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Beware: Toxic Mold

Is the fungus in your floorboards making you sick? With no clear answers, panic and lawsuits abound

BY ANITA HAMILTON

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Sharyn Iler, 52, of the Woodlands, Texas, an upscale suburb of Houston, couldn't figure out what was wrong. Every time she went into her bathroom to put on makeup, her eyes started burning. She felt constantly exhausted, her vision was blurry and she had a dry cough that just wouldn't quit. Diagnosed with breast cancer in 1998, Iler feared the worst. Perhaps after two years of remission, the disease had returned. She never imagined that the source of her troubles might lie buried within the walls of her \$300,000 home--or that she and her husband Bruce would be forced to flee for health reasons with nothing but their dog and cat in tow.

Yet that is exactly what happened one ill-fated afternoon last February. Inspectors had found a thick black mold growing between the stucco and the drywall of the master bedroom, bath, study and dining room. After some of it was identified as *stachybotrys atra*--a fungus that has been linked to everything from sinus infections to brain damage--an industrial hygienist warned the Ilers to evacuate. Thirty minutes later, they abandoned their home forever. "I thought, This can't be happening to me," says Sharyn. "This is my sanctuary. This is where I come when everything else is wrong."

Like some sort of biblical plague, toxic mold has been creeping through homes, schools and other buildings across the U.S. Although press reports have focused on *stachybotrys*, strains of *aspergillus*, *chaetomium* and *penicillium* have also triggered their share of grief. At least two families have burned their homes to rid themselves of the contamination. Thousands more, including antipollution crusader Erin Brockovich, are suing home builders, landlords and insurers for damages to their property and their health. Last month the California state senate approved the country's first mold bill, which would set standards for acceptable levels indoors and require home sellers to disclose mold problems.

Amid the frenzy, a cottage industry of fungus busters, mold lawyers and support groups is growing. On June 4 a jury found that Farmers Insurance should pay Melinda Ballard of Dripping Springs, Texas, \$32 million for mold damage to her 22-room, hilltop mansion and for her ensuing mental anguish. In May the Delaware Supreme Court upheld a \$1 million jury award to Elizabeth Stroot of Wilmington, Del., who claimed that moldy water leaking into the bathroom of her apartment aggravated her asthma and caused cognitive disorders.

Faced with a rising number of claims, insurers and home builders are looking for ways to minimize their liability. Farmers, which estimates that in Texas alone it will have to shell out \$85 million in mold claims, has simply eliminated coverage in some 30 states. Says Janet Bachman, vice president of the American Insurance Association: "We are not the guarantors of public health." The California building industry tried and failed to push through a "home warranty" bill, under which homeowners could be required to enter binding arbitration instead of suing for defects.

How much of the crisis is based on hard science and how much stems from plain old hysteria--fanned by news reports and plaintiffs' lawyers--is a hotly contested issue. Mold, after all, is everywhere, from the tasty Roquefort cheese in your salad dressing to the nasty black stuff clinging to the grout in your bathroom. Doctors know that certain strains can trigger allergic reactions, asthma and other respiratory ailments. They have discovered that toxins produced by aspergillus molds can cause cancer. But proving that a mold in this house caused this person's nosebleeds or mental confusion is a notoriously difficult task.

Among the skeptics, Dr. Emil Bardana, of Oregon Health & Science University, argues that most people will experience little more than "transient irritations," such as a runny nose or teary eyes, that clear up once the mold is removed.

Others are not so sure. In a study published in 1999, Mayo Clinic researchers concluded that mold causes most chronic sinus infections. Even more alarming, several researchers believe that molds can cause some types of brain damage. Wayne Gordon, a neuropsychologist, and Dr. Eckardt Johanning, both of the Mount Sinai School of Medicine in New York City, have seen enough patients whose problems with memory, learning and concentration occurred only after exposure to stachybotrys to convince them there is a relationship. Still, they concede, more research is needed.

Lawyers don't require such absolutes. "For science to prove something, it has to be 100% certain. In a civil lawsuit, it has to be proved only 51%," says Guy Vann, a New York City attorney who has won mold trials. The Department of Housing and Urban Development has shelled out some \$5 million to clean up mold problems in low-income homes.

The biggest winners are the industries feeding off mold mania. "Six years ago, people laughed in my face," says Ed Cross, a lawyer in Santa Ana, Calif. Since then, he has won mold settlements as large as \$978,000 and says he gets 50 calls a week from potential clients. Steve Temes, an industrial hygienist in Red Bank, N.J., charges \$150 an hour for mold inspections. "I used to do radon and lead testing," he says. "But there was no demand."

The losers are people like Mark and Mary Jane O'Hara of Eugene, Ore. In February they had the local fire department burn their home to the ground after doctors attributed the family's chronic nosebleeds, flulike symptoms and severe

headaches to mold. The O'Haras figured it would cost more to repair the house than to rebuild it from scratch. Others, like Carol Cherry of Hazlet, N.J., can't afford the \$5,000-to-\$10,000 retainer that lawyers often require to take on a mold case. Stranded in her moldy home, Cherry says, "I can't have guests over. I can't even invite children over to play with my nine-year-old son." Yet Cherry, who has spent the past year looking for help, is not ready to give up the fight. "My children and I were wronged," she says, "and I will do everything in my power to right that wrong."

With reporting by Dan Cray/Los Angeles, Hilary Hylton/ Austin, Michelle McCalope/Houston and Maggie Sieger/Chicago