

# HOUSE BILL No. 6178

June 5, 2002, Introduced by Reps. Kolb, Thomas, Spade, Williams, Schauer, Gielegem, Hale, Zelenko and Dennis and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
(MCL 333.1101 to 333.25211) by adding part 55A.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1                                   PART 55A. TOXIC MOLD  
2           SEC. 5551. THIS PART SHALL BE KNOWN AND MAY BE CITED AS THE  
3 "TOXIC MOLD PROTECTION ACT".

4           SEC. 5553. AS USED IN THIS PART:

5           (A) "AFFECT" MEANS TO CAUSE A CONDITION BY THE PRESENCE OF  
6 MOLD IN THE DWELLING UNIT, BUILDING, APPURTENANT STRUCTURE,  
7 COMMON WALL, HEATING SYSTEM, OR VENTILATING AND AIR-CONDITIONING  
8 SYSTEM THAT AFFECTS THE INDOOR AIR QUALITY OF A DWELLING UNIT OR  
9 BUILDING.

10           (B) "AUTHORITATIVE BODY" MEANS A RECOGNIZED NATIONAL OR  
11 INTERNATIONAL ENTITY WITH EXPERTISE ON PUBLIC HEALTH, MOLD

1 IDENTIFICATION AND REMEDIATION, OR ENVIRONMENTAL HEALTH,  
2 INCLUDING, BUT NOT LIMITED TO, ANOTHER STATE, THE UNITED STATES  
3 ENVIRONMENTAL PROTECTION AGENCY, THE WORLD HEALTH ORGANIZATION,  
4 THE AMERICAN CONFERENCE OF GOVERNMENTAL INDUSTRIAL HYGIENISTS,  
5 THE NEW YORK CITY DEPARTMENT OF HEALTH, THE CENTERS FOR DISEASE  
6 CONTROL AND PREVENTION, AND THE AMERICAN INDUSTRIAL HYGIENE  
7 ASSOCIATION.

8 (C) "CERTIFIED INDUSTRIAL HYGIENIST" MEANS A PERSON WHO HAS  
9 MET THE EDUCATION, EXPERIENCE, AND EXAMINATION REQUIREMENTS OF A  
10 NATIONAL INDUSTRIAL HYGIENE CERTIFICATION ORGANIZATION APPROVED  
11 BY THE DEPARTMENT.

12 (D) "CODE ENFORCEMENT OFFICER" MEANS A LOCAL OFFICIAL  
13 RESPONSIBLE FOR ENFORCING HOUSING AND BUILDING CODES AND MAIN-  
14 TAINING PUBLIC SAFETY IN BUILDINGS USING AN INTERDEPARTMENTAL  
15 APPROACH AT THE LOCAL GOVERNMENT LEVEL.

16 (E) "DEPARTMENT" MEANS THE DEPARTMENT OF COMMUNITY HEALTH.

17 (F) "INDOOR ENVIRONMENTS" MEANS AN AFFECTED DWELLING UNIT OR  
18 AN AFFECTED COMMERCIAL OR INDUSTRIAL BUILDING.

19 (G) "MOLD" MEANS ANY FORM OF MULTICELLULAR FUNGI THAT LIVE  
20 ON PLANT OR ANIMAL MATTER AND IN INDOOR ENVIRONMENTS. TYPES OF  
21 MOLD INCLUDE, BUT ARE NOT LIMITED TO, CLADOSPORIUM, PENICILLIUM,  
22 ALTERNARIA, ASPERGILLUS, FUARIM, TRICHODERMA, MEMNONIELLA, MUCOR,  
23 AND STACHYBOTRYS CHARTARUM, OFTEN FOUND IN WATER-DAMAGED BUILDING  
24 MATERIALS.

25 (H) "PERSON" MEANS THAT TERM AS DEFINED IN SECTION 1106, BUT  
26 INCLUDES A GOVERNMENTAL ENTITY.

1 (I) "LOCAL HEALTH OFFICER" MEANS THAT TERM AS DEFINED IN  
2 SECTION 1105.

3 SEC. 5555. (1) WITHIN 90 DAYS AFTER THE EFFECTIVE DATE OF  
4 THE AMENDATORY ACT THAT ADDED THIS PART, THE DEPARTMENT SHALL  
5 CONVENE A TASK FORCE THAT SHALL ADVISE THE DEPARTMENT ON THE  
6 DEVELOPMENT OF STANDARDS PURSUANT TO SECTIONS 5559, 5563, 5565,  
7 5569, AND 5581. THE TASK FORCE SHALL BE COMPRISED OF REPRESENTA-  
8 TIVES OF ALL OF THE FOLLOWING:

9 (A) LOCAL HEALTH OFFICERS.

10 (B) ENVIRONMENTAL HEALTH OFFICERS.

11 (C) CODE ENFORCEMENT OFFICERS.

12 (D) EXPERTS ON THE HEALTH EFFECTS OF MOLDS.

