

[First Reprint]

SENATE, No. 2897

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED SEPTEMBER 13, 2018

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Assemblywomen Jasey, Reynolds-Jackson, Timberlake, Speight,
Assemblyman Chiaravalloti, Assemblywomen Lopez, Swain and
Assemblyman Houghtaling**

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

As amended by the Senate on January 9, 2020.

(Sponsorship Updated As Of: 1/14/2020)

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, Memnoniella,
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. 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 evaluation, and abatement of the interior of residential buildings
35 and school facilities for mold based upon, but not limited to,
36 industry standards and standards and guidelines developed by the
37 United States Environmental Protection Agency.

38

39 3. a. Within 12 months after the effective date of this act, the
40 Department of Community Affairs shall adopt rules and regulations
41 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
42 (C.52:14B-1 et seq.), to establish a program for the certification of
43 persons who inspect for the presence of mold hazards in residential
44 buildings and school facilities. The mold inspection certification

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:

¹Senate floor amendments adopted January 9, 2020.

1 program shall require that inspectors for mold hazards have training
2 and education in at least the following subject areas:

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

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

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

10 (4) all applicable State and federal laws, rules and regulations;
11 and

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

13 b. Within 12 months after the effective date of this act, the
14 department shall adopt rules and regulations pursuant to the
15 "Administrative Procedure Act" to establish a program for the
16 certification of persons who perform mold hazard abatement work,
17 and who safeguard buildings from the presence of mold in
18 residential buildings and school facilities. The mold hazard
19 abatement certification shall require that persons have training and
20 education in the following areas:

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

23 (2) specialized cleaning, repairs, maintenance, painting,
24 temporary containment and ongoing monitoring of mold hazards or
25 potential hazards;

26 (3) removal of mold and the abatement of the underlying cause
27 of mold and associated water intrusion and water damage in indoor
28 environments;

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

33 (5) all applicable State and federal laws, rules and regulations;
34 and

35 (6) any other training or education the department deems
36 appropriate, including but not limited to the successful completion
37 of an outreach training program for the construction industry or
38 general industry that has been approved by the federal Occupational
39 Safety and Health Administration in the United States Department
40 of Labor as an orientation to the occupational safety and health of
41 workers covered by part 1926 of title 29, Code of Federal
42 Regulations.

43 c. In establishing the certification programs for mold
44 inspection and mold hazard abatement required pursuant to
45 subsections a. and b. of this section, the Department of Community
46 Affairs may:

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

- 1 (2) require the successful completion of a course of continuing
2 education or training for certified inspectors or abatement workers
3 at least once every two years;
- 4 (3) conduct examinations to determine whether an applicant has
5 sufficient knowledge of the State and federal laws, rules and
6 regulations, and any standards or requirements, applicable to the
7 inspection or abatement of mold hazards, as the case may be;
- 8 (4) maintain a list of the names and addresses of all persons
9 registered with the department pursuant to P.L. , c. (C.)
10 (pending before the Legislature as this bill) and annually forward
11 ¹[such] the¹ list to the ¹[Department of Labor and Workforce
12 Development] Division of Consumer Affairs in the Department of
13 Law and Public Safety¹ for inclusion and publication as an
14 additional contractor list pursuant to the "Contractors' Registration
15 Act," P.L.2004, c.16 (C.56:8-136 et seq.); and
- 16 (5) adopt rules and regulations pursuant to the "Administrative
17 Procedure Act" to provide for:
- 18 (a) the enforcement and compliance with the mold inspection
19 and mold hazard abatement certification programs established
20 pursuant to subsections a. and b. of this section, which may provide
21 for the suspension, revocation, or refusal to issue or renew a
22 certification issued to persons by the department; and
- 23 (b) the imposition of penalties on any person who (i) violates
24 any provision of the certification programs established pursuant to
25 subsections a. and b. of this section, or (ii) inspects residential
26 building interiors or school facilities for the presence of mold or
27 performs mold hazard abatement work in residential buildings or
28 school facilities in violation of section 4 of this act.
- 29 d. In establishing the certification programs for mold
30 inspection and mold hazard abatement required pursuant to
31 subsections a. and b. of this section, the Department of Community
32 Affairs may grant a certification to a person who demonstrates to
33 the department that the person has successfully completed an
34 accredited program in mold inspection or mold hazard abatement,
35 as the case may be, by a nationally accepted accreditation
36 organization which is determined by the department to be equal to
37 or greater than the level of training and education required of
38 persons certified pursuant to subsection a. or b. of this section,
39 respectively; provided however, that a person granted a certification
40 pursuant to this subsection shall be required to pay the appropriate
41 annual fee charged by the department pursuant to paragraph (1) of
42 subsection c. of this section, successfully complete any course of
43 continuing education and training for certified inspectors or
44 abatement workers required by the department pursuant to
45 paragraph (2) of subsection c. of this section, and be subject to any
46 rules and regulations adopted pursuant to paragraph (4) of
47 subsection c. of this section.

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

9 f. ¹A district employee engaged in routine maintenance of a
10 school facility owned or managed by their employer shall not be
11 required to complete the certification programs established pursuant
12 to this section in order to address the presence of mold in the school
13 facility owned or managed by their employer; however, nothing in
14 this subsection shall be construed to exempt districts from
15 otherwise complying with the procedures adopted by the
16 Department of Community Affairs pursuant to section 2 of this act.

17 g.¹ A residential property owner shall not be required to
18 complete the certification programs established pursuant to this
19 section in order to perform mold inspection or mold abatement
20 work on his own property.

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

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

28 b. Any person who performs mold hazard abatement work in a
29 residential building or a school facility, except as otherwise
30 provided in subsections e. ¹~~and f.~~, f., and g.¹ of section 3 of this
31 act, shall be certified by the department pursuant to subsection b. of
32 section 3 of this act.

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

37
38 5. This act shall take effect immediately.