

Mold Inspection and Remediation Rules

Indoor Air Quality Program

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General Provisions.

(a) Purpose. This subchapter implements provisions concerning the regulation of mold inspectors and remediators conducting mold-related activities that affect indoor air quality.

(b) Scope. This subchapter contains requirements for the licensing and registration of persons performing mold inspections and mold remediation, requirements for the accreditation of mold training providers, minimum work standards for the conduct of mold inspections and remediation by licensed and registered persons, a code of ethics, and penalties.

Definitions. The following words and terms within this subchapter shall have the following meanings, unless the context clearly indicates otherwise.

- (1) Accredited training program - A training program that has been accredited by the State to provide training for persons seeking licensure or registration under this subchapter.
- (2) Inspector - A person who conducts mold inspection as defined in this section and who is licensed under this subchapter as a mold inspector.
- (3) Containment - A component or enclosure designed or intended to control the release of mold or mold-containing dust or materials into surrounding areas in the building. The broad category of containment includes such sub-categories as walk-in containment, surface containment (such as plastic sheeting), and containment devices (such as wall-mounted glove boxes).
- (4) Containment area - An area that has been enclosed to control the release of mold or mold-containing dust or materials into surrounding areas.
- (5) Contiguous - In close proximity; neighboring.
- (6) Contiguous square feet - See "Total surface area of contiguous square feet".
- (7) Credential - A license, registration, or accreditation issued under this subchapter.
- (8) Cumulative – the amount of visible mold found in a single indoor air environment.
- (9) Employee - An individual who is paid a salary, wage, or remuneration by another person or entity for services performed and over whom the person or entity exerts supervision or control as to the place, time, and manner of the individual's work.
- (10) Facility - Any institutional, commercial, public, governmental, industrial or residential structure or building.

(11) Indoor air - Air within the envelope of a building, including air in spaces normally occupied by persons in the building but excluding air in attics and crawl spaces that are vented to the outside of the building.

(12) Indoor air environment – Specifically described as follows:

A. Residential Indoor Air Environment - The air that is circulated within the confines of a single air conditioning zone or 3,000 sqft (24,000 cft) whichever is greater.

B. Commercial Indoor Air Environment – The air that is circulated within the confines of either a single air conditioning zone or 5,000 sqft (40,000 cft) whichever is greater.

(13) Indoor mold - Mold contamination that was not purposely grown or brought into a building and that has the potential to affect the indoor air quality of the building.

(14) License - Any license issued under this subchapter. The term "license" does not include a registration, accreditation, or approval issued under this subchapter.

(15) Mold - Any living or dead fungi or related products or parts, including spores, hyphae, and mycotoxins.

(16) Mold analysis - The examination of a sample collected during a mold inspection for the purpose of:

A. determining the amount or presence of or identifying the genus or species of any living or dead mold or related parts (including spores and hyphae) present in the sample;

B. growing or attempting to grow fungi for the purposes of subparagraph (A) of this paragraph; or

C. identifying or determining the amount or presence of any fungal products, including but not limited to mycotoxins and fungal volatile organic compounds, present in the sample.

(17) Mold analysis laboratory - A person, other than an individual, that performs mold or mold-related analysis on a sample collected to determine the presence, identity, or amount of indoor mold in the sample.

(18) Mold inspection - Activity that involves:

(A) an inspection, investigation, or survey of a dwelling or other structure to provide the owner or occupant with information regarding the presence, identification, or evaluation of mold, including an inspection of the exterior of the envelope, the interior of the envelope, and the owner or occupant;

protocol; or

(B) the development of a mold management plan or mold remediation

(C) the collection or analysis of a mold sample.

- (19) Mold inspection report - A document, prepared by a licensed mold inspector for a client, that describes any observations made, measurements taken, and locations and analytical results of samples taken by an inspector during a mold inspection. An inspection report can be either a stand-alone document or a part of a mold management plan or mold remediation protocol prepared by a mold inspector.
- (20) Mold management plan - A document, prepared by a licensed mold inspector for a client, that provides guidance on how to prevent and control indoor mold growth at a location.
- (21) Mold-related activities - The performance of mold inspection, mold sanitization, mold remediation or any other related activities.
- (22) Mold sanitization – The reduction of the microbial content on an inanimate object, usually the surface or air is sanitized with a biocide or anti-microbial product or technology.
- (23) Mold remediation - The removal of contaminated construction materials that are unsalvageable for the purpose of both protecting the health of the occupants and the mold remediator and identifying the source of moisture so repairs by the appropriate specialty contractor can be implemented. Preventive activities may include those intended to prevent future mold contamination of a remediated area, including applying biocides or anti-microbial compounds, suggesting a continuous sanitization protocol for mold management, and ongoing proverbial monitoring or inspection.
- (24) Mold remediation protocol - A document, prepared by a licensed mold inspector or remediator for a client, that specifies the estimated quantities and locations of materials to be remediated and the proposed remediation methods and clearance criteria for each type of remediation in each type of area for a mold remediation project.
- (25) Mold remediation work plan - A document, prepared by a licensed mold remediation contractor that provides specific instructions and/or standard operating procedures for how a mold remediation project will be performed.
- (26) Office - A stationary physical location assigned a street address by the United States Postal Service, where a licensee or an employee of a licensee may be contacted to conduct business related to mold inspection and/or mold remediation.

- (27) Person - An individual, corporation, company, contractor, subcontractor, association, firm, partnership, joint stock company, foundation, institution, trust, society, union, governmental entity, or any other association of individuals.
- (28) Project - All activities connected with a mold remediation work plan, including activities necessary for the preparation of the work plan and any associated mold remediation protocol(s), site preparation, and post-remediation inspection, sanitization recommendations, and clearance.
- (29) Remediator - A person who conducts mold remediation as defined in this section and who is credentialed under this subchapter as a mold remediation worker, mold remediation contractor, or mold remediation company.
- (30) Responsible person - An employee or principal designated by a licensed mold inspection company, mold remediation company, or mold analysis laboratory or by an accredited mold training provider as responsible for its operations and compliance with rules concerning mold-related activities or mold-related training.
- (31) Start date - The date on which the actual remediation of mold begins.
- (32) Stop date (completion date) - The date following the date on which final clearance screening is achieved following a mold remediation project.
- (33) Supervise - To direct and exercise control over the activities of a person by being physically present at the job site or, if not physically present, accessible by telephone and able to be at the site within one hour of being contacted.
- (34) Survey - An activity undertaken in a building to determine the presence, location, or quantity of indoor mold or to determine the underlying condition(s) contributing to indoor mold contamination, whether by visual or physical examination or by collecting samples of potential mold for further analysis.
- (35) Total surface area of contiguous square feet - The contiguous area of surface material that needs to be cleaned or removed to remediate visible mold contamination.
- (36) Training hours - Hours spent in classroom instruction, hands-on activities, and field trips, including time used for course tests and brief breaks but not including scheduled lunch periods.
- (37) Visible - Exposed to view; capable of being seen.
- (38) Work analysis - A mold remediation protocol.
- (39) Work plan - A mold remediation work plan.

