

Chapter 347

(House Bill 976)

AN ACT concerning

**Mold Assessment and Remediation—Standards
Workgroup on Mold Standards and Remediation**

~~FOR the purpose of requiring the Department of the Environment, in consultation with the Maryland Department of Health, the Department of Housing and Community Development, and the Department of General Services certain entities and individuals, to adopt certain regulations on or before a certain date establishing uniform standards for mold assessment and remediation; and generally relating to the establishment of standards for mold assessment and remediation.~~

~~*FOR the purpose of establishing the Workgroup on Mold Standards and Remediation to study certain information on mold assessment and remediation and report certain findings and recommendations; and generally relating to the Workgroup on Mold Standards and Remediation.*~~

~~BY adding to~~

~~Article—Environment~~

~~Section 6-1701 and 6-1702 to be under the new subtitle “Subtitle 17. Mold”~~

~~Annotated Code of Maryland~~

~~(2013 Replacement Volume and 2022 Supplement)~~

Preamble

~~WHEREAS, There are State laws to protect Marylanders from the impact of exposure to the environmental hazards of radon, asbestos, lead-based paint, and methane when they are found in the home but not to protect Marylanders from the harmful effects of exposure to mold; and~~

~~WHEREAS, The health effects caused by exposure to mold include, but are not limited to, chronic lung disease, immune system deficiencies, increased risk of infection, skin rash, coughing, wheezing, and burning eyes; and~~

~~WHEREAS, Currently, at least 15 states and the District of Columbia have indoor air quality mold regulations, including states with high levels of moisture and humidity such as Florida and Louisiana; now, therefore,~~

~~SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:~~

Article—Environment

~~SUBTITLE 17. MOLD.~~

~~6-1701.~~

~~(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(B) "DAMPNESS" MEANS ABNORMAL MOISTURE IN THE INTERIOR OF A FACILITY, INCLUDING:~~

- ~~(1) EXCESSIVE HUMIDITY LEVELS;~~
- ~~(2) LINGERING CONDENSATION;~~
- ~~(3) LEAKS;~~
- ~~(4) WATER DAMAGE; AND~~
- ~~(5) MUSTY OR MOLDY ODORS.~~

~~(C) (1) "MOLD" MEANS A FORM OF MULTICELLULAR FUNGI THAT LIVES:~~

- ~~(I) ON PLANT OR ANIMAL MATTER; OR~~
- ~~(II) IN AN INDOOR ENVIRONMENT; OR~~
- ~~(III) IN SOIL.~~

~~(2) "MOLD" INCLUDES THE FOLLOWING FUNGAL STRAINS:~~

- ~~(I) ALTERNARIA;~~
- ~~(II) ASPERGILLUS;~~
- ~~(III) CHAETOMIUM;~~
- ~~(III) (IV) CLADOSPORIUM;~~
- ~~(IV) (V) FUSARIUM;~~
- ~~(V) (VI) MEMNONIELLA;~~
- ~~(VI) (VII) MUCOR;~~

~~(VII) (VIII) PENICILLIUM;~~

~~(VIII) (IX) STACHYBOTRYS CHARTARUM; AND~~

~~(IX) (X) TRICHODERMA.~~

~~(D) "MOLD ASSESSMENT" MEANS:~~

~~(1) AN INSPECTION, AN INVESTIGATION, OR A SURVEY OF A DWELLING OR OTHER STRUCTURE TO PROVIDE INFORMATION TO THE OWNER REGARDING THE PRESENCE, IDENTIFICATION, OR EVALUATION OF MOLD;~~

~~(2) THE DEVELOPMENT OF A MOLD MANAGEMENT PLAN; OR~~

~~(3) THE COLLECTION OR ANALYSIS OF A MOLD SAMPLE.~~

~~(E) "MOLD HAZARD" MEANS AN ADVERSE HUMAN HEALTH EFFECT ASSOCIATED WITH MOLD EXPOSURE, INCLUDING POTENTIAL HEALTH EFFECT OF MOLD EXPOSURE, INCLUDING:~~

~~(1) ALLERGIC REACTIONS;~~

~~(2) ASTHMA; AND~~

~~(3) OTHER RESPIRATORY COMPLAINTS.~~

~~(F) "MOLD REMEDIATION" MEANS:~~

~~(1) REMOVING, CLEANING, SANITIZING, DEMOLISHING, OR ANY OTHER TREATMENT PERFORMED TO ADDRESS A MOLD HAZARD, MOLD, OR DAMPNESS; OR~~

~~(2) ABATEMENT OF THE UNDERLYING CAUSE OF A MOLD HAZARD, MOLD, OR DAMPNESS.~~

~~6-1702.~~

~~(A) ON OR BEFORE JUNE 1, 2025, THE DEPARTMENT, IN CONSULTATION WITH THE MARYLAND DEPARTMENT OF HEALTH, THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT, AND THE DEPARTMENT OF GENERAL SERVICES, THE U.S. ENVIRONMENTAL PROTECTION AGENCY, INDUSTRIAL HYGIENISTS, AND OTHER PROFESSIONALS ACTIVELY INVOLVED IN MOLD CONTAMINATION REMEDIATION, SHALL ADOPT REGULATIONS ESTABLISHING UNIFORM STANDARDS FOR MOLD ASSESSMENT AND REMEDIATION.~~

