

GLOBAL INDOOR HEALTH NETWORK

WORKING TOGETHER FOR HEALTHY INDOOR ENVIRONMENTS
IN OUR HOMES, SCHOOLS AND BUSINESSES



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Sri Lanka to Ban Asbestos and Polythene

Sri Lanka's President Maithripala Sirisena says he would enforce strict laws from January 1, 2016 to minimise the use of polythene which is a major threat to the environment and the health of people. The president said he would also take measures to totally ban the production and importation of asbestos in 2018. Click [here](#) to read the article.

Insured's Negligence Claim Found Cognizable on Remand

In the wake of a Pennsylvania Supreme Court decision on the ability to sue one's insurer in a tort action, the Superior Court has now ruled that the plaintiffs' negligence claim is legally cognizable.

The three-judge panel of the court said July 22 in a nonprecedential opinion that the negligence claim in Bruno v. Erie Insurance is covered by the Restatement (Second) of Torts.

"As to David Bruno, the above allegations state a claim for negligence under Section 323 and, as to Angela Bruno, Anthony Gotti Bruno and McKayla Marie Blake, the above allegations state a claim for negligence under Section 324A," Judge Judith F. Olson wrote for the court. "Erie Insurance allegedly failed to exercise reasonable care when it provided the advice; and appellants suffered physical harm as a result of Erie Insurance's breach."

David and Angela Bruno sued Erie Insurance Co., Rudick Forensic Engineering Inc. and others after allegedly suffering injuries from toxic mold they found in the house they had bought in September 2007. The Brunos ultimately had to demolish the house because of the mold, according to Olson's opinion.

Scott Steffey, an adjuster for Erie, and Jerome D. Paulick, an engineer with Rudick Forensic Engineering Inc., went to the house to inspect the damage, Olson said. The Brunos alleged, according to the opinion, that Steffey and Paulick told them "the mold was harmless" and that "health problems associated with mold were a media frenzy and overblown."

...continued on page 2...

See *Insured's Negligence Claim (cont'd)* on page 2

Insured's Negligence Claim Found Cognizable on Remand

...continued from page 1...

The justices' opinion said the Brunos claimed that based on those statements, they tried to eradicate the mold on their own. They later found more mold, and notified Erie. Paulick went out again, but according to the Brunos, he never warned them of the dangers the mold presented or the need for a professional to remove it.

The Brunos later began to suffer health problems, Olson said, and Angela Bruno became very sick. Erie eventually paid \$5,000 for the claim, after the Brunos had the house tested for mold at their own expense, the opinion said.

Angela Bruno was diagnosed with esophageal cancer and cancer of the voice box, which her doctors believed was caused by the mold, Olson said. The Brunos later had to leave and demolish the house because the mold could not be "eradicated."

The Brunos sued Erie, Rudick and the previous owners in common pleas court, bringing numerous counts, including a negligence claim against Erie for "misleading" the Brunos about the seriousness of the mold problem and failing to warn them about it, and a professional liability claim against Rudick. Erie and Rudick filed preliminary objections and the trial judge found in their favor.

The Supreme Court decided that an insured party is not barred from suing an insurer in a tort action simply because a contract exists between the two parties. The justices also ruled that a third party is not required to file a certificate of merit to bring a negligence claim against a professional if the plaintiff is not a client or patient of that professional.

"As the Brunos did not engage, employ or retain Rudick directly, they may not be considered clients of Rudick, and, therefore, they were not required under Rules 1042.1 and 1042.3 to file a certificate of merit," wrote Justice Debra M. Todd in a unanimous 46-page opinion filed Dec. 15, 2014.

Court says insurance company can be sued for negligence because they told homeowners that mold is harmless



Insured's Negligence Claim Found Cognizable on Remand (continued)

The justices reversed and remanded the decision of the Superior Court, which had previously said a certificate of merit should be required. They asked the Superior Court on remand to consider whether the Brunos' negligence claim against Erie was legally cognizable.

The Superior Court said Sections 323 and 324A of the Second Restatement allow for the Brunos' claims.