13 (E) MEDICAL EXPERTS.

14 (F) CERTIFIED INDUSTRIAL HYGIENISTS.

15 (G) MOLD ABATEMENT EXPERTS.

16 (H) REPRESENTATIVES OF GOVERNMENT-SPONSORED ENTERPRISES.

17 (I) REPRESENTATIVES FROM SCHOOL DISTRICTS OR COUNTY OFFICERS  
18 OF EDUCATION.

19 (J) REPRESENTATIVES OF EMPLOYEES AND REPRESENTATIVES OF  
20 EMPLOYERS.

21 (K) AFFECTED CONSUMERS, WHICH INCLUDE, BUT ARE NOT LIMITED  
22 TO:

23 (i) RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL TENANTS.

24 (ii) HOMEOWNERS.

25 (iii) ENVIRONMENTAL GROUPS.

26 (iv) ATTORNEYS.

1 (l) AFFECTED INDUSTRIES, WHICH INCLUDE, BUT ARE NOT LIMITED  
2 TO:

3 (i) RESIDENTIAL.

4 (ii) COMMERCIAL AND INDUSTRIAL BUILDING PROPRIETORS.

5 (iii) MANAGERS OR LANDLORDS.

6 (iv) BUILDERS.

7 (v) REALTORS.

8 (vi) SUPPLIERS OF BUILDING MATERIALS AND SUPPLIERS OF  
9 FURNISHINGS.

10 (vii) INSURERS.

11 (2) TASK FORCE MEMBERS SHALL SERVE ON A VOLUNTARY BASIS AND  
12 ARE RESPONSIBLE FOR ANY COSTS ASSOCIATED WITH THEIR PARTICIPATION  
13 IN THE TASK FORCE. THE DEPARTMENT IS NOT RESPONSIBLE FOR TRAVEL  
14 COSTS INCURRED BY TASK FORCE MEMBERS OR OTHERWISE COMPENSATING  
15 TASK FORCE MEMBERS FOR COSTS ASSOCIATED WITH THEIR PARTICIPATION  
16 IN THE TASK FORCE.

17 SEC. 5557. THE DEPARTMENT SHALL ADOPT PERMISSIBLE EXPOSURE  
18 LIMITS TO MOLD IN INDOOR ENVIRONMENTS.

19 SEC. 5559. (1) THE DEPARTMENT, IN CONSULTATION WITH THE  
20 TASK FORCE CONVENED PURSUANT TO SECTION 5555, SHALL DO ALL OF THE  
21 FOLLOWING:

22 (A) ADOPT PERMISSIBLE EXPOSURE LIMITS TO MOLD FOR INDOOR  
23 ENVIRONMENTS THAT AVOID ADVERSE EFFECTS ON HEALTH, AND AVOID ANY  
24 SIGNIFICANT RISK TO PUBLIC HEALTH.

25 (B) UTILIZE AND INCLUDE THE LATEST SCIENTIFIC DATA OR EXIST-  
26 ING STANDARDS ADOPTED BY AUTHORITATIVE BODIES.

1 (C) DEVELOP PERMISSIBLE EXPOSURE LIMITS THAT TARGET THE  
2 GENERAL POPULATION.

3 (2) THE DEPARTMENT SHALL CONSIDER ALL OF THE FOLLOWING CRI-  
4 TERIA WHEN IT ADOPTS PERMISSIBLE EXPOSURE LIMITS FOR MOLDS IN  
5 INDOOR ENVIRONMENTS:

6 (A) THE ADVERSE HEALTH EFFECTS OF EXPOSURE TO MOLDS ON THE  
7 GENERAL POPULATION, INCLUDING SPECIFIC EFFECTS ON MEMBERS OF SUB-  
8 GROUPS THAT COMPRISE A MEANINGFUL PORTION OF THE GENERAL POPULA-  
9 TION, INCLUDING, BUT NOT LIMITED TO, INFANTS, CHILDREN AGE 6  
10 YEARS AND UNDER, PREGNANT WOMEN, THE ELDERLY, ASTHMATICS, ALLER-  
11 GIC INDIVIDUALS, IMMUNE COMPROMISED INDIVIDUALS, AND OTHER SUB-  
12 GROUPS THAT ARE IDENTIFIABLE AS BEING AT GREATER RISK OF ADVERSE  
13 HEALTH EFFECTS THAN THE GENERAL POPULATION WHEN EXPOSED TO  
14 MOLDS.

15 (B) THE STANDARDS FOR MOLDS, IF ANY, ADOPTED BY AUTHORITA-  
16 TIVE BODIES.

17 (C) TOXICOLOGICAL STUDIES AND ANY SCIENTIFIC EVIDENCE AS IT  
18 RELATES TO MOLD.

