

5117

2013-2014 Regular Sessions

I N A S S E M B L Y

February 20, 2013

Introduced by M. of A. WEISENBERG -- read once and referred to the
Committee on Economic Development

AN ACT to amend the general business law, in relation to requiring the
licensure of mold assessment and remediation specialists and setting
minimum work standards for mold assessment and remediation specialists

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

1 Section 1. Article 40 of the general business law, as renumbered by
2 chapter 407 of the laws of 1973, is renumbered article 60.
3 S 2. Sections 900 and 901 of the general business law, as renumbered
4 by chapter 407 of the laws of 1973, are renumbered sections 2000 and
5 2001.
6 S 3. The general business law is amended by adding a new article 40 to
7 read as follows:
8 ARTICLE 40
9 LICENSING OF MOLD INSPECTION, ASSESSMENT AND REMEDIATION
10 SPECIALISTS AND MINIMUM WORK STANDARDS
11 TITLE I. LICENSING OF MOLD INSPECTION, ASSESSMENT AND REMEDIATION
12 SPECIALISTS AND MINIMUM WORK STANDARDS (SS 900-910).
13 II. MINIMUM WORK STANDARDS FOR THE CONDUCT OF MOLD ASSESSMENTS
14 AND REMEDIATION BY LICENSED PERSONS (SS 915-917).

15 TITLE I
16 LICENSING OF MOLD INSPECTION, ASSESSMENT AND REMEDIATION
17 SPECIALISTS AND MINIMUM WORK STANDARDS
18 SECTION 900. DEFINITIONS.
19 901. LICENSES REQUIRED.
20 902. LICENSE APPLICATIONS; PROCEDURE AND REQUIREMENTS.
21 903. EXEMPTIONS.
22 904. LICENSE ISSUANCE AND RENEWAL.
23 905. PRACTICE BY LICENSE HOLDER.

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

LBD08634-02-3

906. LICENSEE DUTIES; PROHIBITED ACTIVITIES.

907. PENALTIES.

908. DENIAL OF LICENSE; COMPLAINTS; NOTICE OF HEARING.

909. JUDICIAL REVIEW.

910. RULEMAKING AUTHORITY

S 900. DEFINITIONS. AS USED IN THIS ARTICLE: 1. "DEPARTMENT" MEANS DEPARTMENT OF STATE.

2. "MOLD" MEANS INDOOR MOLD GROWTH CAPABLE OF CREATING TOXINS THAT CAN CAUSE PULMONARY, RESPIRATORY, NEUROLOGICAL OR OTHER MAJOR ILLNESSES AFTER MINIMAL EXPOSURE, AS SUCH EXPOSURE IS DEFINED BY THE ENVIRONMENTAL PROTECTION AGENCY, CENTERS FOR DISEASE CONTROL AND PREVENTION, NATIONAL INSTITUTE OF HEALTH, OR OTHER FEDERAL, STATE, OR LOCAL AGENCY ORGANIZED TO STUDY AND/OR PROTECT HUMAN HEALTH.

3. "MOLD REMEDIATION" MEANS THE REMOVAL, CLEANING, SANITIZING, DEMOLITION, OR OTHER TREATMENT, INCLUDING PREVENTIVE ACTIVITIES, OF MOLD OR MOLD-CONTAMINATED MATTER.

4. "MOLD INSPECTION OR ASSESSMENT" MEANS AN INSPECTION OR ASSESSMENT OF REAL PROPERTY THAT IS DESIGNED TO DISCOVER INDOOR MOLD GROWTH, TOXIC MOLD GROWTH, CONDITIONS THAT FACILITATE INDOOR MOLD GROWTH AND/OR INDICIA OF CONDITIONS THAT ARE LIKELY TO FACILITATE INDOOR MOLD GROWTH.

5. "SECRETARY" MEANS SECRETARY OF STATE.

