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SENATE BILL 132

**TESTIMONY BEFORE THE SENATE COMMITTEE ON
COMMERCE AND LABOR**

MARCH 10, 2003

Note: SB 132 -If amendment is considered to place this bill under NRS 624.

**SENATOR COFFIN'S RECOGNITION OF THE NEED FOR STATE
LICENSURE AND REGULATION IN MOLD CONTROL AND REMEDIATION IS
APPRECIATED.**

**THE STATE CONTRACTORS BOARD IS NOT THE APPROPRIATE
REGULATORY BODY FOR ENVIRONMENTAL OR PUBLIC HEALTH
ISSUES SUCH AS MOLD ASSESSMENT AND REMEDIATION. PROPOSED
LAWS GOVERNING THE CONTROL OF MOLD, INCLUDING INSPECTION,
TESTING AND REMEDIATION OF MOLD ARE CLEARLY WITHIN THE
DUTIES OF THE HEALTH DEPARTMENT AND THE ENVIRONMENTAL
PROTECTION AGENCY ("EPA").**

**THERE IS MUCH CONCERN NATIONWIDE ABOUT THE PRESENCE OF
MOLD IN BOTH NEW AND EXISTING CONSTRUCTION. SEVERAL STATES
HAVE ENACTED LEGISLATION RECENTLY TO ADDRESS THOSE
CONCERNS, FOR EXAMPLE:**

**THE CALIFORNIA LEGISLATURE ENACTED SENATE BILL 732 IN 2001. SB
732, ENTITLED THE "TOXIC MOLD PROTECTION ACT OF 2001",
REQUIRING THE CALIFORNIA STATE DEPARTMENT OF HEALTH
SERVICES ("DHS") TO:**

- 1. DEVELOP PERMISSIBLE LIMITS FOR EXPOSURE TO MOLD;**
- 2. ADOPT PRACTICAL STANDARDS OF ACCEPTABLE LEVELS OF
MOLD AND PROTECT THE PUBLIC USING ALTERNATE
STANDARDS;**
- 3. ESTABLISH GUIDELINES TO IDENTIFY MOLDS, WATER DAMAGE
OR MICROBIAL VOLATILE ORGANIC COMPOUNDS, AND**
- 4. CREATE GUIDELINES FOR MOLD REMEDIATION INCLUDING
CRITERIA FOR PERSONAL PROTECTION EQUIPMENT FOR
"MOLD REMEDIATORS."**

DHS IS REQUIRED TO PROVIDE A PROGRESS REPORT TO THE CALIFORNIA LEGISLATURE BY JULY 1, 2003, ALTHOUGH NO SPECIFIC DATE IS SET BY STATUTE TO ADOPT THE STANDARDS AND GUIDELINES.

THE TEXAS LEGISLATURE IS CONSIDERING SEVERAL LEGISLATIVE MEASURES RELATING TO MOLD. HOUSE BILL 329 CREATES THE "MOLD ASSESSORS AND REMEDIATORS ACT, ADDING A NEW CHAPTER TO PROTECT THE PUBLIC FROM THE ADVERSE HEALTH EFFECTS OF MOLD. THE ACT WOULD REQUIRE THE TEXAS DEPARTMENT OF HEALTH TO PROVIDE STATEWIDE EDUCATION AND OUTREACH PROGRAMS ADDRESSING THE RECOGNITION, PREVENTION, AND MITIGATION OF MOLD OCCURRENCE.

HB 329 REQUIRES THE TEXAS STATE BOARD OF HEALTH TO ESTABLISH STANDARDS FOR CONDUCTING MOLD ASSESSMENT OR REMEDIATION. THE HEALTH DEPARTMENT IS REQUIRED TO PERFORM INSPECTIONS TO ENSURE COMPLIANCE. ANOTHER TEXAS BILL, SB 129, WAS INTRODUCED THAT ALSO ESTABLISHES PROCEDURES AND REGULATIONS FOR MOLD REMEDIATION. THERE IS A STRONG PROBABILITY THAT LEGISLATION WILL BE ENACTED TO LICENSE MOLD REMEDIATION.

THE BASIC PRINCIPLES OF INDOOR MOLD REMEDIATION APPLY TO MANY HAZARDS. MOLD REMEDIATION REQUIRES SPECIFIC PRACTICES DIFFERING IN MANY ASPECTS FROM THOSE USED FOR ABATING LEAD OR ASBESTOS. MOLDS HAVE DIFFERENT HEALTH EFFECTS AND CAN BE DISPERSED OUTSIDE THE WORK AREA AND ESTABLISH NEW CONTAMINATION SITES IF ABATEMENT AND CLEAN-UPS ARE NOT CONDUCTED PROPERLY.

EXPERTS ADVISE WHEN LOOKING TO HIRE AN INDUSTRIAL HYGIENIST OR OTHER MOLD SPECIALIST, ASK WHETHER THE FIRM FOLLOWS THE U.S. ENVIRONMENTAL PROTECTION AGENCY'S GUIDELINES ON REMEDIATION OF MOLD-CONTAMINATED BUILDINGS. MOLD REMEDIATORS SHOULD HAVE EXTENSIVE KNOWLEDGE AND BACKGROUND ON DIVERSE MICROBIOLOGICAL AND BIOLOGICAL CONTAMINANTS AND KNOW HOW HUMAN HEALTH IS AFFECTED, AS WELL AS BASIC ASSESSMENT AND REMEDIATION TECHNIQUES AND CONTROLS.

MOLD CONTROL AND REMEDIATION MAY INCLUDE: INSPECTING AND SAMPLING MICROBIOLOGICAL CONTAMINATION, DESIGNING AND IMPLEMENTING A MICROBIOLOGICAL REMEDIATION PROJECT IN A FUNGI AND/OR BACTERIA INFESTED ENVIRONMENT; CLEANING AND CONTROLLING MICROBIOLOGICAL CONTAMINATION, MONITORING A

**MICROBIOLOGICAL REMEDIATION PROJECT, AND THE CONSIDERATION
OF BIOCIDES FOR INDOOR MICROBIOLOGICAL CONTROL.**

**AS FOR THE SPECIFIC HEALTH EFFECTS OF INDOOR MOLD, EXPERTS
ANTICIPATE THAT THEY WILL BE STUDIED AND DEBATED FOR YEARS
TO COME. A REPORT ON MOLD FROM THE CALIFORNIA RESEARCH
BUREAU, A NONPARTISAN AGENCY WITHIN THE CALIFORNIA STATE
LIBRARY, INDICATES A MYRIAD OF HEALTH IMPLICATIONS ASSOCIATED
WITH TOXIC MOLD EXPOSURE.**

**ELEVEN STATES HAVE PROPOSED LEGISLATION TO CREATE STUDY
COMMITTEES RELATED TO MOLD.**

**THE STATE CONTRACTORS BOARD RESPECTFULLY REQUESTS THE
REGULATION AND LICENSURE OF MOLD REMEDIATION AND CONTROL
BE PLACED WITH THE APPROPRIATE STATE AGENCY THAT REGULATES
ENVIRONMENTAL AND HEALTH ISSUES, NOT WITH THE STATE
CONTRACTORS BOARD. A MORE APPROPRIATE SOLUTION IS THE
CREATION OF A STUDY COMMITTEE TO MAKE RECOMMENDATIONS TO
THE 2005 LEGISLATURE, BASED ON SCIENTIFIC DATA AND FACTUAL
INFORMATION.**

THANK YOU FOR YOUR CONSIDERATION.