

Staying Alert to Mold

Though toxic varieties are less common, ordinary cases can affect your health and signal larger repair needs

By Ellen Mitchell

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Someday, perhaps, Hollywood may make a sequel to "Erin Brockovich": "Erin Brockovich: War Against the Killer Molds."



Brockovich, the environmental activist portrayed by Julia Roberts, has now taken up the cudgel against toxic mold. Using royalties earned from the 2000 movie, she bought a million-dollar home in Southern California - only to find it overrun with *Stachybotrys atra*, a toxic black fungus that can creep unseen throughout a home, eating away at its value and causing serious health problems.

This fungus first made headlines in the 1990s, particularly in a nationally publicized case of one family's plight in Dripping Springs, Texas. The family, sickened from its *Stachybotrys*-saturated 22-room mansion, battled with its insurance company and finally won a \$32 million court award in 2001, later reduced to \$4 million. The family said the insurer minimized both the cleanup and the health effects of the mold contamination; the newly constructed house was eventually burned down.

Recently, Ed McMahon, TV pitchman and former Johnny Carson sidekick, agreed to a \$7.2-million payment from his insurers to settle his claims that toxic mold in his Beverly Hills mansion sickened his wife and killed his dog.

In Manhattan, Richard Kramer, a former resident of an expensive condominium at 515 Park Ave., is suing the building's developer and others in State Supreme Court for \$400 million in compensatory and punitive damages, asserting in court papers that an "explosion" of toxic mold infestation rendered his condo "a dangerous place to live." Kramer alleges that a "killer fungus" wiped out the value of his residence and caused his wife and child severe respiratory damage and extreme emotional distress.

Today, Brockovich is urging California lawmakers to pass legislation that would require builders and contractors to assume some responsibility for mold cleanups. California already has three laws in addition to pending bills dealing with the study of mold levels and protections. Several states, including New York, require questions regarding mold in the disclosure forms that sellers must provide home buyers, but there are no state or federal statutes setting standards for mold exposure or cleanups. Nationwide, there are more than 5,000 mold-related lawsuits now pending against insurers by homeowners battling to collect claims, according to the Insurance Information Institute, a Manhattan-based trade group.

Although experts say they are not aware of any mold lawsuits on Long Island, there are thousands of varieties of mold in the region - and many of them can cause respiratory distress. So far there have been occasional findings of toxic black mold but no cases of major *Stachybotrys* infestation in a residential property, according to many observers, including insurers, real estate agents, lawyers, inspectors and

mold clean-up and remediation specialists. There are no figures on the frequency of mold in local homes, and not surprisingly, owners affected by mold generally decline to discuss their situations, experts say, fearing their houses will be devalued.

"We do see [mold] on Long Island; it's not totally unusual. But it's not only *Stachybotrys*," said Michael O'Reilly, chief executive of Tradewinds Environmental Restoration, a testing and remediation specialist and unit of the Windswept Environmental Group in Bay Shore. "There are a lot of other molds that aren't good for us, and a lot depends on whether or not the individual is susceptible to those molds."

O'Reilly said the mold his company finds most are *Cladosporium* species, which do not release the same type of microtoxins as some of the more dangerous molds. *Cladosporium* is a common indoor and outdoor airborne allergen that can trigger hay fever and asthma. Indoors, it can thrive as a light green to black mold and is often found on air vent grills.

According to Warren Cronacher, president of Criterium-Taucher Cronacher Engineers in Rockville Centre, a home inspection and engineering firm, *Stachybotrys* occurs "in spot instances." He cited a recent infestation from a plumbing leak left unattended in a \$6-million home.

The heavy rains this spring could add to mold problems, but so far, mold has not had a major impact on the housing market, real estate agents say.

"I haven't heard from any of our customers or even other Realtors of any complaints or issues about mold," said Frank Dell Accio Jr. of Century 21 AA in Lindenhurst.

Still, the growing number of publicized cases nationwide has spurred much discussion in real estate circles. Century 21 AA now offers brochures on mold in the home prepared by the National Association of Realtors.

Molds reproduce by means of tiny spores that float through the air. They require moisture and something to feed on, such as wallboard or insulation, to grow. When spores are allowed to fester on a wet surface, they grow rapidly.

