

Some Thoughts on the Hall of Justice Investigation
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Introduction

The proposed move of the Hall of Justice is being largely driven by a perception adopted primarily by City staff that the building is too dangerous for continued occupancy. This perception is based on a series of tests and reports secured by the City during the period April through August of 2006.

A careful reading of the entire content of all the reports does not support the fact that there is a pervasive and unhealthy mold contamination in the building that precludes continued occupancy. Neither do the reports support a necessity to remediate mold in the entire building, causing large areas to be evacuated temporarily on a rotating basis.

What the reports do say is that:

- Water intrusion is a pervasive problem in the building, particularly in the basement and the south end of the second floor.
- There was some mold in the basement and in a few rooms on the first and second floor.

No building diagnostics to determine the actual sources of water intrusion were performed as a part of any of the reports' preparation, nor were any prototype repairs performed to determine the feasibility of repairs.

There is almost no information available about the experience and qualifications of the individuals who performed the initial inspections and tests and prepared the reports. None of them appear to be licensed as architects, engineers or contractors. This is particularly troubling in the case of Amherst, which has emerged as sort of the lead consultant that recommended vacation of the building.

Initial Reports

In April of 2006, the City retained [MACS Lab Incorporated](#)¹ to perform a limited indoor air quality assessment of the Family Service Unit, which is at the south end of the building on the second floor.

Later the City retained MACS to perform additional investigations for airborne asbestos, viable and non-viable air samples for mold, airborne asbestos and lead, bacterial culture analysis, dust analysis and VOC (volatile organic compounds).

¹ MACS Lab Incorporated,, 1505 Wyatt Drive, Santa Clara, CA 95054, 408/727-9727, fax 408/727-7065, www.macslab.com.

MACS apparently subcontracted the asbestos sampling to Law Associates, the bacterial analysis to [Natural Link Mold Lab](#),² the dust analysis to [Micro Analytical Laboratories, Inc.](#)³ and the VOC analysis to [Air Toxics, Inc.](#)⁴

The analyses did not find elevated levels of airborne asbestos, lead, total dust and various volatile organic compounds anywhere.⁵

There were no *e coli* bacteria found in the building.⁶

The City apparently later retained Amherst, Inc. to “assess the Hall of Justice to determine the cause and origin of water intrusion and to develop preliminary repair costs to abate the resulting conditions and restore the building to a functioning condition.”⁷ Amherst, in turn, retained [La Croix Davis, LLC](#), to review the various environmental reports.

The report on which decisions by the City were ultimately based are compiled into a single volume entitled simply “File Report,” prepared for Ms. Shari Deutsch, by [Amherst, Inc.](#), for the Hall of Justice, dated July 21, 2006. Incorporated into the Amherst report are documents provided by MACS, Law Associates, Natural Link Mold Lab, Micro Analytical Laboratories, Inc. and Air toxics, Inc. There is also a one-page letter dated July 6, 2006, from Thomas S. Allems, MD, MPH,⁸ clarifying recommendations for mask and glove use in the Hall of Justice basement.

On July 18, 2006, Benjamin J. Heckman of La Croix Davis, LLC, performed a building walkthrough with Tim McCafferty and Trent Tessler of Amherst. Only two areas of visible mold growth were observed in the entire building, the two janitors closets on the second and third floors.

The MACS lab performed three inspections on May 6, June 7 and July 5, 2006. The third floor was not included in the assessment. The May 6 testing was limited to the highly leak-prone family Services Unit on the south end of the second floor. Not surprisingly,

² Natural Link Mold lab, Inc., 390 Freeport Boulevard, Sparks, NV 89431, 775/356-6653

³ Micro Analytical laboratories, Inc., 5900 Hollis Street, Suite M, Emeryville, CA 94609, 510/653-0824.

⁴ Air Toxics, Inc., 180 Blue ravine Road, Suite B, Folsom, CA 95630, 916/985-1000.

⁵ Letter report dated July 22, 2006, from Benjamin J. Heckman from LaCroix Davis to Tim McCaherty of Amherst, Inc.

⁶ Letter report dated July 22, 2006, from Benjamin J. Heckman from LaCroix Davis to Tim McCaherty of Amherst, Inc., 3

⁷ File Report, 3

⁸ Thomas S. Allems, MD, MPH, 311 California Street, Suite 410, San Francisco, CA 94104, 415/989-5335.

