

SENATE, No. 2633

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED JANUARY 11, 2011

Sponsored by:

Senator SEAN T. KEAN

District 11 (Monmouth)

SYNOPSIS

Requires establishment of indoor standards for mold hazards and certification of mold inspectors and abatement workers.

CURRENT VERSION OF TEXT

As introduced.



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

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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 "Mold" means any form of multicellular fungi that lives on plant
10 or animal matter and in indoor environments. Types of mold
11 include, but are not limited to, Cladosporium, Penicillium,
12 Alternaria, Aspergillus, Fuarim, Trichoderma, Memnoniella, Mucor
13 and Stachhybotrys Chartarum, often found in water-damaged
14 building materials.

15
16 2. a. Within one year after the effective date of this act, the
17 Department of Community Affairs, in consultation with the
18 Department of Health and Senior Services, shall adopt rules and
19 regulations pursuant to the "Administrative Procedure Act,"
20 P.L.1968, c.410 (C.52:14B-1 et seq.), that establish: (1) indoor
21 standards for exposure limits to mold in residential buildings that
22 are protective of the public health and safety; and (2) procedures for
23 the inspection, identification, and evaluation of the interior of
24 residential buildings for mold.

25 b. Within one year after the effective date of this act, the
26 Department of Community Affairs shall adopt rules and regulations
27 pursuant to the "Administrative Procedure Act" that establish
28 standards for mold hazard abatement including specialized cleaning,
29 repairs, maintenance, painting, temporary containment and ongoing
30 monitoring of mold hazards or potential hazards. Hazard abatement
31 procedures for mold developed by the department shall:

32 (1) provide practical guidelines for the removal of mold and
33 abatement of the underlying cause of mold and associated water
34 intrusion and water damage in indoor environments; and

35 (2) provide practical guidance for the removal or cleaning of
36 contaminated materials in a manner that protects the health of the
37 person performing the hazard abatement, including requirements for
38 the use of protective clothing or equipment.

39

40 3. a. Within 18 months after the effective date of this act, the
41 Department of Community Affairs shall establish a program for the
42 certification of persons who inspect for the presence of mold
43 hazards in residential buildings. The mold inspection certification
44 program shall require that inspectors for mold hazards have training
45 and education in at least the following subject areas:

46 (1) proper methods to identify the presence of mold consistent
47 with the standards developed therefor pursuant to subsection a. of
48 section 2 of this act;

1 (2) scientifically recognized procedures for the collection of air
2 and surface samples;

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

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

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

8 b. Within 18 months after the effective date of this act, the
9 department shall establish a program for the certification of persons
10 who perform mold hazard abatement work, and who safeguard
11 buildings from the presence of mold in residential buildings. The
12 mold hazard abatement certification shall require that persons have
13 training and education in the following areas:

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

16 (2) specialized cleaning, repairs, maintenance, painting,
17 temporary containment and ongoing monitoring of mold hazards or
18 potential hazards;

19 (3) removal of mold and the abatement of the underlying cause
20 of mold and associated water intrusion and water damage in indoor
21 environments;

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

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

28 (6) any other training or education the department deems
29 appropriate.

30 c. In establishing certification programs for mold inspection and
31 mold hazard abatement, the Department of Community Affairs
32 may:

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

35 (2) require continuing education or training for certified
36 inspectors or abatement workers; and

37 (3) conduct examinations to determine whether an applicant has
38 sufficient knowledge of the State and federal law, rules and
39 regulations, and any standards or requirements applicable to the
40 inspection or abatement of mold hazards, as the case may be.

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42 4. a. Any person who inspects a residential building interior for
43 the presence of mold shall be certified by the Department of
44 Community Affairs pursuant to subsection a. of section 3 of this
45 act.

46 b. Any person who performs mold hazard abatement work in a
47 residential building shall be certified pursuant to subsection b. of
48 section 3 of this act.

1 5. The Commissioner of Community Affairs shall adopt,
2 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
3 (C.52:14B-1 et seq.), rules and regulations necessary to implement
4 the provisions of this act, including, but not limited to: the
5 establishment of exposure limits to mold in residential buildings,
6 standards for mold hazard abatement, and requirements for a mold
7 inspection certification program and a mold abatement certification
8 program.

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10 6. This act shall take effect immediately.

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13 STATEMENT

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15 This bill would require the Department of Community Affairs to
16 establish standards for exposure limits to mold in residential
17 buildings that are protective of the public health and safety, and
18 procedures for the inspection, identification, and evaluation of the
19 interior of residential buildings for mold. The department would
20 also be required to establish standards for mold hazard abatement
21 procedures including specialized cleaning, repairs, maintenance,
22 painting, temporary containment and ongoing monitoring of mold
23 hazards or potential hazards.

24 This bill would further require the department to establish a
25 certification program for persons who inspect for the presence of
26 mold hazards in residential buildings and who perform mold hazard
27 abatement work in residential buildings.