



# EXPANDED FUNGAL REPORT

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### **Prepared Exclusively For**

Hill's Top Home Inspections, LLC 3216 Harbor Landing Antioch, TN 37013 Phone:615-784-3828

Report Date: Project: EMSL Order:

AIHA LAP, LLC.

AIHA LAP, LLCEMLAP #100662



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Attn: Brandon Hill

Hill's Top Home Inspections, LLC

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### 1. Description of Analysis

### **Analytical Laboratory**

EMSL Analytical, Inc. (EMSL) is a nationwide, full service, analytical testing laboratory network providing Asbestos, Mold, Indoor Air Quality, Microbiological, Environmental, Chemical, Forensic, Materials, Industrial Hygiene and Mechanical Testing services since 1981. Ranked as the premier independently owned environmental testing laboratory in the nation, EMSL puts analytical quality as its top priority. This quality is recognized by many well-respected federal, state and private accrediting agencies, and assured by our high quality personnel, including many Ph.D. microbiologists and mycologists.

EMSL is an independent laboratory that performed the analysis of these samples. EMSL did not conduct the sampling or site investigation for this report. The samples referenced herein were analyzed under strict quality control procedures using state-of-the-art microbiological methods. The analytical methods used and the data presented are scientifically and legally defensible

The laboratory data is provided in compliance with ISO-IEC 17025 guidelines for the particular test(s) requested, including any associated limitations for the methods employed. These data are intended for use by professionals having knowledge of the testing methods necessary to interpret them accurately.



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#### Air Samples - Spore traps:

Spore traps are commercially available sampling devices that capture airborne particles on an adhesive slide. Air is pulled through the device using a vacuum pump. Spores, as well as other airborne particles, are impacted on the collection adhesive. Using spore trap collection methods has inherent limitations. These collection methods are biased towards larger spore sizes.

The analysis for total spore counts is a direct microscopic examination and does not include culturing or growing the fungi. Therefore, the results include both viable and non-viable spores. Some fungal groups produce similar spore types that cannot be distinguished by direct microscopic examination alone (i.e., *Aspergillus/Penicillium*, and others). Other spore types may lack distinguishing features that aid in their identification. These types are grouped into larger categories such as Ascospores or Basidiospores.

Fungal spores are identified and grouped by morphological characteristics including color, shape, septation, ornamentation, and fruiting structures (if present) which are compared to published mycological identification keys and texts. EMSL reports provide spore counts per cubic meter of air to three significant figures. Please note that each spore category is reported to three significant figures. Due to rounding and the application of three significant figures the sum of the individual spore numbers may not equal the total spore count on the report. EMSL does not maintain responsibility for final volume concentrations (counts/m3) since this volume is provided by the field collector and can not be verified by EMSL.

EMSL analyzes spore traps using phase contrast microscopy. There is a wide choice of collection devices (Air-O-Cell, Micro-5, Burkhard, etc.) on the market. Differences in analytical method may exist between spore trap devices.

Spore trap results are reported in spores per cubic meter of air. Due to the other airborne particles collected with the spores, EMSL reports a background particle density. Background density is an indication of overall particulate matter present on the sample (i.e. dust in the air). High background concentrations may obscure spores such as the Penicillium/Aspergillus group. The rating system is from 1-5 with 1 = 1 - 25% of the background obscured by material, 2 = 26 - 50%, 3 = 51 - 75%, 4 = 76% - 99%, 5 = 100% or overloaded. A background rating of 4 or higher should be regarded as a minimum count since the actual concentrations may be higher than those reported. EMSL will not be held responsible for overloading of samples. Sample volumes are left to the discretion of the company or persons conducting the fieldwork.

Skin fragment density is the percentage of skin cells making up the total background material, 1 = 1 - 25%, 2 = 26 - 50%, 3 = 51 - 75%, 4 = 76-100%. Skin fragment density is considered an indication of the general cleanliness in the area sampled. It has been estimated that up to 90% of household dust consists of dead skin cells.



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# 2. Analytical Results

See attached data reports and charts.