- (40) Working days - Monday through Friday, including holidays that fall on those days.

Exceptions and Exemptions.

(b) Minimum area exemption. A person is not required to be licensed under this subchapter to perform mold remediation in an area in which the mold contamination for the project affects a total surface area of less than 20 square feet either contiguous or cumulative within the limits of a single indoor air environment.

(c) Residential property exemption. An owner, or a managing agent or employee of an owner, is not required to be licensed under this subchapter to perform mold inspection or mold remediation on a residential property which is owned by that person, and which has fewer than 4 residential dwelling units. This exemption applies regardless of the total surface area within the residential property that is affected by mold growth. This exemption does not apply to a managing agent or employee who engages in the business of performing mold inspection or mold remediation for the public.

(d) Facility exemption. An owner or tenant, or a managing agent or employee of an owner or tenant, is not required to be licensed under this subchapter to perform mold inspection on property owned or leased by the owner or tenant.

(f) Supervised employee exemption. An employee of a license holder is not required to be licensed under this subchapter to perform mold inspection or mold remediation while supervised by the license holder.

Code of Ethics.

(a) The purpose of this section is to establish the standards of professional and ethical conduct required of all persons holding credentials or approvals issued under this subchapter.

(b) All credentialed persons or approved instructors shall, as applicable to their area of credentialing or approval:

(1) undertake to perform only services for which they are qualified by license, education, training or experience in the specific technical fields involved;

(2) meet or exceed the minimum standards for mold inspection and remediation as set forth in this subchapter;

(3) not participate in activities where a conflict of interest might arise, and disclose any known or potential conflicts of interest to any party affected or potentially affected by such conflicts;

(4) provide only necessary and desired services to a client and not sell unnecessary or unwanted products or services;

(5) to the extent required by law, keep confidential any personal information regarding a client (including medical conditions) obtained during the course of a mold-related activity;

(6) not misrepresent any professional qualifications or credentials;

(7) not provide to the department any information that is false, deceptive, or misleading;

(8) cooperate with the department by promptly furnishing required documents or information and by promptly responding to requests for information;

(9) not work if impaired as a result of drugs, alcohol, sleep deprivation or other conditions and not allow those under their supervision to work if known to be impaired;

(10) maintain knowledge and skills for continuing professional competence and participate in continuing education programs and activities;

(11) not make any false, misleading, or deceptive claims, or claims for products or services used or suggested to the client that are not readily subject to verification, in any advertising, announcement, presentation, mold management plan, or competitive bidding;

(12) not make a representation that is designed to take advantage of the fears or emotions of the public or a customer; and

(13) provide mold-related services at costs in keeping with industry standards.

Credentials: General Conditions.

(a) Licensing or registration requirement. A person must be licensed or registered in compliance with this subchapter to engage in mold inspection or mold remediation unless specifically exempted.

(b) Accreditation requirement. A person must be accredited as a mold training provider in compliance with this subchapter to offer mold training for fulfillment of specific training requirements for licensing under this subchapter.

(c) Age requirement. Each individual applying to be licensed or registered under this subchapter must be at least 18 years old at the time of application.

(d) Office requirement. A person licensed under this subchapter must maintain an office in _____. An individual employed by a person licensed under this subchapter is considered to maintain an office in _____ through that employer.

(e) Training requirement.

(1) An applicant for an initial license must successfully complete an initial training course offered by a department-accredited training provider in that area of licensure and receive a course-completion certificate before applying for the license

(2) An applicant for renewal of a license listed under paragraph (1) of this subsection must successfully complete a refresher training course offered by a department-accredited training provider in the area of licensure for which renewal is sought and receive a course-completion certificate evidencing 7 hours of continuing education before applying for the renewal. The applicant must successfully complete the refresher course no later than 12 months after successful completion of the previous course and no earlier than 12 months prior to the expiration date of the license.

(f) Examination requirement. An applicant for an initial license must pass the examination in that area of licensure with a score of at least 80% correct before applying for the license

(g) Applications. Each application for a credential or approval must provide all required information. An applicant shall indicate that a question does not apply by answering "not applicable" or "N/A". Applicants must submit complete applications, including all supporting documents, for each credential or approval sought.

(3) An applicant for a renewal of a license listed under paragraph (1) of this subsection must successfully complete a required refresher training course and receive a course-completion certificate before applying for renewal, except that this paragraph does not apply to a holder of an initial license that is valid for one year, as described under subsections (h)(1) and (h)(2)(A) of this section. The applicant must complete the refresher course before the expiration date of the license but no earlier than 6 months prior to the expiration date of the license and no later than 18 months after completion of the previous course.

(h) Term and expiration.

- (1) All credentials issued _____ are valid for one year and expire on the anniversary of the effective date.
- (2) Fees commensurate with a annual credential must be included with any application for a credential that will expire on the second anniversary of its effective date.
- (3) A credential holder is in violation of this subchapter if the holder practices with lapsed qualifications.

(i) Condition of issuance. No credential, identification (ID) card, or approval issued under this subchapter shall be sold, assigned, or transferred. ID cards issued by the department must be present at the worksite any time an individual is engaged in mold-related activities. The department retains the right to confiscate and revoke any credential, ID card, or approval that has been altered.

(j) Credentialed persons other than individuals. A mold inspection company, mold remediation company, mold analysis laboratory, or mold training provider that has been issued a credential under this subchapter:

(1) shall designate one or more individuals as responsible persons. The credentialed person must notify the department in writing of any additions or deletions of responsible persons within 10 days of such occurrences;

(2) shall not transfer that credential to any other person, including to any company that has bought the credentialed entity. The credentialed entity must apply for a new credential within 60 days of being bought; and

Credentials: General Responsibilities.

(a) Persons who are licensed, registered, or accredited under this subchapter shall:

(1) adhere to the code of ethics prescribed by _____ of this title (relating to Code of Ethics);

(2) comply with work practices and procedures of this subchapter;

(3) refrain from engaging in activity prohibited under _____ of this title (relating to Conflict of Interest and Disclosure Requirement);

(4) maintain any insurance required under _____ of this title (relating to Licensing: Insurance Requirements) while engaging in mold-related activities regulated under this subchapter;

(5) cooperate with department personnel in the discharge of their official duties, as described in _____ of this title (relating to Compliance: Inspections and Investigations); and

(6) notify the department of changes in mailing address and telephone number.

(b) All individuals who are required to be licensed or registered under this subchapter must have a valid department-issued identification card present at the worksite when engaged in mold-related activities.

