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Avoiding Toxins in Your Building

Hidden Dangers

By Lisa Iannucci

Some building hazards—things like cracked sidewalks, broken windows or crumbling masonry—are obvious to even an untrained eye, making it easy to conduct repairs and prevent further deterioration and potential injury.

Other building hazards don't make it so easy. Toxic substances like lead, asbestos, radon, carbon monoxide and mold are tough to detect, can't be felt or smelled, and can be hidden away inside walls, seep into basements, or even be imbedded in paint, creating a potentially hazardous situation for building residents. The kicker is that when it comes to these "hidden dangers," often nobody knows they're there until the damage— sometimes tragic—is done.

Armed with basic knowledge of each of these potential killers however, property managers, superintendents and even residents themselves can reduce the risk they pose.

Lead

If you live in a pre-1960 tri-state area building or you are repainting or otherwise remodeling any home that was built before 1960, there is a distinct chance that the existing paint on your walls contains lead. In 1991, the Environmental Protection Agency (EPA) named lead the number-one environmental threat to the health of all children in the United States.

Left alone, lead isn't necessarily dangerous in and of itself. The true danger of lead-painted walls comes when the lead is removed or disturbed—usually by scraping, sanding, or burning—and high concentrations of lead are released into the air and inhaled. Young children can also ingest bits of lead paint by biting on a surface (a windowsill, for example) covered in lead-based paint.

Lead exposure can cause a host of health problems in both children and adults. It can affect the brain, central nervous system, blood cells, and kidneys. Lead exposure has also been linked to birth defects and developmental delays in children.

In 1960, New York City banned lead paint for residential use, but unless the paint has already been properly removed in your building, it may still be on the walls and doors and other areas.

"New York City's Local Law 1 of 2004 requires landlords and daycare operators to address lead paint hazards by investigating their property for any conditions that may cause peeling paint and safely make repairs," says Tara C. Fappiano, a partner at the law firm of Havkins Rosenfeld Ritzert & Varriale, LLP in White Plains, and co-chairperson of the Environmental Law Committee for the Westchester County Bar Association. "Claims arising out of lead paint hazards and exposure have dominated the amount of litigation in New York City, though there certainly are fewer claims than there used to be."

Fappiano also says that it is mandatory to have children under the age of three tested for lead in their blood annually. "If the lead level is elevated (which is a level of 10 ug/dl, according to the CDC guidelines), the pediatrician will report that finding to the New York City Department of Health. The Department of Health is then required to inspect and test for the presence of lead-based paint in the child's primary residence, as well as in any place where he or she may be spending significant amount of time," she says.

"These might also include the apartments of other parents, grandparents, childcare providers, or daycare centers.

Testing and Removal of Lead

Local Law 1 requires building owners or management companies to inspect for lead-based paint hazards annually, but more often if a landlord knows or should have known from tenant complaints of conditions that might cause lead hazards, such as a leaking pipe or roof.

Jennifer Carey, principal of JLC Environmental Consultants, Inc. in Manhattan, explains that her company tests for lead paint using x-ray fluorescence, which is a form of testing that isn't destructive and doesn't release any lead that might be present in a building. "We also can test paint chips—which is a destructive form of testing—and have the analysis back in 24 to 48 hours," says Carey.

The cost for basic lead testing by JLC Environmental begins at $500 to $1,500 and ultimately depends on how many units are being tested and how many testing sites are being examined. If lead paint is found in a New York City building, an Order to Abate will be issued and a removal, or remediation, will begin.

On March 31 of 2008, the EPA issued a rule requiring the use of lead-safe practices and other actions aimed at preventing lead poisoning. Under the rule, beginning in April 2010, contractors in all states performing renovation, repair, and painting projects that disturb lead-based paint in homes, childcare facilities, and schools built before 1978 must be certified and follow specific work practices to prevent lead contamination.

"If abatement for a lead-based paint hazard is to take place, the contractor must post signs and make sure they stay in place until the work is done," says Fappiano. "The signs must say: Warning: Lead Work Area Poison No Smoking or Eating. The landlord and contractor must also tell tenants to stay out of the work area."

CO: Invisible and Deadly

Carbon monoxide earns the award for being the worst of these hidden dangers simply because it's highly toxic—ultimately deadly—and can sneak up on anyone in a building without any warning. It has no odor to warn you that it's leaking, has no taste, and it doesn't irritate your skin. Carbon monoxide is the product of the incomplete combustion of fossil fuels such as oil, natural gas, gasoline, wood and coal.

It can come from systems in the building that burn fossil fuel, such as furnaces, water heaters, fireplaces and parking garages.

According to the New York City Fire Department website, approximately 500 Americans die every year from accidental CO poisoning and 5,000 are treated for exposure. This exposure occurs more often in the winter months when these heating systems are used and windows and doors are sealed up.

The only warning signs of carbon monoxide poisoning are the physical symptoms of CO poisoning: headaches, dizziness, tiredness and nausea—all symptoms that could easily be mistaken for a virus or flu. The affected person may choose to lie down and sleep, which can be deadly if the carbon monoxide is infiltrating their bedroom.

