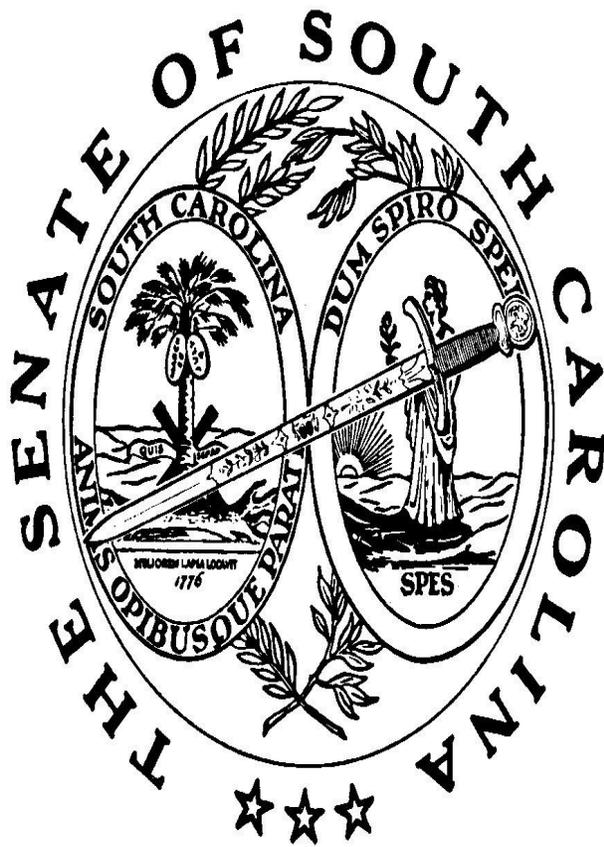


Mold Remediation and Abatement Study Committee  
FINAL REPORT



## TABLE OF CONTENTS

Introduction.....	2
Committee Membership.....	2
Committee Meetings.....	3
Findings.....	5
Recommendations from DHEC, LLR, and Clemson.....	9
Conclusion.....	11

## **INTRODUCTION**

South Carolina Governor Henry McMaster signed House Bill 3127 during 2019 making it Act 112, which is a Joint Resolution establishing the Mold Abatement and Remediation Study Committee (Committee). Act 112 requires the Committee to study the impact of mold in public areas and determine the best methods of abatement for mold in public areas.

Act 112 encourages the Committee to seek assistance from state agencies and members of the private sector. Act 112 identifies the following groups for inclusion by the Committee in its study. They are the Department of Health and Environmental Control (DHEC), the State Department of Education (DOE), the Association of Counties, the Municipal Association, the University of South Carolina, Arnold School of Public Health, the Association of General Contractors, Realtors, and Home Builders. While Act 112 enumerates these groups, they are not an exhaustive list.

## **COMMITTEE MEMBERSHIP**

Act 112 requires membership on the Committee to be comprised of three members of South Carolina's Senate, appointed by the President of the Senate, and three members of the House, appointed by the Speaker of the House. Individuals listed below served on the Committee.

<b>Senate</b>	<b>House of Representatives</b>
Senator Floyd Nicholson (District 10)	Representative Chandra E. Dillard (District 23)
Senator John L. Scott, Jr. (District 19)	Representative Cally R. "Cal" Forrest (District 39)
Senator Daniel B. "Danny" Verdin, III (District 9)	Representative Roger K. Kirby (District 61)

The Committee chose Representative Chandra Dillard to be its Chairwoman. She was the primary sponsor for the bill that became Act 112.

### **COMMITTEE MEETINGS**

October 9, 2019

The Committee received testimony from those listed below.

- National Conference of State Legislatures
- Doctor Anindya Chanda, University of South Carolina's Arnold School of Public Health
- South Carolina Association of Counties
- South Carolina Association of General Contractors
- DOE
- DHEC
- Mold Assessment/Inspection Company

October 17, 2019

The Committee received testimony from those listed below.

- South Carolina Municipal Association
- South Carolina Association of Realtors
- South Carolina Department of Labor, Licensing, and Regulation (LLR)

November 4, 2019

The Committee received testimony from those listed below.

- Mold Assessment/Inspection Company
- Clemson University Division of Regulatory and Public Service Programs  
(Clemson)
- DHEC
- South Carolina Department of Consumer Affairs
- Greenville Tech, Mold Abatement and Remediation Training
- South Carolina Legal Services

December 19, 2019

The Committee received testimony from those listed below.