19 (3) THE DEPARTMENT MAY DEVELOP ALTERNATIVE PERMISSIBLE EXPO-  
20 SURE LIMITS APPLICABLE FOR FACILITIES, WHICH MAY INCLUDE, BUT ARE  
21 NOT LIMITED TO, HOSPITALS, CHILD CARE FACILITIES, AND NURSING  
22 HOMES, WHOSE PRIMARY BUSINESS IS TO SERVE MEMBERS OF SUBGROUPS  
23 THAT COMPRISE A MEANINGFUL PORTION OF THE GENERAL POPULATION AND  
24 ARE AT GREATER RISK OF ADVERSE HEALTH EFFECTS FROM MOLDS THAN THE  
25 GENERAL POPULATION. THESE SUBGROUPS MAY INCLUDE, BUT ARE NOT  
26 LIMITED TO, INFANTS, CHILDREN AGE 6 YEARS AND UNDER, PREGNANT

1 WOMEN, THE ELDERLY, ASTHMATICS, ALLERGIC INDIVIDUALS, OR IMMUNE  
2 COMPROMISED INDIVIDUALS.

3 (4) THE DEPARTMENT SHALL REPORT TO THE LEGISLATURE ON ITS  
4 PROGRESS IN DEVELOPING PERMISSIBLE EXPOSURE LIMITS FOR MOLDS PUR-  
5 SUANT TO SUBSECTIONS (1) TO (3) BY JULY 1, 2003.

6 SEC. 5561. (1) THE DEPARTMENT SHALL, AT THE TIME IT COM-  
7 MENCES PREPARATION OF THE PERMISSIBLE EXPOSURE LIMITS TO MOLD  
8 UNDER SECTION 5559, PROVIDE NOTICE ELECTRONICALLY BY POSTING ON  
9 ITS INTERNET WEBSITE A NOTICE THAT INFORMS INTERESTED PERSONS  
10 THAT THE DEPARTMENT HAS INITIATED WORK ON THE PERMISSIBLE EXPO-  
11 SURE LIMITS TO MOLD.

12 (2) THE NOTICE REQUIRED UNDER SUBSECTION (1) SHALL ALSO  
13 INCLUDE A BRIEF DESCRIPTION OR A BIBLIOGRAPHY OF THE TECHNICAL  
14 DOCUMENTS OR OTHER INFORMATION THE DEPARTMENT HAS IDENTIFIED TO  
15 DATE AS RELEVANT TO THE PREPARATION OF THE PERMISSIBLE EXPOSURE  
16 LIMITS.

17 (3) THE NOTICE SHALL INFORM PERSONS WHO WISH TO SUBMIT  
18 INFORMATION CONCERNING EXPOSURE TO MOLDS OF THE NAME AND ADDRESS  
19 OF THE PERSON IN THE DEPARTMENT TO WHOM THE INFORMATION MAY BE  
20 SENT, THE DATE BY WHICH THE INFORMATION MUST BE RECEIVED IN ORDER  
21 FOR THE DEPARTMENT TO CONSIDER IT IN THE PREPARATION OF THE PER-  
22 MISSIBLE EXPOSURE LIMITS, AND THAT ALL INFORMATION SUBMITTED WILL  
23 BE MADE AVAILABLE TO ANY MEMBER OF THE PUBLIC WHO MAKES THE  
24 REQUEST.

25 (4) THE DEPARTMENT MAY AMEND THE PERMISSIBLE EXPOSURE LIMITS  
26 TO MOLDS TO MAKE THE LIMITS LESS STRINGENT IF THE DEPARTMENT  
27 SHOWS CLEAR AND CONVINCING EVIDENCE THAT THE PERMISSIBLE EXPOSURE

1 LIMITS TO MOLDS SHOULD BE MADE LESS STRINGENT AND THE AMENDMENT  
2 IS MADE CONSISTENT WITH SECTION 5559.

3 (5) THE DEPARTMENT MAY REVIEW AND CONSIDER ADOPTING BY REF-  
4 ERENCE ANY INFORMATION PREPARED BY OR ON BEHALF OF THE UNITED  
5 STATES ENVIRONMENTAL PROTECTION AGENCY OR OTHER AUTHORITATIVE  
6 BODIES FOR THE PURPOSE OF ADOPTING NATIONAL PERMISSIBLE EXPOSURE  
7 LIMITS TO MOLDS.

8 (6) AT LEAST ONCE EVERY 5 YEARS, AFTER ADOPTION OF THE INI-  
9 TIAL PERMISSIBLE EXPOSURE LIMITS TO MOLDS UNDER THIS PART, THE  
10 DEPARTMENT SHALL REVIEW THE ADOPTED LIMITS AND SHALL, CONSISTENT  
11 WITH THE CRITERIA SET FORTH IN SECTION 5559(1) AND (2), AMEND THE  
12 PERMISSIBLE EXPOSURE LIMITS IF 1 OR MORE OF THE FOLLOWING OCCUR:

13 (A) CHANGES IN TECHNOLOGY OR TREATMENT TECHNIQUES THAT  
14 PERMIT A MATERIALLY GREATER PROTECTION OF PUBLIC HEALTH.

