

DETAIL ASSOCIATES, INC.

ENVIRONMENTAL ENGINEERING CONSULTANTS

July 20, 2023

Mr. John Arthur
Library Director
East Brunswick Public Library
2 Jean Walling Civic Center Drive
East Brunswick, New Jersey 08816

Re: IAQ Mold Assessment - Project #NJ23-0233
East Brunswick Public Library, 2 Jean Walling Civic Center Drive
East Brunswick, New Jersey 08816

Dear Mr. Arthur:

Thank you for using the services of Detail Associates, Inc. Enclosed are the findings along with analytical results, for the IAQ Mold Assessment conducted at the of above referenced location on July 15, 2023. The inspection and air tests focused on the information desk and circulation area. See the table below for a photo of the assessed area:

<i>Location and Sample Number</i>	<i>Picture</i>	<i>Findings</i>
Information Desk EB-0715-1A		Airborne mold spores Acceptable

560 Sylvan Avenue, Suite 3065, Englewood Cliffs, New Jersey 07632
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EUROPE NORTH AMERICA ASIA

Circulation Area EB-0715-2A		Airborne mold spores Acceptable
Background Outdoors EB-0715-3A	N/A	Acceptable

In total, three (3) air samples were collected to establish airborne mold spore levels. The first and second samples were collected from inside the information desk and the circulation areas. The third sample was collected outdoors to establish background airborne mold spore levels. The microbiological air testing protocol involved the use of Air-O-Cell cassettes with a high-volume pump. These samples were sent to be analyzed by EMSL Analytical for colony structures per cubic meter of air (CTS/m³). The samples were submitted to EMSL Analytical, Inc, a certified microbial analytical laboratory. The samples were analyzed following the analysis for determination of fungal spores & particulates (Methods MICRO-SOP-201, ASTM D7391).

Laboratory results show acceptable **levels** of airborne mold spores in the sample collected inside the sampled areas. Based on the above, the indoor air quality is acceptable within the tested locations.

Attached is the certificate of analysis along with the full laboratory report.

Thank you. We appreciate the opportunity to provide environmental consulting services. Should you have any additional questions or require further information, please contact our office at your convenience.

Sincerely,
DETAIL ASSOCIATES, INC. (Mold Assessor Cert# 01296)


Stephen A. Jaraczewski (NY Mold Assessor Cert# MA01552)
President, BSChE, IH, MS Sustainability Management, Columbia University

SAJ/mw
Enclosures

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Detail Associates, Inc.
560 Sylvan Avenue / Suite 3065
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(201) 569-6708

Client: East Brunswick Public Library
Date Sampled: July 15 2023
Project No. NJ23-0233
Samples Submitted By: Stephen Jaraczewski
Date Characterization Completed: July 19, 2023

CERTIFICATE OF ANALYSIS
2 Jean Walling Civic Center Drive, East Brunswick, New Jersey 08816

Air-O-Cell (Air Sample):

Sample #: EB-0715-1A	Information Desk
Total Count Airborne Spores:	20 CTS/m³
Airborne Spore ID:	(20 CTS/m ³) Basidiospores
Other Airborne ID:	None Detected
Sample #: EB-0715-2A	Basement - Laundry
Total Count Airborne Spores:	80 CTS/m³
Airborne Spore ID:	(80 CTS/m ³) Basidiospores
Other Airborne ID:	None Detected
Sample #: EB-0715-3A	Background
Total Count Airborne Spores:	737 CTS/m³
Airborne Spore ID:	(100 CTS/m ³) Ascospores (20 CTS/m ³) Aspergillus/Penicillium (570 CTS/m ³) Basidiospores (40 CTS/m ³) Cladosporium (7CTS/m ³) Myxomycetes
Other Airborne ID:	None Detected

Analysis by
EMSL Analytical, Inc.
Methods MICRO-SOP-201, ASTM D7391



EXPANDED FUNGAL REPORT TM

Prepared Exclusively For

Detail Associates, Inc.
560 Sylvan Avenue
Suite 3065
Englewood Cliffs, NJ 07632
Phone: 201-569-6708

Report Date: 7/19/2023
Project: NJ23-0233
EMSL Order: 032308530

AIHA LAP, LLC.
AIHA LAP, LLC EMLAP #102581



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EMSL Order: 032308530
Customer ID: DETA50
Collected: 7/15/2023
Received: 7/18/2023
Analyzed: 7/19/2023

