

Mold - By Jurisdiction

Executive Summary

MOLD

ANNUAL REPORT EXECUTIVE SUMMARY

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Overview

Although general pesticide laws regulating substances intended to remove mold have existed in many jurisdictions for several years, only California, the District of Columbia, Florida, Illinois, Louisiana, Maryland, New Hampshire, New York, Oklahoma, and Texas have extensive statutory schemes that specifically address mold assessment or remediation, and all of those laws were passed during or since the states' 2003 legislative sessions. However, several state administrative agencies publish consumer brochures and insurance bulletins that discuss mold assessment, insurance, remediation, and standards.

Assessment

A vast majority of the jurisdictions (83 percent) do not have statutes or regulations that regulate mold assessment. Of the states with statutes or regulations regarding mold assessment, only seven have extensive statutory schemes that regulate mold assessors, all of which were enacted during or after that state's 2003 legislative session. However, many jurisdictions have published readily available brochures or pamphlets for the public that discourage mold testing.

Only four jurisdictions revised their laws regarding mold assessment since April 2015. The most significant recent changes are as follows:

- New York's previously enacted mold-assessment licensing requirements became effective July 28, 2015; and
- New Hampshire enacted licensing requirements for mold assessors.

Insurance

Only Texas and Louisiana have enacted statutes that provide mold insurance requirements, and both statutory schemes were enacted during or after the 2005 legislative session. However, at least 54 percent of the state insurance departments have issued readily available insurance bulletins that specify permitted mold limits or exclusions or otherwise address relevant requirements. Exhibits to Virginia's insurance regulations also provide some guidance regarding mold coverage. At least two states have enacted laws that, although not specifically applicable to insurance, address certain parties' liability for mold. Four states' insurance departments have published easily accessible brochures that warn consumers to be aware of their mold insurance coverage. Since

spring 2015, no jurisdictions made significant changes to their laws regarding insurance coverage for damage caused by mold.

Remediation

Only 11 states have statutes or regulations that regulate or otherwise address mold remediation of real estate. However, at least 78 percent of the surveyed jurisdictions have long-standing pesticide acts that generally regulate the use of pesticides, including substances explicitly intended to remediate mold.

Most jurisdictions have published easily accessible consumer pamphlets or newsletters, typically through their health departments, that provide procedures or guidelines for cleaning mold. In addition, Minnesota has enacted a statute that provides property tax relief related to certain mold remediation costs.

Ten jurisdictions revised their laws regarding mold remediation since April 2015. The most significant changes were as follows:

- California addressed a lessor's obligation to repair dilapidation related to mold;
- New Hampshire added licensing requirements for mold assessors, which include persons that develop a mold remediation specification or protocol; and
- New York's previously enacted mold-remediation licensing requirements became effective July 28, 2015.

Standards

No jurisdiction has established mold standards for real estate, and at least 26 states have acknowledged in consumer pamphlets the lack of usable standards to evaluate safe mold levels. However, several states, including California, Hawaii, and Texas, have asked a task force to convene to consider the feasibility of developing mold standards, and the District of Columbia and Kentucky have enacted statutes that require an administrative agency to establish minimum standards or threshold levels for mold.

Alabama

Alabama, Assessment

No relevant statutes or regulations were located.

The Alabama Department of Health does not recommend testing to determine if a mold problem exists.

Fact sheet history unknown.

[Ala. Dep't of Public Health, *Facts About Mold* \(last visited June 16, 2016\)](#)

[Alabama, Insurance](#)

Effective for insurance policies "of new business with an effective date on or after July 1, 2013," and for "existing policies at the time of renewal with a renewal date on or after July 1, 2013," an insurance company, as part of its comprehensive policy checklist, must include whether the principal premises, other structures, personal property, and contents are insured against mold, among other things.

Also, as of 2013, the Alabama Insurance Commission capped mold-damage claims on homeowner's insurance policies at \$10,000.

Statutory section enacted 2012. Report issued 2013.

[Ala. Stat. § 27-22-43 \(2015\); Thomas F. Segalla, Andrew J. Scholz, Matthew R. Shindell, Matthew D. Cabral, *Fifty States Of Mold Claims: A Comprehensive Survey Of Defense Strategies, Coverage Exclusions, And Liability Implications Across The U.S.*, Goldberg Segalla \(Jan. 2013\)](#)

Alabama, Remediation

Alabama statutes contain no provisions specifically addressing mold remediation in real estate. However, the Alabama Pesticide Act of 1971 generally regulates the registration, sale and use of pesticides, which include substances that prevent, destroy or mitigate certain plant and animal pests, including fungi. The act defines "fungi" as including mold.

Also, the Alabama Department of Public Health suggests the following general steps for cleaning up mold:

- identify and fix the moisture problem;
- dry all wet materials;
- remove and dispose of all mold-contaminated materials;
- clean and, if necessary, disinfect surfaces; and
- "remain on mold alert."

Statutory section 2-27-2 amended 1971; § 2-27-3 enacted 1971. Fact sheet history unknown.

[Ala. Code §§ 2-27-2\(1\), \(13\); -3 \(2015\); Ala. Dep't of Public Health, *Facts About Mold* \(last visited June 16, 2016\)](#)

Alabama, Standards

No relevant statutes or regulations were located.

Alaska

Alaska, Assessment

No relevant statutes or regulations were located.

Alaska, Insurance

No relevant statutes or regulations were located.

However, the Alaska Division of Insurance issued a bulletin to provide guidance regarding mold and fungi coverage. The bulletin sets out language that complies with Alaska law for insurers who wish to exclude mold damage coverage. It explains that pursuant to Alaska Stat. § 21.36.212 (now renumbered as 21.36.096), “[a]n insurer may not deny a claim if a risk, hazard, or contingency insured against is the dominant cause of a loss and the denial occurs because an excluded risk, hazard, or contingency is also in a chain of causes but operates on a secondary basis.” Insurance forms that limit or exclude coverage for mold damage resulting from an otherwise covered cause violate this provision.

The bulletin sets forth several specific examples of language that the division has approved. Insurers that wish to limit their exposure to mold claims may do so by filing language that is no more restrictive than those examples. One example of permitted limitation language is as follows:

This insurance does not apply to loss or damage caused by mold. This exclusion does not apply to the extent the coverage is provided as an additional coverage under [Example A].

Example A: This policy is extended to cover the direct physical loss or damage to covered property caused by or resulting from mold when mold is the direct result of physical loss or damage by a peril otherwise covered by this policy and includes any cost or expense to clean up, remove, contain, treat, or neutralize mold from covered property resulting from such covered loss.

Other examples in the bulletin permit similar limitation levels.

The bulletin also sets forth guidelines for permitted exclusion language, such as the following:

This insurance does not apply to:

(1) liability arising from the actual, alleged, or threatened contact with, exposure to, existence of, or ingestion of mold at any premises you own, rent, or occupy or previously owned, rented, or occupied;

(2) liability arising from the actual, alleged, or threatened contact with, exposure to, existence of, or ingestion of mold at any premises that you contracted to build, remodel, or otherwise provide contracting services performed by any insured or any subcontractor working directly or indirectly for any insured.

These exclusions do not apply if the occurrence is caused by a peril that is not otherwise excluded.

The bulletin provides another similar exclusion-language option. It also sets forth the following sample definition of “mold”:

“Mold” means any type of fungus, including mildew, rusts, mushrooms, yeasts, and mycotoxins, spores, or scents, produced or released by the mold. This does not include fungi intended by the insured for consumption.

The bulletin expressly prohibits expanding this definition of mold when the term is used to exclude mold coverage.

Statutory section enacted 2000 and renumbered 2010. Bulletin issued 2004.

[Alaska Dep't of Community & Economic Dev., Div. of Ins., *Bulletin B 04-07 \(May 20, 2004\)*; see also \[Alaska Stat. § 21.36.096 \\(2015\\)\]\(#\)](#)

Alaska, Remediation

Alaska statutes contain no provisions specifically addressing mold remediation in real estate. However, Alaska regulations generally address the use and application of antimicrobial pesticides, which include pesticides that protect inanimate objects from fungi, among other things. The term "fungi" includes molds.

Regulations amended 2007.

[Alaska Admin. Code tit. 18, §§ 90.600, .990 \(2015\)](#)

Alaska, Standards

No relevant statutes or regulations were located.

Arizona

Arizona, Assessment

No relevant statutes or regulations were located.

However, the Arizona Department of Health Services has issued a fact sheet that does not recommend testing as the first step to determine if a home has a mold problem because:

- reliable testing can be expensive;
- testing requires equipment that is not available to the general public;
- individual private-home residents must pay a contractor to conduct the testing;
- there are few available standards for judging what is an acceptable mold quantity; and
- sampling is at best a general guide.

The department recommends that if a homeowner can see or smell mold, there is a problem that must be addressed.

FAQ history unknown.

[Ariz. Dep't of Health Serv., Children's Environmental Health, *Indoor Air Quality - Mold FAQs* \(last visited June 16, 2016\)](#)

Arizona, Insurance

No specifically relevant statutes or regulations were located. However, the Arizona Department of Insurance acknowledges that:

- some insurers offer limited coverage of mold-related losses; and
- most homeowner's policies do *not* cover mold and fungi.

Consumer's guide revised 2014.

[Ariz. Dep't of Ins., 2014 Consumer Guide and Premium Comparison for Homeowners Insurance \(2014\) \(last visited June 16, 2016\)](#)

Arizona, Remediation

Arizona statutes contain no provisions specifically addressing mold remediation in real estate. However, Arizona statutes generally address licensing requirements for pest management and the use, storage and application of pesticides, which include substances to be used to prevent, destroy, or mitigate fungi.

Also, the Arizona Department of Health Services has issued a fact sheet that provides detailed instructions for cleaning up mold, generally involving the following steps:

- identifying and correcting the moisture source;
- cleaning, disinfecting, and drying the moldy area;
- bagging and disposing of materials with moldy residue, such as rags, paper, leaves, or debris; and
- wearing appropriate protective clothing and gear.

Statutory sections amended 2013. FAQ history unknown.

See [Ariz. Rev. Stat. §§ 32-2301, -2304, -2313 \(2015\)](#); [Ariz. Dep't of Health Serv., Children's Environmental Health, Indoor Air Quality - Mold FAQs \(last visited June 16, 2016\)](#)

Arizona, Standards

No relevant statutes or regulations were located.

However, the Arizona Department of Health Services does not recommend testing as the first step to determine if a home has a mold problem, in part because "there are few available standards for judging what is an acceptable quantity of mold."

FAQ history unknown.

[Ariz. Dep't of Health Serv., Children's Environmental Health, Indoor Air Quality - Mold FAQs \(last visited June 16, 2016\)](#)

Arkansas

Arkansas, Assessment

Effective July 27, 2011, Arkansas repealed its "Arkansas Mold Investigator Licensing Act," which required a "mold investigator" to be licensed by the State Plant Board.

The Arkansas legislature also passed an uncodified act in 2011 that created a mold investigation advisory board to study:

- the effects of Arkansas statutes and rules regarding mold investigations and remediation on public health and safety; and
- "approaches" to changing Arkansas statutes to better meet Arkansas citizens' needs.

Previously applicable §§ 17-54-102, 17-54-103, and 17-54-104 repealed 2011.

[2011 Ark. Acts chs. 341, 518](#)

Arkansas, Insurance

No relevant statutes or regulations were located.

However, the Arkansas Insurance Department's Legal Division has issued a bulletin regarding conditions for obtaining approval of mold exclusions. The bulletin notes that current Arkansas homeowners' policies provide coverage for mold, provided it is "a direct result of a covered loss." The Department "intends to keep this long-standing mold coverage in place," but it will continue to allow insurance policies that exclude coverage for mold if the exclusion is directed at precluding coverage for:

- remedial costs, including the cost of testing the insured premises for mold and containing or fumigating the insured premises, whether or not the mold resulted from a covered cause; or
- mold that did not result from a covered cause of loss.

The bulletin's provisions apply to property and liability coverages, including both property damage and bodily injury.

Insurers must "make every effort" to develop narrowly drafted exclusions. Furthermore, the exclusions may not be used to deny coverage for repair and restoration costs for damages arising from a covered cause of loss, even if some mold is present.

The Department encourages insurers to offer endorsements for additional coverage for mold, including remedial, containment or fumigation costs.

Bulletin issued 2002.

[Legal Division, Ark. Ins. Dep't, Bulletin No. 10-2002 \(2002\)](#)

Arkansas, Remediation

Arkansas statutes contain no provisions specifically addressing mold remediation in real estate. However, the Arkansas Pesticide Use and Application Act generally regulates the distribution, use and application of pesticides. "Pesticides" are defined as substances that prevent, destroy or mitigate pests. The term "pests" includes fungus, and "fungus" includes mold.

Also, the Arkansas Department of Health Services has issued a brochure that provides general instructions for cleaning up mold that focus on using bleach on hard surfaces and removing porous items.

In 2011, the Arkansas legislature passed an uncodified act that created a mold investigation advisory board to study:

- the effects of Arkansas statutes and rules regarding mold investigations and remediation on public health and safety; and
- approaches to changing Arkansas statutes to better meet Arkansas citizens' needs.

The board issued its final report, [Final Report for Act 341 of 2011](#), in November 2012.

Statutory section 20-20-202 amended 1975; § 20-20-203 amended 1995. Brochure modified 2014.

Ark. Code §§ 20-20-202; -203(14), (20), (21) (LexisNexis 2016); [Ark. Dep't of Health, Protect Yourself From Mold \(last visited June 16, 2016\)](#); [2011 Ark. Acts ch. 341](#)

Arkansas, Standards

No relevant statutes or regulations were located.

California

California, Assessment

ASSESSMENT GUIDELINES UNDER THE ACT

The Toxic Mold Protection Act of 2001 requires the State Department of Health Services to adopt mold identification guidelines to recognize:

- mold;
- water damage; or
- "microbial volatile organic compounds."

The identification guidelines must include "scientifically valid methods" to identify mold's presence. These must include elements for:

- collecting air, surface and bulk samples;

- visual identification;
- olfactory identification;
- laboratory analysis;
- moisture measurements;
- mold's presence; and
- other recognized analytical methods used to identify mold.

The guidelines must also:

- avoid adverse effects on the general population's health with "an adequate margin of safety";
- avoid any significant public health risk;
- balance public health protection with technological and economic feasibility; and
- use the latest scientific data or existing mold assessment standards adopted by authoritative bodies.

The department must consider the following when developing mold-identification guidelines:

- permissible exposure limits to molds developed by the State Department of Health Services pursuant to § 26103;
- the level that constitutes a health threat, according to standards developed pursuant to § 26105;
- any mold-identification standards adopted by authoritative bodies;
- "professional judgment and practicality"; and
- toxicological reports or additional scientific evidence.

The department may not require a landlord or a public entity that rents or leases a unit or building to conduct tests to determine whether the mold level exceeds its permissible exposure limits.

The department must develop a building-inspection reporting form to document mold's presence.

INFORMATION FROM DEPARTMENT OF HEALTH SERVICES

In 2005, the Department of Health Services issued the Report to the California Legislature: Indoor Air Pollution in California (Report). The Report addresses mold testing as follows:

Different types of molds are identified and their concentrations measured either by directly examining a sample under a microscope or by culturing the spores and allowing them to grow into colonies that are then counted. There are many reliable methods for collecting and analyzing fungi although no single method can identify all the fungi present in environmental samples. . . . Thus, different sample collection and analysis techniques often lead to different fungal count or concentration estimates. No standard method of mold identification or spore counting has been proven effective in a wide range of building applications or is mandated for environmental assessment by any federal or California state government agency. . . . Currently, government and professional industry groups recommend that building investigations for mold include a thorough visual inspection of the premises, documentation of visibly moldy areas, and the use of professional judgment in determining whether mold sampling is appropriate for that particular investigation. (Internal references omitted.)

Accordingly, the California Department of Public Health does not recommend testing to "determine the level of health hazard or the need for urgent remediation." Reliable sampling for mold can be "expensive and requires expertise and equipment that is not available to the general public."

Statutory sections enacted 2001. Report issued 2005. Information sheet updated 2012.

[Cal. Health & Safety Code §§ 26120, 26121, 26122 \(2015\); Cal. Air Res. Bd., Report to the California Legislature: Indoor Air Pollution in California \(2005\); Cal. Dep't of Public Health, Indoor Air Quality \(IAQ\) Info Sheet, Mold in My Home—What Do I Do? \(July 2012\)](#)

California, Insurance

No specifically relevant statutes or regulations were located.

Generally, mold is one of the perils that is usually excluded in a homeowner's policy. In 2002, the California Department of Insurance issued an information guide that addressed mold coverage in homeowners' insurance as follows:

Your homeowner's policy may cover mold cleanup and damage to property caused by mold when the mold damage is considered to be the consequence of a covered peril. For instance, if a pipe bursts and floods an area of your house while you are on vacation, and mold is present on your return, the mold cleanup and property repair will most likely be covered if the water damage is covered under the policy. . . . As a general rule, mold and other problems caused due to lack of maintenance or wear and tear are not covered under a homeowners' policy.