- Mold Assessment/Inspection Company
- South Carolina Department of Administration
- South Carolina Department of Insurance
- South Carolina Department of Corrections (DOC)

## FINDINGS

### Mold

Mold is fungus found in both indoor and outdoor environments. Estimates suggest there could be as many as three hundred thousand or more types of mold in existence. Mold grows best in warm, damp environments, and spreads by making spores. Mold exposure leads to minor symptoms such as stuffy nose, wheezing, and red or itchy eyes, or skin. People with mold allergies or asthma can have more intense reactions. Severe reactions can occur in occupational settings where workers are exposed to large amounts of mold. People with weakened immune systems, or those receiving treatment for cancer and other health issues, are more likely to get mold infections. Exposure to mold can lead to development of asthma in some individuals.

Currently, mold exposure limits are unregulated in the United States. Neither the Environmental Protection Agency (EPA) nor the Center for Disease Control (CDC) has set any guidelines or standards for public health with respect to mold. There are more than one thousand species of mold in the United States and mold affects different people in different ways. As an example, two people could be standing in the same space with only one affected by the presence of mold. Further, the effects could span a broad range from respiratory failure to watery eyes and everything in between. Both the EPA and CDC have not been able to set exposure limits due to the wide variance of molds and their effects on people.

## South Carolina

Every region of South Carolina contains mold and all types of structures are susceptible to mold growth. Excessive moisture in a location is often the cause for mold growth and that can result from several factors including leaks, poor air circulation, malfunctioning HVAC system, deteriorating weather stripping, unsealed windows or doors, and cracks in walls, roofs, and foundations. While the recent significant rains and flooding across South Carolina caused some mold to flourish, they helped shed light on a constant problem. Mold has shown up in schools, courthouses, and homes here.

In South Carolina, if you are doing work with sheetrock or an HVAC system, then you need to be a licensed contractor. However, individuals holding themselves out as mold specialists with the ability to assess, abate, and remediate do not need to hold a license or certification from any governing body. This has led to some individuals paying significant amounts of money for a solution to their mold problem that does not work. Some people offering these services do so while lacking necessary training, but have legitimate intentions to fix the problem. Yet, others provide these services purposefully to swindle individuals because of the high cost to abate and remediate.

South Carolina school districts, counties, and municipalities have had problems with mold. With respect to school districts, South Carolina's Department of Education (DOE) lends some help in the form of assessing for mold. However, DOE's budget does not permit them to assist financially. This leaves school districts with smaller budgets in a bind because they do not have the funding to fix the problem. Thus, school buildings with mold present that a district cannot afford to remedy sit empty because of the risk to

children’s health. Counties and municipalities experience this when their budgets cannot afford to address a mold problem because of the significant cost to abate and remediate. Additional funding, at every level, especially rural school districts, seems needed when mold problems arise.

Nationally

As of December 2019, the Mold Inspection Consulting and Remediation Organization (MICRO) noted that 13 states and Washington, D.C. have had or currently have some type of state mold abatement and remediation regulations or standards with Arkansas and Virginia eventually repealing state laws and Maryland postponing implementation due to budget constraints. The table below outlines these state laws and provides a brief overview of the scope and requirements for each state law.

**States and Their Mold Abatement and Remediation Laws**

<b>State</b>	<b>Overview</b>
*Arkansas	Law passed in 2010 but repealed in January 2011.
California	Adds visible mold growth to conditions defining substandard housing in the state’s Health and Safety Code.
Florida	Provides that Florida’s Department of Business and Professional Regulation (DBPR) administer the mold related services licensing program. DBPR chose the American Council for Accredited Certification (ACAC) to provide the license examinations required.
Kentucky	Directs the Kentucky Department of Law to establish minimum standards for mold remediation companies based on the general mold remediation principles set forth by the Institute of Inspection, Cleaning and Restoration Certification (IICRC).
Louisiana	The State licensing Board for Contractors licenses a mold remediation specialist (specialist). The specialist has training in both mold assessment and mold remediation and receives instruction on Louisiana’s “Unfair Trade Practices and Consumer Protection Law”.
Maine	Maine prohibits a person or company from providing both mold assessment and remediation services on a project unless the building owner has signed a disclosure statement regarding the potential conflict of interest.

