

***Stachybotrys* and other Health Molds**

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This spring the PCOC has received a significant number of phone calls from members requesting direction and assistance on toxic molds and particularly *Stachybotrys*, commonly known as “toxic black mold.” This issue has also come up at District meetings throughout the state and at PCOC Board meetings.

Stachybotrys is just one mold of many health molds, which are now being recognized as a problem in structures throughout the country. The spores produced by these particular molds apparently have the ability to make people sick, and in some cases people have died. While some dismiss this issue, there are strong reasons why the mold issue deserves our attention.

Both the CDC (Centers for Disease Control) and CDHS (California Department of Health Services) have issued public health warnings about these molds, and other agencies are developing standards of care regarding them. The Federal EPA (Environmental Protection Agency) has standards for remediation, and the California Legislature has three measures which address these molds. If this were not enough, the May issue of “California Lawyer” made the “toxic mold” their cover story. (Of course the “California Lawyer” sees dollar signs associated with these health molds.)

Since we inspect homes, some people believe that we must be inspecting for these molds. And existing real estate disclosure guidelines as well as pending legislation would require that buyers of homes be given information about the presence of any such toxic molds. So it is to be expected that people are looking to our industry to help them identify these molds.

But while a few of these toxic molds can be visible to the naked eye, many if not most of them will not be found during a visual inspection. Even when an expert comes across a black mold, which could potentially be *Stachybotrys*, laboratory tests must be performed in order to identify the mold! Health mold inspections are performed by qualified industrial hygienists using air-sampling technology, not by Branch 3 inspectors who have neither the qualifications, nor equipment to perform such inspections.

Some believe, erroneously, that all fungi are toxic. There are many types of fungi. Some are beneficial; others are very harmful to our property or our health. You probably eat fungi every day. Some are obvious such as mushrooms, but fungi are also a key element in other common foods; bread, yogurt, many cheeses and soy sauce are made with various species of fungi. If not for fungi you could not enjoy your beer or wine. Antibiotics such as penicillin are also benefits of fungi.

While I just mentioned some very valuable fungi, there are many others we would view as harmful. Fungi are responsible for almost 70% of all major crop diseases, resulting in billions of dollars of losses to agriculture. Branch 3 inspectors are very familiar with decay fungi. Other fungi can cause health problems. General pest licensees deal with some of these fungi peripherally: *Histoplasma capsulatum*, which grows on bat, pigeon and chicken droppings and causes histoplasmosis. Mycotoxins are poisons produced by various fungi, which grow on moist grains and are often associated with many grain pests.

Generally speaking the ill effects of the health fungi associated with occupied structures fall into two categories, the first being dermatomycosis; which is an infection of the skin, hair, or nails, (such as athletes foot) and the second being systemic mycosis, which is an infection of the entire body.

The systemic mycosis fungi can be divided into many types based on route of infection, symptoms and other criteria. *Stachybotrys* and the other health molds of recent fame would be categorized as systemic mycosis fungi causing a wide variety of severe and very real health problems.

A few misinformed people have claimed that these toxic health molds are wood destroying organisms. They base this claim on the fact that some of these molds will in fact live on wood or wallboard and do consume small amounts of cellulose. While it is true that there are many fungi which can survive on wood and even consume cellulose to a certain degree, only a handful of fungi actually damage wood or cause decay and are categorized as wood destroying organisms. The two major examples of wood decay fungi are brown rot and white rot. Molds as a class of fungi, however are not wood decay fungi. *“Wood may be attacked by molds, which are superficial fungi, generally green, yellowish green, red, or black, depending on the species. Molds do not damage wood and can be easily scraped off, but they indicate that conditions are right for the growth of decay-producing fungi and that corrective measures should be taken.”*¹

Every day Branch 3 inspectors encounter sap stain and blue stain fungi, but these fungi are not reported to the consumer as a wood destroying organism, even though technically they are feeding on cellulose. *“Wood is also affected by sap-stain or blue-stain fungi. They penetrate more deeply than molds, but do not significantly weaken the wood. The fungi are usually bluish, and cannot be scraped off wood like molds. They do no damage unless they occur where they may be considered to be unsightly, but like the molds, they indicate that conditions are favorable for the growth of the more destructive decay fungi.”*²