S 901. LICENSES REQUIRED. NO PERSON SHALL ENGAGE IN OR CONDUCT, OR ADVERTISE OR HOLD HIMSELF OR HERSELF OUT AS ENGAGING IN OR CONDUCTING THE BUSINESS OF, OR ACTING IN THE CAPACITY OF A PERSON WHO CONDUCTS MOLD ASSESSMENT AND/OR REMEDIATION UNLESS SUCH PERSON HOLDS A MOLD ASSESSMENT AND/OR REMEDIATION LICENSE AS PROVIDED FOR IN THIS ARTICLE.

S 902. LICENSE APPLICATIONS; PROCEDURE AND REQUIREMENTS. 1. THE SECRETARY SHALL ESTABLISH MINIMUM QUALIFICATIONS FOR LICENSING.

2. APPLICATIONS FOR LICENSES AND RENEWAL LICENSES SHALL BE MADE IN WRITING TO THE DEPARTMENT ON FORMS PROVIDED BY THE DEPARTMENT.

3. AN APPLICANT FOR A LICENSE TO PERFORM MOLD ASSESSMENT AND REMEDIATION SHALL MEET THE FOLLOWING MINIMUM REQUIREMENTS:

(A) BE EIGHTEEN YEARS OF AGE OR OLDER;

(B) HAVE SATISFACTORILY COMPLETED DEPARTMENT APPROVED COURSE WORK;

(C) PAID THE APPROPRIATE FEES AS PROVIDED IN SUBDIVISION FIVE OF THIS SECTION; AND

(D) SUBMITTED INSURANCE CERTIFICATES EVIDENCING WORKERS' COMPENSATION COVERAGE, IF REQUIRED, AND LIABILITY INSURANCE OF AT LEAST FIFTY THOUSAND DOLLARS.

4. AN APPLICANT SHALL FURNISH THE DEPARTMENT WITH A FINANCIAL STATEMENT, PREPARED BY AN INDEPENDENT AUDITOR OR ACCOUNTANT AND SIGNED BY THE APPLICANT AND AUDITOR BEFORE A NOTARY PUBLIC, STATING THE ASSETS OF THE APPLICANT, TO BE USED BY THE DEPARTMENT TO DETERMINE THE FINANCIAL RESPONSIBILITY OF THE APPLICANT TO PERFORM MOLD INSPECTION, ASSESSMENT AND/OR REMEDIATION SERVICES.

5. THE DEPARTMENT MAY CHARGE AND COLLECT THE FOLLOWING FEES:

(A) A FEE FOR AN APPLICATION FOR A LICENSE, NOT TO EXCEED ONE HUNDRED DOLLARS;

(B) A FEE FOR RENEWAL OF A LICENSE, NOT TO EXCEED ONE HUNDRED DOLLARS; AND

(C) A FEE FOR DELINQUENT RENEWAL OF A LICENSE, NOT TO EXCEED FIFTY DOLLARS.

S 903. EXEMPTIONS. THE FOLLOWING PERSONS SHALL NOT BE REQUIRED TO OBTAIN A LICENSE AS PROVIDED IN THIS TITLE IN ORDER TO PERFORM MOLD INSPECTION, ASSESSMENT OR REMEDIATION:

1 1. A RESIDENTIAL PROPERTY OWNER WHO PERFORMS MOLD INSPECTION, ASSESS-
2 MENT OR REMEDIATION ON HIS OR HER OWN PROPERTY;

3 2. A NON-RESIDENTIAL PROPERTY OWNER, OR THE EMPLOYEE OF SUCH OWNER,
4 WHO PERFORMS MOLD ASSESSMENT OR REMEDIATION ON AN APARTMENT BUILDING
5 OWNED BY THAT PERSON THAT HAS NOT MORE THAN FOUR DWELLING UNITS;

6 3. AN OWNER OR TENANT, OR A MANAGING AGENT OR EMPLOYEE OF AN OWNER OR
7 TENANT, WHO PERFORMS MOLD ASSESSMENT OR REMEDIATION ON PROPERTY OWNED OR
8 LEASED BY THE OWNER OR TENANT, PROVIDED THAT THIS SUBDIVISION SHALL NOT
9 APPLY IF THE MANAGING AGENT OR EMPLOYEE ENGAGES IN THE BUSINESS OF
10 PERFORMING MOLD ASSESSMENT OR REMEDIATION FOR THE PUBLIC; AND

11 4. AN EMPLOYEE OF A LICENSEE WHO PERFORMS MOLD ASSESSMENT OR REMEDI-
12 ATION WHILE SUPERVISED BY THE LICENSEE.

