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What They are NOT Telling You About "Toxic Mold"

Presented by Kelly G. Richardson, Esq.
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Mold's causes

- Sustained water
- In contact with paper/wood
- Without the chance to dry out – insufficient ventilation

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If it's so old, why so much now?

- Change in building materials – stucco/plaster replaced by drywall.
- Low quality control in construction
- New awareness of mold's impact upon health
- Lawyers/consultants/media causing increased focus

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The Panic


Mycotoxins => "Toxic Mold"

1999 report to W.H.O. (mainly re animals INGESTING mold)

Unsubstantiated claims of severe injury/illness from indoor mold exposure

Substantiated but rare history of severe injury/illness from INGESTING mold

People living in tents-
In their own backyards



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The Results of Panic

- Skyrocketing water damage claims
- Very upset residents/owners/tenants
- Burgeoning new consulting area, with no governmental oversight or licensing/certification
- Lawsuits

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The Toxic Mold Protection Act of 2001 (SB732)

- Study bill, trying to develop exposure standards
- Added Health and Safety Code Sections 26100 et seq
- No action yet, more than **TWENTY YEARS** later
- There is NO standard on what amount of which kind of mold is considered "unhealthful" – Center for Disease Control

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Cal. Dept Public Health – 2005 Report... to the Legislature.. Re: “Permissible Exposure Levels “PEL”

“DHS scientists have evaluated the feasibility of developing a PEL for indoor mold. A PEL for mold was considered to be the highest concentration to which people could be exposed repeatedly without experiencing adverse health effects.

...After considerable research into this question, DHS staff has determined that sound, science-based PELs for indoor molds **cannot be established at this time.**”

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CDPH – 2008 update:

“SB 732 (Toxic Mold Protection Act of 2001) - Implementation Update - July 2008”

“Many people contact the California Department of Public Health Services (CDPH) regarding the implementation status of the [Toxic Mold Protection Act of 2001 \(SB 732\)](#). This statute, enacted January 1, 2002, charged CDPH (formerly DHS) to determine the feasibility of adopting permissible exposure limits for indoor molds...

In May 2005, CDPH released its report titled **Implementation of the Toxic Mold Protection Act of 2001**. ...

After considerable research into this issue, CDPH scientists concluded that although recent studies have strengthened the evidence between living or working in a damp environment and increased risk for respiratory symptoms, the role of mold growth in these complex environments is still unclear. Damp buildings also encourage the growth of bacteria, dust mites and cockroaches, as well as degradation of wet building materials that can also release irritant chemicals indoors.... **For these and other reasons detailed in the report, science-based PELs for indoor molds cannot be established at this time.**”

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What is the latest statement from CDPH?

“CDPH has concluded that the presence of water damage, dampness, visible mold, or mold odor in schools, workplaces, residences, and other indoor environments is unhealthy.

[We recommend against measuring indoor microorganisms or using the presence of specific microorganisms to determine the level of health hazard or the need for urgent remediation.](#)

Rather, we strongly recommend addressing water damage, dampness, visible mold, and mold odor by (a) identification and correction of the source of water that may allow microbial growth or contribute to other problems, (b) the rapid drying or removal of damp materials, and (c) the cleaning or removal of mold and moldy materials, as rapidly and safely as possible, to protect the health and well-being of building occupants, especially children.”

CDPH “Statement on Building Dampness, Mold and Health September 2011” (emphasis added)

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From the Center for Disease Control:

• **A qualified environmental lab took samples of the mold in my home and gave me the results. Can CDC interpret these results?**

• **Standards for judging what is an acceptable, tolerable, or normal quantity of mold have not been established.** If you do decide to pay for environmental sampling for molds, before the work starts, you should ask the consultants who will do the work to establish criteria for interpreting the test results. They should tell you in advance what they will do or what recommendations they will make based on the sampling results. The results of samples taken in your unique situation cannot be interpreted without physical inspection of the contaminated area or without considering the building’s characteristics and the factors that led to the present condition.

• Center for Disease Control, “Basic Facts – Molds in the Environment” <http://www.cdc.gov/mold/faqs.htm> (emphasis added)

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What does the EPA say about mold testing?

