# HAZARDOUS

## BUILDING MATERIALS BE AWARE

FROM NATIONAL BUILDING EXPERT &
INTERNATIONAL BEST-SELLING AUTHOR

**BE AWARE, SAVE A LIFE.**



LANCE LUKE, CCC, CCI, CCPM

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"Read All About It Publishers."

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# HAZARDOUS BUILDING MATERIALS- BE AWARE

# Introduction

We had this idea that we wanted to provide information to building owners, property managers, homeowners, and anybody who's in the industry; contractors, real estate developers, attorneys, architects, and whoever's interested in a topic.

Hazardous building materials is a little different from defective building materials, although it could be similar hazardous building materials.

If people get exposed to it, they can get really sick or even die. I know it's kind of morbid, but as opposed to defective building material where the material in itself is defective, and let's say, wood siding would be defective, and it rots out and you replace it, you're not gonna get sick or die from it, unless there's mold growing on it and you start breathing the mold spores. But the basis of the term hazardous building materials; the materials are hazardous.

CHAPTER I

# Hazardous Building Material Defined

Basically, it refers to building materials that creates a health hazard, a physical hazard or a hazard to the environment.

In a nutshell, that's what the definition of hazardous building materials means. You might say, well, give us some examples of what you're talking about.

CHAPTER II

# EPA and Health Department Guidelines

Before that, there are governmental agencies that actually govern or they have jurisdiction over hazardous building materials and those entities are the EPA Health Department, and the US Health Department.

There are also state health departments. If you're from other states in the United States, each state has their own separate health department. Those are guidelines also that they have to regulate the building materials.

There are also other government entities which have their own government to do regulations. Some are similar, and some crossover, and some are totally separate.

There is the CDC and people didn't pay attention too much to CDC until the pandemic came and it's like “That's the agency that supposedly provides national information for everybody to follow and they have their own problems, we're not gonna go into that”.


There's actually OSHA (Occupational Safety and Hazard Administration) in the state of Hawaii, it's HI OSH; the H stands for Hawaii. We all know what OSHA is. They mainly regulate employees doing construction or maintenance work. And they're also involved.

There's also the GSA (Government Services Agency) and HUD (Housing Urban Development). And there's a whole bunch of other organizations and the more research gets done, the more you find out, there's kind of a web of different organizations.

CHAPTER III

# Lead Paint and Asbestos

Lead paint was a building material that was used for years and years, even asbestos. At the time, buildings were using these products.

Up until 1977- 1978, the EPA stepped in and regulated more heavily and they said, “Everybody, you can't use these materials anymore”. So that kind of put a stop to buildings that were constructed using lead paint and asbestos.

But the question is, what about all those buildings that already were constructed have lead paint and asbestos?

Now that's the key question. We have to watch out for that, and lead paint as you know, it affects children mostly.

If you look at the image, you see flaking and chip paint on a window sill, and this is how children get affected. The chip paint ends up falling on the ground and small kids have a tendency to play around the yard.

The paint chips are in the soil, mixed in the soil, and little kids have a tendency to put their fingers in their mouth. What happens is they're actually ingesting little particles of the paint from these small chips.

In a situation where you have somebody sanding the paint that has lead in. Now, what happens is that the lead gets into the air, and then people breathe it. When lead enters a human body, it's not like orange juice, which leaves your system, it stays in your body, and that's what lead poisoning is all about.

So, for children, they get hit the most, they get affected the most, they suffer really dangerously from lead poisoning and it's from the lead paint.

Asbestos is a fibrous mineral material. That's actually from nature, it's from the earth. And they figured out that these fibers, when they mix it in building products, it actually protects the material from a fire.

So, it was like, this is the best space age material, if you build your house and it has asbestos in the drywall, it'll prevent the fire.

But little did they know the asbestos itself was very dangerous, and it has these minute fibers that you can only see under a microscope. It's an electronic microscope that magnifies thousands of times, and that's the only way you can detect asbestos, even lead paint.

A person cannot just go and look at paint and drywall or popcorn ceiling and go, “Oh yeah that's asbestos.” They don't have the ability, the only way to really confirm to tell if it's hazardous, is through testing at a laboratory.

If somebody just says, “Well, that's what it is.” Well, you don't know for sure, but you could say that if the building was built prior to 1977- 1978, and when I say building, it could be a condo building, office building, shopping center, your own house, or an apartment building.

You could say that chances are, it probably has these hazardous materials, but the only way to know for sure is to have it tested.