13 S 904. LICENSE ISSUANCE AND RENEWAL. 1. LICENSES ISSUED PURSUANT TO
14 THE PROVISIONS OF THIS TITLE SHALL BE ISSUED FOR A PERIOD OF TWO YEARS.
15 LICENSES WHICH ARE NOT RENEWED SHALL BE CONSIDERED TO BE EXPIRED, AND
16 ANY MOLD ASSESSMENT OR REMEDIATION ACTIVITY WHICH WOULD REQUIRE A
17 LICENSE TO PERFORM WHICH OCCURS AFTER EXPIRATION OF THE LICENSE SHALL BE
18 DEEMED A VIOLATION OF THE PROVISIONS OF THIS ARTICLE.

19 2. ANY LICENSEE WHO FAILS TO TIMELY RENEW HIS OR HER LICENSE MAY THER-
20 EAFTER RENEW UPON PAYMENT OF THE APPROPRIATE RENEWAL AND DELINQUENT FEES
21 AND UPON FILING OF A RENEWAL APPLICATION. THE PERIOD FOR DELINQUENT
22 RENEWAL OF AN EXPIRED LICENSE SHALL BE LIMITED TO THE SIX MONTH PERIOD
23 IMMEDIATELY FOLLOWING THE EXPIRATION DATE OF THE ACTIVE LICENSE. FAILURE
24 TO RENEW AN EXPIRED LICENSE DURING SUCH SIX MONTH PERIOD SHALL RESULT IN
25 FORFEITURE OF RENEWAL RIGHTS AND SHALL REQUIRE THE FORMER LICENSEE TO
26 APPLY AS AN INITIAL APPLICANT AND MEET ALL REQUIREMENTS OF AN INITIAL
27 APPLICANT.

28 3. LICENSES SHALL BE IN A FORM PRESCRIBED BY THE DEPARTMENT.

29 S 905. PRACTICE BY LICENSE HOLDER. 1. A LICENSE HOLDER WHO INTENDS TO
30 PERFORM MOLD ASSESSMENT ON A MOLD REMEDIATION PROJECT SHALL PREPARE A
31 WORK ANALYSIS FOR THE PROJECT. THE LICENSE HOLDER SHALL PROVIDE THE
32 ANALYSIS TO THE CLIENT BEFORE THE MOLD REMEDIATION BEGINS. THE WORK
33 ANALYSIS MUST SPECIFY:

34 (A) THE ROOMS OR AREAS WHERE THE WORK WILL BE PERFORMED;

35 (B) THE ESTIMATED QUANTITIES OF MATERIALS TO BE REMOVED OR CLEANED AT
36 THE PROJECT;

37 (C) THE PROPOSED METHODS FOR EACH TYPE OF REMEDIATION IN EACH TYPE OF
38 AREA IN THE PROJECT; AND

39 (D) THE PROPOSED CLEARANCE CRITERIA FOR EACH TYPE OF REMEDIATION IN
40 EACH TYPE OF AREA IN THE PROJECT.

41 2. A LICENSE HOLDER WHO INTENDS TO PERFORM MOLD REMEDIATION SHALL
42 PREPARE A WORK PLAN PROVIDING INSTRUCTIONS FOR THE REMEDIATION EFFORTS
43 TO BE PERFORMED FOR THE MOLD REMEDIATION PROJECT. THE LICENSE HOLDER
44 SHALL PROVIDE THE WORK PLAN TO THE CLIENT BEFORE THE MOLD REMEDIATION
45 BEGINS. THE LICENSE HOLDER SHALL MAINTAIN A COPY OF THE WORK PLAN AT THE
46 JOB SITE WHERE THE REMEDIATION IS BEING PERFORMED.

