



ENVIRONMENTAL ADVISORY COMMITTEE
SPRINGFIELD COURT COMPLEX
50 - 80 STATE STREET
SPRINGFIELD, MASSACHUSETTS 01102-0559

HONORABLE CLAUDINE T. WYNER, CHAIRPERSON

March 9, 2022

Chief Justice Jeffrey A. Locke
Court Administrator John Bello
Director of Facilities and Capital Planning Charles O'Brien
Executive Office of the Trial Court
1 Pemberton Sq.
Boston, MA 02108

Ms. Carol Gladstone, Commissioner
Division of Capital Asset Management and Maintenance
1 Ashburton Place, Suite 107
Boston, MA 02108
carol.gladstone@mass.gov

Re: Springfield Court Complex

Dear Chief Justice Locke, Court Administrator Bello, Director O'Brien and Commissioner Gladstone,

Thank you for providing us with the results from DCAMM's Courthouse Assessment for the Springfield Court Complex. We truly appreciate the time and attention and detail provided by the report. The repairs proposed are all repairs that we as the Environmental Advisory Committee and the undersigned stakeholders, agree are critical and necessary for the health and safety of the occupants of the Springfield Court Complex.

We would be remiss, however, if we did not address with the EOTC and DCAMM our concerns as to the areas not covered by the Courthouse Assessment.

1. **Epidemiological Study:** As you are well aware, our consistent and primary concern is the health and safety of the occupants of 50 and 80 State Street. Without an epidemiological study, it is impossible for us to know if the repairs proposed in the Courthouse Assessment will actually mitigate the health concerns of occupants. While surely some of the repairs will help with some of the environmental health concerns experienced by the occupants, there is still much that is unknown. Unless the proposal included replacing the building, we believe an epidemiological study is critical.
 - a. It bears repeating that there have been five (5) people who worked in 50 State Street that have died of ALS (three judges used the same lobby, one individual had an office immediately above the judges' lobby, and the fifth worked in another part of the building).
 - b. In addition to the incidents of ALS, there have been at least five very recent employees

- (including current employees) who have been diagnosed with either Interstitial Lung Disease (which is known to have an environmental cause) or other serious lung issues.
- c. Based on our own anecdotal collection of information, we have determined there have been significant incidents of the following cancers (the numbers listed are the minimum numbers of individuals we have confirmed had the diagnosis – we believe the actual numbers are higher):
 - i. breast cancer (15),
 - ii. brain cancer (6),
 - iii. prostate cancer (4)
 - iv. pancreatic cancer (4)
 - v. colon / rectal cancer (3)
 - vi. lung cancer (6)
 - vii. liver cancer (3)
 - viii. melanoma (2)
 - ix. stomach cancer (1)
 - x. thyroid cancer (2)
 - xi. bladder cancer (2)
 - xii. ovarian cancer (1)
 - xiii. non Hodgkins Lymphoma (1)
 - xiv. and other cancers of unknown type (10)
 - d. The vast majority of these individuals were diagnosed in the last 20 years with just a handful of cases identified in the late 1990's.
 - e. This list does not include the ailments identified by the report of EH&E being experienced by employees on a regular basis at a rate of 75-95% higher than the expected average (including migraines, sinus issues, etc.). While our research is clearly not scientific nor can we say with any degree of certainty what caused these serious illnesses, we do know this bears further investigation.
 - f. Prior to undertaking \$105 million in repairs it seems to make imminent sense to ensure (to the extent possible) that the repairs made will truly remediate the incidents of disease in the building. Further, failure to complete an epidemiological study will leave the occupants of the Springfield Court Complex without any way to alleviate their very real concerns that by coming to work they are potentially putting their health at serious risk.
 - g. Additionally, when these illnesses are mapped out on a blueprint of the building it is clear that there is a pattern of serious illness in one quadrant of the building.
2. **Timing of relocation:** The recent correspondence from the Trial Court indicates a start date some two years away to begin the repairs. The communication was unclear as to when occupants of the Complex would be relocated for the repairs.
- a. It is our position that it is critical that relocation be undertaken as soon as possible. We understand per our previous meetings with former Chief Justice Carey that the relocation proposed in November 2021 for January 2022 was delayed at the request of some Court leaders. However, our understanding is that Court leadership had significant concern that in November there was no identified location for relocation.
 - b. As you are well aware, the Springfield Court Complex includes the busiest District Court in the entire Commonwealth, one of the busiest Superior, Juvenile, Housing and Probate and Family Courts in the Commonwealth. We house the busiest law library in the Commonwealth; an invaluable resource for the people of Hampden County. We recognize

that relocation is going to be a monumental task, but it is imperative that we relocate as soon as possible. Additionally, the location or locations where court operations are relocated must be adequate to meet the Courts and public's needs.

