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