Upon accepting and examining your claim, an adjuster or company representative may deny your claim stating the cost of mold detection, cleanup, and property repair are not covered under your policy. If this occurs, you should review your policy provisions and exclusions to see if you agree with the adjuster or company representative's position. If your agent or

company representative refuses to respond to a mold claim, . . . then immediately contact the California Department of Insurance (CDI) for assistance. Besides contacting the CDI for assistance, you may consider consulting an attorney, especially if the adjuster or company representative refuses to cover mold cleanup or property damage as a result of a covered water loss, such as a broken water pipe.

Insurance guide revised 2002. Website revised 2016.

Cal. Dep't of Ins., *Consumers: Mold & Your Homeowners Policy: A Growing Problem* (2008); [Cal. Dep't of Ins., Residential Insurance: Homeowners and Renters \(May 2016\)](#)

California, Remediation

REMEDIATION REQUIREMENTS UNDER THE ACT

Remediation Guideline Requirements

The Toxic Mold Protection Act of 2001 requires the Department of Health to develop and disseminate mold remediation guidelines. These guidelines must:

- provide practical guidance for removing mold and abating its underlying cause, including any associated water intrusion and water damage;
- protect the public's health;
- balance public health protection with technological and economic feasibility;
- use toxicological reports, the latest scientific data, or existing remediation standards adopted by authoritative bodies;
- provide practical guidance for removing or cleaning contaminated materials in a manner that protects the health of the person performing the abatement;
- include personal protective equipment criteria; and
- not require a landlord, owner, seller or transferor to be specially trained or certified, or to use a specially qualified professional's services to remediate mold.

The department must consider the following in developing mold remediation guidelines:

- permissible mold exposure limits to molds developed by the department pursuant to § 26103, or levels that constitute a health threat;
- any mold remediation guidelines adopted by authoritative bodies; and
- professional judgment and practicality.

Guideline Restrictions

The department may not require a landlord or a public entity that rents or leases a unit or building to conduct air or surface tests to determine whether the presence of molds exceeds the permissible exposure limits.

Guideline Dissemination

The department must make available to the public, upon request, information about contracting for mold removal, including the following:

- recommended steps when contracting with a company to remove mold;
- existing laws, regulations and guidelines developed by the department that pertain to mold exposure limits, infestation, identification and remediation; and
- basic health information.

The State Department of Health Services must also develop public education materials and resources to inform the public about:

- mold's health effects;
- methods to prevent, identify and remediate mold growth;
- resources to obtain information about mold; and
- contact information.

These public education materials must be made available to:

- public health officers;
- environmental health officers;
- commercial and residential landlord organizations;
- homeowners' organizations; and
- tenants' organizations.

They must also be:

- readily available to the general public;
- comprehensible to the general public;
- produced in several languages to accommodate California's diverse multicultural population; and
- available on the department's Internet web site.

LESSOR'S OBLIGATIONS

Effective January 1, 2016, a lessor is not obligated to repair a dilapidation related to mold until he or she has notice of it or the tenant is in violation of specified obligations. A landlord may enter a dwelling to repair the damage under certain conditions. Visible mold growth, other than a minor amount found on surfaces that can accumulate moisture as part of their proper and intended use, constitutes inadequate sanitation and a substandard condition.

INFORMATION FROM DEPARTMENT OF HEALTH SERVICES

In 2005, the Department of Health Services issued the Report to the California Legislature: Indoor Air Pollution in California (Report). The Report notes that the Department of Health Indoor Air Quality Program has developed a website that provides

- information about mold-related health effects; and
- voluntary remediation guidelines "through fact sheets and links to other good sources of mold-related information."

The report also notes, "Because California does not license, certify, or endorse mold assessment or remediation professionals, individuals seeking assistance for moldy buildings are encouraged to use these and other reliable web resources to learn about this topic and find experienced consultants."

The Department of Health Services in its information sheet recommends the following general clean-up procedure:

- determine how large the problem is;

- fix the moisture problem and remove excess water;
- discard porous materials; and
- disinfect contaminated materials.

Statutory sections 26130, 26131, and 26134 enacted 2001; § 17920.3 amended 2015; § 1941.7 enacted 2015. Report issued 2005. Information sheet updated 2012.

[Cal. Civ. Code § 1941.7](#); [Cal. Health and Safety Code §§ 17920.3, 26130, 26131, 26134 \(2015\)](#); [Cal. Air Res. Bd., Report to the California Legislature: Indoor Air Pollution in California \(2005\)](#); [Cal. Dep't of Public Health, Indoor Air Quality \(IAQ\) Info Sheet, Mold in My Home—What Do I Do? \(July 2012\)](#)

California, Standards

No statutes or regulations establishing a mold standard were located. However, California statutes address the issue as described below.

STANDARDS UNDER THE ACT

Exposure Limit Standards

The Toxic Mold Protection Act of 2001 requires the Department of Health Services to consider the feasibility of adopting permissible mold exposure limits in indoor environments. If adopting permissible mold-exposure limits is feasible, the department must:

- adopt permissible mold exposure limits for indoor environments that avoid adverse health effects, with an adequate safety margin, and avoid any significant public health risks;
- balance public health protection with technological and economic feasibility;
- use and include the latest scientific data or existing standards adopted by authoritative bodies; and
- develop permissible exposure limits that target the general population.

The department must consider the following when adopting permissible mold exposure limits:

- the adverse health effects of mold exposure on the general population, including specific effects on subgroups that "comprise a meaningful portion of the general population" and are identifiable as being at greater risk of adverse health effects from mold exposure;

- any standards adopted by authoritative bodies;
- the technological and economic feasibility of compliance with the proposed permissible mold-exposure limit; and
- toxicological studies and scientific evidence related to mold.

Health Threat Assessment Standards

The department must also adopt practical standards to assess the health threat mold poses in an indoor environment. Those assessment standards must:

- protect the public's health;
- balance public health protection with technological and economic feasibility;
- use the latest scientific data or existing standards for mold assessment;
- develop standards that target the general population; and
- ensure that air or surface testing is not required to determine whether mold in an indoor environment constitutes a health threat.

Furthermore, the department must consider the following criteria when it adopts standards for mold assessment in indoor environments:

- the adverse health effects of mold exposure on the general population, including specific effects on members of subgroups that "comprise a meaningful portion of the general population" and that are at greater risk of adverse health effects;
- any mold-assessment standards adopted by authoritative bodies;
- the technological and economic feasibility of compliance with the proposed permissible mold exposure limit; and
- any toxicological studies or additional scientific evidence.

INFORMATION FROM DEPARTMENT OF HEALTH SERVICES

In 2005, the Department of Health Services issued the Report to the California Legislature: Indoor Air Pollution in California (Report). The Report notes that the Toxic Mold Protection Act of 2001 directed the Department of Health Services (DHS) to determine the feasibility of identifying permissible exposure limits for indoor mold. The Report states, "DHS scientists have addressed this issue, and their conclusions are included in a report

currently undergoing internal review. When approved for public release, this report will be posted to the DHS Indoor Air Quality website."

The referenced report is not likely to focus only on fungal counts. In another section of the Report, the Department notes, "In a recent review of studies aimed at identifying building with mold problems, an expert panel . . . concluded . . . fungal counts alone provide little information about the microbial status of an indoor environment."

Consistent with this information, the Department of Health Services does not recommend testing, in part because "the traditional methods used to identify increased mold exposure do not reliably predict increased health risks."

Statutory sections enacted 2001. Report issued 2005. Information sheet updated 2012.

[Cal. Health & Safety Code §§ 26101.7, 26102, 26103, 26105 \(2015\)](#); [Cal. Air Res. Bd., *Report to the California Legislature: Indoor Air Pollution in California* 110, 156 \(2005\)](#); [Cal. Dep't of Public Health, *Indoor Air Quality \(IAQ\) Info Sheet, Mold in My Home—What Do I Do?* \(July 2012\)](#)

Colorado

Colorado, Assessment

No relevant statutes or regulations were located.

However, the Colorado Department of Public Health and Environment advises that "air sampling may or may not prove useful," noting that sample results can vary greatly based on several variables.

Webpage dated 2016.

[Colo. Dep't of Pub. Health & Env't, *Mold* \(last visited June 17, 2016\)](#)

Colorado, Insurance

No specifically relevant statutes or regulations were located. However, an information sheet previously available on the Colorado Department of Public Health and Environment's website noted that insurance companies "seldom provide coverage for mold testing or cleanup" because those tasks are usually considered housekeeping tasks that are the homeowner's or landlord's responsibility.

Information sheet issued 2002.

Colo. Dep't of Pub. Health & Env't, *Mold Information Sheet* (2002)

Colorado, Remediation

No relevant statutes or regulations were located.

However, the Colorado Department of Public Health and Environment suggests that if a person suspects a mold problem, he or she should:

- identify and eliminate moisture sources;
- discard material that cannot be cleaned; and
- if there is visible mold, clean it up using the remediation tips provided by the U.S. Environmental Protection Agency.

Webpage dated 2016.

[Colo. Dep't of Pub. Health & Env't, *Mold* \(last visited June 17, 2016\)](#)

Colorado, Standards

No relevant statutes or regulations were located.

However, the Colorado Department of Public Health and Environment notes that there are no federal, state, or local regulatory limits for mold in homes or work environments.

Webpage dated 2016.

[Colo. Dep't of Pub. Health & Env't, *Mold* \(last visited June 17, 2016\)](#)

Connecticut

Connecticut, Assessment

No relevant statutes or regulations were located.

However, the Connecticut Department of Public Health has issued a Fact Sheet that does not recommend testing as the first step to determine if property has a mold problem, in part, because there are no air standards for indoor mold levels. Instead, the Department suggests, "If you can see or smell mold, the next step is to identify the source and remove it."

Fact sheet issued 2012.

[Conn. Dep't of Pub. Health, *Fact Sheet: Get the Mold Out: Mold Clean-Up Guidance for Residences* \(Aug. 2012\)](#)

Connecticut, Insurance

No relevant statutes or regulations were located.

However, the Connecticut Insurance Department has issued filing review guidelines that identify mold-related policy provisions that are necessary to comply with Connecticut law. The Guidelines provide that:

- the Department will not establish mandatory definitions;
- a policy may not exclude or limit coverage for a loss arising out of mold or remediation if the cause of the loss is fire or lightning;
- a policy may not exclude coverage for a loss arising out of mold or remediation in which the cause of the loss is other than fire or lightning, unless a sub-limit is provided for mold loss if (a) the cause is a covered loss and (b) the minimum sub-limit for mold and remediation coverage is \$10,000;
- an additional deductible for mold loss is not permitted;
- the policy may not unreasonably restrict the time period for reporting a mold claim; and
- a policy may not exclude coverage for liability arising out of mold, but may include a "minimum aggregate sub-limit of \$50,000 for loss arising out of mold."

Guidelines issued 2002.

[Conn. Dep't of Ins., *Filing Review Guidelines Related to Mold Coverage in Personal & Commercial Ins. Policies* \(Aug. 7, 2002\)](#)

Connecticut, Remediation

No relevant statutes or regulations were located.

However, the Connecticut Department of Public Health has issued a Fact Sheet that gives the following general suggestions regarding mold clean-up:

- hire a professional if the job is large, you are allergic to mold, or you feel your health has been affected;
- if you decide to hire a contractor, ask the contractor whether he or she has received any formal training specifically in mold abatement; and
- generally, avoid biocides.

The Department of Health suggests the following steps for cleaning up mold in a home:

- identify and remove the moisture source;
- discard mold-contaminated materials that cannot be dried out and thoroughly cleaned;
- wear a respirator with a HEPA filter and rubber gloves; and
- clean mold on hard, non-porous materials with a solution of bleach and water.

Legislation effective June 7, 2006, required the Department of Public Health to publish guidelines that established mold abatement protocols, including acceptable methods for performing mold remediation or abatement. As a result, the Department of Public Health has issued *Connecticut Guidelines for Mold Abatement Contractors*, which provides "guidance" to mold-abatement contractors.

Statutory section enacted 2006. Fact sheet regarding clean-up issued 2012; fact sheet regarding health concerns revised 2010; abatement guidelines revised 2011.

[Conn. Dep't of Pub. Health, *Fact Sheet: Get the Mold Out: Mold Clean-Up Guidance for Residences* \(Aug. 2012\)](#); [Conn. Dep't of Pub. Health, *Fact Sheet: Mold in the Home: Health Concerns* \(April 2010\)](#); [Conn. Rev. Stat. § 19a-111l \(2015\)](#); [Conn. Dep't of Pub. Health, *Connecticut Guidelines for Mold Abatement Contractors* \(2011\)](#)

Connecticut, Standards

No relevant statutes or regulations were located.

However, the Connecticut Department of Public Health has issued a Fact Sheet that does not generally recommend testing, in part because there are no standards for acceptable mold levels in indoor environments.

Fact sheet issued 2012.

[Conn. Dep't of Pub. Health, *Fact Sheet: Get the Mold Out: Mold Clean-Up Guidance for Residences* \(Aug. 2012\)](#)

Delaware

Delaware, Assessment

No relevant statutes or regulations were located.

However, the Delaware Division of Public Health has issued an Information Sheet that does not recommend testing. The division recommends that "if you see mold or if there is an earthy or musty smell, you should assume a mold problem exists." However, if mold growth is hidden and difficult to locate, testing may be appropriate to help determine the extent of any contamination.

Note that home inspectors are not required to determine the presence of molds or mold-like substances.

Regulation adopted 2013 and amended 2014. Information sheet amended 2004.

[Del. Health & Soc. Serv., Div. of Pub. Health, *Info. Sheet: Mold in Your Home* \(July 12, 2004\); 4100 Del. Code Regs. § 18.13.1.11 \(2015\)](#)

Delaware, Insurance

No specifically relevant statutes or regulations were located.

Delaware, Remediation

Delaware statutes and regulations contain no provisions specifically addressing mold remediation in real estate. However, Delaware statutes regarding pesticides generally regulate the sale, use and application of pesticides, which include substances that prevent, destroy, repel or mitigate certain pests, including fungus. The act defines "fungus" as including mold.

Also, the Division of Public Health has issued an Information Sheet that lists the following steps for remediating mold in small quantities:

- identify and fix the moisture problem;

- dry wet materials;
- remove and dispose of mold-contaminated materials;
- clean surfaces; and
- disinfect surfaces (optional).

The Information Sheet also provides detailed suggestions for minimizing mold exposure during clean-up.

Statutory section 1201 amended 1976; § 1202 amended 1996. Information sheet revised 2004.

[Del. Code tit. 3, §§ 1201; 1202\(14\), \(26\), \(27\) \(2016\); Del. Health & Soc. Serv., Div. of Pub. Health, *Info. Sheet: Mold in Your Home* \(July 12, 2004\)](#)

Delaware, Standards

No relevant statutes or regulations were located.

District of Columbia

District Of Columbia, Assessment

LICENSING AND CERTIFICATION

As of September 9, 2014, the Director of the District Department of the Environment issues mold-assessment licenses and may issue certifications for conducting indoor mold assessment in the District. No person may engage in the business of residential indoor mold assessment unless certified and licensed.

The Director must maintain a publicly available list of all certified indoor mold assessment professionals in the District.

RENTAL HOUSING

As of September 9, 2014, when a prospective tenant applies to lease a rental unit, the housing provider must disclose information that he or she knows or should have been known about the presence of indoor mold contamination in the rental unit or common areas during the previous three years, unless the mold has been remediated by a certified and licensed indoor mold remediation professional.

Statutory section 42-3502.22 amended 2014; § 8-241.03 enacted 2014.

D.C. Code §§ 8-241.03; 42-3502.22(b)(1) (LexisNexis 2016)

District Of Columbia, Insurance

No relevant statutes or regulations were located.

However, the District of Columbia Department of Insurance and Securities Regulation has issued a bulletin that provides that insurers may:

- exclude coverage for mold that is not the result of a covered cause;
- provide limited coverage for the removal of mold that is directly related to covered water damage; and
- exclude coverage for procedures, such as mold testing, treatment, containment, or disposal, beyond that necessary to repair or replace property physically damaged by water.

Insurers must give policyholders the option to purchase "additional coverage in the form of a buy back endorsement to address the excluded exposure." The policy language should advise the insured that "continuously ignoring indications of or prior knowledge of a water problem" could result in the insurer denying a claim.

Insurers may not exclude coverage for mold that results from a covered cause.

Bulletin issued 2001.

[D.C. Dep't of Ins. & Sec. Regulation, *Bulletin No. 01-LG-006-12/31* \(Dec. 31, 2001\)](#)

District Of Columbia, Remediation

LICENSING AND CERTIFICATION

As of September 9, 2014, the Director of the District Department of the Environment issues mold-remediation licenses and may issue certifications for conducting indoor mold remediation in the District. No person may engage in the business of residential indoor mold remediation unless the person is certified and licensed.

The Director must maintain a publicly available list of all certified indoor mold-remediation professionals in the District.

REQUIRED REMEDIATION

As of September 9, 2014, a residential property owner who receives written or electronic notice from a tenant that indoor mold or suspected indoor mold exists in his or her dwelling unit or in a common area must:

- inspect the property within seven days; and

- remediate the condition within 30 days of the inspection, unless a court or the mayor orders a shorter timeframe.