United States Environmental Protection Agency

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You are here: EPA Home > Mold > Mold Testing or Sampling

Mold Testing or Sampling

Is sampling for mold needed? **In most cases, if visible mold growth is present, sampling is unnecessary.** Since no EPA or other federal limits have been set for mold or mold spores, sampling cannot be used to check a building's compliance with federal mold standards. Surface sampling may be useful to determine if an area has been adequately cleaned or remediated. Sampling for mold should be conducted by professionals who have specific experience in designing mold sampling protocols, sampling methods and interpreting results. Sample analysis should follow analytical methods recommended by the American Industrial Hygiene Association (AIHA), the American Conference of Governmental Industrial Hygienists (ACGIH), or other professional organizations.

Are there federal regulations or standards regarding mold testing?

Standards or Threshold Limit Values (TLVs) for airborne concentrations of mold, or mold spores, have not been set. Currently, there are no EPA regulations or standards for airborne mold contaminants.

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Who says testing is not necessary?

• EPA -

Question

Is sampling/testing for mold necessary?

Answer

In most cases, if visible mold growth is present, sampling is unnecessary. Since no EPA or other federal limits have been set for mold or mold spores, sampling cannot be used to check a building's compliance with federal mold standards. Surface sampling may be useful to determine if an area has been adequately cleaned or remediated. Sampling for mold should be conducted by professionals who have specific experience in designing mold sampling protocols, sampling methods, and interpreting results. Sample analysis should follow analytical methods recommended by the American Industrial Hygiene Association (AIHA), the American Conference of Governmental Industrial Hygienists (ACGIH), or other professional organizations.

California Dept Public Health



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Date: May 25, 2004

FOR IMMEDIATE RELEASE

Indoor Mold, Building Dampness Linked to Respiratory Problems and Require Better Prevention; Evidence Does Not Support Links to Wider Array of Illnesses

WASHINGTON -- Scientific evidence links mold and other factors related to damp conditions in homes and buildings to asthma symptoms in some people with the chronic disorder, as well as to coughing, wheezing, and upper respiratory tract symptoms in otherwise healthy people, says a new report from the Institute of Medicine of the National Academies. **However, the available evidence does not support an association between either indoor dampness or mold and the wide range of other health complaints that have been ascribed to them, the report says.** Given the frequent occurrence of moisture problems in buildings and their links to respiratory problems, excessive indoor dampness should be addressed through a broad range of public health initiatives and changes in how buildings are designed, constructed, and maintained, said the committee that wrote the report.

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Another report ignored...

Existence of toxic mold syndrome questioned

- Friday, **14 October 2005**
- By Will Boggs, MD

NEW YORK (Reuters Health) - Mold and dampness can cause coughing and wheezing, **but there is little evidence to support the existence of the so-called toxic mold syndrome**, according to a report by researchers at the Oregon Health Sciences University in Portland.

Toxic mold syndrome -- illnesses caused specifically by exposure to mold -- continues to cause public concern despite a lack of evidence that supports its existence, researchers explain in the September issue of the Annals of Allergy, Asthma & Immunology. Several critical reviews have failed to find scientific support for toxic effects from breathing in mold spores as a viable mechanism of human disease, they add.

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From the World Health Organization 2009 Comprehensive (228 pages) report:

Although mycotoxins can induce a wide range of adverse health effects in both animals and human beings, the evidence that they play a role in health problems related to indoor air is extremely weak. (page 81)

"The epidemiological evidence is not sufficient to conclude causal relationships between indoor dampness or mould and any specific human health effect, although the findings of one strong epidemiological intervention study, in conjunction with the other available studies, suggest that dampness or mould exacerbates asthma in children. There is **sufficient epidemiological evidence of associations** between dampness or mould and asthma development, asthma exacerbation, current asthma, respiratory infections (except otitis media), upper respiratory tract symptoms, cough, wheeze and dyspnoea. (page 90) (emphasis added)

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Per California Department of Public Health, the health risk:

"Known health risks include: the development of asthma, allergies, and respiratory infections; the triggering of asthma attacks; and increased wheeze, cough, difficulty breathing, and other symptoms. Available information suggests that children are more sensitive to dampness and mold than adults. "

CDPH "Statement on Building Dampness, Mold and Health September 2011"

Certainly something undesirable, but does this match up with what we've heard were the dangers of so-called "toxic mold"?

Dusty rooms, windy days and a pollen-filled spring day can also be dangerous for persons with delicate respiratory systems..

