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STATE OF
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Department of Labor

Introduction To the NYS Mold Law Licensing Requirements

Eileen Franko, DrPH
Director
Division of Safety and Health

Rationale for the Law

- Hurricane Sandy resulted in massive mold growth
- People became concerned about the health risks
- Some people, especially those with asthma, may experience respiratory problems
- Most people do not fully understand mold problems, the causes of mold in buildings, and the proper assessment and/or remediation when a mold problem exists.
- Many people became “mold experts”
- This legislation was designed to protect the public from unscrupulous contractors offering mold assessment and/or remediation.
- Designed to ensure that only licensed persons and/or businesses engaged in mold assessment and/or remediation perform the work
- Establish a baseline of required training.

Consumer Protection

NYS Department of Labor Law Article 32

The purpose of this law is to ensure the integrity of the industry by ensuring that only licensed professionals are performing mold assessment, remediation and abatement.

Licenses

Mold Assessor

Mold Remediation Contractor

Mold Abatement Worker Supervisor

Mold Abatement Worker

Mold Assessment

"Mold assessment" means an inspection or assessment of real property that is designed to discover mold, conditions that facilitate mold, conditions that are likely to facilitate mold, or any combination thereof.

Mold Remediation

Conducting the business of removal, cleaning, sanitizing, or surface disinfection of mold, mold containment, and waste handling of mold and materials used to remove mold from surfaces

Mold remediation shall not include remediation of the underlying sources of moisture.

Mold Abatement

The removal, cleaning, sanitizing, or surface disinfection of mold, mold containment, and waste handling of mold and materials used to remove mold from surfaces.

What is a Mold Project?

Defined as mold remediation, mold assessment, or mold abatement of areas greater than ten (10) square feet undertaken for purpose of mold remediation or abatement.

However, a mold project does not include:

1. Routine cleaning, or
2. Construction, maintenance, repair or demolition of buildings, structures or fixtures undertaken for purposes other than mold remediation or abatement.

Industrial Code Rule?

940. Rulemaking authority.

The commissioner **may** adopt rules and regulations to oversee the practice of mold assessment, remediation and abatement and to ensure the health, safety and welfare of the public.

Industrial Code Rule?

At this time, DOL has not developed a code rule to address mold assessment, remediation or abatement.

Instead, DOL is looking to currently accepted work practices such as OSHA, EPA, NYCDOHMH and IICRC S520 to conduct mold projects.

Mold Project Summary

Mold Assessment Work Standards:

Prepare a “**Mold Remediation Plan**”. Provide it to client.

Mold Remediation Plan to include:

Rooms and areas where work is to be performed,

1. Estimated quantities of materials to be cleaned or removed,
2. The methods to be used for each type remediation in each type of area,
3. The type of PPE to be supplied by the Remediator for use by the licensed abatement workers,

Mold Project Summary

Mold Assessment Work Standards (con't):

4. Proposed clearance procedures and criteria for each type of remediation in each type of area,
5. How to notify building occupants,
6. Estimated cost and estimated time to complete project,
7. Identify the underlying source of the moisture and a recommendation as to the type of contractor needed to fix the problem, and
8. Conduct post-abatement assessment and issue notice of completion.

Mold Project Summary

Mold Remediation Work Standards:

Prepare a “**Mold Remediation Work Plan**” specific to each project based on the information provided in the “**Mold Remediation Plan**”.

Provide specific operating procedures for how the project will be performed.

The Contractor shall provide the specified PPE to all employees who engage in the remediation activities.

Containment (if needed) as spelled out in the “**Mold Remediation Work Plan**”

Signs to alert people in the area of the mold remediation project.

May not dismantle the containment until receiving a notice from the Assessor that the clearance criteria has been obtained.

Mold Project Summary

Mold Remediation Work Standards: (cont.)

Section 946 (1) provides that: “A mold remediation licensee shall prepare a mold remediation work plan that . . . fulfills all the requirements of the mold remediation plan developed by the mold assessment licensee . . .”

Mold Project Summary

Mold Abatement Work Standards:

Implement the “**Mold Remediation Work Plan**” as specified by the Mold Remediation Contractor.

Comply with all Federal, State and Local safety & health requirements.

Only use disinfectants, biocides, and antimicrobial coatings if specified in the “**Remediation Plan**”, and if approved by EPA for such use.

Note – the cleaning products impact on indoor air quality is often worse than the impact of mold!!!

Bad News (For CIHs)

§ 931. Licensing requirements.

“5. (a) Nothing in this article shall prohibit any design professional licensed pursuant to title eight of the education law from performing mold inspection, assessment, remediation and/or abatement tasks or functions if the person is acting within the scope of his or her practice, or require the design professional to obtain a license under this article for such mold inspection, assessment remediation and/or abatement tasks or functions.

(b) Nothing in this article shall mean that any individual not licensed pursuant to title eight of the education law may perform tasks or functions limited to the scope of practice of a design professional under such title.”

In other Words...

Certified Industrial Hygienist (CIH), Certified Safety Professionals (CSP) and others in the safety and health field must be licensed in order to perform mold related work.

But, Professional Engineers, Registered Architects, Land Surveyors are allowed to provide mold related services without obtaining a license. Providing they are working in an area they have experience in.

Note - have experience in working with mold is a key part of that sentence

Other Exemptions

1. A residential property owner who performs mold inspection, assessment, remediation, or abatement on his or her own property;
2. A non-residential property owner, or the employee of such owner, who performs mold assessment, remediation, or abatement on an apartment building owned by that person that has not more than four dwelling units;
3. An owner or a managing agent or a full-time employee of an owner or managing agent who performs mold assessment, remediation, or abatement on commercial property or a residential apartment building of more than four dwelling units owned by the owner provided, however, that this subdivision shall not apply if the managing agent or employee engages in the business of performing mold assessment, remediation, or abatement for the public; and
4. A federal, state or local governmental unit or public authority and employees thereof that perform mold assessment, remediation, or abatement on any property.

