



## CONSUMER MOLD INFORMATION SHEET\* Regulation of Mold Assessment and Remediation in Texas

### How are businesses that do testing for mold or mold cleanup regulated?

Such businesses are now regulated by the Department of State Health Services (DSHS), based on legislation passed in 2003 ([Texas Occupations Code, Chapter 1958](#)). Under the **Texas Mold Assessment and Remediation Rules (Rules) (25 TAC §§295.301-295.338)**, all companies and individuals who perform mold-related activities will have to obtain appropriate licensing from the department by January 1, 2005. Applicants must meet certain qualifications, have required training and pass a state exam in order to receive their licenses. Mold remediation workers must have training and be registered with the department. Laboratories that analyze mold samples must also be licensed and meet certain qualifications. The rules set minimum work standards that licensees must follow and require them to follow a code of ethics. To prevent conflicts of interest, the rules also prohibit a licensee from conducting both mold assessment and mold remediation on the same project.

### How can I know if someone is licensed?

A licensed individual is required to carry a photo ID issued by the department with a license number on it. The names of currently licensed companies and individuals are available on the Mold Licensing Program website at: [www.tdh.state.tx.us/beh/mold](http://www.tdh.state.tx.us/beh/mold).

### What is “mold assessment?”

**Mold assessment** involves an inspection of a building to evaluate whether mold growth is present, and to what extent. Samples may be taken to determine the amount and types of mold that are present; however, sampling is not necessary in many cases. A mold assessment consultant is responsible for developing a **mold remediation protocol**, that specifies the estimated quantities and locations of materials to be remediated, the

proposed methods to use and clearance criteria that must be met.

### What is meant by “clearance criteria?”

**Clearance criteria** refer to the level of “cleanliness” that is to be achieved by the persons conducting the mold clean up. It is very important that you understand and agree with the assessor prior to starting the project what an acceptable clearance level will be, including what will be acceptable results for any air sampling or surface sampling for mold. There are no national or state standards identifying a “safe” level of mold. Mold spores are a natural part of the environment that are always present at some level in the air and on surfaces all around us. See below for more information about **post-remediation assessments**.

### What is “mold remediation?”

**Mold remediation** is the clean up and removal of mold growth from surfaces and/or contents in a building. It also refers to actions taken to prevent mold from growing. **Mold remediators** must follow the **mold remediation protocol** described above and their own **mold remediation work plan** that provides specific instructions and/or standard operating procedures for how the project will be done.

Before a remediation project can be deemed successful, a **post-remediation assessment** must be conducted by a **mold assessment consultant**. This is an inspection to ensure that the work area is free from all visible mold and wood rot, the project was completed in compliance with the remediation protocol and remediation work plan, and meets all clearance criteria that were specified in the protocol. The assessment consultant must give you a **passed clearance report** documenting the results of this inspection. If the project fails clearance, further remediation as prescribed by a consultant will be necessary.

## **What is a Certificate of Mold Remediation?**

No later than 10 days after a mold remediation job has passed a clearance inspection, the remediation contractor is required to give you a **Certificate of 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 make 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](http://www.tdh.state.tx.us/beh/mold) at [www.tdh.state.tx.us/beh/mold](http://www.tdh.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.tdh.state.tx.us/beh/mold](http://www.tdh.state.tx.us/beh/mold), or contact program staff at 512-834-4509 or 800-293-0753.

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\*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.