

3667

2013-2014 Regular Sessions

I N S E N A T E

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Introduced by Sens. SAVINO, CARLUCCI, KLEIN, SMITH, VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

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 ASSEMBLY, 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.

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

LBD08634-02-3

- 1 905. PRACTICE BY LICENSE HOLDER.  
2 906. LICENSEE DUTIES; PROHIBITED ACTIVITIES.  
3 907. PENALTIES.  
4 908. DENIAL OF LICENSE; COMPLAINTS; NOTICE OF HEARING.  
5 909. JUDICIAL REVIEW.  
6 910. RULEMAKING AUTHORITY

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

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

15 3. "MOLD REMEDIATION" MEANS THE REMOVAL, CLEANING, SANITIZING, DEMOLI-  
16 TION, OR OTHER TREATMENT, INCLUDING PREVENTIVE ACTIVITIES, OF MOLD OR  
17 MOLD-CONTAMINATED MATTER.

18 4. "MOLD INSPECTION OR ASSESSMENT" MEANS AN INSPECTION OR ASSESSMENT  
19 OF REAL PROPERTY THAT IS DESIGNED TO DISCOVER INDOOR MOLD GROWTH, TOXIC  
20 MOLD GROWTH, CONDITIONS THAT FACILITATE INDOOR MOLD GROWTH AND/OR INDI-  
21 CIA OF CONDITIONS THAT ARE LIKELY TO FACILITATE INDOOR MOLD GROWTH.

22 5. "SECRETARY" MEANS SECRETARY OF STATE.

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

28 S 902. LICENSE APPLICATIONS; PROCEDURE AND REQUIREMENTS. 1. THE SECRE-  
29 TARY SHALL ESTABLISH MINIMUM QUALIFICATIONS FOR LICENSING.

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

32 3. AN APPLICANT FOR A LICENSE TO PERFORM MOLD ASSESSMENT AND REMEDI-  
33 ATION SHALL MEET THE FOLLOWING MINIMUM REQUIREMENTS:

34 (A) BE EIGHTEEN YEARS OF AGE OR OLDER;

35 (B) HAVE SATISFACTORILY COMPLETED DEPARTMENT APPROVED COURSE WORK;

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

38 (D) SUBMITTED INSURANCE CERTIFICATES EVIDENCING WORKERS' COMPENSATION  
39 COVERAGE, IF REQUIRED, AND LIABILITY INSURANCE OF AT LEAST FIFTY THOU-  
40 SAND DOLLARS.

41 4. AN APPLICANT SHALL FURNISH THE DEPARTMENT WITH A FINANCIAL STATE-  
42 MENT, PREPARED BY AN INDEPENDENT AUDITOR OR ACCOUNTANT AND SIGNED BY THE  
43 APPLICANT AND AUDITOR BEFORE A NOTARY PUBLIC, STATING THE ASSETS OF THE  
44 APPLICANT, TO BE USED BY THE DEPARTMENT TO DETERMINE THE FINANCIAL  
45 RESPONSIBILITY OF THE APPLICANT TO PERFORM MOLD INSPECTION, ASSESSMENT  
46 AND/OR REMEDIATION SERVICES.

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

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

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

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

54 S 903. EXEMPTIONS. THE FOLLOWING PERSONS SHALL NOT BE REQUIRED TO  
55 OBTAIN A LICENSE AS PROVIDED IN THIS TITLE IN ORDER TO PERFORM MOLD  
56 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 PRACTICE  
22 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 PRACTICE  
29 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.

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

3 917. POST-REMEDICATION ASSESSMENT AND CLEARANCE.

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

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

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

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

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

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

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

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

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

34 5. IN THE REMEDIATION PLAN FOR THE PROJECT, THE MOLD ASSESSMENT LICEN-  
35 SEE SHALL SPECIFY THE PROCEDURE TO BE USED IN DETERMINING WHETHER THE  
36 UNDERLYING CAUSE OF THE MOLD IDENTIFIED FOR THE PROJECT HAS BEEN REMEDI-  
37 ATED SO THAT SUCH MOLD REMEDIATION LICENSEE IS REASONABLY CERTAIN THAT  
38 THE MOLD WILL NOT RETURN FROM THE SAME CAUSE.

39 S 916. MINIMUM WORK STANDARDS FOR THE CONDUCT OF MOLD REMEDIATION BY  
40 LICENSED PERSONS. 1. A MOLD REMEDIATION LICENSEE SHALL PREPARE A MOLD  
41 REMEDIATION WORK PLAN THAT IS SPECIFIC TO EACH PROJECT, FULFILLS ALL THE  
42 REQUIREMENTS OF THE MOLD REMEDIATION PLAN AND PROVIDES SPECIFIC  
43 INSTRUCTIONS AND/OR STANDARD OPERATING PROCEDURES FOR HOW A MOLD REMEDI-  
44 ATION PROJECT WILL BE PERFORMED. THE MOLD REMEDIATION LICENSEE SHALL  
45 PROVIDE THE MOLD REMEDIATION WORK PLAN TO THE CLIENT BEFORE SITE PREPA-  
46 RATION WORK BEGINS.

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

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

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

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

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

12 6. DISINFECTANTS, BIOCIDES AND ANTIMICROBIAL COATINGS MAY BE USED ONLY  
13 IF THEIR USE IS SPECIFIED IN A MOLD REMEDIATION PLAN, IF THEY ARE REGIS-  
14 TERED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY FOR THE  
15 INTENDED USE AND IF THE USE IS CONSISTENT WITH THE MANUFACTURER'S LABEL-  
16 ING INSTRUCTIONS. IF A PLAN SPECIFIES THE USE OF SUCH A PRODUCT BUT DOES  
17 NOT SPECIFY THE BRAND OR TYPE OF PRODUCT, A MOLD REMEDIATION LICENSEE  
18 MAY SELECT THE BRAND OR TYPE OF PRODUCT TO BE USED. A DECISION BY A MOLD  
19 ASSESSMENT OR REMEDIATION LICENSEE TO USE SUCH A PRODUCT MUST TAKE INTO  
20 ACCOUNT THE POTENTIAL FOR OCCUPANT SENSITIVITIES AND POSSIBLE ADVERSE  
21 REACTIONS TO CHEMICALS THAT HAVE THE POTENTIAL TO BE OFF-GASSED FROM  
22 SURFACES COATED WITH THE PRODUCT.

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

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

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

31 2. POST-REMEDICATION ASSESSMENT SHALL, TO THE EXTENT FEASIBLE, DETER-  
32 MINE THAT THE UNDERLYING CAUSE OF THE MOLD HAS BEEN REMEDIATED SO THAT  
33 IT IS REASONABLY CERTAIN THAT THE MOLD WILL NOT RETURN FROM THAT REMEDI-  
34 ATED AREA.

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

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

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