Asbestos is used in pipe lining, and they call it pipe lagging, where it's insulation around pipes like water heater pipes. I inspected a hospital in San Francisco, it was old. The hospital was built in the fifties.

Down in the basement, all their hot water pipes were insulated with pipe lagging and the wrap, the material was asbestos-containing and even there's asbestos in drywall. There's asbestos in flooring, flooring mastic, the drywall mud and the tape joint mud.

There could be asbestos in window caulking, in roofing material and different other building materials that could be containing that product.

That's probably the two main building materials that are hazardous.

There's a whole bunch of other chemicals that are used in building material. But these are the common ones and I'm familiar with these the most.

So if you see me somewhere at night and I'm glowing in the dark, that's because of my history handling these kinds of materials.

# Lead Paint

How do we know it's lead?

Because it was tested.

As you can see, the paint is just not adhering to the substrate and it can be easily chipped off.

If you hit it, pieces are gonna chip off and go to the ground and you can't just leave it on the ground.

There are special abatement methods by law. It's hazard abatement. You need to hire a licensed hazardous abatement contractor, or abatement contractor that deals with lead paint removal, and asbestos removal.

And that kind of thing, I'll throw in mold, it's kind of like the same category.

# Asbestos

You might see a caution sign caution,

*“ASBESTOS HAZARDOUS- Do not disturb without proper training and equipment"*

If you look at the image, the person is scraping the popcorn ceiling. Some people like popcorn ceiling. They were used a lot in the seventies, especially on condo buildings and apartment buildings.

It was asbestos containing and people didn't like the look or they don't want the asbestos, so they scrape it off.

If you're gonna scrape it off yourself, that's kind of a no-no, you have to hire a licensed contractor that has the training and has the equipment. If you're scraping it yourself, you're the one that's breathing all these asbestos fibers, it becomes dangerous.

The other thing is that, if you don't know how to do it, and the proper way is to spray it with water so it's wet, and then it's easier to scrape off. But I'm just telling you that's the protocol. I'm not telling you that so you can do it on your own.

CHAPTER IV

# Concrete and Drywall

You might say, “How could there be asbestos in the drywall, but what about concrete? Is there asbestos in the concrete?”

Well, in the early days there could have been, but in more modern days, there's no asbestos in the concrete. So, you might ask, what's the problem? What's the hazard with the concrete?

As you know, concrete is a mixture of cement limestone aggregate which is gravel, water and sand. And the dry powdery cement mixture, if you breathe that, that's kind of hazardous, but try not to do that.

When a contractor is mixing concrete, they have to be very careful. Now let's say the building is already built, right? But there is concrete spalling, there are cracks, there are pieces of concrete that are separating and you need to hire the concrete contractor to do the spot repairs.

Now, when the contractor comes to the building and they start jackhammering away the bad concrete or grinding it down or sanding it to make it smooth or some other work, that releases concrete dust, that is very dangerous to breathe.

It's sort of like you're breathing the asbestos fibers, the concrete in the air, those little particles that look like dust. It has silica which is dangerous to breathe.

That's why more recently, the EPA, OSHA and other Health Departments got together. Now they came up with standards for concrete repair and mitigation where years ago they never had that.

So 20 years ago, there was no protocol for grinding concrete and being aware of the dust in the air. But now there is.

There are special PPE that you have to wear. So just be aware of that.

If you look at the image, that's the Florida building that collapsed about a year or two ago. When it collapsed, there was tons of concrete that made all this concrete dust.

The first responders, they can't just go to the site and try to look for people to rescue without having hard hats and their full PPE respirators and all that. Because what happens is they go to the site and they're breathing all this hazardous dust and materials, which leads to a discussion about 9/11.

The reason I'm bringing 9/11 up is because when the buildings fell, the two towers created dust. I've been to the site many years later in New York, you've probably been there too, maybe, but there's One World Trade Center, which is built in the same area.

But it's basically cleaned up now, when the incident happened, there was an estimated 400 tons of pulverized asbestos, concrete, and fiberglass and all that. It created this huge plume in the air and it wasn't just from the smoke from the fire, it was the all these particles of building material, concrete, fiberglass, smoke, and all that stuff.

So, if you took a sample of the air that could have been 400 to 600 feet high and analyzed it in laboratory, you would see pieces of concrete, fiberglass, smoke and that stuff.

That's why there's this huge conflict now in New York and Manhattan where the city did not release all the information on the health aspects of the incident, the event. There's probably gonna be big lawsuits now.

There have been speculation that the city of New York is withholding the information because they don't want to get involved in a lawsuit and people saying that they didn't do what they should have done.

