

## **DRAFT LEGISLATION**

### **Certification for Mold Assessor, Mold Remediation Supervisor, and Mold Remediator, and Mold Remediation Standards**

Add Chapter 9 to Part 5 of Division 103 of the California Health and Safety Code  
Health and Safety Code Sections 105500-105516

#### **DEFINITIONS**

105500

For the purposes of this chapter, the following definitions shall apply:

- (a) “Certified Mold Assessor” means a person who has been certified and approved by the Department to perform a mold assessment, create a mold remediation design plan for remediation projects over 10 square feet, and conduct a mold clearance.
- (b) “Certified Mold Remediation Supervisor” means a person who has been certified and approved by the Department to perform and/or directly supervise mold remediation.
- (c) “Certified Mold Remediator” means a person who has been certified and approved by the Department to perform mold remediation.
- (d) “Clearance” means the criteria and/or measurements required to demonstrate the successful remediation of mold.
- (e) “Containment” means a system, process, barrier, component, or enclosure designed or intended to control the release of mold spores or mold-containing materials into surrounding areas in a building.
- (f) “Department” means the California Department of Public Health.
- (g) “Mold” means any living or dead fungi or related products or parts, including spores and hyphae.
- (h) “Mold Activities” means any mold remediation, mold assessment, or any activity which may disturb mold or create a mold hazard.
- (i) “Mold Assessment” means:
  - (1) An inspection, investigation, or survey of a building or other structure to provide the owner or occupant with information regarding the presence, identification, or evaluation of mold;
  - (2) An inspection, investigation, or survey of a building or other structure to provide the owner or occupant with information regarding the source of moisture contributing to mold growth;
  - (3) The collection of information needed to create a Mold Remediation Design Plan;
- (j) “Mold Remediation” means the removal, cleaning, sanitizing, demolition, or other treatment, including preventive activities, of mold or mold-contaminated materials. Preventive activities include those intended to prevent future mold contamination of a remediated area, including applying biocides or anti-microbial compounds.

- (k) “Mold Remediation Design Plan” means a document prepared by a Certified Mold Assessor that specifies the results of a mold assessment, the actions needed to remediate mold, and the clearance criteria for a mold remediation project.
- (l) “Mold Remediation Work Plan” means a document prepared by a Certified Mold Remediation Supervisor based on the Mold Remediation Design Plan that provides instructions and/or standard operating procedures, for how a mold remediation project will be performed.
- (m) “Work Area” means an area where mold activities are performed

## **ESTABLISH PROGRAM**

### **105501**

- (a) A Mold Assessor, Mold Remediation Supervisor, and Mold Remediator, certification program is hereby established to be added to the lead assessment and abatement certification program established pursuant to sections 105250-105257 and administered by the Department.
- (b) All fees and fines collected by the Department pursuant to this chapter and other monies appropriated by the Legislature for the purpose of this chapter shall be deposited in the Public Health Protection from Indoor Mold Hazards Fund established in section 26157. Notwithstanding section 13340 of the Government Code, moneys in the fund shall be continuously appropriated to the Department without regard to fiscal years and shall be used to support the Department’s administration of this chapter. Monies in this fund are available for cash flow borrowing pursuant to sections 16310 and 16381 of the Government Code.

## **CERTIFICATION REQUIREMENTS**

### **105502**

- (a) As of [DATE], a person must be a certified Mold Assessor with the Department to engage in mold assessment for compensation unless specifically exempted under section 105508 of this Chapter.
- (b) As of [DATE], a person must be a certified Mold Remediator with the Department to engage in mold remediation for compensation when the total affected area is greater than ten square feet unless specifically exempted under section 105508.
- (c) As of [DATE], a person must be certified as a Mold Remediation Supervisor to supervise any mold remediation project for compensation unless specifically exempted under section 105508 of this Chapter.
- (d) A person conducting mold assessment shall follow mold assessment standards as defined in section 105510.
- (e) A person conducting mold remediation shall follow mold remediation standards as defined in 105512 to 105516.
- (f) A person managing the mold remediation as a Mold Remediation Supervisor shall follow mold remediation standards as defined in 105512 to 105516.

