

[Second Reprint]

**ASSEMBLY, No. 1588**

**STATE OF NEW JERSEY**  
**215th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

**Sponsored by:**

**Assemblyman DANIEL R. BENSON**

**District 14 (Mercer and Middlesex)**

**Assemblywoman CELESTE M. RILEY**

**District 3 (Cumberland, Gloucester and Salem)**

**Assemblywoman CONNIE WAGNER**

**District 38 (Bergen and Passaic)**

**Assemblyman RUBEN J. RAMOS, JR.**

**District 33 (Hudson)**

**Co-Sponsored by:**

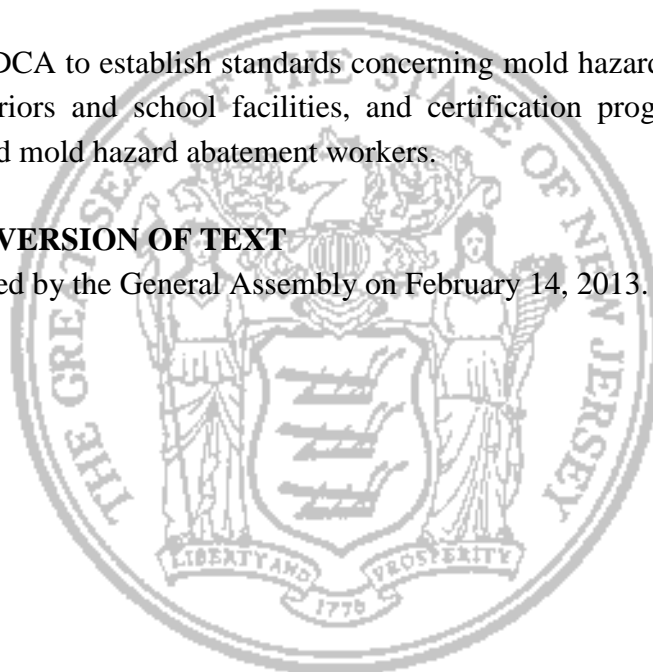
**Assemblymen S.Kean, McKeon, Coughlin, Assemblywomen Mosquera and Lampitt**

**SYNOPSIS**

Requires DCA to establish standards concerning mold hazards in residential building interiors and school facilities, and certification programs for mold inspectors and mold hazard abatement workers.

**CURRENT VERSION OF TEXT**

As amended by the General Assembly on February 14, 2013.



**(Sponsorship Updated As Of: 3/22/2013)**

1 AN ACT concerning mold hazard abatement, and supplementing  
2 Title 52 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. As used in this act:

8 "Department" means the Department of Community Affairs.

9 <sup>2</sup>"District" means a local or regional school district established  
10 pursuant to chapter 8 or chapter 13 of Title 18A of the New Jersey  
11 Statutes, a county special services school district established  
12 pursuant to article 8 of chapter 46 of Title 18A of the New Jersey  
13 Statutes, a county vocational school district established pursuant to  
14 article 3 of chapter 54 of Title 18A of the New Jersey Statutes, an  
15 educational services commission, a jointure commission or board,  
16 and a commission under the authority of the Commissioner of  
17 Education or the State Board of Education.<sup>2</sup>

18 "Mold" means any form of multicellular fungi that lives on plant  
19 or animal matter and in indoor environments. Types of mold  
20 include, but are not limited to, Cladosporium, Penicillium,  
21 Alternaria, Aspergillus, Fusarium, Trichoderma, Memnoniella,  
22 Mucor and Stachybotrys Chartarum, often found in water-damaged  
23 building materials.

24 <sup>2</sup>"School facility" means and includes any structure, building or  
25 facility used wholly or in part for educational purposes by a district  
26 or a charter school.<sup>2</sup>

27

28 2. a. Within <sup>1</sup>**【one year】** six months<sup>1</sup> after the effective date of  
29 this act, the Department of Community Affairs, in consultation with  
30 the Department of Health <sup>1</sup>and the Department of Labor and  
31 Workforce Development<sup>1</sup>, shall adopt rules and regulations  
32 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
33 (C.52:14B-1 et seq.), that establish: (1) indoor standards for  
34 exposure limits to mold in residential buildings <sup>2</sup>and school  
35 facilities<sup>2</sup> that are protective of the public health and safety; and (2)  
36 procedures for the inspection, identification, and evaluation of the  
37 interior of residential buildings <sup>2</sup>and school facilities<sup>2</sup> for mold.