The right thing to do was to protect, not only the responders, but everyone else, the people who were bystanders that ended up breathing the smoke and the plume and all that.

They have health problems, and are subject to health problems and historically there's a ton of documentation already. And it's pretty bad.

# Concrete

If you saw cut like this, the worker is saw cutting concrete, right? And I guess he is saw cutting it because they're probably cracks and spot repair that is needed.

He is sawcutting it to repair the area with new concrete. But look at the smoke, the dust, in the back of him, he's creating a health hazard.

And I don't see him wearing any kind of respirator or even like a COVID mask or anything.

So, this is an OSHA violation, but I'm not here to tell you about an OSHA violation, but the grinding, the chipping, or the saw cutting that creates the dust. The dust is called crystalline silica and it gets released in the air and it's very hazardous to breathe.

Not only for the construction workers, but let's say there's a condo building in the area or nearby across the street. If there's a slight wind, it'll blow the dust into your unit, or if you're walking on the street, you're breathing the dust. Sometimes wind moves the dust, settles it and dissipates it.

You can't see the dust, but it's still in the air.

It's sort of like if someone smokes, eventually the smoke from the cigarette will dissipate, but there is still hazardous toxic minute chemicals that are still in the air that you're going to breathe.

Remember the crystalline silica, that's what the people say that's the asbestos. And I've been talking to a lot of people at construction sites and even in the medical field. Everyone's saying, “That's the next asbestos hazard, that crystalline silica”.

It's interesting in my line of work. I do a lot of building and construction repairs and maintenance. I never thought I would go into getting involved in health and medical concerns, but it just kind of goes hand in hand. So, it is like you can't get away from it.

And then also, I have about 10 OSHA certifications and some of them have to do with health hazards. So that's very important on construction sites.

# Drywall

Drywall dust is actually hazardous.

So even if there's no asbestos in the drywall dust, you don't want to be sanding drywall and start breathing the dust. I mean, it's pretty obvious and common sense to dictate that if it's not clean air, you don't want to be breathing that stuff.

So, if you're on a construction site or in an area where they're sanding the dry wall to prepare it for painting, you don't want to be in that area. But if you are, please wear a mask.

I'm not talking about only outside the building. If you are renovating your apartment or your condo unit or your house, and and you're walking inside your house, and there's dust all around from the drywall, that's not safe.

Let's say in your unit, you have a broken pipe and a contractor has to come and cut the drywall out to get to the pipe. When he is cutting the drywall out, is there dust?

When someone's patching the drywall and they have to sand it, dust is created. You want to make sure that they use a vacuum and wet mop. And the vacuum cleaner to use is the HEPA type.

That's what the machine they use to vacuum asbestos too, because it has a filter that's really made to handle small fibers and small particles in the air, like 99.9% that can be captured.

CHAPTER V

# MOLD

## The-Four-Letter- Word

Mold is not really a hazardous building material.

You don't go to the hardware store or Home Depot or City Mill and buy a product that has mold in it, and hopefully that doesn't happen.

Mold actually occurs after the building is built. It was subject to a kind of water or moisture that would create damage. So, the reason I'm bringing this up is I consider mold hazardous.

When it's on a building material, then it's a hazardous building material, but it's not manufactured, like lead paint and asbestos at the time.

So, mold is a little different, and the mold I'm talking about is not like you have a loaf of bread and you leave it out in your counter for several days, and all of a sudden you see mold growing on your nice white bread. Hopefully, you're more health conscious and you're eating whole wheat bread.

But let's say it's a white bread and now you look at this green and brownish particles on your bread. That's not the mold I'm talking about.

The mold I'm talking about is more hazardous that it grows on cellulose material. It grows on drywall. Why does it grow on drywall or on wallpaper?

It's because the drywall has paper on it. Drywall is a type of building material, similar to gypsum or limestone, for example. And it is wedged and sandwiched in between paper. That's what drywall is. So, mold is growing on the paper.

If you have pieces of wood, plywood and all that gets wet because it's cellulose, it's from a tree and paper is from a tree too. Mold starts growing on the cellulose materials and there are different variations of mold.

The more toxic ones are the worst. And what causes  health problems are people are breathing the mold spores and getting asthma. They're getting all kind of other ailments.

And you have to seek medical attention in order to determine whether the mold is really hazardous because there are different varieties of mold.

The Hazmat contractor has to come in or an environmental person has to take samples, send it to a lab, and then you get the result and it might say, “Oh, it's not that bad". Or "It's stachybotrys mold".