If a residential property owner knows or has reason to know that indoor mold contamination exists in a tenant's dwelling unit or in a common area, the owner must cause an indoor mold remediation professional to remediate the mold. If professional indoor mold remediation is not required, a residential property owner notified of indoor mold by a tenant must clean and remove the indoor mold from the contaminated surface pursuant to the guidelines established by law.

PESTICIDES

The District's statutes also generally regulate the manufacture, sale, use, and application of pesticides, which include substances to prevent, destroy, repel, or mitigate any pest, including fungus. The statute defines "fungus" as including mold.

CLEANING RECOMMENDATIONS

The District of Columbia Department of Health previously posted a brochure that provided instructions for cleaning up mold, which generally involved the following steps:

- correcting the moisture source;
- scrubbing mold off hard surfaces with non-ammonia soap and water and drying them completely;
- throwing away absorbent or porous materials;
- limiting exposure to mold; and
- using a biocide or disinfectant (which is not generally recommended).

Statutory section 8-402 amended 1978; § 8-401 amended 2000; §§ 8-241.03 and 8-241.04 enacted 2014. Brochure modified 2006.

D.C. Code §§ 8-241.03, -241.04, -401, -402 (LexisNexis 2016); D.C. Dep't of Health, *Mold: Frequently Asked Questions* (last visited Feb. 1, 2013)

[District Of Columbia, Standards](#)

INDOOR MOLD CONTAMINATION

As of September 9, 2014, D.C. Code defines "indoor mold contamination" as indoor mold at or above the threshold established under § 8-241.02(a)(1). That section provides that, consistent with applicable federal guidelines and regulations relating to the assessment and remediation of mold, the Director of the District Department of the Environment must establish:

- a "threshold level of indoor mold contamination that requires professional indoor mold remediation at residential properties";
- scientific and objective methods for certified individuals to use when conducting an indoor mold assessment;
- minimum performance standards and work practices for conducting professional indoor mold remediation; and
- guidelines for the removal of indoor mold to levels below the threshold.

Statutory sections 8-241.01 and 8-241.02 enacted 2014.

D.C. Code §§ 8-241.01, .02 (LexisNexis 2016)

Florida

Florida, Assessment

LICENSING REQUIREMENTS

General requirements

Mold assessors must be licensed. "Mold assessment" means the process that "includes the physical sampling and detailed evaluation of data obtained from a building history and inspection to formulate an initial hypothesis about the origin, identity, location, and extent of amplification of mold growth of greater than 10 square feet." A "mold assessor" is a person who performs or directly supervises a mold assessment.

The following persons are *not* required to comply with the licensing provisions described below:

- a residential property owner assessing mold on his or her own property;
- a person assessing mold on property owned or leased by "the person, the person's employer, or an entity affiliated with the person's employer through common ownership, or on property operated or managed by the person's employer or an entity affiliated with the person's employer through common ownership," provided the person, employer, or affiliated entity does not engage in the mold assessment business;
- an employee of a mold assessor who is directly supervised by a mold assessor;
- persons or business organizations acting within the scope of other licenses required by "part XV of chapter 468 [home inspectors], chapter 471 [engineering], part I [architecture and interior design] or part II [landscape architecture] of chapter 481, chapter 482 [pest control], chapter 489 [contracting] are acting on behalf of an insurer under part VI of chapter 626 [insurance adjusters], or are persons in the manufactured housing industry who

are licensed under chapter 320 [motor vehicle licenses]," provided they do not hold themselves out for hire to the public as a mold assessor; or

- an authorized employee of the United States, Florida, a political subdivision, or a public or private school who is conducting mold assessment within the scope of his or her employment and who does not "hold out for hire to the general public or otherwise engage in mold assessment."

Obtaining a license

A person desiring to be licensed as a mold assessor must pass the state's required examination. The applicant must also be "of good moral character" and complete one of the following requirements:

- have at least a two-year associate of arts degree (or equivalent) with at least 30 semester hours in microbiology, engineering, architecture, industrial hygiene, occupational safety, or a related science field from an accredited institution and at least one year of documented field experience "conducting microbial sampling or investigations"; or
- have a high school diploma (or the equivalent) with at least four years of documented field experience "conducting microbial sampling or investigations."

The applicant must also submit a complete set of electronic fingerprints.

The Department of Business and Professional Regulation will certify for licensure any applicant who:

- satisfies the above requirements;
- has passed the licensing examination; and
- has "documented training in water, mold, and respiratory protection."

The department may also certify as qualified for a "license by endorsement" an applicant who:

- is of good moral character;
- has the required insurance coverage; and
- either (a) is qualified to take the Florida state examination and has passed a certification examination offered by a nationally recognized organization that certifies persons in mold assessment and that the department has approved; or (b) holds a valid license to practice mold assessment issued by another state or territory, provided that jurisdiction's licensing criteria are substantially the same as Florida's criteria.

License renewal

To renew a license, a licensee must submit proof that during the two years before his or her renewal application, he or she completed at least 14 hours of approved continuing education. The department may require by rule additional continuing professional education hours, not to exceed 25 percent of the total required hours, for a licensee's failure to complete the required renewal hours by the end of the renewal period.

Entities

The practice of mold assessment by licensees through an entity or by an entity offering services to the public through licensees is permitted, subject to certain statutory provisions. A corporation may not hold a license to practice mold assessment.

Prohibited acts

A person may not act as follows:

- perform or offer to perform a mold assessment unless the mold assessor has "documented training in water, mold, and respiratory protection";
- perform or offer to perform a mold assessment unless he or she has complied with the above requirements;
- use any of the following titles unless the person or company has complied with the above requirements: "certified mold assessor," "registered mold assessor," "licensed mold assessor," "mold assessor," or "professional mold assessor";
- perform or offer to perform any mold remediation to a structure on which the mold assessor or his or her company provided a mold assessment during the past 12 months, except that this requirement does not apply to certain certified Division I contractors;
- inspect for a fee any property in which the assessor or his or her company has a "financial or transfer interest";
- accept compensation, an inducement, or a reward from a mold remediator for referring business to the mold remediator or his or her company;
- offer any compensation, inducement, or reward to a mold remediator or his or her company for referring any business; or
- accept an engagement to "make an omission of the assessment or conduct an assessment in which the assessment itself, or the fee payable for the assessment, is contingent" on the assessment's conclusions.

Assessment contracts

A contract to perform mold assessment must be in "a document or electronic record, signed or otherwise authenticated by the parties."

A mold assessment contract:

- need not provide estimates related to the cost of repairing an assessed property; and
- need not "provide estimates."

Grandfather clause

A person who performed mold assessment could qualify for licensure as a mold assessor if the person:

- submitted an application to the department by March 1, 2011; and
- either (a) was certified as a mold assessor by a state or national association that required successful completion of a proctored examination on mold assessment and completed at least 60 hours of education on mold assessment or (b) had at least three years' experience as a mold assessor.

HEALTH DEPARTMENT RECOMMENDATIONS

The Florida Department of Health has issued a brochure that "does not recommend mold testing or sampling to see if you have a mold problem, or to see what kind of mold might be growing."

Sampling for mold can be expensive and should be performed only by experienced professionals.

"Investigate a mold problem; don't test."

The recommended steps for investigating are as follows:

- look for visible mold growth and signs of moisture or water damage;
- check air handling units for standing water;
- search areas where mold odors exist; and
- be alert if mold-allergic people exhibit allergy symptoms when in your home.

Statutory sections 468.8411, 468.8416, and 468.8422 enacted 2007; § 468.841 amended 2012; §§ 468.8413, 468.8414, 468.8418, 468.8419, and 468.8423 amended 2010. Brochure history unknown.

[Fla. Stat. §§ 468.8411, .841, .8413, .8414, .8416, .8418, .8419, .8422, .8423 \(2016\); Fla. Dep't of Health, *Indoor Mold and Your Health* \(last visited June 16, 2016\)](#)

Florida, Insurance

HOMEOWNERS' INSURANCE

No specifically relevant statutes or regulations were located.

However, Florida statutes provide that before or at the time an insurer delivers or issues a basic homeowner's policy, he or she must also deliver a comprehensive coverage checklist and a coverage outline. The checklist must include, among other things, whether "the principal premises and other structures" are insured against mold.

Also, the Florida Department of Financial Services has issued a bulletin to provide guidance to consumers regarding mold and fungi coverage. The bulletin states, "Typically, mold that results from a covered peril is a covered claim through your homeowners' policy. An example would be a sudden and accidental discharge of water — like a burst pipe or other plumbing failure, or claims that arise from water damage due to hurricanes or flooding." However, it warns that consumers must refer to their policies for mold coverage and limitations, which typically include either:

- limited levels of mold-related property damage coverage in the basic policy;
- \$10,000 of limited coverage with the opportunity to purchase additional coverage for an additional premium; or
- an exclusion of mold-related property damage, with the option to purchase mold coverage in specified amounts for an additional premium.

MOLD ASSESSOR AND REMEDIATOR INSURANCE

As of July 1, 2010,

- a mold assessor must maintain general liability and errors and omissions for both preliminary and postremediation mold assessment insurance coverage of at least \$1,000,000; and
- a mold remediator must maintain a general liability insurance policy in an amount of at least \$1,000,000 that "includes specific coverage for mold-related claims."

Statutory section 468.8421 amended 2010; § 627.4143 enacted 2007. Bulletin history unknown.

[Fla. Stat. §§ 468.8421; 627.4143\(3\)\(a\) \(2016\); Jeff Atwater, Fla. Dep't of Fin. Serv., *Homeowners' Insurance: A Toolkit for Consumers* \(last visited June 16, 2016\)](#)

Florida, Remediation

LICENSING REQUIREMENTS

General requirements

Mold remediators must be licensed. "Mold remediation" means "the removal, cleaning, sanitizing, demolition, or other treatment, including preventive activities, of mold or mold-contaminated matter of greater than 10 square feet that was not purposely grown at that location." A "mold

remediator" is a person who performs mold remediation, except that a mold remediator may not perform any work that requires a license under chapter 489 (regarding contracting) unless the mold remediator is also licensed under or complies with that chapter.

The following persons are *not* required to comply with the licensing provisions described below:

- a residential property owner who remediates mold on his or her own property;
- a person who remediates mold on property "owned or leased by the person, the person's employer, or an entity affiliated with the person's employer through common ownership, or on property operated or managed by the person's employer or an entity affiliated with the person's employer through common ownership," provided the person or affiliated entity is not in the business of performing mold remediation for the public;
- an employee of a mold remediator who is directly supervised by the mold remediator;
- a person or business organization acting within the scope of a license required by "part XV of chapter 468 [home inspectors], chapter 471 [engineering], part I of chapter 481 [architecture and interior design], chapter 482 [pest control], chapter 489 [contracting], or part XV of . . . chapter [468] [home inspectors] are acting on behalf of an insurer under part VI of chapter 626 [insurance adjustors], or are persons in the manufactured housing industry who are licensed under chapter 320 [motor vehicle licenses]," unless the person or business organization holds itself out for hire to the public as a mold remediator; or
- an authorized employee of the United States, Florida, a political subdivision, or a public or private school who is remediating mold within the scope of his or her employment and who does "hold out for hire to the general public or otherwise engage in mold remediation."

Obtaining a license

A person desiring to be licensed as a mold remediator must pass the state's required examination. The applicant must also be "of good moral character" and complete one of the following requirements:

- have at least a two-year associate of arts degree (or the equivalent) in microbiology, engineering, architecture, industrial hygiene, occupational safety, or a related science field from an accredited institution and at least one year of "documented field experience in a field related to mold remediation"; or
- have a high school diploma (or the equivalent) with at least four years of "documented field experience in a field related to mold remediation."

An applicant must also submit a complete set of electronic fingerprints.

The Department of Business and Professional Regulation will certify for licensure any applicant who:

- satisfies the above requirements;
- has passed the licensing examination; and
- has "documented training in water, mold, and respiratory protection."

The department may also certify as qualified for a "license by endorsement" an applicant who:

- is of good moral character;
- has the required insurance coverage; and
- either (a) is qualified to take the Florida state examination and has passed a certification examination offered by a nationally recognized organization that certifies persons in mold remediation and that the department has approved; or (b) holds a valid license to practice mold remediation issued by another state or territory, provided that jurisdiction's licensing criteria are substantially the same as Florida's criteria.

License renewal

To renew a license, a licensee must submit proof that during the two years before his or her renewal application, he or she completed at least 14 hours of approved continuing education. The department may require by rule additional continuing professional education hours, not to exceed 25 percent of the total required hours, for a licensee's failure to complete the required renewal hours by the end of the renewal period.

Certification of entities

The practice of mold remediation by licensees through an entity or by an entity offering services to the public through licensees is permitted, subject to statutory provisions. A corporation may not hold a license to practice mold remediation.

Prohibited acts

A mold remediator, a company that employs a mold remediator, or a company controlled by a company that has a financial interest in a company employing a mold remediator may not act as follows:

- perform or offer to perform mold remediation unless the remediator has "documented training in water, mold, and respiratory protection";
- perform or offer to perform mold remediation unless he or she has complied with the above requirements;

- use any of the following titles unless he or she has complied with the above requirements: "certified mold remediator," "registered mold remediator," "licensed mold remediator," "mold remediator," or "professional mold remediator";
- perform or offer to perform a mold assessment on a structure on which the mold remediator or his or her company provided a mold remediation during the past 12 months, except that this provision does not apply to certain certified Division I contractors;
- remediate for a fee any property in which the remediator or his or her company has a "financial or transfer interest";
- accept any compensation, inducement, or reward from a mold assessor for referring business from the mold assessor or his or her company; or
- offer any compensation, inducement, or reward to a mold assessor or his or her company for referring any business.

Remediation contracts

A contract to perform mold remediation must be in "a document or electronic record, signed or otherwise authenticated by the parties."

Grandfather clause

A person who performed mold remediation could qualify for licensure as a mold remediator if the person:

- submitted an application to the department by March 1, 2011; and
- either (a) was certified as a mold remediator by a state or national association that required successful completion of a proctored examination on mold remediation and completed at least 30 hours of education on mold remediation or (b) had at least three years' experience as a mold remediator.

PESTICIDE LAWS

The Florida Pesticide Law generally regulates the distribution, sale and use of pesticides, which include substances that are intended to prevent, destroy or mitigate certain fungi, among other things. The act defines "fungi" as including mold.

CLEAN-UP PROCEDURES

A Florida Department of Health brochure suggests that:

- mold should be cleaned as soon as it appears, using soapy water or a commercial mildew or mold cleaner;

- the person cleaning the mold should wear gloves and goggles;
- the cleaned area should be thoroughly dried;
- any sponges or rags used to clean mold should be discarded;
- if the moldy material is not easily cleanable, the material should be removed and replaced; and
- bleach or other chemicals are not usually necessary to kill indoor mold growth.

The brochure also suggests that a homeowner can usually handle the clean-up if the moldy area is smaller than about 10 square feet. If the homeowner chooses to hire a professional to do the cleanup, he or she should:

- verify that the contractor has experience cleaning mold;
- check references; and
- ask the contractor to follow the professional or government organizations' recommendations.

ASSOCIATION ACCESS

As of July 1, 2014, condominium associations, cooperative boards, and homeowners' associations are permitted under specified situations to repair or mitigate mold damage.

Statutory sections 487.012 and 487.021 amended 2004; §§ 468.8411, 468.8416, and 468.8422 adopted 2007; § 468.841 amended 2012; §§ 468.84, 468.8413, 468.8414, 468.8418, 468.8419, and 468.8423 amended 2010; §§ 718.111, 719.128, and 720.316 amended 2014. Brochure history unknown.

[Fla. Stat. §§ 468.84, .841, .8411, .8413, .8414, .8416, .8418, .8419, .8422, .8423; 487.012, .021\(30\), \(49\); 718.111; 719.128; 720.316 \(2016\); Fla. Dep't of Health, *Indoor Mold and Your Health* \(last visited June 16, 2016\)](#)

Florida, Standards

No relevant statutes or regulations were located.

However, the Department of Health has issued a brochure that does not recommend testing, in part because "[t]here are no health or exposure-based standards that you can use to evaluate a mold sampling result."

Brochure history unknown.

[Fla. Dep't of Health, *Indoor Mold and Your Health* \(last visited June 16, 2016\)](#)

Georgia

Georgia, Assessment

No specifically relevant provisions were located.

Moreover, Georgia regulations provide that the "Georgia Wood Infestation Inspection Report", which is the written instrument used to certify that a structure is apparently free from wood-destroying organisms upon a property transfer, explicitly provides that the report is *not* intended to cover mold and mildew. "Structural Pest Control companies are not responsible for inspecting for molds."

Regulation amended 2014.

Ga. Comp. R. & Regs. r. 620-6-.03, *Form Conditions* ¶ 4 (2015)

Georgia, Insurance

No relevant statutes or regulations were located.

However, the Georgia Department of Insurance issued a Report noting that mold insurance coverage availability became more difficult in 2002 as companies sought to limit their liabilities by:

- excluding or sub-limiting property damage and liability claims involving mold; and
- tightening underwriting guidelines involving classes with greater mold exposure.

The department announced that it has "developed guidelines which attempt to keep the integrity of current policies intact, but allows companies the ability to limit some of the excessive, extraneous costs involving mold abatement and removal which have seen a rapid escalation." However, research did not locate the referenced announcement on the department's web site, and the report is no longer readily available on the current Georgia Office of Insurance website.

