

Gerloff Company Inc

C A T A S T R O P H E M A N A G E M E N T



Please Inquire About Our Upcoming Classes
For Continuing Education!

Understanding Texas Mold Regulations



Gerloff Company Inc
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TDLR Mold Assessors and Remediators Rules

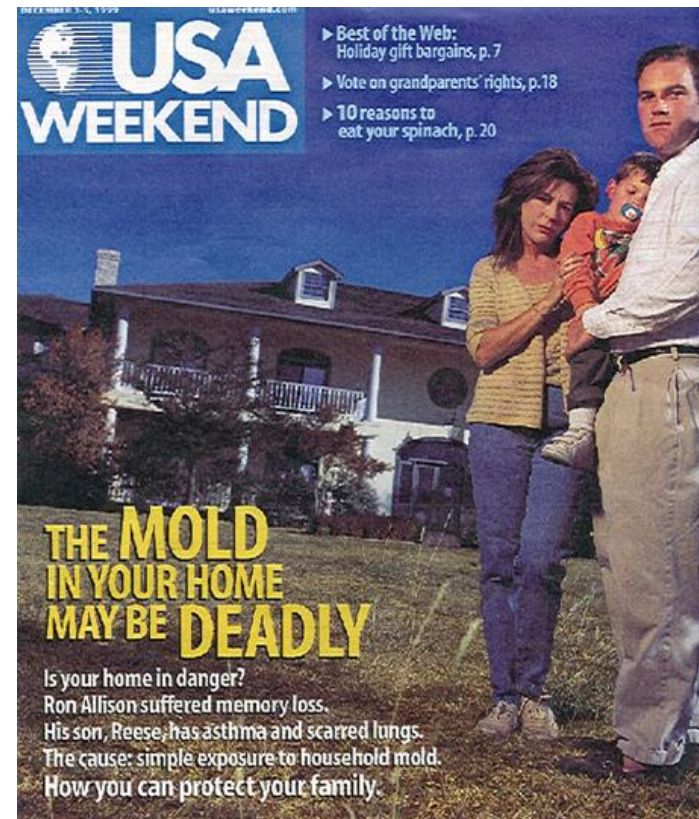
- ✦ Implemented November 1, 2017
 - ✦ Replaced the TDSHS Texas Mold Assessment & Remediation Rules (TMARR)
 - ✦ Very Similar to TMARR
- ✦ 16 Texas Administration Code, Chapter 78
- ✦ Texas Department Licensing and Regulation
 - ✦ (<https://www.tdlr.texas.gov/mld/mld.htm/>)

Texas Mold Assessment & Remediation Rules

- ✦ Historical problems with mold in Texas
- ✦ House Bill 329
- ✦ Texas Department of State Health Services
 - ✦ (www.tdh.state.tx.us/beh/mold/)
 - ✦ No longer in service

The Issue of Mold Claims

- ◆ Lawsuits more Prevalent from Accusations of:
 - Inadequate drying techniques
 - Poor building maintenance
 - Construction techniques
 - Faulty design



Definition of Terms Used in the Regulations

- ✦ **Assessor** – A person who conducts mold assessment
- ✦ **Consumer Mold Information Sheet** – An information sheet prepared by TDH/TDLR to be given to consumers prior to commencing mold remediation activities

Mold Remediation. This certificate must also be signed by the licensed mold assessment consultant who conducted the post-remediation assessment. The consultant is required to state on the certificate that the mold contamination identified for the project has been remediated and whether or not the underlying cause of the mold has been corrected. (That work may involve other types of professional services that are not regulated by these rules, such as plumbers or carpenters.) Receiving a **Certificate of Mold Remediation** documenting that the underlying cause of the mold was remediated is an advantage for a homeowner. This certificate prevents an insurer from making an underwriting decision on the residential property based on previous mold damage or a claim for mold damage. If you later sell your property, the law requires that you provide the buyer a copy of all **Certificates of Mold Remediation** you have received for that property.

How is a property owner protected if a mold assessor or remediator does a poor job or actually damages the property?