They call it stacky, which is almost the worst type of mold you have and I've seen that before. I've been in so many buildings that had lead, asbestos and even mold. And that's not a good situation.

So as soon as you have a leak somewhere or water, you want to mitigate the problem, stop the leak, and then, stop the mold from growing. That's the main thing.

CHAPTER VI

# Case Studies

Let's talk about some case studies.

These are all situations that I have been personally involved in so I can tell you.


These situations were all in Hawaii.

One, was a high-rise condo and there was a roof leak and they never fixed the roof leak.

The person who lived in the penthouse unit was suffering already because they had a pre-existing medical condition, but the leak made it worse. The condition got exacerbated because now you have asbestos fibers released in the air or getting damaged because of water damaging the drywall or the popcorn ceiling.

Then, there's mold growing on the drywall. So, it's a double whammy. You have asbestos in the drywall and now you have mold. That’s one situation.

Another situation is, there's probably 50 condo units, townhouses and high-rise condo units that I have seen. I actually walked in where they had mold growing in the units because of a water leak.

It could have been a window leak, it could have been a roof leak, or like the majority of cases, plumbing leaks. In the subject unit, a pipe broke, or the unit next door, or the unit above had plumbing leaks.

Most of them were not freshwater leaks. They were cast iron pipe leaks, the pipe cracked that got too old, or the fitting came loose or something. You have wastewater now going into the unit and many units down below.

The problem here is that, not only was building old, but now you have contaminated areas. You have water damaged asbestos in the drywall or ceiling. Then you have mold growing and then you have wastewater to deal with.

It's pretty toxic. So, you would want to get these things cleaned up right away and not have to contend with it.

These are case studies and my recommendation is as soon as there's a leak, you got to tend it right away. Because in 48 hours, mold starts growing. Mold is just waiting to grow.

If you don't have anything to take care of the water, dry it out. Then what happens if you have a double wall, the mold is growing inside the wall, you might not even be able to see it.

I've had situations where the person in the unit was getting sick. They had 10 different people going into the unit like the property manager, a contractor, and they go, “Oh, I don't see any mold. And I don't know why that person's sick. Maybe they're a hypochondriac. Maybe they're making this stuff up. Maybe they're trying to get free attention or free medical or whatever."

And they go to the doctor and the doctor can't find the cause, but they diagnose it. "Yes, you have an asthma condition, bronchitis or any kind of lung related problem or breathing problem."

And then I got the call. They said, “You know what? We can't figure out what's going on and people said to call you, cause you're the expert.” So, I said, “That's fine.” I go and look at the unit and I don't see any mold.

But then I ask for the historical data, “When did your water event happen? What did you do about it? Did they cut any walls open or anything?”

And they go, “Oh no. They just came in and brought in fans and mopped up a little and dried it out. They came with moisture meters, they dried everything out."

They said, “Oh, everything's good to go now you know, we're going to close the case". How can you close the case when they didn't do their extensive evaluation? And I said, “Well, they didn't cut any of the wall.”

I said, “Okay, here's what you got to do. You have to call the remediation contractor, do air sample tests, do bulk sample tests, cut open the drywall, do tests inside the drywall.”

And then, you know what? The results came back that there was mold in the unit. There was mold growing in the drywall, in the double wall and you couldn't see it. So, they cut it out. I took a picture of the back of the dry wall and there was all green and black stuff growing on the drywall and that's mold.

Mold was growing in the wall for like over a month, two months, three months. The person that was in the unit kept getting sick and going to the doctor and everyone says, you're a hypochondriac.

What I'm trying to say is that just because the remediation contractor and everyone says that it's all good, it may not be all good. So, you have to demand more be done.

Sometimes the insurance company would say, “No, we don't want to pay extra”, but you have to force your hand.

I'm working on some cases now; litigation cases where I'm the expert. And we're not in agreement.

Our side is not in agreement with what the condo board says, what their contractor says, what their insurance company's saying. Just be aware of that.

CHAPTER VII

# Conclusion from the Building Expert

Anytime you have water damage, be aware and do something about it.

You want to ask the question, when was my house built? When was my condo built? Do I have lead paint and asbestos?

Even if you don't have it in your unit, if you're a condo unit owner or property manager, what happens if there's lead paint or asbestos on the outside of your building?

And now there's work being done, maybe concrete spalling, or you're re-caulking your window frames or whatever, it's good to know that stuff. Right?

So, it's not like before, whatever, just go ahead and fix our building. No one's asking the question about, should we be concerned about any kind of environmental hazards? Should we be aware of lead paint and asbestos? "Oh, no. That's just gonna cost extra money. Just go ahead and do whatever you need to do to fix the building and let us know when you're done." That's not the right way to do things.