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Spore Trap ASSESSMENTReport™ Air-O-Cell(™) Analysis of Fungal Spores & Particulates (Methods MICRO-SOP-201, ASTM D7391)

	Particle Identification	Raw Count	(Count/m³)	% of Total	Interpretation Guideline
072304808-0001	Alternaria (Ulocladium)	-	-	-	
	Ascospores	-	-	-	
Client Sample ID	Aspergillus/Penicillium	-	-	-	
3508 2199	Basidiospores	-	-	-	
	Bipolaris++	-	-	-	
	Chaetomium++	-	-	-	
Location	Cladosporium	-	-	-	
Outside/Control	Curvularia	-	-	-	
	Epicoccum	2	40	100	<b>★</b>
Sample Volume (L)	Fusarium++	-	-	-	
	Ganoderma	-	-	-	
150	Myxomycetes++	-	-	-	
	Pithomyces++	-	-	-	
Sample Type	Rust	-	-	-	
	Scopulariopsis/Microascus	-	-	-	
Background	Stachybotrys/Memnoniella	-	-	-	
Comments	Unidentifiable Spores	-	-	-	
	Zygomycetes	-	-	-	
	Total Fungi	2	40	100	
	Hyphal Fragment	-	-	-	
	Insect Fragment	-	-	-	
	Pollen	1*	7*	-	<b>*</b>
Analytical Sens Analytical Sensiti			Skin Fragments Fibrous Particulate Background	e: <b>1</b> 1 to 4 (	low to high) low to high) low to high); 5 (overloaded)

Not commonly found growing indoors, spores likely come from outside

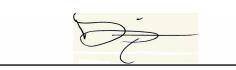
Spores reported to be able to cause allergies in individuals.

Potential for mycotoxin production exists with these fungi-

These fungi are considered water damage indicators.

++ Includes other spores with similar morphology; see EMSL's fiungal glossary fior each specific category

Initial report from: 06/06/2023 14:21:58



Daoxin Li, PH.D, Microbiology Lab Manager or Other Approved Signatory

Skin Fragment and Fibrous Particulate ratings are based on the percent of non-fungal material they represent: 1 (1-25%), 2 (26-50%), 3 (51-75%), or 4 (76-100%). Background ratings are based on the total area covered by non-fungal particles: 1 (1-25%), 2 (26-50%), 3 (51-75%), 4 (76-99%), or 5 (100%; overloaded, prohibiting accurate detection and quantification). High levels of background will obscure spores and other particulates, leading to underestimation. Present = Spores detected on overloaded samples. Results are not blank corrected unless otherwise noted. The detection limit is equal to one fungal spore, structure, pollen, fiber particle or insect fragment. """ Denotes particles found at 300X. "-" Denotes not detected. Due to method stopping rules, raw counts in excess of 100 are extrapolated based on the percentage analyzed. EMSL maintains liability limited to cost of analysis. Interpretation and use of test results are the responsibility of the client. This report relates only to the samples reported above, and may not be reproduced, except in full, without written approval by EMSL. EMSL bears no responsibility for sample collection activities or analytical method limitations. The report reflects the samples as received When the information supplied by the customer can affect the validity of the result, it will be noted on the report. Samples analyzed by EMSL Analytical, Inc Smyrna, GA AIHA LAP, LLC-EMLAP Accredited #100662