Proj: NJ23-0233

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

	Particle Identification	Raw Count	(Count/m³)	% of Total	Interpretation Guideline
032308530-0001	Alternaria (Ulocladium)	-	-	-	Acceptable
Client Sample ID EB-0715-1A	Ascospores	-	-	-	
	Aspergillus/Penicillium	-	-	-	
	Basidiospores	1	20	100	
Location Information Desk	Bipolaris++	-	-	-	
	Chaetomium++	-	-	-	
	Cladosporium	-	-	-	
	Curvularia	-	-	-	
Sample Volume (L) 150	Epicoccum	-	-	-	
	Fusarium++	-	-	-	
	Ganoderma	-	-	-	
Sample Type Inside	Myxomycetes++	-	-	-	
	Pithomyces++	-	-	-	
	Rust	-	-	-	
Comments	Scopulariopsis/Microascus	-	-	-	
	Stachybotrys/Memnoniella	-	-	-	
	Unidentifiable Spores	-	-	-	
	Zygomycetes	-	-	-	
	Total Fungi	1	20	100	
	Hyphal Fragment	-	-	-	
	Insect Fragment	-	-	-	Acceptable
	Pollen	-	-	-	
	Analytical Sensitivity 600x: 21 counts/cubic meter				
	Analytical Sensitivity 300x *: 7* counts/cubic meter				Skin Fragments: 1 1 to 4 (low to high) Fibrous Particulate: 1 1 to 4 (low to high) Background: 1 1 to 4 (low to high); 5 (overloaded)

Acceptable Concentration at or below background

Slightly Elevated Concentration above background

ELEVATED Concentration 10X or more above background

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 fungal glossary for each specific category.

Initial report from: 07/19/2023 10:11:37

Aaron Patak, Microbiology Laboratory Director
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. Long Island City, NY AIHA LAP, LLC-EMLAP Accredited #102581

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Proj: NJ23-0233

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

	Particle Identification	Raw Count	(Count/m³)	% of Total	Interpretation Guideline
032308530-0002	Alternaria (Ulocladium)	-	-	-	Acceptable  
Client Sample ID EB-0715-2A	Ascospores	-	-	-	
	Aspergillus/Penicillium	-	-	-	
	Basidiospores	4	80	100	
	Bipolaris++	-	-	-	
Location Circulation Area	Chaetomium++	-	-	-	
	Cladosporium	-	-	-	
	Curvularia	-	-	-	
	Epicoccum	-	-	-	
Sample Volume (L) 150	Fusarium++	-	-	-	
	Ganoderma	-	-	-	
Sample Type Inside	Myxomycetes++	-	-	-	
	Pithomyces++	-	-	-	
	Rust	-	-	-	
	Scopulariopsis/Microascus	-	-	-	
Comments	Stachybotrys/Memnoniella	-	-	-	
	Unidentifiable Spores	-	-	-	
	Zygomycetes	-	-	-	
	Total Fungi	4	80	100	
	Hyphal Fragment	-	-	-	
	Insect Fragment	-	-	-	
	Pollen	-	-	-	
Analytical Sensitivity 600x: 21 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)			
		Background: 1 1 to 4 (low to high); 5 (overloaded)			

Acceptable

Concentration at or below background

Slightly Elevated

Concentration above background

ELEVATED

Concentration 10X or more above background



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



Spores reported to be able to cause allergies in individuals.



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These fungi are considered water damage indicators.

++ Includes other spores with similar morphology; see EMSL's fungal glossary for each specific category.

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EMSL Order: 032308530
Customer ID: DETA50
Collected: 7/15/2023
Received: 7/18/2023
Analyzed: 7/19/2023