CHAPTER VIII

# Question & Answer

## "Where do you send your materials to be tested for hazardous material?"

What you do is you look for environmental consultants. You do an internet search, environmental consultants, and companies will come up that either they're consultants themselves and they can write specs for remediation. They might have a lab if they don't, they can refer you to a lab for testing.

Then vice versa, if they have questions on building in general and construction and building issues, the network contacts me.

If you need more information on that, if you get stuck, let us know.

I think there's another company called Analytical Laboratories. Because when I work on construction projects, we have to send samples for testing and test for asbestos, mold, etc.

One of the guys that I use, his name is Mark Marukawa, and he's actually an instructor. He teaches contractors, architects, engineers, and other people on Hazmat and environmental issues. He's a good guy. He's a consultant that has contacts to a laboratory.

There's also Aircare International, and those are good friends of mine. I network with them all the time. When I got my own questions about Hazmat stuff, I call them up and say, “Hey I have this question. Can you help me?”

So, I don't handle the transmissions myself because there's a protocol. You can't just scrape the material and drive it down to the laboratory yourself.

And there has to be full documentation who actually took the material. When and where did they put it? They put it in a bag? You have to mark the bag.

Who's the carrier over to the laboratory? If they sign off and all that, there's a whole strict protocol for that. But if you get stuck, let us know. And we can help.

**"How do you or your contractor contain all the dust that travels through the air when you are grinding, jackhammering and saw cutting all the et cetera?**
**How is this controlled in a fully occupied property or building?**
**And is the contractor supposed to vacuum up all the dusts from the floor areas daily?"**

The contractor is grinding concrete and do all that they're supposed to do to mitigate the dust.

One way to do it, is there's special grinders that have a vacuum hose attached to it. When they start grinding, their debris, the material ends up being vacuumed up.

So they're supposed to do that, but sometimes you can't. So, a lot of times you may have to wet down the area, spray it with water or some kind of mist.

And in some cases, you have to build a containment area and it's fully contained and you work in that area. So no dust ends up flying around.

Now, how do you prevent containment if you have a high-rise building? How do you prevent dust from flying around?

Sometimes if they're working on a lower floor, they have to put up, those black netting that you see at construction sites for dust mitigation. Like dust screens.

But you can't put up a dust screen 40 stories high. When they're on the rig, they have to create some kind of enclosure on the rig and use the vacuum cleaner and other accessories like that to contain the dust and the debris.

A fully occupied unit, let's say they go into one unit it's sort of like doing cast iron pipe replacement, or paint mitigation or whatever they have to use the proper containment method.

The containment is you have these plastic sheets that go from the floor to the ceiling and it's sealed with special tape. So basically, it's a plastic containment area.

How do you get in? Well you lift the tape or there's the more expensive ones where we have like a zipper and you go and walk into the area and zip it up.

When you walk into the containment area, you zip it up. Only the workers in an area are exposed and they're wearing their proper PPE with suits. The rest of the area of the house, they're not, it's not getting dust on it, not getting exposed.

So, it's a total containment area, sort of like when you're you go to a hospital and the person is contained in all this clear plastic, it's sort of similar to that.

There is also the dust issue.

You have a contractor working in your unit, and he's making a lot of dust. He's not supposed to just leave the area without cleaning up.

Now, if he comes with a broom and sweep up the dust, that's better than nothing, but there's still fine particles of dust there. He needs to vacuum up the dust and use a wet mop and clean it up.

So, there's a certain protocol. If you're watching a contractor and they're not doing that, you're gonna have to say, “Hey, buddy you gotta do a better job. Or some companies that I work with on cast iron drain piping projects".

After the contractor leaves that day, they bring in their cleaning crew and they clean, they mop. They use wet rags and everything is clean. It's sort of like when you're in a hotel and you go out for the whole day, you come back and your unit's clean, hopefully that's how it is.

If the contractor doesn't do that, I mean, if they clean it on their own and they do a good job. If they don’t, they need to bring in cleaning crew and clean up the right way.

Now, sometimes it doesn't make sense to clean every day. They're gonna clean at the end of the job, but you don't want the contractor coming into your domain, your unit where you live and creating a mess and not cleaning it up.

In all my specifications and protocols for construction work, I got paragraphs on cleaning and what to do.

You can't leave your tools lying around and all that kind of stuff.

**"I'm a building manager for several older apartment and condo buildings. What things should I be doing so that I do not get in trouble with the building material you mentioned?"**

You need to be aware that your building possibly, and most likely has lead paint and asbestos.

