

**ASSEMBLY, No. 3274**

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**STATE OF NEW JERSEY**

**220th LEGISLATURE**

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INTRODUCED MARCH 7, 2022

**Sponsored by:**

**Assemblyman DANIEL R. BENSON**

**District 14 (Mercer and Middlesex)**

**Assemblywoman VERLINA REYNOLDS-JACKSON**

**District 15 (Hunterdon and Mercer)**

**Assemblyman REGINALD W. ATKINS**

**District 20 (Union)**

**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 introduced.



**(Sponsorship Updated As Of: 5/8/2023)**

1    **AN ACT** concerning mold inspection and mold hazard abatement,  
2       and supplementing Title 52 of the Revised Statutes.

3  
4       **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5       *of New Jersey:*

6  
7       1. As used in this act:

8       "Department" means the Department of Community Affairs.

9       "District" means a local or regional school district established  
10      pursuant to chapter 8 or chapter 13 of Title 18A of the New Jersey  
11      Statutes, a county special services school district established  
12      pursuant to article 8 of chapter 46 of Title 18A of the New Jersey  
13      Statutes, a county vocational school district established pursuant to  
14      article 3 of chapter 54 of Title 18A of the New Jersey Statutes, an  
15      educational services commission, a jointure commission or board,  
16      and a commission under the authority of the Commissioner of  
17      Education or the State Board of Education.

18      "Mold" means any form of multicellular fungi that lives on plant  
19      or animal matter and in indoor environments. Types of mold  
20      include, but are not limited to, Cladosporium, Penicillium,  
21      Alternaria, Aspergillus, Fusarium, Trichoderma, Memnoniella,  
22      Mucor and Stachybotrys Chartarum, often found in water-damaged  
23      building materials.

24      "School facility" means and includes any structure, building or  
25      facility used wholly or in part for educational purposes by a district  
26      or a charter school.

27  
28      2. Within six months after the effective date of this act, the  
29      Department of Community Affairs, in consultation with the  
30      Department of Health and the Department of Labor and Workforce  
31      Development, shall adopt rules and regulations pursuant to the  
32      "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-  
33      1 et seq.), that establish procedures for the inspection,  
34      identification, evaluation, and abatement of the interior of  
35      residential buildings and school facilities for mold based upon, but  
36      not limited to, industry standards and standards and guidelines  
37      developed by the United States Environmental Protection Agency.

38  
39      3. a. Within 12 months after the effective date of this act, the  
40      Department of Community Affairs shall adopt rules and regulations  
41      pursuant to the "Administrative Procedure Act,"  
42      P.L.1968, c.410 (C.52:14B-1 et seq.), to establish a program for the  
43      certification of persons who inspect for the presence of mold  
44      hazards in residential buildings and school facilities. The mold  
45      inspection certification program shall require that inspectors for  
46      mold hazards have training and education in at least the following  
47      subject areas:

- 1 (1) proper methods to identify the presence of mold consistent
- 2 with the procedures developed therefor pursuant to subsection a. of
- 3 section 2 of this act;
- 4 (2) scientifically recognized procedures and new technologies
- 5 for the collection of air and surface samples;
- 6 (3) methods for the identification of locations of moisture
- 7 infiltration to locate likely areas for mold infestation;
- 8 (4) all applicable State and federal laws, rules and regulations;
- 9 and
- 10 (5) any other area the department deems relevant.
- 11 b. Within 12 months after the effective date of this act, the
- 12 department shall adopt rules and regulations pursuant to the
- 13 "Administrative Procedure Act" to establish a program for the
- 14 certification of persons who perform mold hazard abatement work,
- 15 and who safeguard buildings from the presence of mold in
- 16 residential buildings and school facilities. The mold hazard
- 17 abatement certification shall require that persons have training and
- 18 education in the following areas:
- 19 (1) mold hazard abatement procedures developed by the
- 20 department pursuant to subsection b. of section 2 of this act;
- 21 (2) specialized cleaning, repairs, maintenance, painting,
- 22 temporary containment and ongoing monitoring of mold hazards or
- 23 potential hazards;
- 24 (3) removal of mold and the abatement of the underlying cause
- 25 of mold and associated water intrusion and water damage in indoor
- 26 environments;
- 27 (4) removal or cleaning of contaminated materials in a manner
- 28 that protects the health of the person performing the mold hazard
- 29 abatement, including requirements for the use of protective clothing
- 30 or equipment;
- 31 (5) all applicable State and federal laws, rules and regulations;
- 32 and
- 33 (6) any other training or education the department deems
- 34 appropriate, including but not limited to the successful completion
- 35 of an outreach training program for the construction industry or
- 36 general industry that has been approved by the federal Occupational
- 37 Safety and Health Administration in the United States Department
- 38 of Labor as an orientation to the occupational safety and health of
- 39 workers covered by part 1926 of title 29, Code of Federal
- 40 Regulations.
- 41 c. In establishing the certification programs for mold
- 42 inspection and mold hazard abatement required pursuant to
- 43 subsections a. and b. of this section, the Department of Community
- 44 Affairs may:
- 45 (1) charge an annual fee for any persons certified pursuant to
- 46 subsection a. or b. of this section;

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

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

8 (4) maintain a list of the names and addresses of all persons  
9 registered with the department pursuant to P.L. , c. (C. )  
10 (pending before the Legislature as this bill) and annually forward  
11 the list to the Division of Consumer Affairs in the Department of  
12 Law and Public Safety for inclusion and publication as an  
13 additional contractor list pursuant to the "Contractors' Registration  
14 Act," P.L.2004, c.16 (C.56:8-136 et seq.); and

15 (5) adopt rules and regulations pursuant to the "Administrative  
16 Procedure Act" to provide for:

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

22 (b) the imposition of penalties on any person who (i) violates  
23 any provision of the certification programs established pursuant to  
24 subsections a. and b. of this section, or (ii) inspects residential  
25 building interiors or school facilities for the presence of mold or  
26 performs mold hazard abatement work in residential buildings or  
27 school facilities in violation of section 4 of this act.