- (g) An employee of a person certified as a Mold Remediation Supervisor must be individually certified as a Mold Remediator that meets the standards defined in section 105511.
- (h) Certified Mold Remediator holders shall not:
  - (1) Perform mold remediation on a project in which the certified Mold Assessor is the owner of the company, holder's company, or the certification holder's employer has performed a mold assessment.
  - (2) Provide any compensation, inducement, or reward to a Mold Assessor or a Mold Assessor's company, firm, or employer in order to generate the referral of mold remediation services.

## **TRAINING & CERTIFICATION**

### 105503

- (a) **By January 1, 20XX**, the Department shall establish minimum qualifications for initial certification for a Mold Assessor that may include Department accredited training courses, an exam, educational attainment, field experience, and other factors.
- (b) **By January 1, 20XX**, the Department shall establish minimum qualifications for initial certification for a Mold Remediation Supervisor that may include Department accredited training courses, an exam, educational attainment, field experience, and other factors.
- (c) **By January 1, 20XX**, the Department shall establish minimum qualifications for initial certification for a Mold Remediator that may include Department accredited training courses, an exam, educational attainment, field experience, and other factors.
- (d) The Department may grant a Mold Assessor, Mold Remediator, or Mold Remediation Supervisor certification in lieu of the qualifications in (a) and (b) to individuals holding a valid license or certification to practice as a Mold Assessor, Mold Remediator, or Mold Remediation Supervisor issued by another state or territory of the United States if the criteria for issuance of the license or certification are substantially the same as the certification criteria that are established in this chapter as determined by the Department.
- (e) The Department may grant a Mold Assessor, Mold Remediator supervisor, or Mold Remediator, certification in lieu of the qualifications in (a) and (b) to individuals holding a valid certification for a Mold Assessor, Mold Remediator, or Mold Remediation Supervisor from a nationally recognized, third-party certifier with standards that are substantially the same as the certification criteria that are established in this chapter as determined by the Department.
- (f) Pay appropriate fees pursuant to 105506

## **CERTIFICATION TERM**

### 105504

- (a) All certifications issued are valid for two years from the certification's effective date.

- (b) Certifications issued under this chapter shall not be sold, assigned, or transferred.
- (c) A certified Mold Assessor is in violation of this chapter if the holder conducts or supervises mold assessment or mold remediation with an expired certification.
- (d) A certified Mold Remediation supervisor is in violation of this chapter if the holder conducts mold remediation with an expired certification.
- (e) Violations of this section are subject to penalties defined in 105507.

## **CERTIFICATION RENEWAL & CONTINUING EDUCATION**

### 105505

- (a) By January 1, 20XX, the Department shall establish requirements for the renewal of a Mold Assessor, Mold Remediation, and Mold Remediation Supervisor certification that may include requirements for continuing education.
- (b) A Mold Assessor, Mold Remediation, and Mold Remediation Supervisor certification cannot be renewed more than 90-days after the expiration date of the certification. Holders of certifications that have been expired for more than 90 days must apply for an initial certification and meet the requirements pursuant to 105502 of this chapter.
- (c) The Department shall consider renewing a Mold Assessor, Mold Remediation, or Mold Remediation Supervisor certification in lieu of the requirements in (a) and (b) to individuals holding a valid license or certification to practice mold assessment or mold remediation issued by another state or territory of the United States if the criteria for issuance of the license or certification are substantially the same as the certification criteria that are established in this chapter as determined by the Department.
- (d) The Department shall consider renewing a Mold Assessor, Mold Remediation, or Mold Remediation Supervisor certification in lieu of the requirements in (a) and (b) to individuals holding a valid certification for mold assessment or mold remediation from a nationally recognized certifier with standards that are substantially the same as the certification criteria that are established in this chapter as determined by the Department.
- (e) Pay appropriate fees pursuant to 105506

## **ADMINISTRATIVE COSTS**

### 105506

- (a) The Department shall establish reasonable and necessary fees to cover the costs associated with administering this chapter, including but not limited to fees for examinations, initial licenses, renewals, and enforcement.
- (b) All fees shall be deposited to the Public Health Protection from Indoor Mold Hazards Fund pursuant to section 105501.