15 (B) NEW SCIENTIFIC EVIDENCE THAT INDICATES THAT MOLDS MAY  
16 PRESENT A MATERIALLY DIFFERENT RISK TO PUBLIC HEALTH THAN WAS  
17 PREVIOUSLY DETERMINED.

18 SEC. 5563. (1) THE DEPARTMENT, IN CONSULTATION WITH THE  
19 TASK FORCE CONVENED PURSUANT TO SECTION 5555, SHALL ADOPT PRACTI-  
20 CAL STANDARDS TO ASSESS THE HEALTH THREAT POSED BY THE PRESENCE  
21 OF MOLD, BOTH VISIBLE AND INVISIBLE OR HIDDEN, IN AN INDOOR  
22 ENVIRONMENT.

23 (2) THE DEPARTMENT SHALL ADOPT ASSESSMENT STANDARDS FOR  
24 MOLDS THAT DO ALL OF THE FOLLOWING:

25 (A) PROTECT THE PUBLIC HEALTH.

1 (B) UTILIZE AND INCLUDE THE LATEST SCIENTIFIC DATA OR  
2 EXISTING STANDARDS FOR THE ASSESSMENT OF MOLDS ADOPTED BY  
3 AUTHORITATIVE BODIES.

4 (C) DEVELOP ASSESSMENT STANDARDS THAT TARGET THE GENERAL  
5 POPULATION.

6 (D) ENSURE THAT AIR OR SURFACE TESTING IS NOT REQUIRED TO  
7 DETERMINE WHETHER THE PRESENCE OF MOLD CONSTITUTES A HEALTH  
8 THREAT POSED BY THE PRESENCE OF MOLD, BOTH VISIBLE AND INVISIBLE  
9 OR HIDDEN, IN AN INDOOR ENVIRONMENT.

10 (3) THE DEPARTMENT SHALL CONSIDER ALL OF THE FOLLOWING CRI-  
11 TERIA WHEN IT ADOPTS STANDARDS FOR THE ASSESSMENT OF MOLDS IN  
12 INDOOR ENVIRONMENTS:

13 (A) THE ADVERSE HEALTH EFFECTS OF EXPOSURE TO MOLDS ON THE  
14 GENERAL POPULATION, INCLUDING SPECIFIC EFFECTS ON MEMBERS OF SUB-  
15 GROUPS THAT COMPRISE A MEANINGFUL PORTION OF THE GENERAL POPULA-  
16 TION, INCLUDING, BUT NOT LIMITED TO, INFANTS, CHILDREN AGE 6  
17 YEARS AND UNDER, PREGNANT WOMEN, THE ELDERLY, ASTHMATICS, ALLER-  
18 GIC INDIVIDUALS, IMMUNE COMPROMISED INDIVIDUALS, AND OTHER SUB-  
19 GROUPS THAT ARE IDENTIFIABLE AS BEING AT GREATER RISK OF ADVERSE  
20 HEALTH EFFECTS THAN THE GENERAL POPULATION WHEN EXPOSED TO  
21 MOLDS.

22 (B) THE STANDARDS FOR ASSESSMENT OF MOLDS, IF ANY, ADOPTED  
23 BY AUTHORITATIVE BODIES.

24 (C) ANY TOXICOLOGICAL STUDIES OR ADDITIONAL SCIENTIFIC  
25 EVIDENCE.



1           (4) THE DEPARTMENT SHALL FILE A WRITTEN REPORT WITH THE  
2 LEGISLATURE ON ITS PROGRESS IN DEVELOPING THE ASSESSMENT  
3 STANDARDS FOR MOLDS UNDER THIS SECTION BY JULY 1, 2003.

4           SEC. 5565. THE DEPARTMENT MAY DEVELOP ALTERNATIVE ASSESS-  
5 MENT STANDARDS FOR MOLDS APPLICABLE FOR FACILITIES, WHICH MAY  
6 INCLUDE, BUT ARE NOT LIMITED TO, HOSPITALS, CHILD CARE FACILI-  
7 TIES, AND NURSING HOMES, WHOSE PRIMARY BUSINESS IS TO SERVE MEM-  
8 BERS OF SUBGROUPS THAT COMPRISE A MEANINGFUL PORTION OF THE GEN-  
9 ERAL POPULATION AND ARE AT GREATER RISK OF ADVERSE HEALTH EFFECTS  
10 TO MOLDS THAN THE GENERAL POPULATION. THESE SUBGROUPS MAY  
11 INCLUDE, BUT ARE NOT LIMITED TO, INFANTS, CHILDREN AGE 6 YEARS  
12 AND UNDER, PREGNANT WOMEN, THE ELDERLY, ASTHMATICS, ALLERGIC  
13 INDIVIDUALS, OR IMMUNE COMPROMISED INDIVIDUALS.

