

A Case Study: Mold, Liability and HVAC Engineering

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Mold: where do we stand now?

TC 1.7 and TC 1.12

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Presentation Outline

- Facts: Fictitious case
- Issues/Analysis
- Goal: implement legal tips





Hypothetical Case Study

- 30-year old 130 unit Southeastern apt bldg
- Purchased by Midwest-based company
- Owner hired local contractors to renovate
- Renovation included:
 - replacement of windows
 - installation of redesigned HVAC system
- 13 AHU's on floors replaced by rooftop unit



Hypothetical Case Study

- Building occupied
- Pre-existing mold identified in ducts
 - Disclosed to all parties
- Temporary dehumidification recommended
- Owner rejected dehumidification



Hypothetical Case Study

- Contractors completed renovation without:
 - Temporary dehumidification
 - Changes in contract (other than deletion of dehumidification)
- Documentation about temp dehumid in letters
- HVAC contractor delivered O&M 3-ring binder



Owner: HVAC Defective

- Architect proceeded with job
- HVAC design caused new mold growth
- HVAC demolition spread mold from old ducts
- O&M manual unclear:
 - prevented detection of leak
- Condensate pan defective





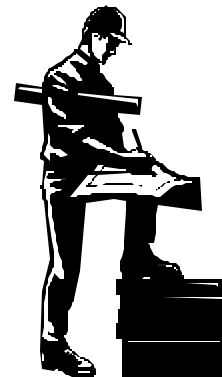
Architect's Position



- Owner proceeded at own risk
- Advised against forgoing temporary dehumidification

HVAC Engineer's Position

- HVAC demo plan approved by owner
- Advised use of temporary dehumidification
 - Documented owner's rejection of advice in multiple letters
- Performed contract



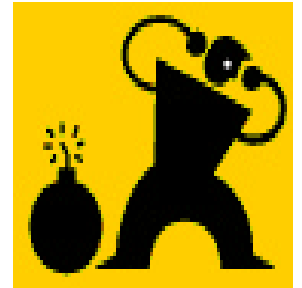
HVAC Installer's Position



- Installed equipment specified
 - product defect is manufacturer's problem
- Provided binders of manufacturers' manuals
 - maintenance department's confusion about proper maintenance due to incompetence

HVAC Engineer's Minefield

- Website proclaimed expertise in humidity
- Took reactive remedial measures
- Guaranteed HVAC performance
- Pre-existing mold not well documented



Conclusion

- Plan for disaster
- Recognize potential problems
 - Avoid denial of real risks
 - Avoid friendly reliance
- Clear cut old-fashion communication is KEY

