

Mold Bulletin!

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CALIFORNIA GOVERNOR GRAY DAVIS SIGNS THE TOXIC MOLD BILL INTO LAW

On Sunday, October 7, 2001, Governor Gray Davis signed SB 732 into law and thereby enacted the "Toxic Mold Protection Act of 2001." This legislation makes California the first state to require that a public agency determine the feasibility of establishing permissible exposure limits to indoor mold.

More specifically, the Toxic Mold Protection Act requires the State Department of Health Services ("Health Services") to convene a task force comprised of various individuals including insurers, builders, property owners, medical practitioners, hygienists and others. The task force is charged with determining the feasibility of adopting permissible exposure limits to mold in indoor environments. Additionally, the task force will advise and, if appropriate, develop objective standards for assessment and remediation of indoor mold. The task force is required to report its results by July 1, 2003.

If permissible exposure limits are established, any property owner who knows or has reasonable cause to believe that mold exceeding permissible limits is present must provide a written disclosure to potential buyers, renters or occupants.

The Toxic Mold Protection Act prohibits Health Services from requiring an owner to conduct air tests to determine whether the presence of molds constitutes mold infestation as defined in the Act, and it prohibits Health Services from requiring owners to hire contractors for mold remediation.

The attorneys at Gordon & Rees LLP are available to assist you in handling all of your legal needs related to mold litigation and coverage.