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	Particle Identification	Raw Count	(Count/m³)	% of Total	Interpretation Guideline
072304808-0002	Alternaria (Ulocladium)	2*	10*	0.6	Slightly Elevated *** 👲 💧
	Ascospores	9	200	11.8	Slightly Elevated ***
Client Sample ID	Aspergillus/Penicillium	5	100	5.9	Slightly Elevated **
3508 2236	Basidiospores	30	660	38.9	ELEVATED
	Bipolaris++	1*	7*	0.4	Slightly Elevated 🛕 🗯 👲
	Chaetomium++	-	-	-	
Location	Cladosporium	30	660	38.9	<b>ELEVATED</b>
Living Room	Curvularia	-	-	-	
	Epicoccum	-	-	-	
Sample Volume (L)	Fusarium++	-	-	-	
	Ganoderma	-	-	-	
150	Myxomycetes++	1	20	1.2	Slightly Elevated 🛕 🎇
	Pithomyces++	-	-	-	
Sample Type	Rust	6*	40*	2.4	Slightly Elevated 🛕 🎇
to a talla	Scopulariopsis/Microascus	-	-	-	
Inside	Stachybotrys/Memnoniella	-	-	-	
Comments	Unidentifiable Spores	-	-	-	
	Zygomycetes	-	-	-	
	Total Fungi	84	1697	100	ELEVATED
	Hyphal Fragment	-	-	-	
	Insect Fragment	-	-	-	
	Pollen	1	20	-	Slightly Elevated 🛕 💥
Analytical Sensitivity 600x: 22 counts/cubic meter Skin Fragments: 1 1 to 4 (low to high)  Analytical Sensitivity 300x *: 7* counts/cubic meter Fibrous Particulate: 1 1 to 4 (low to high)					

Acceptable Concentration at or below background

1 to 4 (low to high); 5 (overloaded) Background: 2

Not commonly found growing indoors, spores likely come from outside.

Spores reported to be able to cause allergies in individuals. Potential for mycotoxin production exists with these fungi.

These fungi are considered water damage indicators.

Slightly Elevated Concentration above background

ELEVATED Concentration 10X or more above background

++ Includes other spores with similar morphology; see EMSL's fiungal glossary fior each specific category

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Daoxin Li, PH.D, Microbiology Lab Manager or Other Approved Signatory

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072304808-0003	Alternaria (Ulocladium)	2*	10*	1.2	Slightly Elevated ** 🕏
	Ascospores	2	40	4.7	Slightly Elevated
Client Sample ID	Aspergillus/Penicillium	7	200	23.3	Slightly Elevated
3508 2216	Basidiospores	6	100	11.6	Slightly Elevated 🛕 💥
	Bipolaris++	-	-	-	
	Chaetomium++	-	-	-	
Location	Cladosporium	19	420	48.8	ELEVATED **
Bedroom	Curvularia	-	-	-	
	Epicoccum	1	20	2.3	Acceptable 🛕 💥
Sample Volume (L)	Fusarium++	-	-	-	
	Ganoderma	-	-	-	
150	Myxomycetes++	1	20	2.3	Slightly Elevated Slightly Elevated Slightly Elevated
	Pithomyces++	2*	10*	1.2	Slightly Elevated 🛕 🎇
Sample Type	Rust	2	40	4.7	Slightly Elevated 🛕 💥
1	Scopulariopsis/Microascus	-	-	-	
Inside	Stachybotrys/Memnoniella	-	-	-	
Comments	Unidentifiable Spores	-	-	-	
	Zygomycetes	-	-	-	
	Total Fungi	42	860	100	ELEVATED
	Hyphal Fragment	-	-	-	
	Insect Fragment	-	-	-	
	Pollen	-	-	-	
Analytical Sensi	itivity 600x: 22 counts/cubic mete	r	Skin Fragments	s: <b>2</b> 1 to 4 (	low to high)
Analytical Sensiti	vity 300x *: 7* counts/cubic mete	r	Fibrous Particulate	• ,	low to high)

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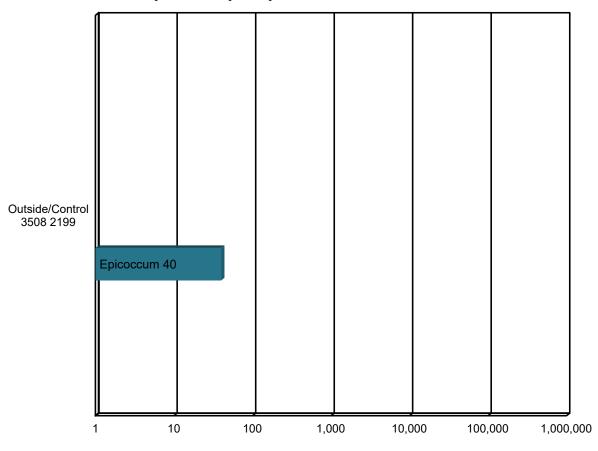
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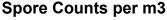
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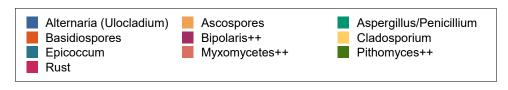
Analyzed:

Proj:

# **Spore Trap Report: Total Counts**







<sup>\*</sup> The chart is displayed using a logarithmic scale. Bar size is not directly proportional to the number of spores.