(d) A credentialed person who becomes aware of violations of this subchapter must report these violations within 24 hours to the department if, to that person's knowledge, the responsible party has not corrected the violations within that timeframe.

(e) The individual that is designated by a licensed mold inspection company or mold remediation company as its responsible person shall not be the responsible person for another licensee with the same category of license.

(f) Credentialed persons are responsible for determining whether the mold-related activities in which they will engage require additional credentials beyond those required under this subchapter.

§100.107. Conflict of Interest and Disclosure Requirement.

(a) Conflict of interest.

(1) A licensee shall not perform both mold inspection and mold remediation on the same project.

(2) A person shall not own an interest in an entity that performs mold inspection services and an entity that performs mold remediation services on the same project.

Credentials: Applications and Renewals.

(a) **General requirements.** Applications for a license, registration or accreditation must be made on forms provided by the department and signed by the applicant. The department shall consider only complete applications. The application form must be accompanied by:

(1) a check or money order for the amount of the required fee made payable to the department

(3) proof that the applicant meets all other requirements for obtaining the credential being sought.

(b) **Inquiries.** Applicants who wish to discuss or obtain information concerning qualification requirements may call the program administrator at _____ to obtain information and download forms.

(c) **Denials.** The department may deny a credential to a person who fails to meet the standards established by this subchapter.

(d) Processing applications and renewals.

(e) Renewal notices

(f) **Renewal requirements.** A person seeking to renew a license, registration, or accreditation shall submit a renewal application no sooner than 60 days before the credential expires. The department shall renew the license, registration, or accreditation for a term of 12 months

(1) is qualified to be credentialed;

(2) pays to the department the nonrefundable renewal fee;

(3) submits to the department a renewal application on the prescribed form along with all required documentation; and

(4) has complied with all final orders resulting from any violations of this subchapter, unless an exception is granted in writing by the department and submitted with the application.

(g) Renewals and late fees. A person shall not perform any mold-related activity with an expired license, registration, or accreditation. If a person makes a timely and complete application for the renewal of a valid credential, the credential does not expire until the department has finally granted or denied the application. The department shall renew a credential that has been expired for 180 days or less if the person meets the requirements of subsection (f) of this section. A person whose credential has been expired for more than 180 days must obtain a new credential and must comply with current requirements and procedures, including any state examination requirements.

(h) Replacements.

Licensing: Insurance Requirements.

(a) Persons required to have insurance must, at a minimum, obtain policies for commercial general liability insurance in the amount of not less than \$1 million per occurrence. Governmental entities that are self-insured are not required to purchase insurance under this subchapter. A non-governmental entity (business entity or individual) may be self-insured if it submits to the department for approval an affidavit signed by an authorized official of the entity or by the individual stating that it has a net worth of at least \$1 million. A current financial statement indicating a net worth of at least \$1 million must accompany the affidavit. A new affidavit and current financial statement must be submitted with each renewal application. An individual required to have insurance must obtain individual coverage unless covered under the policy of the individual's employer or employed by a governmental entity or a person approved by the department to be self-insured

(b) The certificate of insurance must be complete, including all applicable coverages and endorsements, and must name the _____ Department of _____, as a certificate holder. Each required policy shall be endorsed to provide the department with at least a 30-day notice of cancellation or material change for any reason.

(c) An applicant for an initial or renewal license must provide proof of insurance in one of the following forms:

(1) a copy of the required certificate of insurance;

(2) if claiming to be self-insured, a statement that it is a governmental entity, or, if a non-governmental entity, the affidavit and current financial statement described under subsection (a) of this section ; or

(3) proof that the applicant is employed by a licensed mold inspection or remediation company that has the required insurance.

(d) The department may impose an administrative penalty or take other disciplinary action against any person who fails to have the insurance required under this section.

§100.110. Licensing: Licensing Examination.

(a) Examination requirements. An applicant for an initial individual license who has successfully completed the required training course from a department-accredited training provider must pass the providers examination with a score of at least 80% correct prior to applying for the license

(b) Re-examination. An individual is permitted to take two re-examinations after failing an initial examination. An individual who fails both re-examinations must repeat the initial training course and provide a copy of the new training certificate.

Mold Inspector: Licensing Requirements.

(a) Licensing requirement. An individual must be licensed as a mold inspector to perform activities listed under subsection (b) of this section.

(b) Scope. An individual licensed under this section is authorized to determine the location and extent of mold or suspected mold present in a facility. A mold inspection is licensed to:

(1) record visual observations and take on-site measurements, including temperature, humidity, and moisture levels, during an initial or post-remediation mold inspection;

(2) collect samples for mold analysis during an initial mold inspection utilizing air or surface sampling as described in _____;

(3) prepare a mold inspection report;

(4) make a determination based on specific criteria listed in _____ for the development of either a sanitization or remediation work plan.

(5) collect samples during a post-sanitization or post-remediation mold inspection.

(c) Qualifications. An applicant must be a high school graduate or have obtained a General Educational Development (GED) certificate. If the application is for an initial license and a complete application is submitted to the department before _____, as evidenced by a postmark or shipping paperwork, the applicant may satisfy the training requirement under of this title by either:

(1) successfully completing an initial mold inspection technician course offered by a department-accredited training provider and receiving a course-completion certificate; or

(2) successfully completing, a minimum of 14 hours of instruction covering the areas of mold inspection and assessment, sanitization protocol, business ethics, and the law. The training should be evidenced by a certificate in the name of the applicant and provided by a state

certified training provider. Any instruction used to satisfy this requirement must be offered by one of the following:

(A) certifying organization that is administered by an active board of directors, that offers certification to individuals who fulfill minimum education and experience requirements at least equivalent to the education and experience requirements under this section, and that requires passing a certification examination with a score of at least 80% correct in order to receive the certification; or

(d) Fees. The fees for a mold inspector license are:

(1) _____ for a one-year license

(e) Applications and renewals. An applicant shall include the following:

- (1) proof of successfully fulfilling the training requirement under subsection of this section; and
- (2) proof of successfully passing the examination with a score of at least 80% correct;

(f) Responsibilities. In addition to the requirements listed in _____ of this title (relating to Credentials: General Responsibilities), a licensed mold inspector shall:

- (1) perform only activities allowed under subsection (b) of this section;
- (2) comply with mold sampling protocols accepted as industry standards, as presented in training course materials,
- (3) utilize the services of a laboratory that is licensed by the department to provide analysis of mold samples; and
- (4) provide to the client a mold inspection report following an initial (pre-remediation or pre-sanitization) mold inspection.

Mold Remediation Contractor: Licensing Requirements.

(a) Licensing requirements. An individual must be licensed as a mold remediation contractor to perform activities listed under subsection (b) of this section.

