



## Mold

*By Jennifer A. D. Smith*

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Growth of so-called “toxic molds” in homes, schools and offices has been cited as the cause of a wide variety of human ailments and disabilities. Yet scientists do not know whether or not mold is to blame. Despite gaps in scientific knowledge, litigation and legislation relating to mold continue.

**Characteristics of Mold.** Molds are microscopic fungi that live on plant or animal matter. They are found in virtually every environment, indoors and out. These fungi spread and reproduce via very small, lightweight spores. Molds need moisture and food to grow. More than 1,000 different kinds of molds have been found in U.S. houses. Mold spores are present in all indoor environments and cannot be eliminated.

**Health Effects.** Mold can cause or worsen some allergies and illnesses, such as food poisoning, secondary infections in health care settings, asthma, rhinitis/conjunctivitis and hypersensitivity pneumonitis. It is claimed that indoor mold can cause other ailments, such as pulmonary hemorrhage, memory loss and lethargy. Whether this is true is not yet known. Although some indoor molds can create toxic chemicals, it is not known how these toxins affect people. To complicate matters, there are no set standards for sampling indoor mold or interpreting the health results.

Mold is increasingly the basis for litigation when individuals or building occupants believe they have been harmed by exposure. The court system, state legislatures and Congress are responding.

**Legal Action.** Recent court cases have addressed the failure of apartment landlords to control mold growth resulting in asthma attacks and other health problems. Homeowners associations are holding builders accountable for mold infestations as are homeowners who were not provided with mold coverage from their insurers.

### Federal Action

Congress is considering the U.S. Toxic Mold Safety and Protection Act of 2003 (HR 1268). The bill would amend the Toxic Substances Control Act, the Internal Revenue Code of 1986 and the Public Buildings Act of 1959 to protect

### Recent Court Cases

*New Haverford Partnership vs. Stroot*, 549 A.2d 201 (Delaware 2001). The Delaware Supreme Court upheld a \$10.4 million award to two women whose landlord failed to address leaks and mold problems in their apartments resulting in asthma attacks and other health problems. (May 2001)

*Blum vs. Chubb Custom Insurance Co.* (No. 99-3563, Nueces County, Texas, District Court). During trial, a homeowner settled a mold related bad-faith lawsuit against his insurer for \$1.5 million. (December 2001)

*Club at Wood Ranch vs. Roberts Group* (No. 21522, Ventura County, Calif., Superior Court). A homeowners group settled toxic mold claims against builders and contractors for \$41.3 million. (October 2001)

*Anderson vs. Allstate Insurance Co.* (No. 00-907, E.D. California). A federal jury in California awarded \$18 million—later reduced to \$3 million and all but \$500,000 of that amount in punitive damages—to a homeowner against an insurer that declined coverage for mold damage. The case is on appeal. (2000)

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human health from toxic mold. The bill includes provisions to alleviate indoor mold hazards, a national insurance program, a tax credit for inspection and remediation, and grants for the remediation of public buildings. Among other things, the bill directs the Centers for Disease Control and Prevention (CDC), the Environmental Protection Agency (EPA) and the National Institutes of Health (NIH) to study the health effects of indoor mold growth. The EPA is charged with promulgating standards relating to indoor mold growth and sponsoring public education programs in conjunction with NIH and the Department of Housing and Urban Development.

Even now, federal agencies are conducting research and responding to state concerns about mold. The Institute of Medicine (IOM) is studying the problem and will recommend public health guidelines and future research. The CDC and IOM will share the resulting report with federal agencies, state public health and indoor air quality officials, academic institutions and researchers, environmental firms, and the building industry.

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Until answers are obtained, the CDC, EPA and other agencies recommend preventing mold growth indoors by fixing leaks that provide moisture or cleaning up mold that is already there.

### **State Action**

States are responding to the increased awareness of mold exposure. California has enacted several pieces of legislation. During 2001, the California Legislature enacted SB 662 and SB 732. The first made technical changes to state law directing the Air Resources Board to study environmental conditions, including toxic mold, of portable classrooms. The second provided for uniform mold standards, the publication of educational materials, and required commercial and residential mold disclosures on property transactions. In 2002, SB 2098 was enacted. The bill requires the Department of Health Services to adopt standards and develop guidelines regarding exposure limits and remediation of toxic mold.

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In 2001, New Jersey enacted SR 77 urging the state to develop methods to help residents facing an infestation of *Stachybotrys atra* to identify the mold and develop the best ways to address the infestation. In addition, the resolution asked for an investigation of the health effects of and effective clean-up methods for *Stachybotrys atra*.

### **Selected References**

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- Environmental Protection Agency. *Mold Resources*. Washington, D.C., May 30, 2003.

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

International Code Council  
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