Be aware if you're really concerned, have it tested. If you're not too concerned, just be concerned if you're going to do any construction work.

On the outside of the building spot repair, repainting and all that part of that prep of painting is you sand the wall.

So, if there's lead paint, it's your responsibility as the owner to let the contractor know, it's also the contractor's responsibility to bring it up with you. But a lot of times they don't want to deal with it, right?

Owners don't want to deal with it because it costs more money. If the painter is not licensed as a Hazmat contractor, he is not supposed to go in and touch the paint, right? He can get fined by the EPA.

There are degrees of hazardous paint, there's lead containing paint and there's paint that has lead, a lot of lead in it, and there's different percentages of lead. That is lead-based paint.

Some percentages are so low that you don't need to do much Hazmat work, but when some percentages are higher, then you got to do full remediation. So that's what needs to be done.

The other thing is now the interior of your building, you're going to be doing repair work if there's damages. So you just have to be aware of asbestos in the ceiling, in the drywall or on your floor tile. If it's nine by nine, the Mastic also may have asbestos, not only the tile itself.

And then, so if you're going to have work done, you better make sure that you have testing done on the building materials, and the contractor that you hire follows the remediation methods because especially if the tenants living in a unit are exposed to hazardous materials, you may be in for a lawsuit if they end up getting sick. Just be aware.

**"Are employee workers of a condo building subject to the same rules that hired contractors need to follow?"**

OSHA is the jurisdiction that governs construction workers or employees.

If you're a condo building that hires employees, or has employees working and they're not an outside contractor, guess what? You still have to follow the OSHA requirements.

The OSHA law pertains to any employee who is doing any kind of construction work or similar type work. It doesn't matter if it's not an outside contractor.

Most people think that OSHA only governs, new construction or contractors, general contractors, sub, and they're not involved in employees that are doing any kind of work.

That's a fallacy, employees, maintenance people that work in a condo that work in a golf course that work in a hotel.

Any kind of building the shopping center, the maintenance employees that do repair work, they're all covered under the OSHA jurisdiction.

Many people don't know and they think, “Oh, we're a private shopping center. We're not building a new building in Kaka'ako. So, we don't have to follow OSHA regulations.” No, that's totally wrong.

If you don't believe that, call up OSHA yourself and ask them the question and they'll tell you exactly what I'm telling you.

**"In a condo building built in 1972, I have been on the board for years and we have never discussed lead paint. What should we be talking about, especially if the materials are inside someone's unit?"**

Like I mentioned before to the person that was asking about an apartment building, the same thing applies.

It doesn't matter if it's a condo building or an apartment building or a building or shopping center. Everything I mentioned is exactly the same. You still need to be aware. Now if the board never discussed it before, the next time we do any construction work, we need to follow the right protocol.

So that's just doing the right thing because you never know you could get into litigation if you know and didn't take the right steps.

Also in a condo, if unit owners are doing renovation on their own, inside their own unit, the board, can't say, “Wow, it's your own unit. You're responsible. So, we can't tell you what to do, whatever just get the work done”.

No, you have to take responsibility and notify these people who are applying and say, “If you don't have any architectural design guidelines, you better put some together."

And when somebody applies for renovation, they read the guidelines and there's a paragraph about hazardous materials that they're responsible, or what you do in general is just say, "Our building was built prior to 1977-1978.

In that situation, buildings built prior to those dates may contain lead paint and asbestos. Be aware. Have your contractor to be aware. Test before you do anything.

You gotta go take a little more steps to attain where you need to be as a board, because if you're on the board, you could be liable.

Not only for giving incorrect information, but even by omission, because the unit owner could say, “Oh, the board never told me anything about lead paint or asbestos. And I just went about and did what I needed to do to renovate my unit”.

But if they don't know, let's say that cutting drywall out and its asbestos containing material and the contractor just goes to your building trash can and throws that stuff in, guess what? $25,000 fine. Right? You have to take these lead paint, asbestos material to a separate landfill.

**"If a condo unit has mold from the next-door neighbor, is it really the unit owner's responsibility to remove? As I am fighting with my condo board over this issue, the board is telling me I have to remove the mold."**

If I understand the question correctly, let's say you're in a unit, and then the unit above you has a flood, and then there's mold growing in your unit. The answer is that it's your unit, you're responsible, right?

You're first responsible. If the guy above or their, your condo board doesn't do anything, you're stuck because it's your unit, but is it your liability? Did you cause the problem?