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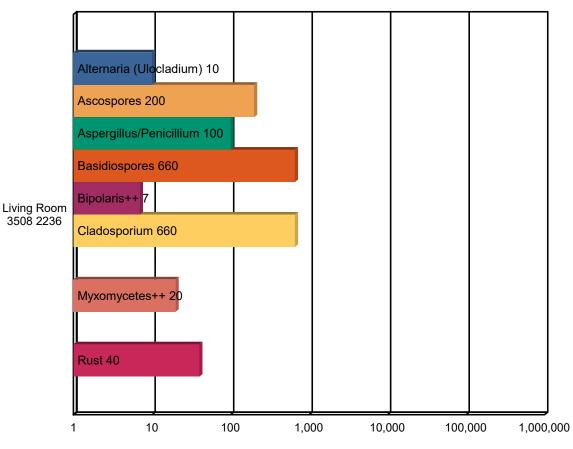
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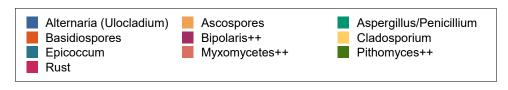
Analyzed:

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# **Spore Trap Report: Total Counts**



Spore Counts per m3



<sup>\*</sup> The chart is displayed using a logarithmic scale. Bar size is not directly proportional to the number of spores.



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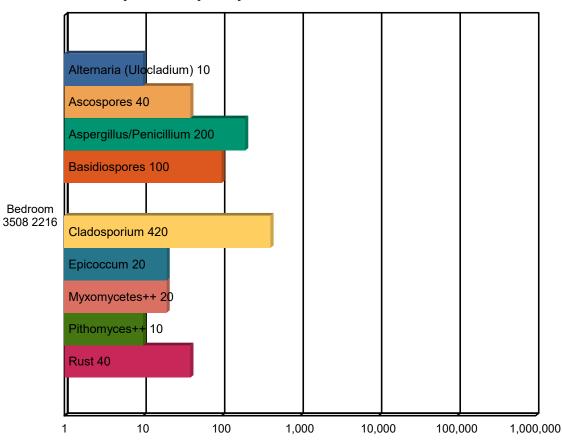
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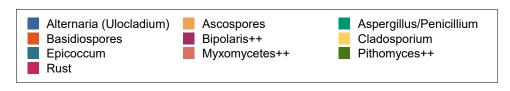
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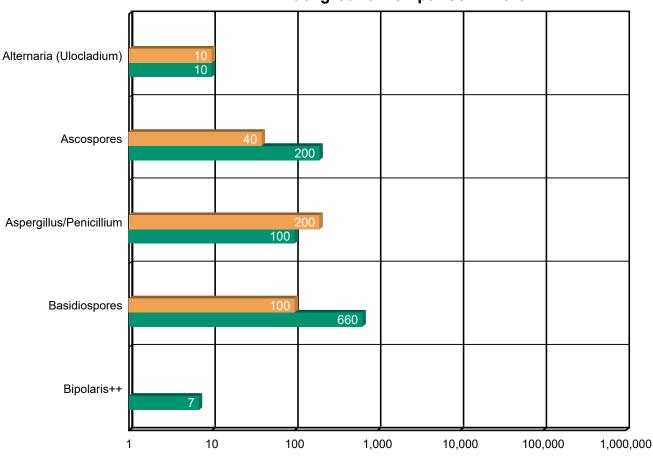
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# **Background Comparison Chart**



Spore Counts per m3



<sup>\*</sup> The chart is displayed using a logarithmic scale. The bar size is not directly proportional to the number of spores.



