

6091

2009-2010 Regular Sessions

I N   A S S E M B L Y

February 25, 2009

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Introduced by M. of A. ROSENTHAL, JAFFEE, EDDINGTON -- Multi-Sponsored  
by -- M. of A. JOHN, LANCMAN, WEISENBERG -- read once and referred to  
the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to mold

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. The environmental conservation law is amended by adding a  
2     new article 32 to read as follows:

3                                 ARTICLE 32

4                                 MOLD REMEDIATION

5     SECTION 32-0101. MOLD REMEDIATION CERTIFICATION.

6                 32-0102. CERTIFICATION REQUIRED.

7                 32-0103. CERTIFICATION AND REGISTRATION FEES.

8     S 32-0101. MOLD REMEDIATION CERTIFICATION.

9     1. ANY PERSON WHO ENGAGES IN COMMERCIAL MOLD REMEDIATION SHALL BE  
10    CERTIFIED BY THE COMMISSIONER. NO CERTIFICATION SHALL BE VALID UNLESS  
11    THE CERTIFIED PERSON ALSO HOLDS A VALID IDENTIFICATION CARD ISSUED BY  
12    THE COMMISSIONER.

13    2. A. APPLICATION FOR MOLD REMEDIATION CERTIFICATION SHALL BE MADE TO  
14    THE COMMISSIONER. THE APPLICATION SHALL BE ON A FORM PRESCRIBED BY THE  
15    COMMISSIONER AND SHALL BE ACCOMPANIED BY THE FEE OR FEES PROVIDED IN  
16    SECTION 32-0103 OF THIS ARTICLE.

17    B. AN APPLICANT FOR CERTIFICATION SHALL SATISFY THE COMMISSIONER AS TO  
18    HIS OR HER KNOWLEDGE AND EXPERIENCE CONCERNING MOLD, THE CAUSE OF MOLD,  
19    AND PROPER MOLD REMEDIATION PROCEDURES THROUGH EXAMINATION PRIOR TO  
20    INITIAL CERTIFICATION. RECERTIFICATION SHALL BE BY TRAINING, WORKBOOK OR  
21    EXAMINATION AS REQUIRED BY THE COMMISSIONER.

22    C. UPON CERTIFICATION, THE COMMISSIONER SHALL CERTIFY THE APPLICANT  
23    FOR THE APPROPRIATE CATEGORY OF CERTIFICATION AND SHALL ISSUE A CERTIF-  
24    ICATION IDENTIFICATION CARD TO THE APPLICANT. THE CERTIFICATION MAY

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 RESTRICT THE APPLICANT TO THE USE OF CERTAIN PROCEDURES, TYPES OF EQUIP-  
2 MENT OR MATERIALS USED FOR MOLD REMEDIATION.  
3 D. THIS CERTIFICATION SHALL BE VALID FOR THREE YEARS AFTER WHICH EVERY  
4 PERSON CERTIFIED IN MOLD REMEDIATION SHALL RECERTIFY ACCORDING TO THE  
5 REQUIREMENTS IN EFFECT. CERTIFICATION IDENTIFICATION CARDS SHALL BE  
6 VALID FOR THREE YEARS.  
7 S 32-0102. CERTIFICATION REQUIRED.  
8 NO PERSON SHALL ENGAGE IN OR ADVERTISE AS A PERSON WHO CONDUCTS CERTI-  
9 FIED MOLD REMEDIATION UNLESS THEY HAVE BEEN CERTIFIED BY THE COMMISSION-  
10 ER.  
11 S 32-0103. CERTIFICATION AND REGISTRATION FEES.  
12 1. EVERY APPLICANT FOR MOLD REMEDIATION CERTIFICATION SHALL PAY AN  
13 EXAMINATION FEE OF TEN DOLLARS.  
14 2. FEES FOR MOLD REMEDIATION CERTIFICATES SHALL BE FIFTEEN DOLLARS.  
15 S 2. This act shall take effect immediately.