Proj: NJ23-0233

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

	Particle Identification	Raw Count	(Count/m³)	% of Total	Interpretation Guideline
032308530-0003	Alternaria (Ulocladium)	-	-	-	
	Ascospores	6	100	13.6	
Client Sample ID	Aspergillus/Penicillium	1	20	2.7	
EB-0715-3A	Basidiospores	28	570	77.3	
	Bipolaris++	-	-	-	
	Chaetomium++	-	-	-	
Location	Cladosporium	2	40	5.4	
Background Outdoor	Curvularia	-	-	-	
	Epicoccum	-	-	-	
Sample Volume (L)	Fusarium++	-	-	-	
150	Ganoderma	-	-	-	
	Myxomycetes++	1*	7*	0.9	
Sample Type	Pithomyces++	-	-	-	
Background	Rust	-	-	-	
	Scopulariopsis/Microascus	-	-	-	
	Stachybotrys/Memnoniella	-	-	-	
Comments	Unidentifiable Spores	-	-	-	
	Zygomycetes	-	-	-	
	Total Fungi	38	737	100	
	Hyphal Fragment	-	-	-	
	Insect Fragment	-	-	-	
	Pollen	-	-	-	
Analytical Sensitivity 600x: 21 counts/cubic meter		Skin Fragments: 1		1 to 4 (low to high)	
Analytical Sensitivity 300x *: 7*		Fibrous Particulate: 1		1 to 4 (low to high)	
		Background: 1		1 to 4 (low to high); 5 (overloaded)	



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

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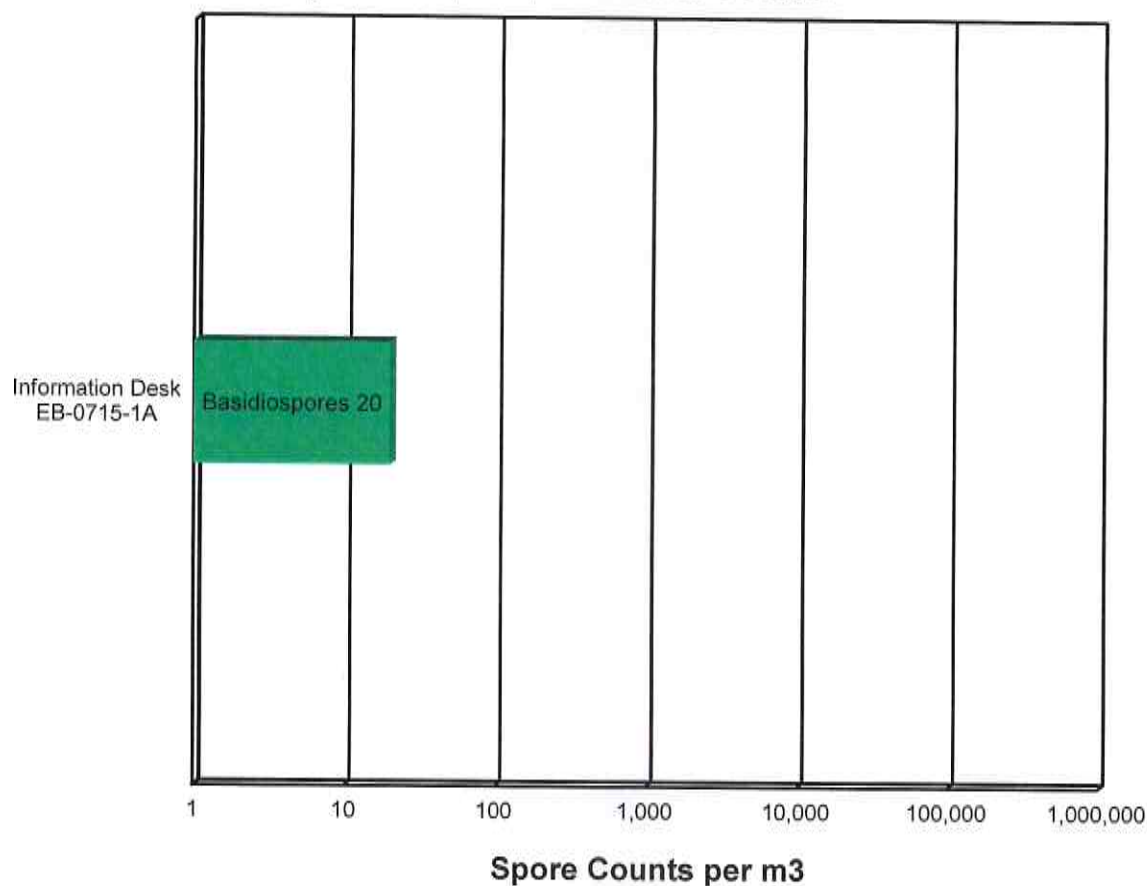
Collected: 7/15/2023

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Proj: NJ23-0233

Spore Trap Report: Total Counts



■ Ascospores ■ Aspergillus/Penicillium ■ Basidiospores ■ Cladosporium
■ Myxomycetes++