(b) Scope. An individual licensed under this section may perform mold remediation and supervise registered mold remediation workers performing mold remediation. In addition, a licensed mold remediation contractor is licensed to provide mold remediation services including:

- (1) preparing a mold remediation work plan providing instructions for the remediation efforts to be performed for a mold remediation project; and

(2) conducting and interpreting the results of activities recommended in a work plan developed under paragraph (1) of this subsection.

(c) Qualifications. In addition to the requirements for all applicants listed in _____ of this title (Credentials: General Conditions) and _____ of this title (relating to Licensing: Insurance Requirements), an applicant must:

(1) meet at least one of the following education and/or experience requirements:

(A) a bachelor's degree from an accredited college or university with a major in a natural or physical science, engineering, architecture, building construction, or building sciences and at least one year of experience either in an allied field or as a general contractor in building construction;

(B) at least 60 college credit hours with a grade of C or better in the natural sciences, physical sciences, environmental sciences, building sciences, or a field related to any of those sciences, and at least three years of experience in an allied field or as a general contractor in building construction;

(C) a high school diploma or General Educational Development (GED) certificate, plus at least five years of experience in an allied field or as a general contractor in building construction; or

(D) certification as an industrial hygienist, a professional engineer, a professional registered sanitarian, a certified safety professional, or a registered architect, with at least one year of experience either in an allied field or as a general contractor in building construction; and

(E) currently hold an active contractors license from another state which license requires continuing education or for which this state offers reciprocity.

(2) if the application is for an initial license and a complete application is submitted to the department by either:

(A) successfully completing an initial mold remediation contractor course offered by a department-accredited training provider and receiving a course-completion certificate; or

(B) successfully completing a minimum of 28 hours of instruction in mold remediation, including, but not limited to, inspection and assessment, sanitization protocol, PPE, business ethics, and the law. Successful completion shall be shown by a certificate of course completion provided by a state certified training provider. Any instruction used to satisfy this requirement must include classroom and hands-on training and must be offered by one of the following:

(1) a national professional organization that is administered by an active board of directors and whose criteria for full membership include minimum education and experience requirements and adherence to a published code of ethics;

2) a certifying organization that is administered by an active advisory board and board of directors, that offers certification to individuals who fulfill minimum education and experience requirements at least equivalent to the education and experience requirements under this section, and that requires passing a certification examination with a score of at least 80% correct in order to receive the certification.

(d) Fees. The fees for a mold remediation contractor license are:

(1) _____ for a one-year license

(e) Applications and renewals. An applicant shall include the following in the application package:

(1) if the application is for an initial license and a complete application is submitted

(A) verifiable evidence that the applicant meets at least one of the eligibility requirements under subsection (c)(1) of this section;

(C) proof of successfully fulfilling the training requirement under subsection (c)(2) of this section; and

(D) proof of successfully passing the examination with a score of at least 80% correct;

(f) Responsibilities. In addition to the requirements as listed in _____ of this title (relating to Credentials: General Responsibilities), the mold remediation contractor shall be responsible for:

(1) accurate interpretation of field notes, drawings, and reports relating to mold inspections;

(2) advising clients about options for mold remediation and sanitization;

(3) complying with standards for preparing mold remediation work plans, as presented in training course materials;

(4) providing to a client a mold remediation work plan for the project before the mold remediation begins;

(5) inquiring of the client whether any known or suspected hazardous materials, including lead-based paint and asbestos, are present in the project area;

(6) signing and dating each mold remediation work plan that he/she prepares on the cover page. The cover page shall also include his/her license number and expiration date. He/she must also initial the work plan on every page that addresses the scope of work and on all drawings related to the remediation work;

(7) ensuring that all individuals who conduct activities specified under paragraph (4) of this subsection are provided with, fit tested for, and trained in the correct use of personal

protection equipment required under _____ of this title (relating to Minimum Work Practices and Procedures for Mold Remediation);

Mold Screening/Analysis Laboratory: Licensing Requirements.

(a) Licensing requirement. A person must be licensed in compliance with the provisions of this section to engage in activities listed under subsection (b) of this section.

(b) Scope. A person licensed under this section is authorized to analyze samples collected during mold-related activities to:

(1) determine the presence, identity, or amount of mold present;

(2) provide any other information regarding the sample that the submitter requests;

or

(3) obtain any other information that the laboratory deems useful.

(c) Qualifications. Applicants must submit documentation showing that:

(1) either:

(A) the laboratory is accredited by the American Industrial Hygiene Association under the Environmental Microbiology Laboratory Accreditation Program (EMLAP);

(B) the laboratory is accredited or certified by a program deemed equivalent by the department for the preparation and analysis of mold;

(C) all individuals who will analyze the mold samples:

(i) have at least a bachelor's degree in microbiology or biology;

(ii) have at least three years of experience as a mold microscopist; and

(iii) is licensed as a microbiologist from the state where he resides.

(2) mold analysis activity at the laboratory is overseen by a mycologist or microbiologist with either:

(A) an advanced academic degree; or

(B) at least two years of experience in mold analysis.

(d) Fees. The fees for a mold analysis laboratory license are:

(1) _____ for a one-year license

(e) **Applications and renewals.** Applications shall be submitted as required by _____ of this title (relating to Credentials: Applications and Renewals). An applicant shall include the following in the application package:

(1) the name, address, and occupation of each person that has an ownership interest of 10% or more in the laboratory;

(2) evidence that the laboratory meets one of the qualification requirements under subsection (c)(1) of this section;

(f) **Responsibilities.** In addition to the requirements as listed in _____ of this title (relating to Credentials: General Responsibilities), the mold analysis laboratory shall be responsible for:

(1) following recordkeeping requirements as described in §100.126(d) of this title (relating to Recordkeeping);

(2) providing to a client, as applicable, details of analysis methods used, amounts (percentages) analyzed, raw counts for each genus of mold that is identified, magnification used for counting and identifying mold, and culture media and conditions used;

(3) ensuring that all employees who will conduct mold analysis are properly trained in analysis techniques;

(4) maintaining accreditation required under subsection (c) of this section. A licensed mold inspection laboratory that loses the required accreditation must:

(A) cease providing services related to the licensure until the accreditation is reinstated;

(5) notifying the department in writing of any additions or deletions of responsible persons within 10 days of such occurrences; and

§100.118. Mold Training Provider: Accreditation.

(a) **Accreditation requirement.** A person must be accredited as a mold training provider to offer mold training courses that are prerequisites for licensing or refresher courses that are required for continuing education hours.

(b) **Authorizations and Conditions.** The following shall apply to issuance of accreditations under this section.