## **ADMINISTRATIVE COSTS & ENFORCEMENT**

105507

- (a) The Department shall establish enforcement protocols to monitor compliance with this chapter that may include, but is not limited to, a system to collect and review complaints, disciplinary proceedings, and an appeals process.
- (b) The Department shall establish penalties for violations of this chapter that may include, but is not limited to, an official reprimand, a period of probation, suspension or revocation of a license, fines, and civil penalties.
- (c) All fines shall be deposited to the Public Health Protection from Indoor Mold Hazards Fund pursuant to section 105501.

## **RESIDENTIAL PROPERTY OWNER**

105508

A residential property owner performing mold activities on his or her own property is not required to comply with any provisions of this chapter.

## ***POST REMEDIATION EVALUATION***

105509

All mold remediation shall have a post remediation verification that includes the following:

- (a) Verification that the underlying cause of mold and associated water intrusion and water damage in indoor environments has been corrected
- (b) A visual inspection to verify that all visible mold, mold-damaged materials, and moldy odors are not be present.
- (c) As determined by a certified Mold Assessor, other objective criteria that can include but are not limited to, analytical testing (e.g., moisture monitoring, temperature and relative humidity) and environmental sampling
- (d) A Certified Mold Assessor or Certified Mold Supervisor shall record the results of the visual inspection on the form provided by the Department and provide copy to building owner and tenants. Forms shall be maintained for a minimum of three years, and shall make all such forms available to any local, state, or federal code enforcement authority.

## **CERTIFIED MOLD PROFESSIONAL CLASSIFICATIONS & MOLD STANDARDS**

### **Certified Mold Assessors**

105510

- (a) Certified Mold Assessors shall follow assessment and sampling practices, procedures, and processes identified by the Department for mold inspections, mold identification, identification of the mold moisture source, and mold sampling.
  - (1) Paint on a pre-1978 residential structure shall be assumed to contain lead paint per CA Title 17 §35043 unless sampled by a CA certified lead Inspector/Assessor to prove negative.
  - (2) If suspect asbestos materials will be disturbed by remediation work, it should be assumed to contain asbestos unless sampled by a CA certified asbestos consultant to prove negative
- (b) Samples collected for laboratory analysis during the assessment must be analyzed by a nationally accredited laboratory as determined by the Department.
- (c) Certified Mold Assessors shall develop a mold remediation design plan that provides instructions to remediate mold to be used by a Mold Remediation Supervisor that includes, but is not limited to:
  - (1) Estimated square footage and location of mold to be remediated;
  - (2) Recommended or required containment to be used on the project, including, but not limited to:
    - i. Walk-in containment;
    - ii. Surface containment; and
    - iii. Containment devices;
  - (3) Personal protective equipment recommended or required to be used by Mold Remediator(s) on the project;
  - (4) Instructions to protect building occupants, including instructions on properly notifying all building occupants before remediation work begins;
  - (5) Established remediation methods and operating procedures to be used to remediate the mold;
  - (6) Instructions to remediate any underlying cause of the mold, i.e. source of moisture, to the extent it is reasonably certain that the mold will not return from the same cause;
  - (7) Instructions to contact the Mold Assessor should the Mold Remediation Supervisor find conditions not identified in the work plan; and
  - (8) Post remediation verification information
- (d) A certified Mold Assessor shall provide a copy of the mold remediation design plan to the owner prior to remediation.
- (e) A mold remediation design plan can only be revised by a certified Mold Assessor based on changes in conditions or other additional information available to the Mold Assessor after the initial assessment.