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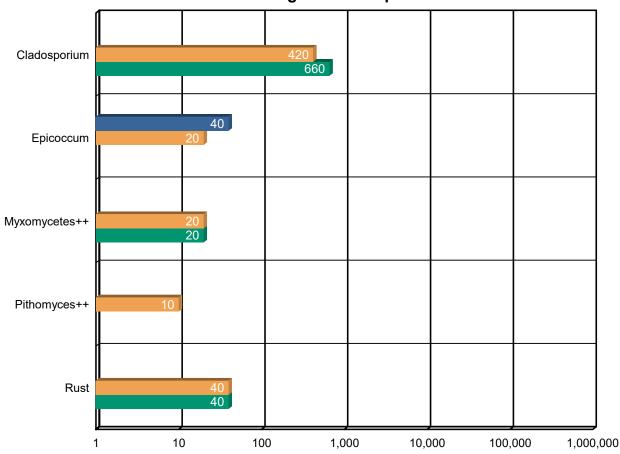
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# **Background Comparison Chart**



Spore Counts per m3



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### 3. Understanding the Results

EMSL Analytical, Inc. is an independent laboratory, providing unbiased and scientifically valid results. These data represent only a portion of an overall IAQ investigation. Visual information and environmental conditions measured during the site assessment (humidity, moisture readings, etc.) are crucial to any final interpretation of the results. Many factors impact the final results; therefore, result interpretation should only be conducted by qualified individuals. The American Conference of Governmental Industrial Hygienists (ACGIH) has published a good reference book covering sampling and data interpretation. It is entitled, Bioaerosols: Assessment and Control, 1999.

Fungal spores are found everywhere. Whether or not symptoms develop in people exposed to fungi depends on the nature of the fungal material (e.g., allergenic, toxic, or infectious), the exposure level, and the susceptibility of exposed persons. Susceptibility varies with the genetic predisposition (e.g., allergic reactions do not always occur in all individuals), age, pre-existing medical conditions (e.g., diabetes, cancer, or chronic lung conditions), use of immunosuppressive drugs, and concurrent exposures. These reasons make it difficult to identify dose/response relationships that are required to establish "safe" or "unsafe" levels (i.e., permissible exposure limits).

It is generally accepted in the industry that indoor fungal growth is undesirable and inappropriate, necessitating removal or other appropriate remedial actions. The New York City guidelines and EPA guidelines for mold remediation in schools and commercial buildings define the conditions warranting mold remediation. Always remember that water is the key. Preventing water damage or water condensation will prevent mold growth.

This report is not intended to provide medical advice or advice concerning the relative safety of an occupied space. Always consult an occupational or environmental health physician who has experience addressing indoor air contaminants if you have any questions.



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# 4. Glossary of Fungi

ALTERNARIA(ULOCLADIUM)		
Natural Habitat	Common saprobe and pathogen of plants. Typically found on plant tissue, decaying wood, and foods. Soil . Air outdoors.	
Suitable Substrates in the	Indoors near condensation (window frames, showers), House dust (in carpets, and air). Also	
Indoor Environment	colonizes building supplies, computer disks, cosmetics, leather, optical instruments, paper,	
	sewage, stone monuments, textiles, wood pulp, and jet fuel	
Water Activity	Aw =0.85-0.88 (water damage indicator)	
Mode of Dissemination	Wind	
Allergic Potential	Type I allergies (hay fever, asthma), Type III (hypersensitivity pneumonitis)	
Potential or Opportunistic	Phaeohyphomycosis {causing cystic granulomas in the skin and subcutaneous tissue}. In	
Pathogens	immunocompetent patients, Alternaria colonizes the paranasal sinuses, leading to chronic	
	hypertrophic sinusitis	
Industrial Uses	Biocontrol of weed plants ·Biocontrol fungal plant pathogens.	
Potential Toxins Produced	Alternariol (AOH) . Alternariol monomethylether (AME). Tenuazonic acid (TeA). Altenuene	
	(ALT). Altertoxins (ATX)	
Other Comments	Many species of Ulocladium have been renamed as Alternaria. Alternaria spores are one of	
	the most common and potent indoor and outdoor airborne allergens. Additionally, Alternaria	
	sensitization has been determined to be one of the most important factors in the onset of	
	childhood asthma. Synergy with Cladosporium or Ulocladium may increase the severity of	
	symptoms	
References	Alternaria redefined. J. Woudenberg et al., Studies in Mycology. Volume 75, June 2013, Pages	
	171-212	

