ³ (dusts)
Nickel	35.8, 39 mg/Kg	1 mg/m ³
Thallium	5.81, 6.62 mg/Kg	0.1 mg/m ³
Antimony	2650, 1830, 1200 mg/Kg	0.5 mg/m ³
Mercury	0.836 mg/Kg	1 mg / 10 m ³ (ceiling concentration)
Lead (from swab)	8.22, 7.05, 17.8, 5.16, 1650, 83.5, 190, 13.4, 9.21, 51, 2.84, 9.25, 3.51, 30.4, 9.71, 291 µg	50 µg/m ³ over 8 hrs
Chromium (from swab)	6.4, 12, 17.7, 8.3, 18 µg	1 mg/m ³
Penicillium 1	2.2*(10 ³)*(5/11) (bulk) & 4.0*(10 ¹)*(1/4) (swab) CFU/g	
Penicillium 2 (bulk)	2.2*(10 ³)*(2/11) CFU/g	
Stachybotrys Chartarum	2.2*(10 ³)*(2/11) (bulk), 3.8*(10 ⁶) & 4.0*(10 ¹)*(2/4) (swabs) CFU/g	
Aspergillus Glaucus group (bulk)	2.2*(10 ³)*(1/11) CFU/g	
Aspergillus Sydowi (bulk)	2.2*(10 ³)*(1/11) CFU/g	
Staphylococcus, not aureus (bulk)	2.0*(10 ²) CFU/g	
Pseudomonas, not aeruginosa (swab)	7.9*(10 ⁴) CFU/g	
Chaetomium (swab)	4.0*(10 ¹)*(1/4) CFU/g	
Penicillium/Aspergillus types	200, 53, 53, 560, 53, 533 spores/m ³	
Aspergillus versicolor	94 CFU/m ³ ; 3600, 300, 2.5, 2.5 CFU/inch ² (swab)	
Penicillium	12, 1350 CFU/m ³ ; 62000 CFU/g; 2.5, 25, 25, 50, 280, 2.5, 2.5 CFU/inch ² (swab); 3700 CFU/inch ²	

Hazard	Presence	OSHA Standard
	(bulk)	
Alternaria	13 spores/m ³	
Botrytis	53, 13 spores/m ³	
Chaetomium	27 spores/m ³	
Cladosporium	53, 160, 107, 533 spores/m ³ ; 12, 12, 860 CFU/m ³ ; 83000 CFU/g; 50 CFU/inch ² (swab)	
Nonsporulating	12 CFU/m ³ ; 690 CFU/g; 2.5, 10, 5, 2.5, 2.5 CFU/inch ² (swab); 20 CFU/inch ² (bulk)	
Stachybotrys	2030 spores/m ³ ; 110000, 50, 1200 CFU/inch ² (swab)	
Synecephalastrum	23 CFU/m ³	
Yeasts	12 CFU/m ³ ; 83000 CFU/g; 2.5, 2.5, 25 CFU/inch ² (swab)	
Basidiospores	53 spores/m ³	
Smuts, Periconia, Myxomycetes	13 spores/m ³	
Aspergillus clavatus	100 CFU/inch ² (bulk)	
Aspergillus flavus	1900 CFU/inch ² (bulk)	
Aspergillus niger	6900 CFU/g; 25 (swab), 2.5 (swab), 2200 (bulk) CFU/inch ²	
Aureobasidium	25, 25 CFU/inch ² (swab)	
Phoma/coelomycetes	230 CFU/inch ² (swab)	
Rhizopus	340 CFU/g; 10 CFU/inch ² (bulk)	
Trichoderma	2.5 CFU/inch ² (swab); 20 CFU/inch ² (bulk)	
Ulocladium	6900 CFU/g; 75, 25 CFU/inch ² (swab); 100 CFU/inch ² (bulk)	
Unknown	880 CFU/inch ² (swab)	
Motor oil (from HVAC filter)	14,900; 12,900 mg/Kg	

Therefore, individual occupants of 220 Washington Street hereby makes a formal demand to be relocated out of the 220 Washington Street building, if applicable, and that that the U.S. Secretary of Labor inspect the facility, pursuant to 29 U.S.C. § 651.

The effects of chronic exposure to multiple agents interacting with one another in the human body over years of employment within the Somerville Public Safety Building is producing disastrous effects. Public servants need, and deserve, to work in a building that will not put them at an increased risk of contracting cancer.

Should you have any questions or concerns, please feel free to contact this office.

Sincerely,

Stephen L. D'Angelo, Esq.

Cc: clients as named above (*without enclosures*)

Encl.