47 S 906. LICENSEE DUTIES; PROHIBITED ACTIVITIES. 1. A LICENSEE WHO
48 PERFORMS MOLD INSPECTION OR ASSESSMENT SERVICES SHALL PROVIDE A WRITTEN
49 REPORT TO EACH PERSON FOR WHOM SUCH LICENSEE PERFORMS MOLD INSPECTION OR
50 ASSESSMENT SERVICES FOR COMPENSATION.

51 2. NO LICENSEE SHALL PERFORM BOTH MOLD ASSESSMENT AND MOLD REMEDIATION
52 ON THE SAME PROPERTY.

53 3. NO PERSON SHALL OWN AN INTEREST IN BOTH THE ENTITY WHICH PERFORMS
54 MOLD ASSESSMENT SERVICES AND THE ENTITY WHICH PERFORMS MOLD REMEDIATION
55 SERVICES ON THE SAME PROPERTY.

1 S 907. PENALTIES. 1. THE DEPARTMENT MAY SUSPEND OR REVOKE ANY LICENSE,
2 OR CENSURE, FINE, OR IMPOSE PROBATIONARY OR OTHER RESTRICTIONS ON ANY
3 LICENSEE FOR GOOD CAUSE SHOWN WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO
4 THE FOLLOWING:

- 5 (A) CONVICTION OF A FELONY;
- 6 (B) DECEIT OR MISREPRESENTATION IN OBTAINING A LICENSE;
- 7 (C) PROVIDING FALSE TESTIMONY OR DOCUMENTS TO THE DEPARTMENT;
- 8 (D) DECEIVING OR DEFRAUDING THE PUBLIC; OR
- 9 (E) INCOMPETENCE OR GROSS NEGLIGENCE.

10 2. VIOLATORS OF ANY OF THE PROVISIONS OF THIS SECTION MAY BE FINED BY
11 THE DEPARTMENT IN AN AMOUNT NOT TO EXCEED TWO THOUSAND DOLLARS PER
12 VIOLATION AND TEN THOUSAND DOLLARS FOR EACH SUBSEQUENT VIOLATION.

13 3. ALL FINES COLLECTED PURSUANT TO THIS SECTION FOR VIOLATION SHALL BE
14 TRANSFERRED TO A SEPARATE CONTRACTOR'S EDUCATION TRUST FUND TO BE USED
15 FOR EDUCATIONAL PURPOSES AS DETERMINED BY THE DEPARTMENT.

16 S 908. DENIAL OF LICENSE; COMPLAINTS; NOTICE OF HEARING. 1. THE
17 DEPARTMENT SHALL, BEFORE MAKING A FINAL DETERMINATION TO DENY AN APPLI-
18 CATION FOR A LICENSE, NOTIFY THE APPLICANT IN WRITING OF THE REASONS FOR
19 SUCH PROPOSED DENIAL AND AFFORD THE APPLICANT AN OPPORTUNITY TO BE HEARD
20 IN PERSON OR BY COUNSEL PRIOR TO DENIAL OF THE APPLICATION. SUCH
21 NOTIFICATION SHALL BE SERVED IN ANY MANNER AUTHORIZED BY THE CIVIL PRAC-
22 TICE LAW AND RULES FOR SERVICE OF SUMMONS. IF A HEARING IS REQUESTED,
23 SUCH HEARING SHALL BE HELD AT SUCH TIME AND PLACE AS THE DEPARTMENT
24 SHALL PRESCRIBE.

25 2. IF THE APPLICANT FAILS TO MAKE A WRITTEN REQUEST FOR A HEARING
26 WITHIN THIRTY DAYS AFTER RECEIPT OF SUCH NOTIFICATION, THEN THE NOTIFI-
27 CATION OF DENIAL SHALL BECOME THE FINAL DETERMINATION OF THE DEPARTMENT.
28 THE DEPARTMENT SHALL HAVE SUBPOENA POWERS REGULATED BY THE CIVIL PRAC-
29 TICE LAW AND RULES. IF, AFTER SUCH HEARING, THE APPLICATION IS DENIED,
30 WRITTEN NOTICE OF SUCH DENIAL SHALL BE SERVED UPON THE APPLICANT IN ANY
31 MANNER AUTHORIZED BY THE CIVIL PRACTICE LAW AND RULES FOR THE SERVICE OF
32 A SUMMONS.

