

# MOLD AND HEALTH TIPS

## HOW MEDICAL STATEMENTS BY MOLD TESTERS CAN GET YOU IN TROUBLE

The health effects of mold do not belong in testing reports. Why? They are often wrong, irrelevant to your situation and potentially harmful to any claims which may arise. For example: I have reviewed numerous reports from engineers and industrial hygienists which have canned language such as:

This mold is known to produce toxins which can cause a variety of adverse health effects including...

That statement may be true, but is generally irrelevant to your situation. Why? The relevant questions you must deal with are:

1. Are they producing toxins in this instance?
2. Are those toxins getting to the people?
3. Are they getting to people in sufficient quantities to cause harm?

Since the answer to these questions in the indoor environment B homes, schools, offices, etc. B is almost always NO and since evidence linking mold toxins to illness in these environments is scientifically practically non-existent, your consultant=s statement may be true in the laboratory, but is irrelevant to your situation. In fact, since relevancy is a central component of the DAUBERT decision, the potential for mold toxin production may be legally excluded in a given case and it has been.

Thus, why would you want such a statement on a report? It provides gratuitous information which is not only irrelevant, but will likely be harmful to any claim brought against you or your insured.

The same reasoning applies to other health statements which commonly appear:

These molds are known to cause sensitivities in individuals. These molds can cause hypersensitivity pneumonitis. These molds can cause serious infections in immuno-compromised people.

Testing reports should contain findings and, perhaps, recommendations for cleanup or remediation. When they add medical information from textbooks or articles which is irrelevant to your situation (not enough mold, no toxins produced, no signs or findings indicative of hypersensitivity or infection), they are unnecessary at best and potentially harmful at worse. They are also inappropriately frightening to the homeowner, or building occupant reading such reports. Your attorney and his/her experts may well have to explain away your own consultant=s inapplicable statements. And you may be stoking the fires of worried occupants unnecessarily.

Leave medical conclusions to medical evaluators. The question is not: What can molds do? It=s what are they likely or proven to do under these particular circumstances in this setting.

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