

A Guide to the Texas Mold Regulations

How the new mold regulations will affect you and your company.

The **Texas Mold Assessment and Remediation Rules** officially became state law on May 16th, 2004 and have technically been in effect since that time. However, the infrastructure needed to administer and enforce the regulations was not completed until the end of 2004 so the full effect of the regulations will not be felt until 2005. This guide is intended to provide a brief overview of the regulations so that you can determine what affect, if any, the new mold rules will have on you and your company.

Why These Regs are Different

The Texas Mold Regs are different from most other state regulations because of the following:

- The new mold rules regulate **activities**, not specific individuals or business entities. Specifically, these regulations apply to anyone “conducting mold-related activities that affect indoor air quality.” **Basically, you must be licensed to perform mold-related activities** including the following:
 - **Assessment:** 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; the development of a mold remediation protocol; or the collection or analysis of a mold sample.
 - **Remediation:** the removal, cleaning, sanitizing, demolition, or other treatment, including preventive activities, of mold or mold-contaminated matter that was not purposely grown at a location. Preventive activities include those intended to prevent future mold contamination of a remediated area, including applying biocides or anti-microbial compounds.
- Another distinguishing characteristic is that state governmental entities are not automatically exempt from the regs. The law plainly states, “*This chapter applies only to the regulation of mold-related activities that affect indoor air quality, including a mold-related activity performed by a third party for compensation at a property owned or operated by a governmental entity.*”
- Lastly, the mold regulations satisfy a Texas Department of Insurance (TDI) requirement that water damage claims be remediated in a manner such that mold is not likely to return from the same cause and that this be documented with a Certificate of Mold Remediation issued by a licensee.

To get a copy of the Mold Regs visit the download section of the CAM website at: www.cam-enviro.com

About This Paper

This paper is part of a series of whitepapers on a number of environmental topics. For more information, please visit our website at www.cam-enviro.com or contact us via email at info@cam-enviro.com.

Exemptions and Exceptions

The following situations are **Exceptions** and in these situations, the Texas Mold Rules do not apply to:

- The following activities when not conducted for the purpose of mold assessment or mold remediation:
 - Routine cleaning,
 - The diagnosis, repair, cleaning, or replacement of plumbing, HVAC, electrical, or air duct systems or appliances,
 - Commercial or residential real estate inspections,
 - The incidental discovery or emergency containment of potential mold contamination during the above listed services.
- The repair, replacement, or cleaning of construction materials during the building phase of a structure.
- The standard custodial activities, preventive maintenance, and routine property assessments for a government entity (such as a school).
- Pest control inspections by a licensed person.

In addition, you are **Exempt** from the licensing requirements of the Mold Regulations if you or your project falls in the following categories:

- The amount of mold contamination affects a total surface area of less than 25 contiguous square feet.
- You are the owner, managing agent or employee of an owner performing mold-related activities on a residential property that has fewer than 10 residential dwelling units, regardless of the total surface area of mold contaminated material.
- You are the owner or tenant, or a managing agent or employee of an owner or tenant, performing mold-related activities on property owned or leased and the amount of mold contamination affects a total surface area of less than 25 contiguous square feet.
- You perform mold-related activities on a one or two-family dwelling in the process of constructing or improving the dwelling regardless of the total surface area of mold contaminated material. “Construction” and “improvement” are essentially anything that requires a building permit.
- Licensed professionals that provide consulting services in their field to a mold licensee do not need to have a separate mold license.
- Insurance adjusters that are investigating and reviewing losses to insured property, assigning coverage, or estimating reasonable and customary expenses due under the policy do not need to be separately licensed under the Texas Mold Regulations.

In any other situation, you must be licensed under the Texas Mold Regs to perform any type of mold assessment or mold remediation.

The Key Trigger

is a mold project that affects a total surface area of 25 contiguous square feet or more.

If your mold project is not exempt and it affects more than 25 contiguous square feet, you must comply with the Texas Mold Rules.

Types of Mold Licenses

After January 1st, 2005, individuals or companies that perform mold-related activities must qualify for and receive one of the following licenses:

Individual License

is issued in the name of the individual. The license remains with the individual no matter who he or she goes to work for.

➤ Individual Licenses and/or Registration

- Mold Remediation Contractor (license)
- Mold Remediation Worker (registration)
- Mold Assessment Consultant (license)
- Mold Assessment Technician (license)

Company License

is issued in the name of the company or business entity. However, the company must list a licensed individual as its Responsible Person.

➤ Company Licenses and/or Accreditation

- Mold Remediation Company (license)
- Mold Assessment Company (license)
- Mold Analysis Laboratory (license)
- Mold Training Provider (accreditation)

The Remediation Team – Tied at the Hip

The Texas Mold Regulations have gone to great lengths to assure that the Mold Assessment Consultant and the Mold Remediation Contractor act as a team. The rules require the following important items from these individuals:

A Part of the Process

Note that the Consultant is now required to perform audits during the remediation project in order to document that the Protocol and Work Plan is being followed.

➤ Mold Assessment Consultant:

- Performs an initial Mold Assessment.
- If remediation is required, develops a Mold Remediation Protocol that includes remediation methods, containment specifications, and clearance criteria.
- Performs procedural audits during the remediation project.
- Performs Post Remediation Assessment or “Clearance.”

➤ Mold Remediation Contractor

- Develops a detailed Remediation Work Plan that incorporates the specifications from the Protocol.
- Notifies the Texas Department of State Health Services that the remediation is in progress.
- Provides the client with a Certificate of Mold Remediation as well as before/after photographs of the remediated area.

In short, the Mold Regs have tied the Consultant and the Contractor at the hip by making them responsible for specific portions of the remediation process. Each must work in close cooperation, and be in constant communication, with the other in order to get the job done according to the regulations.

What It All Means

The Texas Mold Regulations are an attempt to regulate and professionalize the mold remediation and assessment industry through a series of licensing requirements, minimum performance standards, documentation requirements, and penalties. Although this may translate into higher project costs in the short term, it should eliminate many of the abuses and conflicts of interest that plagued the industry in the past. The final results should include:

- A more consistent quality of work from company to company
- A clear approval process for remediation projects
- Clear definition of roles and responsibilities of all involved parties
- A reduction in lawsuits and legal liability due to incomplete or poor work
- Documentation that helps prove insurability
- Lower maintenance costs by addressing the underlying cause of moisture

For More Information

More information on the Texas Mold Regulations can be found at the following locations:

- The Texas Department of State Health Services (TDSHS) website at: <http://www.dshs.state.tx.us/mold/>
- Get a complete copy of the Texas Mold Regulations in searchable PDF format from the Downloads section of CAM Environmental's website at: <http://www.cam-enviro.com>

About CAM Environmental Services

Since 1986, CAM Environmental Services has been providing its industrial and commercial customers throughout Texas a wide range of environmental, training, and field services in the areas of Facilities Operations and Maintenance, Property Assessments, and Safety including Mold Assessments, Industrial Hygiene Monitoring, and Environmental Site Assessments. CAM is licensed by the Texas Department of State Health Services (TDSHS) as a:

- Licensed Asbestos Consultant Agency
- Licensed Asbestos Laboratory
- Licensed Asbestos Training Provider
- Licensed Mold Assessment Company
- Licensed Mold Analysis Laboratory
- Accredited Mold Training Provider

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