- (f) A certified Mold Assessor must conduct a post-remediation inspection to determine:
  - (1) The work area is free from all visible mold;
  - (2) All work has been completed in compliance with the mold remediation design plan and meets mold clearance criteria specified in the plan; and
  - (3) To the extent feasible, determine that the underlying cause of the mold has been remediated so that it is reasonably certain that mold will not return from that remediated area.
- (g) If it has been determined that remediation has been successful, the certified Mold Assessor shall issue a written, passed mold clearance evaluation to the owner.
- (h) If it has been determined that the underlying cause of the mold has not been remediated, the certified Mold Assessor shall make a recommendation to the owner that either a new assessment be conducted, that the remediation plan be completed, or the underlying causes of the mold be addressed, as appropriate.
- (i) If mold remediation was performed as a result of a code violation, post remediation information shall be provided to code enforcement agency.
- (j) Retain all information associated with the mold assessment and remediation for a minimum of 3 years.

### **Mold Remediation Supervisor**

105511

A Certified Mold Remediation Supervisor shall follow the following minimum practices:

- (a) Prepare a mold remediation work plan that is specific to each project that fulfills all the requirements of the mold remediation design plan, and provides specific instructions and/or standard operating procedures for how the project will be performed.
- (b) Signs advising that a mold remediation project is in progress shall be displayed at all accessible entrances to remediation areas before work begins and shall stay posted until clearance has been achieved. The sign shall be at least eight inches by ten inches in size and shall read, "NOTICE: Mold remediation project in progress" in black on yellow background. The text of the sign must be legible from a distance of ten feet.
- (c) Provide 5 working day notification of mold remediation activities to building occupants
- (d) Building occupants must remain out of the work area until work has been completed and mold clearance completed.
- (e) Disinfectant, biocides, and antimicrobial coatings may be used only if their use is specified in a mold remediation protocol, if they are registered by the United States Environmental Protection Agency for the intended use and if the use is consistent with the manufacturer's labeling instructions.
- (f) For all remediation projects over 10 ft<sup>2</sup>, no person shall remove or dismantle any walk-in containment structures or materials from a project site prior to receipt by the certified Mold Remediation Supervisor overseeing the project of a mold

- clearance evaluation from a certified Mold Assessor that the project has achieved clearance as described under section 105509.
- (g) All mold contaminated debris and items that cannot be decontaminated shall be sealed in six mil plastic and sealed with tape prior to being removed from the work area. The outside of the bags shall be cleaned with a damp cloth and a soap or detergent solution or HEPA-vacuumed in the work area (or clean changing room) prior to their transport to unaffected areas of the building.
  - (h) Retain mold remediation work plan and related paperwork for a minimum of 3 years.

## **WORK PRACTICES – UNDER 10 SQ. FT**

105512

- (a) Minimum practices to remediate mold covering less than ten contiguous or distributed square feet other than Heating, Ventilation, and Air Conditioning Systems (HVAC):
  - (1) Remediation can be conducted by non-licensed building maintenance staff trained on proper cleaning methods, personal protection, and potential hazards associated with mold exposure as required by California Code of Regulations, Title 8, Section 5194.
  - (2) The following personal protective equipment is required:
    - i. Respiratory protection in accordance California Code of Regulations, Title 8, Section 3380 and 5144 is required.
    - ii. Gloves and eye protection shall be worn.
  - (3) The work area shall be unoccupied. Occupants must vacate the work area.
  - (4) If work may impact difficult to clean surfaces or items, the floor of the work area, egress pathways, and other identified materials shall be removed or covered with plastic sheeting and sealed with tape before remediation.
  - (5) Furnishing in the work area must be covered or removed.
  - (6) Work techniques shall minimize dust generation. Dust suppression methods during any cutting or resurfacing of materials are required. Acceptable methods shall include:
    - i. Cleaning or gently misting surfaces with a dilute or detergent solution prior to removal
    - ii. The use of High-Efficiency Particulate Air (HEPA) vacuum-shrouded tools
    - iii. Using a vacuum equipped with a HEPA filter at the point of dust generation
  - (7) Moldy materials that can be cleaned shall be cleaned using a soap or detergent solution, or an EPA-approved solution.



- (8) The work area and areas used by workers for egress shall be HEPA-vacuumed or cleaned with a damp cloth and/or mop and a soap or detergent solution.
- (9) All clearance requirements as defined in section 105509, shall be met.