The rules require licensees to have commercial general liability insurance in the amount of \$1 million, or be self-insured, to cover any damage to your property. Before hiring anyone, you should ask for proof of such insurance coverage. You may wish to inquire if the company carries additional insurance, such as professional liability/errors and omissions (for consultants) or pollution insurance (for contractors), that would provide additional recourse to you, the consumer, should the company fail to perform properly.

How is my confidentiality protected if I share personal information about myself with a company?

The code of ethics in the rules states that licensees are required to the extent required by law, to keep confidential any personal information about a client (including medical conditions) obtained during the course of a mold-related activity. If you desire more privacy, you may be able to negotiate a

contract to include language that other personal information be kept confidential unless disclosure "is required by law." However, licensees are required to identify dates and addresses of projects and other details that can become public information.

How do I file a complaint about a company?

Anyone who believes a company or individual has violated the rules can file a complaint with the Department of State Health Services. For more information on this process and to obtain a complaint form, call (800) 293-0753, or download the complaint form at www.idh.state.tx.us/beh/mold.

Can property owners do mold assessment or remediation on their own property without being licensed?

Yes. A homeowner can take samples for mold or clean up mold in his own home without a license. An owner, or a managing agent or employee of an owner of a residential property owned by that person is not required to be licensed, unless the property has 10 or more residential dwelling units. For non-residential properties, an owner or tenant, or a managing agent or employee of an owner or tenant, is not required to be licensed to do mold assessment or remediation on property owned or leased by the owner or tenant, unless the mold contamination affects a total surface area of 25 contiguous square feet or more. Please refer to 25 TAC 295.303 for further details on exceptions and exemptions to licensing requirements.

Where can I get more information?

For more information about mold and the Texas Mold Assessment and Remediation Rules, please visit the Mold Licensing Program website at www.idh.state.tx.us/bch/mold, or contact program staff at 512-834-4509 or 800-293-0753.

*State law [25 TAC 295.306(c)] requires a licensee, except for a mold analysis laboratory, who is overseeing mold-related activities, to give each client a copy of this **Consumer Mold Information Sheet** before starting any mold-related activity.

Definition of Terms Used in the Regulations

- **Contiguous** – In close proximity
- **Indoor Air** – The air within the envelope of a building
 - Excluding air in attics & crawlspaces
- **Mold** – Any living or dead fungi or related parts, includes spores & mycotoxins
- **Mold Assessment Report** – Prepared by a licensed assessor. Describes observations, sample results, measurements taken, physical condition, etc.
- **Mold Management Plan** – Prepared by a licensed consultant
 - Provides guidance on how to prevent and control indoor mold growth

Definition of Terms Used in the Regulations

- **Mold Remediation Protocol** – Prepared by the licensed mold consultant – describes remediation work to be done
- **Mold Remediation Work Plan** – Prepared by the remediator, tells how project will be performed
- **Start Date** – The date on which the project begins
- **Stop Date** – The date following the date on which final clearance is achieved
- **Working Days** – Monday through Friday – including holidays

Exceptions & Exemptions

✦ Minimum Area

Less than 25 contiguous sq. feet

✦ Residential Property Exemptions

Owner may perform their own assessment & remediation on their own property if there are less than 10 residential units

✦ Routine Cleaning

When not part of a remediation

✦ HVAC & Plumbing Work

When not part of a remediation

✦ Real Estate Inspection

When not part of a mold assessment

✦ Construction Improvement Exemptions

If mold is discovered during the course of an improvement or remodel - as long as the company doing the work is not a licensed remediator

Code of Ethics

- ◆ Perform duties only which you are licensed for
- ◆ Do not participate in activities where a conflict of interest may arise
- ◆ Do not misrepresent credentials
- ◆ Do not provide false information to TDLR
- ◆ Do not make a representation to a consumer that is designed to take advantage of fears and emotions
- ◆ Provide services at costs in keeping with industry standards
 - Removed from TDLR Rules

Code of Ethics

- Report violations of this act to TDLR
 - Regulatory Complaint Form
 - Complaints can be made by
 - Homeowner
 - Building Owner
 - Employees
 - Tenants
 - Workers

1. Date(s) of Transaction(s): _____

2. Did you sign a contract? [☐] YES (please enclose a copy) [☐] NO

3. Have you complained to the business? [☐] NO [☐] YES If yes, when? _____
What was the business' response? _____

4. Please describe your complaint in detail (attach extra sheets if necessary). Include the names of individuals you have dealt with, dates of your dealings, and enclose copies of all contracts, receipts, correspondence, and other documents you have relating to this complaint.