*Maryland	Maryland passed the Mold Remediation Services Act in 2008, but due to budget constraints, postponed implementation indefinitely.
New Hampshire	Requires American Council for Accredited Certification (ACAC) certification for mold assessors.
New Jersey	Establishes standards for the licensing of consultants who conduct Indoor Environmental Health Assessments (IEHAs) in childcare centers and educational facilities.
New York	Requires a state license for mold assessors and remediators. Eligibility for the state license includes completion of a U.S. Department of Labor approved course work.
Oklahoma	Any person or entity inspecting houses for mold shall not also render services for removing the mold unless the total cost of the inspection and removal is \$200 or less.
Texas	Prohibits a person from engaging in mold assessment or remediation, unless that person holds a license from the state. The law prohibits license holders from performing both mold assessment and mold remediation on the same project. It establishes certain minimum work practices and record-keeping requirements for licensed mold assessors and remediators.
*Virginia	Law passed in April 2012, but repealed in July 2012.
Washington D.C.	Must obtain a license from the DC Department of the Environment. In addition to education and experience requirements, applicants must pass an approved examination administered by the American Council for Accredited Certification (ACAC).

When comparing state laws it is important to note the variation seen from state to state, with some laws being much more stringent and comprehensive in scope. For example, Oklahoma simply prohibits a mold inspector from conducting remediation services for projects in excess of \$200 while Washington D.C., New Hampshire, Florida, Kentucky and other states require licensure along with some type of professional/certification training program. Whenever licensure and training is required, it appears that programs are somewhat varied with no one standard followed by states.

Additionally, when reviewing professional associations related to mold abatement and remediation, one will find many in existence. OSHA lists the Institute of Inspection, Cleaning and Restoration Certification (IICRC) and the National Air Duct Cleaners

Association (NADCA) as certification providers with states also referencing the American Council for Accredited Certification (ACAC). Additionally, the International Janitorial Cleaning Services Association (IJCSA) offers a certification program as does the National Organization of Remediators and Mold Inspectors (NORMI) among many others. With that said, education and training appears to be an important component for mold abatement and remediation programs in several states. It also appears that some states have reversed course on the implementation of regulations due to lack of funding and other factors.

### **RECOMMENDATIONS FROM DHEC, LLR, AND CLEMSON**

On November 26, 2019, representatives from DHEC, LLR, and Clemson met to discuss recommendations to the Committee. The group submitted the following report for the Committee's consideration.

There are not federal regulations related to mold abatement and remediation. The U.S. Department of Labor, Occupational Safety and Health Administration (OSHA) offers guidance in their on-line bulletin "A Brief Guide to Mold in the Workplace", but states that the bulletin "is not a standard or regulation" and it creates no legal obligations. Likewise, federal regulations for mold abatement and remediation do not exist under the U.S. Environmental Protection Agency (EPA) or the aforementioned US Center for Disease Control and Prevention (CDC).

After much discussion and review of information, the group consisting of representatives from DHEC, LLR and Clemson would like to offer the following recommendations:

1. The Committee should consider implementing a Public Building Education Partnership where state agencies along with Clemson University can work together to develop educational publications and related outreach materials to increase public awareness of the health and other risks associated with mold and to address the issues related to mold abatement and control in South Carolina. It is our understanding that the target audience for this would include but is not limited to the following:
  - a. Hospital and School administrators, staff and employees at other public buildings and facilities (apartment and housing complex managers, city and county facilities, etc.)
  - b. Realtors and Mortgage Lenders
2. The Committee should consider the implementation of a General Public Awareness Education Partnership, which will focus on education and awareness for the public and will include information on mold prevention/minimization.
3. The Committee should consider adopting a list of preferred Training and/or Certification Programs for Mold Abatement and Remediation Professionals to complete. For now, the training/certification would be voluntary.

DHEC, LLR, and Clemson are committed to working together to support and implement these recommendations. Cost would be minimal and DHEC, LLR, and Clemson can track and report program progress to the legislature in 2021.

## **CONCLUSION**

A silver bullet to solve the problem of mold in public places does not exist, but it is an attention-deserving problem. The likely initial step is an education campaign because a good solution to the mold problem is preventing the development and spread of mold in the first place. This is accomplished by properly maintaining buildings, conducting inspections, identifying factors that lead to mold growth, eliminating good environments for mold growth, and quickly abating and remediating mold when seen. Learning the DOC gets managers at each site certified in mold remediation was eye opening and maintaining a healthy environment for prisoners and staff is the driving force behind this effort. Perhaps there are opportunities with other South Carolina agencies for a similar program. Second, South Carolina needs to consider some regulatory oversight of the mold abatement and remediation industry. Whether that comes in the form of licensure, registration, or a simple training requirement is up for debate. Third, discussion needs to continue on the question of allowing those that assess mold and air quality to conduct the mold abatement and remediation. Last, but certainly not least, is the financial obstacle for the various public entities that have mold problems. Is there any chance for funding to be set up to address mold problems in public buildings?