Profile: Internal Medicine (board certified), Occupational Medicine (board certified), specializing in Occupational and Environmental Medicine/Toxicology. Scientific evaluation of mold claims, and toxic exposure claims (including pesticides, metals, solvents, etc.). Available for case consultation, interpretation of environmental test data with respect to human health risk and expert witness work. Education/Licenses: MD (licensed in California, Nebraska and Ontario, Canada), MPH, QME, MRO, Clinical Faculty UCSF Primary Area of Expertise: Toxicology

(http://www.almexperts.com/ExpertWitness/experts_and_consultants/expert/5161572.html)

the report documented mold on window sills and elevated airborne fungi (higher than ambient outdoor levels).

The next MACS testing was done on July 7, 2006. Five samples were collected in the basement. Three of the five samples (Janitors Closet, CSI Room and South End) had the same or lower concentrations than outdoor ambient. Only the Main Office and Firing Range had non-viable airborne samples higher than ambient, but both still had viable airborne concentrations lower than ambient.

On the first floor five rooms were tested out of a total of 51. Four of the five rooms (Patrol Line Up, Evidence Technician Office, Room 134 and Room 102) were the same or lower than ambient. Only one room, 109, had airborne viable airborne mold levels higher than outdoor ambient, but the non-viable levels were lower than outdoor ambient. In some cases, when overall levels were the same or lower than outdoor ambient, there were individual species that exceeded outdoor ambient, usually in low levels.⁹

On the second floor, five rooms were tested out of a total of 53. Three of the five (Conference Room, Family Services Unit (216) and Internal Affairs Section) had airborne mold levels lower than outdoor ambient. Only two rooms (Workout Room and Special services Bureau Command) had non-viable airborne mold levels higher than outdoor ambient, but both had viable airborne mold levels lower than outdoor ambient.

The third floor has never been tested.

If you exclude the basement, which is a unique case, and the significantly impacted former Family Services Unit on the south end of the second floor, there simply is no evidence that elevated mold levels are typical for the Hall of Justice. Even with the small number of spaces tested with elevated mold levels:

No accepted standards currently exist by which to assess the health risks related to mould exposure. Currently, there are no biological exposure indices available from the U.S. Environmental Protection Agency or Center for Disease Control for fungal aerosols. Therefore, determining threshold limit values as a basis for interpreting environmental measurements is difficult at this time. Moulds have been associated with a variety of health effects and sensitivity varies from person to person. MACS Lab recommends seeking out the advice of a medical doctor and providing him/her with the reports in the Appendices.¹⁰

There is no record that the City consulted with a medical doctor other than Dr. Allems, who offered no opinion other than a specific recommendation for people accessing the basement.

Who Are These People?

⁹ MACS Lab Project Number J6136, Richmond Hall of Justice, June 7, 2006, 3: "However, a few genera of mould present in low concentrations on indoor samples and not present outdoors may be normal and not reflective of indoor amplification."

¹⁰ MACS Lab project Number J6136, Richmond Hall of Justice, May 6, 2006, 9

The **Amherst Incorporated** report is signed by no one, but the report states that the inspection was made by Tim McCafferty and Tent Tessler. A search of California Consumer affairs found neither to be licensed as an architect, engineer or contractor. The [Amherst](#) web site has no information about the company's staff, experience, qualifications or clients.

The **MACS Lab** reports lists Cory Suppes and Chris Bail as "staff industrial hygienists," and they are signed by "Cory Suppes, Senior Project Manager," and "Roy J. Mabus," Director of Field Services. There is no information on the MACS Lab website about the qualifications of any of these individuals, and a Google search turned up no information.

The **La Croix Davis, LLC**, report is signed by Benjamin J. Heckman, MPH, CIM, CAC. A search of California Consumer affairs found Benjamin J. Heckman was not licensed as an architect, engineer or contractor, although La Croix Davis describes its service as "building and environmental forensics." A Google search for Benjamin J. Heckman turned up no information. "MPH" may stand for "masters in public health." "CIM" may stand for "Canadian Institute of Mining." We just don't know.

Follow Up Reports

On August 21, 2006, Simpson Gumpertz & Heger Inc., provided a "Peer Review of Richmond Hall of Justice Water Intrusion Assessment Report." The report, signed by Carolyn L. Searles, a licensed civil engineer, basically summarized the previous reports. No new testing was accomplished.

She noted that the MASCS report "draws no conclusions, but offers guidance by identifying industry-acceptable levels of the above [asbestos fibers, lead, dust and mold] materials."

Searles agreed that there was widespread evidence of leaks, and she agreed with the Amherst recommendation that the building's occupants be relocated before the winter of 2006. However, Searles also provided a table that showed that the entire building is habitable, except the basement, with some periodic cleaning of areas adjacent to some windows.