New Mold Licensing Requirements Set to Go Into Effect in New York State

Beginning on January 1, 2016, any personnel who perform mold inspection, assessment or remediation work within New York State must be licensed by the New York State Department of Labor (NYSDOL).

This requirement was established in January 2015 when Governor Andrew Cuomo signed Senate Bill S3667D-2013, creating Article 32 within the State’s Labor Law. The article formalizes the licensing obligations and defines minimum work standards.

To be licensed in New York State, one must be at least 18 years old; complete a NYSDOL approved training course ranging from 2-4 days of work; pass an exam; and pay the appropriate licensing fees. More information is available from the State’s Mold Program Website.

Property owners/managers, mold remediation assessors, contractors and field workers should prepare now to meet these new obligations or consider what outside resources will be necessary to remain operational and compliant.

Exemptions to licensing in the standard include:

- Design professionals licensed pursuant to Title 8 of the Education Law (Registered Architects or Professional Engineers) performing mold inspection, assessment, remediation, and or abatement tasks or functions, if the person is acting within the scope of his or her practice;
- Residential property owners who perform mold inspection, assessment or remediation on their own property;
- Non-residential property owners, or employees of such owners, who perform mold assessment or remediation on an apartment building owned by that person that has not more than four dwelling units; and
- An owner or a managing agent, or a full-time employee of an owner, who performs mold assessment or remediation on a commercial property that is owned by the owner. This exemption, however, does not apply if the managing agent or employee engages in the business of performing mold assessment or remediation for the public.

The new regulations also detail the minimum work standards for both mold assessments and mold remediation projects performed by licensed persons, including:
A mold assessment should include a written mold remediation plan that is specific to each remediation project and covers:

- The rooms or areas where the work will be performed;
- The estimated quantities of materials to be cleaned or removed;
- The methods to be used for each type of remediation in each type of area;
- PPE requirements for the remediation workers;
- The proposed clearance procedures and criteria for each type of remediation in each type of area;
- When the project is a building that is currently occupied, how to properly notify occupants of such projects, taking into consideration proper health concerns. The plan must also provide recommendations for notice and posting requirements that are appropriate for the project size, duration and points of entry;
- A cost and time frame estimate for the work; and
- When possible, identify the underlying source(s) of moisture that may be causing the mold and include a recommendation as to the type of contractor who could remedy the source of such moisture.

Minimum work standards for mold remediation including:

- A mold remediation work plan that is specific to each project; fulfills all the requirements of the mold remediation plan developed by the mold assessment licensee, as provided to the client; and provides specific instructions and/or standard operating procedures for how the mold remediation project will be performed.
- Signs advising that a mold remediation project is in progress must be displayed at all accessible entrances to the remediation areas.
- The containment area cannot be removed until the mold remediation contractor has received a notice from an independent third-party licensed mold assessor that the project has achieved clearance, as determined by a post-remediation assessment.

The post-remediation assessment shall determine whether:

- The work area is free from all visible mold; and
- All work has been completed in compliance with the remediation plan and remediation work plan and meets clearance criteria specified in the plan.

Federal, state and local guidelines recommend mold assessment and remediation occur as rapidly as possible to ensure a healthy environment. To avoid any delays, it is important to prepare now to meet the effective date of certification requirements in New York State. Outside, licensed assessors may be needed.
About Us

TRC is a national leader in the field of mold consulting services by blending scientific expertise with strong business and legal insight. With office locations across the country, and staff with vast depths of experience in a myriad of Industrial Hygiene and Building Sciences service areas, TRC is unparalleled in providing efficient, cost-effective support on a routine or emergency response basis. TRC’s Building Sciences and Industrial Hygiene practice is led by experienced Certified Industrial Hygienists, Certified Safety Professionals, Professional Engineers, Certified Hazardous Materials Managers, LEED Accredited Professionals, Toxicologists, and Ph.D.-level scientists, with hundreds of years of combined experience.

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