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Newsletter

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Announcement:

The founding partners of Loewenthal, Hillshafer & Rosen, LLP are pleased to announce that Kevin P. Carter was recently named a partner in the firm. Kevin joined LHR in 2005 and has contributed greatly to the firm's success in serving our clientele. Kevin was admitted to practice in 1993, received his BA from UCLA and his JD from UC Davis. Kevin's bio may be accessed on our web site at: http://www.lhrlaw.net/cart.html

Recommended Policy For Water Intrusion And Mold

By Glenn T. Rosen, Esq. – gtrosen@lhrlaw.net

In the event of water infiltration into either a unit or townhome in a homeowners association, certain prescribed steps should be taken to prevent and/or remediate mold growth in order to protect the health of the occupants. This policy outlines ways to prevent mold growth, the conditions under which remediation must be implemented, and the responsibilities of the affected parties. The goal is to eliminate moisture in less than 48 hours to prevent mold growth or destroy it if the duration of moisture infiltration is unknown or greater than 48 hours. These prevention policies and procedures can also serve as guidelines for any single family residence (SFR) individually and/or as part of a community association.

Background:

Mold is found almost everywhere and can grow on food, wood, carpet, paper, insulation, and most other organic materials if moisture and oxygen are present. When mold spores land on wet or damp areas indoors, they may begin to grow. In locations and on materials where excessive moisture accumulates, mold will generally grow if the moisture remains undiscovered and/or uncorrected.

Controlling the moisture in the building can minimize mold growth. Heat, especially moist heat that results from steam leaks, may accelerate mold growth. As the mold grows, it digests whatever it is growing on and gradually destroys it. Even if mold cannot be seen, its presence may be noticed as a moldy or earthy smell.

General Prevention Strategy:

The most effective way to control mold is to solve moisture problems before mold growth starts. General mold prevention measures should include the following, but results will depend on specific site conditions. Questions should always be addressed to an expert - typically either a certified industrial hygienist or a contractor specializing in mold abatement and/or remediation. Here are a few general preventative measures:

- Fixing leaks as soon as possible.
- Being alert for condensation and wet spots; making sure sources of moisture are fixed as soon as possible.
- Increasing surface temperature or reducing the humidity to prevent condensation that results when surface temperature is below dew point temperature. Surface temperature can be increased with insulation or by increasing air circulation. Humidity can be reduced by repairing leaks, increasing ventilation (if outside air is cold and dry), or by dehumidifying (if outdoor air is warm and humid).
- Keeping HVAC drip pans clean, flowing properly, and unobstructed.
- Venting moisture-generating equipment to the outside, where possible.
- Maintaining low indoor humidity.
- Performing regular building/HVAC inspections and maintenance as scheduled.
- Cleaning and drying wet or damp spots within 48 hours.
- Providing adequate drainage and sloping the ground away from building foundations so they do not stay wet.

Procedures – First 48 Hours:

Prevention of mold growth is achieved by removal of moisture within the first 48 hours. If water is removed and materials are dried within that time period, then mold abatement is usually not necessary.

The first step in moisture removal is to identify and remove the source of water infiltration. Once the source of water infiltration is corrected; clean up needs to start immediately. Guidelines for preventing mold growth on specific water-damaged materials include:

- Ceiling Tiles: Discard and replace. If the tiles are glued onto the ceiling or wall, then care must be taken to ensure the materials do not contain asbestos.
- Carpet and Backing: Remove all furniture/cabinets sitting on wet carpet. Remove water with a water extraction vacuum; reduce ambient humidity levels with de-humidifiers; and speed dry by using fans.
- Cellulose Insulation: Discard and replace.
- Fiberglass Insulation: Discard and replace.
- Electrical: Consider all wet wiring, light fixtures, and electrical outlets to be shock hazards. Turn power off in the area until these have been checked by a building inspector or electrician. All electrical circuit breakers, GFI's, and fuses that became wet need to be replaced. All electric motors, light fixtures, and so on that were wet must be opened, cleaned, and air-dried by a qualified person. They must then be inspected to make sure there is no visible moisture in them before they are placed back into service.
- Books and Papers: Non-valuable materials should be discarded. Photocopy valuable/important items and discard originals. For items with high monetary or sentimental value, consult with a restoration/water damage specialist.
- Concrete or Cinder Block Surfaces: Remove water with a water extraction vacuum. Speed dry them with de-humidifiers, fans, and/or heaters.
- Hard Surfaces, Porous Flooring (Linoleum, Ceramic Tile, Vinyl): Vacuum or damp wipe with water and mild detergent and allow them to dry. Check under flooring to make sure it is dry.
- Non-Porous, Hard Surfaces (Plastics, Metals): Vacuum or damp wipe with water and mild detergent and allow to dry.
- Upholstered Furniture: Remove water with an extraction vacuum. Accelerate drying with de-humidifiers, fans, and/or heaters. Drying furniture may be difficult to complete within 48 hours. If any of the furniture is valuable, consult a restoration/water damage specialist.
- Wallboard (Drywall and Gypsum Board): May be dried in place if there is no water stain and/or obvious swelling and the seams are intact. Remove base molding to inspect the wallboard. If the wallboard cannot be dried within 48 hours, measure twelve (12) inches above the water mark/damage and remove and discard wallboard below that point. Remove and discard damp insulation, and ventilate the wall cavity. In some cases it may be difficult to tell if the wallboard has been sufficiently dried. A moisture meter can be used to check for moisture. To use a moisture meter, check the affected area and compare the reading to a control reading in a non-affected area.
- Wood Surfaces: Remove moisture immediately and use de-humidifiers, gentle heat, and fans for drying. Use caution when applying heat to hardwood floors. Treated or finished wood surfaces may be cleaned with mild detergent and clean water and allowed to dry. Wet paneling should be pried away from the wall for drying.

Once water has infiltrated into building areas, the first 24 to 48 hours are critical in the prevention of mold growth. Two steps must be taken. First, identify the source of the moisture. Second, halt further moisture intrusion by repairing the defect and conduct an inventory of the water damaged areas, building materials, and furnishings, paying special attention to identifying wet carpet under cabinets, furniture, and furnishings.

If it is impossible to determine how long the water infiltration has existed, it should be handled as if it has existed for more than 48 hours. Moreover, determining whether materials are "dry" sometimes requires a judgment call. When in doubt, use a moisture meter to check drywall in an affected area and compare the reading to a control reading in a non-affected area. The readings should be the same.

Procedures – After 48 Hours or Unknown Duration

When water infiltration has remained untreated after 48 hours, mold growth may have begun, and there may be visible evidence of growth or a moldy, damp smell. In these cases, the situation is now one of potential mold remediation, and the unit occupant may have to vacate the premises to allow for remediation.

Remediation efforts are more intensive than prevention, and they must be designed to protect the health of building occupants and remediation personnel. Recommendations for cleanup or remediation will depend on the extent of the damage, the types of materials affected, and the presence/type of mold growth. These factors will then be taken into consideration in deciding whether the unit occupants should be relocated; on the containment/cleanup methods to be used (including whether remediation can be done by in-house personnel or if professionals are required); and on the types of personal protective equipment required by clean-up crews.

Remember, water intrusion and mold are serious issues wherever they arise, and they should not be taken lightly. Take care to remedy the source of the water intrusion and ensure that mold has not developed as a result of the water infiltration.