No. You contact your insurance company, your insurance company can contact the unit owner and a contractor to fix your unit.

And then subrogate. That means to go after the primary cause, which is the unit above and contact their insurance company. If they don't have any insurance, then they're gonna have to sue the unit owner.

If it's caused by a unit owner problem, if it's a common area problem that becomes a condo board and condo association issue, then you have to go after those guys.

There could be a number of parties and players involved and it really gets confusing.

Everybody's pointing their fingers at each other. "Oh no, it's not us. It's the other guy who's supposed to be responsible."

What you got to do is say, “Hey, I didn't cause the problem, the guy above me caused the problem”.

And then sometimes the association board would say, well, “You go sue that unit owner, we're not responsible”.

So, the best thing is to find out all the facts, what the cause is, and really pursue it. Sometimes I'm working on some cases that are two to three years old. It never got resolved yet.

And it's silly. It's ridiculous. But that's what happens in the real world of mold, claims, water leaks, claims, insurance companies, contractors and condo boards.

# ABOUT THE AUTHOR

# CURRICULUM VITAE
# of
# LANCE LUKE, CCC, CCI, CCPM

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## SUMMARY/OVERVIEW

Lance Luke has been in the construction and real estate industry for over 42 years. He is a former general contractor and worked as a construction and project manager for real estate development companies. Currently he owns an independent construction consulting company, Construction Management Inspection, LLC. He has experience in design, engineering, construction inspections, construction management, reserve studies, real estate development, property management and condo association management.

His specialty is in inspection and construction management for condo association buildings and commercial properties. Various types of projects worked on include concrete spalling repair, painting, roofing, waterproofing, asphalt resurfacing, plumbing re-piping, electrical retrofit and structural wood repair. He provides construction oversight and progress inspections for residential and commercial projects. He

has 42 years managing capital improvement projects for condominium associations.

Lance Luke serves as an expert witness on construction and real estate litigation cases. He was formally an Advisory Board Member for the State of Hawaii Regulated Industries Complaints Office, as an expert consultant (for over 15 years). His expertise was in helping to resolve complaints filed with the Contractors' License Board. He was also selected in 2017 by Honolulu Assistant Fire Chief to serve on the RFSAC (Residential Fire Safety Advisory Committee) Building Code Sub-Committee to prepare the Fire Life Safety Evaluation criteria.

He has written numerous articles on construction and inspection, which have published in both local and national media. He conducts up to 30 presentations a year to the construction, real estate and property management industry including educational webinars and construction seminars.

Two-time Best-Selling Author on subjects of construction management and building safety. Numerous articles published in national construction, design, and building management publications.

Featured guest on national media shows such as Times Square Today and Hollywood Live which were broadcast on national media outlets such as ABC, CNBC, CNN, NBC, Fox Affiliates, A&E, and Bravo.

Mr. Luke is a qualified insurance inspector and an approved Federal HUD Construction Inspector. HUD projects included "from the ground up" assisted living

facilities such as Plaza at Moanalua (2012), Plaza at Pearl City (2014) and Ilima at Leihano (2016) He is also listed as one of America's Premier Experts and Marquis Who's Who in America 70th Anniversary Edition. And is an instructor for National Seminar Providers such as Lorman Education Services, Compliance Prime, and Half Moon Education Seminars.

Lance Luke is a former member of the Structural Engineers Association of Hawaii and the American Bar Association serving on the Real Property/Probate Law Division and the Forum for the Construction Industry and a former member of the following Professional Associations:

PROFESSONAL ASSOCIATIONS

- Construction Management Association of America (CMAA)
- Certified Home Inspector 1990 (American Inspectors Association)
- The Construction Specifications Institute (CSI)
- Hawaii Building Association (HBA)
- International Code Council (ICC)
- International Concrete Repair Institute (ICRI)
- National Institute of Building Sciences (NIBS)
- Roofing Consultant Institute (RCI)
- Structural Engineers Association of Hawaii (SEAH)
- Association of Construction Inspectors (ACI)
- American Association of Cost Engineers (AACE)
- InterNACHI (National Association of Certified Home Inspectors)