38 b. Within <sup>1</sup>**【one year】** six months<sup>1</sup> after the effective date of  
39 this act, the Department of Community Affairs shall adopt rules and  
40 regulations pursuant to the "Administrative Procedure Act" that  
41 establish standards for mold hazard abatement including specialized  
42 cleaning, repairs, maintenance, painting, temporary containment

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly AAP committee amendments adopted February 7, 2013.

<sup>2</sup>Assembly floor amendments adopted February 14, 2013.

1 and ongoing monitoring of mold hazards or potential hazards.  
2 Hazard abatement procedures for mold developed by the department  
3 shall:

- 4 (1) provide practical guidelines for the removal of mold and  
5 abatement of the underlying cause of mold and associated water  
6 intrusion and water damage in indoor environments; and  
7 (2) provide practical guidance for the removal or cleaning of  
8 contaminated materials in a manner that protects the health of the  
9 person performing the hazard abatement, including requirements for  
10 the use of protective clothing or equipment.

11  
12 3. a. Within <sup>1</sup>~~18~~ 12<sup>1</sup> months after the effective date of this  
13 act, the Department of Community Affairs shall adopt rules and  
14 regulations pursuant to the "Administrative Procedure Act,"  
15 P.L.1968, c.410 (C.52:14B-1 et seq.), to establish a program for the  
16 certification of persons who inspect for the presence of mold  
17 hazards in residential buildings <sup>2</sup>and school facilities<sup>2</sup>. The mold  
18 inspection certification program shall require that inspectors for  
19 mold hazards have training and education in at least the following  
20 subject areas:

- 21 (1) proper methods to identify the presence of mold consistent  
22 with the standards developed therefor pursuant to subsection a. of  
23 section 2 of this act;  
24 (2) scientifically recognized procedures <sup>2</sup>and new technologies<sup>2</sup>  
25 for the collection of air and surface samples;  
26 (3) methods for the identification of locations of moisture  
27 infiltration to locate likely areas for mold infestation;  
28 (4) all applicable State and federal law, rules and regulations;  
29 and  
30 (5) any other area the department deems relevant.

31 b. Within <sup>1</sup>~~18~~ 12<sup>1</sup> months after the effective date of this act,  
32 the department shall adopt rules and regulations pursuant to the  
33 "Administrative Procedure Act" to establish a program for the  
34 certification of persons who perform mold hazard abatement work,  
35 and who safeguard buildings from the presence of mold in  
36 residential buildings <sup>2</sup>and school facilities<sup>2</sup>. The mold hazard  
37 abatement certification shall require that persons have training and  
38 education in the following areas:

- 39 (1) mold hazard abatement procedures developed by the  
40 department pursuant to subsection b. of section 2 of this act;  
41 (2) specialized cleaning, repairs, maintenance, painting,  
42 temporary containment and ongoing monitoring of mold hazards or  
43 potential hazards;  
44 (3) removal of mold and the abatement of the underlying cause  
45 of mold and associated water intrusion and water damage in indoor  
46 environments;

1 (4) removal or cleaning of contaminated materials in a manner  
2 that protects the health of the person performing the mold hazard  
3 abatement, including requirements for the use of protective clothing  
4 or equipment;

5 (5) all applicable State and federal law, rules and regulations;  
6 and

7 (6) any other training or education the department deems  
8 appropriate<sup>1</sup>, including but not limited to the successful completion  
9 of an outreach training program for the construction industry<sup>2</sup> or  
10 general industry<sup>2</sup> that has been approved by the federal  
11 Occupational Safety and Health Administration in the United States  
12 Department of Labor as an orientation to the occupational safety  
13 and health of workers covered by section 1926 of title 29, Code of  
14 Federal Regulations<sup>1</sup>.