Signature _____ Date _____

For additional information, contact the Policy/Standards/Quality Assurance Group at 800-293-0753 or 512-834-6773, ext. 3303, or visit the department webpage about the Texas Mold Assessment and Remediation Rules at: www.tdlr.state.tx.us/bch/mold

Publication # F18-12048 Rev. February 2005

General Conditions for All Licensees

- ◆ All licensees must be at least 18 year of age
- ◆ All licensed companies must maintain an office in Texas
- ◆ All Licensees must pass a state examination in 3 or fewer attempts; exam fee is \$25.00; passing grade is 80%
- ◆ Those who are required to have insurance must have \$1,000,000 per occurrence general liability
- ◆ All persons having a greater than 10% ownership in a remediation or consulting company must be disclosed to the state
- ◆ Licenses are in effect for 2 years

Types of Licenses

Mold Assessment Technician

- ◆ Is licensed to:
 - Collect samples – pre & post remediation
 - Record observations & take measurements
 - Prepare a mold assessment report
- ◆ Must be:
 - High school graduate or GED
 - 24 hours of mold assessment instruction
 - Pass state licensing exam with a grade of 80% or better
- ◆ Fees:
 - \$150 for a 2 year license
 - Was \$200 under TDH

Types of Licenses

Mold Assessment Consultant

- ◆ Is licensed to:
 - Conduct investigations (same as technician)
 - Prepare assessment reports (same as technician)
 - Prepare mold management plan
 - Prepare mold remediation protocols
 - “Clear” a project
 - Determine what the underlying cause of the mold is

Types of Licenses

Mold Assessment Consultant

- ◆ Must Be:
 - Bachelor degree in Natural or Physical Science + 1 year experience; or
 - 60 hours of college credits in Natural or Physical Science + 3 years experience; or
 - High School diploma + 5 years experience
 - Pass state licensing exam with a score of 80% or better
- ◆ Fees:
 - \$500 for 2 year license
 - Was \$600 under TDH

Types of Licenses

Mold Assessment Company

- ◆ Is licensed to perform all the above functions
- ◆ A person must be licensed as a company if they have 2 or more employees
- ◆ Must:
 - Employ at least one licensed consultant
 - Have an office in Texas
- ◆ Fees:
 - \$850 for a 2 year license
 - Was \$1,000 under TDH

Types of Licenses

Mold Remediation Laboratory

- ◆ Must be:
 - Licensed as a laboratory
 - Accredited by Environmental Microbiology Laboratory Accreditation Production (EMLAP) or equivalent
 - Have a physical office in Texas
- ◆ Fees:
 - \$750 for a 2 year license
 - Was \$1,000 under TDH

Basics of Assessment (Minimum Practices)

- ◆ Determine source, location and extent of mold
- ◆ Properly collect samples (sample preservation, chain of custody, location, documentation, etc.)
- ◆ Write a protocol containing:
 - Rooms where work is to be performed
 - How much is to be removed
 - PPE to be used
 - Proposed types of containment
 - Proposed clearance
- ◆ Determine whether clients can remain in building
- ◆ Inquire about hazardous materials in the project area

Basics of Assessment (Minimum Practices)

- ◆ Must specify containment in all situations over 25 contiguous sq. feet
 - Could possibly be changing to 25 square feet per room
- ◆ Must specify brand of disinfectant if it is registered by the EPA
- ◆ At Clearance:
 - Must use at least one nationally recognized analytical method
 - Containment must still be in place
 - Certify underlying cause is corrected

Basics of Assessment (Minimum Practices)

- ◆ Clearance Report must include:
 - Job site description stating area is clear if visible mold & rot
 - Results of analytical test
 - A clear statement the project has passed

- ◆ Maintain Proper Records – 3 years
 - Copy of contract
 - Copies of invoices
 - Photographs
 - Copies of protocol
 - Copies of clearance report

