

# HOUSE BILL 976

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By: ~~Delegate Henson~~ Delegates Henson, Addison, Allen, Boyce, Davis, Foley, Healey, Holmes, Lehman, J. Long, Ruth, Stein, Stewart, and Terrasa

Introduced and read first time: February 10, 2023

Assigned to: Environment and Transportation

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 11, 2023

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Mold Assessment and Remediation – Standards**

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

9 BY adding to

10 Article – Environment

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

12 Annotated Code of Maryland

13 (2013 Replacement Volume and 2022 Supplement)

14 Preamble

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

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

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

9 **Article – Environment**

10 **SUBTITLE 17. MOLD.**

11 **6–1701.**

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

14 (B) “DAMPNESS” MEANS ABNORMAL MOISTURE IN THE INTERIOR OF A  
15 FACILITY, INCLUDING:

16 (1) EXCESSIVE HUMIDITY LEVELS;

17 (2) LINGERING CONDENSATION;

18 (3) LEAKS;

19 (4) WATER DAMAGE; AND

20 (5) MUSTY OR MOLDY ODORS.

21 (C) (1) “MOLD” MEANS A FORM OF MULTICELLULAR FUNGI THAT LIVES:

22 (I) ON PLANT OR ANIMAL MATTER; ~~OR~~

23 (II) IN AN INDOOR ENVIRONMENT; OR

24 (III) IN SOIL.

25 (2) “MOLD” INCLUDES THE FOLLOWING FUNGAL STRAINS:

26 (I) ALTERNARIA;

1 (II) ASPERGILLUS;

2 (III) CHAETOMIUM;

3 ~~(II)~~ (IV) CLADOSPORIUM;

4 ~~(IV)~~ (V) FUSARIUM;

5 ~~(V)~~ (VI) MEMNONIELLA;

6 ~~(VI)~~ (VII) MUCOR;

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

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

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

10 (D) "MOLD ASSESSMENT" MEANS:

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

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

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

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

19 (1) ALLERGIC REACTIONS;

20 (2) ASTHMA; AND

21 (3) OTHER RESPIRATORY COMPLAINTS.

22 (F) "MOLD REMEDIATION" MEANS:

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

1           **(2) ABATEMENT OF THE UNDERLYING CAUSE OF A MOLD HAZARD,**  
2 **MOLD, OR DAMPNES.**

3 **6-1702.**

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

11           **(B) THE REGULATIONS ADOPTED UNDER THIS SECTION SHALL:**

12           **(1) ESTABLISH STANDARDS FOR:**

13                   **(i) IDENTIFYING AND EVALUATING THE PRESENCE OF MOLD,**  
14 **INCLUDING VISIBLE MOLD INSPECTION AND TESTING;**

15                   **(ii) MOLD AIR SAMPLE ANALYSES IN ACCORDANCE WITH THE**  
16 **STANDARDS OF:**

17                           **1. THE ENVIRONMENTAL MICROBIOLOGY**  
18 **LABORATORY ACCREDITATION PROGRAM AT THE AMERICAN INDUSTRIAL**  
19 **HYGIENE ASSOCIATION;**

20                           **2. THE AMERICAN INDOOR AIR QUALITY COUNCIL; OR**

21                           **3. ANY OTHER NATIONALLY RECOGNIZED**  
22 **ACCREDITATION ENTITY THAT OPERATES INDEPENDENTLY OF INDUSTRY TRADE**  
23 **ASSOCIATIONS;**

24                   **(iii) BULK OR SURFACE MOLD SAMPLE ANALYSES CONDUCTED**  
25 **IN ACCORDANCE WITH THE STANDARDS OF:**

26                           **1. THE AMERICAN INDUSTRIAL HYGIENE**  
27 **ASSOCIATION;**

28                           **2. THE AMERICAN CONFERENCE OF GOVERNMENTAL**  
29 **INDUSTRIAL HYGIENISTS; OR**

30                           **3. A SIMILAR NATIONALLY RECOGNIZED PROFESSIONAL**  
31 **ORGANIZATION;**

1                   **(IV) VISIBLE MOLD INSPECTIONS TO ASSESS THE PRESENCE OF**  
2 **ANY VISIBLE WATER DAMAGE OR DAMPNES ON SURFACES, INCLUDING CEILING**  
3 **TILES AND GYPSUM WALLBOARD; AND**

4                   **(V) MOLD REMEDIATION IN ACCORDANCE WITH THE U.S.**  
5 **ENVIRONMENTAL PROTECTION AGENCY’S 2008 MOLD REMEDIATION IN SCHOOLS**  
6 **AND COMMERCIAL BUILDINGS GUIDELINES AS REVISED AND UPDATED; AND**

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

8                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
9 1, 2023.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.