14           SEC. 5567. (1) THE DEPARTMENT SHALL, AT THE TIME IT COM-  
15 MENCES PREPARATION OF STANDARDS FOR THE ASSESSMENT OF MOLDS, PRO-  
16 VIDE NOTICE ELECTRONICALLY BY POSTING ON THE INTERNET WEBSITE  
17 MAINTAINED AND OPERATED BY THE DEPARTMENT A NOTICE THAT INFORMS  
18 INTERESTED PERSONS THAT THE DEPARTMENT HAS INITIATED WORK ON THE  
19 ASSESSMENT STANDARDS FOR MOLDS.

20           (2) THE NOTICE REQUIRED UNDER SUBSECTION (1) SHALL ALSO  
21 INCLUDE A BRIEF DESCRIPTION, OR A BIBLIOGRAPHY, OF THE TECHNICAL  
22 DOCUMENTS OR OTHER INFORMATION THE DEPARTMENT HAS IDENTIFIED TO  
23 DATE AS RELEVANT TO THE PREPARATION OF THE ASSESSMENT STANDARDS  
24 FOR MOLDS.

25           (3) THE NOTICE REQUIRED UNDER SUBSECTION (1) SHALL INFORM  
26 PERSONS WHO WISH TO SUBMIT INFORMATION CONCERNING THE ASSESSMENT  
27 OF MOLDS IN INDOOR ENVIRONMENTS OF THE NAME AND ADDRESS OF THE

1 PERSON IN THE DEPARTMENT TO WHOM THE INFORMATION MAY BE SENT, THE  
2 DATE BY WHICH THE INFORMATION MUST BE RECEIVED IN ORDER FOR THE  
3 DEPARTMENT TO CONSIDER IT IN THE PREPARATION OF THE ASSESSMENT  
4 STANDARDS, AND THAT ALL INFORMATION SUBMITTED WILL BE MADE AVAIL-  
5 ABLE TO ANY MEMBER OF THE PUBLIC WHO MAKES THE REQUEST.

6 (4) THE DEPARTMENT MAY REVIEW, AND CONSIDER ADOPTING BY REF-  
7 ERENCE, ANY INFORMATION PREPARED BY OR ON BEHALF OF THE UNITED  
8 STATES ENVIRONMENTAL PROTECTION AGENCY OR OTHER AUTHORITATIVE  
9 BODIES FOR THE PURPOSE OF ADOPTING NATIONAL ASSESSMENT STANDARDS  
10 FOR MOLDS.

11 (5) AT LEAST ONCE EVERY 5 YEARS, AFTER THE INITIAL ADOPTION  
12 OF ASSESSMENT STANDARDS FOR MOLDS UNDER THIS PART, THE DEPARTMENT  
13 SHALL REVIEW THE ADOPTED STANDARDS AND SHALL, CONSISTENT WITH THE  
14 CRITERIA SET FORTH IN SECTION 5563(1) TO (3), AMEND THE STANDARDS  
15 IF 1 OR MORE OF THE FOLLOWING OCCUR:

16 (A) CHANGES IN TECHNOLOGY OR TREATMENT TECHNIQUES THAT  
17 PERMIT A MATERIALLY GREATER PROTECTION OF PUBLIC HEALTH.

18 (B) NEW SCIENTIFIC EVIDENCE THAT INDICATES THAT MOLDS MAY  
19 PRESENT A MATERIALLY DIFFERENT RISK TO PUBLIC HEALTH THAN WAS  
20 PREVIOUSLY DETERMINED.

21 SEC. 5569. THE DEPARTMENT, IN CONSULTATION WITH THE TASK  
22 FORCE CONVENED PURSUANT TO SECTION 5555, SHALL ADOPT MOLD IDENTI-  
23 FICATION GUIDELINES FOR THE RECOGNITION OF MOLD, WATER DAMAGE, OR  
24 MICROBIAL VOLATILE ORGANIC COMPOUNDS IN INDOOR ENVIRONMENTS.

25 SEC. 5571. IDENTIFICATION GUIDELINES DESCRIBED IN SECTION  
26 5569 SHALL INCLUDE SCIENTIFICALLY VALID METHODS TO IDENTIFY THE  
27 PRESENCE OF MOLD INCLUDING ELEMENTS FOR COLLECTION OF AIR,

1 SURFACE AND BULK SAMPLES, VISUAL IDENTIFICATION, OLFACTORY  
2 IDENTIFICATION, LABORATORY ANALYSIS, MEASUREMENTS OF AMOUNT OF  
3 MOISTURE, AND PRESENCE OF MOLD AND OTHER RECOGNIZED ANALYTICAL  
4 METHODS USED FOR THE IDENTIFICATION OF MOLDS.

