



**Senate Meeting
MEETING MINUTES**

MEETING DATE: April 12, 2016
LOCATION: Gil 212/Lync
ATTENDANCE: [P = Present; A = Absent; E = Excused]

MEMBERS		MEMBERS		MEMBERS		GUESTS	TIME
Hua Zan	P	Alvin Huang	A	Brent Sipes	p	Maria Gallo	3:23
Jenjira Yahirun	P	Eun Sung Kan	A	Janice Uchida	P	Ken Grace	3:23
Nancy Ooki	P	Brad Porter	A	Zhiqiang Cheng	P	Charly Kinoshita	3:23
Michael Cheang	E	Ryo Kubota	A	Jensen Uyeda	A	Joe Defrank	4:02
Rebecca Settlage	A	Susan Crow	A	Ted Radovich	A	Courtney Teague	4:02
Ju-Young Kang	E	James Leary	P	Alton Arakaki	A		
Rajesh Jha	P	Kirsten Oleson	A	Kent Kobayashi	P		
Maria Stewart	P	Catherine Chan	P	Kheng Chea	E		
Jinan Banna	A	Michael Kawate	P				
Alan Titchenal	P	MiaoYang Tian	P				
Brent Buckley	P	Koon Hui Wang	P				

/30

SUBJECT	DISCUSSION / INFORMATION	ACTION / STRATEGY / RESPONSIBLE PERSON
CALL TO ORDER	3:03 Rajesh Jha called to order (Senate Chair)	
MINUTES	Minutes approved.	Vote: 15-0-1
Leadership Report	<p>Dean Gallo-Interim dean search, nominations came in to Adrienne Lee, Committee is making recommendations to Reed Dasenbrock. Some departments are looking for new chairs, and this process will be happening and wrapping up soon. Policy on defining dept chair is outlined by UHPA and the departments have slightly different individual procedures</p> <p>Cathy Chan-NREM, nominations are being sent to the DPC chair, nominees will make a 10 min presentation on the vision for the department with 5 min for Q&A, secret ballot to determine</p> <p>Maria Stewart/Rajesh Jha-HNFAS, DC initiated a process that wasn't congruent with the dept procedures, HNFAS has a process where the DPC manages the nomination process. Nominees will be discussed at next department meeting.</p> <p>The budget is still uncertain, can't move forward with priority staffing.</p> <p>Associate Dean for Research Ken Grace- see attached report.</p> <p>Associate Dean for Academics Charly Kinoshita-</p>	



SUBJECT	DISCUSSION / INFORMATION	ACTION / STRATEGY / RESPONSIBLE PERSON
	<p>Student research symposium was a success. There are new internship opportunities for students. CTAHR ASAO is implement Associate Dean for Extension- reported by James Leary, Extension liaison SEC. See attached report.</p>	
<p>ACCFS report</p>	<p>Guided pathways system (GPS) will help reduce time-to-graduation. ITS presented updates on Banner, moving kualii to a new platform.</p>	
<p>Committee reports</p>	<p>Research- no report Extension- no report Instruction- committee reviewed and provided feedback on UHM-1 Personnel- no report Elections- 4 depts are finished with elections, 1 just finished, 1 will wrap up on Thursday Monday May 9 3pm is next senate meeting when new senators will begin their term. The chair thanked the elections committee for their work.</p>	
<p>Interim Dean Search</p>	<p>Reported by Rajesh Jha- when a dept chair committee member had to recuse his/herself, the department selected the replacement. Committee set internal MQs and DQs. Committee will recommend three candidates with strengths and weaknesses. Brent Sipes- Why do we need to have so much secrecy? What are the MQ and DQ? Rajesh- general criteria were leadership experience, administrative experience, research experience, instruction experience, stakeholder experience, transparency among colleagues Selection committee will give top three candidates to Reed Dasenbrock on April 14. This is to make the deadline for the May Board of Regents meeting. Brent Sipes- the three names of the candidates need to be made public. This is important so the faculty knows if the VCAA is using the committee/faculty input for making the decision. Brent Buckley- There are likely more than 3 names nominated. Unsure why there is secrecy. This removes the faculty from any input in this process. James Leary- in favor of making the names of the top three candidates public Miao Yian Ting- agrees with making the top three names public Rajesh Jha- as senate chair he will bring this message to Reed Dasenbrock and to the selection committee, and he will provide the reply from Reed Dasenbrock and the selection committee</p>	<p>Brent Sipes-Motion of announcement of 3 names sent forward to the vice chancellor be made public Brent Buckley- second Motion vote- 16-0-0</p>



SUBJECT	DISCUSSION / INFORMATION	ACTION / STRATEGY / RESPONSIBLE PERSON
Old business		
UH-Hilo CAFNRM	Rajesh Jha- nothing formal has happened. Dean Gallo suggested a small committee to explore the benefits of collaboration. The committee hasn't been formed yet.	
New business		
St. Johns Building	<p>Joe DeFrank- report on conditions in St. Johns Building (hardcopy,), September 2014 construction in bathrooms resulted in dust in his lab, dust from a lab below also accumulated in his lab. The facilities staff indicate that they don't know how the exhaust could get to DeFrank's lab space. Other dust had accumulated in the hallway. November 2015 DeFrank was exposed to a vapor with potentially toxic effects. He relocated his lab to Magoon. The university has not responded to his concerns. The exhaust vents in his lab are now closed off. Coffee fumes in higher floors of the building indicate that there is a problem with the exhaust system. DeFrank sent his report to the dean and university administration with no reply. There appears to be no functional system for removing fumes in St. Johns. DeFrank wishes that the senate consider this issue and consider a resolution to forward to the university.</p> <p>Alan Titchenal- this seems like this is a Dept of Health issue.</p> <p>Joe DeFrank- EHSO is the arm of Dept of Health, and EHSO has not responded. He has requested building codes for St John to verify that safety testing etc has been conducted.</p> <p>Brent Sipes- what does Thomas Lim say? the College say?</p> <p>Joe DeFrank- the conversations have only been over the phone.</p>	Rajesh Jha- request a presentation from Mark Burch, the Director of Facilities, this will be discussed at SEC meeting.
ADJOURNMENT	4:02 adjourned	

Respectfully submitted by Maria Stewart

Approved on May 9, 2016 with 16 votes in favor of approval and 0 against.

Research Office Report to the CTAHR Faculty Senate

March 12, 2016

1. **New and Revised Hatch and McIntire Stennis project proposals** were due to Chairs on March 18, and are due to my office from the Chairs (with three peer reviews) by May 2, 2016. Projects will be reviewed by my office during May, and submitted to USDA-NIFA for review and approval, targeting an October 1, 2016 start date.
2. **Supplemental Funding Proposals** are due to my office by April 15, 2016. These require the Chair's signature, but the Chairs are not required to obtain reviews, since these proposals are based on approved Hatch projects or extension Plans of Work.
3. **Legislative Update:** Last year, we were successful with the state legislature in obtaining one year of funding for four temporary extension agent positions (one in each county). Those four temporary positions have now been filled, and the college has committed to supplementing the funding from the legislature so that they can continue until June 30, 2017. This year, we worked with the university and the UH Budget Request submitted by the Board of Regents to the Governor, and then by the Governor to the Legislature, included permanent funding for these four agent positions.

The House did not agree with the Governor's request, and removed the funding for these four positions. This was not targeted at CTAHR – the House Finance Committee did not agree with any of the position requests for UH or for any other State agency. However, last week, the Senate disagreed with the House on this, and last week they restored the funding for our four extension agent positions to their version of the State budget. Over the next two weeks, a conference committee will not attempt to resolve the disagreements between the House and the Senate, and arrive at a final version of the State budget. Hopefully, the Senate's version of the request for CTAHR will prevail. If it does, the next step will be to encourage the Department of Budget and Finance and the Governor to sign the budget bill, and to release the funds.

Another area of disagreement between the House and Senate is over funding for the UH CIP request for funds and bond authority to address the over \$500 million in cumulative deferred repair and maintenance (CDRM) at the University. Since CTAHR's facilities, including our experiment stations, are part of the CDRM for UH Manoa, we are hopeful again that the Senate's more generous response to funding the UH request will prevail in conference.

4. **Experiment Station Facilities:** I appreciated the help this year of the Faculty Senate Research Committee in surveying CTAHR faculty about their usage of and concerns about on or off-campus experiment station facilities. I share everyone's concerns over our aging facilities, and we are

working to address the problem within the university, at the state and federal legislative levels, and nationally with USDA in a concerted effort with landgrant universities across the country.

Like classrooms on campus, our experiment station facilities are the responsibility of the Manoa campus administration, and are part of the UHM cumulative deferred repair and maintenance (CDRM) budget request. A Sightlines survey commissioned by UHM identified \$35 million in experiment station CDRM. This year, UHM, working with CTAHR commissioned a “due diligence” forensic architectural inspection of our stations to identify the specific problems at each facility and recommend the most cost-effective solutions. Manoa has agreed to release at least a small amount of funding annually to address the problem, and we will directly benefit from any increase in State funding through the UH budget to address the large Manoa CDRM needs. Several legislators have also expressed an interest in investigating the possibility of dedicated funding to address particular station maintenance issues.

Through our regional and national agricultural college and landgrant university associations (e.g., Western Association of Agricultural Experiment Station Directors, Association of Public and Landgrant Universities), CTAHR is part of a national effort to address the enormous repair and maintenance problems of experiment station facilities in every state. We participated in a national Sightlines study last year through APLU that identified \$8.4 billion in cumulative deferred repair and maintenance needs nationwide. I have also personally discussed the problem with Sonny Ramaswamy, USDA-NIFA director, as have these associations and their respective lobbying firms. A national committee has just been formed to work with NIFA on approaches to address the problem. For example, NIFA is considering a funding program (which would require a state cost-match) for facility rehabilitation, but the national price tag is daunting. This year, CTAHR also worked with UH representatives in D.C. and with our federal legislative delegation on committee report language to encourage federal support specifically for agricultural research facilities in the Pacific region, which are in great need due to the tropical marine conditions of the region.

Submitted by J. Kenneth Grace, Associate Dean and Associate Director for Research

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1) Update on Extension Positions

Three out of four full-time, temporary agent positions that CTAHR had received from the State Legislature in 2015 have been filled and one is in the final step of the hiring process:

- Dr. Kathryn Fiedler, Junior Extension Agent, invasive species in support of edible crop and ornamental industries, Kauai CES.
- Dr. Marisol Quintanilla, Junior Extension Agent, sustainable agriculture and organic farming including soil health and soil fertility in support of edible crop industries, Hilo.
- Mr. Fred Reppun, Junior Extension Agent, farm food safety and sustainable agriculture in support of edible crop industries, Pearl City Urban Garden Center, will begin May 16, 2016.
- Maui Junior Extension Agent, sustainable agriculture, organic and natural farming involving soil health and soil fertility and food farm safety in support of edible crop industries, Maui, in the final phase of hiring.

Four full-time, tenure-track, permanent agent positions are still underway:

- Asst Extension Agent, edible crop industries, Oahu. Seminar announcement will be distributed soon.
- Asst Extension Agent, edible crop industries and food safety and security, Hilo. Seminar announcement was distributed.
- Asst Extension Agent, livestock, 4-H Youth livestock programs, Maui. Close to selecting finalists for further consideration.
- Asst Extension Agent, floriculture and nursery crops, Hilo. Completed initial review of applications.

Extension Specialist, 4-H Coordinator position – Two finalists are being considered. Dr. Jeff Goodwin completed his seminars and interviews, and Dr. Carol Benesh will be doing that later this month.

County Administrator Positions for Kauai and Hawaii – Both are in the final phase of recruitment.

2) Visioning & Planning for Enhancing Hawaii's Extension

This event will take place on May 2-3, 2016 at the UH Manoa Campus Center Ballroom. All Extension faculty, Department Chairs, and County Administrators are invited and strongly encouraged to attend. The two days will offer group discussion opportunities to plan Extension's future over the next 10 years under two main parts. The first area will focus on Extension's

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organization both under the current departmental structure as well as thoughts to organize Extension under a different structure. The second part will involve break-out sessions clustered around topic areas based on previous faculty and stakeholder surveys conducted to determine areas of need. The registration deadline is April 19 and information and the registration form were disseminated.

3) MQ's for Assistant Agents

The CTAHR faculty senate via CTAHR's administration has submitted the Resolutions on Assistant Extension Agents Hiring and the Resolution on Promotion Criteria to A4 and A5 to UH administration. The changes proposed under these resolutions are currently under review.

St. Johns Laboratory: Sick Building Bad Air - 2014 to 2015.

Prepared by Dr. Joseph DeFrank on 02/20/2016.



Narrative: St. Johns Laboratory, Sick Building Bad Air - 2014 to 2015.

Prepared by Dr. Joseph DeFrank on 02/20/2016.

Introduction

This narrative was written to provide the reader with a chronological description of the reoccurring contamination of office and laboratory air space in 212 St. John Laboratory (St. Johns), a building located at 3190 Maile Way on the main campus of the University of Hawaii in Manoa. This narrative is supported by email messages, memos, reports and other document that provide a disturbing account of a sick building with very bad air.

The documentation provided here will show that the air handling system in St. Johns has contributed to multiple firsthand accounts of silica laden dust movement between rooms and floors. Documentation also provides evidence of Dr. DeFrank's attempts to alert responsible persons and agencies with in the UH Administration and the Hawaii State government of the faulty air handling system that exposes students, staff and faculty to know and unknown airborne contaminates. Occupants of St. Johns have experienced chemical fumes and other odors (from unknown sources) in their office and lab spaces for years. The UH has consistently ignored requests for investigations into the cause of this sick building syndrome and have broken the trust between occupants of St. Johns and those responsible to protect their health and safety in the workplace.

The UH has failed to protect those working in St. Johns from dangerous chemical exposure and at the time of this writing, have failed to respond in any meaningful way to dangerous conditions that currently exist. UH administrators, informed of this situation have not notified the occupants of St. Johns of the health hazards posed by the faulty air handling system. It is the authors wish to provide public disclosure of these systemic administrative and mechanical failures of this air handling system and to initiate the processes needed to make meaningful changes to the current sick building conditions at St. Johns.

Names and positions of persons mentioned in this document

Dr. Joseph DeFrank: 32 years of service as faculty member in Tropical Plant and Soil Science (TPSS) college of Tropical Agriculture and Human Resources (CTAHR)

Russel Yost: Current department chair of TPSS.

Mark Burch: CTAHR health and safety representative to the UH Environmental Health and Safety Office (EHSO)

Kyle Arakaki: Staff, University of Hawaii Facilities Management Office.

Emma Kennedy: Industrial Hygienist, EHSO

Thomas Lim: CTAHR business manager.

Maria Gallo: Current Dean of CTAHR.

TinShing Chao: Manager Dept. of Labor and Industrial Relations, Hawaii Occupational Safety and Health Branch (HIOSH)

James Kardash: Dr. DeFrank's contact at the University of Hawaii Professional Union (UHPA).

Orville Baldos: junior research working in Dr. DeFrank's lab during all of 2014 & 2015.

Scott Lukas: Ph.D. graduate student working in Dr. DeFrank's lab during all of 2014 to May 2015.

Ania Wieczorek, acting chair for TPSS 02/8-28/2016.

Reed Dasenbrock, UH Vice Chancellor for Academic Affairs.

Carl Oshiro, mechanical engineer for UH Office of Facilities Management.

Chronological events of administrative and mechanical failures contributing to St. John's sick building syndrome for the period 2014-2015.

The case of office contamination of Dr. DeFrank's office and lab air space begins in September 2014. During the bathroom renovations on the second floor of St. Johns, dust from the demolition process escaped from the construction area and entered Dr. DeFrank's office and lab in room 212 St. Johns. In **Items 1**, Dr. DeFrank provides notice of this dust contamination to the college's health and safety office Mark Burch. Due to Dr. DeFrank's experience with UH Facilities Maintenance Office involving a problem resulting from the renovations of the Magoon greenhouses, he wanted to convey a sense of urgency by filing a formal workplace contamination claim with the Hawaii State Office of Occupational Health and Safety, **Item #2**. It seemed that UH staff were rushing to clean up the dust in DeFrank's office so an email was sent to caution them about releasing dust to the building's air handling system during this process, **Item 3**. The combined effects of the HIOSH complaint and Dr. DeFrank's insistence on a thorough cleanup of his office resulted in UH compliance on all points as described in **Item 4**.