**MOLD REMEDIATION WORK PRACTICES – BETWEEN 10 Sq. Ft. & 100 Sq. Ft.**

105513

- (a) Minimum practices to remediate mold covering between ten and one hundred contiguous or distributed square feet other than HVAC systems:
  - (1) Remediation shall be conducted by a certified Mold Remediator or by employees supervised by a certified Mold Remediator.
  - (2) The following personal protective equipment is required:
    - i. Respiratory protection in accordance California Code of Regulations, Title 8, Section 3380 and 5144 is required.
    - ii. Gloves and eye protection shall be worn.
  - (3) The work area shall be unoccupied. Occupants must vacate the work area during remediation until a mold clearance has been issued.
  - (4) The floor, egress pathways, and items left in the work area shall be covered with plastic sheeting and sealed with tape before remediation.
  - (5) Required containment includes:
    - i. The HVAC system servicing the affected area may have to be shut down
    - ii. Ventilation ducts/grills and other openings in the work area shall be covered in plastic sheeting and sealed with duct tape.
    - iii. The use of an exhaust fan equipped with a HEPA filter to generate negative pressurization of the affected area is recommended
    - iv. Furnishings within the work area shall be covered or removed.
  - (6) Work techniques shall minimize dust generation. Dust suppression methods during any cutting or resurfacing of materials are required. Acceptable methods shall include:
    - i. Cleaning or gently misting surfaces with a dilute soap or detergent solution prior to removal
    - ii. The use of High-Efficiency Particulate Air (HEPA) vacuum-shrouded tools
    - iii. Using a vacuum equipped with a HEPA filter at the point of dust generation
  - (7) Moldy materials that can be cleaned shall be cleaned using a soap or detergent solution.
  - (8) The work area and areas used by workers for egress shall be HEPA-vacuumed or cleaned with a damp cloth and/or mop and a soap or detergent solution.
  - (9) All clearance requirements as defined in section 105509, shall be met.

**MOLD REMEDIAION WORK PRACTICES – GREATER THAN 100 Sq. Ft.**

105514

- (a) Minimum practices to remediate mold covering greater than one hundred contiguous or distributed square feet or if the quantity of mold cannot be determined prior to beginning remediation work:
  - (1) Remediation shall be conducted by a certified Mold Remediator and/or certified Mold Remediation Supervisor, and must follow the Mold Remediation Work Plan.
  - (2) The following personal protective equipment is required:
    - i. A minimum of a half-face elastomeric respirator with P-100 filters used in accordance California Code of Regulations, Title 8, Sections 3380 and 5411.
    - ii. Full body coveralls with head and foot coverings
    - iii. Gloves and eye protection
  - (3) Required containment includes:
    - i. The HVAC system servicing the affected area shall be shut down during remediation
    - ii. All furnishings shall be removed from the affected area
    - iii. Isolation of the work area using plastic sheeting adequately sealed with tape
    - iv. Ventilation ducts/grill, any other openings, and remaining fixtures/furnishings shall be covered in plastic sheeting and sealed with duct tape
    - v. The use of an exhaust fan equipped with a HEPA filter to generate negative pressurization of the affected area is required.
    - vi. Airlocks and a clean changing room is required.
  - (4) The work area shall be unoccupied, until mold remediation work is completed.
  - (5) Work techniques shall minimize dust generation. Dust suppression methods during any cutting or resurfacing of materials are required. Acceptable methods shall include:
    - i. Cleaning or gently misting surfaces with a dilute soap or detergent solution prior to removal
    - ii. The use of High-Efficiency Particulate Air (HEPA) vacuum-shrouded tools
    - iii. Using a vacuum equipped with a HEPA filter at the point of dust generation
  - (6) Moldy materials that can be cleaned shall be cleaned using a soap or detergent solution.
  - (7) Before leaving isolated areas, workers shall remove disposable clothing to prevent the tracking of mold-containing dusts outside of the work area.