Types of Licenses

Mold Remediation Worker

- ◆ Must be:
 - Employed by a licensed mold remediation contractor or company
 - Complete 4 hour worker training course
 - Have registration card present on the job site at all times
- ◆ Fees:
 - \$50 for a 2 year license
 - Was \$60 under TDH

Types of Licenses

Mold Remediation Contractor

- ◆ Is licensed to:
 - Prepare mold remediation work plan
 - Perform mold remediation projects as directed by a mold assessment company
- ◆ Must be:
 - Bachelor degree in Natural Science + 1 year experience in mold remediation
 - 60 hours of college credits in Natural Science + 3 years experience in mold remediation
 - High school diploma or GED + 5 years experience in mold remediation
 - 40 hours instruction in mold remediation
 - Pass state licensing exam with a score of 80% or better

Types of Licenses

Mold Remediation Contractor

- ◆ Fees:
 - \$450 for a 2 year license
 - Was \$500 under TDH
- ◆ Responsibilities:
 - Advise clients about options for mold remediation
 - Follow protocol of assessor
 - Ask customer about hazardous materials
 - Provide client with consumer information sheet
 - Provide client with mold remediation work plan
 - Sign and date all work plans – including floor plan
 - Ensure all workers are in compliance
 - Provide property owner with completed mold remediation certificate and before & after photos

Types of Licenses

Mold Remediation Company

- ◆ Must be:
 - Licensed as a company if you employ more than 1 individual
 - Employ 1 mold remediation contractor (known as “responsible person”)
- ◆ Fees:
 - \$850 for a 2 year license
 - Was \$1,000 under TDH

Basics of Remediation (Minimum Work Practices)

- ◆ Must prepare a mold remediation work plan and have it present on job site
- ◆ Provide PPE to all workers, instruct them in its proper use
- ◆ Must post notice sign out side of containment:
 - “Notice: Mold Remediation in Progress”
 - 8” x 10” – yellow paper / black letters visible at 10 feet
- ◆ Do not remove containment until job is cleared
- ◆ Use disinfectants registered with the EPA
- ◆ Notify TDLR no less than 5 working days prior to anticipated start date
- ◆ Notify TDLR of anticipated stop date

Basics of Remediation (Minimum Work Practices)

➤ Notify TDLR no less than 5 working days prior to anticipated start date

➤ Now done on-line

➤ Notify TDLR of anticipated stop date

PLEASE CHECK THE APPROPRIATE BOX BELOW AND FILL OUT ALL REQUESTED INFORMATION

☐ Original scheduled dates of mold remediation (INITIAL NOTIFICATION):
Start-date: ____/____/____ Stop-date: ____/____/____
mm dd yy mm dd yy
Scheduled hours for remediation: ____:____ am until ____:____ pm ☐ Weekdays (Mon.-Fri.) ☐ Weekends (Sat.-Sun.)

The DSHS Central Office was notified by:
☐ Hand delivery ☐ Mail/Courier ☐ Facsimile (Fax): Date sent: ____ Time sent: ____
☐ Electronic mail (E-mail): Date sent: ____ Time sent: ____
Please provide an accurate description of the mold remediation project to be conducted.

☐ Amendment Change start-date to: ____/____/____ Change stop-date to: ____/____/____ ☐ Cancellation
mm dd yy mm dd yy
Was the Environmental Health Notifications Group notified by phone during the hours of 8:00 am and 5:00 pm Central Time of any project date changes or cancellation prior to the original start and/or stop date: ☐ Yes ☐ No
If yes, name of the representative you spoke with: ____ When? Date: ____ Time: ____
Was the original amended notification sent within 24 hours of the phone communication? ☐ Yes ☐ No
Was the appropriate Regional Office notified by phone during the hours of 8:00 am and 5:00 pm Central Time of any project date changes or cancellation prior to the original start and/or stop date: ☐ Yes ☐ No
If yes, name of the DSHS representative you spoke with: ____ When? Date: ____ Time: ____
Was a copy of the amended notification sent to the appropriate Regional Office within 24 hours of the phone communication?
☐ Yes ☐ No
Please give a description of the reasons for this amendment or cancellation: _____

☐ Emergency Mold Remediation Start-date: ____/____/____ Stop-date: ____/____/____
mm dd yy mm dd yy
Scheduled hours for remediation: ____:____ am until ____:____ pm ☐ Weekdays (Mon.-Fri.) ☐ Weekends (Sat.-Sun.)
Was the emergency request made by phone: ☐ Yes ☐ No If yes, DSHS Reference Number: _____
If yes, name of the representative you spoke with: ____
When was the emergency request made? Date: ____ Time: ____
Describe the reason for the emergency remediation: _____
Describe the remediation project to be conducted: _____

I hereby declare that I have examined this notification and, to the best of my knowledge and belief, all information provided is complete, true, and correct. I affirm that I am the licensed contractor and that I am responsible for the fee associated with this notification. I also understand that I am responsible for notification to the department.