During the negotiations to clean up the dust, Dr. DeFrank contacted his union representative James Kardash of UHPA to insure that prompt actions would be taken. **Item 5** is a fax from Mark Burch to James Kardash providing the HIOSH notice of DeFrank's complaint and the requirement for UH to take corrective actions regarding this workplace contamination. Although UH did a good job cleaning up the dust, there has never been an investigation to determine how the dust traveled from the bathroom demolition site to Dr. DeFrank's lab, even though this HIOSH notice requires it. **Item 6** is a brief note from Emma Kennedy indicating that it is safe to return to room 212 on 10/06/14. Again, no one has provided a description of how the dust traveled or proposed any mechanical changes to the air handling system to prevent future cross-floor or cross-room contaminations. The first 4 pages of a 20-page lab report describing the content of the dust that contaminated room 212 St. Johns are found in **Item 7**. This report confirms that the dust contained very fine respirable silica particles, a known risk factor in lung disease normally associated with industrial workers. On 10/27/14, a second round of dust enters Dr. DeFrank's lab. This time the dust is not from the bathroom on the second floor (adjacent to Dr. DeFrank's lab) but from renovation work conducted on the bathroom located on the floor below DeFrank's lab. Dr. DeFrank sends an email to Mr. S. Chao of HIOSH, informing him of this second room contamination with dust that entered via the air handling system, **Item 8**. Mr. Chao responds to DeFrank's notice of the second dust contamination in **Item 9**, but focuses on the silica dust levels contained in the consultant's report and completely ignores the most important aspect of

this message, that this is the second work place contamination and the UH has not been able to stop it. It would seem reasonable to expect that two reports of workplace contamination would illicit a response from HIOSH to initiate an investigation of this building's air handling system, but it did not. The response from Mr. Chao was most disturbing because it purposely ignores a serious malfunctioning of the most important health safety aspect of a scientific building, the air handling system. There can be no more important part of a safe working environment, in this laboratory setting, than air handling system and Mr. Chao ignored a fundamental flaw in its function with little regard for the health risks it imposed on the students, staff and scientists working in St. Johns. Realizing that Mr. Chao and HIOSH would not be moved to action by the second multi floor movement of construction dust, DeFrank asks Mr. Chao for his recommendation for obtaining a work environment free of respirable (i.e. tiny dust particles that can enter the breathing airways and lungs) silica dust, **Item 10**. Mr. Chao responds to DeFrank's request for getting a contaminate-free work environment by indicating that all reports show St. Johns to be a safe place to work, **Item 11**. Mr. Chao is proven wrong about St. Johns being a safe work place when toxic vapors enters Dr. DeFrank lab in November of 2015.

Throughout this sad episode, online work (AIM work request system at UH) orders are submitted to the UH Facilities Management Office to request meetings and investigations into the air this contamination issue in St. Johns. **Item 12** documents a request filed by Thomas Lim, business manager of CTAHR, following the second dust contamination of Dr. DeFrank's lab and as a response to the email exchanges between DeFrank and Chao. In all future investigation instigated by this report, UH Facilities Maintenance can never claim they were not aware of the air quality problems in St. Johns and can never claim they provided a comprehensive accounting of the mechanical problems responsible for the sick build condition. DeFrank responds to Mr. Chao's assertion that the lab is safe and requests his office investigates the causes of these workplace contaminations, **Item 13**.

Things get a little strange between Dr. DeFrank and Mr. Chao after the second report of construction dust contamination in 212 St. Johns. When it is clear that Mr. Chao and HIOSH will not send inspectors to UH to conduct an investigation of the air quality problem, Dr. DeFrank send an email to Mr. Chao indicating his perception of discrimination by UH and cites a HIOSH letter (dated 09/24/14) to justify his claims. **Item 14** is the email dated 10/31/14 where DeFrank claim the 2nd air contamination of his office spaces represents an act of discrimination by the UH. Mr. Chao provides an email with 6 questions to help Dr. DeFrank more clearly describe his claim of discriminatory actions, **item 15**. DeFrank answers the 6 questions provided my Mr. Chao detailing his feelings of discrimination perpetrated by the UH in **Item 16**. Mr. Chao makes no further comments on the Dr. DeFrank's discrimination claim, no HIOSH investigation is ever ordered and no explanations for the dust contamination are every provided by UH. So much for Hawaii State government's stewardship of the health and safety of state of Hawaii employees.

Odors continue to move between floors at St. Johns and another case of cross-floor movement of lab air occurs on 11/12/14 when Dr. DeFrank detects the smell of fermenting cacao bean from a lab on the floor below, **Item 17**. The movement of coffee roasting odors between floors 1 and 2 are confirmed by M. Burch on 11/24/14, **Item 18**.

Dr. DeFrank's worst fears of office air contamination occurs on 11/24/15 when toxic solvent fumes released from an adjacent lab (i.e. 210 St. Johns) requiring him to retreat outdoor to recover from disorientation, **Item 19**. It is hard to express the anger and frustration that one feels after repeated attempts to have a mechanical failure in the air handling system addressed only to become victimized again by the same mechanical and administrative failures. It is demoralizing to realize that no one at UH will help correct St. Johns sick air problem and ultimately no one appears to really care. It is almost unbelievable to think that UH administrators will do nothing when they are informed that dangerous chemical exposures have occurred and student, faculty and staff are being exposed to mix of unknown fumes and vapors on a regular basis.

M. Burch provides the identification of the toxic fumes contaminating Dr. DeFrank's lab on 11/24/15 and clearly explains how a sloppy lab procedure caused the vapor release and how the vapors moved into hallway (where student often gather to collect their exams) and then into Dr. DeFrank's lab, **Item 20**. The health hazards presented by a chemical agent are described in a document referred to as Material Safety Data Sheet (MSDS). The chemical agent that Dr. DeFrank was exposed to on 11/24/15 was n-n, dimethylformamine and the profound hazard it poses to humans is described in its MSDS, **Item 21**. A responsible supervisor would think that this solvent must be handled very carefully due to its toxic properties, rapid absorption and movement within the body once inhaled.

Dr. DeFrank relocated his office operations to the Magoon Research and Teaching Facility on the upper Manoa campus following his exposure to toxic fumes in his office in St. Johns. Emails were sent to T. Lim on 01/07 & 20/16 requesting evidence that St. Johns was compliant with building code requirements for laboratory room air exchanges, **Item 22**. As of 02/20/16, no evidence has been provided to show that St. Johns has room air exchange rates consistent with statutory rates required for buildings with rooms designated as laboratories. An investigation into the sick building problems of St. Johns needs to determine if statutory room air exchanges have ever been recorded to certify the safe conduct of lab procedures occurring there on a day-to-day basis. The room air-exchange value tells you how many times in an hour the room air is exchanged by the air handling system. It is unlikely that St. Johns is compliant with the statutory exchange rates, required by the building code, since **all** of the ceiling air exhaust openings are **NOT** connected to an exhaust duct. The exhaust air opening in the drop tile ceiling tiles in St. Johns release into the air space above the ceiling and God know where the air goes once it enters this space. The author knows that sometimes the so-called exhaust air can drop down into an adjacent lab due to the air suction provided by fume hoods.

After all these failures to obtain meaningful answers to the mechanical malfunctions causing the sick air problems in St. John, Dr. DeFrank continued to make one more effort to work within the UH system to resolve this issue. On 02/10/16, DeFrank sent an email to acting TPSS chair Ania Wiczorek requesting her to forward a memo to Vice Chancellor Reed Dasenbrock, **Item 23**. DeFrank's memo to Dasenbrock was an attempt to initiate a dialogue to start the process of addressing the sick building problem in St. Johns, **Item 24**. As of 02/20/16, there has been no contact between the Vice Chancellor's office and Dr. DeFrank to discuss the sick building issues described in this memo. The only response to the Dasenbrock memo is an email from T. Lim describing a fix for the reoccurring air contamination of Dr. DeFrank's lab, **Item 25**. The fix prescribed by the Carl Oshiro, mechanical engineer for the UH Facilities Management, was to close all the air exhaust vents in Dr. DeFrank lab to prevent any more air contaminants from entering through these vents. That's

right, they wanted to prevent airborne contaminants from **ENTERING 212** St. Johns by blocking all the **EXHAUST VENTS** in 212 (personal observation with eye witness, O. Baldos on 02/18/16). Dr. DeFrank's response to this fix is presented in **Item 26**. The failure of the UH Administration to respond to the no-cost suggestions in DeFrank's memo to start addressing the sick building issues in St. Johns has resulted in this narrative and a request for media support to bring this long sad workplace health issue into an open public discussion and resolution

Item #	Date	Document Description & Relevance to sick air syndrome of St. John Laboratory for the period 2014 to 2015	Page #
1	09/22/2014	J. DeFrank notifies M. Burch, T. Lim & R. Yost of construction dust contamination of office space in 212 St. Johns. This is the first physical evidence that airborne contaminants are being transferred from the bathroom exhaust vents to the air supply system St. Johns.	10-11
2	09/23/2014	J. DeFrank files a formal complaint via email to a HIOSH complaint officer and requests a lab cleanup delay until biohazard analysis of dust can be completed. He did not want the cleanup of the dust to move more dust into the air handling system and spread around the entire building.	12-20
3	09/25/2014	J. DeFrank explains to Kyle Arakaki that dust needs to be treated as biohazard and that cleanup must be conducted so that addition movement into the air handling system is prevented and not moved to other parts of the building.	21-22
4	09/25/14	Emma Kennedy describes the dust clean up procedure and setup of air sampling to measure fugitive dust during clean up. This was an appropriate response to insure the cleanup would be conducted properly with sampling measure used to identify airborne dust and its composition.	23-24
5	09/25/14	Mark Burch's fax to James Kardash containing the notice sent to UH-EHSO from HIOSH indicating that a complaint has been received and that a report of corrective actions will be required by 10/02/14. This HIOSH notice is important because it requires a description of corrective actions regarding the construction dust contamination of DeFrank's lab. The only "corrective actions" that the UH makes is to clean up the dust. As of 02/20/16, UH has not corrected the air handling system that was responsible for the dust contamination or the chemical exposure that occurs on 11/24/15. HIOSH never conducted their own investigation of the causes of the cross-room and cross-floor contamination in St. Johns.	25-28
6	10/06/14	Emma Kennedy informs DeFrank that he can return to his office due to the dust cleanup.	29-30
7	10/21/14	Independent laboratory results on components of airborne dust collected during the cleanup of DeFrank's lab in Room 212 St. John Building. This lab report confirms that the dust that entered the lab was composed of crystalline silica, a confirmed industrial hazard contributing to lung disease, only 4 of 20 pages provided.	31-35

8	10/27/14	DeFrank emails Mr. S. Chao at HIOSH to forward the report on the composition of the nuisance dust that entered his office on 09/23/14 and informs him of a 2 nd occurrence of silica dust contamination of his office space. This NEW dust contamination was due to bathroom renovations on the floor below Dr. DeFrank's lab. This email provides visual evidence of the dust and confirms that airborne dust particles can move from the floor below to a floor above. As of 02/20/16, UH has never addressed the problem of airborne contaminants moving between floors at St. John Laboratory.	36-39
9	10/27/2014	T. Chao of HIOSH responds to DeFrank's email and provides documentation to show that dust and silica levels did not exceed permissible levels. The most unbelievable aspect of this response is his total failure to acknowledge the 2 nd dust contamination of the workplace and places no significance on the fact that this second occurrence provides proof that the UH has not taken any corrective actions to prevent airborne contaminants from moving between floors and rooms. As of 02/20/16, HIOSH has not sent inspectors to investigate cross-floor and cross-room air contamination in St. John's Lab and no citations have been issued for reported workplace contaminations.	40-41
10	10/27/14	DeFrank responds to Mr. Chao's email by requesting his recommendation for obtaining a work environment free of respirable crystalline silica particles	42-43
11	10/29/14	Mr. Chao responds to DeFrank's 10/27/14 email by declaring that: "all reports show your workplace is cleared to be worked in". This is a significant declaration since Mr. Chao makes this comment with no HIOSH inspectors ever setting foot on the UH campus to evaluate the reports of multiple air contamination of the workplace.	44-45
12	10/29/14	Thomas Lim files a work order to the UH online work request system for a mechanical evaluation of the air handling systems to address the second case of dust entering DeFrank's office workspace. This is another document that proves the UH knew of repeated cases of cross-floor and cross-room contaminations and as of 02/20/16 has not provide an explanation for these problems and has made no meaningful effort to fix the problem.	46-49
13	10/30/14	Dr. DeFrank responds to Mr. Chao's declaration of a safe work place and requests that his office require an investigation of the causes of these multiple cross-room and cross-floor work place air contaminations.	50-51
14	10/31/14	DeFrank emails Mr. Chao and describes how the 2 nd dust contamination of his office space represents an act of discrimination against him as perpetrated by the UH. This items also contains a letter received on 09/25/14 providing instructions to contact HIOSH if "no corrective actions are taken by your employer or if any discriminatory actions or threats are made against you". Dr. DeFrank interpreted the failure of UH to take corrective actions to prevent a second dust contamination of his work place as a "discriminatory" action against him.	52-55

15	10/31/14	Mr. Chao responds to Dr. DeFrank's claim of discriminatory actions with a set of questions to more accurately describe the specifics of his perceived discrimination.	56-57
16	10/31/14	Dr. DeFrank responds to Mr. Chao's questions on discriminatory actions. Following this email of 10/31/14, there was never another response from Mr. Chao and HIOSH has never sent inspectors to investigate the reports of workplace air contamination in St. Johns as of 02/20/16.	58-60
17	11/12/14	DeFrank emails T. Lim and describes the smell of cacao fermentation entering his office space from the floor below and conveys continued irritation of his throat and his graduate student's eyes as well as mental anxiety over the chronic contamination of his office air.	61-62
18	11/24/14	M. Burch provides confirmation that coffee roasting in the floor below Dr. DeFrank's lab results in noticeable coffee smells in Dr. DeFrank's lab (by junior research Dr. Orville Baldos) and by persons in the lab 210 & 211 St. Johns. This message is significant because it provides eyewitness accounts of fumes moving from the open air space from floor below to the floor above with detection by at least 3 people. This is an observation of air supply contamination by a trained representative of the UH EHSO and does not result in any sort of formal action by the UH to correct this cross-floor air contamination problem.	63-64
19	11/24/15	A little over a year after the 2 cases of dust contamination, a very serious contamination of Dr. DeFrank's office air occurs once again. This time, solvent fumes from an adjacent lab (210 St. Johns) causes Dr. DeFrank to leave his office due to disorientation.	65-66
20	12/07/15	M. Burch provides the identification of the solvent vapors (n-n dimethylformamide) that were released into the lab air in 210 St. Johns (a lab adjacent to DeFrank's lab), describes the activity that caused the release and the possible path for these fumes that entered DeFrank's lab.	67-68
21	11/24/15	The description of the health hazards associated with a chemical is call the Materials Safety Data Sheet or MSDS. The MSDS, for the chemical that Dr. DeFrank was exposed to, describes the extremely toxic nature of this solvent. Chronic health effects for n-n dimethylformamide are listed as: mutagenic for mammalian cells (i.e. cause mutations), is classified as POSSIBLE human teratogen (i.e. birth defects) and is toxic to kidneys, liver and central nervous system. Dr. DeFrank absorbed enough of these vapors to be able to taste it in his saliva for 3 hours after the exposure requiring him to spit into a cup. Excessive salivation is a common means to remove toxins absorbed into body tissues.	69-75