ASCOSPORES		
Natural Habitat	Everywhere in nature.	
Suitable Substrates in the	Depends on genus and species.	
Indoor Environment		
Water Activity	Depends on genus and species.	
Mode of Dissemination	Forcible ejection or passive release and dissemination by wind or insects.	
Allergic Potential	Depends on genus and species.	
Potential or Opportunistic	Depends on genus and species.	
Pathogens		
Industrial Uses	Depends on genus and species.	
Potential Toxins Produced	Depends on genus and species.	
Other Comments	Ascospores are the result of sexual reproduction and produced in a saclike structure called an	
	ascus. All ascospores belong to members of the Phylum Ascomycota, which encompasses a	
	plethora of genera worldwide.	



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ASPERGILLUS/PENICILLIUM		
Natural Habitat	Plant debris ·Seed ·Cereal crops	
Suitable Substrates in the	Grows on a wide range of substrates indoors ·Prevalent in water damaged buildings ·Foods	
Indoor Environment	(blue mold on cereals, fruits, vegetables, dried foods) ·House dust ·Fabrics ·Leather	
	·Wallpaper ·Wallpaper glue	
Water Activity	Aw=0.75-0.94	
Mode of Dissemination	Wind ·Insects	
Allergic Potential	Type I (hay fever, asthma) ·Type III (hypersensitivity)	
Potential or Opportunistic	Possible depending on the species.	
Pathogens		
Industrial Uses	Many depending on the species	
Potential Toxins Produced	Possible depending on the species.	
Other Comments	Spores of Aspergillus and Penicillium (including others such as Acremonium, Talaromyces,	
	and Paecilomyces) are small and spherical with few distinguishing characteristics. They cannot	
	be differentiated or speciated by non-viable impaction sampling methods. Some species with	
	very small spores may be undercounted in samples with high background debris.	

BASIDIOSPORES		
Natural Habitat	Forest floors. Lawns .Plants (saprobes or pathogens depending on genus)	
Suitable Substrates in the	Depends on genus. Wood products	
Indoor Environment		
Water Activity	Unknown.	
Mode of Dissemination	Forcible ejection. Wind currents.	
Allergic Potential	Type I allergies (hay fever, asthma) . Type III (hypersensitivity pneumonitis)	
Potential or Opportunistic	Depends on genus.	
Pathogens		
Industrial Uses	Edible mushrooms are used in the food industry.	
Potential Toxins Produced	Amanitins. monomethyl-hydrazine. muscarine. ibotenic acid. psilocybin.	
Other Comments	Basidiospores are the result of sexual reproduction and formed on a structure called the basidium. Basidiospores belong to the members of the Phylum Basidiomycota, which includes mushrooms, shelf fungi, rusts, and smuts.	

BIPOLARIS++	
Natural Habitat	Plant saprophyte.Plant pathogen of many plants, causing leaf rot, crown rot, and root rot on warm season turf grasses
Suitable Substrates in the Indoor Environment	House plants, Indoor building materials
Free moisture required for mold growth	Unknown
Mode of Dissemination	Wind
Allergic Potential	Hay fever, asthma. Allergic and chronic invasive sinusitis
Potential or Opportunistic Pathogens	Invasive sinusitis, disseminated mycoses, peritonitis, keratitis, phaeohyphomycosis
Potential Toxins	Can potentially produce sterigmatocystin.
Other Comments	Includes Bipolaris, Drechslera, Exserohilum.



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CLADOSPORIUM	
Natural Habitat	Dead plant matter. Straw. Soil. Woody plants
Suitable Substrates in the	Fiberglass duct liner. Paint. Textiles. Found in high concentration in water-damaged building
Indoor Environment	materials.
Water Activity	Aw 0.84-0.88
Mode of Dissemination	Air
Allergic Potential	Type I (asthma and hay fever).
Potential or Opportunistic	Edema. keratitis. onychomycosis. pulmonary infections. Sinusitis.
Pathogens	
Industrial Uses	Produces 10 antigens.
Potential Toxins Produced	Cladosporin and Emodin.