5 SEC. 5573. (1) THE DEPARTMENT SHALL ASSURE THAT THE IDENTI-  
6 FICATION GUIDELINES DEVELOPED BY THE DEPARTMENT UNDER SECTION  
7 5571 DO ALL OF THE FOLLOWING:

8 (A) AVOID ADVERSE EFFECTS ON THE HEALTH OF THE GENERAL POPU-  
9 LATION AND AVOID ANY SIGNIFICANT RISK TO PUBLIC HEALTH.

10 (B) UTILIZE AND INCLUDE THE LATEST SCIENTIFIC DATA OR EXIST-  
11 ING STANDARDS FOR THE ASSESSMENT OF MOLDS ADOPTED BY AUTHORITA-  
12 TIVE BODIES.

13 (2) THE DEPARTMENT SHALL CONSIDER ALL OF THE FOLLOWING CRI-  
14 TERIA WHEN IT DEVELOPS IDENTIFICATION GUIDELINES FOR MOLD:

15 (A) PERMISSIBLE EXPOSURE LIMITS TO MOLDS DEVELOPED BY THE  
16 DEPARTMENT PURSUANT TO SECTION 5559(1) AND (2) OR WHAT CONSTI-  
17 TUTES A HEALTH THREAT POSED BY THE PRESENCE OF MOLD, BOTH VISIBLE  
18 AND INVISIBLE OR HIDDEN, IN AN INDOOR ENVIRONMENT, ACCORDING TO  
19 THE DEPARTMENT'S STANDARDS AS DEVELOPED PURSUANT TO SECTION  
20 5563.

21 (B) STANDARDS FOR MOLD IDENTIFICATION, IF ANY, ADOPTED BY  
22 AUTHORITATIVE BODIES.

23 (C) PROFESSIONAL JUDGMENT AND PRACTICALITY.

24 (D) TOXICOLOGICAL REPORTS OR ADDITIONAL SCIENTIFIC  
25 EVIDENCE.

1           (3) THE DEPARTMENT SHALL DEVELOP A REPORTING FORM FOR  
2 BUILDING INSPECTION THAT MAY BE USED TO DOCUMENT THE PRESENCE OF  
3 MOLD.

4           (4) THE DEPARTMENT SHALL FILE A WRITTEN REPORT WITH THE LEG-  
5 ISLATURE ON ITS PROGRESS IN DEVELOPING IDENTIFICATION GUIDELINES  
6 FOR MOLD UNDER THIS SECTION BY JULY 1, 2003.

7           SEC. 5575. THE DEPARTMENT MAY REVIEW, AND CONSIDER ADOPTING  
8 BY REFERENCE, ANY INFORMATION PREPARED BY OR ON BEHALF OF THE  
9 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY OR OTHER AUTHORITY-  
10 TIVE BODIES FOR THE PURPOSE OF ADOPTING NATIONAL IDENTIFICATION  
11 STANDARDS FOR MOLDS.

12           SEC. 5577. (1) THE DEPARTMENT SHALL, AT THE TIME IT COM-  
13 MENCES PREPARATION OF IDENTIFICATION GUIDELINES FOR MOLD, ELEC-  
14 TRONICALLY POST ON THE INTERNET WEBSITE MAINTAINED AND OPERATED  
15 BY THE DEPARTMENT A NOTICE THAT INFORMS INTERESTED PERSONS THAT  
16 IT HAS INITIATED WORK ON THE IDENTIFICATION GUIDELINES FOR MOLD.

17           (2) THE NOTICE REQUIRED UNDER SUBSECTION (1) SHALL INCLUDE A  
18 BRIEF DESCRIPTION, OR A BIBLIOGRAPHY, OF THE TECHNICAL DOCUMENTS  
19 OR OTHER INFORMATION THE DEPARTMENT HAS IDENTIFIED TO DATE AS  
20 RELEVANT TO THE PREPARATION OF THE IDENTIFICATION GUIDELINES FOR  
21 MOLD.

22           (3) THE NOTICE REQUIRED UNDER SUBSECTION (1) SHALL INFORM  
23 PERSONS WHO WISH TO SUBMIT MOLD IDENTIFICATION INFORMATION OF THE  
24 NAME AND ADDRESS OF THE PERSON IN THE OFFICE TO WHOM THE INFORMA-  
25 TION MAY BE SENT, THE DATE BY WHICH THE INFORMATION MUST BE  
26 RECEIVED FOR THE DEPARTMENT TO CONSIDER IT IN THE PREPARATION OF  
27 THE IDENTIFICATION GUIDELINES, AND THAT ALL INFORMATION SUBMITTED

1 WILL BE MADE AVAILABLE TO ANY MEMBER OF THE PUBLIC WHO MAKES THE  
2 REQUEST.

3 SEC. 5579. THE DEPARTMENT SHALL REVIEW ALL IDENTIFICATION  
4 GUIDELINES FOR MOLD PUBLISHED BY THE DEPARTMENT AT LEAST ONCE  
5 EVERY 5 YEARS. THE DEPARTMENT SHALL REVISE THE IDENTIFICATION  
6 GUIDELINES FOR MOLD, AS NECESSARY, BASED UPON THE AVAILABILITY OF  
7 NEW SCIENTIFIC DATA OR INFORMATION ON EFFECTIVE MOLD  
8 IDENTIFICATION.