Home Inspectors And Mold Assessment Licensing

Persons who conduct home inspections as part of potential real estate transactions must be licensed as a “Mold Assessor” if their inspections include an assessment of mold conditions in the home or property in question.

Excerpts From Labor Law Article 32

Definition of “mold assessment”:

“§ 930. Definitions. As used in this article:

4. "Mold assessment" means an inspection or assessment of real property that is designed to discover mold, conditions that facilitate mold, indication of conditions that are likely to facilitate mold, or any combination thereof.”

Home Inspectors And Mold Assessment Licensing

Therefore, Home Inspectors who wish to do more than just notice that mold is present need to be licensed as per:

“§ 931. Licensing requirements. 1. It shall be unlawful for any contractor to engage in mold assessment on a project, or to advertise or hold themselves out as a mold assessment contractor unless such contractor has a valid mold assessment license issued by the commissioner.”

Mold Training Provider Approval Procedures

To be approved as a mold training provider, training provider applicants must initially submit the following forms, along with the required documentations:

SH-121: Application for Approval or Revision of a
Mold Safety Training Program

SH-124: Mold Training Manual and Curricula
Guidance and Attestation

Forms are available at <http://labor.ny.gov/formsdocs/wp/shformsandpublications.shtm>

Training courses are divided into three categories:

Mold Assessor – 32 hours

Remediation Contractor – 24 hours

Abatement Worker – 16 hours

Mold Training Provider Approval Procedures

Upon receipt of the completed forms and documents, DOL sends out an acknowledgment letter with a training provider number that was assigned to the company.

Submissions are reviewed in the order they are received. Review period depends on the number of submissions received.

A submission can be:

- Approved as is or with comments;

- Rejected if there are extensive deficiencies, or

- Additional information can be requested prior to approval.

Once a training course has been approved, the training provider may begin to advertise and offer the approved course(s) for licensing.

Training Update

To date, 36 companies have applied to be Mold Training Providers; 28 of these companies have been approved. The list of approved Mold Training Providers is posted on DOL's Mold Webpage: <http://labor.ny.gov/mold>

Breakdown of courses approved to date: 24 Mold Assessor, 20 Remediation Contractor, and 22 Abatement Worker.

Approved Training Providers began holding classes in October and have scheduled over 200 classes collectively.

Classes are being held throughout the state. Interested parties should contact the training providers directly to obtain their class schedules, fees, and registration information.

Licensing Categories

Presently, there are four (4) mold-related licenses:

- Mold Assessor License

- Mold Remediation Contractor License

- Mold Abatement Worker Supervisor License

- Mold Abatement Worker License

Licenses shall be valid for a period of two (2) years from the issuance date.

License renewal shall be conditioned upon the submission of a certificate of completion of DOL-approved continuing education course.

Licensing Fees

Mold Assessor	\$150.00
Mold Remediation Contractor	\$500.00
Mold Abatement Worker Supervisor	\$50.00
Mold Abatement Worker	\$50.00

Mold Assessor License

Who is required to obtain a Mold Assessor License?

Any business that:

- a) engages in mold assessment on a project;
- b) advertises that it is a mold assessment company, or
- c) holds itself out as a mold assessment company.

Any individual who inspects or assesses property for the purpose of discovering:

- a) mold,
- b) conditions that facilitate mold, and/or
- c) any conditions that indicate they are likely to encourage mold

Mold Assessor License

Application Requirements:

- Eighteen (18) years or older;
- Mold Assessor course Certificate of Completion from a DOL-approved training provider;
- \$150 application fee;

Proof of:

- a) workers' compensation (if required);
- b) disability insurance (if required);
- c) liability insurance of at least \$50,000 for claims from licensed activities and operations

Mold Remediation Contractor License

Who is required to obtain a Mold Remediation Contractor License?

- Any business engaged in mold remediation.
- This license is typically for individual who is the owner or designated license holder on behalf of the mold remediation company.

Application Requirements:

- Eighteen (18) years or older;
- Mold Remediation Contractor course Certificate of Completion from a DOL-approved training provider;
- \$500 application fee;
- Proof of:
 - a) workers' compensation (if required);
 - b) disability insurance (if required);
 - c) liability insurance of at least \$50,000 for claims from licensed activities and operations

Mold Abatement Worker Supervisor License

Who is required to obtain a Mold Abatement Worker Supervisor License?

- Individuals who draft Mold Remediation Work Plans and serve as mold site or project supervisors.
- These are typically individuals who are employees of a mold remediation company.

Application Requirements:

- Eighteen (18) years or older;
- Mold Remediation Contractor course Certificate of Completion from a DOL-approved training provider;
- \$50 application fee.

Mold Abatement Worker License

Who is required to obtain a Mold Abatement Worker License?

- Individuals who engage in mold abatement.

Application Requirements:

- Eighteen (18) years or older;
- Mold Abatement Worker course Certificate of Completion from a DOL-approved training provider;
- \$50 application fee.

Prohibited Activities for Assessment and Remediation

No licensee shall perform both mold assessment and mold remediation on the same property.

No person shall own an interest in both the licensee who performs mold assessment services and the licensee who performs mold remediation services on the same property.

General Mold Contacts

Training Questions:

Edward A. Smith, P.E., CIH
(518) 457-1536

Compliance and Inspection Questions:

James Meacham, P.E.
(518) 457-1255

Licensing and Certification Questions

Kirk Fisher
(518) 457-2735

Eileen Franko, DrPH (518) 457-3518
Director – Division of Safety and Health

Thank You

Questions???