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

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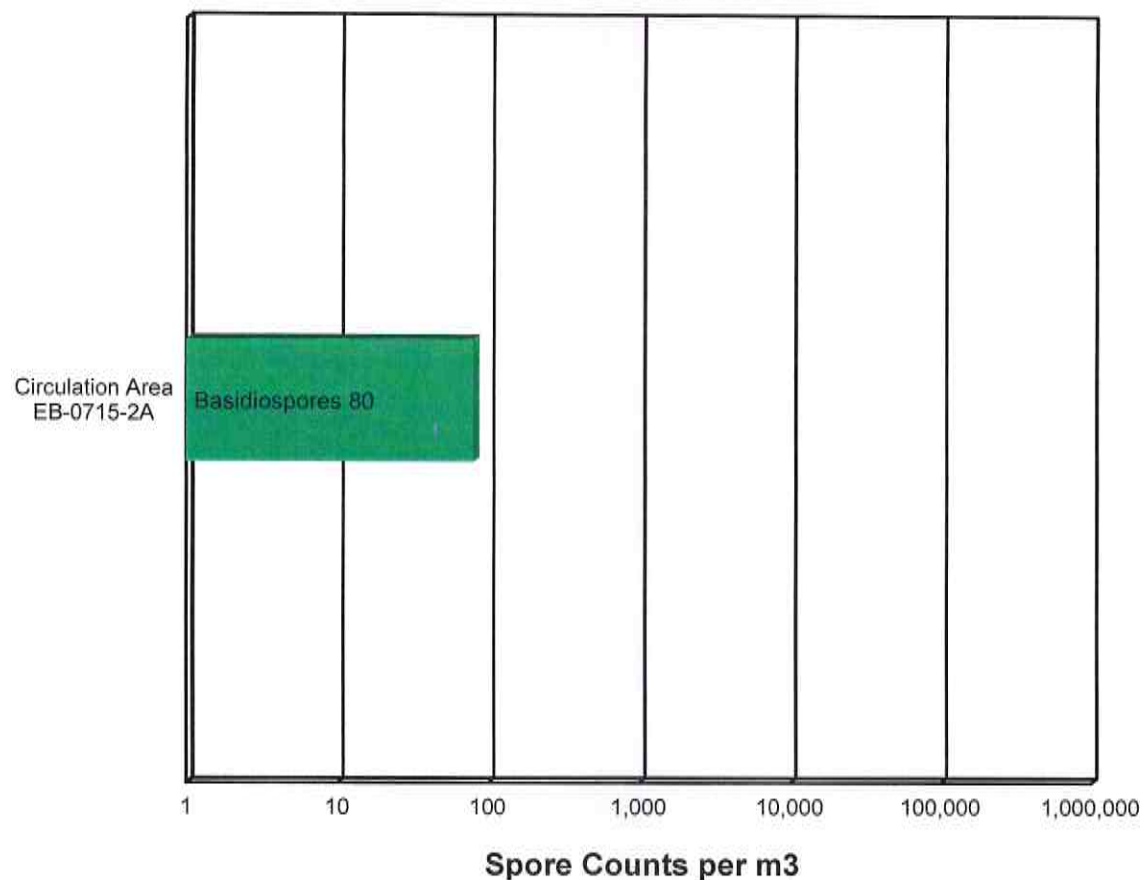
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Spore Trap Report: Total Counts



