



Litigation Support for Mold Cases

The mitigating and controllable factor of mold growth in structures and HVAC systems is moisture. Moisture can be in the form of liquid flow (i.e., pipe leak inadequate flashing, window details or floods), condensation/high humidity conditions (i.e., due to sub-cooling of room surfaces or excessive outdoor air humidity introduction) or capillary action (i.e., moisture through block walls in a basement) or vapor transmission (i.e., through wall assemblies due to negative pressure of the building envelope).

Resulting mold growth can be obvious such as in the case of dew point temperatures being reached at room surfaces due to sub-cooling where the mold growth pattern is characterized by visible mold on open areas surfaces. Mold growth can also be hidden, such as a slow leak of a pipe within a wall assembly or vapor transmission in a wall assembly being trapped and condensing behind vinyl wall covering due to building envelope negative pressure. In either case, mold growth will deteriorate building materials, cause wood decay, adversely affect HVAC systems, potentially expose building occupants and ultimately increase your liability and risk.

The common causes of moisture incursion and ultimately mold growth are:

- Construction defects
- Design defects
- Building system operational parameters
- Lack of maintenance
- Lack of building protection during construction
- Accidental water releases
- Storms and floods

Other causes of mold growth include improper or incomplete remediation, lack of quick response or insufficient response to a water release.

Mold growth in structures can result in:

- Bodily injury claims
- Designer Errors and Omissions claims
- Property damage claims
- Negligence claims
- Business interruption and lost revenue
- Workers Compensation Claims

As you can see, old issues can be multi-faceted. Depending on the specific issues, the evaluation team needs to be as equally multi-faceted.

Team members and their roles include:

Certified Industrial Hygienists - Perform moisture testing, sampling, assess exposure potential, gather environmental information for medical analysis, define extent of mold impacts, provide opinions on causation of mold growth, remediation plans and scope and damages apportionment opinions.

Architects, and/or Mechanical and Structural Engineers - Perform forensic architectural and engineering analysis of structure, HVAC air and water side systems analysis for pressurization (driving forces) and moisture contribution to the structure and water testing for moisture sources/causes, and pathways and provide damages apportionment opinions.

Occupational Health Physician - Provide medical opinion on health symptoms being related to environmental conditions.

Remediation Contractor - Develop cost estimates for remediation and damage estimates and clean-up of moldy conditions.

Laboratory Services and Mycologist/Microbiologist - Provide analysis of samples, and opinions on the ecology of the organisms for causation analysis.

1Source has provided litigation support for both plaintiff and defense mold cases ranging from insurance related residential matters to multi-story hotel and commercial building construction defects cases.

Depending on the case, one or all members of the evaluation team may be needed. Please contact Harry M. Neill, CIH Vice President of Indoor Air Quality and Industrial Hygiene if you would like to discuss your particular case at 888-873-9983, ext 15 or hneill@1ssh.com .