Section 323, Olson wrote, says a person can be liable to another, David Bruno in this case, for the "'negligent performance of undertaking to render services'" when reliance on that undertaking causes harm to that other person. Section 324A provides for the same liability to a third person, in this case David Bruno's wife, Angela Bruno, and their children, Anthony Gotti Bruno and McKayla Marie Blake.

Pittsburgh solo attorney Gary M. Davis represented the Brunos, and did not return a call seeking comment.

Counsel for Erie, Craig Murphey of MacDonald, Illig, Jones & Britton in Erie, and counsel for Rudick, Mark Reilly of the Law Offices of John DeMarco in Pittsburgh, also did not respond to calls seeking comment.

(Copies of the 20-page opinion in Bruno v. Erie Insurance, PICS No. 15-1165, are available from Pennsylvania Law Weekly. Please call the Pennsylvania Instant Case Service at 800-276-PICS to order or for information.)

Click [here](#) to read the article.

See *Montreal Public Health Building* on page 3

Montreal Workers say Public Health Building is Making them Sick (Canada)

Nearly 500 people — including public health department workers — have been working in a building with asbestos and mould owned by the city of Montreal, their union representative says.

The building, located in La Fontaine Park, houses the CIUSSS Centre-Est-de-l'Île, a daycare and borough employees in charge of maintaining the park.

The situation has reportedly forced a number of employees to leave work on sick leaves related to inhaling mould particles.

One worker, who asked not to have her name published for fear of repercussions, said the mould can easily be seen on ceiling tiles and window edges.

Since moving into the building for work, she's seen her pre-existing asthma symptoms worsen — she loses her breath, or gets a tightening feeling in her chest — and has needed to start taking medicine to help with her itchy eyes.

"You can smell it once you walk in, it stinks," she said. "It smells like humidity, like old earth. It changes from one room to another, sometimes it just smells like dust, like when you haven't cleaned your house for a long time. But it smells almost everywhere."

The building has suffered water leaks ever since the ice storm of 1998, but the problem worsened in January of last year when a part of the roof gave in after a series of water leaks. A report from March 2014 shows in detail where the leaks have happened and where mould is found, and an asbestos problem has also been documented.

"Employees are exasperated," he said, adding that they feel the city and the government keep passing the blame back and forth instead of solving the problem.

Click [here](#) to read the article.



Montreal Public Health Building

Mould and Damp in Rock Ferry Tenants' Homes Causing Serious Health Problems (U.K.)

Rock Ferry tenants are suffering from damp and mould in their homes that are causing children serious health problems, according to MP Frank Field.

The Birkenhead MP has written to housing association Magenta Living to ask for "urgent help" in addressing what he said was the worst damp problem he has ever come across.

Mr. Field called a public meeting last. **The meeting heard that around 90% of properties on the Dacre Hill estate are affected by damp, with about 70% seriously affected.**

Homes reportedly need repainting every three to four months and mould has contaminated clothing, bedding and furniture.

Mr. Field said children are also suffering from very serious health issues due to the damp in their home.

The parents of one child, who suffers chronic asthma, believe that the damp is to blame, with the child's bedding regularly found to be mouldy due to the damp.

Mr. Field said homes were built without cavity construction, meaning there is nowhere for moisture to go other than into walls.

Click [here](#) to read the article.

See *Damp and Mould in Scotland* on page 4

Scots are Forced to Pay Hundreds of Pounds to Live in Flats Riddled with Damp and Mould (Scotland)

Campaigners (in Scotland) have called on politicians to get tough with landlords who charge sky-high rents for crumbling properties.

A Sunday Mail investigation has revealed Scots are paying hundreds of pounds to live in flats riddled with damp, mould and insects.

Private tenants told us they are forking out up to £750 a month for homes kitted out with garden furniture that's so damp it spreads to their clothes.

Campaigners want the Scottish Government to copy other European nations and limit what private landlords can charge.

They also want tenants to have more power to force landlords to carry out essential repairs.

In 2013, 55 per cent of privately rented accommodation failed the Scottish Housing Quality Standard. Six per cent was deemed not fit to live in.