EPICOCCUM	
Natural Habitat	A worldwide saprophytic fungi, being isolated from dead plant material and soil.
Suitable Substrates in the	Paper, textiles
Indoor Environment	
Water Activity	0.86-0.90
Mode of Dissemination	Wind
Allergic Potential	Hay fever, asthma
Potential or Opportunistic	Unknown
Pathogens	

MYXOMYCETES++	
Natural Habitat	Decaying logs, Dead leaves , Dung , Lawns , Mulched flower beds,
Suitable Substrates in the	Rotting lumber
Indoor Environment Free moisture required for	Unknown
mold growth	
Mode of Dissemination Allergic Potential	Insects, Water, Wind Type I
Potential or Opportunistic	Unknown
Pathogens Industrial Uses	
Other Comments	Includes Myxomycetes, Smut, Rust, and Periconia.

PITHOMYCES++	
Natural Habitat	A worldwide saprophytic fungi, being isolated from dead plant material and soil.
Suitable Substrates in the	Paper
Indoor Environment	
Water Activity	Requires high moisture for spore germination
Mode of Dissemination	Wind
Allergic Potential	Unknown
Potential or Opportunistic	Mycosis in immunocompromised patients
Pathogens	
Other Comments	Pithomyces++ includes spores of Pithomyces and Pseudopithomyces.



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RUSTS	
Natural Habitat	Parasitic on cultivated and many types of plants
Suitable Substrates in the	Unknown- rust fungi require a living plant host for growth
Indoor Environment	
Free moisture required for	Unknown
mold growth	
Mode of Dissemination	Wind, Forcible Ejection
Allergic Potential	Type I. (hay fever, asthma)
Potential or Opportunistic	Unknown
Pathogens	



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#### 5. References and Informational Links

#### **Books**

- Bioaerosols: Assessment and Control. Janet Macher, Ed., American Conference of Governmental Industrial Hygienists, Cincinnati, OH 1999.
- Exposure Guidelines for Residential Indoor Air Quality. Environmental Health Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, 1989.
- Fungal Contamination in Public Buildings: Health Effects and Investigation Methods. Health Canada, Ottawa, Ontario, 2004.
- IICRC: S500 Standard and Reference Guide for Professional Water Damage Restoration.
   3rd Edition, Institute of Inspection, Cleaning, and Restoration Certification, Vancouver, WA,
   2006

IICRC: S520 Standard and Reference Guide for Professional Mold Remediation. 1st Edition, Institute of Inspection, Cleaning, and Restoration Certification, Vancouver, WA, 2004

Field Guide for the Determination of Biological Contaminants in Environmental Samples.
 2nd Edition, American Industrial Hygiene Association, 2005.

#### Consumer Links

Read the full text of AIHA's "The Facts About Mold" consumer brochure.

<a href="http://www.aiha.org/get-involved/VolunteerGroups/Documents/BiosafetyVG-FactsAbout%2">http://www.aiha.org/get-involved/VolunteerGroups/Documents/BiosafetyVG-FactsAbout%2</a>

OMoldDecember2011.pdf>

The Occupational Safety and Health Administration (OSHA) <a href="http://www.osha.gov/SLTC/molds/index.html">http://www.osha.gov/SLTC/molds/index.html</a>

**CDC Mold Facts** 

http://www.cdc.gov/mold/faqs.htm

CDC Stachybotrys - Questions and answers on Stachybotrys chartarum and other molds <a href="http://www.cdc.gov/mold/stachy.htm">http://www.cdc.gov/mold/stachy.htm</a>

IOM, NAS: Clearing the Air: Asthma and Indoor Air Exposures https://www.epa.gov/indoor-air-quality-iag/should-you-have-air-ducts-your-home-cleaned



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National Library of Medicine-Mold website http://www.nlm.nih.gov/medlineplus/molds.html