22	01/20/16 12/07/15 & AIM work request of 11/24/15	These two emails are requesting updates on a UH AIM work request to investigate Dr. DeFrank's exposure to the toxic solvent vapors that entered his office on 11/24/15. Dr. DeFrank requests evidence that the St. Johns building is compliance with statutory rates for room air exchanges for buildings coded as laboratories. The UH has never provided data to support compliance for required room air exchanges for the St. Johns Building and its labs. It is most likely that the entire building is in violation of its build code requirements for laboratory room air exchange.	76-79
23	02/10/16	Email from J. DeFrank to acting TPSS chair requesting that his memo be forward to Vice Chancellor Reed Dasenbrock. DeFrank's memo is an attempt to initiate a dialog with a high ranking UH administrator to work within the UH system to correct the air contamination problems in St. Johns.	80-82
24	02/10/16	DeFrank's memo to Vice Chancellor for Academic Affairs Reed Dasenbrock requesting a dialog to start to address the sick building problems of St. John' s Lab. As of 02/20/16 there has been no communication between the Vice Chancellor's office and Dr. DeFrank.	83-84
25	02/11/16	T. Lim emails J. DeFrank and describes the possible "fix" to the air contamination problem in Dr. DeFrank's lab. The "fix" provided by Carl Oshiro, a mechanical engineer in the UH Office of Facilities Maintenance, involved closing all the exhaust vents in the ceiling tiles in Dr. DeFrank's lab. This fix is incredibly short sighted in that it is an attempt to block fumes from entering the lab via the so called "exhaust" system. This fix also blocks exhaust air from leaving Dr. DeFrank's lab. This "fix" represents the final action of the UH Facilities Maintenance to address the cross-floor and cross-room contamination problems in St. Johns Lab as of 02/20/16.	85-86
26	02/12/16	DeFrank's email to T. Lim describing actions that need to be taken to prevent a public disclosure of the sick building issues at St. Johns. The failure of UH administration to provide any indication of their willingness to openly address the sick building problem of St. Johns is truly disappointing and deserving of a public reckoning.	87-88

ITEM #1

Joe DeFrank

From: Joseph DeFrank <defrenk@hawaii.edu>
Sent: Monday, September 22, 2014 10:25 AM
To: Mark Burch
Cc: Lim, Thomas; Russell S Yost
Subject: Fine dust layer covering surfaces in St. Johns 212B

Hi Mark:


When I walked into my office this morning I noticed a fine dust layer across all the surfaces. The men's bathroom, on the other side of my office wall, is getting a major renovation. I would like to request a dust analysis for asbestos or any other building contaminates that you can test for. At the very least there needs to be a comprehensive cleanup after this most recent work and all the work to install all the internet wires earlier this year. It would work at home today to avoid this potential health hazard but we do not have air-conditioning and it is too hot to be productive. Call my cell (808-225-1765) to schedule a visit, any help would be greatly appreciated.

S, Joe D

Dr. Joe DeFrank
3190 Maile Way, Room # 102
Honolulu, HI 96822
Ph: 808-956-5698, FAX 808-956-3894
email: defrenk@hawaii.edu

Hawaii Weed ID and streaming media content: <http://www.ctahr.hawaii.edu/deFrankJ/index.htm>

University of Hawaii at Manoa
Dept. of Tropical Plant and Soil Science (Weed Science)



ITEM #2

Joe DeFrank

From: Joe DeFrank <defrenk@hawaii.edu>
Sent: Tuesday, September 23, 2014 3:48 PM
To: dlr.hiosh@hawaii.gov
Subject: Foramal complaint of workplace contamination with fine white dust due to bathroom renovations on 09/23/14.
Attachments: JD_complaint re dust on 09 23 14.pdf

HIOSH complaint officer:

I have attached a pdf that contains my complaint of workplace contamination at my UH Manoa laboratory 09/23/14. My motivation in filing this complaint is to have the dust contaminating my workplace properly analyzed for any biohazards, prescribe an appropriate cleanup and specify a post cleanup monitoring protocol.

The contractor cleanup is scheduled for 9:00 am on 09/24/14. I believe this cleanup should be delayed until HIOSH can inspect the site and make a formal analysis of the dust contamination.

Feel free to contact me on my cell phone at 808-225-1765 should require any additional information to process this complaint.

Sincerely,

Dr. Joe DeFrank
3190 Maile Way, Room # 102
Honolulu, HI 96822
Ph: 808-956-5698, FAX 808-956-3894
email: defrenk@hawaii.edu
URL: <http://www.ctahr.hawaii.edu/deFrankJ/index.htm>

Hawaii Weed ID and streaming media content: <http://www.ctahr.hawaii.edu/deFrankJ/index.htm>
University of Hawaii at Manoa
Dept. of Tropical Plant and Soil Science (Weed Science)



UNIVERSITY
of HAWAII
MĀNOA

9/23/2014

Attn: HIOSH Workplace complaints. Re UH Manoa Lab contamination with construction dust.

I am a faculty member at the University of Hawaii and have an office suite in St. John Laboratory Room 212 with the address of 3190 Maile Way, Honolulu HI, 96822. On the morning of 09/22/14, I discovered my lab suites located in 212 were covered in a fine layer of white dust. I worked until 2:30 p.m. that day until I became a little light headed. Once outside I could taste a bitter chemical being released in my saliva. I notified our college's Health and Safety office about this issue on the evening of 09/22/14. I was able to meet with him at 11:00 a.m. on 09/23/14 and we inspected my office suites. He agreed that the office would need to be cleaned prior to a return to this workstation. At 1:00 p.m. on 09/23/14, I met with my department chairperson and a representative of the construction company. The representative was very apologetic and has offered to clean up the dust starting at 9:00 am on 09/24/14.

I asked my health and safety officer about taking a samples of the dust to determine what if any toxins I have already been exposed to and to determine the proper dust mitigation procedure. He indicated that a preconstruction test for asbestos was negative and that no additional testing was needed.

I have several concerns at this point and they are:

1. What is the composition of this very fine dust and does it pose a health hazard to my coworkers and me.
2. Clearly there is a violation of the construction codes that has allowed this workplace contamination to occur and this violation must be properly recorded for any claims of injury to health and equipment.
3. Without knowing the nature of this contaminate how can the construction company know what are the proper mitigation measures to prevent additional workplace contamination.
4. I am concerned that without a full understanding of the nature of contaminate and professional cleanup my workplace will be permanently present a health risk to my coworkers and me.

I am submitting this formal complaint of workplace contamination and I am requesting HIOSH do an immediate site inspection to collect dust samples, quantify the biohazard presented by the dust, prescribe the appropriate means of cleanup and specify a post clean up monitoring protocol.

I have also included a set of images to formally document the level of contamination in my lab, see Photos 1-6 below.

Feel free to contact me should you need any additional information regarding this formal complaint of workplace contamination.

Sincerely,

A handwritten signature in black ink, appearing to read "Dr. Joseph DeFrank".

Dr. Joseph DeFrank 3190 Maile Way, Room # 102, Honolulu, HI 96822. Ph: 808-956-5698, FAX 808-956-3894, Cell: 808-225-1765.

3190 Maile Way, St. John Plant Sciences Laboratory 102, Honolulu, Hawaii 96822
Telephone: (808) 956-8351 Fax: (808) 956-3894
Email: tpss@ctahr.hawaii.edu Website: www.ctahr.hawaii.edu/ctahr2001tpss



Photo 1, counter top in St. Johns 212B prior to wiping on 09/23/14

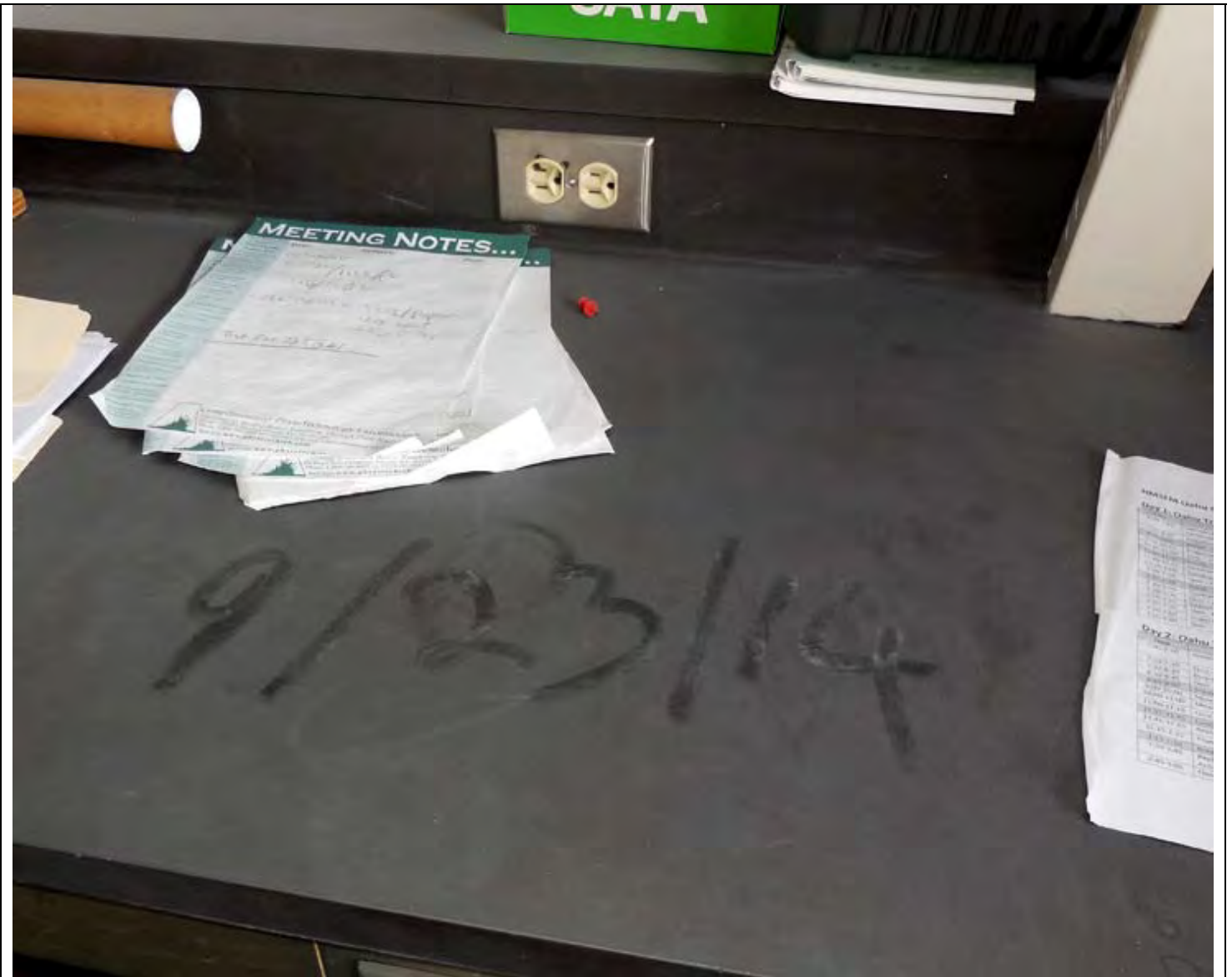


Photo 2, counter top in St. Johns 212B post wiping to add date of image recording on 09/23/14

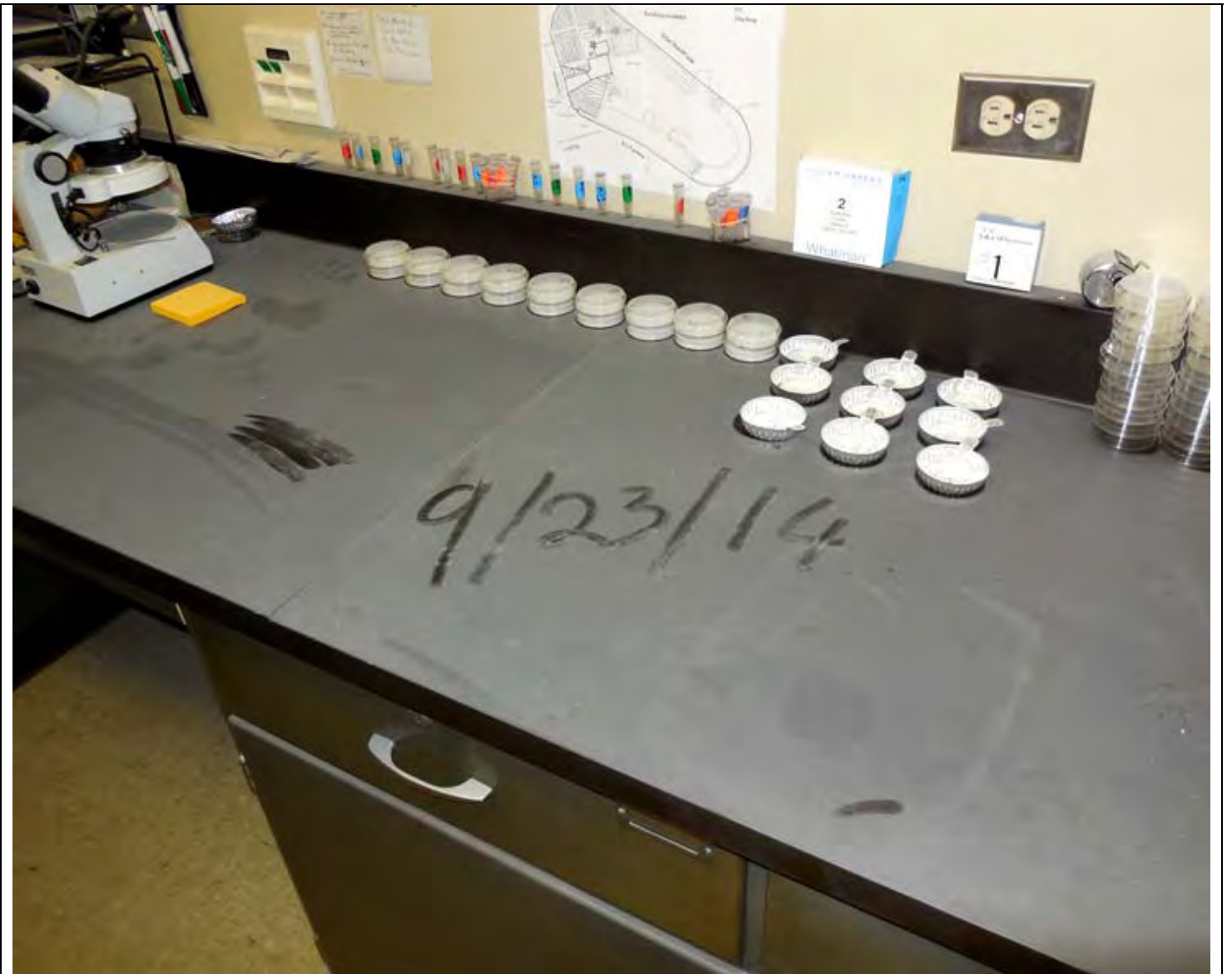


Photo 3, counter top in room 212A, St. Johns Laboratory on 09/23/14.