Shelter Scotland led calls for Holyrood to clamp down on landlords who charge high rents for sub-standard homes.

The charity's director of housing, Graeme Brown, said: "The cost of private renting is at an all-time high in Scotland.

"Yet many tenants are forced to live in poor-quality properties because they have little or no choice due to the chronic shortage of affordable homes and homes for social rent.

"We want to see a private rented sector across Scotland that provides decent quality, long-term homes, not short-term housing for the 312,000 households who now rely on it – a figure that includes more than 80,000 families with children."



Scots are Forced to Pay Hundreds of Pounds to Live in Flats Riddled with Damp and Mould (Scotland)—continued

The Scottish Government are to introduce new housing laws this year. The Housing (Scotland) Bill is intended to improve conditions and give more protection to private renters.

But Shelter Scotland say the proposals don't go far enough. Brown added: "Along with new legislation, we need robust enforcement of existing rules on landlord registration and bad practice."

Private tenants are paying an average of £549 rent a month – a three per cent rise on last year. The statistics released by estate agents Your Move also revealed nine per cent of private tenants are late in paying rent as they struggle to keep up with costs.

Liz Ely, of the Living Rent Campaign, said Holyrood had to act. She added: "Almost every other country in Europe has laws that limit how much landlords are allowed to charge."

"But in Scotland, it's a free-for-all. This means tenants can be charged extortionate rents for properties that are barely habitable."

Michael McMahon, Labour's housing spokesman, said vulnerable people are at risk of being exploited because of a shortage of social housing.

He said: "We have to legislate for those who exploit vulnerable people – and there are far too many of them within the private renting market."

Click [here](#) to read the article.

See *Mold a Growing Problem in Louisville* on page 5

Household Mold a Growing Problem in Louisville (Kentucky)

The heavy rains and flash floods this summer were bad enough when they hit, but they appear to have left something behind — mold in homes.

Complaints of mold have surged this year, and Louisville Metro Health and Wellness department data show the number of complaints has been rising steadily for more than four years.

“Mold cases are rapidly growing, especially this summer due to the frequency of storms and floods, eventually causing water damage to buildings,” said Dave Langdon, a spokesman for the city’s health department.

“These complaints reflect citizens’ concerns, and we try to monitor these complaints as best as we can,” he said.

According to the health department, there were 252 mold complaints in 2011, 292 in 2012, 480 in 2013 and 405 last year. Through July this year, there have been 280, with at least another 16 in August.

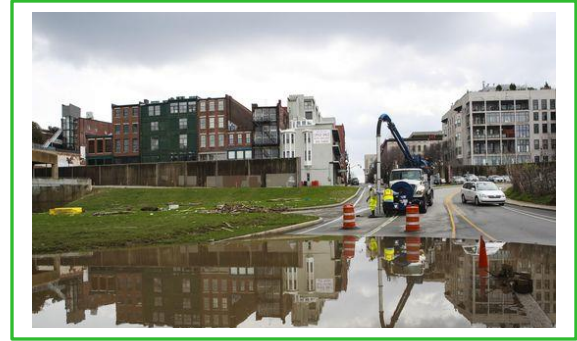
The health department logs all mold complaints as they come in, Langdon said. They can be made by renters and homeowners, but more typically, complaints come from tenants, seeking help getting mold cleaned up, he said. Some of calls are from people who want help identifying the mold and are looking for advice on how to get rid of it, Langdon added.

Vicki Keeling, whose mother’s property is in a designated flood plain, said the rest of her neighborhood was largely affected due to lack of resident awareness.

“When we went to our mother’s house after she got displaced, we visited other homes and one woman’s house is full of mold,” Keeling said.

“The mold problem in the flood plain neighborhoods is severe and what’s difficult is that most people don’t have the financial means or sources to fix the problem. They don’t know the manifestations mold can have.”

Click [here](#) to read the article.



Waterbury Receives \$3 Million HUD Grant to Remove Lead and Mold from Low-Income Homes (Connecticut)

The city of Waterbury (Connecticut) has received more than \$3 million from the U.S. Department of Housing and Urban Development, via the Lead Hazard Control grant and funds from Healthy Home Supplemental.