~~(B) THE REGULATIONS ADOPTED UNDER THIS SECTION SHALL:~~

~~(1) ESTABLISH STANDARDS FOR:~~

~~(I) IDENTIFYING AND EVALUATING THE PRESENCE OF MOLD, INCLUDING VISIBLE MOLD INSPECTION AND TESTING;~~

~~(II) MOLD AIR SAMPLE ANALYSES IN ACCORDANCE WITH THE STANDARDS OF:~~

~~1. THE ENVIRONMENTAL MICROBIOLOGY LABORATORY ACCREDITATION PROGRAM AT THE AMERICAN INDUSTRIAL HYGIENE ASSOCIATION;~~

~~2. THE AMERICAN INDOOR AIR QUALITY COUNCIL; OR~~

~~3. ANY OTHER NATIONALLY RECOGNIZED ACCREDITATION ENTITY THAT OPERATES INDEPENDENTLY OF INDUSTRY TRADE ASSOCIATIONS;~~

~~(III) BULK OR SURFACE MOLD SAMPLE ANALYSES CONDUCTED IN ACCORDANCE WITH THE STANDARDS OF:~~

~~1. THE AMERICAN INDUSTRIAL HYGIENE ASSOCIATION;~~

~~2. THE AMERICAN CONFERENCE OF GOVERNMENTAL INDUSTRIAL HYGIENISTS; OR~~

~~3. A SIMILAR NATIONALLY RECOGNIZED PROFESSIONAL ORGANIZATION;~~

~~(IV) VISIBLE MOLD INSPECTIONS TO ASSESS THE PRESENCE OF ANY VISIBLE WATER DAMAGE OR DAMPNESS ON SURFACES, INCLUDING CEILING TILES AND GYPSUM WALLBOARD; AND~~

~~(V) MOLD REMEDIATION IN ACCORDANCE WITH THE U.S. ENVIRONMENTAL PROTECTION AGENCY'S 2008 MOLD REMEDIATION IN SCHOOLS AND COMMERCIAL BUILDINGS GUIDELINES AS REVISED AND UPDATED; AND~~

~~(2) ESTABLISH A RISK REDUCTION STANDARD FOR MOLD HAZARDS.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2023.~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That:

(a) There is a Workgroup on Mold Standards and Remediation.

(b) The purpose of the Workgroup is to study information on mold assessment and remediation to determine the best practices for identifying mold, preventing the development of mold within indoor environments, and remediating indoor moldy conditions harmful to public health.

(c) The Workgroup shall consist of the following members:

(1) the Secretary of the Environment, or the Secretary's designee;

(2) the Secretary of General Services, or the Secretary's designee;

(3) the Secretary of Health, or the Secretary's designee;

(4) the Secretary of Housing and Community Development, or the Secretary's designee; and

(5) the Secretary of Labor, or the Secretary's designee.

(d) The Workgroup may consist of the following members:

(1) one representative designated by the American Industrial Hygiene Association;

(2) one representative designated by the American Indoor Air Quality Council;

(3) one representative designated by the American Conference of Governmental Industrial Hygienists;

(4) one representative designated by the National Organization of Remediators and Microbial Inspectors;

(5) one representative designated by the Institute of Inspection Cleaning and Restoration Certification; and

(6) one representative from any other nationally recognized accreditation entity that operates independently of industry trade associations, designated by the Department of the Environment.

(e) The Secretary of the Environment, or the Secretary's designee, shall be the chair of the Workgroup.

(f) The Department of the Environment shall provide staff for the Workgroup.

(g) A member of the Workgroup:

(1) may not receive compensation as a member of the Workgroup; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(h) The Workgroup shall:

(1) study information related to mold standards and remediation practices provided by:

(i) the Environmental Microbiology Laboratory Accreditation Program in the American Industrial Hygiene Association;

(ii) the American Industrial Hygiene Association;

(iii) the American Indoor Air Quality Council;

(iv) the American Conference of Governmental Industrial Hygienists;

(v) any other nationally recognized accreditation entities that operate independently of industry trade associations;

(vi) state governments; and

(vii) international governments;

(2) study the U.S. Environmental Protection Agency's 2008 Mold Remediation in Schools and Commercial Buildings Guidelines, as revised and updated;

(3) study the extent to which climate change may increase mold development within indoor environments; and

(4) recommend the best practices for:

(i) identifying mold;

(ii) preventing the development of mold within indoor environments;

and

(iii) remediating indoor moldy conditions harmful to public health.

(i) On or before October 1, 2024, the Workgroup shall report its findings and recommendations to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2023. It shall remain effective for a period of 2 years and, at the end of June 30, 2025, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Approved by the Governor, May 3, 2023.