To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 1007 (First Reprint) with my recommendations for reconsideration.

Mold is a common fungus capable of growing in any moist environment and found in most indoor settings. Some forms of mold, concentrated in certain confined spaces, can potentially pose health concerns. Private mold remediation specialists seek to treat occurrences of residential mold, and thereby alleviate potential health risks. The bill would require the Department of Community Affairs to establish comprehensive regulations for the inspection, identification, evaluation, and abatement of mold. The bill would also require the Department to establish a rigorous certification program for all entities that inspect or abate mold in buildings, and then generally forbid any entity to conduct such work absent the approved certification.

While I agree that helping to ensure that mold is appropriately detected and adequately abated is a worthy goal, this bill advances an impractical, and in some ways impossible, framework to achieve those ends. At present, there are no clear, scientifically based technical standards for the detection, treatment, and abatement of mold. Industry-wide standards simply do not exist to adequately measure the existence of mold or its level of hazardousness. Moreover, the level of danger that mold poses varies not just from strain to strain, but also from person to person.

In the absence of hard standards, there instead exist recommended practices and general guidance. The bill would require the Department to take those recommendations and give them the force and effect of regulations, mandating extensive
training and certifications accompanied by penalties for regulatory violations. These kinds of detailed prescriptions are simply inappropriate in an area insufficiently grounded in nationally recognized technological standards.

The bill also presents numerous practical problems. The bill would generally forbid any person to remediate mold unless that person has completed the Department’s certification program. While the bill carves out exceptions for certain residential property owners and routine maintenance workers, the bill would inappropriately forbid remediation in numerous other circumstances. For example, under the bill, people who rent a private home would be forbidden from cleaning up mold in their own bathroom. Likewise, a school facility could potentially be subject to punishment for cleaning a small portion of mold found in a locker room.

While the concerns raised by this bill are legitimate, this proposed legislation is the improper vehicle to address those concerns. The better approach is education: increasing the amount and availability of information to the public on what guidelines they should follow when confronted with mold. The Department of Health should be required to publish informational guidelines to assist in this education effort. To ensure the widest dissemination of that information, the guidelines should appear not only on the Department of Health’s website, but also be made accessible on the website of the Department of Community Affairs. Further, to the extent that additional guidelines are published by the United States Environmental Protection Agency or other entities that the Departments feel should be brought to the public’s attention, that information should also be made accessible from the websites of both aforementioned departments.
Educating the public on the potential risks of mold and increasing the availability of information and guidelines on mold remediation are the best and most appropriate ways to address the concerns raised by this bill.

Accordingly, I herewith return Assembly Bill No. 1007 (First Reprint) and recommend that it be amended as follows:

Page 2, Section 1, Lines 7-26: Delete in their entirety

Page 2, Section 2, Line 28: Delete "2." insert "1."

Page 2, Section 2, Line 29: Delete “the Department of Community Affairs, in consultation with”

Page 2, Section 2, Line 30: Delete “and the Department of Labor and Workforce”

Page 2, Section 2, Lines 31-37: Delete in their entirety and insert “shall publish informational guidelines on the inspection, identification, evaluation, and abatement of mold. As used in this act, “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.

The Department of Health and the Department of Community Affairs shall make the informational guidelines accessible from their respective websites. The Department of Health and the Department of Community Affairs shall also make accessible from their respective websites any similar informational guidelines published by any other agency or entity, including but not limited to the United States Environmental Protection Agency, as each Department deems necessary and appropriate.”

Page 3, Section 3, Lines 11-46: Delete in their entirety
Page 4, Section 3, Lines 1-46: Delete in their entirety
Page 5, Section 3, Lines 1-31: Delete in their entirety
Page 5, Section 4, Lines 33-46: Delete in their entirety
Page 6, Section 4, Line 1: Delete in its entirety
Page 6, Section 5, Line 3: Delete “5.” and insert “2.”

Respectfully,
/s/ Chris Christie
Governor

Attest:
/s/ Christopher S. Porrino
Chief Counsel to the Governor