

SB 334-FN – AS INTRODUCED

2014 SESSION

14-2767
08/04

SENATE BILL **334-FN**

AN ACT relative to certification and licensure for mold assessment or remediation services.

SPONSORS: Sen. Gilmour, Dist 12; Sen. Stiles, Dist 24; Rep. Bickford, Straf 3

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill requires persons providing residential mold assessment or remediation services for mold contamination in residential dwellings be certified by certain professional organizations and licensed by the department of safety.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears [~~in brackets and struck through.~~]
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fourteen

AN ACT relative to certification and licensure for mold assessment or remediation services.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Findings. The general court finds that mold in a residential structure can constitute a
2 significant health threat for the inhabitants. Homeowners who hire a professional to assess a mold
3 problem or remediate the problem need assurance that the job will be done correctly. Failure to
4 remediate a mold problem correctly not only is a waste of the homeowners money but may also result
5 in serious health issues if the mold is not removed correctly or at all. This consumer protection
6 proposal gives homeowners a method to protect their health and the health of their families by
7 assuring a level of competence in those they hire to assess or remediate a mold problem.

8 2 New Chapter; Mold Assessment and Remediation. Amend RSA by inserting after chapter 141-
9 J the following new chapter:

10 CHAPTER 141-K

11 MOLD ASSESSMENT AND REMEDIATION

12 141-K:1 Definitions. In this chapter:

13 I. "Mold assessment" means:

14 (a) An inspection, investigation, or survey of a dwelling or other structure to provide
15 information to the owner regarding the presence, identification, or evaluation of mold;

16 (b) The development of a mold remediation specification or protocol; or

17 (c) The collection or analysis of a mold sample.

18 II. "Mold remediation" means the removal, cleaning, sanitizing, demolition, or treatment of
19 mold or mold-contaminated matter, live or dead, in a specific location after a mold assessment.

20 III. "Mold assessment license" means a license obtained from the department of safety that
21 permits an individual to assess mold problems in a residential setting for a fee.

22 IV. "Mold remediation license" means a license obtained from the department of safety that
23 permits an individual to remediate mold problems in a residential setting for a fee.

24 V. "Third party certification" means a certification through a program approved by a non-
25 profit program such as one administered by ANSI, (American National Standards Institute), CESB,
26 (Council of Engineering & Scientific Specialty Boards.), or NCCA, (National Commission for
27 Certifying Agencies). Certifications are credentials of industry knowledge granted to individuals by
28 a certification body for a limited time. The individual shall not own the designation; the designation
29 shall be owned by the certifying body. Certificants shall meet certain requirements set by third
30 party organizations in order to be recertified.

31 141-K:2 Mold Assessment and Remediation Certification.

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1 I. No person shall perform residential mold assessment services for remuneration unless
2 that person possesses a valid national third party certification and a valid mold assessment license
3 from the state of New Hampshire.

4 II. No person shall perform residential mold remediation services for remuneration unless
5 that person possesses a valid national third party certification and a valid mold remediation license
6 for the state of New Hampshire.

7 III. The department of safety shall establish a license for persons engaging in mold
8 assessment and a license for persons engaging in mold remediation. The commissioner of the
9 department of safety shall adopt rules pursuant to RSA 541-A relative to the licensing process. The
10 commissioner of the department of safety may set a fee for licensure in order to cover the cost of
11 administering the licensing program.

12 IV. Any person who offers mold assessment or mold remediation services for a fee but does
13 not comply with this section shall be guilty of a violation and fined \$150.

14 V. Any professional hired for remuneration by a resident, in which the primary work
15 contracted for is neither mold assessment nor mold remediation shall be exempt from this chapter.

16 3 New Paragraph; Duties of Commissioner of the Department of Safety. Amend RSA 21-P:4 by
17 inserting after paragraph XV the following new paragraph:

18 XVI. Adopt comprehensive and uniform standards, practices, procedures, instructions, and
19 rules relative to the licensing of persons engaged in mold assessment and mold remediation.

20 4 Effective Date. This act shall take effect January 1, 2015.

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SB 334-FN - FISCAL NOTE

AN ACT relative to certification and licensure for mold assessment or remediation services.

FISCAL IMPACT:

The Department of Safety states this bill, **as introduced**, will increase state restricted revenue by an indeterminable amount in FY 2015 and each year thereafter, and will increase state restricted expenditures by \$36,306 in FY 2015, \$71,644 in FY 2016, \$74,743 in FY 2017, and \$77,994 in FY 2018. There will be no impact on county and local revenues or expenditures.

METHODOLOGY:

The Department of Safety states this bill requires individuals providing residential mold assessment or remediation services for mold contamination in residential dwellings to be certified by certain professional organizations and licensed by the Department of Safety. The Department states this bill allows it to establish a license fee in order to cover the cost of administering the licensing function, however is unable to estimate to project the fee amount at this time as it cannot estimate how many individuals may seek such a license. Although this bill does not establish positions, the Department however does estimate it will need to hire a program specialist I (labor grade 19), beginning January 1, 2015, to handle the application processing and complaint investigations. The Department estimates the following costs:

	FY 2015	FY 2016	FY 2017	FY 2018
Salary	\$18,500	\$37,755	\$39,338	\$40,983
Benefits	\$12,357	\$25,992	\$27,508	\$29,113
Total Personnel Costs	\$30,857	\$63,747	\$66,846	\$70,096
Non-Personnel Costs	\$5,449	\$7,898	\$7,898	\$7,898
Total Costs	\$36,306	\$71,645	\$74,744	\$77,994