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Albany Panel to Assess Health Risks of Mold

By [MANNY FERNANDEZ](#)

It has been described by state lawmakers as posing an “unacceptable risk to New York State’s health and environment.” It drove Bianca Jagger, the former wife of [Mick Jagger](#), from her Park Avenue apartment in 2003. It forced hundreds of residents in Westbury, on Long Island, to begin fleeing their apartment complex last week.

It is the scourge of tenants, landlords and homeowners alike, and now, state officials and Gov. [Eliot Spitzer](#) are getting serious about it.

It is mold.

Tomorrow, the first meeting of the New York State Toxic Mold Task Force will be held in Latham, N.Y., near Albany, at the headquarters of the New York State Nurses Association. The meeting of the task force, the first mold task force in the state, is an attempt by health officials and medical experts to address what they describe as a growing but little-recognized problem that has damaged property and affected the health of tenants, homeowners and their children.

In August, a group of local and state officials, led by State Senator [Liz Krueger](#), a Manhattan Democrat, wrote to Governor Spitzer, urging him to appoint the task force. It had been created by a law signed by Gov. [George E. Pataki](#) in 2005, but had never been activated.

“Mold, some people are saying, is the new lead, which is a bad line, but it is a reasonable analogy,” Ms. Krueger said.

In New York City, mold complaints to the city’s housing agency have increased to roughly 21,000 in the 2007 fiscal year from 16,000 in the 2004 fiscal year. Mold complaints to the health department have also jumped in recent years, and legal advocates for low-income tenants say mold cases brought against landlords are increasingly commonplace in New York City Housing Court.

But the nature and extent of the health problems mold has caused or worsened in the city and around the state are largely unknown and open to debate, and the legal requirements for properly ridding a unit or building of excessive mold have yet to be established.

The goal of the Toxic Mold Task Force is to prepare a report to the governor and the Legislature that examines what is known about toxic mold, determines the magnitude of the problem in the state and looks into the possibility of further action by the Legislature or state agencies.

Think of mold, one expert on the subject explained, as a weed. They are both equally ubiquitous: A little bit of

mold grows everywhere, indoors and outdoors, year round, primarily in warm, dark and damp locations. There are thousands of different types of mold, but the one that has received the most attention from the media and health officials in recent years is *Stachybotrys chartarum*, a green-black mold that produces what are known as mycotoxins and is often referred to as toxic mold.

For some people, exposure to mold causes hay fever-like symptoms, like nasal stuffiness and wheezing. For others, including those who have mold allergies or a compromised immune system, the reaction to mold exposure can be more severe. Mold is also widely acknowledged to be a trigger for asthma attacks.

Tongia Edwards, 39, said the black mold that developed in a corner of the bathroom ceiling of her Harlem apartment worsened her asthma and caused asthmatic attacks and health problems for two of her sons. A test in 2006 found the presence of *Stachybotrys*. Repairs were made, but she recently noticed the mold's return.

"I feel like it's a lost cause," said Ms. Edwards, who has been involved in a dispute with her landlord over the mold and other issues.

Dr. A. Hal Strelnick, a professor of family and social medicine at the Albert Einstein College of Medicine in the Bronx, said that mold contributes to high asthma rates in some of the city's low-income neighborhoods. "It's a significant contributor to the asthma burden in the city," Dr. Strelnick said. "Is it more of a contributor than diesel trucks or people not taking their medications? I couldn't tell you. But it is a significant contributor."

Indeed, much about the health effects of toxic mold remains unclear. In 1997, after infants in Cleveland suffered unexplained lung bleeding, the federal [Centers for Disease Control and Prevention](#) conducted a study that found that toxic mold may have caused the children to get sick. The agency later found flaws in that study, and concluded that a possible association between the lung bleeding and exposure to *Stachybotrys* was not proven. In response to claims that toxic mold caused memory loss, the C.D.C. also determined that that link had not been firmly established. "There's so much we don't know about mold," said Dr. Meyer Kattan, a professor of pediatrics at [Columbia University Medical Center](#) and one of the 14 task force members. "What we do know is all over the place."

The task force is led by Nancy Kim, interim director of the State Department of Health's Center for Environmental Health, and Thomas Mahar, assistant director of the State Department of State's Division of Code Enforcement and Administration. Other members include environmental and public health officials from Broome, Erie and Madison Counties and New York City, as well as experts from Columbia, Cornell and Syracuse Universities.

New York City is known for being tough on mold. Evidence of mold in an apartment can qualify as either a Class B or Class C violation of the Housing Maintenance Code. Class B violations pose a hazardous condition to occupants and Class C violations are considered immediately hazardous.

If an inspector with the city's Department of Housing Preservation and Development finds more than 25 square feet of mold in a room, or more than 100 square feet in an entire apartment, the problem is considered a Class C violation, the most serious kind of housing code violation. The number of Class B

violations issued for mold have increased to 12,117 in the 2007 fiscal year from 6,614 in the 2005 fiscal year, while Class C violations decreased slightly in the same time period, to 1,818 from 1,993.

It is the building owner's responsibility to correct Class C violations. The city can perform emergency repairs to fix uncorrected Class C violations and can force the owner to pay for the work, a Housing Preservation and Development spokesman said. In addition, a Housing Court judge can issue fines.

The state's mold standards are not as clearly defined. A spokesman for the state's housing agency, the Division of Housing and Community Renewal, said that there were no specific statewide regulations regarding mold, but that the agency could dispatch inspectors to investigate mold complaints.

Ms. Krueger said the lack of a state definition about what qualifies as hazardous mold and what steps are legally required to clean it up were regulatory gaps that the task force needed to address. "In the absence of that, how do you find out what's dangerous here and what are you supposed to do to make sure it gets fixed?" she said.

Even the phrase "toxic mold" is somewhat controversial.

The C.D.C. does not use that term, noting that while some molds produce mycotoxins, molds themselves are not toxic or poisonous. State environmental health officials acknowledge that toxic mold is not so much a scientific term as a generic one, used to refer to molds that can affect people's health. The law creating the task force does not define the phrase.

Bill Sothern, chief investigator at Microecologies Inc., an environmental inspection company he founded in 1993 that has offices in New York, Los Angeles and New Orleans, said that the task force was much needed, but that he could do without the name.

"It sounds kind of sensationalized," he said.

But the problem, he added, is quite real.

New York City appears to be going through a *Stachybotrys* crisis, he said. He attributed the spread of the mold to the widespread use of gypsum wallboard, where mold can thrive in wet conditions, and haphazard remediation work that allows the mold to return. "It's in the finest buildings in New York, down to the tenements and slumlord-type buildings," he said of *Stachybotrys*.

Mr. Sothern said landlords should be required to follow the city's guidelines for effective mold assessment and removal. The guidelines were first issued in 1993 by the city's health department. In December 2006, the city's public advocate, [Betsy Gotbaum](#), issued a report that called for the guidelines to be incorporated into the Housing Maintenance Code.

"Even though we have these great guidelines in New York, there's nothing that requires the landlords to follow those guidelines," Mr. Sothern said.