Report issued 2002.

Ga. Dep't of Ins., *Property & Casualty Supplemental Report* 12-13 (2002) (last viewed March 3, 2008)

Georgia, Remediation

No specifically relevant statutes or regulations were located. Legislation introduced during the 2005-2006 legislative session that would have regulated "microbial professionals" did not pass into law. See [H.B. 729, 2006 Leg., Reg. Sess. \(Ga. 2006\)](#).

However, the Georgia Department of Health has issued a brochure that provides instructions for cleaning up small areas of mold from hard surfaces, generally involving the following steps:

- fix any obvious water leaks or moisture sources;
- damp wipe or scrub contaminated surfaces with warm water and a non-ammonia soap or detergent;
- rinse and thoroughly dry the cleaned surface; and
- if desired, use a bleach solution to disinfect the area.

A homeowner should consult a professional for larger areas.

The Georgia senate passed a resolution creating a Senate Mold and Mildew Remediation Contractor Study Committee, which was to study the conditions, needs, issues, and problems related to "unscrupulous persons" taking advantage of residents plagued by mold and mildew in their homes and apartments. If the committee arrived at recommendations for proposed legislation, it was to report those results by December 1, 2014.

Also, although Georgia statutes contain no provisions specifically addressing mold remediation in real estate, the state's pesticide laws generally regulate the use and application of pesticides. "Pesticides" are defined as substances that prevent, destroy, repel, or mitigate pests. The term "pest" includes fungus, and "fungus" includes mold.

Statutory section 2-7-92 amended 1994. Brochure amended 2013. Resolution adopted 2014.

Ga. Code Ann. 2-7-92 (LexisNexis 2015); [Ga. Dep't of Public Health, *What Can I do About Mold in My Home?* \(Aug. 14, 2013\); S.R. 953, 152nd Gen. Assem., Reg. Less. \(Ga. 2014\)](#)

Georgia, Standards

No relevant statutes or regulations were located.

Guam

Guam, Assessment

No relevant statutes or regulations were located.

Guam, Insurance

No specifically relevant statutes or regulations were located.

Guam, Remediation

Guam statutes and regulations contain no provisions specifically addressing mold remediation in real estate. However, the Guam Pesticides Act of 2007 generally regulates the registration, importation, production, sale, distribution, use, and application of pesticides, which include substances that prevent, destroy, or mitigate certain pests, including fungus. The act defines "fungus" as including mold.

Statutory section 50101 amended 2007; § 50102 amended 2007, with technical revision in 2011.

[10 Guam Code §§ 50101, 50102 \(2015\)](#)

Guam, Standards

No relevant statutes or regulations were located.

Hawaii

Hawaii, Assessment

No relevant statutes or regulations were located.

However, the Hawaii Senate adopted a resolution in 2004 requesting the Hawaii Department of Health and the American Industrial Health Hygiene Association to convene a mold working group to identify key issues regarding molds that should be addressed in future legislation.

Resolution adopted 2004.

[S.R. 100, 2004 Leg. Sess. \(Haw. 2004\)](#)

Hawaii, Insurance

No relevant statutes or regulations were located.

However, the Hawaii Insurance Commissioner has noted that although most commercial and personal insurance policies limit liability for mold losses, most policyholders are given the opportunity to purchase increased limits.

Report issued 2004.

Dep't of Commerce & Consumer Affairs, *Report of the Ins. Comm'r of Haw. 2004*, 13 (2004) (last visited Feb. 1, 2013)

Hawaii, Remediation

Hawaii statutes contain no provisions specifically addressing mold remediation in real estate. However, the Hawaii Pesticides Law generally regulates the distribution, solicitation, sale, transportation of certain pesticides. "Pesticides" include substances intended to prevent, destroy, repel or mitigate pests, which include fungus. The act defines "fungi" to include mold.

The Hawaii Department of Health generally recommends the following basic steps for cleaning mold:

- dry water damaged areas and items as soon as possible;
- get rid of excess moisture and fix any water sources;
- wash off hard surfaces with detergent; and
- replace any moldy absorbent materials.

Legislation considered in the 2010 regular session, which would have established a toxic mold remediation task force to examine the potential hazards of toxic indoor mold contamination and to recommend mold standards and guidelines, did not pass into law.

Statutory sections amended 2007. Information sheet amended 2004.

[Haw. Rev. Stat. §§ 149A-2; -11 \(2015\)](#); [Haw. Dep't of Health, *How to Clean Mold from Your House* \(Feb. 21, 2008\)](#); [see S.B. 2036, 2010 Leg., Reg. Sess. \(Haw. 2010\)](#)

Hawaii, Standards

No statutes or regulations establishing a mold standard were located.

However, the Hawaii Senate adopted a resolution in 2004 requesting the Hawaii Department of Health and the American Industrial Health Hygiene Association to convene a mold working group to identify key issues regarding molds that should be addressed in future legislation.

Legislation considered in the 2010 regular session, which would have established a toxic mold remediation task force to examine the potential hazards of toxic indoor mold contamination and to recommend mold standards and guidelines, did not pass into law.

Resolution adopted 2004.

[S.R. 100, 2004 Leg. Sess. \(Haw. 2004\)](#); see [S.B. 2036, 2010 Leg., Reg. Sess. \(Haw. 2010\)](#)

Idaho

Idaho, Assessment

No relevant statutes or regulations were located.

However, the Idaho Department of Health and Welfare has issued a document that does not recommend testing because it is expensive. The department states that if a homeowner sees mold or smells an earthy or musty odor, there is probably a moisture and mold problem, and the homeowner should spend the time and money on cleanup rather than testing.

Document amended 2009.

[Idaho Dep't of Health & Welfare, *Mold in Our Homes* \(last visited June 17, 2016\)](#)

Idaho, Insurance

No specifically relevant statutes or regulations were located.

Idaho, Remediation

No relevant statutes or regulations were located.

However, the Idaho Department of Health and Welfare has issued a document that recommends mold-cleaning procedures, including:

- wearing adequate protective equipment and appropriate clothing;

- ensuring the area is well-ventilated;
- cleaning and drying the area;
- removing porous materials; and
- cleaning non-porous surfaces.

Document amended 2009.

[Idaho Dep't of Health & Welfare, *Mold in Our Homes* \(last visited June 17, 2016\)](#)

Idaho, Standards

No relevant statutes or regulations were located.

Illinois

Illinois, Assessment

No relevant statutes or regulations were located. However, the Illinois Department of Public Health has issued a brochure that does not recommend testing for mold in most cases because:

- testing for molds is "difficult and expensive";
- a contractor must conduct the test;
- no standards set acceptable mold amounts; and
- testing cannot determine whether health effects will occur.

If a homeowner can see or smell mold, the mold must be cleaned up and testing is usually not necessary.

Brochure dated 2003. Fact sheet revised 2008.

[Ill. Dep't of Pub. Health, *Mold and Mildew* \(Aug. 2003\); see also Ill. Dep't of Pub. Health, *Envtl. Health Fact Sheet: Common Questions and Answers About Indoor Mold* \(last visited June 17, 2016\)](#)

Illinois, Insurance

No relevant statutes or regulations were located. However, the Department of Insurance has issued bulletins that provide guidance to insurance companies and consumers regarding mold coverage.

INSURER REQUIREMENTS

A memorandum issued to all licensed property and casualty insurers provides that mold exclusions or limitations for personal or commercial *property* insurance must comply with the following requirements:

- all policies that provide coverage for fire or lightning perils must cover mold that results from a covered fire or lightning loss, so if there is water damage and mold after a covered fire or lightning loss, all of the damages are subject to the policy limit; and
- mold-related language in policy forms, exclusions and limitations may not:
 - violate any provisions of the Illinois Insurance Code;
 - contain inconsistent, ambiguous or misleading language; or
 - contain exceptions or conditions that unreasonably or deceptively affect the risks supposedly assumed by the policy.

All mold exclusions or limitations in personal or commercial *liability* insurance, must comply with the following:

- mold exclusions are not permitted in workers compensation policies; and
- mold-related language in policy forms, exclusions and limitations may not:
 - violate any provisions of the Illinois Insurance Code;
 - contain inconsistent, ambiguous or misleading language; or
 - contain exceptions or conditions that unreasonably or deceptively affect the risks supposedly assumed by the policy.

Also, insurers issuing mold-related exclusions or limitations must include a separate detailed written notification explaining the removal or limitation of mold coverage and its effect on the policy.

Insurers must:

- try to contact all policyholders within 24 to 48 hours of a reported loss involving water damage;
- advise the insured of any mold-related exclusion or limitation, and explain how it may affect the coverage; and
- advise the insured of the need to protect the property from further damage by drying it immediately and contacting a professional water-extraction company, if required.

In the case of widespread water losses, the insurance industry may use mass media to advise consumers to check their coverage regarding mold and to inform the consumers of the steps they should take to prevent resulting mold growth.

Note that the memorandum with the above information is no longer available on-line as of February 2011.

CONSUMER INFORMATION

The Department of Insurance has issued a bulletin that informs consumers of mold and homeowners insurance. The bulletin informs consumers that whether homeowners insurance policies cover mold damage depends on what caused the mold and the consumer's policy coverage. Standard homeowners policies do not cover water damage caused by "maintenance" problems or floods, so that if that was the cause of the mold, it would probably not be covered. Standard homeowners policies do typically cover some types of sudden and accidental water losses, such as burst pipes, but even if the policy covers those types of water damage, some companies have begun to specifically exclude or limit coverage for any resulting mold. If mold results from water damage following a covered fire or lightning loss, the mold damage must be covered in Illinois.

The bulletin also notes that some companies avoid or limit their exposure to mold claims by:

- excluding all coverage for mold-related damage, except mold that results from a covered fire or lightning loss;
- excluding all coverage for mold-related claims, but offering buy-back endorsements that provide some mold coverage if the consumer pays for it;
- providing a limited amount of coverage for mold-related claims, either by limiting the amount it will pay for mold-related claims or by paying for some mold-related expenses but excluding others;
- providing coverage for mold-related claims in the policy and increasing the policy's price; or
- placing tighter restrictions on the types of homes they will insure.

Insurance company bulletin issued 2002; consumer information last modified 2009.

Nathaniel S. Shapo, Ill. Dep't of Ins., *Memorandum to All Licensed Property & Casualty Insurers* (Dec. 5, 2002) (last visited Feb. 2, 2010); [Ill. Dep't of Ins., *Illinois Insurance Facts: Mold Facts and Homeowners Insurance* \(Sept. 2009\)](#)

Illinois, Remediation

PEST CONTROL LAWS

The Illinois Structural Pest Control Act, which established minimum standards for selecting, formulating, and applying restricted pesticides and required the licensure of commercial structural pest control businesses, was repealed effective January 1, 2008, but was later reenacted.

The Illinois Pesticide Act regulates the labeling, distribution, use and application of pesticides, which include substances that are intended to prevent, destroy or mitigate any pests, including fungus. The act defines "fungi" as including mold.

DEPARTMENT OF HEALTH ADVICE

The Department of Public Health has issued a brochure and a fact sheet that suggest consumers attempting to clean up mold follow the following steps:

- throw out substances that are porous;
- if the home has been flooded, remove drywall to at least 12 inches above the water mark;
- clean and disinfect hard, non-porous materials;
- consider disposing of wet carpet; and
- stop the moisture source.

The homeowner should consult a professional if large areas of more than 30 square feet are contaminated with mold. The brochure and fact sheet also provide detailed clean-up procedures and advice regarding how to reduce exposure to mold while cleaning it up.

MOLD REMEDIATION REGISTRATION ACT

The Illinois Mold Remediation Registration Act, effective January 1, 2008, provides that the Department of Public Health. must report annually to the House of Representatives and the Senate concerning any federal regulations that establish:

- scientific evidence concerning "any health effects associated with fungi, bacteria, and their byproducts in indoor environments including any indoor air quality standard"; and
- standards for training, certifying, and licensing mold remediation service providers in residential, public, and commercial buildings.

In this context, "mold remediation" means "the removal, cleaning, sanitizing, demolition, or other treatment, including preventive activities, of mold or mold-containment matter in buildings."

That act also provides that the state health department may adopt rules to implement a program establishing procedures for parties that provide mold remediation services to register with the State and to provide evidence of financial responsibility.

Statutory sections 235/2 and 235/3.07 reenacted 2008; § 60/2 effective 1979; § 105/20 enacted 2008; §§ 235/5 and 60/4 amended 2014. Consumer brochure issued 2003. Fact sheet revised 2008.

[225 Ill. Comp. Stat. 235/2, /3.07, /5; 410 Ill. Comp. Stat. 105/20; 415 Ill. Comp. Stat. 60/2, /4\(15\), \(28\), \(29\) \(2015\); Ill. Dep't of Pub. Health, *Mold and Mildew* \(Aug. 2003\); Ill. Dep't of Pub. Health, *Env'tl. Health Fact Sheet: Common Questions and Answers About Indoor Mold* \(last visited June 17, 2016\)](#)

Illinois, Standards

No relevant statutes or regulations were located.

However, the Illinois Department of Health has issued a brochure that does not recommend testing, in part because "[e]ven if testing is done, no standards exist to judge what are acceptable amounts of mold."

Brochure dated 2003. Fact sheet revised 2008.

[Ill. Dep't of Pub. Health, *Mold and Mildew* \(Aug. 2003\); see also Ill. Dep't of Pub. Health, *Envtl. Health Fact Sheet: Common Questions and Answers About Indoor Mold* \(last visited June 17, 2016\)](#)

Indiana

Indiana, Assessment

No specifically relevant provisions were located.

Indiana statutes regarding home inspection reports explicitly provide that the report must include, among other things, a statement that the report does not address environmental hazards, including mold.

Indiana Department of Health's website provides a link to an E.P.A. webpage that does not recommend testing for mold. The webpage emphasizes that, in most cases, if visible mold is present, sampling is not necessary.

Statutory section enacted 2003. Guide reprinted 2010.

[Ind. Code § 25-20.2-2-7 \(2015\); U.S. Environmental Protection Agency, *A Brief Guide to Mold, Moisture, and Your Home* \(Sept. 2010\)](#)

Indiana, Insurance

No specifically relevant statutes or regulations were located.

Indiana, Remediation

No statutes or regulations specifically addressing mold remediation in real estate were located. However, Indiana statutes regarding pesticide use and application generally regulate the use and application of pesticides. Pesticides include any substance intended to prevent, destroy, repel or mitigate any pest, which includes fungus. The act defines "fungus" to include mold.

The Indiana Department of Health now provides a link to an E.P.A. webpage that recommends the following steps if mold is present:

- fix plumbing leaks and other water problems as soon as possible;

- dry all items completely;
- scrub mold off hard surfaces with detergent and water, and dry completely;
- throw away absorbent or porous moldy materials;
- wear the appropriate protective equipment and apparel.

If mold contamination is extensive, a homeowner may need to consult a professional abatement company.

Statutory sections enacted 2008. Guide reprinted 2010.

[Ind. Code §§ 15-16-5-14, -24, -25, -48, -49 \(2015\); U.S. Environmental Protection Agency, *A Brief Guide to Mold, Moisture, and Your Home* \(Sept. 2010\)](#)

Indiana, Standards

No relevant statutes or regulations were located. The Indiana Department of Health provides a link to an E.P.A. webpage that notes that "no EPA or other federal limits have been set for mold or mold spores."

Guide reprinted 2010.

[U.S. Environmental Protection Agency, *A Brief Guide to Mold, Moisture, and Your Home* \(Sept. 2010\)](#)

Iowa

Iowa, Assessment

No relevant statutes or regulations were located.

However, the Iowa Department of Public Health does not recommend testing for mold because:

- mold is present at some level in outdoor air so test results may be unreliable;
- it is very difficult to get meaningful test results for mold;
- mold testing is very costly; and
- there are no regulatory levels or guidelines for comparing test results.

The department recommends that if a homeowner can see or smell mold, there is probably a problem.

FAQ updated 2010. Mold document dated 2016.

[Iowa Dep't of Pub. Health, Bureau of Env'tl. Health Serv., *Mold* \(2016\) \(last visited June 17, 2016\)](#); [Iowa Dep't of Pub. Health, *Frequently Asked Questions about Mold* \(Mar. 3, 2010\)](#)

Iowa, Insurance

No specifically relevant statutes or regulations were located.

The Iowa Insurance Division has noted that mold is "not generally covered in a typical homeowners or renter's policy."

Report issued 2011.

[Iowa Ins. Div., *Basic Home Insurance Does Not Cover Flood Damage* \(Apr. 1, 2011\)](#)

Iowa, Remediation

Iowa statutes contain no provisions specifically addressing mold remediation in real estate.

However, Iowa regulations generally address the distribution or sale of pesticides and fungicides, which include substances that prevent, destroy, repel, or mitigate fungi, which includes mold.

Also, the Iowa Department of Public Health provides instructions for cleaning up mold, generally involving the following steps:

- removing moldy porous surfaces; and
- cleaning, disinfecting, and drying nonporous surfaces.

Regulation 45.1 amended 2010; r. 45.3 amended 2012. FAQ updated 2010. Mold document dated 2016.

