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Mold After Water Intrusion in California Commercial Buildings: What to Do

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A roof leak, a failed supply line, or a slab that wicks water every winter turns into a mold problem faster than most commercial owners expect, and the problem stops being about drywall the moment a tenant's employee says the office is making them sick. Property managers, commercial landlords, facility directors, and the employers who lease the space all end up holding part of it. The question I get asked most is whether to test, and the honest answer is that testing is the smallest piece of a proper assessment.

What California Actually Requires

There is no California permissible exposure limit for mold. The Toxic Mold Protection Act of 2001, Health and Safety Code Section 26100 and the sections that follow it, directed the state health department to develop exposure standards and remediation guidelines, and it wrote disclosure duties for commercial and industrial landlords into Health and Safety Code Section 26141. But Section 26141(e) states that those duties do not apply until the first January 1 or July 1 that occurs at least six months after the department adopts those standards, and Section 26156 conditions the whole chapter on available funding. To my knowledge the standards that would switch those duties on have never been adopted. Section 26141(d) also states plainly that a landlord is not required to conduct air or surface tests to determine whether mold exceeds any limit. So when someone tells you the state requires mold testing in a commercial building, that is not what the law says.

What the law does say is aimed at water. Title 8, Section 3362, the general sanitation requirement that applies to every California workplace, states that when exterior water intrusion, leakage from interior water sources, or other uncontrolled accumulation of water occurs, it shall be corrected because of the potential for these conditions to cause the growth of mold. That is a Cal/OSHA requirement, it applies to the employer occupying the space, and it is the section an inspector cites when an employee complaint about mold turns into an inspection. Section 3362 also requires workplaces to be kept clean, orderly, and sanitary.

Two other sections come into play. Title 8, Section 5142 requires mechanically driven HVAC systems to be maintained and operated to provide at least the outdoor air the building code requires, to be operated continuously during working hours with limited exceptions, and to be inspected at least annually, with problems corrected within a reasonable time. Inspection and maintenance records must be kept in writing, retained for at least five years, and produced within 48 hours to Cal/OSHA, affected employees, or their representatives. A wet, fouled air handler is one of the most common hidden mold sources in a commercial building, and Section 5142 is how an inspector gets to it. Title 8, Section 5141 sets the



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hierarchy for any harmful exposure: engineering controls where feasible, administrative controls next, and respiratory protection under Section 5144 only while controls are being put in place or when they fail.

For the employer, the Injury and Illness Prevention Program under Section 3203 already requires a system for employees to report hazards and for the employer to correct them. A mold complaint is a hazard report, and ignoring it is an IIPP violation before anyone argues about spore counts.

What a Proper Assessment Looks Like

In my experience, a defensible mold assessment in a commercial building has five parts, and the sampling equipment stays in the truck until the fourth.

1. **History.** Interviews with the tenant, the property manager, and maintenance staff about every leak, flood, roof repair, and condensation complaint they can remember, with dates. Work orders and insurance claims fill in what people forget.
2. **Visual inspection.** Every accessible surface in the affected area and the spaces that share walls, ceilings, or plenum with it: above ceiling tiles, behind base cabinets, inside the air handler, at the slab edge, and at exterior penetrations on the weather side.
3. **Moisture mapping.** A pin or non-invasive moisture meter and, where warranted, infrared imaging to find wet building materials that look dry. This is the step that finds the source, and the source is the whole point. Mold is a symptom; moisture is the diagnosis.
4. **Sampling, if it answers a question.** Air, surface, or bulk samples are useful to confirm growth behind a wall you cannot open, to characterize a supply plenum, to establish that an area is clean after remediation, or to document conditions when litigation is likely. Sampling without a hypothesis produces a report neither side can interpret.
5. **A written report with a scope of work.** Where the moisture came from, what it wet, what is visibly affected, what the sampling showed if any was done, what needs to be removed versus cleaned, and what containment and protection the remediation contractor should use. The report should also state what will be checked at clearance and what the pass criteria will be.

Sampling Versus Visual Inspection

Air sampling in particular is easy to do badly. Spore counts swing with time of day, HVAC cycles, foot traffic, and outdoor conditions, and there is no state or federal number that says a result is safe or unsafe, so every air sample needs an interpretation written by someone willing to sign it. Surface tape lifts and bulk samples are more direct: they tell you whether the discoloration on the gypsum is mold. In most commercial water-intrusion cases, if you can see it and you know why it is wet, you have enough to write the scope. I recommend sampling when growth is suspected but hidden, when the HVAC system is implicated, or when the building is headed toward a dispute and you need a dated baseline.



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Remediation Documentation

The gap I see most often is a remediation done competently but recorded on an invoice and nothing else. At a minimum I want to see:

- The assessment report and scope of work, dated before the remediation started.
- Photographs of the source repair, not just the demolition. If the roof or the pipe was not fixed, the mold is coming back.
- Daily logs from the remediation contractor showing containment, negative air, worker protection, and materials removed.
- Disposal records for removed building materials.
- A post-remediation verification by someone independent of the remediation contractor, with a visual inspection, moisture readings showing materials are dry, and clearance sampling if the scope called for it.
- A closeout letter that states the work was completed per the scope and the area is ready for reconstruction and reoccupancy.

Tie those records to the Section 5142 HVAC file if the air handler was involved, and keep the package with the property records for at least five years, longer if a claim or tenancy dispute is possible.

Tenant and Employee Complaints

A commercial tenant's employee who complains about mold is under Cal/OSHA's jurisdiction, and the employer is the tenant, not the landlord. That split gets people into trouble. The tenant employer owes the response under Section 3203 and the correction under Section 3362; the landlord usually controls the roof, the envelope, and the HVAC. The way through is a written response the same day: acknowledge the complaint, inspect, document what you found with photographs and moisture readings, and put the source repair and any remediation on a dated schedule. Share that record with the tenant. If Cal/OSHA receives a complaint, the inspector will ask the employer what it did and when, and a landlord with a dated assessment and repair record has just made the tenant's answer easy.

Do not paint over visible growth and call it resolved, because the moisture is still there. And do not tell employees or tenants a building is "safe" on the strength of an air sample. Say what you did, what you found, and what you fixed.

What to Do This Week

- Pull every water-related work order for the building from the past three years and map them on a floor plan; clusters are your assessment targets.
- Open the ceiling above any area with a history of leaks and look, with a flashlight and a moisture meter.



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- Locate the HVAC inspection and maintenance records required by Section 5142 and confirm the last annual inspection is dated within 12 months.
 - Walk the air handlers and check the drain pans, coils, and insulation for standing water or visible growth.
 - Confirm that tenant hazard reports, including mold complaints, have a written intake and response path under the IIPP.
 - For any active water problem, fix the source first and document the fix with dated photographs before anything else.
 - Retain an independent assessor before you retain a remediation contractor, so the scope is written by someone who is not selling the demolition.

If you have a building with a water history and need an assessment that finds the source, defines the scope, and produces documentation that will hold up with a tenant, an inspector, or a court, McNeil Safety Consulting can help. Learn more about our [property assessment services](#) or call **(626) 546-9384**.

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