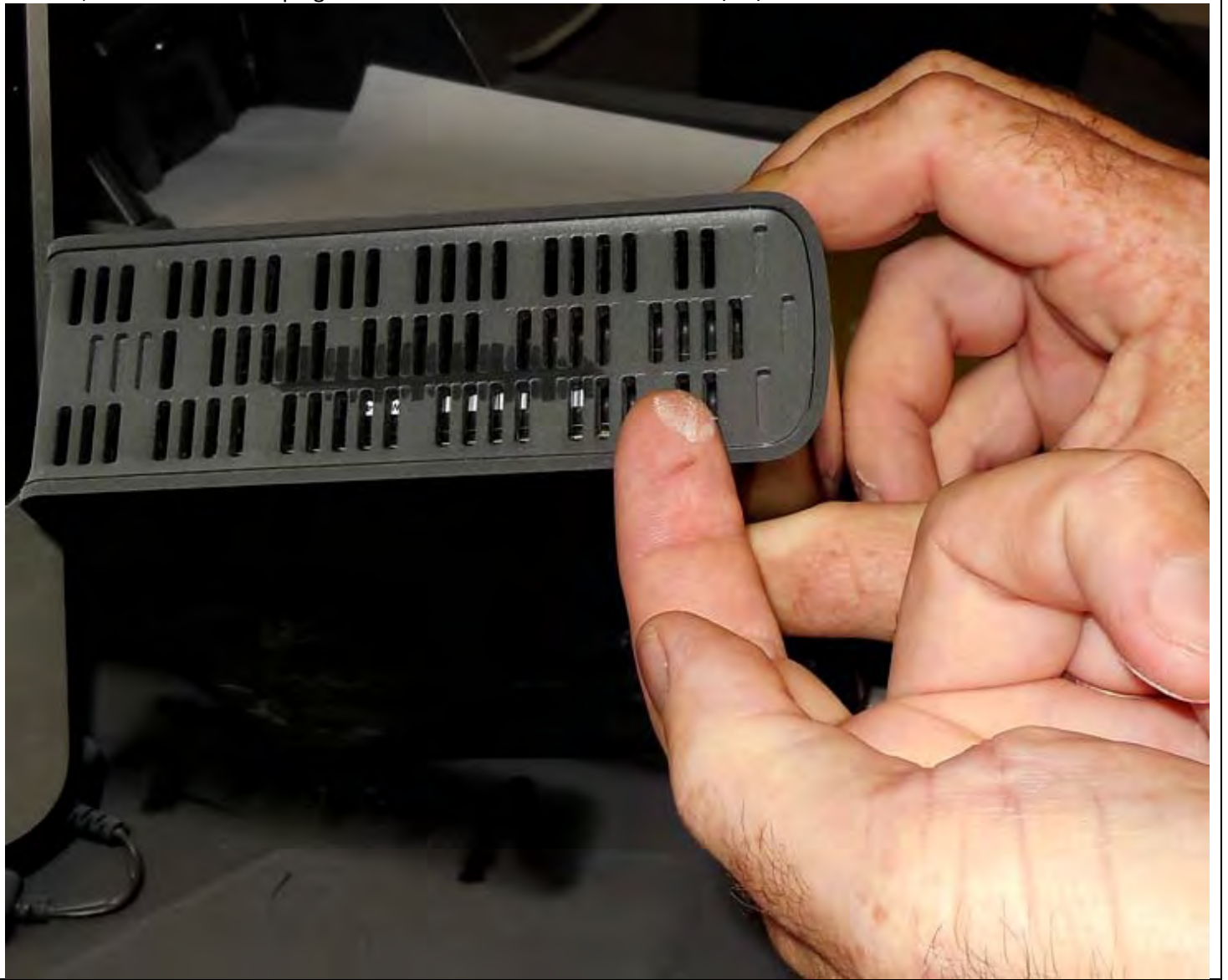


Photo 4, dust level on office chair in room 212B on 09/23/14.



Photo 5, dust level prior to wiping on external computer hard drive in room 212A on 09/23/14.

Photo 6, dust levels after wiping external hard drive in room 212A on 09/23/14.



ITEM #3

Joe DeFrank

From: Joe DeFrank <defrenk@hawaii.edu>
Sent: Wednesday, September 24, 2014 11:26 PM
To: 'Kyle M. Arakaki'; 'Tracy Taoka'; 'Thomas Lim'; 'Dan Furuya'; BurchM@ctahr.hawaii.edu; 'Chad Gushikuma'; ekennedy@hawaii.edu; rsyost@hawaii.edu
Cc: 'Byron Kamimura'; 'Simon Miller'; rsyost@hawaii.edu
Subject: RE: Fine dust layer covering surfaces in St. Johns 212B
Attachments: 3362silica-exposures.pdf; oehairbornedust.pdf

Dear Kyle:

Thank you for your prompt response to this serious case of workplace contamination. Regardless of the test results on the composition of the dust it is important for everyone to understand that the dust itself and the silica and/or mold spores it contains is the true biohazard we are dealing with in this case, see attached information from OSHA regarding exposure to crystalline silica dust and WHO report on airborne dust and the serious lung diseases caused by exposure to it.

The heavy dust load deposited in my office was transported by the air handling system on our floor (i.e. the 2nd). There is no doubt that invisible airborne particles remain circulating on our floor and quite possibly throughout the all of St. Johns Lab. It is my understanding that a similar dust contamination of the 3rd floor air handling system has also occurred during these renovations. Dust can be found on all surface in the 2nd floor hallway all the way down to the elevator area. Visible workplace contamination extends beyond by my office/lab area and is a reliable indicator of nonvisible particle movement.

It would be unwise to disturb the dust in any way that suspends particles in the air that can be picked up and carried away by the air handling system. Please do not enter my office and do not disturb the dust. I remind you that my exposure to the dust level for close to 4 hours on 09/22/14 resulted in a bitter chemical taste releasing from my saliva. This is a clear sign that my exposure resulted in chemical uptake and systemic movement within my body.

I am informing you that I have submitted a formal complaint to HIOSH (on 09/23/14) regarding this serious workplace contamination. Any activities in this contaminated site must be coordinated with HIOSH. Do not underestimate the health hazards of airborne dust that has most likely contaminate all of the 2nd & 3rd floors of St. Johns to some degree. I will be seeking additional guidance on the issue of my own exposure to this dust of 09/22/14 and procedures to follow in lieu of an ongoing HIOSH investigation.

I will be meeting with you at 11:00 am in front of my office at 212 St. Johns on 09/25/14 to review this situation with you.

S, Joe D.

Dr. Joe DeFrank
3190 Maile Way, Room # 102
Honolulu, HI 96822
Ph: 808-956-5698, FAX 808-956-3894
email: defrenk@hawaii.edu
URL: <http://www.ctahr.hawaii.edu/deFrankJ/index.htm>

Hawaii Weed ID and streaming media content: <http://www.ctahr.hawaii.edu/deFrankJ/index.htm>
University of Hawaii at Manoa

ITEM #4

Joe DeFrank

From: Emma Kennedy <ekennedy@hawaii.edu>
Sent: Thursday, September 25, 2014 1:12 PM
To: Joe DeFrank
Cc: Kyle M. Arakaki; Tracy Taoka; Thomas Lim; Dan Furuya; Burch, Mark; Chad Gushikuma; rsyost@hawaii.edu; obaldos@hawaii.edu; slukas@hawaii.edu
Subject: Re: Fine dust layer covering surfaces in St. Johns 212B

Dr. DeFrank:

Thank you for meeting with us today. The following is a summary of what was discussed and the plan of action to address your concerns.

- 1) On Sept. 24, 2014, EHSO collected 3 wipe samples of dust found on various surfaces in St. John 212, 212A and 212B, respectively. These samples will be analyzed for the presence of asbestos and results will be available on Monday (Sept. 29) afternoon.
- 2) Air Monitoring for nuisance dust will be provided by an outside environmental consultant hired through the project. Air monitoring will be conducted, before, during and after (5 -7 days after) to determine nuisance dust levels in St. John 212, 212A and 212B.
- 3) Recommended cleanup procedures involve the use of HEPA (high efficiency particulate air) vacuum cleaner initially to remove visible dust, followed with wet or dry wiping with microfiber or comparable dusting cloth. During cleanup, one or two (2) of your lab personnel should be available if contractors have any questions.
- 4) Ceiling tiles in St. John 212, 212A and 212B will be removed and replaced.
- 5) Air filter will be installed on the supply registers after ceiling tiles are removed/replaced and cleanup is complete.
- 6) After cleanup efforts are completed, the project manager will contact you so you can inspect rooms 212, 212A and 212B to verify if areas are cleaned to your satisfaction.

Please email me or call me if you have addition questions or concerns. The project manager (Tracy) will be contacting you or your designated representative directly to coordinate air monitoring and cleanup efforts.

On Wed, Sep 24, 2014 at 11:25 PM, Joe DeFrank <defrenk@hawaii.edu> wrote:

Dear Kyle:

Thank you for your prompt response to this serious case of workplace contamination. Regardless of the test results on the composition of the dust it is important for everyone to understand that the dust itself and the silica and/or mold

ITEM #5

*Environmental Health & Safety Office
University of Hawaii at Manoa*

2040 East-West Road
Honolulu, HI 96822
Phone: (808)956-8660
FAX: (808)956-3205

FAX TRANSMISSION COVER SHEET

Date: 9-25-14
To: JIM KARDASH
Fax: 593-2160
Subject: HIOSH COMPLAINT
Sender: Mark Burch

YOU SHOULD RECEIVE 3 PAGE(S), INCLUDING THIS COVER SHEET.
IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL 956-_____

Ms. Emma Kennedy
September 24, 2014
PAGE 2

Please inform me in writing, of the results of your investigation no later than Thursday, October 2, 2014. Your results should include supporting documentation of your findings, including any applicable measurements or monitoring results, appropriate photographs/video, and a description of any corrective action you have taken or are in the process of taking.

If at all possible, please fax your response to my attention at 586-9104. If your response is lengthy, you may fax a brief summary and mail the supporting documentation to the address listed above. Upon receipt of your findings, we will make a determination whether the alleged hazard exists at your workplace, and will take action accordingly.

If we do not receive a response from you by Thursday, October 2, 2014, with the results of your investigation including any appropriate action taken, or that no hazard exists and an explanation of this conclusion, a HIOSH inspection will be conducted. An inspection may include a review of the following: injury and illness records, hazard communication, personal protective equipment, emergency action or response, blood borne pathogens, confined space entry, lockout, and related safety and health issues.

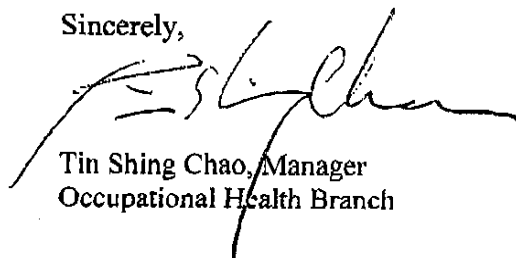
In some cases, the HIOSH may still conduct an inspection even though the employer has sent a letter indicating that satisfactory corrective action has been taken. This is to ensure that the action stated in the employer's letter has been taken.

Please post a copy of this letter where it is accessible for review by all employees and return a signed copy of the enclosed Certificate of Posting form to the HIOSH office. We also request you provide a copy of this letter and your response to a representative of any recognized employee union or safety committee if one is present at your facility. Failure to do this may result in an on-site inspection.

The complainant has been furnished a copy of this letter and will be advised of your response. Section 8(e) of Chapter 396, HRS, provides protection for employees against discrimination due to their involvement in any protected safety and health related activity.

If you have any questions, please call me at 586-9090. Your personal support and interest in the safety and health of your employees is appreciated.

Sincerely,



Tin Shing Chao, Manager
Occupational Health Branch



DIRECTOR

JADE T. BUTAY
DEPUTY DIRECTOR

**STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
HAWAII OCCUPATIONAL SAFETY AND HEALTH DIVISION**

830 PUNCHBOWL STREET, ROOM 423
HONOLULU, HAWAII 96813
www.labor.hawaii.gov/hiosh
Phone: (808) 586-9116 / Fax: (808) 586-9104
Email: dlic.hiosh@hawaii.gov

September 24, 2014

Ms. Emma Kennedy
University of Hawaii at Manoa
240 East West Road
Honolulu, Hawaii 96822

Dear Ms. Kennedy:

RE: University of Hawaii at Manoa / Complaint No. 205569312

The Department of Labor and Industrial Relations' Hawaii Occupational Safety and Health Division (HIOSH) received a notice of a safety and health hazard at your worksite located at 3190 Maile Way Rm. 212, Honolulu. On September 24, 2014, we notified you by telephone of the alleged hazard. The specific nature of the alleged hazard and the corresponding standard [Reference the Code of Federal Regulations (CFR), and Hawaii Administrative Rules (HAR)] is as follows:

Employees were not protected from the hazards associated with demolition activities; exposure to an unknown dust generated by the demolition activities. Refer to Chapter §12-60-2(a)(2): Employers involved with construction or related activities shall provide safe and healthful work places and practices that protect the employees and the affected general public as well.

We have not made a determination whether the alleged hazard exists at your workplace. This letter is neither a citation nor a notification of a proposed penalty which, according to the HIOSH Law [Chapter 396, Hawaii Revised Statutes (HRS)], may be issued only after an inspection or investigation of the workplace.

We ask that you assist us in conducting a thorough investigation of the alleged hazard, and take immediate, appropriate action if necessary to correct the violation or hazard. It is our goal to assure that hazards are promptly identified and eliminated. Your investigation may consist of conducting employee interviews, performing a walk-around of the establishment, reviewing relevant documents, monitoring, or similar activity based on your specific violation or hazard.



ITEM #6

Joe DeFrank

From: Emma Kennedy <ekennedy@hawaii.edu>
Sent: Monday, October 06, 2014 1:25 PM
To: Joseph DeFrank; Tracy Taoka; Kyle Arakaki
Subject: Re: Fine dust layer covering surfaces in St. Johns 212B

Dr. DeFrank,

You should be able to return to your office and lab at St. John 212.

Emma

On Mon, Oct 6, 2014 at 1:19 PM, Joseph DeFrank <defrenk@hawaii.edu> wrote:

Hi Emma: The rooms looks good, all cleaned up on 10/06/14 and no workers around.

When can we return to 212?

Thanks for your help.

S, Joe D.

From: Emma Kennedy [mailto:ekennedy@hawaii.edu]
Sent: Monday, September 29, 2014 7:32 AM
To: Joe DeFrank
Cc: Kyle M. Arakaki; Tracy Taoka; Thomas Lim; Dan Furuya; Burch, Mark; Chad Gushikuma; Russell Yost; obaldos@hawaii.edu; Scott Lukas
Subject: Re: Fine dust layer covering surfaces in St. Johns 212B

Tracy,

Could you please add St. John 212C as requested by Joe (cleaning and ceiling tile replacement).

Thanks,

ITEM #7

Nuisance Dust/Crystalline Silica Summary Report

Room 212 UHM St. John Building Honolulu Hawaii

Prepared For

**Hako Construction
958 Akepo Lane
Honolulu, Hawaii 96817**

Prepared By

**White Environmental Consultants Inc.
197 Sand Island Access Road Suite # 203
Honolulu, Hawaii 96819**

October 17, 2014

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b) Executive Summary	
c) Findings	
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Section 1

Narrative Report

Introduction

White Environmental Consultants Inc. conducted Nuisance Dust and Silica air monitoring during construction work being conducted in bathroom areas adjacent to room 212 located in the St. Johns building. Nuisance dust monitoring was conducted on September 29 – October 3, 2014. Silica monitoring was conducted on October 3, 2014. The purpose of the sampling was to document the air quality of room 212 in regards to airborne nuisance dusts and silica.

Executive Summary

Laboratory analytical results indicate the following:

- Airborne Nuisance Dust Concentrations: < OSHA Permissible Exposure Limit 15 mg/m³
- Airborne Crystalline Silica Concentrations: < OSHA Permissible Exposure Limit 0.1 mg/m³

Analytical Result Tables:

Table 1A

Sample Number	Date Collected	Nuisance Dust - mg/m ³ (Particulates Not Otherwise Regulated)
ND622-01	09/29/2014	1.4
ND622-02	09/30/2014	0.71
ND622-03	10/01/2014	1.6
ND622-04	10/02/2014	0.083
S622-01	10/03/2014	0.11

Table 1B

Sample Number	Date Collected	Airborne Crystalline Silica - mg/m ³ (Alpha Quartz, Cristobalite & Tridymite)
S622-01	10/03/2014	0.014, < 0.017 & < 0.012

Findings

The laboratory analytical results indicate that the concentrations of Silica and Nuisance Dusts detected did not exceed the OSHA permissible exposure limits.

Report Generated By:



Shad Wells

White Environmental Consultants, Inc.