(1) No person shall advertise or offer as initial or refresher training courses, for fulfillment of requirements for licensing under this subchapter, any courses that the department has not approved under _____ of this title (relating to Training: Approval Of Training Courses and Instructors

(2) A training provider must require instructors and guest speakers to present in person at least 50% of the classroom instruction and all of the hands-on instruction. The training provider may allow an instructor or guest speaker to use training films and videotapes, but audiovisual materials shall not be used as substitutes for the required in-person presentations or the hands-on instruction.

(3) Approved training courses shall be conducted in facilities acceptable as classrooms and conducive to learning. The facilities must have restrooms available for the students.

(4) Course instructors shall maintain a master attendance record for each course and A student who is absent from more than 10% of the course instruction, including hands-on sessions and field trips, is ineligible to complete the course.

(5) An accredited training provider must verify and keep a written record of any student achieving a minimum score of 80% correct on each course test. The training provider shall have a written policy concerning the administration of tests, including allowing only one re-test per student for each course. The use of the same questions for both the original and re-test is not allowed. Oral tests are not allowed; however, a training provider may read the written test questions and possible answers to a student who must then mark his or her answer on an answer sheet. If a student fails the re-test, the student must repeat the course and pass a new test.

(6) Each training provider shall send at least one course instructor to any meeting held by the department for the purpose of ensuring quality training. The department shall hold no more than two such meetings per year.

(7) An individual instructor shall not train himself/herself to qualify for a license or a registration.

(x) Each training provider will require the attendees signature on their published code of ethics and require, as part of the examination, evidence of proficiency in the area for which he will be certified. Such proficiency could involve the development of an inspection report or remediation protocol as applicable to that student.

(c) Qualification. To qualify for an accreditation, each applicant:

(1) must have a written policy concerning refunds and cancellations in all languages in which training is offered. The refund and cancellation policy must be made available to students prior to payment of fees and shall include the cancellation procedures;

(2) shall employ a mold training supervisor who:

(A) meets at least one of the following requirements:

(i) at least two years of experience, education, or training in teaching workers or adults;

(ii) a bachelor's or graduate degree in building construction technology, engineering, industrial hygiene, safety, public health, education, or business administration or program management; or

(iii) at least one year of experience in mold training, managing an occupational health and safety training program specializing in environmental hazards, or ; and

(B) has demonstrated experience, education, or training in mold inspection or remediation, lead or asbestos abatement, occupational safety and health, or industrial hygiene;

(3) shall provide for each course a qualified principal instructor who meets the requirements under _____ of this title; and

(4) must develop and implement a plan to maintain and improve the quality of the training program. This plan shall contain at least the following elements:

(A) procedures for periodic revision of training materials and the course test to reflect innovations in the field; and

(B) procedures for the training manager's annual review of instructor competency.

(5) provide for its students a continuing education program that stays current with the industry, new findings, and new techniques or technologies available for mold sanitization and/or remediation.

(6) must have a published to the public code of ethics.

(d) Fees. The fees for mold training provider accreditation are:

(1) _____ for a one-year

(e) Applications and renewals. An applicant shall include:

(1) for an initial accreditation, at least one complete application for approval of a training course and at least one complete application for approval of an instructor, as described under _____ of this title;

(2) for a renewal accreditation, a list of all of the training provider's courses

(3) a description of the training provider's organization, including the address of its central office, the names and business addresses of its principals, a statement of any affiliation with another mold-related company(ies) and a listing of the courses to be offered

(4)

(f) Responsibilities. In addition to the requirements listed in _____ of this title (relating to Credentials: General Responsibilities), an accredited mold training provider shall be responsible for:

(1) confirming, before enrolling a student in a refresher training course, that the student has successfully completed a previous training course in the same area of licensure within 24 months;

(2) maintaining the hands-on skills inspection to ensure that it accurately evaluates student performance of the work practices and procedures associated with the course topics contained in _____ of this title (relating to Training: Required Mold Training Courses);

(3) maintaining the validity and integrity of the course test to ensure that it accurately evaluates the student's knowledge and retention of the course topics;

(4) furnishing appropriate equipment in good working order and in sufficient quantities for each training session in which equipment is required;

(5) presenting to students all course information and material approved by the department;

(6) at the conclusion of each training course, providing to each student who successfully completes the course and passes the required test a Certificate of Completion;

(7) documenting that each person who receives a certificate has successfully completed an initial course and has achieved a passing score on the written test. The training provider must maintain a file for each course that includes the training course name, dates and area of licensure, the names of all instructors and guest speakers who taught the course, a roster of all students in the course, a copy of the course test and each student's name and graded answer sheet, the date and location where the test was administered, the name of the test proctor, the names of students receiving certificates, the certificate numbers, and the expiration date of the training. All information from the training course and test must correspond to the information on each person's course-completion certificate. All records under this section shall be available for inspection by the department immediately upon conclusion of the course and the test; and

(g) Inspections and audits. Training providers shall permit department representatives to attend, evaluate, and monitor any training course, without charge or advance notice, to ensure compliance with this subchapter. The following criteria are grounds for suspending or withdrawing training provider accreditations or instructor approvals for assessing administrative penalties

(1) failure to adhere to the training standards and requirements of this subchapter;

(2) misrepresentation of the extent of approval of a training course or instructor;

(3) falsification of records or submitting false information to the department;

(4) failure to comply with these regulations in a manner that demonstrates a lack of ability, capacity or fitness to perform training duties and responsibilities.

§100.119. Training: Approval Of Training Courses.

(a) General provisions. The department must approve all training courses and instructors in advance of the course being offered. Applications for approval of courses submitted with an application for initial accreditation under _____ of this title will be reviewed at the same time for no additional approval fee. Each application for course approval must be made on a separate application form.

Fees. The application fee for approval of each initial or refresher training course is _____ per mold training course, approved course curriculum are valid for two years and will be renewed every other year at the same time as provider renewal

(c) Application for course approval. The department will approve or deny the application upon receipt of the complete application. A complete application for training course approval shall include:

- (1) the training program provider's name, business address and telephone number;
- (2) the area of licensure and type of course (initial or refresher) for which approval is being sought, including the course length in training hours;
- (2) a detailed outline of each course curriculum including the specific topics taught, the amount of time allotted to each topic,
- (3) a copy of the course test blueprint (written documentation of the proportion of test questions devoted to each major topic in the course);
- (4) a copy of all course materials (student manuals, instructor notebooks, handouts, and other course-related materials) in all languages taught;
- (5) the names and qualifications of all course instructors. Instructors must meet the requirements under subsection (e) of this section; and
- (6) Each certificate must include:
 - (A) the school's name, address, and telephone number;
 - (B) the student's name;
 - (C) a statement that the student successfully completed the course and the name and dates of the training course completed;
 - (E) the signature of the course instructor; and
 - (F) the signature of the course director or the principal officer, owner, or chief executive officer of the training provider.

