

LETTER OF THE LAW

A PUBLIC SERVICE OF

WILLIAMS  BAILEY LAW FIRM, L.L.P.

September 2001

Working for a better, safer Texas.

FIRM REPORT: REPORT...FIRM REPORT...FIRM REPORT

TOXIC MOLD

Tropical Storm Allison may have left much more than flooded homes and billions of dollars in damage in the Houston area

The water soaked homes left behind in Allison's wake are prime breeding grounds for mold. While most mold is relatively harmless, certain strains of mold can be very dangerous. One strain, *Stachybotrys chartarum* (also known as *Stachybotrys atra*), is particularly troublesome. It is a greenish-black mold. It can grow on material with a high cellulose and low nitrogen content, such as fiberboard, gypsum board, paper, dust, and lint.

Growth occurs when there is moisture from water damage, excessive humidity, water leaks, condensation, water infiltration, or flooding.

Stachybotrys chartarum produces mycotoxins which have many noted adverse health effects. Specifically, intense exposure to mycotoxins has been thought to produce the following conditions:

Higher incidence of infection
Rashes
Headaches
Memory loss
Fatigue
Vertigo
Dizziness
Depression

Nausea
Diarrhea
Nose bleeds
Sore throat
Coughing
Shortness of breath
Wheezing
Bleeding from the lungs

In addition to natural disaster, several man-made conditions can lead to mold infestation. Faulty construction and poor maintenance are often the causes of outbreaks of mold. *Stachybotrys* mold can breed anywhere it has water and material to eat (wall board). If you have toxic mold as a result of poor construction or maintenance in your home, apartment, office building, or wherever you spend a significant amount of time, you may have a compensable loss.

If you have a mold problem or believe you have health effects related to mold exposure, please call Attorney Mark Smith at 1-800-220-9341.

WHAT YOU CAN DO ABOUT FAULTY HOME CONSTRUCTION!

If you live anywhere in Texas you know that if you blink your eyes a new 200-unit subdivision can appear out of nowhere. Population growth in Texas has skyrocketed and home builders are throwing up new houses at an incredible rate.

One unfortunate side-effect of this fast-paced construction boom is faulty or defective construction. Some disreputable builders cut as many corners as possible in order to put up houses faster and cheaper than their competitors.

Many unlucky homeowners are stuck with a house that appears beautiful to the untrained

eye, but actually contains serious construction defects. Repair of these defects can cost thousands of dollars and, in many cases, seriously diminish the value of your property. Foundation problems are a particular concern, especially in the Houston area with its "gumbo" soil, because of their effect on the entire house.

If you have purchased a brand new home from a homebuilder within the last 10 years and have recently found defects related to the construction of the home, please call Attorney Mark Smith at 713-230-2358 or toll-free at 1-800-220-9341.

ALERT: Miscalculation of Pension Payout

Have you received a lump sum pension payment?

Do you believe your payment may have been incorrectly calculated?

Judges have ruled that certain companies had incorrectly calculated "lump sum" retirement payments given to departing or retiring employees which resulted in lower payments than workers were due under federal pension benefit rules.

For more information, telephone: Attorney Steve Kherkher at 1-800-220-9341, or 713-230-2314

MOLD & YOUR HOMEOWNERS' INSURANCE

Several insurers have filed documents with the Texas Department of Insurance to exclude all coverage of mold and fungi from homeowner policies.

Currently, Texas homeowner policies include coverage for a loss caused by mold or other fungi if the loss is the direct result of a covered peril such as an accidental water discharge — a leak. If the proposed exclusion were granted, insurers would be exempt from any repairs associated with mold damage even if related to a water leak.

This issue is extremely important to Texas homeowners. Some toxic strains of mold require very meticulous and extensive repair work to ensure reinfestation does not occur. This usually involves tearing out the entire infected area, fixing the leak, and replacing the frame, sheet rock, paint and other surfaces. Such work requires expensive, well-trained remediation specialists who must work in special protective suits and wear respirators. As a result, this work can easily cost thousands of dollars.