ITEM #8

Joe DeFrank

From: Joseph DeFrank <defrenk@hawaii.edu>
Sent: Monday, October 27, 2014 10:53 AM
To: TinShing.Chao@hawaii.gov
Cc: Mark Burch; Emma Kennedy; Russell S Yost; Lim, Thomas
Subject: FW: air monitoring results
Attachments: H14-622 UHM St. John Building Room 212 Nuisance Dust and Silica Monitoring (1).pdf;
JD exposure to silica dust_analysis_10 26 14.pdf

Dear Mr. Chao:

I am forwarding the report on the nuisance dust collected in room 212 on 09/29, 09/30, 10/01, 10/02 & 10/03/14 that was provided by Mr. Mark Burch. I have also attached my analysis of the report from White Environmental Consults (WEC), Inc. Based on the data presented in Table 1 of my analysis of the WEC report, the OSHA Permissible Exposure limit of 0.1 mg/m³ for airborne crystalline silica (as reported in the WEC report) was exceeded in room 212 on two dates: 09/29/2014 (0.182 mg/m³) and again on 10/01/2014 (0.208 mg/m³). Since my exposure occurred in room 212B, a room with heavier dust deposits than the main suite of 212, it is reasonable to assume that I was exposed to airborne crystalline silica at levels exceeding the OSHA permissible exposure limits on 09/29/14.

I entered my office today (10/27/14) and discovered a **NEW** layer of white dust deposited over the weekend. It is very disturbing to realize that I continue to be exposed to respirable dust particles that have been proven to contain crystalline silica. Clearly there is an issue with the air handling system that services my office that is causing this continuing workplace contamination. The images below were recorded on 10/27/14 and represent the new load of dust deposited on my office surfaces between the dates of 10/24/14 and 10/27/14. I am not convinced that my office air is free of airborne respirable crystalline silica and request that UH facilities conduct a thorough investigation of the air handling system that services my office and correct the problem that is causing my workplace contamination. I don't want to make trouble for the UH but I also do not want to work in an office with an air system that threaten my health due to chronic exposure of respirable dust particles.

I look forward to your help in correcting the air handling system that services St. Johns Laboratory room 212B and stop this chronic dust exposure that I am currently required to endure at my assigned duty station.

Photo 1. Dust accumulated on computer monitor stand in room 212B between the dates of 10/24/14 and 10/27/14. Image recorded on 10/27/14.



Photo 2. Dust accumulated on the opening of the fume hood in St. Johns Laboratory room 212B between the dates of 10/24/14 and 10/27/14. Image recorded on 10/27/14.



S, Joe D

Dr. Joe DeFrank
3190 Maile Way, Room # 102
Honolulu, HI 96822
Ph: 808-956-5698, FAX 808-956-3894
email: defrenk@hawaii.edu

Hawaii Weed ID and streaming media content: <http://www.ctahr.hawaii.edu/deFrankJ/index.htm>

University of Hawaii at Manoa
Dept. of Tropical Plant and Soil Science (Weed Science)

From: Mark Burch [<mailto:burch@hawaii.edu>]
Sent: Tuesday, October 21, 2014 3:06 PM
To: Joe Defrenk
Subject: air monitoring results

Joe,

ITEM #9

Joe DeFrank

From: TinShing.Chao@hawaii.gov
Sent: Monday, October 27, 2014 3:13 PM
To: Joseph DeFrank
Cc: Mark Burch; Emma Kennedy; Lim, Thomas; Russell S Yost
Subject: Re: FW: air monitoring results
Attachments: Scanned from a Xerox multifunction device.pdf

Mr. Defrank:

With reference to 29 CFR 1910.1000 Table Z-3, the permissible exposure limit for total nuisance dust is 15 mg/m³. As the laboratory report indicated, the exposure level was below the permissible exposure limit.

As for the exposure to silica, the permissible exposure limit for silica in dust is a function of silica content. The lab report indicated 13% of silica in dust sample. Using the

$$\frac{30 \text{ mg/m}^3}{\% \text{SiO}_2 + 2}$$

The permissible exposure limit for the silica containing dust in question is 2 mg/m³. Therefore, the exposure to silica containing dust was below the permissible exposure limit. As a conclusion, exposures to total dust and silica were not over the applicable permissible exposure limits.

A copy of the table Z-3 is attached for your reference.

thank you.

Tin Shing Chao, MPH, Manager
Department of Labor and Industrial Relations
Occupational Safety and Health Branch
830 Punchbowl Street Room 423
Honolulu, HI 96813
PH 808 586-9090
Fax 808 586-9104

From: "Joseph DeFrank" <defrenk@hawaii.edu>
To: <TinShing.Chao@hawaii.gov>,
Cc: "Mark Burch" <burch@hawaii.edu>, "Emma Kennedy" <ekennedy@hawaii.edu>, "Russell S Yost" <rsyost@hawaii.edu>, "Lim, Thomas" <LimT@ctahr.hawaii.edu>
Date: 10/27/2014 10:53 AM
Subject: FW: air monitoring results

ITEM #10

Joe DeFrank

From: Joe DeFrank <defrenk@hawaii.edu>
Sent: Thursday, October 30, 2014 3:21 PM
To: TinShing.Chao@hawaii.gov
Cc: 'Mark Burch'; 'Emma Kennedy'; 'Lim, Thomas'; 'Russell S Yost'
Subject: RE: FW: air monitoring results

Dear Mr. Chao:

Although test results from the air samples indicate that my office "is cleared to worked in", I can assure you it is not. As I mentioned in my previous email, a 2nd round of dust arrived in my St. Johns 212B office between the dates of 10/24 and 10/27/14. I made the same mistake of working in my office again with the result of a very scratchy throat and some difficulty in taking a deep breath.

I notified UH Health and Safety several years ago about chemical and coffee roasting fumes entering my office space. Now there are 2 recent incidents where restroom renovations on the 2nd floor of St, Johns caused a major dust contamination to my workspace and renovations of the 1st floor restroom cause a similar though less sever dust contamination. This second contamination occurred even though filters were place in the air supply ducts in the ceiling of my office suite.

It is clear that the air supply duct work servicing my office is being contaminated with exhaust air from both the 1st and 2nd floors of St. Johns and quite possible from fume hoods used for many hazardous activities. Would you like to guess what will happen when the ground floor restroom renovation works begin?

I am requesting that your office exert their statutory influence to require UH to investigate these clear and undeniable cases of air supply contamination into 212 St. Johns and make the required repairs.

I would greatly appreciated any help your office can provide to correct this serious air quality failure in my workplace.

S, Joe D.

Dr. Joe DeFrank
3190 Maile Way, Room # 102
Honolulu, HI 96822
Ph: 808-956-5698, FAX 808-956-3894
email: defrenk@hawaii.edu
URL: <http://www.ctahr.hawaii.edu/deFrankJ/index.htm>

Hawaii Weed ID and streaming media content: <http://www.ctahr.hawaii.edu/deFrankJ/index.htm>
University of Hawaii at Manoa
Dept. of Tropical Plant and Soil Science (Weed Science)

From: TinShing.Chao@hawaii.gov [mailto:TinShing.Chao@hawaii.gov]
Sent: Wednesday, October 29, 2014 7:22 AM
To: Joseph DeFrank
Cc: 'Mark Burch'; 'Emma Kennedy'; 'Lim, Thomas'; 'Russell S Yost'
Subject: RE: FW: air monitoring results

Mr. Defrank:

ITEM #11

Joe DeFrank


From: TinShing.Chao@hawaii.gov
Sent: Wednesday, October 29, 2014 7:22 AM
To: Joseph DeFrank
Cc: 'Mark Burch'; 'Emma Kennedy'; 'Lim, Thomas'; 'Russell S Yost'
Subject: RE: FW: air monitoring results

Mr. Defrank:

As far as I know all reports showed your work place is cleared to be worked in.

Thanks.

Tin Shing Chao, MPH, Manager
Department of Labor and Industrial Relations
Occupational Safety and Health Branch
830 Punchbowl Street Room 423
Honolulu, HI 96813
PH 808 586-9090
Fax 808 586-9104


From: "Joseph DeFrank" <defrenk@hawaii.edu>
To: <TinShing.Chao@hawaii.gov>,
Cc: "Mark Burch" <burch@hawaii.edu>, "Emma Kennedy" <ekennedy@hawaii.edu>, "Lim, Thomas" <LimT@ctahr.hawaii.edu>, "Russell S Yost" <rsyost@hawaii.edu>
Date: 10/27/2014 04:21 PM
Subject: RE: FW: air monitoring results

Dear Mr. Chao:

Thank you for clarification of the values reported in the White Environmental Consultants report dated 10/17/2014. In my analysis of the WEC report I was referencing the Executive Summary provided below, it seems I misinterpreted this part.

ITEM #12

Joe DeFrank

From: Lim, Thomas <LimT@ctahr.hawaii.edu>
Sent: Wednesday, October 29, 2014 8:51 AM
To: 'Dan Furuya'; manoawcc@hawaii.edu; Emma Kennedy; Mark Burch (burch@hawaii.edu)
Cc: Hugh McKenzie; Blake Araki (blakea@hawaii.edu); Yost, Russell; DeFrank, Joseph; Gallo, Maria; Tracy Taoka
Subject: FW: EFACILITIES AIM CUSTOMER REQUEST SUCCESSFULLY SUBMITTED #102887
Importance: High

Earl, Dan, Emma,

This request is for a meeting with EHSO, FMO and TPSS department to discuss a more comprehensive review and evaluation of the air quality to St John room 212B situation to resolve the recent series of introductions of the dust particles with some level of air born cystalline silica contanminations resulting from the restroom renovation project, as well as past histoical fume pentration from the lab below (St John 112) during experiments on Cacao processing. The occupant is concern of repeated exposures that may have respiratory problems to his health.



10288

Status: REQUE

Customer Request Summary Report

Customer Request

Description:	REQUEST MECH. EVALUATION OF ST JOHN # 212B FOR PAST FUME MIGRATION FROM LAB BELOW AND RECENT SERIES OF DUST PARTICLE CONTAMINATION FROM FMO RESTROOM RENOVATION PROJECT. HEALTH CONCERN.CLEANUP & FILTERS REPLACEMENT HAS NOT BEEN SATISFACTORY TO THE OCCUPANT	Created By:	TLIM
		Date Created:	Oct 29, 2014, 8:15 AM
		Desired Date:	Oct 31, 2014
Problem Code:		Reference:	
Work Order:			
Approver Comment:			

Contact

Requestor:		Requestor Phone:	
Address1:		Requestor Email:	tlim@
Address2:			
City:		State:	
Contact:	THOMAS LIM		
Contact Email:	tlim@hawaii.edu	Contact Phone:	808-

Location

Region:	MA (UNIVERSITY OF HAWAII AT MANOA)	Facility:	MAIN CAMPUS (UNIVERSITY OF HA MANOA MAIN CAMPUS)
Property:	1198A (ST. JOHN PLANT SCIENCE LABORATORY #1)	Location:	

Extra Description

Customer Request Extra Description:	
--	--

Mahalo Nui Loa!
 Thomas Lim
 Director Planning & Management Systems
 College of Tropical Agriculture and Human Resources
 University of Hawaii at Manoa
 3050 Maile Way
 Gilmore 214B
 Honolulu, HI 96822
 808-956-7429
 808-956-9105 (fax)
limt@ctahr.hawaii.edu

-----Original Message-----

From: EFACILITIES-HELP@LISTS.HAWAII.EDU [<mailto:EFACILITIES-HELP@LISTS.HAWAII.EDU>]

Sent: Wednesday, October 29, 2014 8:28 AM

To: tlim@hawaii.edu

Subject: EFACILITIES AIM CUSTOMER REQUEST SUCCESSFULLY SUBMITTED

Please do not respond to this email -- it is automated system response

Hello: THOMAS LIM

Customer Request # 102887 has been successfully submitted. Your request will be reviewed and subject to final approval before it is issued as a work order.

If your request is classified as a service outside general campus services, you may be asked to get Dean/Director authorization, and/or Fiscal Officer approval. You will be notified if this is required.

You may track the status of your Customer Requests via your AiM account -- simply search for the specific customer request and view the record.

Thank you.

*****THIS IS AN AUTO-GENERATED EMAIL CONFIRMATION. DO NOT REPLY TO THIS EMAIL. CONTACT THE CAMPUS OFFICE RECEIVING YOUR REQUEST*****

Link To Aim

https://aim.its.hawaii.edu:443/aim/screen/CRQ_VIEW?docNo=102887

ITEM #13

Joe DeFrank

From: Joe DeFrank <defrenk@hawaii.edu>
Sent: Thursday, October 30, 2014 3:21 PM
To: TinShing.Chao@hawaii.gov
Cc: 'Mark Burch'; 'Emma Kennedy'; 'Lim, Thomas'; 'Russell S Yost'
Subject: RE: FW: air monitoring results

Dear Mr. Chao:

Although test results from the air samples indicate that my office "is cleared to worked in", I can assure you it is not. As I mentioned in my previous email, a 2nd round of dust arrived in my St. Johns 212B office between the dates of 10/24 and 10/27/14. I made the same mistake of working in my office again with the result of a very scratchy throat and some difficulty in taking a deep breath.

I notified UH Health and Safety several years ago about chemical and coffee roasting fumes entering my office space. Now there are 2 recent incidents where restroom renovations on the 2nd floor of St, Johns caused a major dust contamination to my workspace and renovations of the 1st floor restroom cause a similar though less sever dust contamination. This second contamination occurred even though filters were place in the air supply ducts in the ceiling of my office suite.

It is clear that the air supply duct work servicing my office is being contaminated with exhaust air from both the 1st and 2nd floors of St. Johns and quite possible from fume hoods used for many hazardous activities. Would you like to guess what will happen when the ground floor restroom renovation works begin?

I am requesting that your office exert their statutory influence to require UH to investigate these clear and undeniable cases of air supply contamination into 212 St. Johns and make the required repairs.

I would greatly appreciated any help your office can provide to correct this serious air quality failure in my workplace.

S, Joe D.

Dr. Joe DeFrank
3190 Maile Way, Room # 102
Honolulu, HI 96822
Ph: 808-956-5698, FAX 808-956-3894
email: defrenk@hawaii.edu
URL: <http://www.ctahr.hawaii.edu/deFrankJ/index.htm>

Hawaii Weed ID and streaming media content: <http://www.ctahr.hawaii.edu/deFrankJ/index.htm>
University of Hawaii at Manoa
Dept. of Tropical Plant and Soil Science (Weed Science)

From: TinShing.Chao@hawaii.gov [mailto:TinShing.Chao@hawaii.gov]
Sent: Wednesday, October 29, 2014 7:22 AM
To: Joseph DeFrank
Cc: 'Mark Burch'; 'Emma Kennedy'; 'Lim, Thomas'; 'Russell S Yost'
Subject: RE: FW: air monitoring results

Mr. Defrank:

ITEM #14

Joe DeFrank

From: Joseph DeFrank <defrenk@hawaii.edu>
Sent: Friday, October 31, 2014 11:37 AM
To: TinShing.Chao@hawaii.gov
Subject: FW: Complaint of Discrimination.
Attachments: UH_corrective actions_re dust001.pdf; JD to TC_re 2nd dust contamination_10 27 14.pdf

Dear Mr. Chow:

I filed a complaint to your office and UH Health and Safety (see attached file, DeFrank's email of 10/27/14) about a 2nd case of dust contamination on 10/27/14. As of 10/31/2014, there has been no indication from UH facilities regarding actions they plan to take to address the repeated contamination of my work place. It has been pointed out in several emails to you that the air supply to my office and possibly all of St. Johns Laboratory is being contaminated by exhaust air from the rest room exhaust as well as fume hood exhaust.

I have attached your letter of 09/25/2014 to me that indicates that complaints of discrimination stemming from my initial complaint of work place contamination must be filed to your office within 60 days of the violation (i.e. to HIOSH) and within 30 days to the OSHA regional office in San Francisco.

