

Toxic mold: Who's at fault?

The men in gas masks and jumpsuits are not cleaning up spilled chemicals, or investigating noxious fumes; they are scrubbing out mold. And the landlord is paying for it.

The annoying substance that forms on shower curtains and damp corners under the kitchen sink has been blamed for a host of serious illnesses and deaths. Camarillo-based Precision Environmental is specializing in cleaning up the messes left by water intrusion into buildings.

The dangers of toxic mold are still being debated by the scientific community, but Precision Environmental Chairman and Chief Executive Officer David Hedman says there is a real and present danger. And the courts are agreeing, holding building owners and landlords responsible for health problems associated with exposure to toxic mold.

The possible problem came to the surface when a group of infants in Cleveland came into the emergency room with lung hemorrhages. An investigation found that all of them lived in buildings with flooding or leakage problems and that the cause was exposure to *Stachybotrys* mold.

“Since that breakout there has been quite a bit of epidemiology going on in the kind of toxic mold,” Hedman said. He also said the strain *Aspergillus* has been linked to health problems such as headaches.

The Centers for Disease Control and Health do not give dire warnings about exposure to toxic mold. A review of the Cleveland infant deaths concluded that no causal link could be made with mold exposure.

“There are very few case reports that toxic molds (those containing certain mycotoxins) inside homes can cause unique or rare, health conditions such as pulmonary hemorrhage or memory loss. These case reports are rare, and a causal link between the presence of the toxic mold and these conditions has not been proven. A common-sense approach should be used for any mold contamination existing inside buildings and homes. The common health concerns from molds include hay fever like allergic symptoms. Certain individuals with chronic respiratory disease (chronic obstructive pulmonary disorder, asthma) may experience difficulty breathing. Individuals with immune suppression may be at increased risk for infection from molds,” the CDC Web site states.

Ventura attorney Lee Gibson said the topic of toxic mold has really come to the forefront lately, and liability is being shown. "The way this is proved in court is for a physician to examine the person, study the property in question and find out if this type of mold is present," he said. Although the extent of the hazard toxic mold present has not been shown convulsively, Gibson said he believes that it is coming. "Everyone is going to recognize that toxic mold is a potential health hazard," he said.

Much of the litigation has surrounded construction defects that cause water intrusion into the walls, foundation or roof. This kind of mold grows especially well on building materials such as wallboard. So if grading or roofing is not installed properly, there is the possibility for injury suits against the builder.

Precision Environmental spun off of a Stanford project that uses heat to kill termites without chemicals. The company does all kinds of pollutants, including asbestos. "We are doing more mold cleanup than any form of indoor pollution," Hedman said. "It has surpassed everything by a factor of two."

The workers go into the building with toxic waste suits and respirators to build a containment zone, then use specialized vacuums and "air scrubbers" to remove the mold buildup. Then the whole area is heated to about 150 degrees to kill the mold in the cracks.

The heating process kills the mold, and once the mold is dead it won't continue to grow through the building, or give off the toxic gasses, Hedman said. The heating also dries the area to make the environment less conducive for mold growth. Finally, the heat disinfects the surfaces by killing the bacteria that is associated with the mold.

Hedman noted a few particularly troubling cases where the company has been working. In a home in Santa Barbara a woman was diagnosed with brain damage from exposure. In another Hedman is working with toxic mold specialist Dr. James Craner on an entire condominium complex with a toxic mold problem.

Gibson has also been working with that complex. A construction defect allowed water intrusion through improper window installation. A suit has been filed against the construction company for the extensive repairs that will be needed.

Mold is now a major liability in the real estate arena, Hedman said. "It becomes very important for our real estate community. ... Water intrusion is a big red flag. It needs to be handled on an emergency basis. The days of letting those leaks go are over, purely from a liability standpoint," he said. "If you wait and mold develops you will incur major liability and you will incur major cleanup costs."

But most people wait. "We are typically called in when there has been an injury," Hedman said. "At that point things get very serious. ... There is a chance other people may be injured."

Hedman would like to do more preventive work. The company will be hosting a seminar in October at the Radisson in Ventura to inform the real estate community. “With all of this successful litigation ... clearly the medical community in court is proving damage and injury,” he said. It would be worth it for those in the real estate industry to take the topic very seriously.

There have been two recent bills begun in the California legislature to determine permissible levels of mold. One is sponsored by Hannah-Beth Jackson, which would require a study and report back to the legislature.