Signature of Licensed Contractor: _____
Printed Name and Title: _____ Date: _____
Employer Company Name: _____ Telephone Number: _____

Mail, fax, or email to: ENVIRONMENTAL HEALTH NOTIFICATIONS GROUP
DEPARTMENT OF STATE HEALTH SERVICES
1100 WEST 49TH STREET
AUSTIN, TX 78756
PH: 512-834-6600 or 1-888-778-9440
FAX: 512-834-6644
EMAIL: mold.notifications@shs.state.tx.us

Rev 01/20/05 F18-32144 notification.doc

Basics of Remediation (Minimum Work Practices)

- ◆ Notify TDLR of any changes in stop or start date
 - 5 day notification can be waived if emergency exists in cases of emergency water extraction
- ◆ Pay notification fees to TDLR
 - \$25.⁰⁰ Notification Fee for both Commercial and Residential
 - Was \$103.⁰⁰ for Commercial & \$27.⁰⁰ for Residential under TDH
- ◆ Must maintain on job site:
 - Copy of mold remediation work plan
 - List of all persons working on job site
 - Chemical list
 - Sign in list

Basics of Remediation (Minimum Work Practices)

- ◆ Maintain proper records for 3 years Records include:
 - Copy of contract
 - Copies of invoices
 - Copy of certificate of mold remediation
 - Copy of work plan
 - Before & after photos

Basics of Remediation (Minimum Work Practices)

- ◆ Must provide the client with:
 - Copy of consumer information sheet (prior to start)
 - Before & after photos – 1 week after completion of project
 - Certificate of mold remediation – no later than 10 days after completion

CERTIFICATE OF MOLD DAMAGE REMEDIATION		
Certificate Number _____	Date of Issuance _____	
Name _____		
Mailing Address _____		
City _____	State _____	Zip _____
Property Description:		
Number _____	Street _____	Lot _____ Block _____
Addition or Tract _____		City _____ County _____
<hr/>		
Mold Assessment License Holder Certification		
<ul style="list-style-type: none"> I hereby certify that based on visual, procedural and analytical evaluation, the mold contamination identified for this project has been remediated as outlined in the mold management plan or remediation protocol. I further certify that the underlying cause or causes of the mold that were identified for this project in the mold management plan or remediation protocol have been remediated. A copy of the written evaluation that forms the basis for my certification has been provided to the person named in this certificate. 		
_____ Mold Assessment License Holder Signature	_____ Texas Department of Health Mold Assessor's License No. and Expiration Date	_____ Date
<hr/>		
Mold Remediation License Holder Certification		
<ul style="list-style-type: none"> I hereby certify that I completed mold remediation on this project and will provide the mold remediation certificate to the property owner no later than the 10th day after the date of completion. 		
_____ Mold Remediation License Holder Signature	_____ Texas Department of Health Mold Remediator's License No. and Expiration Date	_____ Date of Completion
<hr/>		
Mold Assessor or Adjustor License Holder Certification		
<ul style="list-style-type: none"> I hereby certify that I have inspected the property described in this certificate and that based on my inspection I have determined that the property does not contain evidence of mold damage. A copy of the written evaluation that forms the basis for my certification has been provided to the person named in this certificate. 		
_____ Mold Assessor/Adjustor License Holder Signature	_____ Texas Department of Health Mold Assessor/Adjustor License No. and Expiration Date	_____ Date
MOR-1 (Effective 1/1/04)		

Inspections

- ◆ TDLR has contracted with TDH Inspectors to proceed with inspections of Mold Assessment Job Sites