To reduce the risk of carbon monoxide exposure, every building and one- and two-family home in New York must be equipped with at least one approved carbon monoxide detector installed within 15 feet of the primary entrance to each sleeping room. Landlords must provide and install at least one approved carbon monoxide alarm within each dwelling unit. This applies to all multifamily buildings and one- and two-family homes.

Approved CO detectors are those marked with a "UL" signifying their approval by Underwriters Laboratory, and can be battery-operated, or electrical with battery backup. New buildings must hard-wire the detectors into the building's electricity.

Asbestos

Older homes in any area of the country may have also been built with products that contain asbestos, such as pipe and furnace insulation materials, roofing shingles, millboard, textured paints, and floor tiles.

According to the EPA, asbestos is the name given to a number of naturally occurring, fibrous silicate minerals mined for their useful properties such as thermal insulation, chemical and thermal stability, and high tensile strength. Asbestos was commonly used as an acoustic insulator, and in thermal insulation, fireproofing and other building materials. Useful as the material is, exposure to asbestos can cause serious lung disease that can lead to disability and death.

Robert Weitz, chief operating officer of RTK Environmental Group in Stamford, Connecticut and New York City is an American Indoor Air Quality Association (AIAQA)-certified microbial investigator and EPA-licensed risk assessor. He says that it's common to perform asbestos tests on buildings that are in the midst of a renovation or remodeling and for some reason have damaged a suspect material.

"For example, inside the cavities they may have pipe wrap that was suspect," says Weitz, who was analyzing a Central Park West building for asbestos at the time of this writing. "We take bulk samples of suspect material and send it to a lab for analyzing. If the building has asbestos, the remediation must be done by a professional asbestos remover."

Asbestos tests with RTK Environmental can begin at $300, but the final cost depends on the size of the building and what the management wants tested. "Sometimes a management company won't test the whole building; they'll only test the unit if the tenant has an issue."

Radon Risks

Radon isn't something commonly found in New York City apartment buildings, but it's a very real threat in the city's suburbs and New Jersey. Radon comes from the breakdown of uranium in soil, rock, and water. It seeps into a home through foundation cracks and through well water and like carbon monoxide, you can't see, smell, or taste it. Radon can build up to dangerous levels, and breathing it in over a period of time can lead to lung cancer. Radon is a leading cause of lung cancer in the United States, claiming approximately 20,000 lives each year.

Radon tests can be purchased and used in any building or can be conducted by any professional tester. The amount of radon in the air is measured in picoCuries per liter of air (pCi/L). The EPA estimates that one in 15 homes has a radon level of 4 pCi/L or more, which is considered high. If your building or home scores that high, there are ways to fix the problem.

Every state has a radon contact (you can find yours by visiting www.epa.gov/ iaq/whereyoulive.html and clicking on your state) and specific requirements associated with providing radon measurements. A venting system can be installed to exhaust the radon and the area should be re-tested once the changes have been completed

Mold

According to Fappiano, "There was a short period of time that mold claims threatened to become a substantial source of litigation in the New York City area, but the science on the topic has, thus far, not been well-accepted to really assist litigants in proving that mold is a cause of the injury claims that they would like to bring."

Even without the threat of litigation, mold—which can be visible in bathrooms and in leaky areas of a home or invisible, hidden behind walls—is a serious issue that may lead to a myriad of health ailments. It's typically found in buildings affected by water damage. If a building is sealed too tightly (either during construction or as a result of overzealous waterproofing) it must also be moisture retardant, which means that holes and gaps need to be sealed (i.e. caulked) to prevent air leaks and moisture buildup.

What makes mold a health issue? When mold is disturbed, spores are released into the air and produce chemicals called mycotoxins which, when ingested or inhaled—have been linked to adverse reactions in people who are particularly sensitive to them or who are exposed to them in large amounts or over a long period of time. The symptoms of mold exposure include chronic runny nose, eye irritation, cough,

congestion, and aggravation of asthma.

You cannot simply sponge off or cover up a mold problem. Mold needs to be removed by a properly-trained professional with experience performing microbial investigations—especially if heating, ventilating, air conditioning (HVAC) systems or large occupied spaces are involved.

Professional mold remediators use several methods of testing including inspecting, air testing, and physical removal of samples with a sterile swab or piece of adhesive tape, then test the sample for spore counts.

Passing the Test

"Co-ops and condos are governed by the 'business judgment rules' so you need to err on the side of caution and get tested for these hidden dangers with the balance of not scaring everyone; it's an issue of responsibility," says Manhattan-based attorney, Todd E. Soloway, the chair of Pryor Cashman LLP's Real Estate Litigation Group.

"Obviously if there is sign contamination, all residents should be notified and an expert should be hired to verify the situation and take remedial steps to fix it. The two most important aspects are communication with your residents and being responsive to the issues."

How do buildings get in trouble when it comes to hidden dangers? Simple, Soloway says, they fail to act. "Where I see buildings get into trouble is they let the problems grow and fester and the unit owners get upset and threaten for their inaction."

As a board member or managing agent, it's your job to be mindful not only of the hazards you can see, but also of those you can't see. By being aware of the various risks and implementing a regular testing regimen for your building or association, you can make sure that your community is protected from the harm these hidden hazards can cause.

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