9 SEC. 5581. THE DEPARTMENT, IN CONSULTATION WITH THE TASK  
10 FORCE CONVENED PURSUANT TO SECTION 5555, SHALL DEVELOP AND DIS-  
11 SEMINATE REMEDIATION GUIDELINES FOR MOLDS IN INDOOR  
12 ENVIRONMENTS.

13 SEC. 5583. (1) THE DEPARTMENT SHALL DEVELOP REMEDIATION  
14 GUIDELINES FOR MOLD THAT DO ALL OF THE FOLLOWING:

15 (A) PROVIDE PRACTICAL GUIDANCE FOR THE REMOVAL OF MOLD AND  
16 ABATEMENT OF THE UNDERLYING CAUSE OF MOLD AND ASSOCIATED WATER  
17 INTRUSION AND WATER DAMAGE IN INDOOR ENVIRONMENTS.

18 (B) PROTECT THE PUBLIC HEALTH.

19 (C) NOTWITHSTANDING SUBDIVISION (B), BALANCE THE PROTECTION  
20 OF PUBLIC HEALTH WITH TECHNOLOGICAL AND ECONOMIC FEASIBILITY.

21 (D) UTILIZE AND INCLUDE TOXICOLOGICAL REPORTS, THE LATEST  
22 SCIENTIFIC DATA, OR EXISTING STANDARDS FOR THE REMEDIATION OF  
23 MOLDS ADOPTED BY AUTHORITATIVE BODIES.

24 (E) PROVIDE PRACTICAL GUIDANCE FOR THE REMOVAL OR CLEANING  
25 OF CONTAMINATED MATERIALS IN A MANNER THAT PROTECTS THE HEALTH OF  
26 THE PERSON PERFORMING THE ABATEMENT.

1 (F) INCLUDE CRITERIA FOR PERSONAL PROTECTIVE EQUIPMENT.

2 (G) NOT REQUIRE A LANDLORD, OWNER, SELLER, OR TRANSFEROR OF  
3 REAL ESTATE TO BE SPECIALLY TRAINED OR CERTIFIED OR UTILIZE THE  
4 SERVICES OF A SPECIALLY QUALIFIED PROFESSIONAL TO CONDUCT MOLD  
5 REMEDIATION.

6 (2) THE DEPARTMENT SHALL CONSIDER ALL OF THE FOLLOWING CRI-  
7 TERIA WHEN IT DEVELOPS REMEDIATION GUIDELINES FOR MOLD:

8 (A) PERMISSIBLE EXPOSURE LIMITS TO MOLDS DEVELOPED BY THE  
9 DEPARTMENT PURSUANT TO SECTION 5559(1) AND (2), OR WHAT CONSTI-  
10 TUTES A HEALTH THREAT POSED BY THE PRESENCE OF MOLD, BOTH VISIBLE  
11 AND INVISIBLE OR HIDDEN, IN AN INDOOR ENVIRONMENT, ACCORDING TO  
12 THE DEPARTMENT'S GUIDELINES AS DEVELOPED PURSUANT TO SECTION  
13 5563.

14 (B) GUIDELINES FOR MOLD REMEDIATION, IF ANY, ADOPTED BY  
15 AUTHORITATIVE BODIES.

16 (C) PROFESSIONAL JUDGMENT AND PRACTICALITY.

17 (3) THE DEPARTMENT SHALL FILE A WRITTEN REPORT WITH THE LEG-  
18 ISLATURE ON ITS PROGRESS IN DEVELOPING REMEDIATION STANDARDS FOR  
19 MOLD BY JULY 1, 2003.

20 SEC. 5585. (1) THE DEPARTMENT SHALL, AT THE TIME IT COM-  
21 MENCES PREPARATION OF REMEDIATION GUIDELINES FOR MOLD, ELECTRONI-  
22 CALLY POST ON THE INTERNET WEBSITE MAINTAINED AND OPERATED BY THE  
23 DEPARTMENT A NOTICE THAT INFORMS INTERESTED PERSONS THAT IT HAS  
24 INITIATED WORK ON THE REMEDIATION STANDARDS FOR MOLD.

25 (2) THE NOTICE REQUIRED UNDER SUBSECTION (1) SHALL ALSO  
26 INCLUDE A BRIEF DESCRIPTION, OR A BIBLIOGRAPHY, OF THE TECHNICAL

1 DOCUMENTS OR OTHER INFORMATION THE DEPARTMENT HAS IDENTIFIED TO  
2 DATE IN THE PREPARATION OF REMEDIATION GUIDELINES FOR MOLD.