In an April 6, 2001 telephone conversation I had with him, Dr. Vernard Lewis of the UC Berkeley-USDA Forest Products Lab expressed surprise that the pest control industry was in any way involved in this issue. Dr. Lewis confirmed that *Stachybotrys* is not a wood-destroying organism. He stated that if consumers wanted information or help in regards to this or other molds they should call their local health departments. Dr. Lewis expressed several specific concerns in an April 9, 2001 e-mail: *“First, toxic mold is not a wood destroying pest. Second, PCOs are not trained to identify a mold of public health significance. And probably most important, I don't believe there are trained UC experts to assist the industry in the detailed identification process.”*

In an April 9, 2001 telephone conversation, SPCB enforcement chief Dennis Patzer also confirmed that *Stachybotrys* is NOT a wood destroying organism and said he did not see any role of the Structural Pest Control Board or their licensees in regards to this or other molds. Mr. Patzer did say that the industry could encounter possible liability issues pertaining to the contamination of homes with this mold. Specifically the concern is that it is possible, and perhaps even likely that *Stachybotrys* could be present in the same locations as a wood destroying fungus. If a pest control professional used a heater and fan to try to reduce the moisture in a bathroom during a fungus remediation, it could be possible to blow *Stachybotrys* spores throughout the rest of the house.

As Mr. Patzer pointed out, if during the course of performing pest control work a company were to disturb some health mold spores and contaminate a consumer's property, they may incur liability. We are still exploring this issue and trying to determine the best approach to protecting your consumers and your employees from the inadvertent exposure to these health molds. Recommendations have been made to our industry that we must either test the property for the presence of health molds prior to commencing work, or we should take dramatic steps to ensure that we do not contaminate homes. These steps would essentially entail following the same protocol as used to remove asbestos. We are still exploring this issue and how best to address it.

Worker exposure is also an important area we may need to address. If inspectors or repair crews are working in areas where there are probable health mold spores, we will need to train our employees properly and provide them with appropriate safety equipment.

If an inspector misses a moisture source, or fails to identify water stains, the company could still be potentially held liable for health mold problems associated with that excessive moisture condition.

As this is a developing issue, we do not have all the answers yet. But the bottom line for now is that while we are not in a position to inspect for these molds, we do need to take some steps to protect the consumer and ourselves.

The PCOC Termite committee is recommending that inspectors put language in their reports which clarifies to consumers that we are not inspecting for these health related molds. Here are two examples of possible language you may wish to use. The PCOC Termite Committee developed the first example of possible language, and the second example came from PCOC member Jim Frederick from the Law Firm of Goeltz & Frederick LLP.

"This property was not inspected for the presence or absence of health related molds or fungi. By California law we are neither qualified, authorized nor licensed to inspect for health related molds or fungi. If you desire information about the presence or absence of health related molds, you should contact an industrial hygienist."

"This Wood Destroying Pests & Organisms Report DOES NOT INCLUDE MOLD or any mold like conditions. No reference will be made to mold or mold like condition. Mold is not a Wood Destroying Organism and is outside the scope of this report as defined by the Structural Pest Control Act. If you wish your property to be inspected for mold or mold like conditions, please contact the appropriate mold professional."

Many PCOC members already use these or similar disclosures in their reports; you may desire to adopt one of these two disclosures, or you may wish to have your legal professional create a new disclosure for you. You must assume the responsibility to take this information and make your own determination as to the suitability and applicability, and consult with your attorney to ensure that these disclosures are applicable to your business.

There are other important issues to consider, which have not been taken into consideration in the development of these examples.

While Branch 3 inspectors are not able to identify *Stachybotrys* or other health molds, the presence of *any* mold *could* be indicative of a moisture problem, which should be investigated, and discussed on your report as you normally would.

Bibliography:

¹ Ebling, Walter. *Urban Entomology*, p 169 University of California Press 1978

² Ibid