

BIE SAFETY ADVISOR

NEW YORK STATE MOLD LAW NOW IN EFFECT

On January 29th, 2015 Governor Cuomo signed Bill s3667D-2013, into law. This is New York State's first Mold Law - also know as State Labor Law Article 32. This Law went into effect January 1, 2016.

The NYS Mold law requires licensing of assessors, contractors and workers as well as a written mold remediation plan to be prepared by a licensed mold assessment contractor. There are three main components to the new law:

Training: The Mold Program will protect consumers by requiring contractors to obtain appropriate training prior to being licensed to perform mold assessment, remediation or abatement services. The 3 levels of training are: Mold Assessment Consultant, Mold Remediation Contractor and Remediation Worker.

The Mold Assessment Consultant course is a 32 hour course, the Mold Remediation Contractor course is a 24 hour course and the Remediation Worker course is a 16 hour course.

Licensing: Contractors will not be allowed to advertise or perform covered work without the required license, with limited exceptions such as home or business owners performing work on their own properties.

Minimum Work Standards: The Mold Program also establishes new minimum work standards for mold assessments and remediation activities by licensed professionals, including:

- Protection against fraud by prohibiting the performance of both the assessment and remediation on the same property by the same individual
- Protection against fraud by requiring an independent mold assessment to define the scope of the remediation work
- Identification of disinfectant products, consistent with U.S. Environmental Protection Agency standards
- Provision of personal protection equipment to employees, as necessary

- Posted notice of the project and the contractor's licenses
- Completion of a post-remediation assessment.

The new Article 32 Law defines a mold "project" as one which includes mold remediation, mold assessment, or mold abatement of areas greater than 10 sq feet, but does not include: routine cleaning or construction, maintenance, repair or demolition of buildings, structures or fixtures undertaken for purposes other than mold remediation or abatement.

The law requires all assessors, contractors, and workers in the mold remediation industry to be at least 18-years old, trained, and licensed. Licenses shall be valid for two years from the date of issuance.

A written mold remediation plan must be prepared by a New York State licensed mold assessment contractor based on the conditions discovered during the assessment. **No person may own an interest in the licensee who performs the mold assessment and the licensee who performs the mold remediation on the same property. Additionally, no licensee shall perform both mold assessment and mold remediation on the same property.**

Information on licensing and fees can be found at: <https://labor.ny.gov/workerprotection/safetyhealth/mold/frequently-asked-questions-licences.shtm>

The Department of Labor is authorized to inspect ongoing and completed mold assessment and remediation projects, as well as conduct random investigations based on complaints.

The mold program and related facts about mold can be found on the New York State Department of Labor website:

<http://labor.ny.gov/workerprotection/safetyhealth/mold/mold-program.shtm>



Mold 101

Thousands of species of mold spores may be found naturally both indoors and outdoors. As an example, when you step outside and smell decomposing leaves—you may be inhaling tiny mold spores. According to the State Department of Labor, mold requires three basic conditions in order to grow:

- Water/moisture (typically more than 55% indoor humidity levels);
- An organic food source (paper, fabric, sheetrock, etc.);
- Proper temperature (typically 40 to 99F).

Mold can begin to develop and grow on damp surfaces within 24 to 48 hours. While it is impossible to ‘mold-proof’ a business, school or house; controlling indoor humidity levels and eliminating water leakage and water problems can reduce mold growth.

Health Problems

Health problems can potentially occur when people inhale large quantities of airborne mold or are allergic to mold. This typically occurs indoors where there is a lack of air circulation in an enclosed space. Symptoms can be immediate or delayed:

Common Symptoms: Wheezing, difficulty breathing, nasal congestion, eye, nose and throat irritation, skin rashes

Severe Symptoms: Headache, fatigue, nausea, memory problems, mood swings, fever

Keep in mind that symptoms associated with mold exposure may also be caused by many other illnesses.

Preventing Mold Growth

The key to preventing mold growth is to identify and control moisture and water problems. Mold spores are everywhere, including indoor environments, and mold spores can grow on any surface that has sufficient moisture. Common sources of moisture are:

- Roof leaks
- Indoor plumbing leaks
- Outdoor drainage problems
- Damp basements and crawl spaces
- Steam from the bathroom, kitchen or other sources
- Condensation on cool surfaces
- Humidifiers
- Wet clothes drying inside the home
- A clothes dryer venting indoors
- Poor or improper ventilation of heating and cooking appliances
- Flooding

Practice the following housekeeping tips to reduce moisture and humidity in indoor environments:

- Allow adequate air flow – Keep HVAC systems in good working order and follow preventative maintenance schedules and filter changes, when appropriate open windows, use exhaust/vent fans when high humidity is present inside.
- Reduce humidity inside - air-conditioning, dehumidifiers, use of vapor barriers to cover earth floors in crawl spaces.
- Eliminate water problems - repair water leaks, get rid of standing water, insulate cold surfaces to prevent water condensation, slope the ground away from building foundation, ensure air-conditioning drip pans and drain lines are dried, cleaned and drained properly.
- Dry water damaged items within 24 to 48 hours. If mold is already present, scrub the mold off the surface completely and dry thoroughly.