33 3. THE DEPARTMENT SHALL, BEFORE REVOKING OR SUSPENDING ANY LICENSE OR
34 IMPOSING ANY FINE OR REPRIMAND ON THE HOLDER THEREOF, OR BEFORE ISSUING
35 ANY ORDER DIRECTING THE CESSATION OF UNLICENSED ACTIVITIES, AND AT LEAST
36 TEN DAYS PRIOR TO THE DATE SET FOR THE HEARING, NOTIFY IN WRITING THE
37 HOLDER OF SUCH LICENSE, OR THE PERSON ALLEGED TO HAVE ENGAGED IN UNLI-
38 CENSED ACTIVITIES, OF ANY CHARGES MADE AND SHALL AFFORD SUCH PERSON AN
39 OPPORTUNITY TO BE HEARD IN PERSON OR BY COUNSEL IN REFERENCE THERETO.

40 4. WRITTEN NOTICE MUST BE SERVED TO THE LICENSEE OR PERSON CHARGED.

41 5. THE HEARING ON SUCH CHARGES SHALL BE AT SUCH TIME AND PLACE AS THE
42 DEPARTMENT SHALL PRESCRIBE.

43 S 909. JUDICIAL REVIEW. THE ACTION OF THE SECRETARY IN SUSPENDING,
44 REVOKING OR REFUSING TO ISSUE OR RENEW A LICENSE, OR ISSUING AN ORDER
45 DIRECTING THE CESSATION OF UNLICENSED ACTIVITY OR IMPOSING A FINE OR
46 REPRIMAND MAY BE APPEALED BY A PROCEEDING BROUGHT UNDER AND PURSUANT TO
47 ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES.

48 S 910. RULEMAKING AUTHORITY. THE DEPARTMENT SHALL ADOPT RULES AND
49 REGULATIONS TO OVERSEE THE PRACTICE OF MOLD INSPECTION, ASSESSMENT AND
50 REMEDIATION AND TO ENSURE THE HEALTH, SAFETY AND WELFARE OF THE PUBLIC.

51 TITLE II

52 MINIMUM WORK STANDARDS FOR THE CONDUCT OF 53 MOLD ASSESSMENTS AND REMEDIATION BY LICENSED PERSONS

54 SECTION 915. MINIMUM WORK STANDARDS FOR THE CONDUCT OF MOLD ASSESSMENTS
55 BY LICENSED PERSONS.

916. MINIMUM WORK STANDARDS FOR THE CONDUCT OF MOLD REMEDIATION BY LICENSED PERSONS.

917. POST-REMEDICATION ASSESSMENT AND CLEARANCE.

S 915. MINIMUM WORK STANDARDS FOR THE CONDUCT OF MOLD ASSESSMENTS BY LICENSED PERSONS. 1. A MOLD ASSESSMENT LICENSEE SHALL PREPARE A MOLD REMEDIATION PLAN THAT IS SPECIFIC TO EACH REMEDIATION PROJECT AND PROVIDE THE PLAN TO THE CLIENT BEFORE THE REMEDIATION BEGINS. THE MOLD REMEDIATION PLAN MUST SPECIFY:

(A) THE ROOMS OR AREAS WHERE THE WORK WILL BE PERFORMED;

(B) THE ESTIMATED QUANTITIES OF MATERIALS TO BE CLEANED OR REMOVED;

(C) THE METHODS TO BE USED FOR EACH TYPE OF REMEDIATION IN EACH TYPE OF AREA;

(D) THE PERSONAL PROTECTION EQUIPMENT (PPE) TO BE USED BY LICENSED REMEDIATORS; AND

(E) THE PROPOSED CLEARANCE PROCEDURES AND CRITERIA FOR EACH TYPE OF REMEDIATION IN EACH TYPE OF AREA.