15 c. In establishing the certification programs for mold  
16 inspection and mold hazard abatement required pursuant to  
17 subsections a. and b. of this section, the Department of Community  
18 Affairs may:

19 (1) charge an annual fee for any persons certified pursuant to  
20 subsection a. or b. of this section;

21 (2) require <sup>1</sup>the successful completion of a course of<sup>1</sup> continuing  
22 education or training for certified inspectors or abatement workers  
23 <sup>1</sup>at least once every two years<sup>1</sup>; <sup>1</sup>[and]<sup>1</sup>

24 (3) conduct examinations to determine whether an applicant has  
25 sufficient knowledge of the State and federal law, rules and  
26 regulations, and any standards or requirements applicable to the  
27 inspection or abatement of mold hazards, as the case may be<sup>1</sup>; and

28 (4) adopt rules and regulations pursuant to the "Administrative  
29 Procedure Act" to provide for the enforcement and compliance with  
30 the mold inspection and mold hazard abatement certification  
31 programs established pursuant to subsection a. and b. of this  
32 section, which rules and regulations may provide for the  
33 suspension, revocation, or refusal to issue or renew a certification  
34 issued to persons by the department and may provide for the  
35 imposition of penalties on persons who violate provisions of the  
36 certification programs established pursuant to subsection a. and b.  
37 of this section and persons who inspect residential building interiors  
38 <sup>2</sup>or school facilities<sup>2</sup> for the presence of mold or perform mold  
39 hazard abatement work in residential buildings <sup>2</sup>or school facilities<sup>2</sup>  
40 in violation of section 4 of this act<sup>1</sup>.

41 <sup>1</sup>d. In establishing the certification programs for mold  
42 inspection and mold hazard abatement required pursuant to  
43 subsections a. and b. of this section, the Department of Community  
44 Affairs may grant certifications to a person who demonstrates to the  
45 department that the person has successfully completed an accredited  
46 program in mold inspection and remediation by a nationally

1 accepted accreditation organization that requires persons enrolled in  
2 the program to have training and education that is determined by the  
3 department to be equal to or greater than the level of training and  
4 education required of persons certified pursuant to subsection a. or  
5 b. of this section; provided however, that a person granted  
6 certifications pursuant to this subsection shall be required to pay  
7 any annual fees charged by the department pursuant to paragraph  
8 (1) of subsection c. of this section, be required to successfully  
9 complete any course of continuing education and training for  
10 certified inspectors or abatement workers required by the  
11 department pursuant to paragraph (2) of subsection c. of this  
12 section, and be subject to any rules and regulations adopted  
13 pursuant to paragraph (4) of subsection c. of this section.<sup>1</sup>

14 <sup>1</sup>**[d] e**<sup>1</sup>. An employee engaged in routine maintenance of a  
15 multiple dwelling owned or managed by their employer shall not be  
16 required to complete the certification programs established pursuant  
17 to this section in order to address the presence of mold in the  
18 multiple dwelling owned or managed by their employer; however,  
19 nothing in this subsection shall be construed to exempt multiple  
20 dwellings from otherwise complying with the standards and  
21 procedures adopted by the Department of Community Affairs  
22 pursuant to section 2 of this act.

23 <sup>2</sup>**f.** A residential property owner shall not be required to  
24 complete the certification programs established pursuant to this  
25 section in order to perform mold inspection or mold abatement  
26 work on his own property.<sup>2</sup>

27  
28 4. On the first day of the sixth month following adoption of the  
29 rules and regulations required pursuant to section 3 of this act:

30 a. Any person who inspects a residential building interior <sup>2</sup>or a  
31 school facility<sup>2</sup> for the presence of mold shall be certified by the  
32 Department of Community Affairs pursuant to subsection a. of  
33 section 3 of this act.

34 b. Any person who performs mold hazard abatement work in a  
35 residential building <sup>2</sup>or a school facility<sup>2</sup>, except as otherwise  
36 provided in <sup>2</sup>**[subsection d.] subsections e. and f.**<sup>2</sup> of section 3 of  
37 this act, shall be certified by the department pursuant to subsection  
38 b. of section 3 of this act.

39

40 5. This act shall take effect immediately.