

ASSEMBLY, No. 1007

STATE OF NEW JERSEY 216th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2014 SESSION

Sponsored by:

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SYNOPSIS

Requires DCA to establish procedures for inspection and abatement of mold hazards in residential buildings and school facilities, and certification programs for mold inspectors and mold hazard abatement workers.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 6/6/2014)

1 AN ACT concerning mold inspection and mold hazard abatement,
2 and supplementing 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 "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.

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, Memmoniella,
22 Mucor and Stachybotrys Chartarum, often found in water-damaged
23 building materials.

24 "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.

27

28 2. a. Within six months after the effective date of this act, the
29 Department of Community Affairs, in consultation with the
30 Department of Health and the Department of Labor and Workforce
31 Development, shall adopt rules and regulations pursuant to the
32 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
33 seq.), that establish procedures for the inspection, identification,
34 and evaluation of the interior of residential buildings and school
35 facilities for mold based upon, but not limited to, industry standards
36 and standards and guidelines developed by the United States
37 Environmental Protection Agency.

38 b. Within six months after the effective date of this act, the
39 Department of Community Affairs shall adopt rules and regulations
40 pursuant to the "Administrative Procedure Act" that establish
41 procedures for mold hazard abatement including specialized
42 cleaning, repairs, maintenance, painting, temporary containment
43 and ongoing monitoring of mold hazards or potential hazards.
44 Hazard abatement procedures for mold developed by the department
45 shall:

46 (1) provide practical guidelines for the removal of mold and
47 abatement of the underlying cause of mold and associated water

1 intrusion and water damage in indoor environments; and
2 (2) provide practical guidance for the removal or cleaning of
3 contaminated materials in a manner that protects the health of the
4 person performing the hazard abatement, including requirements for
5 the use of protective clothing or equipment.

6
7 3. a. Within 12 months after the effective date of this act, the
8 Department of Community Affairs shall adopt rules and regulations
9 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
10 (C.52:14B-1 et seq.), to establish a program for the certification of
11 persons who inspect for the presence of mold hazards in residential
12 buildings and school facilities. The mold inspection certification
13 program shall require that inspectors for mold hazards have training
14 and education in at least the following subject areas:

15 (1) proper methods to identify the presence of mold consistent
16 with the procedures developed therefor pursuant to subsection a. of
17 section 2 of this act;

18 (2) scientifically recognized procedures and new technologies
19 for the collection of air and surface samples;

20 (3) methods for the identification of locations of moisture
21 infiltration to locate likely areas for mold infestation;

22 (4) all applicable State and federal laws, rules and regulations;
23 and

24 (5) any other area the department deems relevant.

25 b. Within 12 months after the effective date of this act, the
26 department shall adopt rules and regulations pursuant to the
27 "Administrative Procedure Act" to establish a program for the
28 certification of persons who perform mold hazard abatement work,
29 and who safeguard buildings from the presence of mold in
30 residential buildings and school facilities. The mold hazard
31 abatement certification shall require that persons have training and
32 education in the following areas:

33 (1) mold hazard abatement procedures developed by the
34 department pursuant to subsection b. of section 2 of this act;

35 (2) specialized cleaning, repairs, maintenance, painting,
36 temporary containment and ongoing monitoring of mold hazards or
37 potential hazards;

38 (3) removal of mold and the abatement of the underlying cause
39 of mold and associated water intrusion and water damage in indoor
40 environments;

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

45 (5) all applicable State and federal laws, rules and regulations;
46 and

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

9 c. In establishing the certification programs for mold
10 inspection and mold hazard abatement required pursuant to
11 subsections a. and b. of this section, the Department of Community
12 Affairs may:

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

15 (2) require the successful completion of a course of continuing
16 education or training for certified inspectors or abatement workers
17 at least once every two years;

18 (3) conduct examinations to determine whether an applicant has
19 sufficient knowledge of the State and federal laws, rules and
20 regulations, and any standards or requirements, applicable to the
21 inspection or abatement of mold hazards, as the case may be; and

22 (4) adopt rules and regulations pursuant to the "Administrative
23 Procedure Act" to provide for:

24 (a) the enforcement and compliance with the mold inspection and
25 mold hazard abatement certification programs established pursuant
26 to subsections a. and b. of this section, which may provide for the
27 suspension, revocation, or refusal to issue or renew a certification
28 issued to persons by the department; and

29 (b) the imposition of penalties on any person who (i) violates any
30 provision of the certification programs established pursuant to
31 subsections a. and b. of this section, or (ii) inspects residential
32 building interiors or school facilities for the presence of mold or
33 performs mold hazard abatement work in residential buildings or
34 school facilities in violation of section 4 of this act.