The money is aimed at protecting kids and families from the dangers of lead-based paints and other residential health and safety hazards, such as mold.

“Every family deserves to live in a safe and healthy home where they can see their children thrive and excel,” HUD Secretary Julian Castro said. “A healthy home is vital to the American Dream.”

The \$2.9 million in lead funding will go towards 210 eligible low-income housing units, while \$325,000 will be used to eradicate other home health hazards like mold.

“This grant is welcome news for Waterbury, where we have been very proactive in educating our residents of the dangers of lead-based paints,” Waterbury Mayor Neil M. O’Leary said.

“This is great,” Waterbury Public Health Director William Quinn said. “Only 16 grantees got awards this round so Waterbury must have been high on the list.”

U.S. Senators Chris Murphy and Richard Blumenthal and Rep. Elizabeth Esty all wrote to HUD Secretary Julian Castro in support of Waterbury’s application.

Click [here](#) to read the article.

Attorney is Suing Her Former Law Firm (She was fired after reporting mold in the office)

A New Orleans-based law firm is being sued by a former attorney who claims she was exposed to mold that made her ill and then was fired after reporting the problem.

Joann J. Courcelle filed suit against CW NOLA Properties, LLC, Equity Commonwealth, Equity Commonwealth Management, LLC, HUB Properties Trust, REIT Management & Research, LLC, and Adams and Reese, LLP in the Orleans Parish Civil District Court.

Courcelle claims that she began her employment with Adams and Reese in September 2000 when she graduated from law school. The plaintiff alleges she left the law firm in 2002 and a year later returned and was employed there until October of 2005 when she took medical disability leave. In March 2009, Courcelle alleges she was rehired by Adams and Reese as an associate with a reduced billable hour goal. Following her return the plaintiff claims she began feeling ill and sought medical treatment for a number of symptoms, including headaches, muscle and joint pain, neuropathy and exhaustion. Courcelle contends she noticed a musty smell near her office and thought it could be mold. The defendants purportedly hired a company to perform testing for mold which resulted in advising them that no mold was present.

Courcelle alleges that her symptoms continued to progress and get worse and that on March 12, 2014 she tested surfaces in her home and office at work and mailed samples back to a lab in accordance with instructions to find mold. At the end of May the plaintiff claims she received the results from the surface test which revealed that there were high levels of toxic, pathogenic mold present in her office. **On June 3, 2014 the plaintiff reported these test results to Adams and Reese and approximately an hour later was terminated.**

The defendants are accused of failing to provide the plaintiff with a reasonably safe working environment, and doing everything to protect her health and welfare in accordance with Louisiana Revised Statutes and general principles of Law and any and all acts of negligence which may be shown at time of trial.

Click [here](#) to read the article.



Mold Inside Glenwood Middle School to Blame for Illnesses (Maryland)

For some parents at Glenwood Middle School, the familiar first day of school jitters come this year with new meaning.

"Once we put those kids on the bus or drop them off at school, they are the responsibility of the county to take care of. And here they have done a totally horrible thing," Andrew Walker, a Glenwood parent, said.

Walker has two kids currently at the school, one of whom, he says, struggled with a laundry list of sicknesses over the last school year.

For Laura Vallor, it was the same story.

"It sounds graphic," Vallor began, speaking at a podium before a Thursday Board of Education meeting, "but what we dealt with was that she had so much blood pouring out of her nasal passages, that it was draining into her stomach. She was vomiting and it was still coming out of her nose at the same time, which is pretty scary for a 12 year old."

"Unfortunately, because we were not notified about anything to do with mold at the school, I couldn't offer that up to her doctor as any data," Vallor explained.

"Why in the world would you not contact the community and anybody that's going into that school to let them know, 'Hey, there's an issue here,'" Walker questioned.

Click [here](#) to read the article.

See *Mould is killing my children* on page 7

Auckland Mother says “Mould is killing my children” (New Zealand)

An Auckland mother says the mould in her state house is killing her children, one of whom now has holes in his lungs, and has suffered strokes.

