

## **BLACK MOLD AND ARSENIC THE LATEST REAL ESTATE SCARES**

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Do you remember asbestos, or urea formaldehyde foam insulation? How about lead pipes, lead paint or radon gas? We almost all grew up with these substances in our homes, amazingly survived their toxicity, and lived to worry about them and how they could make us sick and properties uninhabitable.

I don't think most asbestos or UFFI has been eradicated, and I am reasonably sure my own home and rental properties have a few layers of lead paint somewhere below the current coats, since they were built well before 1978. I don't worry about radon too much since the basements in my properties have good cross ventilation (even with the windows closed), but anywhere there is dampness, mold follows and some of it is black. And that deck out back hasn't rotted and isn't cedar, so it must be pressure treated, probably with a copper arsenic compound strong enough to kill any plant or animal that tries to consume it. So, what do we do about black mold and pressure treated wood?

Since I don't plan on selling my properties anytime soon, and the ban on sales of arsenic containing pressure treated wood won't go into effect until the end of the year, I don't plan on doing anything about those decks. On rental properties and properties for sale, it would certainly be appropriate to disclose the type of pressure treated wood you have, if you know, to prevent being sued for non disclosure later. Of course, if you don't know when or where that pressure treated lumber was bought, power washing and resealing with a deck stain, not a hard coat varnish or

lacquer, might be the best thing to do. Even HUD and EPA spokespersons asked about what homeowners should do with existing decks have not been able to say definitively.

What about black mold? Well, if it is there, it should be removed and disclosed, and if it isn't there, this is one scare that may be cheaply prevented by investment in dehumidifiers. I have never seen mold growing in a dry basement, so that may be a good first defense. And this time of year, many stores want to reduce their inventory of dehumidifiers to make room for the humidifiers they'll market for the fall and winter.

Our main speaker at this month's meeting will be giving us more information than we ever thought we would need to know about mold, so I'll defer to that presentation on mold eradication.

But what can we expect legally from these scares? Judging from past history, we will see a cycle of concern, articles appearing in all sorts of news media, maybe a few cover stories in national magazines, followed by litigation in courts all over the country, and testing for mold becoming part of every home inspection. Next, there will likely be regulations and incorporation of a new sentence in the agreement of sale forms and disclosures. Finally, for certain companies' black mold remediation business will be good for a while, and then slow to a calmer pace like asbestos, radon, UFFI and lead eradication before them. But just as the mold furor dies down, arsenic or the next, yet unknown scares will take its place on the minds of real estate buyers, renters and lawyers. So learn what you can from your speaker, from the Internet and other media and keep moving with your real estate investments. Remember, none of the prior scares drove you out of business or killed you, so somehow we'll get through these concerns as well.