This sounds like something similar, doesn't it?

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The targets of mold claims

Landlords

Condominium associations

Sellers

Real estate professionals



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We found mold, now what?

- Don't **panic**, or let your client **panic**
- Find the leak and get it fixed
- Once the water intrusion source is located and fixed –
- DON'T TEST
- Determine scope of repair...
- And the star repair element is....

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This Still Works!



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EPA Cleanup Recommendation:

"Mold Cleanup in Your Home"

Mold Cleanup

If you already have a mold problem - **ACT QUICKLY**. Mold damages what it grows on. The longer it grows, the more damage it can cause.

Who should do the cleanup depends on a number of factors. One consideration is the size of the mold problem. If the moldy area is less than about 10 square feet (less than roughly a 3 ft. by 3 ft. patch), **in most cases, you can handle the job yourself...**

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You still need me... right?



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Small areas – 10 square feet or less [Per NYC Dept. Public Health]

- Expert help not needed, normal maintenance people can handle.
- No need to vacate the entire area, just the area being cleaned.
- While cleaning, wear a mask and gloves.
- No need to seal off entire area.
- Clean with a damp cloth moistened with a disinfectant/detergent solution (i.e., bleach, for example).
- And that's it.

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Medium areas – 10-30 square feet Per NYC Dept. Public Health

- Can be performed by maintenance staff
- Wear mask, gloves and goggles
- Separate off work area with sheeting
- Mist to moisten area to be cleaned, to reduce dust
- Tear out anything that cannot be cleaned, dispose in a normal, sealed trash bag.
- Clean with a cloth moistened in disinfectant/detergent
- Use a vacuum cleaner with a High Efficiency Particulate Air ("HEPA") filter

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Over 30 square feet of moldy surface area

- Call the expert
 - Expert should not test
 - Expert should prescribe a repair method
 - Then, send it out to bid.
- It's not an emergency, so no need to call emergency contractors to pay emergency rates
- Hire the best bidder

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Mold Experts

- No licensing of mold inspectors, remediators, or experts in most states
 - Licensing in Florida, Louisiana (remediation), Maryland (remediation - license requires cert. from any private certification body), New York (remediation - eff. 2016, take a course, pay a fee) Texas (take a course, pay a fee)
 - Most require up to 24 hours of classes and a fee paid
- Often industrial hygienists – who otherwise deal with asbestos, toxics and industrial workplace hazards.
- Some states, such as New Jersey, license "industrial hygienists" who are trained in lead, asbestos, radon, for example. BUT they are not specifically licensed as "mold experts."
- Trade organizations (many) which offer various credentials
- IICRC – "Institute of Inspection Cleaning and Restoration Certification" -created a repair protocol – S520 – assumes a mold consultant is involved in every claim
- IICRC is owned by 17 shareholder trade organizations and three individuals (per its web site)

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From the "Mold Inspection Institute" web site:

"What are the Career Opportunities for Mold Inspection and Mold Remediation?"

Mold inspections have become one of the fastest growing niches in the real estate industry. **Mold has been called the "new asbestos" because it can lead to so many health problems.** One academic report published by the Cadmus Group, sets the annual cost to treat mold-related illnesses at over \$20 billion. A **mold inspection service can become a highly-profitable new business**, or can make an existing business more successful. With many states drafting mold legislation, the mold inspection industry will only continue to expand as public awareness grows..."

www.moldinspectioninstitute.com/faqs

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Five ways a little leak becomes a major financial hemorrhage

Delay
Unnecessary testing
Fear
Overuse of emergency restoration services
No competitive bids

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Mold Claims and Insurance

- It is not true that there is NO insurance to cover a mold claim...
- Liability coverage is a last resort, but it can save you if all else fails to prevent a claim.
- Forget about first party property damage claims for mold, it is almost certainly excluded.

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Avoidance of mold claim lawsuits

- Act decisively, do not delay
- Show the complainer that you share their concern, but don't let them over-react. If necessary provide copies of government information regarding mold health impact
- Emphasize importance of locating the water leak
- Encourage the immediate repair of the water intrusion source
- If it is your repair responsibility, try to clean up the mold as soon as the water leak is stopped.
- Document your request for access to clean up the problem.
- If the resident will not allow access for repair, document the fact of their non-cooperation – allowing it to worsen.

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