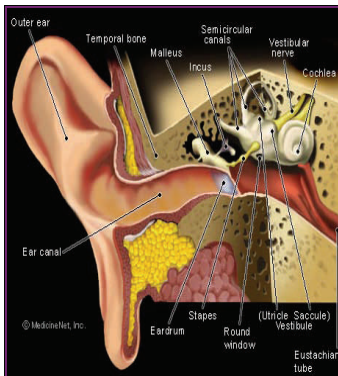


Court Finds Toxic Mold Caused Worker's Health Problems

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Nathan Cameron worked for Merisel Americas, Inc., a computer hardware and software company. Between December 1998 and April 2000 he worked in the company's Cary office. This office had a history of water leaks and moisture problems.

Cameron noticed that his windows leaked when it rained and that the walls, ceilings, and carpets in his office had been damaged by water and mold. In 1999, the office next door to Cameron's flooded, increasing the water damage to the carpets and the mold on the walls.

While he was working in the Cary facility, Cameron started to have trouble with his balance and vision. In the fall of 1999 a doctor determined that he had developed irreversible damage to his inner ear and vestibular system, resulting in a permanent loss of balance. In 2002 Cameron and his wife sued Merisel, claiming that Cameron's workplace was contaminated with toxic molds and that its failure to correct the problem or warn Cameron caused his permanent injuries.

After numerous pre-trial activities, the case went to trial in Wake County in March 2006. The jury found that Merisel was liable for damages to Cameron. It awarded him \$1,600,000 for his injury and awarded his wife \$200,000 for her loss of his company and services. Merisel appealed to the North Carolina Court of Appeals.

Merisel argued that Cameron had not proven that his illness was caused by exposure to toxic molds at work

and that the trial court therefore should have dismissed the case. The court disagreed, finding that Cameron had produced ample evidence of the Merisel's mold having caused his problems.

According to Cameron's account, before Merisel purchased the facility in 1998, it had received inspection reports indicating that it had moisture problems. A number of Cameron's co-workers claimed that they had various respiratory problems and complained about the mold to Merisel's maintenance supervisor, Brian Goldsworthy. Goldsworthy notified company administrators, but the mold problem continued. Goldsworthy reportedly expressed that he thought the complaining employees were trying to avoid work.

In 1999, air quality tests confirmed that mold was present in the building. After these test results, Merisel replaced Goldsworthy with another supervisor, who was entrusted with building maintenance and specifically instructed to solve the moisture problems in the Cary building. In January 2000 a Merisel employee lodged a complaint about mold and moisture with NC OSHA. In March, tests revealed the presence of Stachbotrys mold in Cameron's office.

Cameron's health had been fine before he went to work at Merisel, but it quickly deteriorated while he worked in the Cary facility. Cameron's doctor diagnosed him with bilateral vestibular dysfunction. The doctor testified that he had considered other causes of ear diseases, such as brain tumors, skull fractures, chemother-

apy, and various other factors that can affect vestibular function, but had ruled them out. In his opinion, Cameron's condition was caused by poisoning of the ears by exposure to some toxin. He did not learn that Cameron had been exposed to toxic molds until after making this initial diagnosis. Once he heard about the presence of Stachybotrys mold in Cameron's office, he concluded that the loss of Cameron's vestibular function was, in his best medical judgment, due to exposure to a mycotoxin from the fungus.

Cameron also brought in two other expert witnesses, an expert in environmental medicine and a mold expert, who also testified that the mold at the Cary facility presented a health hazard and that mold was most likely the cause of Cameron's illness. The court held that this was more than ample evidence that the mold at Merisel had caused Cameron's problems. It affirmed the trial court's decision. *Cameron v. Merisel Properties, Inc.*, Court of Appeals of North Carolina, No. COA07-54 (11/06/07)

OSHA requires employers to protect their workers from a variety of hazards, known and unknown. An employer who knows about a hazard should address it immediately. It appears clear that if the supervisor and administrators who received the employees' complaints about the mold had responded quickly and adequately, the company could have avoided paying such hefty damages.

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