"It has to be addressed and taken care of or it can spread under proper conditions, especially in the summertime," Cronacher said. "We see it in basements that have flooded, in ceiling tiles where there's been a leak in the room above, in the attic from roof leaks, around windows or behind the shower wall."

Mold can develop pretty much anywhere inside or outside the home, experts say. The source can be an outside drainage pipe or leaking gutter or poorly graded property. Moisture trapped between the exterior and interior walls can cause mold. Mold can rot through wooden windowsills. When visible, it can appear as a discoloration - ranging from white to orange, green to brown or black - and it can have a musty odor.

Cronacher listed stagnant water in humidifiers as another "perfect ocean" for mold development. Mold, he said, can migrate throughout a home's heating or cooling ductwork.

One prime reason for the increased presence of mold inside homes is the widespread drive for energy efficiency.

"A big part of the problem is that we construct tight homes and buildings," O'Reilly said. "The cost of heating and air-conditioning has driven our engineering practices to develop a house that is tight, so we literally have an incubator where you have a tight house and water intrusion." Simply opening a window

to increase ventilation can sometimes be helpful, he said.

Cronacher advised keeping the entire house, including the attic and crawl spaces, well ventilated. The indoor humidity should be kept below 70 percent. Basements should be kept dry, which means regularly cleaning rain gutters and pitching the ground away from the foundation.

Small areas of mold usually can be cleaned by a homeowner with a mixture of one cup of household bleach to a gallon of water, experts say. It is important to have good ventilation during the clean-up and advisable to wear a dust mask and rubber gloves. At the same time, the source of the moisture causing the mold must be eliminated. It may be necessary to replace tiles, wet carpet, floorboards and wallboard.

If mold has spread beyond a small area or if a person is prone to respiratory ailments or chronic allergies, it is recommended they seek professional help to eliminate the fungus and its source.

According to Dr. Jill Karpel, director of the Beth Thalheim Asthma Center of the North Shore-Long Island Jewish Health System, mold in a home or workplace can cause inflammation of the sinuses, runny nose, asthma, watery eyes, coughing, shortness of breath, dizziness and fatigue. She said that in extreme situations, such as the Texas case, constant exposure to a highly toxic mold can result in neurological symptoms such as memory loss.

Karpel said some of her patients who were never before affected by asthma subsequently developed it when exposed to significant mold infestation. Once asthma is triggered by mold, it can sometimes be more easily triggered by other things - even after the mold is cleaned up.

Karpel previously worked at Montefiore Hospital in the Bronx, where "there was much more [mold-related illness] given the social conditions, the apartment buildings and the inability of the population to control the environmental triggers."

Engineering companies such as Criterium-Taucher Cronacher inspect homes for mold and determine what cleanup steps may be needed. Tradewinds uses humans and Labrador retrievers to sniff out and battle mold. The company tests air and dust samples for mold spores. Within minutes, dogs can find hidden mold "where nobody can find it," O'Reilly said.

Dogs have long been used to detect mold in Europe, after a Swedish government study cited dogs' keen sense of smell in ferreting out fungus, added Tradewinds executive vice president David Harvey.

Once the source of the mold is determined, the area is sealed off to prevent spores from spreading. Exhaust fans carry the air from the sealed-off area to the outside. If wallboard, for example, is involved, it is removed; wood is scraped, sanded and often refinished. While jobs for small cleanups may cost only \$3,000, according to O'Reilly, the average cost for large projects involving tearing out or scraping and refinishing wood is between \$10,000 and \$15,000.

The number of testers and mold remediators grows, while their work goes unregulated.

During the past two legislative sessions, state Sen. Carl L. Marcellino (R-Syosset) has introduced the Toxic Mold Protection Act, which would create a task force of scientists, builders and architects, lawyers and insurers to advise the government on mold policy, including exposure limits, assessment standards and remediation.

"It is time for New York State to take a serious look at mold and indoor air quality," said Marcellino, who is chairman of the Senate Environmental Conservation Committee.

In Washington, Rep. John Conyers Jr. (D-Mich.) has introduced the U.S. Toxic Mold Safety and Protection Act, named the Melina Bill after the 7-year-old daughter of Conyers' office manager, who filed a lawsuit claiming her child was severely poisoned by toxic mold in their new home.