28 d. In establishing the certification programs for mold  
29 inspection and mold hazard abatement required pursuant to  
30 subsections a. and b. of this section, the Department of Community  
31 Affairs may grant a certification to a person who demonstrates to  
32 the department that the person has successfully completed an  
33 accredited program in mold inspection or mold hazard abatement,  
34 as the case may be, by a nationally accepted accreditation  
35 organization which is determined by the department to be equal to  
36 or greater than the level of training and education required of  
37 persons certified pursuant to subsection a. or b. of this section,  
38 respectively; provided however, that a person granted a certification  
39 pursuant to this subsection shall be required to pay the appropriate  
40 annual fee charged by the department pursuant to paragraph (1) of  
41 subsection c. of this section, successfully complete any course of  
42 continuing education and training for certified inspectors or  
43 abatement workers required by the department pursuant to  
44 paragraph (2) of subsection c. of this section, and be subject to any  
45 rules and regulations adopted pursuant to paragraph (4) of  
46 subsection c. of this section.

47 e. An employee engaged in routine maintenance of a multiple  
48 dwelling owned or managed by their employer shall not be required

1 to complete the certification programs established pursuant to this  
2 section in order to address the presence of mold in the multiple  
3 dwelling owned or managed by their employer; however, nothing in  
4 this subsection shall be construed to exempt multiple dwellings  
5 from otherwise complying with the procedures adopted by the  
6 Department of Community Affairs pursuant to section 2 of this act.

7 f. A district employee engaged in routine maintenance of a  
8 school facility owned or managed by their employer shall not be  
9 required to complete the certification programs established pursuant  
10 to this section in order to address the presence of mold in the school  
11 facility owned or managed by their employer; however, nothing in  
12 this subsection shall be construed to exempt districts from  
13 otherwise complying with the procedures adopted by the  
14 Department of Community Affairs pursuant to section 2 of this act.

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

19  
20 4. On the first day of the sixth month following adoption of the  
21 rules and regulations required pursuant to section 3 of this act:

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

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

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

35  
36 5. This act shall take effect immediately.

#### 37 38 39 STATEMENT

40  
41 This bill requires the Department of Community Affairs (DCA)  
42 to establish certification programs for persons who wish to conduct  
43 mold inspections and mold hazard abatements, respectively, on  
44 residential buildings and school facilities. The bill also requires the  
45 DCA to establish procedures for the inspection and abatement of  
46 mold hazards in residential buildings and school facilities. These  
47 procedures would be used to develop the two certification programs

1 and be based on industry standards and guidelines developed by the  
2 United States Environmental Protection Agency.

3 Under the bill, beginning on the first day of the sixth month after  
4 the DCA has established the certification programs, any person who  
5 conducts a mold inspection or mold hazard abatement on a  
6 residential building or school facility is required to possess the  
7 applicable certification. Moreover, the bill prohibits any person  
8 from presenting himself as an expert in mold inspection or mold  
9 hazard abatement unless certified by the DCA in accordance with  
10 the bill.

11 However, the bill provides that an employee of a multiple  
12 dwelling or school district, who is engaged in the routine  
13 maintenance of a multiple dwelling or school facility, would not be  
14 required to possess either certification in order to address the  
15 presence of mold in a multiple dwelling or school facility owned  
16 and managed by their employer, provided that the multiple dwelling  
17 or school district otherwise complies with the procedures  
18 established by the DCA concerning the inspection, identification,  
19 evaluation, and abatement of mold hazards. In addition, a  
20 residential property owner would not be required to complete the  
21 certification programs in order to perform mold inspections or mold  
22 hazard abatements on his own property.

23 The bill authorizes the DCA to (1) charge an annual fee for  
24 persons possessing the mold inspection and abatement  
25 certifications; (2) require the successful completion of a continuing  
26 education course for certified inspectors or abatement workers at  
27 least once every two years; and (3) conduct examinations to  
28 determine an applicant's proficiency with respect to State and  
29 federal laws, rules, and regulations and any standards or  
30 requirements applicable to the inspection or abatement of mold  
31 hazards. The bill also authorizes DCA to maintain a list of the  
32 names and addresses of all persons certified by DCA in accordance  
33 with the bill, and annually forward the list to the Division of  
34 Consumer Affairs in the Department of Law and Public Safety for  
35 inclusion and publication as an additional contractor list pursuant to  
36 the "Contractors' Registration Act," P.L.2004, c.16 (C.56:8-136 et  
37 seq.). In addition, the bill authorizes the DCA to adopt rules and  
38 regulations to enforce compliance with the mold inspection and  
39 mold hazard abatement certification programs established by the  
40 bill.

41 The bill also authorizes the DCA to grant mold inspection and  
42 mold hazard abatement certifications to persons who demonstrate  
43 that they have successfully completed an accredited program in  
44 mold inspection and mold hazard abatement by a nationally  
45 accepted accreditation organization, provided that those persons pay  
46 the annual fee charged by the DCA, complete any continuing  
47 education course required by the DCA, and comply with any other  
48 rules and regulations adopted by the DCA.