[Iowa Admin. Code §§ 21-45.1, .3 \(2016\)](#); [Iowa Dep't of Pub. Health, Bureau of Env'tl. Health Serv., *Mold* \(2016\) \(last visited June 17, 2016\)](#); [Iowa Dep't of Pub. Health, *Frequently Asked Questions about Mold* \(Mar. 3, 2010\)](#)

Iowa, Standards

No relevant statutes or regulations were located. The Iowa Department of Public Health does not recommend testing as the first step to determine if a home has a mold problem, in part because "standards for judging what is and what is not an acceptable quantity of mold have not been set."

FAQ updated 2010. Mold document dated 2016.

[Iowa Dep't of Pub. Health, Bureau of Env'tl. Health Serv., *Mold* \(2016\) \(last visited June 17, 2016\)](#); [Iowa Dep't of Pub. Health, *Frequently Asked Questions about Mold* \(Mar. 3, 2010\)](#)

Kansas

Kansas, Assessment

No relevant statutes or regulations were located.

Kansas, Insurance

No specifically relevant statutes or regulations were located. The Kansas Insurance Department has noted that a typical property and liability policy does not cover home damage from mold.

Report created 2008.

[Kan. Ins. Dep't, *Kan. Ins. Dep't 2007 Annual Report* \(last visited June 24, 2016\)](#)

Kansas, Remediation

Kansas statutes and regulations contain no provisions specifically addressing mold remediation in real estate. However, Kansas statutes generally regulate the sale and application of pesticides, which include substances that prevent, destroy, control, repel or mitigate pests, including fungus. The statutes define "fungus" as including mold.

Also, the Kansas Health Department has issued a news release that briefly addresses cleaning mold from a structure. The release provides that if mold growth is over a large area or has grown into surfaces such as walls or floors, the homeowner may need to contact a mold-removal specialist.

Statutory section 2-2438a amended 2009; § 2-2440 amended 2014. News release dated 2007.

[Kan. Stat. §§ 2-2438a\(g\), \(m\), \(n\); -2440 \(2015\)](#); [Kan. Dep't Health & Env., *KDHE Offers Advice on Mold Cleanup* \(May 14, 2007\)](#)

Kansas, Standards

No relevant statutes or regulations were located.

Kentucky

Kentucky, Assessment

No relevant statutes or regulations were located.

However, the Kentucky Department for Public Health notes that the Centers for Disease Control and Prevention does not recommend routine sampling for molds because:

- sampling and culturing are not reliable in determining health risk;
- no matter what type of mold is present, it needs to be removed;

- reliable sampling for mold can be expensive; and
- standards for judging what is and what is not an acceptable or tolerable quantity of mold have not been established.

All mold remediation companies operating in Kentucky must adhere to the minimum mold standards established by the Department of Law. On April 12, 2006, the House passed [H.R. 324, 2006 Leg., Reg. Sess. \(Ky. 2006\)](#), which encouraged the Environmental and Public Protection Cabinet to establish a mold testing and abatement program and to work with the Department for Public Health to determine appropriate mold testing, abatement, and monitoring protocols.

Effective February 6, 2015, Kentucky regulations provide that a home inspection report must include a statement that the report does not address environmental hazards. The report may not address the presence or evidence of mold, mildew, or fungus.

Statutory section enacted 2010. Webpage updated 2014. Regulation amended effective 2015.

[Ky. Rev. Stat. § 367.83805 \(2016\); Ky. Cabinet for Health & Family Serv., Dep't for Public Health, Mold \(June 17, 2014\); 815 Ky. Admin. Reg. 6:030 \(2015\)](#)

Kentucky, Insurance

No specifically relevant statutes or regulations were located.

However, the Kentucky Department of Insurance has issued a consumer guide that notes that many companies have added mold exclusions or limitations to policies. It explains, "The Kentucky Department of Insurance does not have the authority to mandate such coverage [for mold] but does require companies to provide very clear notice to its insureds of any exclusions or limitations."

Guide amended 2015.

[Ky. Dep't of Ins., Auto & Home Ins. Guide \(Oct. 12, 2015\)](#)

Kentucky, Remediation

All mold remediation companies operating in Kentucky must adhere to the minimum mold remediation standards established by the Department of Law.

Also, the Kentucky Fertilizer and Pesticide Storage, and Pesticide Use and Application Act of 1996 generally regulates the storage, use and application of pesticides, which include substances that prevent, destroy, control, repel or mitigate pests, including fungus. The act defines "fungi" as including mold.

The Kentucky Department for Public Health suggests that if mold growth is limited to a small area, most homeowners can clean up the problem themselves, taking the following steps:

- wear protective gear;

- be sure the area is well ventilated;
- remove and dispose of all porous items that are wet or have been wet for more than 48 hours that cannot be cleaned and dried; and
- clean hard surfaces using soap and water.

If the mold infestation is severe, the homeowner should consider contacting a mold remediation consultant.

Statutory section 217B.030 amended 1996; § 217B.040 amended 2000; § 367.83805 enacted 2010. Webpage updated 2014.

[Ky. Rev. Stat. §§ 217B.030, .040\(1\), \(2\), \(7\); 367.83805 \(2016\); Ky. Cabinet for Health & Family Serv., Dep't for Pub. Health, *Mold* \(June 17, 2014\)](#)

Kentucky, Standards

The Kentucky General Assembly finds "that it is necessary to the health and welfare of the citizens of Kentucky that there be maintained, now and in the future, reasonable standards for the remediation of mold in private and public settings. It is therefore in the best interests of the citizens of the Commonwealth of Kentucky to establish standards for providers of mold remediation services in Kentucky." Accordingly, the Department of Law must establish minimum standards for mold remediation companies based on the following five general principles of mold remediation:

- safety and health;
- project documentation;
- contaminant control;
- contaminant removal; and
- contamination prevention.

All mold remediation companies operating in Kentucky must adhere to those minimum standards. (Note that these standards do not necessarily address acceptable levels.)

However, the Kentucky Department for Public Health continues not to recommend testing for mold, in part because "standards for judging what is and what is not an acceptable or tolerable quantity of mold have not been established."

Statutory sections enacted 2010. Webpage updated 2014.

[Ky. Cabinet for Health & Family Serv., Dep't for Public Health, *Mold* \(June 17, 2014\); Ky. Rev. Stat. §§ 367.83801, .83805 \(2016\)](#)

Louisiana

Louisiana, Assessment

REPORT REQUIREMENTS

A person who performs mold assessment services must provide a written report to "each person for whom he performs such services for compensation."

TESTING RECOMMENDATIONS

The Louisiana Department of Health and Hospitals has issued a pamphlet that does not generally recommend testing. In most cases, if a homeowner can see mold, testing is not necessary or recommended because:

- testing is costly;
- testing results "cannot be used to decide if a building has safe levels of mold or mold spores";
- clean up steps are the same for all mold types; and
- stopping mold growth is more important.

If a homeowner hires a professional to remediate mold, testing may be useful to determine whether the cleanup was successful.

TASK FORCE

Note that Louisiana created a Toxic Mold Task Force to serve as an advisory body to the legislature on policies and practices related to toxic mold and, among other tasks, to make recommendations regarding toxic mold.

Statutory section 37:2187 enacted 2003; § 40:1289.4 enacted 2014 and redesigned 2015. Webpage history unknown.

[La. Rev. Stat. §§ 37:2187; 40:1289.4 \(2015\); La. Dep't of Health & Hosps., Center for Environmental Health, *Common Questions--Mold* \(last visited June 16, 2016\)](#)

Louisiana, Insurance

GENERAL REQUIREMENTS

Louisiana statutes provide that an insurer may not deliver or issue a fire insurance policy that provides coverage for damage to property unless the insurer advises the insured in writing which coverages are included in the policy. This information must be "prominently displayed" on a form developed by the commissioner in bold type (at least 14-point) as an insert in the front of the policy. The disclosure must include, among other things, whether the insured has coverage for flooding or mold. These disclosures are for informational purposes only and do not amend, extend, or alter the coverages provided.

RESIDENTIAL PROPERTY

An insurer issuing or delivering homeowners' insurance policies that provide coverage for damage to residential property in Louisiana must advise the insured in writing, "prominently displayed" on a form developed by the commissioner, in bold print of not less than a 14-point font, and as an insert in the front of the policy, the following:

- which coverages are included in the policy;
- whether the insured has flood or mold coverage;
- a statement that flood insurance is available through the National Flood Insurance Program and that excess flood insurance may be available by a separate policy;
- a distinction between "replacement cost for losses" and "actual cash value," the use of depreciation in determining loss payments, and that the policy may contain time limits for repairs;
- that the policy determines the process for providing the insurer with a loss notification;
- the time line provided by law regarding adjustments, settlements, and payments, including an explanation of possible penalties for an insurer's failure to act in a timely manner;
- that the insured may have the option to increase the deductible, which would lower the potential cost paid; and
- whether a separate deductible is required for hurricane, wind, or named-storm damage, and, if one is required, a standardized example of how the separate deductible will be applied.

These disclosures are for informational purposes only and do not amend, extend, or alter the coverages provided.

The Louisiana Department of Insurance has also issued an advisory letter to insurers that allows the use of insurance policies and endorsements that exclude mold coverage if the exclusion is directed at excluding coverage for:

- remedial costs, such as testing, containment or fumigation costs, whether or not the mold is the result of a covered cause of loss; or
- mold that does not result from a covered cause of loss.

However, the insurers must draft the exclusions narrowly and should not deny coverage for repair and restoration costs for damages arising from a covered cause of loss, even if mold is present.

The Louisiana Insurance Commissioner issued a bulletin, effective April 1, 2007, noting that the department is re-promulgating the disclosure forms to be used by insurance companies issuing, delivering or renewing homeowners or commercial insurance policies that provide property-damage coverage in Louisiana. The form requires disclosure of whether damage caused solely by mold is covered under the policy.

OTHER LIABILITY-RELATED MATTERS

Louisiana statutes also address the following issues, which, although not directly related to insurance, relate to mold liability:

- no licensed commercial or marine contractor, architect, or engineer is liable for any personal injury, property damage, or other damages related to mold that are not caused by workmanship or design defects; this limitation applies to manufactured homes and to persons licensed by the Louisiana Manufactured Housing Commission and to real estate licensees representing them; and
- the real estate insurance commission must approve a mold informational pamphlet that licensees may distribute to buyers in connection with any real estate transaction entered into on or after July 1, 2004. If the licensee delivers the mold informational pamphlet to the buyer,
 - he or she must do so at or before the time the parties enter into a lease, rental agreement, or contract for sale; and
 - the licensee is not required to provide any additional information concerning mold.

A licensee who chooses to deliver mold information to a buyer complies with § 37:1470.A(1) if the licensee:

- delivers the Environmental Protection Agency pamphlet "A Brief Guide to Mold, Moisture, and Your Home" to a residential buyer or "Mold Remediation in Schools and Commercial Buildings" to a commercial buyer; or
- directs a buyer to the mold informational pamphlets maintained on the Environmental Protection Agency website.

Statutory section 37:1470 enacted 2003; § 9:2800.15 enacted 2004; § 22:1319 amended 2009; § 22:1332 amended 2016. Advisory letter issued 2001. Bulletin issued 2006. Regulation repromulgated 2011.

[La. Rev. Stat. Ann. §§ 9:2800.15; 22:1319, :1332](#) (as amended by [2016 La. Acts ch. 274](#)); [37:1470 \(2015\)](#); [La. Dep't of Ins., Office of the Comm'r, Advisory Letter No. 01-02 \(Dec. 28, 2001\)](#); [La. Dep't of Ins., Office of the Comm'r, Bulletin No. 06-06 \(Dec. 20, 2006\)](#); [La. Admin. Code tit. 46, § 3801 \(2015\)](#)

Louisiana, Remediation

LICENSING REQUIREMENTS

Any person engaged in mold remediation must hold a mold remediation license.

Exemptions

The following are exempt from the licensing requirements:

- a residential property owner who performs mold remediation on his or her own property;
- a nonresidential property owner (or his or her employee) who performs mold remediation on his or her apartment with more than four dwelling units;
- an owner or tenant, or his or her managing agent or employee, who performs mold remediation on property owned or leased by the owner or tenant (unless the managing agent or employee engages in the business of performing mold remediation for the public);
- an employee of a licensee who performs mold remediation under the licensee's supervision; or
- a licensed residential building contractor who performs mold assessment or mold remediation services of no more than 20 square feet.

Restrictions

A licensee may not perform both mold assessment and mold remediation on the same property, and a person may not own an interest in both the mold-assessment and the mold-remediation entities that perform services on the same property.

CONSUMER RECOMMENDATIONS

The Louisiana Department of Health and Hospitals suggests that a homeowner may clean up mold growth if the affected area is less than 10 square feet. The department recommends the following steps to clean up mold:

- remove standing water and dry out the building;
- throw away molding things that cannot be cleaned; and
- use detergent or bleach and hot water to scrub all moldy items that have hard surfaces.

If the mold growth covers more than 10 square feet, the homeowner should consider hiring a mold assessor and a cleanup company.

Statutory sections enacted 2003. Webpage history unknown.

[La. Rev. Stat. §§ 37:2185, :2187 \(2015\); La. Dep't of Health & Hosps., Center for Environmental Health, *Common Questions--Mold* \(last visited June 16, 2016\)](#)

Louisiana, Standards

No relevant statutes or regulations were located.

However, the Louisiana Department of Health and Hospitals has issued a pamphlet that generally does not recommend testing, in part because testing results "cannot be used to decide if a building has safe levels of mold or mold spores."

Webpage history unknown.

[La. Dep't of Health & Hosps., Center for Environmental Health, *Common Questions--Mold* \(last visited June 16, 2016\)](#)

Maine

Maine, Assessment

No relevant statutes or regulations were located. However, the 122nd Legislature passed a resolution that required various state departments to convene a working group to review issues regarding mold in buildings. The report must, among other things, review the "current science of mold testing and removal."

Subsequent to that report and pursuant to an act passed in 2007, an individual or entity may not provide both mold assessment and mold remediation services on a building project unless the individual or entity has provided to the building's owner (or the owner's agent) a signed disclosure statement regarding the potential for conflict of interest in providing both services.

Also, neither the Maine Department of Environmental Protection nor the Maine Center for Disease Control and Prevention recommends mold testing.

Statutory section enacted 2007. Column dated 2003. Fact sheet created 2010. Resolve passed 2006.

[Bob Stillwell, Me. Dep't of Env'tl. Prot., *Get Rid of Mold* \(Sept. 26, 2003\); Maine Center for Disease Control & Prevention, *Mold Fact Sheet* \(July 16, 2010\); 2006 Me. Acts Resolve 174; Me. Rev. Stat. tit. 10, § 1480 \(2016\)](#)

Maine, Insurance

No specifically relevant statutes or regulations were located.

The Maine Bureau of Insurance has issued a Homeowners Rate-Filing Checklist. Regarding the "review standards requirement" for mold in homeowners' policies, the Checklist states only that a sub-limit is permitted.

Also, the Bureau of Insurance notes that a homeowner "might be able to buy endorsements to cover damage caused by mold."

Brochure revised 2015. Checklist updated 2016.

[Bureau of Ins., Me. Dep't of Prof'l & Fin. Regulation, *Homeowners Rate-Filing Checklist* \(Feb. 5, 2016\); Me. Dep't of Professional & Fin. Regulation, Bureau of Ins., *A Consumer's Guide to Homeowners Insurance* \(Apr. 2015\)](#)

Maine, Remediation

No specifically relevant statutes or regulations were located. However, the 122nd Legislature passed a resolution that required various state departments to convene a working group to review issues regarding mold in buildings. The report must, among other things, consider "developing clean-up standards for mold."

Subsequent to that report and pursuant to an act passed in 2007, an individual or entity may not provide both mold assessment and mold remediation services on a building project unless the individual or entity has provided to the building's owner (or the owner's agent) a signed disclosure statement regarding the potential for conflict of interest in providing both services.

Also, the Maine Department of Environmental Protection has issued a column that suggests the following clean-up steps:

- isolate the source of the problem;
- fix the water problem;
- clean up the mold;
- dry the surface quickly;
- remove sheet rock or carpeting that cannot be cleaned; and
- take appropriate precautions.

Statutory section enacted 2007. Column dated 2003. Resolve passed 2006. Health & Human Services history publication unknown.

[Bob Stillwell, Me. Dep't of Env'tl. Prot., *Get Rid of Mold* \(Sept. 26, 2003\); 2006 Me. Acts Resolve 174; Me. Rev. Stat. tit. 10, § 1480 \(2016\)](#)

Maine, Standards

No relevant statutes or regulations were located.

However, the Maine Department of Environmental Protection has issued a column that does not recommend testing because "[t]here is no real standard to determine 'too much mold.'"

Column dated 2003.

[Bob Stillwell, Me. Dep't of Env'tl. Prot., *Get Rid of Mold* \(Sept. 26, 2003\)](#)

Maryland

Maryland, Assessment

No relevant statutes or regulations were located. Maryland's mold remediation laws do not apply to mold assessments.

The Maryland Department of Health & Mental Hygiene has issued an information sheet that does not recommend testing: "Since it is very difficult and expensive to sample and test your home for different types of molds, it is best to clean away molds instead of investing time, energy and money into investigating the types and levels of molds present in your home."

Statutory section enacted 2008. Information sheet modified 2007.