(d) Changes to training courses. Accredited training providers must submit requests in writing and shall not offer training courses incorporating any changes until the department has granted approval.

(f) Guest speakers. Training providers may utilize guest speakers to present training who have documentable and verifiable professional expertise on the subject about which they are speaking. Training providers are not required to obtain department approval for guest speakers but must maintain proof of each guest speaker's qualifications

(g) Suspension and revocation of approval. The following criteria are grounds for suspending or withdrawing approval from a training course

(1) failure of an instructor or guest speaker to adhere to the standards and requirements of this subchapter;

(2) failure of a training course, instructor, or guest speaker to provide training that meets the requirements of the department or this subchapter;

(3) falsification or misrepresentation by an instructor of his/her qualifications;

(4) submittal by an accredited training provider to the department of false information for training course or instructor approval;

(5) misrepresentation by an accredited training provider of the extent of a department-approved training course or instructor; and

(6) violation by an approved training course instructor or a guest speaker of other mold-related activity regulations in a manner that indicates a lack of ability, capacity or fitness to perform training duties and responsibilities.

§100.120. Training: Required Mold Training Courses.

(a) General provisions. Individual applicants for licensing or renewal must submit evidence acceptable to the department of fulfillment of specific training requirements.

(b) Inspection training. The inspection course shall consist of at least 14 training hours that includes lectures, demonstrations, audio-visuals and hands-on training, course review, and a written test of 25 multiple-choice questions. The inspection course shall include:

(1) sources of, conditions necessary for, and prevention of indoor mold growth;

(2) potential health effects

(3) workplace hazards and safety, including personal protective equipment, and respirators;

(3) technical and legal considerations for mold inspection, including applicable regulatory requirements, the role of the mold inspector, and the roles of other professionals

(4) understanding of areas in the construction process where mold might be present and potential moisture intrusion might cause mold problems, including plumbing, roofing, HVAC, and foundation concerns.

(5) utilization of physical measurement equipment and tools, including moisture meters, humidity meters, particle counters, data-logging equipment, and visual and robotic inspection equipment;

(6) biological sampling strategies and methodologies, including sampling locations and techniques, and minimizing cross-contamination;

(7) sampling methodologies, including bulk, surface (including tape, swab, and vacuum sampling), and air sampling (including the differences between culturable and particulate sampling, sampling times, calibrating pumps, selecting media for culturable samples, and sampling for fungal volatile organic compounds);

(8) state-of-the-art work practices and new technologies that provide sanitization solutions and screening methods;

(9) proper documentation for reports, including field notes, measurement data, photographs, structural diagrams, and chain-of-custody forms;

(10) an overview of mold remediation projects and requirements, including PPE, containment, and air filtration and oxidation technologies; and

(11) clearance screening and procedures, including review of mold remediation protocols, work plans, visual inspections, and sampling strategies.

(e) Remediation contractor training. The remediation contractor course shall consist of at least 28 training hours that includes lectures, demonstrations, audio-visuals and hands-on training, course review, and a written test of 50 multiple-choice questions. The course shall adequately address:

(1) sources of indoor mold and conditions necessary for indoor mold growth;

(2) potential health effects, in accordance with a training protocol developed in consultation with state professional associations

(3) requirements concerning workplace hazards and safety, personal protective equipment including respirators, personal hygiene, personal decontamination, confined spaces, and water, structural, and electrical hazards;

(4) requirements concerning worker protection, including components of and development of respiratory protection plans and programs, workplace safety plans, and medical surveillance programs;

(5) technical and legal considerations for mold remediation, including applicable regulatory requirements, the role of the mold remediation contractor, the role of the mold remediation worker, the roles of other professionals, insurance, legal liabilities, and recordkeeping and notification requirements;

(6) building sciences, moisture control, and water intrusion events;

(7) an overview of how mold remediation projects are conducted and requirements thereof, including containment, and air filtration;

(8) work practices for removing, cleaning, and treating mold, including state-of-the-art work practices and new technologies;

(9) development of a mold remediation work plan from a protocol, including writing the work plan, detailing remediation techniques for the building structure, HVAC system, and contents, delineating affected areas from floor plans, developing appropriate containment designs, determining HEPA air filtration requirements, and determining dehumidification requirements;

(10) clearance testing and procedures, including a review of typical clearance criteria, visual inspection of the work area prior to clearance, and achieving clearance and an understanding of ongoing sanitization techniques and protocols;

(11) contract specifications, including estimating job costs from a protocol and determining insurance and liability issues; and

(12) protecting the public and building occupants from mold exposures.

(f) Refresher training. The refresher courses for mold inspection technicians, mold inspection consultants, and mold remediation contractors shall be at least seven training hours in length. Refresher training for mold remediation workers shall be at least seven training hours in length and shall be provided by a person specified under subsection (d)(1) of this section. Refresher training shall include a review of state regulations, state-of-the-art developments, and key aspects of the initial training course. All individual licensees and registrants shall receive refresher training every year.

(g) Course tests. Each training provider shall administer a closed-book written test to students who have completed an initial or refresher training course, except that no examination is required of students in remediation worker training. The test for inspector training shall consist of 25 multiple-choice questions, and the tests for remediation contractor training shall consist of 50 multiple-choice questions. Training providers may include demonstration testing as part of the test. A student must answer correctly at least 80% of the questions to receive a course-completion certificate. Training providers shall use tests provided or approved by the department.

§100.121. Minimum Work Practices and Procedures for Mold Inspection.

(a) Scope. These general work practices are minimum requirements and do not constitute complete or sufficient specifications for mold inspection. More detailed requirements developed by an inspection consultant for a particular mold remediation project shall take precedence over the provisions of this section.

(b) Purpose. The purpose of a mold inspection is to determine the sources, locations and extent of mold growth in a building, to determine the condition(s) that caused the mold growth, and to enable the inspection consultant to prepare a mold remediation protocol.

(c) Personal protective equipment for inspectors. If an inspector determines that personal protective equipment (PPE) should be used during a mold inspection project, the inspector shall ensure that all employees who engage in inspection activities and who will be, or are anticipated to be, exposed to mold are provided with, fit tested for, and trained on the appropriate use and care of the specified PPE. The inspection consultant or company must document successful completion of the training before the employees perform regulated activities.

(d) Sampling and data collection. If samples for laboratory analysis are collected during the inspection:

(1) sampling must be performed according to nationally accepted methods;

(2) preservation methods shall be implemented for all samples where necessary;

(3) proper sample documentation, including the sampling method, the sample identification code, each location and material sampled, the date collected, the name of the person who collected the samples, and the project name or number must be recorded for each sample, either on the sample itself or the assessment interview form;

(4) proper chain of custody procedures must be used; and

(5) samples must be analyzed by a laboratory licensed under _____ of this title (relating to Mold Analysis Laboratory: Licensing Requirements).

