Sponsored by:
Assemblyman DANIEL R. BENSON
District 14 (Mercer and Middlesex)
Assemblywoman CELESTE M. RILEY
District 3 (Cumberland, Gloucester and Salem)
Assemblyman BENJIE E. WIMBERLY
District 35 (Bergen and Passaic)
Assemblyman CARMELO G. GARCIA
District 33 (Hudson)

Co-Sponsored by:
Assemblymen S.Kean, McKeon, Coughlin, Assemblywomen Mosquera, Lampitt, Assemblyman Eustace, Senators Singer and Greenstein

SYNOPSIS
Requires DCA to establish procedures for inspection and abatement of mold hazards in residential buildings and school facilities, and certification programs for mold inspectors and mold hazard abatement workers.

CURRENT VERSION OF TEXT
As reported by the Assembly Housing and Community Development Committee on June 5, 2014, with amendments.

(Sponsorship Updated As Of: 9/23/2014)
AN ACT concerning mold inspection and mold hazard abatement, 
and supplementing Title 52 of the Revised Statutes.

BE IT ENACTED by the Senate and General Assembly of the State 
of New Jersey:

1. As used in this act:

"Department" means the Department of Community Affairs.
"District" means a local or regional school district established 
pursuant to chapter 8 or chapter 13 of Title 18A of the New Jersey 
Statutes, a county special services school district established 
pursuant to article 8 of chapter 46 of Title 18A of the New Jersey 
Statutes, a county vocational school district established pursuant to 
article 3 of chapter 54 of Title 18A of the New Jersey Statutes, an 
educational services commission, a jointure commission or board, 
and a commission under the authority of the Commissioner of 
Education or the State Board of Education.
"Mold" means any form of multicellular fungi that lives on plant 
or animal matter and in indoor environments. Types of mold 
include, but are not limited to, Cladosporium, Penicillium, 
Alternaria, Aspergillus, Fusarium, Trichoderma, Memnoniella, 
Mucor and Stachybotrys Chartarum, often found in water-damaged 
building materials.
"School facility" means and includes any structure, building or 
facility used wholly or in part for educational purposes by a district 
or a charter school.

2. a. Within six months after the effective date of this act, 
the Department of Community Affairs, in consultation with the 
Department of Health and the Department of Labor and Workforce 
Development, shall adopt rules and regulations pursuant to the 
"Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), that establish procedures for the inspection, identification, 
evaluation and abatement of the interior of residential 
buildings and school facilities for mold based upon, but not limited 
to, industry standards and standards and guidelines developed by 
the United States Environmental Protection Agency.

b. Within six months after the effective date of this act, the 
Department of Community Affairs shall adopt rules and regulations 
pursuant to the "Administrative Procedure Act" that establish 
procedures for mold hazard abatement including specialized 
cleaning, repairs, maintenance, painting, temporary containment 
and ongoing monitoring of mold hazards or potential hazards.

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is 
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.
Matter enclosed in superscript numerals has been adopted as follows:
Assembly AHO committee amendments adopted June 5, 2014.
Hazard abatement procedures for mold developed by the department shall:
(1) provide practical guidelines for the removal of mold and abatement of the underlying cause of mold and associated water intrusion and water damage in indoor environments; and
(2) provide practical guidance for the removal or cleaning of contaminated materials in a manner that protects the health of the person performing the hazard abatement, including requirements for the use of protective clothing or equipment.

3. a. Within 12 months after the effective date of this act, the Department of Community Affairs shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to establish a program for the certification of persons who inspect for the presence of mold hazards in residential buildings and school facilities. The mold inspection certification program shall require that inspectors for mold hazards have training and education in at least the following subject areas:
(1) proper methods to identify the presence of mold consistent with the procedures developed therefor pursuant to subsection a. of section 2 of this act;
(2) scientifically recognized procedures and new technologies for the collection of air and surface samples;
(3) methods for the identification of locations of moisture infiltration to locate likely areas for mold infestation;
(4) all applicable State and federal laws, rules and regulations; and
(5) any other area the department deems relevant.
b. Within 12 months after the effective date of this act, the department shall adopt rules and regulations pursuant to the "Administrative Procedure Act" to establish a program for the certification of persons who perform mold hazard abatement work, and who safeguard buildings from the presence of mold in residential buildings and school facilities. The mold hazard abatement certification shall require that persons have training and education in the following areas:
(1) mold hazard abatement procedures developed by the department pursuant to subsection b. of section 2 of this act;
(2) specialized cleaning, repairs, maintenance, painting, temporary containment and ongoing monitoring of mold hazards or potential hazards;
(3) removal of mold and the abatement of the underlying cause of mold and associated water intrusion and water damage in indoor environments;
(4) removal or cleaning of contaminated materials in a manner that protects the health of the person performing the mold hazard
abatement, including requirements for the use of protective clothing
or equipment;