35 d. In establishing the certification programs for mold
36 inspection and mold hazard abatement required pursuant to
37 subsections a. and b. of this section, the Department of Community
38 Affairs may grant a certification to a person who demonstrates to
39 the department that the person has successfully completed an
40 accredited program in mold inspection or mold hazard abatement,
41 as the case may be, by a nationally accepted accreditation
42 organization which is determined by the department to be equal to
43 or greater than the level of training and education required of
44 persons certified pursuant to subsection a. or b. of this section,
45 respectively; provided however, that a person granted a certification
46 pursuant to this subsection shall be required to pay the appropriate
47 annual fee charged by the department pursuant to paragraph (1) of

1 subsection c. of this section, successfully complete any course of
2 continuing education and training for certified inspectors or
3 abatement workers required by the department pursuant to
4 paragraph (2) of subsection c. of this section, and be subject to any
5 rules and regulations adopted pursuant to paragraph (4) of
6 subsection c. of this section.

7 e. An employee engaged in routine maintenance of a multiple
8 dwelling owned or managed by their employer shall not be required
9 to complete the certification programs established pursuant to this
10 section in order to address the presence of mold in the multiple
11 dwelling owned or managed by their employer; however, nothing in
12 this subsection shall be construed to exempt multiple dwellings
13 from otherwise complying with the procedures adopted by the
14 Department of Community Affairs pursuant to section 2 of this act.

15 f. A residential property owner shall not be required to
16 complete the certification programs established pursuant to this
17 section in order to perform mold inspection or mold abatement
18 work on his own property.

19

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

22 a. Any person who inspects a residential building interior or a
23 school facility for the presence of mold shall be certified by the
24 Department of Community Affairs pursuant to subsection a. of
25 section 3 of this act.

26 b. Any person who performs mold hazard abatement work in a
27 residential building or a school facility, except as otherwise
28 provided in subsections e. and f. of section 3 of this act, shall be
29 certified by the department pursuant to subsection b. of section 3 of
30 this act.

31 c. No person shall present himself to the public as an expert in
32 mold inspection or mold hazard abatement work unless certified by
33 the Department of Community Affairs pursuant to subsection a., b.,
34 or d., as applicable, of section 3 of this act.

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36 5. This act shall take effect immediately.

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STATEMENT

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41 This bill provides for the establishment of certain procedures for
42 the inspection for, and abatement of, mold hazards in residential
43 buildings and school facilities, and provides for the establishment of
44 programs to certify mold inspectors and mold hazard abatement
45 workers.

46 The bill requires the Department of Community Affairs (DCA),
47 in consultation with the Department of Health and the Department

1 of Labor and Workforce Development, to adopt, within six months
2 of the effective date of the bill, rules and regulations that establish
3 procedures for the inspection, identification, and evaluation of the
4 interior of residential buildings and school facilities for mold.
5 Further, the bill requires the DCA to adopt, within six months of the
6 effective date of the bill, rules and regulations that establish mold
7 hazard abatement procedures including specialized cleaning,
8 repairs, maintenance, painting, temporary containment, and ongoing
9 monitoring of mold hazards or potential hazards.

10 The bill requires the DCA to adopt, within 12 months of the
11 effective date of the bill, rules and regulations to establish a
12 certification program for persons who inspect for the presence of
13 mold hazards in residential buildings and school facilities. The bill
14 also requires the DCA to adopt, within 12 months of the effective
15 date of the bill, rules and regulations to establish a certification
16 program for persons who perform mold hazard abatement work in
17 residential buildings and school facilities.

18 The bill authorizes the DCA to charge an annual fee for the
19 certification of persons who inspect for the presence of mold and
20 perform mold hazard abatement, require the successful completion
21 of a course of continuing education or training for certified
22 inspectors or abatement workers at least once every two years,
23 conduct examinations to determine an applicant's proficiency with
24 respect to State and federal laws, rules, and regulations and any
25 standards or requirements applicable to the inspection or abatement
26 of mold hazards, and adopt rules and regulations to provide for the
27 enforcement of, and compliance with, the mold inspection and mold
28 hazard abatement certification programs established by the bill.

29 The bill authorizes the DCA to also grant mold inspection and
30 mold hazard abatement certifications to persons who are able to
31 demonstrate that they have successfully completed an accredited
32 program in mold inspection and mold hazard abatement by a
33 nationally accepted accreditation organization. The bill provides
34 that the accredited program must require persons enrolled in the
35 program to have training and education that is determined by the
36 department to be equal to or greater than the level of training and
37 education required of persons who are otherwise certified by the
38 department, that persons granted certification as a result of the
39 successful completion of an accredited program pay the appropriate
40 annual fee charged by the department, complete any course of
41 continuing education and training for certified inspectors or
42 abatement workers required by the department, and be subject to
43 any other rules and regulations adopted by the department.

44 The bill provides that on the first day of the sixth month
45 following the adoption of rules and regulations concerning the
46 establishment of programs to certify mold inspectors and mold
47 hazard abatement workers, any person who inspects for the

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1 presence of mold hazards in residential buildings and school
2 facilities and any person who performs mold hazard abatement
3 work in those buildings must be certified by the DCA. The bill
4 allows only certified contractors to represent themselves to the
5 public as experts in mold inspection or mold hazard abatement, as
6 applicable.

7 The bill provides that an employee engaged in routine
8 maintenance of a multiple dwelling owned or managed by their
9 employer will not be required to complete the certification program
10 for mold inspectors or mold hazard abatement workers to address
11 the presence of mold in the multiple dwelling owned or managed by
12 their employer.