If you would like to voice your concern over this issue, please contact the Texas Department of Insurance using the information below:

Texas Department of Insurance
Homeowners Division (MC 104-IF)
P.O. Box 149104
Austin, TX 76714-9104
800-252-3439 phone
512-463-6607 fax
<http://www.tdi.state.tx.us>

SILICOSIS: ANOTHER SILENT KILLER

What do mine workers in California, glass plant workers in Oklahoma, foundry workers in Tyler, Texas, and sandblasters throughout the State of Texas have in common? Unfortunately, silicosis. The silicosis team at Williams Bailey was recently reorganized under the direction of attorney John Fabry.

Silicosis is a disabling, irreversible, and sometimes fatal lung disease caused by overexposure to respirable silica. Silica is the second most common mineral in the earth's crust and is a major component of sand, rock, and mineral ores. Overexposure to dust that contains microscopic particles of silica can cause scar tissue to form in the lungs, which reduces the lung's ability to extract oxygen from the air we breathe.

While serving as Secretary of Labor in the Clinton administration, Robert Reich reported that **“Every year, more than 250 workers in the United States die with silicosis. Hundreds more become disabled by this disease. Every one of these cases is an unnecessary tragedy, because silicosis is absolutely preventable.”**

Adding to the tragedy is the fact that many workers exposed to silica wore

respiratory protective equipment that they believed would prevent the disease, but ultimately proved defective. These defective masks and respirators gave workers only the illusion of protection from hazardous microscopic silica particles. Williams Bailey is pursuing not only the manufacturers and sellers of products that contributed to the hazards of silica exposures, but also manufacturers of defective respirators that our clients relied on to protect them from silicosis.

Although the hazards associated with working in dusty conditions have been known to the medical and scientific communities for centuries, public attention in the United States was focused on silicosis in the early 1930s. A tunnel was under construction at Gauley Bridge in West Virginia from 1932 to 1934. During that period, many deaths from silicosis were widely publicized in the popular press. Although the risk of silicosis has been well recognized for a long time, and the disease is completely preventable.

According to the National Institute for Occupational Safety and Health (NIOSH) **more than 1 million U.S. workers are exposed to silica.** According to NIOSH,

the following activities have “great potential” risk for worker exposure to silica: construction (sandblasting, rock drilling, masonry work, jack hammering, tunneling); mining (cutting or drilling through sandstone and granite); foundry work (grinding, moldings, shake out, core room); ceramics, clay, and pottery, stone cutting (sawing, abrasive blasting, chipping, grinding); glass manufacturing, abrasive, blasting (sand, glass bead, flint); rock drilling and mining.

Silicosis may go undetected in the early stages. The body's ability to fight infections may be overwhelmed by silica dust in the lungs, making exposed workers most susceptible to complicating illnesses, such as bronchitis and tuberculosis. **Silicosis is incurable and progressive.** Symptoms that a silicosis victim may develop include: shortness of breath following physical exertion, severe cough, fatigue, loss of appetite, chest pains and fever. Complicating factors, which often interfere with the correct diagnosis, include emphysema, and rheumatoid. If you have questions about the diagnosis and prevention of silicosis, please call John Fabry at 1-800-220-9341.

DID YOU KNOW?

Williams Bailey is a full service law firm. In addition to the services we offer in asbestos litigation and class actions, we offer our services and resources in the personal injury area. If you, a family member or a friend have been injured in an accident, please contact our firm at 1-800-220-9341 to discuss your right to recover damages.

HAVE YOU MOVED?

Please be sure to notify us of any changes of address or phone number you may have so that we can immediately contact you of settlements or trial information.

WILLIAMS BAILEY LAW FIRM, L.L.P.
8441 Gulf Freeway, Suite 600
Houston, Texas 77017-5001
713/230-2200 FAX: 713/643-6226
www.williamsbailey.com

PRESORT STANDARD
US POSTAGE
PAID
HOUSTON TX
PERMIT NO 7338