2. A MOLD ASSESSMENT LICENSEE SHALL CONSIDER WHETHER TO RECOMMEND TO A CLIENT THAT, BEFORE REMEDIATION BEGINS, THE CLIENT SHOULD INFORM BUILDING OCCUPANTS OF MOLD-RELATED ACTIVITIES THAT WILL DISTURB OR WILL HAVE THE POTENTIAL TO DISTURB AREAS OF MOLD CONTAMINATION.

3. CONTAINMENT MUST BE SPECIFIED IN A MOLD REMEDIATION PLAN WHEN THE MOLD CONTAMINATION AFFECTS A TOTAL SURFACE AREA OF TWENTY-FIVE CONTIGUOUS SQUARE FEET OR MORE FOR THE PROJECT. THE CONTAINMENT SPECIFIED IN THE REMEDIATION PLAN MUST PREVENT THE SPREAD OF MOLD TO AREAS OF THE BUILDING OUTSIDE THE CONTAINMENT UNDER NORMAL CONDITIONS OF USE.

4. A MOLD ASSESSMENT LICENSEE WHO INDICATES IN A REMEDIATION PLAN THAT A DISINFECTANT, BIOCIDES, OR ANTIMICROBIAL COATING WILL BE USED ON A MOLD REMEDIATION PROJECT SHALL INDICATE A SPECIFIC PRODUCT OR BRAND ONLY IF IT IS REGISTERED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY FOR THE INTENDED USE AND IF THE USE IS CONSISTENT WITH THE MANUFACTURER'S LABELING INSTRUCTIONS. A DECISION BY A MOLD ASSESSMENT LICENSEE TO USE SUCH PRODUCTS MUST TAKE INTO ACCOUNT THE POTENTIAL FOR OCCUPANT SENSITIVITIES.

5. IN THE REMEDIATION PLAN FOR THE PROJECT, THE MOLD ASSESSMENT LICENSEE SHALL SPECIFY THE PROCEDURE TO BE USED IN DETERMINING WHETHER THE UNDERLYING CAUSE OF THE MOLD IDENTIFIED FOR THE PROJECT HAS BEEN REMEDIATED SO THAT SUCH MOLD REMEDIATION LICENSEE IS REASONABLY CERTAIN THAT THE MOLD WILL NOT RETURN FROM THE SAME CAUSE.

S 916. MINIMUM WORK STANDARDS FOR THE CONDUCT OF MOLD REMEDIATION BY LICENSED PERSONS. 1. A MOLD REMEDIATION LICENSEE SHALL PREPARE A MOLD REMEDIATION WORK PLAN THAT IS SPECIFIC TO EACH PROJECT, FULFILLS ALL THE REQUIREMENTS OF THE MOLD REMEDIATION PLAN AND PROVIDES SPECIFIC INSTRUCTIONS AND/OR STANDARD OPERATING PROCEDURES FOR HOW A MOLD REMEDIATION PROJECT WILL BE PERFORMED. THE MOLD REMEDIATION LICENSEE SHALL PROVIDE THE MOLD REMEDIATION WORK PLAN TO THE CLIENT BEFORE SITE PREPARATION WORK BEGINS.

2. IF A MOLD ASSESSMENT LICENSEE SPECIFIES IN THE MOLD REMEDIATION PLAN THAT PERSONAL PROTECTION EQUIPMENT (PPE) IS REQUIRED FOR THE PROJECT, THE MOLD REMEDIATION LICENSEE SHALL PROVIDE THE SPECIFIED PPE TO ALL EMPLOYEES WHO ENGAGE IN REMEDIATION ACTIVITIES AND WHO WILL, OR ARE ANTICIPATED TO, DISTURB OR REMOVE MOLD CONTAMINATION, WHEN THE MOLD AFFECTS A TOTAL SURFACE AREA FOR THE PROJECT OF TWENTY-FIVE CONTIGUOUS FEET OR MORE. EACH EMPLOYEE WHO IS PROVIDED PPE MUST RECEIVE TRAINING ON THE APPROPRIATE USE AND CARE OF THE PROVIDED PPE.