The legislation would establish guidelines for certifying mold inspectors and remediators, authorize tax credits for inspection and remediation of mold hazards, and provide six months of vouchers for housing, food and transportation expenses for those left homeless by mold. It also would create a public national toxic mold insurance program to protect homeowners from catastrophic losses.

"I'm probably getting 40 to 50 calls a week about this. It's a serious problem, a disaster," said Joel Segal, Conyers' legislative assistant for health care.

Nationwide, the insurance industry has been caught off-guard by the potential financial implications of the growing wave of mold-related claims. A typical homeowner's mold-related claim is between \$15,000 and \$30,000, according to Robert P. Hartwig, vice president and chief economist for the Insurance Information Institute. The insurance industry nationwide paid out \$2.5 billion in mold-related claims last year, about twice the amount paid out in 2001, Hartwig said, and the institute predicts that some insurers may boost homeowner's premium rates by as much as 25 percent due to the growing number of mold claims.

Some states have allowed insurers to exclude mold coverage from homeowner policies, while other states have set caps on mold-claim damages. Some insurers are offering separate mold coverage policies at a steep price. In New York, the state Department of Insurance has not set any mold-related provisions regarding insurance policies.

While there have been several major mold-related insurance claims in New York City during the past few years - mainly because of the size of affected residential and commercial buildings - there appear to have been few insurance claims or lawsuits on the Island.

"We've heard lots of buzz and concern, but in terms of claims being filed ... I don't think we've seen any," said Peter Schapero of The Signature Group, an insurance agency in Garden City. "Certainly when there is a water damage claim more attention is paid to the remediation of the claim, and it's looked at with an eye toward future problems, where in the past that wasn't necessarily the case."

Jon Schuyler Brooks, chairman of the environmental practice group at Ruskin, Moscou and Faltischek, a law firm in Uniondale, said they have not handled any mold cases involving residences, although he cited one situation - not a lawsuit - involving a "very big mold problem" in a local school district.

"There is real potential for the mold situation to present itself in the residential sphere in apartment complexes, whether privately or publicly owned," Brooks said. "The tenant goes to the landlord, who may say, 'It's your fault.' But, more likely, the landlord is going to turn around and say, 'How did this happen in my building?'" He said potential "up-the-chain parties" such as architects and contractors could face liability.

The New York State Property Condition Disclosure Act, which took effect last year, requires sellers to fill out a questionnaire regarding their knowledge of the property's condition and defects, including water damage and the presence of mold.

A seller, however, has the option of giving the buyer a \$500 credit at the time of closing, rather than filling out the questionnaire - and many sellers are choosing the opt-out clause, experts say.

Despite the relatively few lawsuits on Long Island, mold has become a significant legal issue and is now part of the state's continuing legal education program, Brooks said.

"Many people consider mold to be the next asbestos, but there's a significant difference," Brooks said. "Asbestos fibers don't make their way into homes and buildings without being put there. There's no manufacturer of mold. It's not like there's a Johns Manville, as there was in the asbestos litigation."

WHERE TO GET MORE INFORMATION

Though proposed legislation on mold issues is pending in Washington and Albany, there are no federal or New York State standards yet on regulating the mold remediation industry.

At the same time, there are many new firms touting mold detection and remediation services, and even some do-it-yourself home mold detection kits, such as Hometest, available on the Internet. Experts advise that homeowners check with local consumer affairs agencies and the Better Business Bureau before engaging a testing or remediation company and ask a company for examples of removal experience and references.

Here are some additional Web sites providing information about molds and their potential health effects:

www.epa.gov/iaq/molds/index.html

The U.S. Environmental Protection Agency's Web site offers basic information on mold and mildew. Consumers also can obtain a free booklet on mold basics and cleanups from the site or by phoning EPA Indoor Air Quality Information Clearinghouse at 800-438-4318.

www.cdc.gov/nceh/airpollution/mold

The U.S. Centers for Disease Control and Prevention has information on mold under sections on "Air Pollution" and "Respiratory Health"

www.nyc.gov/html/doh/html/epi/moldrpt1.html

The New York City Department of Health has guidelines on "Assessment and Remediation of Fungi in Indoor Environments."

www.lungusa.org

The American Lung Association's site for information on air quality and health issues.

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