



Consulting, Resource, Education, Training, and Support Services for Home Inspectors
"A candle loses no light when it lights another candle."

DRAFT COPY

THE WRITTEN WORK PRODUCT WHICH ACCOMPANIES THIS COVER PAGE IS NOT INTENDED AS OR REPRESENTED AS LEGAL ADVICE OR LEGAL OPINION OF ANY KIND WHATSOEVER NOR IS IT TO BE CONSIDERED OR CONSTRUED AS SUCH. DO NOT USE ANY OF THIS MATERIAL IN ANY MANNER WITHOUT PRIOR DISCUSSION WITH AND REVIEW AND APPROVAL BY A COMPETENT ATTORNEY!

POPCORN ACOUSTICAL CEILING TEXTURE

The following prototype inspection report language is the result of a question from a **ProSpex** subscriber regarding how to address a "popcorn" acoustical texture on a kitchen ceiling. All current home inspection standards exclude inspection for asbestos. Dennis chose to address this condition because the popcorn acoustical texture was detaching from the ceiling in places and it was too dirty and grease-coated to paint.

*The kitchen area ceiling is finished with a "popcorn" type acoustical texture which is not an appropriate finish texture on kitchen ceilings. This type of texture collects grease and other particulates that are commonly present in the air in kitchen areas and is virtually impossible to clean. Therefore, it is recommended that a **QUALIFIED** individual or company be retained to remove the kitchen area ceiling texture, prepare the surface, apply an appropriate texture, and paint the finished ceiling with a semi-gloss or gloss enamel paint or other appropriate coating.*

*Some acoustical textures may contain asbestos. Therefore, it is recommended that a **QUALIFIED** industrial hygienist be retained to obtain a sample of the kitchen ceiling texture for analysis by a **QUALIFIED** testing laboratory for the presence of asbestos. If it is determined that the acoustical texture contains asbestos, it is recommended that it be removed and disposed of by a **QUALIFIED** asbestos abatement / removal contractor in accordance with all applicable governmental and industry asbestos removal and disposal protocols before refinishing the kitchen area ceiling.*

Inspection for or sampling and analysis of any materials for asbestos or any other suspected environmental hazards is specifically excluded in this inspection and report.

Consideration should be given to designating the condition described above as an **IMMEDIATE ACTION** condition.

Keep in mind that if an inspector intends to comment on asbestos or any other items which are excluded in the home inspection standard in accordance with which the inspection is conducted, the following yellow-highlighted language from the **ProSpex** prototype *Home Inspection Authorization and Contract* and the **ProSpex** prototype *Description of Home Inspection Services and General Home Inspection Information* document (which is part of the total **ProSpex** prototype home inspection contract, authorization, and agreement set of documents) should be considered for inclusion in the inspection contract.

From the *ProSpex* prototype *Home Inspection Authorization and Contract*:

In the event that the Inspection Report or oral statements made by the Inspector supply any information about any systems, components, or items not specifically included in this Contract, in the Inspection Report, and in the scope of inspection, this information shall be deemed to be informational only and supplied as a courtesy to the Customer, and shall not be deemed to be an amendment to or waiver of the foregoing exclusions and shall not be deemed to acknowledge or create any duty not otherwise expressly specified in this Contract.

From the *ProSpex* prototype *Description of Home Inspection Services and General Home Inspection Information*:

Examination of certain systems and components as well as specific testing, evaluation, and remedial design work require substantial additional time and the services of licensed contractors or others with necessarily narrow and highly specialized training. Such services may be provided by the Company as separate services but are not a part of the home inspection. These include but are not limited to the performance of engineering services, the inspection of swimming pools; spas; solar, wind, geothermal, or other alternative energy/power generation systems; irrigation, well, and septic systems; or inspections for insects, pests, toxic substances and environmental hazards. If inspection or other services not included in the home inspection are desired, the Company, under a separate contract and for an additional fee, may provide some of these services or Customers may also seek any of these services independently.

Specifically excluded is the performance of any work and the performance of any inspection of any systems, components, or items not specifically included in this Contract, in the Inspection Report, and in the scope of inspection including, but not limited to, the following: the introduction or placing of water into any surface or subsurface water drainage management or sump system; placing any solid, liquid, or gaseous substances into the interior or exterior environment or into any system for the purpose of testing or evaluation other than running water into plumbing fixtures by the operation of their related normal operating controls; the performance of thermal imaging, thermal efficiency or energy audits; any information pertaining to consumer protection bulletins, or notifications, manufacturers' recalls of any component or equipment or "class action" litigation or settlements against contractors or manufacturers; low-voltage systems, swimming pools, saunas, spa (hot tub), or hydromassage systems; recreational equipment; electrostatic precipitators or electronic air filters or cleaners; septic systems, gray water systems, any component or system which is underground, private water systems or equipment, wells and well pumps, cisterns, surface or subsurface water collection systems, ponds, fountains, water quality or volume, water conditioning systems; household appliances; elevators, lifts, dumbwaiters; pneumatic equipment and systems; audio and video systems; central vacuum systems; fencing or yard walls or gates, humidification, dehumidification, or air-to-air heat exchange/heat recovery ventilation equipment or systems; landscaping, landscape or other irrigation systems; active and passive solar space or water heating systems, photovoltaic systems; the presence, absence, function, or accuracy of electrical, fuel gas, or water metering devices; electrical system demand control devices; soils, security systems, fire, smoke, carbon monoxide, fuel, moisture, radon, or any other detection, warning, alarm, or suppression systems; window and door screening, awnings; retaining walls. Also excluded is any sampling of, examination, testing, analysis, or inspection for the presence or absence of any suspected harmful, dangerous, or toxic substances or materials or environmental hazards including, but not limited to, any bio-aerosols, mold, fungus, bacteria, asbestos or other non-biological airborne particulates or in situ materials; lead, lead-based paint; radon, carbon monoxide, or other chemicals, compounds, substances, gases, or vapors; treated lumber, waterborne, airborne, or soil borne materials or contaminants; volatile organic materials, petroleum products or petrochemicals; radioactive materials, non-ionizing electromagnetic radiation; or plant, animal, or insect secretions or excretions; and any inspection for the presence or absence of any fauna including, but not limited to, rodents, reptiles, vermin, insects and/or any other pests.

Additional information regarding asbestos can be found at the websites for the United States Environmental Protection Agency at: www.epa.gov and at the website for the United States Consumer Product Safety Commission at: www.cpsc.gov

State and local health departments and environmental agencies will typically have information as well.