(e) Mold remediation protocol. An inspector shall prepare a mold remediation protocol for each project and provide the protocol to the client before the remediation begins. The mold remediation protocol must specify:

(1) the rooms or areas where the work will be performed;

(2) the estimated quantities of materials to be cleaned or removed;

(3) the methods to be used for each type of remediation in each type of area;

(4) the PPE to be used by remediators. A minimum of an N-95 respirator is recommended for all mold remediation projects. Using professional judgment, a consultant may specify additional or more protective PPE if he or she determines that it is warranted;

(5) the proposed types of containment, as that term is defined in _____ of this subchapter (relating to Definitions) to be used during the project in each type of area; and

(6) the proposed clearance procedures and criteria, as described in subsection (i) of this section, for each type of remediation in each type of area.

(f) Building occupants. A mold inspector shall consider whether to recommend to a client that, before remediation begins, the client should inform building occupants of mold-related activities that will disturb or will have the potential to disturb areas of mold contamination.

(g) Containment requirements. Containment must be specified in a mold remediation protocol when the mold contamination affects a total surface area of 20 square feet contiguous or cumulative in a single indoor air environment. Containment is not required if no person who is not licensed or registered under this subchapter occupies the building in which the remediation takes place at any time between the start date and stop date for the project as specified on the notification required under §100.125 of this title (relating to Notifications). The containment specified in the remediation protocol must prevent the spread of mold to areas of the building outside the containment under normal conditions of use. If walk-in containment is used, supply and return air vents must be blocked, and air pressure within the walk-in containment must be lower than the pressure in building areas adjacent to the containment.

(h) Disinfectants, biocides and antimicrobial coatings. An inspector who indicates in a sanitization or remediation protocol that a biocide or antimicrobial topical treatment will be used on a mold project shall indicate a specific product or brand only if it is registered by the United States Environmental Protection Agency (EPA) for the intended use and if the use is consistent with the manufacturer's labeling instructions. A decision by an inspector to use such products must take into account the potential for occupant sensitivities and possible adverse reactions to chemicals that have the potential to be off-gassed from surfaces coated with such products.

(i) Clearance procedures and criteria. In the sanitization or remediation protocol for the project, the inspector shall specify:

(1) at least one nationally recognized analytical method for use within each affected area in order to determine whether the mold contamination identified for the project has been remediated as outlined in the sanitization or remediation protocol;

(2) the criteria to be used for evaluating analytical results to determine whether the sanitization or remediation project passes clearance;

(3) that post-remediation inspection shall be conducted while walk-in containment is in place, if walk-in containment is specified for the project; and

(4) the procedures to be used in determining whether the underlying cause of the mold identified for the project has been remediated so that it is reasonably certain that the mold will not return from that same cause.

(5) to recommend to the client procedures and methods by which the mold will not return in the affected area(s).

§100.122. Minimum Work Practices and Procedures for Mold Remediation.

(a) Scope. These general work practices are minimum requirements and do not constitute complete or sufficient specifications for a mold remediation project. More detailed requirements developed by an inspector for a particular project shall take precedence over the provisions of this section. Minimum standards for determining the need for remediation are as follows:

1. When visible mold (of any variety) exceeds 20 square feet, either cumulative or contiguous, viable or not.
2. When visible mold is identified as *Stachybotrys* it must be remediated whether it is viable or not.
3. When *Stachybotrys* is found, any visible mold, regardless of the variety or viability, must also be remediated.
4. When visible mold (of any variety) is present and viable, and moisture meter readings on that spot exceed 17% moisture content, that specific area must be remediated.

(b) Remediation work plan. A remediation contractor, in conjunction with the inspector, shall prepare a mold remediation work plan based on a mold remediation protocol and shall provide the mold remediation work plan to the client before the mold remediation begins.

(c) Personal protective equipment (PPE) requirements. If an inspector specifies in the mold remediation protocol that PPE is required for the project, the remediation contractor or company shall provide the specified PPE to all employees who engage in remediation activities and who will, or are anticipated to, disturb or remove mold contamination, when the mold affects a total surface area for the project of 20 square feet contiguous or cumulative to a single indoor air environment. The recommended minimum PPE is an N-95 respirator. Each employee who is provided PPE must receive training on the appropriate use and care of the provided PPE. The remediation contractor or company must document successful completion of the training before the employee performs regulated activities.

(d) Containment requirements. The containment specified in the remediation protocol must be used on a mold remediation project when the mold affects a total surface area of 20 square feet contiguous or cumulative in a single indoor air environment. Containment is not required if no person who is not licensed or registered under this subchapter occupies the building in which the remediation takes place at any time between the start date and stop date for the project as specified on the notification required under §100.125 of this title (relating to Notifications). The containment, when constructed as described in the remediation work plan and under normal conditions of use, must prevent the spread of mold to areas outside the containment. If walk-in containment is used, supply and return air vents must be blocked, and air pressure within the walk-in containment must be lower than the pressure in building areas adjacent to the containment.

(e) Notice signs. Signs advising that a mold remediation project is in progress shall be displayed at all entrances to remediation areas adjacent to occupied areas of a building. The signs shall be at least eight (8) inches by ten (10) inches in size and shall bear the words "NOTICE: Mold remediation project in progress" in black on a yellow background. The text of the signs must be legible from a distance of ten (10) feet.

(f) Removal of containment. No person shall remove or dismantle any walk-in containment structures or materials from a project site prior to receipt by the licensed mold remediation contractor or remediation company overseeing the project of a written notice from a licensed mold inspector that the project has achieved clearance as described under _____ of this title (relating to Post-Remediation Inspection and Clearance).

(g) Biocides and antimicrobial coatings. Biocides and antimicrobial coatings may be used only if their use is specified in a mold remediation protocol, if they are registered by the United States Environmental Protection Agency (EPA) for the intended use and if the use is consistent with the manufacturer's labeling instructions. If a protocol specifies the use of such a product but does not specify the brand or type of product, a remediation contractor may select the brand or type of product to be used, subject to the other provisions of this subsection. A decision by an inspector or remediation contractor to use such a product must take into account the potential for occupant sensitivities and possible adverse reactions to chemicals that have the potential to be off-gassed from surfaces coated with the product. In no case shall diluted bleach (sodium hypochlorite) be considered a biocide or anti-microbial for either the control of future mold growth or the remediation of existing mold growth

§100.124. Post-Remediation Inspection and Clearance.

(a) Clearance criteria. For a remediation project to achieve clearance, a licensed mold inspector shall conduct a post-remediation inspection using visual, procedural, and analytical methods. If walk-in containment is used at a project site, the post-remediation inspection shall be conducted while the walk-in containment is in place. The post-remediation inspection shall determine whether:

(1) the work area is free from all visible mold and wood rot; and

(2) all work has been completed in compliance with the remediation protocol and remediation work plan and meets clearance criteria specified in the protocol.