Walking round her Housing New Zealand home in Glen Innes, Te Ao Marama Wensor points out the holes in a wall of the bedroom that her sons, aged seven and nine, should be sharing.

"All the mould from the bathroom is just coming through to the walls.

"'Cause the water's coming straight down from the inside of the wall, coming down to the bottom, and it's just rotted all the wood on the side of it"

A power point dangles to the side of one of the holes.

Ms. Wensor said they only realised that the mould, of both the black and pink varieties, was so bad, when last year, her son fell against the wall, and straight through it because it was so soft.

It was two years ago when the same son was rushed to hospital after fainting and having a seizure.

Initially diagnosed with the flu, it later turned out the child has two holes in each lung, and an enlarged heart valve which pumps too much blood to his brain, causing clots.

He has had at least three strokes and is not allowed to run in case the valve ruptures, and he has a heart attack.

Ms. Wensor said specialists have since told her that toxic bacteria from mould in their house was what had caused his lung problems, and contributes to the size of the heart valve.

She remains composed throughout the interview, but her voice wobbles as she says she worries she will wake up one morning, to find that her son has died in the night.



Auckland Mother says “Mould is killing my children” (New Zealand)—continuing

'The worst case she has ever seen'

Next on the house tour is the bathroom.

It gleams white because of the plastic boarding contractors have attached to the walls, but there are holes in the sealing around the taps.

Ms. Wensor showed me the pictures she took of the wall behind it when the plastic was put up.

The walls are grey to waist height.

As an aside, she said the house was sinking, and had come away from the front deck in the past.

She said contractors had come round twice to fix the deck.

In the sitting room, which now doubles as the boys' bedroom at night, Ms. Wensor said her older son had also been ill.

"The health nurse from the kids' school rang and said, 'your oldest son has strep-throat.' He's had that so many times. The health nurse came and checked the house and said it's because of the mould that's causing the strep-throat.

Click [here](#) to read the entire article.

New Research Shows Incense Smoke is Mutagenic, Cytotoxic and Genotoxic

Maybe incense should come with a warning label like tobacco products? That's the upshot of new research showing incense smoke, like that from tobacco, contains chemicals that can damage DNA.

The research — led by Rong Zhou of the South China University of Technology and the China Tobacco Guangdong Industrial Company in China — suggests incense users can experience genetic changes linked to the development of cancers.

The study, published in the journal *Environmental Chemistry Letters*, is the first to evaluate the health risks associated with its indoor incense use — a common recreational practice and a part of many religious ceremonies.

When incense is burned, it releases particles and chemicals into the air matter that can be inhaled and trapped in the lungs, where they can cause inflammation and genetic changes.

Indoor air pollution has been linked to the development of lung cancer, childhood leukemia, and brain tumors.

Zhou's team compared the smoke of two types of popular incense — agarwood and sandalwood — to cigarette smoke. The researchers found incense smoke is mutagenic, meaning that it contains chemical properties that could potentially change genetic material such as DNA, and therefore cause mutations.

It was also more cytotoxic and genotoxic than the cigarette used in the study, meaning it is potentially more toxic to a cell.

Click [here](#) to read the article.

Click [here](#) to read the abstract and to get access to the full paper.



Hospital Closes Operating Rooms Due to Indoor Air Problems (Oklahoma)

Issues with indoor air at an Oklahoma hospital have forced it to close its operating rooms for an undetermined amount of time.

Grady Memorial Hospital officials say a recent review found higher than acceptable humidity in one of the facility's large air-conditioning units, which serves the surgical area.

Hospital CEO and President Kean Spellman says the 58-year-old center doesn't have financial liquidity to quickly make the needed corrections. Spellman says other hospital services, such as the intensive care unit or emergency room, won't be affected in the meantime.

The Journal Record reports that Grady hospital administrators have already contacted several other hospitals to provide surgeries for Grady patients until the matter is resolved.

Click [here](#) to read the article.

Quick Links:

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Next Newsletter: October 1, 2015