

Rising Building Defect Litigation

Millions of dollars worth of building defect litigation is going on today, and water intrusion, which often causes mold to grow, is one of the major issues. Infrared (IR) thermography, the non-destructive diagnostic technology that allows one to detect moisture invisible to the naked eye on or below the surface of an object, can help insurance companies to significantly reduce the cost and time required to determine with certainty the liability for water intrusion, and thus likely areas of mold contamination.

Several years ago, a lot of people thought mold was going to be the replacement for asbestos in terms of litigation after several high profile settlements. While suing for water and mold damage has not turned out to be the litigation windfall that asbestos was, it still can be a problem and you still have to clean the mess up. An IR camera can help correct the problem by confirming and defining it. The sheer number of claims that were generated forced the insurance industry across the country to add riders to their homeowner policies, specifically excluding coverage for personal injury resulting from mold. As a result, homeowners, apartment tenants and many businesses, such as hotels and motels, also not covered, have started suing for negligence, leaving builders and contractors, building managers and rental and commercial building owners and their insurance carriers highly vulnerable to litigation.

But until now, proving or disproving the cause and origin of the invasive moisture, what caused the damage and where it's coming from, and determining whether it's covered and if it is, how much it's going to cost to repair it, has been time consuming, expensive and often inconclusive. The process of finding the source of the moisture intrusion is the hard part, and has usually combined visual inspection, field experience in locating intrusive moisture, the use of contact moisture meters and tearing out walls and ceilings. However, infrared can determine conclusively the cause and responsibility for water intrusion, by quickly, accurately and inexpensively identify its source, route and scope. The IR camera reduces the process required by older technologies, such as moisture probes, from weeks to days. And it's hard to argue with assumptions and speculations vs. scientific information, no matter how expert you are.

IR is going to allow the industry to be more exact in the data that it obtains, and to be able to resolve any claims that may be occurring now, as well as in the future, more quickly and cost-effectively, saving time and money. A large part of the savings is in the fact that more often than not, when infrared is involved, the case never gets to court. It is simply going to be a matter of time before everybody in the industry is using infrared, because you cannot debate the scientific

results. The insurance industry is in a position to jump on board and run with the technology. If they don't adapt to infrared thermography, sooner or later it will be recognized by plaintiff's counsel as the way to determine whether or not there was water damage, and if there was, whether the insurance companies' certified vendors used the proper and latest testing techniques.