[Md. Bus. Reg. § 8-702 \(2016\)](#); Md. Dep't of Health & Mental Hygiene, *Questions and Answers About Molds* (2002) (last visited Feb. 7, 2011)

Maryland, Insurance

No relevant statutes or regulations were located. However, the Maryland Insurance Administration has issued a bulletin to provide guidance regarding mold-related claim coverage. The bulletin first rescinds an order dated March 18, 2003, which stated under what circumstances the Administration would approve mold limitations for property and casualty insurance. The bulletin then notes that because Maryland is a competitive insurance market, some insurers will decide to offer coverage for mold-related claims and some insurers will decide to exclude the coverage, but both "will price their products accordingly."

On October 6, 2006, the insurance administration issued a bulletin addressing notices and statements to be provided to homeowner's insurance applicants or policyholders.

The administration's suggested "Annual Summary of Homeowner's Coverages and Exclusions" form includes disclosure of mold remediation exclusions.

The Maryland Insurance Administration notes in its consumer guide that "[n]ot all insurance policies provide coverage for mold damage, but some do." The guide elaborates that some policies exclude coverage for all mold damage, some provide coverage if the mold arises out of a covered cause, and some exclude coverage for any liability claims arising out of mold.

Legislation introduced in 2006 that would have required coverage for certain mold losses, required the aggregate coverage limit for mold and mold remediation to be no less than a specified amount, and prohibited an insurer from charging an additional deductible for specified claims did not pass into law. See [H.B. 494, 2006 Leg., Reg. Sess. \(Md. 2006\)](#).

Bulletin 03-12 issued 2003; bulletin 06-21 issued 2006. Guide revised 2014.

[Md. Ins. Admin., Bulletin 03-12 \(June 27, 2003\)](#); [Md. Ins. Admin., Bulletin 06-21 \(Oct. 6, 2006\)](#); [Md. Ins. Admin., A Consumer Guide to Homeowners Insurance \(January 2015\)](#)

Maryland, Remediation

LICENSING REQUIREMENTS

General requirements

Mold remediators must be licensed. (Pursuant to chapter 333 of the Acts of 2011, "on or before July 1, 2013, a company or firm providing mold remediation services shall be licensed by the Maryland Home Improvement Commission.") "Mold remediation" means "the removal, cleaning, sanitizing, demolition, or other treatment of mold or mold-contaminated matter, live or dead, that was not intended to be grown at that location."

Maryland's mold remediation laws do not apply to:

- mold remediation performed on nonresidential property;
- mold remediation in an area of less than 10 square feet;
- mold assessments; or
- routine cleaning that is not performed to remediate mold.

Also, the rights of the following are not limited by the state's mold remediation laws:

- an individual residential property owner who performs mold remediation on his or her property;
- a government employee performing mold remediation services on government buildings;
- an industrial hygienist, a professional engineer, or an environmental sanitarian; or
- an individual regularly employed by the property's owner to "engage in maintenance and repair work."

Obtaining a license

A mold-remediation license applicant must:

- submit an application to the Maryland Home Improvement Commission on the commission's form;
- pay an application fee;
- submit proof that each employee who provides mold remediation services is "certified by an accreditation body as a microbial remediation supervisor or microbial remediation technician," as applicable;
- submit proof of the insurance required by § 8-706; and
- provide any additional information the commission requires.

License renewal

Before the license expires at the end of its 2-year term, a licensee may renew it for an additional 2-year term if he or she:

- is otherwise entitled to be granted a license;
- pays the renewal fee; and
- submits insurance proof, a renewal application, and proof that each of the licensee's employees providing mold remediation services holds an "active certification from an accreditation body as a microbial remediation supervisor or microbial remediation technician."

Certification of entities

If the applicant is a company or a firm, the entity must appoint a member as a "representative member" to apply on behalf of the company or firm.

Prohibited acts

A licensee may not:

- provide or offer to provide mold remediation to a "structure on which the firm or company or its employees has provided a mold assessment within the last 12 months"; or
- pay any compensation, inducement, or reward to a mold assessor in order to generate a referral to the licensee.

PESTICIDE LAWS

No pesticide-related provisions specifically relevant to mold were located.

CLEAN-UP PROCEDURES

The Maryland Department of Health & Mental Hygiene has issued an information sheet that suggests that the person in charge of cleaning mold should be "free of any mold-related symptoms" and describes the following general cleaning procedure:

- using a commercial cleaner or a simple bleach solution, apply the cleaning solution to the area and let it sit for 15 to 20 minutes;
- dry the surface thoroughly; and
- discard any sponges or rags used in the process.

The Department has also issued a fact sheet that provides additional cleaning instructions.

Statutory sections 8-701, 8-702, 8-706, 8-708, and 8-715 enacted 2008; § 8-707 amended 2011. Information sheet history unknown. Fact sheet revised 2008.

[Md. Bus. Reg. §§ 8-701, -702, -706, -707, -708, -715 \(2016\)](#); Md. Dep't of Health & Mental Hygiene, *Questions and Answers About Molds* (last visited Feb. 7, 2011); Md. Dep't of Health & Mental Hygiene, *Fact Sheet: Cleaning Mold & Mildew* (Sept. 5, 2008) (last visited Feb. 7, 2011); [2011 Md. Laws ch. 333, § 3](#)

Maryland, Standards

No relevant statutes or regulations were located.

Massachusetts

Massachusetts, Assessment

No relevant statutes or regulations were located.

Massachusetts, Insurance

No specifically relevant statutes or regulations were located.

Insurance Bulletin 2006-02 notifies insurance carriers offering, issuing, or renewing personal property damage coverage in homeowners' or certain commercial property policies that all policies offered, issued, or renewed on or after September 1, 2006, must make coverage available for fungus, mold, and wet- and dry-rot damages arising from covered perils.

For commercial lines, the coverage must include:

- removal costs;
- replacement or reparation costs, including the cost to replace or repair any part of covered properties "as needed to gain access to the damage"; and
- testing costs to confirm the presence, absence or level of mold *after* removal, repair, restoration or replacement, provided there is "reason to believe" that mold is present.

Available coverage for commercial lines must be a minimum of \$15,000 and "such other higher amounts as approved by the Division."

For personal lines, the coverage must include:

- removal costs;
- replacement or reparation costs, including the cost to replace or repair any part of covered properties "as needed to gain access to the damage"; and
- testing costs to confirm the presence, absence or level of mold *before, during and after* removal, repair, restoration or replacement, provided there is "reason to believe" mold is present.

Available coverage for personal lines must be a minimum of \$10,000 and "such other higher amounts as approved by the Division."

The state's form-filing checklist for homeowner's insurance, which was previously inconsistent with the Bulletin described above, has been amended to provide that for homeowner's insurance, coverage made available for "fungus/mold and wet & dry rot damages arising from otherwise covered perils for policies issued, offered, or renewed after September 1, 2006" must be "consistent with Bulletin 2006-02."

Standards checklist updated 2007. Bulletin issued 2006.

Mass. Dep't of Ins., *Home Owner Insurance: Policy Form Review Standards* (May 2007); [Mass. Div. of Ins., Bulletin 2006-02 \(Jan. 31, 2006\)](#)

Massachusetts, Remediation

Massachusetts statutes and regulations contain no provisions specifically addressing mold remediation in real estate. However, the Massachusetts Pesticide Control Act generally regulates the labeling, distribution, sale, storage, transportation, use, application and disposal of pesticides, which include substances that prevent, destroy or mitigate any pests, including fungus. The act defines "fungus" as including mold.

Statutory section 1 amended 1994; § 2 amended 2014.

[Mass. Gen. Laws ch. 132B, §§ 1, 2 \(2016\)](#)

Massachusetts, Standards

No specifically relevant statutes or regulations were located. Generally, Massachusetts regulations provide that an owner must maintain a dwelling so that the dwelling is in good repair and "free from chronic dampness," which is defined as "regular and/or periodic appearance of moisture, water, mold or fungi."

A home inspector is not required to determine the presence or verify the absence of mold.

Regulations 410.020 and 410.500 dated 2007; r. 6.05 dated 2008.

[105 Mass. Code Regs. 410.020, .500 \(2015\); 266 Mass. Code Regs. 6.05 \(2015\)](#)

Michigan

Michigan, Assessment

No relevant statutes or regulations were located.

However, the Michigan Department of Community Health has issued an electronic brochure that does not recommend mold testing because it can be expensive and "is not really useful."

Brochure revised 2010.

[Mich. Dep't of Cmty. Health, *All About Mold* \(Feb. 2010\)](#)

Michigan, Insurance

No specifically relevant statutes or regulations were located.

Michigan, Remediation

Michigan statutes and regulations contain no provisions specifically addressing mold remediation in real estate.

However, Michigan statutes generally regulate the registration, distribution, sale and use of pesticides, which include substances intended to prevent, destroy or mitigate pests, including fungi. The act defines "fungi" as including mold.

Also, the Michigan Department of Health and Human Services has issued an electronic brochure that provides recommended procedures for cleaning up mold, including, among other things:

- repairing water problems;
- wearing appropriate protective gear and clothing;
- ventilating the area;
- discarding moldy items if the mold cannot be removed; and
- disinfecting non-porous areas.

If the area that is moldy is very large or if the homeowner has health problems, he or she may want to hire a contractor. Michigan does not certify or license mold removal contractors.

Statutory section 8305 amended 2002; § 8303 amended 2008; § 8307a amended 2015. Brochures dated 2010.

[Mich. Comp. Laws §§ 324.8303, .8305, .8307a \(2016\)](#); [Mich. Dep't of Cmty. Health, *All About Mold* \(Feb. 2010\)](#); *see also* [Mich. Dep't of Cmty. Health, *Steps for Cleaning Mold* \(Feb. 2010\)](#)

Michigan, Standards

No relevant statutes or regulations were located.

However, the Michigan Department of Community Health issued a fact sheet that did not recommend testing in a home, in part because "[s]tandards have not been established to determine what is or is not an acceptable level of mold."

Fact sheet revised 2006.

Mich. Dep't of Cmty. Health, *Mold: Information for the Public* (2006) (last visited Feb. 7, 2011)

Minnesota

Minnesota, Assessment

No relevant statutes or regulations were located.

The Minnesota Department of Health has issued a pamphlet that recommends against testing for mold in most instances. Homeowners should assume there is a problem if they see or smell mold. The pamphlet states that although testing may be useful as part of an investigation, it is "never a substitute for a thorough visual inspection." Doing mold testing well is often expensive, and if the testing is not needed or is done poorly, a consumer's money is being wasted. Instead, the consumer should use those funds to make necessary repairs to solve the problem. Although the Minnesota Department of Health advises people to attempt to investigate potential mold problems on their own first, in some cases, tests can "provide clues that may help find hidden mold, but the growth still has to be found by looking for it so that it can be removed."

Pamphlet updated 2016.

[Minn. Dep't of Health, *Testing for Mold* \(Mar. 31, 2016\)](#)

Minnesota, Insurance

No specifically relevant statutes or regulations were located.

The Minnesota Department of Health has noted that a homeowners' association's insurance "may or may not cover any [mold-]related costs depending on the details of their policy and other factors."

Pamphlet updated 2016.

[Minn. Dep't of Health, *Testing for Mold* \(Mar. 31, 2016\)](#)

Minnesota, Remediation

Minnesota statutes and regulations contain no provisions specifically addressing mold remediation in real estate.

However, Minnesota statutes generally regulate the registration, distribution, sale, handling, use, application and disposal of pesticides. "Pesticides" include substances that prevent, destroy or mitigate certain pests, including organisms, which include fungus.

Also, the Minnesota Department of Health has issued a consumer pamphlet that gives detailed clean-up instructions that include the following general steps:

- identify and fix the moisture problem;
- begin drying wet materials;

- remove and dispose of mold-contaminated porous materials;
- clean non-porous surfaces;
- disinfect surfaces, if necessary; and
- continue watching for signs of continuing moisture problems or mold growth.

An owner of homestead property may apply in writing for a reduction in the market value (for property tax purposes) of property that has been damaged by mold. The notification must include a licensed contractor's estimated cost to cure the mold condition, which must be at least \$20,000. If the requirements are met, the county must grant a reduction in the homestead dwelling's market value equal to the estimated cost to cure the mold condition.

In 2007, the Minnesota Legislature passed an act requiring the commissioners of agriculture and health to study a new category of license for commercial pesticide applicators who apply "antimicrobial pesticides for hire to mitigate or remediate mold in homes, apartments, or other residences."

Statutory section 18B.02 enacted 1987; § 273.11 amended 2014; § 18B.01 amended 2015. Pamphlet updated 2015.

[Minn. Stat. §§ 18B.01, subds. 17, 18; 18B.02; 273.11, subd. 21 \(2015\); Minn. Dep't of Health, *Mold and Moisture* \(Mar. 31, 2016\); 2007 Minn. Laws ch. 45](#)

Minnesota, Standards

No relevant statutes or regulations were located.

Mississippi

Mississippi, Assessment

No relevant statutes or regulations were located.

However, the Mississippi Department of Health has issued a brochure that does not recommend testing as the first step to determine if a home has a mold problem because:

- reliable testing can be expensive;
- testing requires equipment that is not available to the general public;
- individual private-home residents must pay a contractor to conduct the testing;
- there are few available standards for judging what is an acceptable mold quantity; and
- sampling is at best a general guide.

The department recommends that if a homeowner can see or smell mold, there is a problem that must be addressed.

Brochure last reviewed 2001.

[Miss. Dep't of Health, *Mold: Questions & Answers* \(Sept. 13, 2001\)](#)

Mississippi, Insurance

Mississippi regulations require insurance companies that write homeowner's insurance to deliver to the policyholder a comprehensive checklist, which must include whether or not specified items are included in the particular policy being issued. The comprehensive policy checklist must indicate, among other things:

- whether the principal premises and other structures are insured against mold; and
- whether personal property is insured against mold.

In a matter related to liability, Mississippi statutes provide that, unless otherwise agreed in writing, a builder's warranty excludes mold or mold damage, unless the builder's negligence was "a proximate or contributing cause of the mold or mold damage."

Statutory section amended 2012. Regulation amended 2014.

Miss. Code § 83-58-5 (LexisNexis 2016); [19-1-1 Miss. Code R. § 34.05 \(2014\)](#)

Mississippi, Remediation

Mississippi statutes and regulations contain no provisions specifically addressing mold remediation in real estate.

However, the Mississippi Pesticide Law of 1975 generally regulates the registration, sale, handling, distribution, and use of pesticides, which include substances intended to prevent, destroy or mitigate pests, including fungi.

Also, the Mississippi Department of Health has issued a brochure that provides detailed instructions for cleaning up mold, generally involving the following steps:

- identifying and correcting the moisture source;
- cleaning, rinsing, disinfecting, and drying the moldy area;
- bagging and disposing of materials with moldy residue, especially porous materials; and

- wearing appropriate protective clothing and gear.

If, after cleaning a small test patch of mold, a homeowner feels that his or her health was adversely affected, the homeowner should consider paying a licensed contractor to do the clean-up.

Statutory section 69-23-107 amended 2005; § 69-23-109 amended 2009. Brochure last reviewed 2001.

Miss. Code §§ 69-23-107, -109 (LexisNexis 2016); [Miss. Dep't of Health, Mold: Questions & Answers \(Sept. 13, 2001\)](#)

Mississippi, Standards

No relevant statutes or regulations were located.

However, the Mississippi Department of Health does not recommend testing as the first step to determine if a home has a mold problem, in part because "there are few available standards for judging what is an acceptable quantity of mold."

Brochure last reviewed 2001.

[Miss. Dep't of Health, Mold: Questions & Answers \(Sept. 13, 2001\)](#)

Missouri

Missouri, Assessment

No relevant statutes or regulations were located.

However, the Missouri Department of Health and Senior Services does not recommend testing. "In most cases, if visible mold growth is present, sampling is unnecessary." The Department also discourages testing because:

- mold will always be found in testing;
- sampling for mold does not assess the health risk;
- mold-testing is not standardized;

- no Missouri or Federal laws set limits or standards as to what types or levels of mold exposure or presence are healthy or unhealthy;

- neither Missouri nor the Federal Government "certifies" mold testers; and

- cleanup methods are the same regardless of the type of mold.

Bulletin history unknown.

[Mo. Dep't of Health & Senior Serv., *Mold* \(last visited June 23, 2016\)](#)

Missouri, Insurance

No specifically relevant statutes or regulations were located.

Missouri, Remediation

Missouri statutes and regulations contain no provisions specifically addressing mold remediation in real estate.

However, the Missouri Department of Health and Senior Services recommends the following steps when a homeowner notices or suspects mold:

- stop the mold growth by finding and repairing the source of the excess moisture;
- dry all items within 24-48 hours;
- discard porous items that are not dried quickly, if they show signs of mold or water damage;
- scrub mold off hard surfaces with detergent and water, then dry;
- if the water is from a sewage backup or flood, items should be discarded or cleaned with bleach;
- do not paint or caulk moldy surfaces; and
- use protective clothing and gear.

The homeowner should consult a specialist if he or she is not sure about how to clean an item or if the item is expensive or of sentimental value.

Also, the Missouri Pesticide Use Act generally regulates the sale and use of pesticides, which include substances that prevent, destroy or mitigate any pest, including fungus. The act defines "fungus" as including mold.