California Department of Health Services (CADOHS)

https://www.cdph.ca.gov/Programs/CCDPHP/DEODC/EHLB/IAQ/Pages/Mold.aspx

Minnesota Department of Health

http://www.health.state.mn.us/divs/eh/indoorair/mold/index.html

New York City Department of Health and Mental Hygiene <a href="https://www1.nyc.gov/site/doh/health/health-topics/mold.page">https://www1.nyc.gov/site/doh/health/health-topics/mold.page</a>

H.R.: The United States Toxic Mold Safety and Protection Act

#### **EPA**

"Should You Have the Air Ducts in Your Home Cleaned?" <a href="http://www.epa.gov/iag/pubs/airduct.html">http://www.epa.gov/iag/pubs/airduct.html</a>

General information about molds and actions that can be taken to clean up or prevent a mold problem.

<a href="http://www.epa.gov/asthma/molds.html">http://www.epa.gov/asthma/molds.html</a>

"A Brief Guide to Mold, Moisture, and Your Home" - Includes basic information on mold, cleanup guidelines, and moisture and mold prevention http://www.epa.gov/mold/moldguide.html

"Mold Remediation in Schools and Commercial Buildings" - Information on remediation in schools and commercial property, references for potential mold and moisture remediators. https://www.epa.gov/mold/mold-remediation-schools-and-commercial-buildings-guide

#### **FEMA**

"Homes That Were Flooded May Harbor Mold Problems" - Information and tips for cleaning mold.

http://www.fema.gov/news-release/homes-were-flooded-may-harbor-mold-problems

"Dealing With Mold & Mildew in Your Flood Damaged Home. http://www.fema.gov/pdf/rebuild/recover/fema\_mold\_brochure\_english.pdf



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### 6. Important Terms, Conditions, and Limitations

#### A. Sample Retention

Samples analyzed by EMSL will be retained for 60 days after analysis date Storage beyond this period is available for a fee with written request prior to the initial 30 day period. Samples containing hazardous/toxic substances which require special handling will be returned to the client immediately. EMSLreserves the right to charge a sample disposal fee or return samples to the client.

#### B. Change Orders and Cancellation

All changes in the scope of work or turnaround time requested by the client after sample acceptance must be made in writing and confirmed in writing by EMSL. If requested changes result in a change in cost the client must accept payment responsibility. In the event work is cancelled by a client, EMSL will complete work in progress and invoice for work completed to the point of cancellation notice. EMSL is not responsible for. holding times that are exceeded due to such changes.

#### C. Warranty

EMSL warrants to its clients that all services provided hereunder shall be performed in accordance with established and recognized analytical testing procedures and with reasonable care in accordance with applicable federal, state and local laws. The foregoing express warranty is exclusive and is given in lieu of all other warranties, expressed or implied. EMSL disclaims any other warranties, express or implied, including a warranty of fitness for particular purpose and warranty of merchantability.

#### D. Limits of Liability

In no event shall EMSL be liable for indirect, special, consequential, or incidental damages, including, but not limited to, damages for loss of profit or goodwill regardless of the negligence (either sole or concurrent) of EMSL and whether EMSL has been informed of the possibility of such damages, arising out of or in connection with EMSL's services thereunder or the delivery, use, reliance upon or interpretation of test results by client or any third party. We accept no legal responsibility for the purposes for which the client uses the test results. EMSL will not be held responsible for the improper selection of sampling devices even if we supply the device to the user. The user of the sampling device has the sole responsibility to select the proper sampler and sampling conditions to insure that a valid sample is taken for analysis. Any resampling performed will be at the sole discretion of EMSL, the cost of which shall be limited to the reasonable value of the original sample delivery group (SDG) samples. In no event shall EMSL be liable to a client or any third party, whether based upon theories



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of tort, contract or any other legal or equitable theory, in excess of the amount paid to EMSL by client thereunder.

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#### E. Indemnification

Client shall indemnify EMSL and its officers, directors and employees and hold each of them harmless for any liability, expense or cost, including reasonable attorney's fees, incurred by reason of any third party claim in connection with EMSL services, the test result data or its use by client