- c. The mold identified in the duct work must be removed immediately and it is impossible for us to be in the building while such removal takes place. While the air sampling testing has not shown mold in the air, according to the CDC, "There are no established health-based standards for acceptable levels of biological agents in indoor air. We do not recommend routine air sampling for mold with building air quality evaluations because air concentrations of molds cannot be interpreted with regard to health risks. In many cases, very short-term sampling for mold spores is conducted; however, the results may not be representative of actual exposures. Furthermore, spore counts and culture results, which tend to be what are included in indoor air quality reports, do not capture the full range of exposures."
- d. Simply put, it is not safe for us to be continually exposed to the potential mycotoxins from the mold growth in the ducts (and likely elsewhere).
- e. We have become aware of the likely existence of mold behind the walls in certain areas of the Courthouse. None of the proposed repairs address immediately dealing with the behind the walls mold.

3. **Testing for PCBs:** Consistent with the concerns above, it has come to the attention of the occupants of the Court Complex that due to the timing of the construction of 50 State Street, there are potentially PCBs in the building. Prior to undertaking any of the repairs we are requesting that testing for PCBs take place immediately. Additionally, the DCAMM report indicates that the "vast majority" of lighting fixtures were retrofitted with LED lamps four years ago. However, a quick walk around the building demonstrates that there continue to be fluorescent lights in a significant number of lobbies, offices, hallways and courtrooms.

4. **Functionality of the Court Complex:** Your correspondence of February 24, 2022, indicated that the goal of the "rehabilitation and renovation of the building systems and workspaces" was to "revitalize the building so it is on par with contemporary building spaces." This is a laudable goal we share. However, the current proposed repairs to the Court Complex fall woefully short of that goal. There are several concerns regarding the functionality of the building (this list is by no means comprehensive):

- a. **Security:** First and foremost, the current building design is outdated and fails to adequately address a myriad of security concerns.
 - i. By way of example, when an individual is taken into custody, they are brought through the back lobby area to be transported down in the prisoner elevator. While our incredibly dedicated Court Officers have ensured that there have not yet been any issues with this arrangement, it is not safe and puts the officers, judges and court staff at unnecessary risk.
 - ii. There should be key card access to secure areas and there is not.
 - iii. Jurors coming from the 4th floor are escorted through the lobby area for the Probate and Family Court. The jurors have been litigants of our court and have unwittingly (and quite literally) run into their presiding judge while being escorted to their courtroom for jury duty.
 - iv. The emergency buzzers on the bench do not work. There have been career ending injuries to Court Officers in their line of duty. We have been very lucky to not have

more serious injuries or deaths occur. It is critical that the Courtrooms be able to notify security staff throughout the building when there is an emergency.

- v. In the Housing Court, the only way to the Judge's lobby is through a public hallway which is often overcrowded and emotionally charged.
- b. Space:** Many of our courts do not have adequate space, by way of example:
 - i. Superior Court: lacks a large enough space for centralized evidence retention, lacks office space for staff and there is a need in both District and Superior Courts for additional lock up space.
 - ii. Housing Court: does not have handicap accessible courtrooms. There are active files located on 4 different floors and they lack conference rooms for the staff to mediate (there are only 3 -one being a jury room- for a staff of 7).
 - iii. The Probate and Family Court has 5 judges and only 4 Courtrooms and 4 lobbies. There is not enough space for sessions clerks, the judicial secretary or Assistant Judicial Case Managers. The vault where files are stored is nearly at capacity and there is insufficient space for Registry Office staff.
 - iv. The Housing Court and Juvenile Courts exceed their capacity on a regular basis.
 - v. The space for probation is inadequate and dangerous (in some areas probationers block the door when meeting with their probation officer).
- c. Public Access:** There is no public access by stairway to either the 3rd or 4th floor. There is only elevator access to these floors. And while they were recently upgraded at significant expense, it is still not unusual for one or more of the three (3) available elevators to be down leaving the public with long waits to go up to the 3rd and 4th floors.
- d. Technology:** Our Courtrooms are antiquated in their technology and nowhere close to what is expected in a 21st Century Court. There is very limited internet access (on the bench / clerks area at best) and no wi-fi available.

While this Committee is not specifically charged with addressing the functionality of the Court, it is our position that to spend at least \$105 million on repairs that will not address these issues would be shortsighted. This Court Complex handles some of the busiest courts in the Commonwealth. The people of Hampden County deserve a Court Complex that meets their needs now and in the future. While the cost of a new Courthouse will be significantly more than the costs of the currently proposed repairs, these repairs will do nothing to address the growing demands of busy courts. We believe it is essential to reconsider building a new Court complex that encompasses both buildings and provides the people of Hampden County with a truly contemporary space that meets their needs.

We appreciate your time and consideration of these issues and look forward to continuing to work with you to address the concerns of the employees of the Springfield Court Complex.

Very truly yours,

/s/Claudine T. Wyner

Hon. Claudine T. Wyner, Chairperson
Environmental Advisory Committee
Springfield Court Complex

Cc: Sec. Michael J. Heffernan
Western Massachusetts Legislators