3 (3) THE NOTICE REQUIRED UNDER SUBSECTION (1) SHALL INFORM  
4 PERSONS WHO WISH TO SUBMIT INFORMATION CONCERNING MOLD REMEDIA-  
5 TION OF THE NAME AND THE ADDRESS OF THE PERSON IN THE OFFICE TO  
6 WHOM THE INFORMATION MAY BE SENT, THE DATE BY WHICH THE INFORMA-  
7 TION MUST BE RECEIVED IN ORDER FOR THE DEPARTMENT TO CONSIDER IT  
8 IN THE PREPARATION OF REMEDIATION STANDARDS, AND THAT ALL INFOR-  
9 MATION SUBMITTED WILL BE MADE AVAILABLE TO ANY MEMBER OF THE  
10 PUBLIC WHO MAKES THE REQUEST.

11 SEC. 5587. THE DEPARTMENT MAY REVIEW, AND CONSIDER ADOPTING  
12 BY REFERENCE, ANY INFORMATION PREPARED BY OR ON BEHALF OF THE  
13 UNITED STATE ENVIRONMENTAL PROTECTION AGENCY OR OTHER AUTHORITA-  
14 TIVE BODIES FOR THE PURPOSE OF ADOPTING NATIONAL REMEDIATION  
15 STANDARDS FOR MOLDS.

16 SEC. 5589. (1) THE DEPARTMENT SHALL MAKE AVAILABLE TO THE  
17 PUBLIC UPON REQUEST, INFORMATION ABOUT CONTRACTING FOR THE  
18 REMOVAL OF MOLD IN A BUILDING OR SURROUNDING ENVIRONMENT, INCLUD-  
19 ING ALL OF THE FOLLOWING:

20 (A) RECOMMENDED STEPS TO TAKE WHEN CONTRACTING WITH A COM-  
21 PANY TO REMOVE MOLD.

22 (B) EXISTING LAWS, REGULATIONS, AND GUIDELINES DEVELOPED BY  
23 THE DEPARTMENT PERTAINING TO PERMISSIBLE EXPOSURE LIMITS TO MOLD  
24 INFESTATION, MOLD IDENTIFICATION, AND MOLD REMEDIATION.

25 (C) BASIC HEALTH INFORMATION AS CONTAINED IN EXISTING MOLD  
26 PUBLICATIONS.

1           (2) THE DEPARTMENT SHALL REVIEW ALL MOLD REMEDIATION  
2 GUIDELINES PUBLISHED BY THE DEPARTMENT AT LEAST ONCE EVERY 5  
3 YEARS. THE DEPARTMENT SHALL REVISE THE GUIDELINES, AS NECESSARY,  
4 BASED UPON THE AVAILABILITY OF NEW SCIENTIFIC DATA.

5           (3) THE DEPARTMENT SHALL DEVELOP PUBLIC EDUCATION MATERIALS  
6 AND RESOURCES TO INFORM THE PUBLIC ABOUT THE HEALTH EFFECTS OF  
7 MOLDS, METHODS TO PREVENT, IDENTIFY, AND REMEDIATE MOLD GROWTH,  
8 RESOURCES TO OBTAIN INFORMATION ABOUT MOLDS, AND CONTACT INFORMA-  
9 TION FOR INDIVIDUALS, ORGANIZATIONS, OR GOVERNMENT ENTITIES TO  
10 ASSIST WITH PUBLIC CONCERNS ABOUT MOLDS.

11           (4) THE DEPARTMENT SHALL MAKE ITS PUBLIC EDUCATION MATERIALS  
12 DEVELOPED UNDER SUBSECTION (3) AVAILABLE TO PUBLIC HEALTH OFFI-  
13 CERS, ENVIRONMENTAL HEALTH OFFICERS, COMMERCIAL AND RESIDENTIAL  
14 LANDLORD ORGANIZATIONS, HOMEOWNERS' ORGANIZATIONS, AND TENANTS'  
15 ORGANIZATIONS. THE DEPARTMENT SHALL ALSO MAKE THE MATERIALS  
16 READILY AVAILABLE TO THE GENERAL PUBLIC.

17           (5) THE DEPARTMENT SHALL ASSURE THAT THE PUBLIC EDUCATION  
18 MATERIALS DEVELOPED UNDER SUBSECTION (3) ARE COMPREHENSIBLE BY  
19 THE GENERAL PUBLIC.

20           (6) THE DEPARTMENT SHALL PRINT THE PUBLIC EDUCATION MATERI-  
21 ALS DEVELOPED UNDER SUBSECTION (3) IN LANGUAGES OTHER THAN  
22 ENGLISH TO ACCOMMODATE THE DIVERSE MULTICULTURAL POPULATION OF  
23 THIS STATE.

24           (7) THE DEPARTMENT SHALL MAKE THE PUBLIC EDUCATION MATERIALS  
25 DEVELOPED UNDER SUBSECTION (3) AVAILABLE ON THE INTERNET WEBSITE  
26 MAINTAINED AND OPERATED BY THE DEPARTMENT.