



# PROFESSIONAL LIABILITY BULLETIN

## Mold And Construction Management

### PROFESSIONAL LIABILITY ASPECTS OF MOLD

Mold is an abundant and old life form. It can even be found in the newest of buildings being constructed today. In the vast majority of situations, mold does not present a problem; however, if water is in prolonged contact with today's construction materials, mold will grow and it can grow very rapidly. As the construction manager (CM), your role is to prevent this contact.



Successful preventative measures include value engineering, plan review, quality construction, contracts, mold response plans, water ingress inspections, and training. Your proactive approach to a water ingress situation can save you time and money by avoiding a costly mold remediation later in the project.

### VALUE ENGINEERING

Be aware of value engineering implications during the conceptual design and pre-bid phases of a project. The omission or inclusion of features, such as a foundation drain or a complicated roof should also be evaluated. Mold-resistant materials may be more expensive than their conventional counterparts but may not require additional installation or maintenance costs. Therefore, during the economic life of the building, their use may result in a lower overall cost.

### PLAN REVIEW

During the bidding and plan review phases of a project, look for inconsistency with plan details, such as vapor barriers, waterproofing, and window flashing on one wall and not another. Also be wary of unique or complex features. Such inconsistencies or complexities should be brought to the architect's attention for clarification. These requests-for-information (RFIs) should be formally documented and retained in your project file.

### CONTRACT LANGUAGE

Another risk reduction tool is to include a clear understanding of the roles and responsibilities of each party in the contract. Contract language can appropriately allocate the risks of mold incidents to those who retain responsibility and control. Renovation projects should include contract language that addresses pre-existing mold conditions. With new construction, the contractor responsible for the leak or faulty installation can quickly remedy the situation that resulted in the mold occurrence. As a CM, never guarantee, written or verbally, that the building is free of mold.

### MOLD RESPONSE PLAN

By including a mold protocol as part of the project documents, roles, responsibilities and actions are already established when mold is discovered. A response plan should include the remedial actions to be performed by site personnel and an evaluation of proper safety precautions. Communicating such a plan to

project personnel is critical. Once site workers identify a situation conducive to mold growth, they are aware of who to contact and understand it is their responsibility to communicate their findings. These actions result in a quickly formulated response. Additionally, documentation of the training of site personnel should be retained.

### INSPECTIONS AND QUALITY

As a CM, you are responsible for conducting safety, quality and job progress inspections. Water ingress and mold growth can easily be included in this routine. By implementing such inspections, you will uncover improper construction and water accumulation before it becomes a problem. Areas to concentrate inspections for water and mold include: mechanical chases; HVAC drip pans; wall cavities; pipe insulation; un-vented closets; crawl spaces; areas with limited ventilation; and areas with potential for water accumulation.

Once the building is complete, a walk-through with the owner is conducted. As part of the turnover process, documentation should indicate there is no visible mold or standing water in the building and the owner now assumes responsibility for building maintenance. Digital cameras make photo-documentation of the building's condition relatively simple.

**FOR MORE RESOURCES ON MOLD  
MANAGEMENT VISIT OUR WEBSITE AT  
[WWW.XLENVIRONMENTAL.COM](http://WWW.XLENVIRONMENTAL.COM)**

### TRAINING

Provide and videotape training on the proper operation and maintenance of the building systems (HVAC, mechanical, plumbing, and building envelope) for the owner. A copy of the video should be provided to the owner for use when training future employees and a copy retained for your files. This, along with the retained RFIs, inspection forms, and training documents will provide valuable legal defensibility in the event of a future mold or water intrusion claim.

For more resources on mold management, visit our website at [www.xlenvironmental.com](http://www.xlenvironmental.com).

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