TDLR Violations

1. Critical Violation (Level 1)

- ◆ Fines up to \$5,000.⁰⁰ per violation/per day
- ◆ Examples:
 - Working without valid credentials or working with credentials over 1 month expired
 - Engaging in a conflict of interest
 - Engaging in misconduct or dishonesty
 - Submitting forged paperwork
 - Failure to specify (consultant) or utilize (remediator) proper containment
 - Failure to meet insurance requirements

TDLR Violations

2. Serious Violation (Level 2)

- ◆ Fines up to \$2500.⁰⁰ per violation
 - Expired credentials (less than 1 month)
 - Failure to submit timely notification

3. Significant Violation (Level 3)

- ◆ Fines up to \$1000.⁰⁰ per violation
 - Failure to provide consumer mold information sheet
 - Failure to have proper ID on job site
 - Submitting incorrect notification

Case Study



- ◆ Svante Palm Elementary School
 - Flooded half of school
 - 25 Classrooms
 - Laminate Wall Panels
 - Carpet and VCT flooring

Case Study



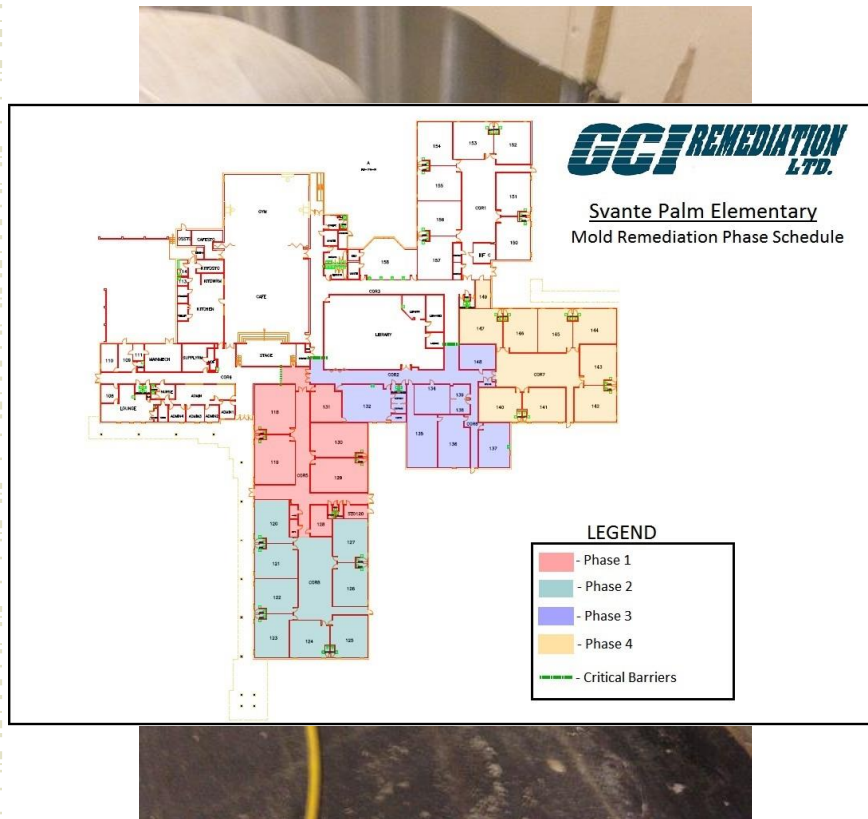
- ◆ Svante Palm Elementary School
 - Extensive amount of contents
 - Packed out all rooms
 - Contents
Cleaned/Disposed of
 - Flood Waters
 - Affected building materials disposed of

Case Study



- ◆ Svante Palm Elementary School
 - During demo pre-existing damage was discovered
 - Building flooded 2 years prior
 - Full Mold Remediation was required

Case Study



- ◆ Svante Palm Elementary School
 - Remediation was broken up into 4 Phases
 - Allowed to achieve clearance in phases
 - Expedited the build back process

Case Study



- ◆ Svante Palm
Elementary School
 - Reconstruction immediately following clearance
 - Wainscot and chair rail installed

Case Study



- ◆ Svante Palm Elementary School
 - Contents
 - Cleaned
 - Sorted
 - Moved back into classrooms
 - Total project time was 12 weeks

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