I am notifying you today (10/31/2014) that the 2nd dust contamination reported to your office on 10/27/2014 represents, in my opinion, an act of discrimination to punish me for all my complaints about dust contamination of my UH work place, my official duty station. In my mind, there can be no excuse for a failure of the UH Facilities Maintenance to prevent the second dust contamination of my workplace. Clearly, UH Facilities Maintenance has ignored all the calls for an investigation of the contamination of the air supply to my office by the air exhaust of rest rooms and fume hoods. I will not tolerate this form of discrimination that threatens my physical and mental health as well as that of the students and staff that occupy the 212 suite of St. Johns. I will be filing a complaint to the OSHA Regional Administrator within 30 days of 10/27/14 based on my belief that the failure of UH Facilities Maintenance to prevent the 2nd contamination of my work place is a deliberate act of discrimination due to complaints I have submitted to HIOSH.

Review of dates relevant to my claim of UH Facilities Maintenance discrimination:

10/27/2014, second occurrence of DeFrank's work place (212B St. Johns Laboratory, 3190 Maile Way, Honolulu HI) contamination via air supply to office. This is the my perceived date of a discriminatory act against me.

11/26/2014, deadline (30 days) to file discrimination complaint to OSHA regional office.

12/26/14 , (60 days) deadline to file discrimination complaint to HOSH.

Sincerely,

Dr. Joe DeFrank
3190 Maile Way, Room # 102
Honolulu, HI 96822
Ph: 808-956-5698, FAX 808-956-3894
email: defrenk@hawaii.edu



STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
HAWAII OCCUPATIONAL SAFETY AND HEALTH DIVISION

830 PUNCHBOWL STREET, ROOM 423
HONOLULU, HAWAII 96813
www.labor.hawaii.gov/hiosh
Phone: (808) 586-9116 / Fax: (808) 586-9104
Email: dllr.hiosh@hawaii.gov

September 25, 2014

Mr. Joseph De Frank
3190 Maile Way Rm. 102
Honolulu, Hawaii 96822

Dear Mr. DeFrank:

This is to acknowledge your complaint to the Hawaii Occupational Safety and Health (HIOSH) office. A letter has been sent to your employer requesting an investigation be conducted and appropriate actions be taken. Enclosed is a copy of the letter for your information.

As the letter indicates, the employer has five (5) days to inform us of their findings. You will be notified once we receive a report or information from your employer.

Chapter 396, Hawaii Revised Statutes, Section 8(e)(3) states, "No person shall discharge or in any manner discriminate against any employee because the employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this chapter, or has testified or intends to testify in any such proceeding, or acting to exercise or exercised on behalf of the employee or others any right afforded by this chapter." Please notify our office if no corrective action is taken or initiated by your employer within five days, or if any adverse or discriminatory action or threats are made against you by your employer. Complaints of discrimination must be filed within **60 days** of the occurrence of the violation.

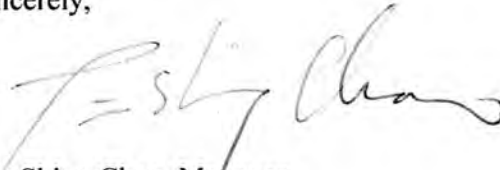
If you do decide to file a discrimination complaint with our office, you can also file a discrimination complaint with the OSHA Regional Office below within **30 days** of the discriminatory act or you will lose your right to pursue a federal claim under Section 11(c) of the federal Occupational Safety and Health Act of 1970 after the conclusion of the HIOSH investigation:

Regional Administrator
U.S. Department of Labor
Occupational Safety and Health Administration
90 7th Street, Suite 18100
San Francisco, California 94103

Mr. Joseph DeFrank
September 25, 2014
PAGE 2

Should you have any questions, please contact me at 586-9090, or write us at the above address as soon as possible so we may take timely and appropriate action.

Sincerely,

A handwritten signature in black ink, appearing to read "Tin Shing Chao". The signature is fluid and cursive, with the first name "Tin" and last name "Chao" being more prominent than the middle name "Shing".

Tin Shing Chao, Manager
Occupational Health Branch

Enclosure



ITEM #15

Joe DeFrank

From: TinShing.Chao@hawaii.gov
Sent: Friday, October 31, 2014 1:19 PM
To: Joseph DeFrank
Subject: Re: FW: Complaint of Discrimination.

Mr. DeFrank:

Thank you for writing back to me. The discrimination law which was covered by HIOSH covers private industry, state employees, and local government. Federal discrimination law 11(c) which is the Hawaii 396-8(e) equivalent **does not cover State or County employees**. Therefore, 30 days to file with the Federal office only applies to **private industry**. If you work for the State or County office, Federal OSHA does not cover State or City employees. 60 days to file applies to file with my office and applied to State employees.

In order for us to evaluate if you were being discriminated by your employer for bring up safety and health issues, please answer the follow questions:

1. Have you been terminated from your job ? if so when was that ?
2. Did you get a demotion from your position ?
3. Were your pay got cut ?
4. Were you being denial of your leaves /vacation, etc because of your complaint about safety and health matters ?
5. Were your normal benefits got cut, e.g. health benefit, fringe benefit, etc. because of your complaint about safety and health matters ?
- 6.. Please specific in detail what was that you alleged being discriminated by your employer ?

Thanks.

Tin Shing Chao, MPH, Manager
Department of Labor and Industrial Relations
Occupational Safety and Health Branch
830 Punchbowl Street Room 423
Honolulu, HI 96813
PH 808 586-9090
Fax 808 586-9104

From: "Joseph DeFrank" <defrenk@hawaii.edu>
To: <TinShing.Chao@hawaii.gov>,
Date: 10/31/2014 11:37 AM
Subject: FW: Complaint of Discrimination.

ITEM #16

Joe DeFrank

From: Joseph DeFrank <defrenk@hawaii.edu>
Sent: Friday, October 31, 2014 3:02 PM
To: TinShing.Chao@hawaii.gov
Subject: RE: FW: Complaint of Discrimination.

Dear Mr. Chow:

The answers to the question posed in your email response to me are as follows:

1. Have you been terminated from your job ? if so when was that ? **Answer: No.**
2. Did you get a demotion from your position ? **Answer: No.**
3. Were your pay got cut ? **Answer: No**
4. Were you being denial of your leaves /vacation, etc because of your complaint about safety and health matters ? **Answer: No.**
5. Were your normal benefits got cut, e.g. health benefit, fringe benefit, etc. because of your complaint about safety and health matters ? **Answer: No.**
- 6.. Please specific in detail what was that you alleged being discriminated by your employer ?

Answer:

The law requires the University of Hawaii to provide its employees with working conditions that are free of known dangers. The UH was notified on 10/23/14 that my workplace was subject to nuisance dust and it was later determined to show that this dust contained crystalline silica, a known agent of respiratory illness. In the past, I have notified the UH of chemical fumes entering my office caused by contamination of my air supply from fume hood exhaust. The UH has not conducted an investigation of the CAUSE my air supply contamination and has not performed any repairs to correct it. It reasonable to assume that all UH employees are to be treated equally with regards to statutory requirements to provide a safe working condition, conditions free of known hazards. I have been denied safe working conditions (evidenced by the 2nd dust contamination reported on 10/27/14) even after UH became aware of known hazards contaminating my work place. Failure to provide me with safe working conditions, when all other employee are provided with safe working conditions represents unfair treatment or discrimination due to my complaints about the work place contamination. By not preventing a 2nd case of dust contamination of my work place, I am being treated unfairly in comparison to all other faculty who are not exposed to dust contamination in their workplace. Due to my past experience with UH Facilities and notifying them about unsafe work conditions the result is the same, you WILL be punished with either inaction, slow responses or half measures to appease safety concerns. The failure to provide me with a workplace free of contamination with known hazards, when all other employees are provided with a workplace free of know hazards represents, in my opinion, an act of discrimination, unfair treatment and reckless endangerment of my respirator health.

Thank you for this opportunity to describe my understanding of workplace discrimination.

S, Joe D.

From: TinShing.Chao@hawaii.gov [mailto:tinshing.chao@hawaii.gov]

Sent: Friday, October 31, 2014 1:19 PM

To: Joseph DeFrank

Subject: Re: FW: Complaint of Discrimination.

Mr. DeFrank:

Thank you for writing back to me. The discrimination law which was covered by HIOSH covers private industry, state employees, and local government. Federal discrimination law 11(c) which is the Hawaii 396-8(e) equivalent **does not cover State or County employees.** Therefore, 30 days to file with the Federal office only applies to **private industry.** If you work for the State or County office, Federal OSHA does not cover State or City employees. 60 days to file applies to file with my office and applied to State employees.

In order for us to evaluate if you were being discriminated by your employer for bring up safety and health issues, please answer the follow questions:

1. Have you been terminated from your job ? if so when was that ?
2. Did you get a demotion from your position ?
3. Were your pay got cut ?
4. Were you being denial of your leaves /vacation, etc because of your complaint about safety and health matters ?
5. Were your normal benefits got cut, e.g. health benefit, fringe benefit, etc. because of your complaint about safety and health matters ?
- 6.. Please specific in detail what was that you alleged being discriminated by your employer ?

Thanks.

Tin Shing Chao, MPH, Manager
Department of Labor and Industrial Relations
Occupational Safety and Health Branch
830 Punchbowl Street Room 423
Honolulu, HI 96813
PH 808 586-9090
Fax 808 586-9104



ITEM #17

Joe DeFrank

From: Joe DeFrank <defrenk@hawaii.edu>
Sent: Wednesday, November 12, 2014 7:41 PM
To: 'Lim, Thomas'; 'Dan Furuya'; 'Mark Burch'
Cc: 'Yost, Russell'; 'Gallo, Maria'; 'Lee, Adrian'; 'Tracy Taoka'; manoawcc@hawaii.edu; 'Hugh McKenzie'; hcbitt@hawaii.edu
Subject: RE: EFACILITIES AIM CUSTOMER REQUEST SUCCESSFULLY SUBMITTED

Hi Thomas:

I wanted to thank you for making this service request to clean the air supply leading to my office, St. Johns 212B. This cleanup is urgently needed since I am still able to detect, on 11/12/14, an airborne irritant in the back of my throat after working in my office for 4 hours. It feels like eating taro that is not full cooked. Also, I could smell fermenting cacao seeds from the lab below mine. As I have stated in several previous emails, my air supply is being contaminated with air exhaust from the 1st and 2nd floor bathrooms (as evidenced by dust contamination from recent renovation work) as well as the fume hood exhaust from the floor below mine, I believe this is Dr. Bittenbender's Lab. Also, my graduate student Scott Lukas indicated today (11/12/14) that he is experiencing eye irritation in his office 212A.

I am unable to work in 212B now, since doing so exposes me to this throat irritation as mental anxiety over this chronic exposure. I will be relocating my UH work to either my home or another campus location until the air supply problem is solved. I would like to have a time table for this air supply clean up as well as some statement as to actions to address the air supply contamination from restroom exhaust and fume hoods by 11/17/14.

I ask everyone reading this message: how long would you wait to have your office air free of restroom and fume hood contamination? How long would you tolerate air way irritation at your assigned duty station?

S, Joe D.

Dr. Joe DeFrank
3190 Maile Way, Room # 102
Honolulu, HI 96822
Ph: 808-956-5698, FAX 808-956-3894
email: defrenk@hawaii.edu
URL: <http://www.ctahr.hawaii.edu/deFrankJ/index.htm>

Hawaii Weed ID and streaming media content: <http://www.ctahr.hawaii.edu/deFrankJ/index.htm>
University of Hawaii at Manoa
Dept. of Tropical Plant and Soil Science (Weed Science)

From: Lim, Thomas [<mailto:LimT@ctahr.hawaii.edu>]
Sent: Monday, November 03, 2014 10:58 AM
To: 'Dan Furuya'; Mark Burch (burch@hawaii.edu)
Cc: Yost, Russell; DeFrank, Joseph; Gallo, Maria; Lee, Adrian; Tracy Taoka; manoawcc@hawaii.edu; Hugh McKenzie
Subject: FW: EFACILITIES AIM CUSTOMER REQUEST SUCCESSFULLY SUBMITTED

Dan,

ITEM #18

Joe DeFrank

From: Mark Burch <burch@hawaii.edu>
Sent: Friday, November 14, 2014 2:20 PM
To: Joe DeFrank
Cc: Lim, Thomas
Subject: Re: EFACILITIES AIM CUSTOMER REQUEST SUCCESSFULLY SUBMITTED

Joe,
Yesterday Skip roasted some coffee and exhausted the air into his hood. I could not smell anything in your lab but Orville said there was a light coffee smell. Also across the hall in Ted's lab they could smell a light coffee smell.

Today I released some banana oil in Skip's hood and also in his lab. I could not detect any banana smell in your lab, neither could Orville. I got a control subject from JP's lab and asked him if he could smell anything (not telling him about a banana smell) and he said he thought he could smell a faint smell of potato. That might be the fermented cacao beans drying, which smells to me a little earthy/fruity.

At this time, I could not find any significant evidence of contamination from the hood in Skip's lab into your lab. He doesn't use any chemicals in that hood anyway, he only exhausts the air from the coffee roaster into the hood. Also, the hood exhaust is under negative pressure so if there is a hole in the duct, it will suck air in not expel it into the plenum.

I can repeat the banana test when you are there, maybe on Monday or Tuesday.

Thanks, Mark

On Thu, Nov 13, 2014 at 10:20 AM, Joe DeFrank <defrenk@hawaii.edu> wrote:

Thomas and Mark:

I am working at home today, 11/13/14, due to the air quality problem in my office. Let me know when you want to conduct this test. I will be back on campus on 11/14 for a DPC meeting at 1:00 p.m. I can meet sometime before that. Feel free to call my cell at 225-1765 to coordinate a meeting.

S, Joe D.

Dr. Joe DeFrank

3190 Maile Way, Room # 102

Honolulu, HI 96822

ITEM #19

Joe DeFrank

From: Joe Defrenk <defrenk@hawaii.edu>
Sent: Tuesday, November 24, 2015 10:35 AM
To: Russell S Yost
Cc: Shirley Ishihara; Susan K Takahashi; Lim, Thomas; Mark Burch; James Kardash
Subject: Re: Fumes in 212B St. Johns causing headach, working at Magoon Conf room today @ 9:55 am @ 11/24/

Hi Russ:

I am working at my computer in the Magoon conference room now. I am stilling feel light headed from the exposure to the fumes that entered my 212 lab suite as noted in my earlier message. Dr. Baldos also experienced these fumes and noted that the concentration was greatest in the 212 main lab suite. It is very very upsetting for me to have to vacate my assigned duty station AGAIN due to toxic elements in the office air. I am requesting a temporary change in duty station until the following issues are resolved:

1. What were the toxic vapors that entered my office at 9:50 am on 11/24/15 in St. Johns 212.
2. What was the source of the toxic vapors.
3. What corrective measures with UH Facilities and UH Health and Safety office conduct to make sure future room contamination of the office air does not occur again.

Please provide a written response to these 3 issues.

I will continue to avoid working in my assigned duty station until this recurring issue of toxic agents in my office space is resolved. It is the responsibility of the UH to provide a safe working environment for employees and today that responsibility was violated. I have in the past requested a through investigation of the problems in my office suite when silica laden dust entered my office space during the rest room reconstruction. Nothing was done then and apparently the problem of contamination of office air in St. Johns 212 still remains.

Let me know when these issues have been addressed or another duty station is assigned. Thank you for your consideration of the work space concerns described here.

S, Joe D.

On Tue, Nov 24, 2015 at 10:05 AM, Joseph DeFrank <defrenk@hawaii.edu> wrote:
Hi Russ:

A heavy solvent fume has entered my office space at 9:55 am on 11/24/15 and is present in the hall too. To avoid any toxic effects on my body I will be working at my computer in the Magoon Conference Room. It is really bad right now.