Statutory section 281.010 amended 1977; §§ 281.020 and 281.050 amended 1988 and effective 1990. Bulletin history unknown.

[Mo. Dep't of Health & Senior Serv., *Mold* \(last visited June 23, 2016\); Mo. Rev. Stat. §§ 281.010, .020, .050 \(2015\)](#)

Missouri, Standards

No relevant statutes or regulations were located.

The Missouri Department of Health and Senior Services does not recommend testing, in part because "[t]here are no Missouri or Federal laws that set limits or standards as to what types or levels of mold exposure or of mold presence are healthy or unhealthy."

Bulletin history unknown.

[Mo. Dep't of Health & Senior Serv., Mold \(last visited June 23, 2016\)](#)

Montana

Montana, Assessment

Disclosing Test Results

The Montana mold disclosure statute requires, among other things, that if a seller or landlord knows that a building has been tested for mold, the seller or landlord must:

- advise the buyer or tenant that testing has occurred; and
- provide to the buyer or tenant a copy of the test results and evidence of any subsequent mitigation or treatment.

Also, a prospective buyer or tenant who contracts for mold testing may receive the test results and must provide a copy, if available, to the seller or landlord. Furnishing test results and evidence of mitigation or treatment are not a promise, warranty, or representation by the seller, landlord, seller's agent, buyer's agent, or property manager that the test results are accurate or that the mitigation or treatment is effective. The above provisions do *not* create:

- a contingency on the purchase of the property; or
- any right to rescind a purchase contract unless the right to rescind is an express term of the contract.

A seller, landlord, seller's agent, buyer's agent, or property manager who provides the required mold disclosures and complies with the above provisions is not liable in any action based on mold in the building.

Testing Availability

In 2003, the Montana Department of Public Health proposed an amendment of Mont. Admin. R. § 37.12.401 deleting the fee for mold-spore testing because "the Public Health Laboratory has discontinued it."

The Montana Department of Public Health and Human Services notes that "[r]outine air sampling for mold is not recommended because air concentrations cannot be interpreted with regard to a health risk."

Statutory section enacted 2003. Regulation revised 2010. Fee list amended 2011. Brochure history unknown.

[Mont. Code § 70-16-703\(2\) \(2015\)](#); In the Matter of the Amendment of ARM 37.12.401, Mont. Admin. Reg. 2045-2046 (proposed Oct. 23, 2003); [Mont. Dep't of Public Health and Human Services, *Mold Facts, Information and Resources* \(last visited June 20, 2016\)](#); see also [Mont. Admin. R. § 37.12.401 \(2015\)](#)

Montana, Insurance

No specifically relevant statutes or regulations were located.

Montana, Remediation

No relevant statutes or regulations were located.

The Montana Department of Public Health and Human Services notes that remediation can involve extensive work, but may be addressed with less effort if water issues are discovered and responded to early. If a person believes that mold is a problem in his or her residence, he or she should:

- identify the source because mold grows best in warm, damp, and humid conditions;
- remove the mold, which may involve removing entire sections of drywall, carpeting, furniture, or ceiling tiles; and
- clean and dry the area.

Brochure history unknown.

[Mont. Dep't of Public Health and Human Services, *Mold Facts, Information and Resources* \(last visited June 20, 2016\)](#)

Montana, Standards

No relevant statutes or regulations were located. The Montana Department of Public Health and Human Services notes that "[t]here are no established health-based standards for acceptable levels of biological agents in indoor air."

Brochure history unknown.

[Mont. Dep't of Public Health and Human Services, *Mold Facts, Information and Resources* \(last visited June 20, 2016\)](#)

Nebraska

Nebraska, Assessment

No relevant statutes or regulations were located.

However, the Nebraska Department of Health and Human Services has issued a brochure that does not recommend testing unless it is required for legal or insurance purposes. Testing is expensive and may not help solve the problem. The department recommends that if a homeowner can see or smell mold, there is a probably a mold problem.

Brochure history unknown.

[Neb. Dep't of Health & Human Serv., *Mold* \(last visited June 20, 2016\)](#)

Nebraska, Insurance

No relevant statutes or regulations were located.

Mold is not generally covered by a typical homeowners policy.

Also, the Nebraska Department of Insurance has issued a newsletter that states its mold-coverage position. For property losses caused by mold, the Department requires "that the exclusion apply only if the mold is not a result of a covered cause of loss." If the property loss is the result of a covered cause of loss, the coverage limits "in place for the property portion of the contract ... apply without any other limitations, restrictions or deductibles than are already on the policy."

The Department allows an exclusion for liability losses. However, companies must specify how the exclusion will be used when making its filings. In most cases, companies must file one exclusion for property and another for liability.

If a carrier chooses to offer a buy-back for mold under the contract's liability portion, the company need only file the rate and advise how it established the rate.

Newsletter issued 2001. Consumer alert dated 2011.

Neb. Dep't of Ins., Prop. & Cas. Div., *Newsletter Vol. 4–Winter 2001* (2001); [Neb. Dep't of Ins., Consumer Alert, Basic Home Insurance Does Not Cover Flood Damage: What You Need to Know Before Flood Waters Rise \(May 2011\)](#)

Nebraska, Remediation

Nebraska statutes and regulations contain no provisions specifically addressing mold remediation in real estate. However, the Nebraska Pesticide Act generally regulates the labeling, distribution, storage, transportation, use, application, and disposal of pesticides, which include substances intended to prevent, destroy, or mitigate any pest, including fungus. The act defines "fungus" as including mold.

The Nebraska Department of Health and Human Services has issued a brochure that suggests that the homeowner must first eliminate the moisture source. Generally, if the contaminated area is less than approximately 10 square feet, the homeowner may undertake cleanup, but should wear personal protective gear. If the mold area is approximately greater than 10 square feet, the homeowner should:

- wear more protective gear; and
- use containment measures.

In general, the homeowner must:

- dispose of contaminated porous materials; and
- wash non-porous surfaces with detergent or a bleach solution.

The homeowner should hire personnel experienced in mold clean-up and disinfection or in handling hazardous materials, if the mold area is greater than 30 square feet or involves "vulnerable populations."

Statutory section 2-2623 amended 2002; § 2-2624 amended 2013. Brochure history unknown.

[Neb. Rev. Stat. §§ 2-2623; -2624\(19\), \(31\), \(32\) \(2015\); Neb. Dep't of Health & Human Serv., Mold \(June 20, 2016\)](#)

Nebraska, Standards

No relevant statutes or regulations were located.

Nevada

Nevada, Assessment

No relevant statutes or regulations were located. The Nevada Department of Health and Human Services has noted that in most cases, if visible mold growth is present, sampling is unnecessary. Since no federal limits have been set for mold or mold spores, sampling cannot be used to check a building's compliance with federal mold standards. However, surface sampling may be useful to determine if an area has been adequately cleaned or remediated. Sampling for mold should be

conducted by professionals who have specific experience in designing mold sampling protocols, sampling methods, and interpreting results.

Web page updated 2016.

[Nev. Dep't of Health and Human Serv., Nev. Div. of Public and Behavioral Health, *Trending Health Topics - Environmental Health Section* \(June 11, 2016\)](#)

Nevada, Insurance

No specifically relevant statutes or regulations were located.

Nevada, Remediation

Nevada statutes contain no provisions specifically addressing mold remediation in real estate. However, the Nevada Pesticides Act generally regulates the registration, distribution, sale, or transportation of pesticides and fungicides, both of which include substances to prevent, destroy, control, repel or mitigate fungi. The act defines "fungi" as including mold.

Nevada licensing requirements for applicants who perform wood-destroying pest control do not include services for the inspection or control of mold detrimental to human health.

The Nevada Division of Public and Behavioral Health does not have jurisdiction over mold or water damage complaints in a private home or a rental home in Nevada, but the Division recommends the following to remediate a mold problem:

- fix the source of the water problem or leak to prevent mold growth;
- reduce indoor humidity (to 30-60%) to decrease mold growth;
- clean and dry any damp or wet building materials and furnishings within 24 to 48 hours to prevent mold growth;
- clean mold off hard surfaces with water and detergent, and dry completely;

- replace moldy absorbent materials; and
- prevent condensation.

Statutory sections 586.090 and 586.100 added 1955; § 586.195 amended 1999; § 586.250 amended 2015. Regulation amended 2011. Web page updated 2016.

[Nev. Rev. Stat. §§ 586.090, .100, .195, .250 \(2015\); Nev. Admin. Code ch. 555, § 555.260 \(2015\); Nev. Dep't of Health and Human Serv., Nev. Div. of Public and Behavioral Health, *Trending Health Topics - Environmental Health Section* \(June 11, 2016\)](#)

Nevada, Standards

No relevant statutes or regulations were located.

The Nevada Department of Health and Human Services has noted that since no federal limits have been set for mold or mold spores, sampling cannot be used to check a building's compliance with federal mold standards.

Web page updated 2016.

[Nev. Dep't of Health and Human Serv., Nev. Div. of Public and Behavioral Health, *Trending Health Topics - Environmental Health Section* \(June 11, 2016\)](#)

New Hampshire

New Hampshire, Assessment

Effective January 1, 2016, no person may perform residential mold assessment services for pay unless the person has a valid national third party certification for mold assessment. In this context, "mold assessment" means:

- inspecting, investigating, or surveying a dwelling or other structure to provide information to the owner regarding the presence, identification, or evaluation of mold;
- developing a mold remediation specification or protocol; or

- collecting a mold sample for analysis.

The board of home inspectors must inform the public through its website that persons engaged in residential mold assessment must be certified and must provide links to the certifying organizations' websites.

Statutory section 310-A:189-b enacted 2015.

[N.H. Rev. Stat. Ann. § 310-A:189-b \(2015\)](#)

New Hampshire, Insurance

No specifically relevant statutes or regulations were located.

The New Hampshire Insurance Department has noted that "typical property and liability policies" do not cover home damage from mold.

Press release dated 2007.

N.H. Ins. Dep't, *Press Release: What Isn't Covered by Your Homeowners Insurance?* (June 13, 2007) (last visited Feb. 5, 2013)

New Hampshire, Remediation

New Hampshire statutes generally regulate the application, use, certification, sale and packaging of pesticides, which include substances that prevent, destroy or mitigate any pests, including fungi. The act defines "fungi" as including mold.

Also, effective January 1, 2016, no person may perform residential mold assessment services for pay unless the person has a valid national third party certification for mold assessment. In this context, "mold assessment" includes, among other services, developing a mold remediation specification or protocol.

Statutory section 430:29 amended 1995; § 430.30 amended 2005; § 310-A:189-b enacted 2015.

[N.H. Rev. Stat. Ann. §§ 310-A:189-b; 430:29\(XII\), \(XXV\), \(XXVI\); :31 \(2015\)](#)

New Hampshire, Standards

No relevant statutes or regulations were located.

New Jersey

New Jersey, Assessment

No relevant statutes or regulations were located.

However, the New Jersey Department of Health and Senior Services has issued an advisory bulletin that notes that testing is not necessary if a property owner notices mold during a visual inspection. Instead, the property owner should focus on correcting the moisture problem and cleaning up the mold contamination. However, if the owner suspects mold is present, but does not find it during a visual inspection, additional testing may be necessary. A qualified person should conduct any mold testing. Interpreting test results is difficult because "there are no standards for determining an acceptable level of mold in the air" and individual susceptibility and health status varies.

Legislation introduced in 2006 that would have provided for mold inspector registration, established a comprehensive program for mold assessment and remediation, and required the Department of Health and Senior Services to adopt regulations establishing permissible mold exposure limits and procedures for assessing the health risk posed by mold, did not pass into law. Several similar bills have been introduced during more recent legislative sessions, but none have passed into law.

Bulletin reissued 2015.

[N.J. Dep't of Health & Senior Servs., Div. of Epidemiology, Env'tl. & Occupational Health, *Mold Advisory Bulletin* \(July 9, 2015\); see S.B. 891, 2006 Leg., 212th Sess. \(N.J. 2006\); A.B. 1015, 2006 Leg., 212th Sess. \(N.J. 2006\); A.B. 973, 2006 Leg., 212th Sess. \(N.J. 2006\); see, e.g., A.B. 1344, 2008 Leg., 213th Sess. \(N.J. 2008\)](#)

New Jersey, Insurance

No specifically relevant statutes were located.

However, Exhibits A (regarding homeowners insurance) and B (regarding condominium-unit owners insurance) to the Appendix to N.J. Admin. Code § 11:2-41.4 provide that a *Homeowners Insurance Consumer Information Brochure and Summary of Notable Coverages and Exclusions* must include the following under the heading "Your Policy Does Not Cover Losses Caused By": "Mold, unless it is as a result of a covered loss (for example, mold damage due to flood would not be covered)."

Also, the Department of Banking and Insurance has issued a bulletin that provides mold-coverage guidelines for authorized companies. For personal and commercial property:

- the coverage should be \$10,000, on an aggregate basis, with optional limits of \$25,000 and \$50,000;
- the \$10,000 annual coverage should include:
 - property losses caused by mold;

- the cost to remove the mold;
- the cost to tear out and replace any part of the covered property, as needed to gain access to the mold; and
- testing costs;
- coverage must apply only if the mold loss results from an insured peril; and
- the limitation does not apply to losses arising out of fire and lightning.

For personal liability insurance:

- the coverage should apply up to at least \$50,000, on an aggregate basis, for damages arising out of actual, alleged or threatened mold exposure; and
- increased limits of up to \$100,000 should be available.

For commercial general liability, companies may:

- provide liability coverage for mold up to the policy limits;
- provide mold sublimits; or
- exclude mold coverage.

Insurers must send policyholders notice offering options to purchase the higher limits.

Regulation amended 2015. Bulletin issued 2003.

N.J. Admin. Code § 11:2-41.4, Appendix (2016); [Holly C. Bakke, Comm'r, N.J. Dept. of Banking & Ins., Bulletin No. 03-24 \(2003\)](#)

New Jersey, Remediation

New Jersey statutes and regulations contain no provisions specifically addressing mold remediation in real estate.

However, the Pesticide Control Act of 1971 generally regulates the use, transportation, storage, sale and disposal of pesticides, which include substances that prevent, destroy, sterilize or mitigate fungi, among others.

Also, the New Jersey Department of Health and Senior Services has issued an advisory bulletin that suggests the following steps for remediating mold:

- identifying and correcting the moisture source;
- removing or cleaning mold-contaminated materials;

- removing the mold; and
- ensuring the area is completely dry before proceeding with renovation or construction work.

For small areas of less than 10 square feet, a homeowner may be able to perform the work. A qualified contractor with experience in mold or environmental contamination clean-up should perform the work if larger areas, such as 100 square feet, are affected. Professional judgment should determine the appropriate person to clean affected areas that fall within those dimensions. Anyone performing the work should wear protective gear and clothing and incorporate practices that protect both the worker and any occupants.

Legislation introduced in 2006 that would have provided for registration of mold remediators and established a comprehensive program for remediating mold hazard risks did not pass into law. Similar legislation has been introduced during more recent legislative sessions, but none has passed into law.

Statutory sections enacted 1971. Bulletin reissued 2015.

N.J. Stat. §§ 13:1F-2, -3 (2015); [N.J. Dept. of Health & Senior Servs., Div. of Epidemiology, Envtl. & Occupational Health, *Mold Advisory Bulletin* \(July 9, 2015\)](#); see [A.B. 1015, 2006 Leg., 212th Sess. \(N.J. 2006\)](#); [A.B. 973, 2006 Leg., 212th Sess. \(N.J. 2006\)](#); see, e.g., [A.B. 1344, 2008 Leg., 213th Sess. \(N.J. 2008\)](#)

New Jersey, Standards

No relevant statutes or regulations were located.

However, the New Jersey Department of Health and Senior Services has issued an advisory bulletin that notes, "there are no standards, regulations or guidelines to base a health determination or exposure."

Legislation introduced in 2006 that would have required the Department of Health and Senior Services to adopt regulations establishing permissible mold exposure limits and procedures for assessing health risks did not pass into law.

Bulletin reissued 2015.

[N.J. Dept. of Health & Senior Servs., Div. of Epidemiology, Envtl. & Occupational Health, *Mold Advisory Bulletin* \(July 9, 2015\)](#); see [S.B. 891, 2006 Leg., Reg. Sess. \(N.J. 2006\)](#)

New Mexico

New Mexico, Assessment

No relevant statutes or regulations were located.

The New Mexico Department of Health does not conduct mold assessments or recommend routine mold testing because:

- the results are difficult to interpret;
- the process is costly; and
- the homeowner still must clean up the mold and fix whatever is causing it.

Brochure revised 2016.

[N.M. Dep't of Health, *Mold: Frequently Asked Questions* \(May 24, 2016\)](#)

New Mexico, Insurance

No specifically relevant statutes or regulations were located.

New Mexico, Remediation

New Mexico statutes and regulations contain no provisions specifically addressing mold remediation in real estate. However, the New Mexico Pesticide Control Act generally regulates the distribution, delivery, transportation or use of pesticides on pests, which generally include any living organism injurious to other living organisms.