- (8) The work area, egress pathways, and clean changing room shall be HEPA-vacuumed and cleaned with a damp cloth and/or mop with a soap or detergent solution and be visibly clean prior to the removal of isolation barriers. Plastic sheeting shall be discarded after use.
- (9) All clearance requirements as defined in section 105509, shall be met

### **WORK PRACTICES – WITHIN HVAC SYSTEM LESS THAN 10 Sq. Ft.**

105515

- (a) Minimum practices to remediate mold covering less than ten contiguous or distributed square feet within an HVAC system:
  - (1) Remediation shall be conducted by a certified Mold Remediator.
  - (2) The following personal protective equipment is required:
    - i. Respiratory protection in accordance California Code of Regulations, Title 8, Section 3380 and 5144 is required.
    - ii. Gloves and eye protection shall be worn.
  - (3) The HVAC system shall be shut down prior to any remedial activities.
  - (4) Work techniques shall minimize dust generation. Dust suppression methods during any cutting or resurfacing of materials are required. Acceptable methods shall include:
    - i. Cleaning or gently misting surfaces with a dilute soap or detergent solution prior to removal
    - ii. The use of High-Efficiency Particulate Air (HEPA) vacuum-shrouded tools
    - iii. Using a vacuum equipped with a HEPA filter at the point of dust generation
  - (5) The use of plastic sheeting to isolate other sections of the system is required unless unfeasible.
  - (6) Moldy materials that can be cleaned shall be cleaned using a soap or detergent solution. Growth-supporting materials that are moldy, such as the insulation of interior-lined ducts, flexible ducts, and filters, shall be removed and sealed in plastic bags.
  - (7) The work area and areas used for egress shall be HEPA-vacuumed and cleaned with a damp cloth and/or mop and a soap or detergent solution. Any plastic sheeting shall be discarded after use.
  - (8) All clearance requirements as defined in section 105509, shall be met.

### **MOLD REMEDIATION WORK PRACTICES – HVAC SYSTEM GREATER THAN 10 Sq. Ft.**

105516

- (a) Minimum practices to remediate mold covering greater than ten contiguous or distributed square feet within an HVAC system:
- (1) Remediation shall be conducted by a certified Mold Remediator.
  - (2) The following personal protective equipment is required:
    - i. A minimum of a half-face elastomeric respirator with P-100 filters used in accordance California Code of Regulations, Title 8, Sections 3380 and 5411.
    - ii. Full body coveralls with head and foot coverings
    - iii. Gloves and eye protection
  - (3) The HVAC system shall be shut down prior to any remedial activities.
  - (4) Required containment includes:
    - i. Isolation of work area from the other areas of the HVAC system using plastic sheeting sealed with duct tape
    - ii. The use of an exhaust fan equipped with a HEPA filter to generate negative pressurization shall be considered
    - iii. Airlocks and a clean changing room are required unless they are deemed unfeasible by assessor
    - iv. Egress pathways shall also be covered if a clean changing room is not used
  - (5) Work techniques shall minimize dust generation. Dust suppression methods during any cutting or resurfacing of materials are required. Acceptable methods shall include:
    - i. Cleaning or gently misting surfaces with a dilute soap or detergent solution prior to removal
    - ii. The use of High-Efficiency Particulate Air (HEPA) vacuum-shrouded tools
    - iii. Using a vacuum equipped with a HEPA filter at the point of dust generation
  - (6) Moldy materials that can be cleaned shall be cleaned using a soap or detergent solution. Growth-supporting materials that are moldy, such as the insulation of interior-lined ducts, flexible ducts, and filters, shall be removed and sealed in plastic bags. The outside of the bags shall be cleaned with a damp cloth and a soap or detergent solution or HEPA-vacuumed prior to their removal from the isolated work area.
  - (7) Before leaving isolated areas, workers shall remove disposable clothing to prevent the tracking of mold-containing dust outside of the work area.
  - (8) The work area and areas used for egress shall be HEPA-vacuumed and cleaned with a damp cloth and/or mop and a soap or detergent solution prior to the removal of isolation barriers. Any plastic sheeting shall be discarded after use.
  - (9) All clearance requirements Mold Assessor as defined in section 105509, shall be met.