3. THE CONTAINMENT SPECIFIED IN THE REMEDIATION PLAN MUST BE USED ON A MOLD REMEDIATION PROJECT WHEN THE MOLD AFFECTS A TOTAL SURFACE AREA OF

TWENTY-FIVE CONTIGUOUS SQUARE FEET OR MORE FOR THE PROJECT. THE CONTAINMENT, WHEN CONSTRUCTED AS DESCRIBED IN THE REMEDIATION WORK PLAN AND UNDER NORMAL CONDITIONS OF USE, MUST PREVENT THE SPREAD OF MOLD TO AREAS OUTSIDE THE CONTAINMENT.

4. SIGNS ADVISING THAT A MOLD REMEDIATION PROJECT IS IN PROGRESS SHALL BE DISPLAYED AT ALL ACCESSIBLE ENTRANCES TO REMEDIATION AREAS.

5. NO PERSON SHALL REMOVE OR DISMANTLE ANY CONTAINMENT STRUCTURES OR MATERIALS FROM A PROJECT SITE PRIOR TO RECEIPT BY THE MOLD REMEDIATION LICENSEE OVERSEEING THE PROJECT OF A NOTICE FROM A MOLD ASSESSMENT LICENSEE THAT THE PROJECT HAS ACHIEVED CLEARANCE AS DESCRIBED IN SECTION NINE HUNDRED SEVENTEEN OF THIS TITLE.

6. DISINFECTANTS, BIOCIDES AND ANTIMICROBIAL COATINGS MAY BE USED ONLY IF THEIR USE IS SPECIFIED IN A MOLD REMEDIATION PLAN, 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. IF A PLAN SPECIFIES THE USE OF SUCH A PRODUCT BUT DOES NOT SPECIFY THE BRAND OR TYPE OF PRODUCT, A MOLD REMEDIATION LICENSEE MAY SELECT THE BRAND OR TYPE OF PRODUCT TO BE USED. A DECISION BY A MOLD ASSESSMENT OR REMEDIATION LICENSEE TO USE SUCH A PRODUCT MUST TAKE INTO ACCOUNT THE POTENTIAL FOR OCCUPANT SENSITIVITIES AND POSSIBLE ADVERSE REACTIONS TO CHEMICALS THAT HAVE THE POTENTIAL TO BE OFF-GASSED FROM SURFACES COATED WITH THE PRODUCT.

S 917. POST-REMEDIATION ASSESSMENT AND CLEARANCE. 1. FOR A REMEDIATED PROJECT TO ACHIEVE CLEARANCE, A MOLD ASSESSMENT LICENSEE SHALL CONDUCT A POST-REMEDIATION ASSESSMENT. THE POST-REMEDIATION ASSESSMENT SHALL DETERMINE WHETHER:

(A) THE WORK AREA IS FREE FROM ALL VISIBLE MOLD; AND

(B) ALL WORK HAS BEEN COMPLETED IN COMPLIANCE WITH THE REMEDIATION PLAN AND REMEDIATION WORK PLAN AND MEETS CLEARANCE CRITERIA SPECIFIED IN THE PLAN.

2. POST-REMEDIATION ASSESSMENT SHALL, TO THE EXTENT FEASIBLE, DETERMINE THAT THE UNDERLYING CAUSE OF THE MOLD HAS BEEN REMEDIATED SO THAT IT IS REASONABLY CERTAIN THAT THE MOLD WILL NOT RETURN FROM THAT REMEDIATED AREA.

3. A MOLD ASSESSMENT LICENSEE WHO DETERMINES THAT REMEDIATION HAS BEEN SUCCESSFUL SHALL ISSUE A WRITTEN PASSED CLEARANCE REPORT TO THE CLIENT AT THE CONCLUSION OF EACH MOLD REMEDIATION PROJECT.

4. IF THE MOLD ASSESSMENT LICENSEE DETERMINES THAT REMEDIATION HAS NOT BEEN SUCCESSFUL AND CEASES TO BE INVOLVED WITH THE PROJECT BEFORE THE PROJECT PASSES CLEARANCE, THE LICENSEE SHALL ISSUE A WRITTEN FINAL STATUS REPORT TO THE CLIENT AND TO THE REMEDIATION LICENSEE.

S 4. This act shall take effect on the one hundred eightieth day after it shall have become a law.