Ascomycetes	Aspergillus/Penicillium	Basidiospores	Cladosporium
Myxomycetes++			

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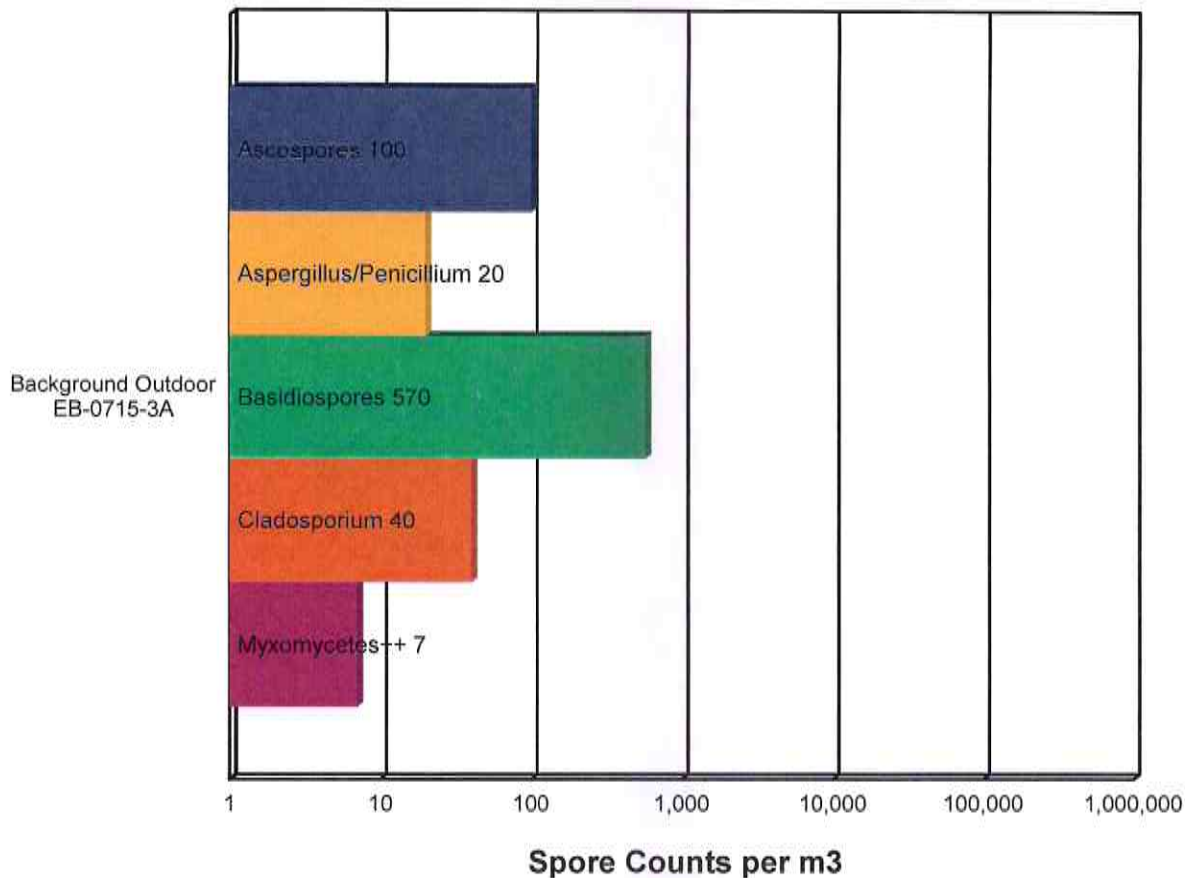
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Spore Trap Report: Total Counts



■ Ascospores ■ Aspergillus/Penicillium ■ Basidiospores ■ Cladosporium
■ Myxomycetes++