## LICENSING/CERTIFICATIONS

- Real Estate License 1980 (currently licensed)
- Certified Real Estate Appraiser 1987 (National Association of Real Estate Appraisers)
- Registered Home Inspector 1996 (Housing Inspection Institute)
- Senior Certified Valuer 1996 (International Real Estate Institute)
- Registered Property Manager 1996 (International Real Estate Institute)
- Mortgage Solicitor/Designated Mortgage Broker 1996-2010
- General Residential Contractor (Oregon 1998-2000)
- Certified Construction Project Manager 2007 (Association of Construction Inspectors)
- Certified Construction Consultant 2007 (Association of Construction Inspectors)
- Certified Construction Inspector 2007 (Association of Construction Inspectors)
- Certified Environmental Inspector (2009)
- Certified Environmental Manager (2009)
- Certified Environmental Specialist (2009)
- Certified Environmental Consultant (2009)
- Certified Mold Inspector (2009)
- Certified Mold Specialist (2009)
- Certified Testing Specialist (2009)
- Certified Remediation Specialist (2009)
- Certified Air Quality Specialist (2009)
- Certified Environmental Records Specialist (2009)

- OSHA Certifications:
  - NFPA 70-E
  - Scaffolding Competent Person
  - Fall Protection Competent Person
  - Revised Hazard Communication
  - Standard (HCS) Globally Harmonized System
  - Aerial Lifts
  - Powered Industrial Truck Certification (Class VII Rough Terrain Telehandler Forklift
  - Respirable Crystalline Silica
  - NFPA 70E Arc Flash Safety
  - Trenching & Excavation Safety

**EXPERIENCE: REAL ESTATE DEVELOPMENT, CONSTRUCTION MANAGEMENT, CONSTRUCTION ENGINEERING**

- Central Pacific Development Corporation (Hawaii Headquarters) 1979-1990
- Capital Pacific Development Corporation (Mainland Branch) 1980-1990
- Building Inspection Consultants 1989-2000
- Lance Luke, Construction Consultant 2000-2007
- Construction Management Inspection LLC. 2008-current
- Served as construction manager on hundreds of capital improvement projects for condo and commercial buildings from 1990 to the current date.

**EXPERIENCE: REAL ESTATE CONDO ASSOCIATION MANAGEMENT, CONDO BOARDS**

- Certified Properties Inc. 1978-1984
- First American Realty & Management Corp. 1981-1986
- First American Real Estate Services Inc. 1986-1989
- Certified Management Inc./Associa Hawaii 2007-2011
- Certified Association Services Inc 2007-2012
- Certified Real Estate Services Inc. 2007-2012
- Certified Reserve Studies 2007-2012
- Certified Maintenance 2007-2012
- Served on various condo boards from 1979 to 1984, and 2017 to current. Currently on three condo association boards serving as Vice President, Secretary and Treasurer respectively.
- In addition to serving as corporate and consulting manager, Mr. Luke also trained many condo association property, resident and site managers from 1990 to the current date.

**REAL ESTATE DEVELOPMENT PROJECTS (Served as Construction Manager for the following projects)**

1. Makiki Plaza: 131 units, 25 stories, 1980
2. Tradewinds Plaza: 80 units, 11 stories, 1979
3. Punahou Surf: 7 units, 2 stories, 1980
4. Emerson Plaza: 12 units, 4 stories, 1979
5. Atkinson Plaza: 127 units, 18 stories, 1979
6. Plaza at Century Court: 94 units, 20 stories 1987

7. Century Park Plaza: 600 units, 40 story twin towers.1984
8. Makiki Colony: 56 units, 9 stories, 1980
9. Kuulei Hale: 16 units, 4 stories. 1984
10. Castle Hills: 130 single family subdivision, 1982
11. Nuuanu Palms: 7 unit single family cluster, 1988
12. Executive Plaza/Starts International: 7 story office building, 1990
13. Iolani Palms: 31 units, 6 stories, 1989
14. Fountains at Makiki: 72 units, 5 stories, 1991
15. Lani Hale: 15 units, 2 stories, 4 buildings, 2011
16. Leialoha Parkside, 10 units, 3 stories, 2011
17. Parkway Plaza: Residential Highrise Building, San Antonio, Texas 1984
18. Centre Plaza: Residential Highrise Building, Orlando Florida, 1984
19. Capital Pacific Business Plaza: Commercial Highrise Office Building, San Diego California, 1984

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| Warranties in Construction | 03/23 |
| Cast Iron Drain Piping-Replace Now/Later | 04/13 |
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| WOOD REPAIR-METHODS TO THE MADNESS | 11/09 |
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| The Real Estate Development Process | 07/25 |
| Water Damage/Flood Remediation | 08/08 |
| Construction Defect Litigation Cases | 08/22 |
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The National Building Expert Lance Luke shares his tips on Building Safety for Buildings large and small. He shares his 42 years of experience in the construction industry.

His webinars on building and construction topics draws audiences not only from the Unites States but from all over the world.

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