ITEM #20

Joseph DeFrank

From: Burch, Mark <BurchM@ctahr.hawaii.edu>
Sent: Monday, December 07, 2015 1:14 PM
To: DeFrank, Joseph
Subject: RE: Open Door Time with CTAHR Faculty & Staff - Dec. 8, 2015
Attachments: image001.png

Joe,

I talked to JP and he said that the students have to fill 2 liter bottles of the solvent dimethylformamide (DMF) from a 20 liter drum. The hood is too small for this operation so they place the 2 liter bottle on the floor in front of the hood and use an absorbent mat under the bottle to absorb any spillage. Some vapors escape into the air during the pouring and not all of the vapors are exhausted by the hood.

Once the vapor is in the air, it can diffuse around the room and into the hallway. Some of it also goes into the plenum (airspace above the lab) via the return vent or by diffusing around the ceiling tiles which are not air-tight. From the hallway or the plenum, the vapors can diffuse to your office through the door or via the plenum. Your supply air is separately ducted but the plenum is a common airspace above the labs.

The solvent has a penetrating odor but the odor threshold is variable, ranging from 0.47 to 100 ppm. Some people are more sensitive to the smell, which may also depend on olfactory fatigue. The OSHA Permissible Exposure Limit (PEL) is 10 ppm, meaning that an average worker can breathe it at a concentration of 10 ppm for 8 hours a day 5 days a week and it will not cause any significant health effects. Breathing a lower concentration for a short period of time would not be considered a significant health risk. The health effects listed such as liver toxicity are for much higher exposure levels. The mutagenicity is inconclusive and DMF is not a known or suspect human carcinogen.

JP and I considered other locations or options for filling the bottles but the other options seemed more hazardous. On the day in question, opening the door at the end of the hallway created a large flow of air that ventilated the hallway and dissipated the vapors. It would have less effect on the vapors in the plenum but given enough time, these vapors would also dissipate due to the pressure differential created by the airflow down the hallway.

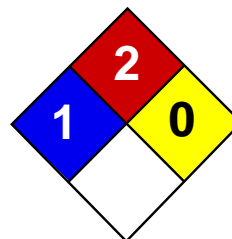
If the problem continues, we can do sampling to determine the actual level of DMF in the air. Or we can evaluate other options in terms of JP's operations.

Thanks, Mark

From: Joe DeFrank [defrenk@hawaii.edu]
Sent: Sunday, December 06, 2015 5:20 PM
To: Burch, Mark
Subject: FW: Open Door Time with CTAHR Faculty & Staff - Dec. 8, 2015

HI Mark:

ITEM #21



Health	2
Fire	2
Reactivity	0
Personal Protection	H

Material Safety Data Sheet N,N-Dimethylformamide MSDS

Section 1: Chemical Product and Company Identification

Product Name: N,N-Dimethylformamide

Catalog Codes: SLD4261, SLD3331

CAS#: 68-12-2

RTECS: LQ2100000

TSCA: TSCA 8(b) inventory: N,N-Dimethylformamide

CI#: Not applicable.

Synonym: DMF; Dimethyl Formamide

Chemical Name: N,N-Dimethylformamide

Chemical Formula: HCON(CH₃)₂

Contact Information:

Sciencelab.com, Inc.

14025 Smith Rd.

Houston, Texas 77396

US Sales: **1-800-901-7247**

International Sales: **1-281-441-4400**

Order Online: ScienceLab.com

CHEMTREC (24HR Emergency Telephone), call:

1-800-424-9300

International CHEMTREC, call: 1-703-527-3887

For non-emergency assistance, call: 1-281-441-4400

Section 2: Composition and Information on Ingredients

Composition:

Name	CAS #	% by Weight
{N,N-}Dimethylformamide	68-12-2	100

Toxicological Data on Ingredients: N,N-Dimethylformamide: ORAL (LD50): Acute: 2800 mg/kg [Rat]. 2900 mg/kg [Mouse]. 5000 mg/kg [Rabbit]. DERMAL (LD50): Acute: 4720 mg/kg [Rabbit].

Section 3: Hazards Identification

Potential Acute Health Effects: Hazardous in case of skin contact (irritant, permeator), of eye contact (irritant), of ingestion, of inhalation.

Potential Chronic Health Effects:

CARCINOGENIC EFFECTS: 3 (Not classifiable for human.) by IARC. **MUTAGENIC EFFECTS:** Mutagenic for mammalian somatic cells. Mutagenic for bacteria and/or yeast. **TERATOGENIC EFFECTS:** Classified POSSIBLE for human.

DEVELOPMENTAL TOXICITY: Classified Reproductive system/toxin/female, Reproductive system/toxin/male [POSSIBLE].

The substance is toxic to kidneys, liver, central nervous system (CNS). The substance may be toxic to blood, the nervous system. Repeated or prolonged exposure to the substance can produce target organs damage.

Section 4: First Aid Measures

Eye Contact:

Check for and remove any contact lenses. Immediately flush eyes with running water for at least 15 minutes, keeping eyelids open. Cold water may be used. Get medical attention.

Skin Contact:

In case of contact, immediately flush skin with plenty of water. Cover the irritated skin with an emollient. Remove contaminated clothing and shoes. Cold water may be used. Wash clothing before reuse. Thoroughly clean shoes before reuse. Get medical attention.

Serious Skin Contact:

Wash with a disinfectant soap and cover the contaminated skin with an anti-bacterial cream. Seek immediate medical attention.

Inhalation:

If inhaled, remove to fresh air. If not breathing, give artificial respiration. If breathing is difficult, give oxygen. Get medical attention.

Serious Inhalation:

Evacuate the victim to a safe area as soon as possible. Loosen tight clothing such as a collar, tie, belt or waistband. If breathing is difficult, administer oxygen. If the victim is not breathing, perform mouth-to-mouth resuscitation. **WARNING:** It may be hazardous to the person providing aid to give mouth-to-mouth resuscitation when the inhaled material is toxic, infectious or corrosive. Seek medical attention.

Ingestion:

Do NOT induce vomiting unless directed to do so by medical personnel. Never give anything by mouth to an unconscious person. Loosen tight clothing such as a collar, tie, belt or waistband. Get medical attention if symptoms appear.

Serious Ingestion: Not available.

Section 5: Fire and Explosion Data

Flammability of the Product: Flammable.

Auto-Ignition Temperature: 445°C (833°F)

Flash Points: CLOSED CUP: 57.778°C (136°F). (Tagliabue.) OPEN CUP: 67°C (152.6°F).

Flammable Limits: LOWER: 2.2% UPPER: 15.2%

Products of Combustion: These products are carbon oxides (CO, CO₂), nitrogen oxides (NO, NO₂...).

Fire Hazards in Presence of Various Substances:

Flammable in presence of open flames and sparks, of heat. Non-flammable in presence of shocks.

Explosion Hazards in Presence of Various Substances:

Risks of explosion of the product in presence of mechanical impact: Not available. Risks of explosion of the product in presence of static discharge: Not available.

Fire Fighting Media and Instructions:

Flammable liquid, soluble or dispersed in water. **SMALL FIRE:** Use DRY chemical powder. **LARGE FIRE:** Use alcohol foam, water spray or fog. Cool containing vessels with water jet in order to prevent pressure build-up, autoignition or explosion.

Special Remarks on Fire Hazards: Not available.

Special Remarks on Explosion Hazards:

A mixture of triethylaluminum and DMF explodes when heated. DMF + potassium permanganate may explode.

Section 6: Accidental Release Measures

Small Spill:

Dilute with water and mop up, or absorb with an inert dry material and place in an appropriate waste disposal container.

Large Spill:

Flammable liquid. Keep away from heat. Keep away from sources of ignition. Stop leak if without risk. Absorb with DRY earth, sand or other non-combustible material. Do not touch spilled material. Prevent entry into sewers, basements or confined areas; dike if needed. Be careful that the product is not present at a concentration level above TLV. Check TLV on the MSDS and with local authorities.

Section 7: Handling and Storage

Precautions:

Keep locked up.. Keep away from heat. Keep away from sources of ignition. Ground all equipment containing material. Do not ingest. Do not breathe gas/fumes/ vapor/spray. Wear suitable protective clothing. In case of insufficient ventilation, wear suitable respiratory equipment. If ingested, seek medical advice immediately and show the container or the label. Avoid contact with skin and eyes. Keep away from incompatibles such as oxidizing agents, acids.

Storage:

Store in a segregated and approved area. Keep container in a cool, well-ventilated area. Keep container tightly closed and sealed until ready for use. Avoid all possible sources of ignition (spark or flame).

Section 8: Exposure Controls/Personal Protection

Engineering Controls:

Provide exhaust ventilation or other engineering controls to keep the airborne concentrations of vapors below their respective threshold limit value. Ensure that eyewash stations and safety showers are proximal to the work-station location.

Personal Protection:

Splash goggles. Lab coat. Vapor respirator. Be sure to use an approved/certified respirator or equivalent. Gloves.

Personal Protection in Case of a Large Spill:

Splash goggles. Full suit. Vapor respirator. Boots. Gloves. A self contained breathing apparatus should be used to avoid inhalation of the product. Suggested protective clothing might not be sufficient; consult a specialist BEFORE handling this product.

Exposure Limits:

TWA: 10 (ppm) from ACGIH (TLV) [United States] TWA: 30 (mg/m³) from ACGIH (TLV) [United States] Consult local authorities for acceptable exposure limits.

Section 9: Physical and Chemical Properties

Physical state and appearance: Liquid.

Odor: Amine like. (Slight.)

Taste: Not available.

Molecular Weight: 73.09 g/mole

Color: Colorless to light yellow.

pH (1% soln/water): Not available.

Boiling Point: 153°C (307.4°F)

Melting Point: -61°C (-77.8°F)

Critical Temperature: 374°C (705.2°F)

Specific Gravity: 0.949 (Water = 1)

Vapor Pressure: 0.3 kPa (@ 20°C)

Vapor Density: 2.51 (Air = 1)

Volatility: Not available.

Odor Threshold: 100 ppm

Water/Oil Dist. Coeff.: The product is more soluble in water; log(oil/water) = -1

Ionicity (in Water): Not available.

Dispersion Properties: See solubility in water, diethyl ether, acetone.

Solubility:

Easily soluble in cold water, hot water. Soluble in diethyl ether, acetone. Miscible organic solvents. Soluble in benzene, and chloroform.

Section 10: Stability and Reactivity Data

Stability: The product is stable.

Instability Temperature: Not available.

Conditions of Instability: Heat, ignition sources (sparks, flames), incompatible materials

Incompatibility with various substances: Reactive with oxidizing agents, acids.

Corrosivity: Non-corrosive in presence of glass.

Special Remarks on Reactivity:

Can react vigorously with oxidizing agents, halogenated hydrocarbons, and inorganic nitrates. Incompatible with carbon tetrachloride, alkyl aluminums, sodium tetrahydroborate, nitrates, chromic acid, diisocyanatomethane, triethylaluminum, sodium hydride, lithium azide, metallic sodium, bromine, magnesium nitrate, potassium permanganate, nitric acid, chromium trioxide, borohydrides, phosphorus trioxide, diborane, octafluoroisobutyrate, sodium nitrite, perchloryl fluoride, potassium methyl 4,4'-dinitrobutyrate. Reaction with inorganic acid chlorides, such as phosphorous oxychloride and thionyl chloride, may form dimethylcarbamoyl, a suspect carcinogen. May release dimethylamine and carbon monoxide if heated above 350 C (662 F).

Special Remarks on Corrosivity:

Pure dimethylformamide is essentially non-corrosive to metals. However copper, tin and their alloys should be avoided.

Polymerization: Will not occur.

Section 11: Toxicological Information

Routes of Entry: Absorbed through skin. Dermal contact. Eye contact. Inhalation. Ingestion.

Toxicity to Animals:

WARNING: THE LC50 VALUES HEREUNDER ARE ESTIMATED ON THE BASIS OF A 4-HOUR EXPOSURE. Acute oral toxicity (LD50): 2800 mg/kg [Rat]. Acute dermal toxicity (LD50): 4720 mg/kg [Rabbit]. Acute toxicity of the vapor (LC50): 9400 1 hours [Mouse].

Chronic Effects on Humans:

CARCINOGENIC EFFECTS: 3 (Not classifiable for human.) by IARC. MUTAGENIC EFFECTS: Mutagenic for mammalian somatic cells. Mutagenic for bacteria and/or yeast. TERATOGENIC EFFECTS: Classified POSSIBLE for human. DEVELOPMENTAL TOXICITY: Classified Reproductive system/toxin/female, Reproductive system/toxin/male [POSSIBLE]. Causes damage to the following organs: kidneys, liver, central nervous system (CNS). May cause damage to the following organs: blood, the nervous system.

Other Toxic Effects on Humans: Hazardous in case of skin contact (irritant, permeator), of ingestion, of inhalation.

Special Remarks on Toxicity to Animals:

Lowest Published Lethal Dose: LCL[Rat] - Route: Inhalation; Dose: 5000 ppm/6H

Special Remarks on Chronic Effects on Humans:

May affect genetic material. May cause adverse reproductive effects(paternal and maternal) and birth defects. Embryotoxic and/or foetotoxic in animal. Passes through the placental barrier in animal. May cause cancer although IARC evidence for cancer in humans shows inadequate data.

Special Remarks on other Toxic Effects on Humans:

Acute Potential Health Effects: Skin: Causes skin irritation with itching, burning, redness, swelling, or rash. It may be absorbed through the skin in toxic amounts and cause systemic effects similar to that of ingestion. It may facilitate the absorption of other chemical substances through the skin. If there is significant potential for skin contact, monitoring should be done to measure the level of DMF metabolites in urine specimens at the end of the shift. It is common practice to limit end-of-shift metabolites at or below 40 ppm expressed as n-monomethylformamide or a single individual or at or below 20 ppm MMF for several workers doing the same job. Eyes: Causes eye irritation (possibly severe) with tearing pain or blurred vision. Inhalation: May cause respiratory tract irritation. Short-term overexposure by inhalation may affect behavior/central nervous system (convulsions, muscle weakness and other symptoms similar to that of acute ingestion), respiration (dyspnea). Ingestion: It can cause gastrointestinal tract irritation with heartburn, abdominal pain, nausea, vomiting or diarrhea. It may also affect the cardiovascular system (hypertension, tachycardia, ECG abnormalities), blood (elevated white blood cell counts), and liver damage (hepatomegaly, jaundice, altered liver enzymes, fatty liver)

Section 12: Ecological Information

Ecotoxicity: Not available.

BOD5 and COD: Not available.

Products of Biodegradation:

Possibly hazardous short term degradation products are not likely. However, long term degradation products may arise.

Toxicity of the Products of Biodegradation: The products of degradation are less toxic than the product itself.

Special Remarks on the Products of Biodegradation: Not available.

Section 13: Disposal Considerations**Waste Disposal:**

Waste must be disposed of in accordance with federal, state and local environmental control regulations.

Section 14: Transport Information

DOT Classification: CLASS 3: Flammable liquid.

Identification: : N,N-Dimethylformamide UNNA: 2265 PG: III

Special Provisions for Transport: Not available.

Section 15: Other Regulatory Information**Federal and State Regulations:**

Illinois toxic substances disclosure to employee act: N,N-Dimethylformamide Illinois chemical safety act: N,N-Dimethylformamide New York release reporting list: N,N-Dimethylformamide Rhode Island RTK hazardous substances: N,N-Dimethylformamide Pennsylvania RTK: N,N-Dimethylformamide Minnesota: N,N-Dimethylformamide Massachusetts RTK: N,N-Dimethylformamide Massachusetts spill list: N,N-Dimethylformamide New Jersey: N,N-Dimethylformamide New Jersey spill list: N,N-Dimethylformamide Louisiana spill reporting: N,N-Dimethylformamide California Director's List of Hazardous Substances: N,N-Dimethylformamide TSCA 8(b) inventory: N,N-Dimethylformamide TSCA 8(d) H and S data reporting: N,N-Dimethylformamide: 12/19/95 SARA 313 toxic chemical notification and release reporting: N,N-Dimethylformamide CERCLA: Hazardous substances.: N,N-Dimethylformamide: 100 lbs. (45.36 kg)

Other Regulations:

OSHA: Hazardous by definition of Hazard Communication Standard (29 CFR 1910.1200). EINECS: This product is on the European Inventory of Existing Commercial Chemical Substances.