(b) Underlying cause of mold. Post-remediation inspection shall, to the extent feasible, determine that the underlying cause of the mold has been remediated so that it is reasonably certain that the mold will not return from that remediated cause.

(c) Analytical methods.

(1) The inspector shall perform a visual, procedural, and analytical evaluation in each remediated area in order to determine whether the mold contamination identified for the project has been remediated as outlined in the remediation protocol.

(2) The inspector shall use only the analytical methods and the criteria for evaluating analytical results that were specified in the remediation protocol, unless circumstances beyond the control of the inspector and the remediation contractor necessitate alternative analytical methods or criteria. The inspector shall provide to the client written documentation of the need for any deviation from the remediation protocol and the alternative analytical methods and criteria selected, and shall obtain approval from the client for their use, before proceeding with the post-remediation inspection.

(3) Where visual inspection reveals deficiencies sufficient to fail clearance, analytical methods need not be used.

(d) Passed clearance report. An inspector who determines that remediation has been successful shall issue a written passed clearance report to the client at the conclusion of each mold remediation project. The report must include the following:

- (1) a description of relevant worksite observations;
- (2) the type and location of all measurements made and samples collected at the worksite;
- (3) all data obtained at the worksite, including temperature, humidity, and material moisture readings;
- (4) the results of analytical evaluation of the samples collected at the worksite;
- (5) copies of all photographs the consultant took; and
- (6) a clear statement that the project has passed clearance .
- (7) copies of any reports received from the licensed laboratory used by the inspector.

(e) Final status report. If the mold inspector determines that remediation has not been successful and ceases to be involved with the project before the project passes clearance, the consultant shall issue a written final status report to the client and to the remediation contractor or company performing the project

§100.126. Recordkeeping.

(a) Record retention. Records and documents required by this section shall be retained for a period of three years from the date of project completion unless otherwise stated. Such records and documents shall be made available for inspection by the department or any law enforcement agency immediately upon request. Licensees and accredited training providers who cease to do business shall notify the department in writing 30 days prior to such event to advise how they will maintain all records during the minimum three-year retention period. The department, upon receipt of such notification and at its option, may provide instructions for how the records shall be maintained during the required retention period. A licensee or accredited person shall notify the department that it has complied with the department's instructions within 30 days of their receipt or make other arrangements approved by the department. Failure to comply may result in disciplinary action.

(b) Mold remediation contractors. A licensed mold remediation company shall maintain the records for each mold remediation project performed by the.

- (1) A licensed mold remediation contractor shall maintain the following records and documents on-site at a project for its duration:

(A) a current copy of the mold remediation work plan and all mold remediation protocols used in the preparation of the work plan; and

(B) a listing of the names and license/registration numbers of all individuals working on the remediation project.

(2) A licensed mold remediation company shall maintain the following records and of each project that the contractor performs:

(A) a copy of the mold remediation work plan

(B) photographs of the scene of the mold remediation taken before and after the remediation;

(C) the written contract between the mold remediation company or remediation contractor and the client, and any written contracts related to the mold remediation project between the company or contractor and any other party;

(D) all invoices issued regarding the mold remediation;

and

(E) copies of all certificates of mold remediation issued by the company or contractor.

(3) A remediation contractor or company may maintain the in an electronic format rather than as paper documents. A remediation contractor or company who maintains the required records in an electronic format must provide paper copies of records to a department inspector during an inspection if requested to do so by the inspector.

(c) Mold inspector.

(1) A licensed mold inspector shall maintain the following records project that the contractor performs:

(A) the name and mold certificate number of each of its employees who worked on the project and a description of each employee's involvement with the project;

(B) the written contract between the mold inspection company or consultant and the client;

(C) all invoices issued regarding the mold inspection;

(D) copies of all laboratory reports and sample analyses;

(E) copies of all photographs

(F) copies of all mold remediation protocols and changes prepared as a result of mold inspection activities; and

(G) copies of all passed clearance reports issued by the company or consultant.

(d) Mold analysis laboratories. A licensed mold analysis laboratory shall maintain copies of the results, including the sample identification number, of all analyses performed as part of a mold inspection or mold remediation for three years from the date of the sample analysis.

(e) Training providers. Accredited training providers shall comply with the following record-keeping requirements. The training provider shall maintain the records in a manner that allows verification of the required information by the department.

(1) Training records. The training provider shall maintain records for at least three years from the date of the class

(2) A training provider may maintain the records required under paragraph (1) of this subsection in an electronic format rather than as paper documents. A training provider who maintains the required records in an electronic format must provide paper copies of records to a department inspector during an inspection if requested to do so by the inspector.

§100.129. Compliance: Inspections and Investigations.

(a) The department may inspect or investigate the business practices of any persons involved with mold-related activity for compliance with this subchapter.

(b) A department representative, upon presenting a department identification card, shall have the right to enter at all reasonable times any area or environment, including but not limited to any containment area, building, construction site, storage or office area, or vehicle to review records, to question any person, or to locate, identify, or assess areas of mold growth for the purpose of inspection and investigation for compliance with this subchapter.

(c) A department representative in pursuance of official duties is not required to notify or seek permission to conduct inspections or investigations. It is a violation for any person to interfere with, deny, or delay an inspection or investigation conducted by a department representative. A department representative shall not be impeded or refused entry in the course of official duties by reason of any regulatory or contractual specification.

§100.130. Compliance: Reprimand, Suspension, Revocation, Probation.

(a) The department may issue an administrative penalty as described in §100.131 of this title (relating to Compliance: Administrative Penalty), deny an application, suspend, suspend on an emergency basis, suspend with probationary terms, or revoke a credential of a person who:

(1) fails to comply with this subchapter;

(2) has fraudulently or deceptively obtained or attempted to obtain the credential, ID card or approval, including engaging in misconduct or dishonesty during the state licensing examination, such as cheating or having another person take or attempt to take the examination for that person;

(3) duplicates or allows another person to duplicate a credential, ID card or approval;

(4) uses a credential issued to another person or allows any other person to use a credential, ID card or approval not issued to that other person;

(5) falsifies records for mold-related activities that the department requires the person to create, submit, or maintain; or

(6) is convicted of a felony or misdemeanor arising from mold-related activity.

§100.131. Compliance: Administrative Penalty.

(a) If a person violates the Act, this subchapter or an order, the department may assess an administrative penalty.

§100.133. Compliance: Notice; Opportunity for Hearing; Order.

§100.134. Compliance: Options Following Administrative Order.

§100.135. Compliance: Collection of Administrative Penalty; Judicial Review.

§100.136. Compliance: Civil Penalty.

§100.137. Compliance: Injunctive Relief.