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

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Customer ID: DETA50

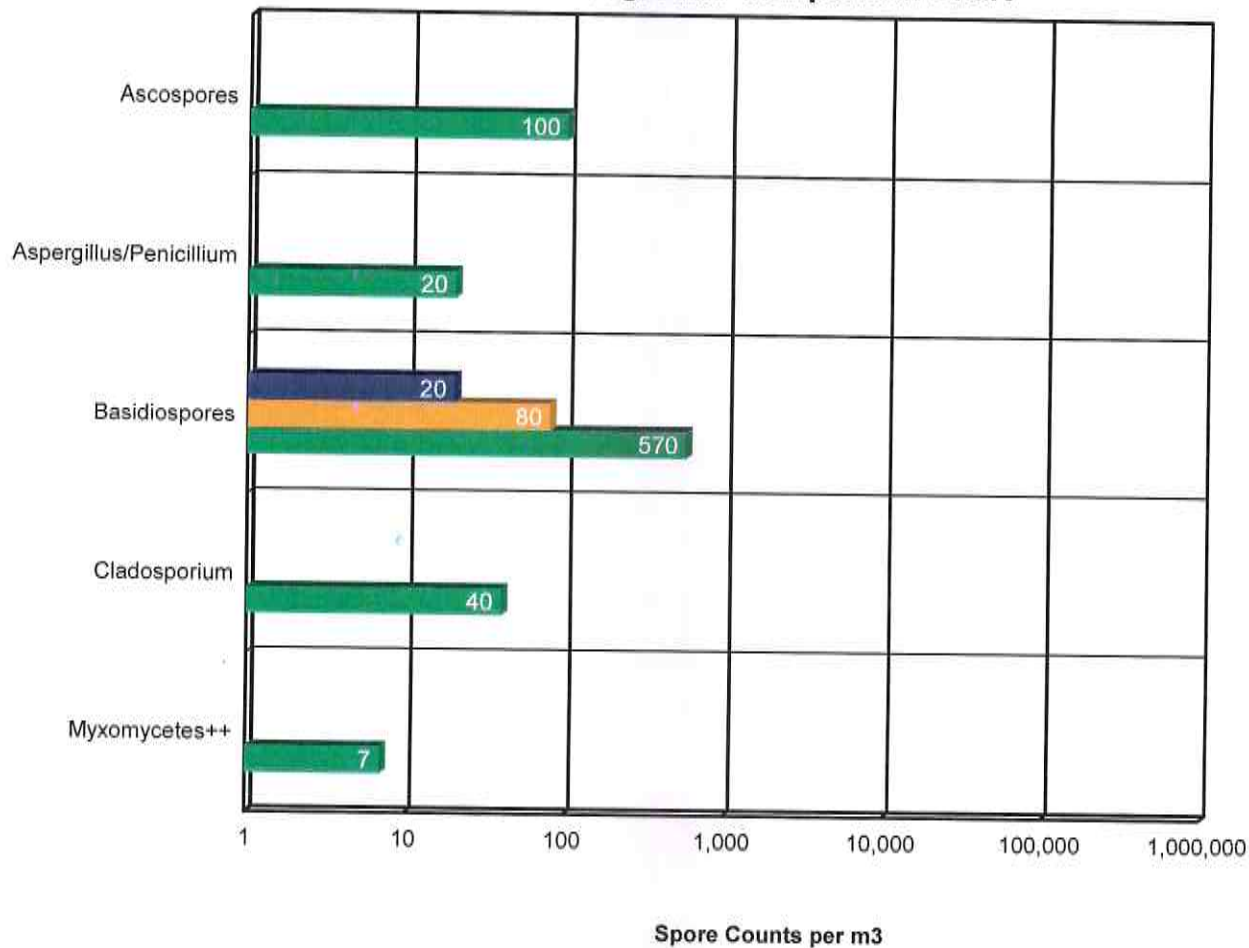
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Background Comparison Chart



■ EB-0715-1A Information Desk ■ EB-0715-2A Circulation Area ■ EB-0715-3A Background Outdoor

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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

ASCOSPORES

Natural Habitat	Everywhere in nature.
Suitable Substrates in the Indoor Environment	Depends on genus and species.
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 Pathogens	Depends on genus and species.
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.

ASPERGILLUS/PENICILLIUM

Natural Habitat	Plant debris · Seed · Cereal crops
Suitable Substrates in the Indoor Environment	Grows on a wide range of substrates indoors · Prevalent in water damaged buildings · Foods (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 Pathogens	Possible depending on the species.
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.

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BASIDIOSPORES

Natural Habitat	Forest floors. Lawns. Plants (saprobies or pathogens depending on genus)
Suitable Substrates in the Indoor Environment	Depends on genus. Wood products
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 Pathogens	Depends on genus.
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.

CLADOSPORIUM

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

MYXOMYCETES++

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

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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.

<http://www.aiha.org/get-involved/VolunteerGroups/Documents/BiosafetyVG-FactsAbout%20MoldDecember2011.pdf>

The Occupational Safety and Health Administration (OSHA)

<http://www.osha.gov/SLTC/molds/index.html>

CDC Mold Facts

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

CDC Stachybotrys - Questions and answers on Stachybotrys chartarum and other molds

<http://www.cdc.gov/mold/stachy.htm>

IOM, NAS: Clearing the Air: Asthma and Indoor Air Exposures

<https://www.epa.gov/indoor-air-quality-iaq/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/CCDCPHP/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

<https://www1.nyc.gov/site/doh/health/health-topics/mold.page>

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

EPA

"Should You Have the Air Ducts in Your Home Cleaned?"

[<http://www.epa.gov/iaq/pubs/airduct.html>](http://www.epa.gov/iaq/pubs/airduct.html)

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

[<http://www.epa.gov/asthma/molds.html>](http://www.epa.gov/asthma/molds.html)

"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. EMSL reserves 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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