(5) all applicable State and federal laws, rules and regulations;
and

(6) any other training or education the department deems
appropriate, including but not limited to the successful completion
of an outreach training program for the construction industry or
general industry that has been approved by the federal Occupational
Safety and Health Administration in the United States Department
of Labor as an orientation to the occupational safety and health of
workers covered by part 1926 of title 29, Code of Federal
Regulations.

c. In establishing the certification programs for mold
inspection and mold hazard abatement required pursuant to
subsections a. and b. of this section, the Department of Community
Affairs may:

(1) charge an annual fee for any persons certified pursuant to
subsection a. or b. of this section;

(2) require the successful completion of a course of continuing
education or training for certified inspectors or abatement workers
at least once every two years;

(3) conduct examinations to determine whether an applicant has
sufficient knowledge of the State and federal laws, rules and
regulations, and any standards or requirements, applicable to the
inspection or abatement of mold hazards, as the case may be;

(4) maintain a list of the names and addresses of all persons
registered with the department pursuant to P.L.______,
c. (C.______) (pending before the Legislature as this bill) and
annually forward such list to the Department of Labor and
Workforce Development for inclusion and publication as an
additional contractor list pursuant to the “Contractors’ Registration
Act,” P.L.2004, c.16 (C.56:8-136 et seq.); and

(5) adopt rules and regulations pursuant to the “Administrative
Procedure Act” to provide for:

(a) the enforcement and compliance with the mold inspection
and mold hazard abatement certification programs established
pursuant to subsections a. and b. of this section, which may provide
for the suspension, revocation, or refusal to issue or renew a
certification issued to persons by the department; and

(b) the imposition of penalties on any person who (i) violates
any provision of the certification programs established pursuant to
subsections a. and b. of this section, or (ii) inspects residential
building interiors or school facilities for the presence of mold or
performs mold hazard abatement work in residential buildings or
school facilities in violation of section 4 of this act.
d. In establishing the certification programs for mold inspection and mold hazard abatement required pursuant to subsections a. and b. of this section, the Department of Community Affairs may grant a certification to a person who demonstrates to the department that the person has successfully completed an accredited program in mold inspection or mold hazard abatement, as the case may be, by a nationally accepted accreditation organization which is determined by the department to be equal to or greater than the level of training and education required of persons certified pursuant to subsection a. or b. of this section, respectively; provided however, that a person granted a certification pursuant to this subsection shall be required to pay the appropriate annual fee charged by the department pursuant to paragraph (1) of subsection c. of this section, successfully complete any course of continuing education and training for certified inspectors or abatement workers required by the department pursuant to paragraph (2) of subsection c. of this section, and be subject to any rules and regulations adopted pursuant to paragraph (4) of subsection c. of this section.

e. An employee engaged in routine maintenance of a multiple dwelling owned or managed by their employer shall not be required to complete the certification programs established pursuant to this section in order to address the presence of mold in the multiple dwelling owned or managed by their employer; however, nothing in this subsection shall be construed to exempt multiple dwellings from otherwise complying with the procedures adopted by the Department of Community Affairs pursuant to section 2 of this act.

f. A residential property owner shall not be required to complete the certification programs established pursuant to this section in order to perform mold inspection or mold abatement work on his own property.

4. On the first day of the sixth month following adoption of the rules and regulations required pursuant to section 3 of this act:

a. Any person who inspects a residential building interior or a school facility for the presence of mold shall be certified by the Department of Community Affairs pursuant to subsection a. of section 3 of this act.

b. Any person who performs mold hazard abatement work in a residential building or a school facility, except as otherwise provided in subsections e. and f. of section 3 of this act, shall be certified by the department pursuant to subsection b. of section 3 of this act.

c. No person shall present himself to the public as an expert in mold inspection or mold hazard abatement work unless certified by the Department of Community Affairs pursuant to subsection a., b.,
or d., as applicable, of section 3 of this act.

5. This act shall take effect immediately.