Other Classifications:

WHMIS (Canada):

CLASS B-3: Combustible liquid with a flash point between 37.8°C (100°F) and 93.3°C (200°F). CLASS D-2A: Material causing other toxic effects (VERY TOXIC).

DSCL (EEC):

R20/21- Harmful by inhalation and in contact with skin. R36- Irritating to eyes. R61- May cause harm to the unborn child. S45- In case of accident or if you feel unwell, seek medical advice immediately (show the label where possible). S53- Avoid exposure - obtain special instructions before use.

HMIS (U.S.A.):

Health Hazard: 2

Fire Hazard: 2

Reactivity: 0

Personal Protection: h

National Fire Protection Association (U.S.A.):

Health: 1

Flammability: 2

Reactivity: 0

Specific hazard:

Protective Equipment:

Gloves. Lab coat. Vapor respirator. Be sure to use an approved/certified respirator or equivalent. Wear appropriate respirator when ventilation is inadequate. Splash goggles.

Section 16: Other Information

References: Not available.

Other Special Considerations: Not available.

Created: 10/09/2005 05:12 PM

Last Updated: 05/21/2013 12:00 PM

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ITEM #22

Joe DeFrank

From: Joseph DeFrank <defrenk@hawaii.edu>
Sent: Thursday, January 07, 2016 12:01 PM
To: Thomas Lim
Cc: Mark Burch; Russell S Yost; Gallo, Maria
Subject: A failure to respond as of 01/07/16.
Attachments: Best practice guide for labs_01 07 16.pdf

Dear Thomas:

I am not aware of any actions or investigations conducted by UH Facilities to address the multiple instances of lab air contamination from adjacent labs and/or labs on other floors in St. Johns Lab that occurred in 2015. Your work order submitted on 11/24/15 has been ignored by UH Facilities, as far as I know. Correct me if I am wrong about this.

I have attached and EPA publication that deals with Best Practices for Laboratories in the U.S. Page 8 of this guide describes air exchange simulations to determine if lab air exchanges meet minimum code requirements. At the very least, a simulation as described in this guide should be ordered and conducted in such a manner to determine how chemical release in one lab results in exposure to adjacent labs and labs on other floors of St. Johns Lab. I have been approached by graduate students, APT and faculty that have expressed concerns about lab/office air contamination at St. Johns. To continue to ignore the cross lab/floor air contamination events in St. Johns will invite negative feelings and actions by those affected.

Due to the failure of UH Facilities to address the issues raised as a result of my workplace exposure to toxic fume, I am unable to confirm a safe working environment that meets current air exchange requirements.

I am requesting the following information from you and UH Facilities to help me determine if the lab air exchanges per hour (ACH) system in St. Johns meet the levels set by the assigned building codes.

1. What is the formal build code for St. Johns and the ACH for a building with the assigned code.
2. What is occupancy classification for St. Johns Lab.
3. What is the ACH for St. John's lab based on OSHA 29 CFR Part 1910.1450.
4. Provide the most recent ACH measurements for St. John's Lab and describe when and how this measurement was derived.

A failure to respond to this information request will be taken to mean that the University of Hawaii is unable and/or unwilling to provide evidence that all due diligence has been applied to insure a code compliant ACH for St. Johns Laboratory at 3190 Maile Way on UH Manoa Campus. I look forward to your informational response.

S, Joe D

Dr. Joe DeFrank
3190 Maile Way, Room # 102

Honolulu, HI 96822
Ph: 808-956-5698, FAX 808-956-3894
email: defrenk@hawaii.edu

Hawaii Weed ID and streaming media content: <http://www.ctahr.hawaii.edu/deFrankJ/index.htm>

University of Hawaii at Manoa
Dept. of Tropical Plant and Soil Science (Weed Science)

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From: Joseph DeFrank [mailto:defrenk@hawaii.edu]
Sent: Tuesday, December 01, 2015 5:50 PM
To: 'Lim, Thomas'
Subject: RE: EFACILITIES AIM CUSTOMER REQUEST SUCCESSFULLY SUBMITTED #123947 St John 212B

Hi Thomas: Any updates on this work request?

Your help with resolving this issue will be greatly appreciated.

S, Joe D.

From: Lim, Thomas [<mailto:LimT@ctahr.hawaii.edu>]
Sent: Tuesday, November 24, 2015 1:51 PM
To: DeFrank, Joseph; Mark Burch (burch@hawaii.edu)
Cc: Yost, Russell; Grace, K; 'manoawcc@hawaii.edu'; 'Shannon Suzuki'; Bingham, Jon-Paul; Ishihara, Shirley; Takahashi, Susan; Gallo, Maria
Subject: FW: EFACILITIES AIM CUSTOMER REQUEST SUCCESSFULLY SUBMITTED #123947 St John 212B

For your file. Submitted AiM work #123947 request to examine and analysis air quality of St John lab 212B .

**Customer Request**

Transaction	123947	Created By	TLIM
		Date Created	Nov 24, 2015 01:27 PM

Request Details

Problem Code

Description

INSPECT AND ANALYSIS POSSIBLE AIR QUALITY CROSS CONTAMINATION OF FUME HOOD DUCT WORK OR EXHAUST AIR DUCTWORK SYSTEM BETWEEN ST JOHN LAB 212B AND ST JOHN LAB 210, SEE ATTACHMENT COMPLAINT BY OCCUPANT II 212B.

Requestor

Contact	THOMAS LIM
Contact Phone	956-7429
Contact Email	tlim@hawaii.edu

Authorization

Dept Authorizer Username	TLIM
Dept Authorizer Email	TLIM@HAWAII.EDU
Fiscal Administrator Code	002
Fiscal Administrator Email	CYONEDA@HAWAII.EDU

ITEM #23

Joe DeFrank

From: Joseph DeFrank <defrenk@hawaii.edu>
Sent: Wednesday, February 10, 2016 10:42 AM
To: 'Anna Wiczorek'
Subject: FW: Memo to VC R. Dasenbrock re: St. John air contamination.
Attachments: JD to RD_re St_John sick building_02 10 16.pdf

Hi Ania:

I have attached a pdf that contains a mem to Vice Chancellor Reed Dasenbrock requesting help in resolving the cross floor and cross lab air contamination issues in St. John. My initial emails to Russ were apparently too close to his recent departure to Africa for him to forward this memo. Russ and I discussed this issue in his office last week and we were in agreement that something needs to be done to address this important work place health issue.

Feel free to call my cell at 808-225-1765 if you want to discuss this issue prior to your consideration for forwarding to Dean Gallo.

S, Joe D

Dr. Joe DeFrank
3190 Maile Way, Room # 102
Honolulu, HI 96822
Ph: 808-956-5698, FAX 808-956-3894
email: defrenk@hawaii.edu

University of Hawaii at Manoa
Dept. of Tropical Plant and Soil Science (Weed Science)

-----Original Message-----

From: Joseph DeFrank [<mailto:defrenk@hawaii.edu>]
Sent: Monday, February 08, 2016 12:08 PM
To: Russell S Yost
Subject: FW: Memo to VC R. Dasenbrock re: St. John air contamination.

Hi Russ:

Just wanted to determine if you were able to review my memo to the VC prior to your travel. Thanks.

S, Joe D.

-----Original Message-----

From: Joseph DeFrank [<mailto:defrenk@hawaii.edu>]
Sent: Friday, February 05, 2016 2:16 PM
To: Russell S Yost
Subject: Memo to VC R. Dasenbrock re: St. John air contamination.

Hi Russ:

I have attached my memo to Vice Chancellor Reed Dasenbrock as a graphically signed pdf for your review and forwarding. I have signed the memo with a graphic signature so that you can apply a digital signature and forward via email. Let me know if any changes are required for your concurrence and forwarding.

I would appreciate a notice of your review and subsequent forwarding. Thank you.

S, Joe D.

ITEM #24

UNIVERSITY OF HAWAII AT MANOA

College of Tropical Agriculture and Human Resources
Department Of Tropical Plant And Soil Sciences

Memorandum

Date: February 10, 2016

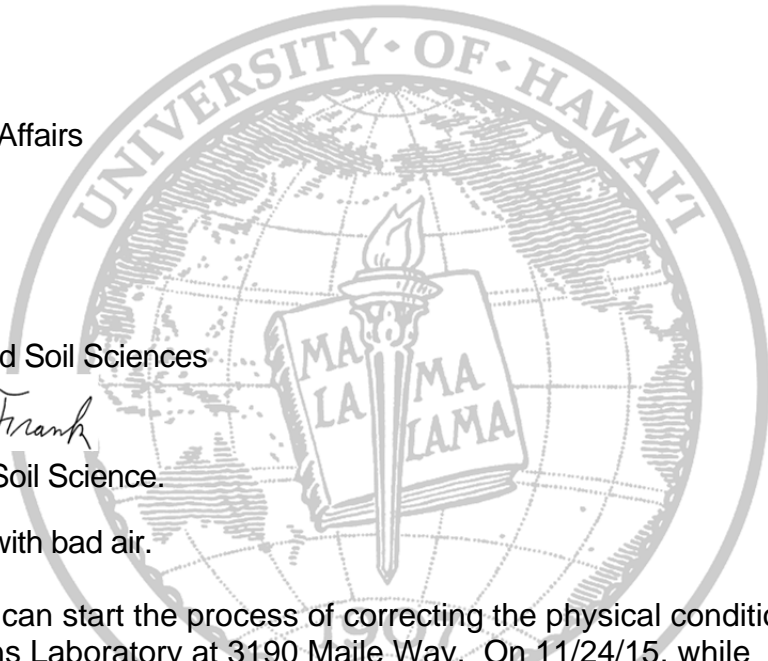
To: Reed Dasenbrock
Vice Chancellor for Academic Affairs

Via: Maria Gallo
Dean, CTAHR

Via: Ania M. Wieczorek
Acting Chair, Tropical Plant and Soil Sciences

From: Joseph DeFrank *Joe DeFrank*
Professor, Tropical Plant and Soil Science.

RE: St. Johns Laboratory, a sick building with bad air.



I am contacting you to initiate a dialog that can start the process of correcting the physical condition of the exhaust air handling system in St. Johns Laboratory at 3190 Maile Way. On 11/24/15, while working in my office at St. John (212), I was exposed to fumes of N,N dimethylformamide released into the open air space of an adjacent lab. The MSDS for this solvent lists chronic health effects as “mutagenic for mammalian somatic cells” and “TERATOGENIC EFFECTS: Classified POSSIBLE for humans”. Inhalation of this solvent resulted in short term disorientation and a bitter taste in my saliva that persisted for 3 hours. My office exposure time was approximately 45 minutes.

An incident report from CTAHR’s representative (Mark Burch) to the Environmental Health and Safety Office revealed that lab exhaust vents in St. John’s Lab are not independently ducted [email dated 12/07/15 M. Burch to J. DeFrank]. Our lab air is exhausted into the space above the ceiling tiles and then removed via a common vent for each floor. This system has resulted in numerous cases of cross lab and cross floor air contaminations. Requests (email on 01/07/16) to for evidence confirming the building code based compliance data for the rate of room air exchange have not been answered. The UH EHSO has not been helpful in resolving this problem nor assigning it a matter of consequence for occupants.

The toxic nature of the chemical I absorbed and the complete lack of response to the design flaw causing these problems has left me very frustrated and demoralized. I have temporally relocated my office to the Magoon Research and Teaching Facility in upper Manoa Campus until changes in the current exhaust air system can be addressed. I have the unfortunate necessity of assigning a new graduate student to lab in St. John that I do not feel is safe for my own use.

I am requesting your assistance to begin the process of addressing the work place air contamination problem in St. John’s Lab. I look forward to your evaluation and response to this request.

3190 Maile Way, Honolulu, Hawaii 96822 USA
Telephone: (808) 956-8351, TeleFax: (808) 956-3894
An Equal Opportunity/Affirmative Action Institution

ITEM #25

Joe DeFrank

From: Lim, Thomas <LimT@ctahr.hawaii.edu>
Sent: Thursday, February 11, 2016 7:41 PM
To: DeFrank, Joseph; Gallo, Maria; Bingham, Jon-Paul
Subject: Re: FW: Your continued failure to respond as of 01/27/16, regarding air contamination of St. Johns Laboratory.

Joe, they are trying something let me know if this works. Thomas

Sent from my T-Mobile Android device

On Feb 11, 2016 3:47 PM, Carl Oshiro <coshiro6@hawaii.edu> wrote:
Thomas,

We have closed off the some of the diffusers in room 212 to see if this will help

Thanks,
Carl

On Tue, Feb 2, 2016 at 11:55 AM, Carl Oshiro <coshiro6@hawaii.edu> wrote:
Thomas,

After the site visit I and discussing it with our office as to what is our options or solution for this work order and I will get back to you.

Thanks,
Carl

On Wed, Jan 27, 2016 at 5:01 PM, Lim, Thomas <LimT@ctahr.hawaii.edu> wrote:

Carl, Shannon, OPF Mechanical Engineers,

Follow up on health concerns at St John 212 suite.

Urgent. Can we meet soon to discuss the issue with the St John Lab building's exhaust system and any mechanical options for Dr. Joe DeFrank's lab at St John 212B. This was an AiM work request # 123947 dated November 24, 2016. Carl had come by Joe's lab two week ago or so, but Joe was not present; nevertheless was there any preliminary findings? We need a formal written response to the query to explain the situation and any feasible options available. Please call me, thanks.

ITEM #26

Joe DeFrank

From: Joseph DeFrank <defrenk@hawaii.edu>
Sent: Friday, February 12, 2016 10:13 AM
To: 'Lim, Thomas'; 'Gallo, Maria'
Subject: RE: FW: Your continued failure to respond as of 01/27/16, regarding air contamination of St. Johns Laboratory.

Hi Thomas:

It seems like you and Carl are missing the point I keep trying to make. The problem with cross floor and cross lab air contamination cannot be solved with half measure fixes between 212 and 210 St. Johns. The problem lies with the fact that all lab air exhaust is not independently ducted. The current common lab air exhaust route, using the air space above the drop ceiling, is the problem and this problem exists throughout all floors of St. Johns Lab. The failure of UH Facilities Maintenance to provide evidence that the room air exchange rates are compliant with statutory rates set by the build code tells me that the entire building is most likely in violation of these building codes.

I am requesting the follow to begin the process to address the lab air exhaust problems in St. Johns:

1. A written notice be provided to all occupants of St. Johns describing the current air exhaust system and the problems it has caused with cross floor and cross lab contaminations. This notice must be issued from the highest level of UH Administration responsible for workplace safety. Written notices must also be posted in St. Johns on all floors.
2. The UH administration must also inform all occupants that ANY lab activity that releases smoke, vapors or dusts must be conducted in the fume hoods. No open lab air releases will be allowed until independent ducting of the labs is completed.
3. The UH Administration along with UH Facilities will being the planning process to budget for independent ducting of lab exhaust air in St. Johns and assign this work a high priority.

I need to be convinced that measure #1&2 will be acted on by noon on 02/18/16. A failure to provide confirmation of the notice will result in public disclosure of the health risks imposed by the current air handling system in St. Johns, using my own first hand chemical exposure as evidence of the health risk.

I was fooled by UH Facilities Maintenance when they conducted the forensic architects analysis of all the problem we noted with Magoon Greenhouse renovation and then did nothing to follow up on the recommendations of that report.

I will not be fooled again by half measures, head fakes and delaying tactics.

S, Joe D.

From: Lim, Thomas [mailto:LimT@ctahr.hawaii.edu]
Sent: Thursday, February 11, 2016 7:41 PM
To: DeFrank, Joseph; Gallo, Maria; Bingham, Jon-Paul
Subject: Re: FW: Your continued failure to respond as of 01/27/16, regarding air contamination of St. Johns Laboratory.