The New Mexico Department of Health has issued a publication that states that with proper precautions, an individual home owner can safely clean-up small areas of mold. The following are recommended basic steps:

- scrub mold off hard surfaces with detergent and water, and dry completely;
- fix plumbing leaks and other water problems as soon as possible;
- throw away moldy absorbent or porous materials;
- clean up any mold and dry moldy surfaces before painting;
- contact a specialist if unsure about how to clean an item, or if an item is expensive or of sentimental value; and
- if the problem area is large and material needs to be replaced, consider hiring home mold remediation professionals.

Statutory section 76-4-3 amended 2009; § 76-4-5 enacted 1973. Mold publication revised 2016.

N.M. Stat. §§ 76-4-3(M), (N); -5(A) (2015); [N.M. Dep't of Health, *Mold* \(May 24, 2016\)](#)

New Mexico, Standards

No relevant statutes or regulations were located.

The New Mexico Department of Health does not recommend routine mold testing in part because test results are difficult to interpret. The department specifically notes that there are no state or federal standards for indoor mold.

Brochure revised 2016.

[N.M. Dep't of Health, *Mold: Frequently Asked Questions* \(May 24, 2016\)](#)

New York

New York, Assessment

LICENSES

As of July 28, 2015, it is unlawful for a contractor to engage in mold assessment on a project, or to advertise or hold themselves out as a mold assessment contractor, unless the contractor has a valid mold assessment license. A "project" is defined as mold remediation, assessment, or abatement of areas greater than 10 square feet. It does not include:

- routine cleaning; or
- construction, maintenance, repair or demolition of buildings, structures, or fixtures undertaken for purposes other than mold remediation or abatement.

The contractor must conspicuously display a copy of a valid mold assessment license at the work site.

A mold assessment licensee who intends to perform mold assessment on a mold remediation project must:

- prepare a work analysis for the project; and

- provide that analysis to the client before starting the mold remediation.

A mold assessment licensee who performs mold assessment services must provide a written report to each person for whom the licensee performs mold assessment services for compensation.

A licensee may not perform both mold assessment and mold remediation on the same property. Also, a person may not own an interest in both the licensee who performs mold assessment services and the licensee who performs mold remediation services on the same property.

TESTING RECOMMENDATIONS

The Department of Health does not recommend testing for mold. Sampling can be expensive, and any results are difficult to interpret. No matter the type or amount of mold present, a homeowner's best response is to clean it up and to correct the underlying water problem.

Also, the state toxic mold task force has concluded that the Department of Health should "continue to emphasize in its public education materials that clearance sampling for airborne mold is unlikely to provide reliable information for decision-making in damp or moldy buildings."

Statutory sections amended 2015. Fact sheet amended 2011. Task force report dated 2010.

N.Y. Labor Law §§ 930, 931, 935, 936 (2016); [N.Y. State Dep't of Health, *Indoor Air Quality—Information about Mold* \(Aug. 2011\)](#); [N.Y. State Dep't of Health, *New York State Toxic Mold Task Force: Final Report to the Governor and Legislature* \(Dec. 2010\)](#)

New York, Insurance

No relevant statutes or regulations were located.

However, the Insurance Department's General Counsel has issued a bulletin that provides guidance regarding mold coverage in property and liability insurance policies. The Insurance Department has received more than 100 filings from authorized insurers that restrict mold coverage, but it has not approved any of them. The Department "will not approve any limitations or exclusions for mold-related coverage until it receives information sufficient to warrant such exclusions or limitations." Also, in a policy issued by an authorized insurer, "an exclusion that is misleading or volatile of public policy is not permissible." An authorized insurer that has used an unapproved policy form containing a mold exclusion may not enforce the exclusion.

For unauthorized insurers, nothing in the New York Insurance Law specifically restricts or limits the exclusions that may be contained in an excess-line insurance policy or that would require an excess-line insurer to provide coverage for mold damages or losses. Therefore, an excess-line policy may contain a mold exclusion. Accordingly, New York regulations provide that an excess line broker

is not required to comply with N.Y. Comp. Codes R. & Regs. tit. 11, § 27.3(a), (b) and (c) regarding the placement of mold coverage.

A publication intended to answer homeowners' insurance policy questions addresses mold limitations as follows: "Mold damage is covered if it is due to a covered event. Many policies have a mold limitation for the payment of remediation services. Your policy has to be reviewed for the specific language."

Regulation amended 2014. Opinion issued 2003. Homeowners' guide history unknown.

N.Y. Comp. Codes R. & Regs. tit. 11, § 27.3(a), (b) and (c) (2016); [Office of Gen. Counsel, N.Y. Ins. Dep't, Opinion re. Enforceability of Mold Exclusions in New York Policies \(Apr. 1, 2003\)](#); N.Y. Ins. Dep't, *Homeowners Insurance—General—Top Ten Questions* (last visited Feb. 7, 2012)

[New York, Remediation](#)

LICENSING REQUIREMENTS

As of July 28, 2015, it is unlawful for a contractor to engage in mold remediation on a project or to advertise or hold themselves out as a mold remediation contractor unless the contractor has a valid mold remediation license. A "project" is defined as mold remediation, assessment, or abatement of an area larger than 10 square feet. It does not include:

- routine cleaning; or
- construction, maintenance, repair or demolition of buildings, structures, or fixtures undertaken for purposes other than mold remediation or abatement.

It is also unlawful for an individual to engage in mold abatement on a project or to advertise or hold themselves out as a mold abatement worker unless the individual has a valid mold abater's license.

The licensee must conspicuously display a copy of a valid mold remediation license at the work site.

A mold remediation licensee who intends to perform mold remediation must:

- prepare a work plan providing instructions for the remediation efforts;
- provide the work plan to the client before the mold remediation begins; and
- maintain a copy of the work plan at the job site.

A licensee may not perform both mold assessment and mold remediation on the same property. Also, a person may not own an interest in both the licensee who performs mold assessment services and the licensee who performs mold remediation services on the same property.

CLEANING RECOMMENDATIONS

The New York Department of Health outlines the following steps for cleaning up mold:

- control the moisture problem by identifying and correcting the water source;
- discard porous materials with extensive mold growth;
- dry or discard all wet materials;
- clean mold growing on hard surfaces;
- if it is impractical to eliminate the moisture source, use a 10-percent bleach solution to keep mold growth under control; and
- monitor the area for new mold growth and signs of moisture.

For a detailed analysis of the many issues involved in preventing, mitigating and remediating mold problems, see the *New York State Toxic Mold Task Force: Final Report to the Governor and Legislature*.

PESTICIDES

New York law also generally regulates the registration, commercial use, purchase and application of pesticides, which include substances that prevent, destroy or mitigate any pests, including fungus. The act defines "fungi" as including mold.

Statutory section 33-0301 enacted 1972; § 33-0101 amended 2000; §§ 930, 931, 935, and 936 amended 2015. Fact sheet amended 2011. Task force report dated 2010.

[N.Y. State Dep't of Health, *Indoor Air Quality—Information about Mold* \(Aug. 2011\)](#); N.Y. Env'tl. Conserv. Law §§ 33-0101 (17), (34), (35); -0301 (2016); N.Y. Labor Law §§ 930, 931, 935, 936 (2016); see also [N.Y. State Dep't of Health, *New York State Toxic Mold Task Force: Final Report to the Governor and Legislature* \(Dec. 2010\)](#)

New York, Standards

No statutes or regulations establishing a mold standard were located.

However, the New York State Department of Health has issued a fact sheet that does not recommend testing, in part because "the results are . . . difficult to interpret partially because we have very limited information about what level of mold exposure is associated with health effects."

Also, the state's toxic mold task force has determined that the "development of reliable, health-based quantitative mold exposure limits is not currently feasible due to a number of technical challenges."

Task force report dated 2010. Fact sheet amended 2011.

[N.Y. State Dep't of Health, *Indoor Air Quality—Information about Mold* \(Aug. 2011\); see also N.Y. State Dep't of Health, *New York State Toxic Mold Task Force: Final Report to the Governor and Legislature* \(Dec. 2010\)](#)

North Carolina

North Carolina, Assessment

No relevant statutes or regulations were located.

The North Carolina Department of Health does not recommend air sampling as a first step in determining the extent of a mold problem.

Brochure dated 2005.

[N.C. Dep't of Health & Human Serv., Div. of Public Health, *Mold & Human Health* \(Aug. 2005\)](#)

North Carolina, Insurance

No specifically relevant statutes or regulations were located.

North Carolina, Remediation

North Carolina statutes contain no provisions specifically addressing mold remediation in real estate. However, the North Carolina Pesticide Law of 1971 generally regulates the use, application, sale, disposal and registration of fungicides, which include substances that prevent, destroy, repel or mitigate fungi. The act defines "fungus" as including mold.

The North Carolina Department of Health provides detailed instructions for cleaning mold, including the following general steps:

- wearing protective equipment;
- spraying the moldy area lightly with water and detergent;

- scrubbing and rinsing the moldy surfaces;
- applying a disinfectant solution, such as household bleach and water;
- allowing the surface to dry; and
- removing moldy porous materials.

A landlord must repair or remedy any "imminently dangerous condition" on the premises within a reasonable time period (based on the condition's severity) after acquiring actual knowledge or receiving notice of the condition. The landlord may recover from the tenant the actual and reasonable costs of repairs that are the tenant's fault. In this context, "imminently dangerous condition" includes, among other things, "excessive standing water, sewage, or flooding problems caused by plumbing leaks or inadequate drainage that contribute to . . . mold."

Statutory section 143-435 amended 1971; § 143-460 amended 1995; § 42-42 amended 2012.
Brochure dated 2005;

[N.C. Gen. Stat. §§ 42-42; 143-435\(a\); -460\(12\), \(13\) \(2015\); N.C. Dep't of Health & Human Serv., Div. of Public Health, *Mold & Human Health* \(Aug. 2005\)](#)

North Carolina, Standards

No relevant statutes or regulations were located.

The North Carolina Department of Health does not suggest air sampling as a first step in determining the extent of a mold problem, in part because "[t]here are currently no uniformly accepted standards that quantify how much or what kind of airborne mold is acceptable."

Brochure dated 2005.

[N.C. Dep't of Health & Human Serv., Div. of Public Health, *Mold & Human Health* \(Aug. 2005\)](#)

North Dakota

North Dakota, Assessment

No relevant statutes or regulations were located.

The North Dakota Department of Health does not recommend testing as the first step to determine if a mold problem exists.

Fact sheet updated 2010.

[N.D. Dept. of Health, *Mold in My Home: What Do I Do?* \(July 2010\)](#)

North Dakota, Insurance

No specifically relevant statutes or regulations were located.

The North Dakota Insurance Department has listed mold as a typical exclusion in homeowners policies.

Guide dated 2016.

[N.D. Ins. Dep't, *FAQ* \(2016\)](#)

North Dakota, Remediation

North Dakota statutes contain no provisions specifically addressing mold remediation in real estate. However, the North Dakota statutes addressing pesticide registration generally regulate the distribution, sale and transportation of pesticides, which include substances that prevent, destroy, repel, or mitigate pests. "Pest" includes fungus, and "fungus" includes mold.

The North Dakota Pesticide Act of 1975 similarly regulates the distribution, storage, transportation, disposal, use and application of pesticides to control pests, which also include fungus and mold.

Also, the North Dakota Department of Health has issued a brochure that provides instructions for cleaning up mold, which generally involves the following steps:

- identify and fix the moisture source;
- remove the mold; and
- clean, disinfect, and dry the area.

Section 4-35-04 enacted 1975; § 19-18-03 amended 1995; § 19-18-02 amended 2003; § 4-35-05 amended 2009. Fact sheet updated 2010.

[N.D. Cent. Code §§ 4-35-04, -05; 19-18-02, -03 \(2015\); N.D. Dept. of Health, *Mold in My Home: What Do I Do?* \(July 2010\)](#)

North Dakota, Standards

No relevant statutes or regulations were located.

However, the North Dakota Department of Health acknowledges that "[t]here are no health-based standards or exposure limits for mold."

Fact sheet updated 2010.

[N.D. Dept. of Health, *Mold in My Home: What Do I Do?* \(July 2010\)](#)

Ohio

Ohio, Assessment

No relevant statutes or regulations were located.

Ohio, Insurance

No relevant statutes or regulations were located.

However, the Ohio Insurance Institute noted in 2003 that because of the growing mold problem, many insurance companies have added language to homeowners' policies "to provide a tighter definition of when mold damage is covered." The Ohio Department of Insurance approved an ISO amendment to the homeowners' policy that would limit coverage for mold on homes and for third party liability arising out of mold. The mold endorsement provided the following coverage:

- basic property limit option of \$10,000 on an annual basis for loss caused by fungi, wet or dry rot, or bacteria;
- the cost of removing fungi, wet or dry rot, or bacteria;
- the cost of tearing out and replacing any part of the property to gain access to fungi, wet or dry rot, or bacteria; and
- testing costs.

Insurers may offer higher optional coverage limits of \$25,000 and \$50,000.

In January 2003, 20 insurance companies participated in a mold coverage survey conducted by the Ohio Insurance Institute. The study showed that companies representing over half of the Ohio homeowners' market offered coverage for mold-related claims. The coverage was typically in the \$5,000 to \$10,000 range. Twenty-seven percent of the homeowners' market excluded mold coverage, and coverage by the rest of the market share was unknown. At that time, approximately 24 percent of the companies offering mold coverage also offered endorsements for higher coverage limits. Research did not locate more recent information regarding mold coverage in Ohio.

Backgrounder article issued 2003. Webpages dated 2002 and 2005.

Ohio Ins. Inst., *OII Backgrounder: Mold Coverage in Ohio* (2003); [Ohio Ins. Inst., *Causes of Homeowners Insurance Losses* \(2002 edition\)](#); [Ohio Ins. Inst., *Causes of Homeowners Insurance Losses* \(2005 edition\)](#)

Ohio, Remediation

Ohio statutes and regulations contain no provisions specifically addressing mold remediation in real estate. However, Ohio statutes generally regulate the distribution and application of pesticides,

which include substances that prevent, destroy or mitigate certain pests, including fungus. The act defines "fungus" as including mold.

The Ohio Department of Health suggests the following general steps for cleaning up mold:

- stopping the water;
- keeping the area clean;
- keeping the area dry; and
- disinfecting the area.

Statutory section 921.01 amended 2004; § 921.02 amended 2009; § 921.06 amended 2014. Brochure posted 2012.

[Ohio Rev. Code §§ 921.01\(U\), \(II\), \(JJ\); .02; .06 \(2014\); Ohio Dep't of Health, *Mold May Be Present in Flood-Damaged Homes* \(last visited June 21, 2016\)](#)

Ohio, Standards

No relevant statutes or regulations were located.

Oklahoma

Oklahoma, Assessment

A person or entity that inspects houses for mold may not contract to remove the mold, unless:

- the total cost of the inspection and removal does not exceed \$200; and
- the consumer consents to the inspection and removal by the same person or entity.

Statutory section enacted 2004.

[Okla. Stat. tit. 15, § 765.4 \(2015\)](#)

Oklahoma, Insurance

No specifically relevant statutes or regulations were located.

Oklahoma, Remediation

A person or entity that inspects houses for mold may not contract to remove the mold, unless:

- the total cost of the inspection and removal does not exceed \$200; and
- the consumer consents to the inspection and removal by the same person or entity.

Also, Oklahoma statutes generally regulate the licensing and registration of pesticide applicators and producers. "Pesticides" include substances that are intended to prevent, destroy or mitigate "fungi," which includes mold.

The Oklahoma State Department of Health has issued a fact sheet that generally recommends the following clean-up steps:

- using protective goggles, gloves, and breathing protection;
- sealing off the area from the rest of the house;
- bagging all moldy materials to be discarded;
- damp wiping the area;
- drying surfaces; and
- discarding porous materials.

Using a biocide, such as chlorine bleach, is not recommended as a routine practice. If a mold problem is extensive, a homeowner should consider hiring a professional cleaner.

Statutory section 765.4 enacted 2004; § 3-82 amended 2011; § 3-81 amended 2014. Brochure posted 2005.

[Okla. Stat. tit. 15, § 765.4; tit. 2, §§ 3-81, -82 \(2015\); Okla. State Dep't of Health, *Public Health Fact Sheet: Mold Facts* \(Sept. 26, 2012\)](#)

Oklahoma, Standards

No relevant statutes or regulations were located.

Oregon

Oregon, Assessment

No relevant statutes or regulations were located.

The Oregon Department of Human Services does not generally recommend mold testing because there are no standards to judge "safe" levels of indoor mold and testing cannot determine if the amount of mold detected will be harmful. Typically, if a homeowner sees mold or smells musty odors, he or she has a mold problem.

Webpage history unknown.

[Or. Health Authority, Public Health Div., *Mold in Your Home* \(last visited June 21, 2016\)](#)

Oregon, Insurance

No specifically relevant statutes or regulations were located. The Insurance Division notes that most policies exclude mold.

The Insurance Division has also issued Guidelines for "personal lines" mold exclusions or limitations. These guidelines, which are no longer readily available, provided that any filing of a coverage exclusion or limitation for mold or fungi must:

- include a copy of the existing policy language for each contract to which the endorsement would apply;
- provide a listing of the states in which the filing has been made and indicate the current disposition in each state;
- indicate if the forms have been filed and approved in the domicile state, and, if not, explain;
- provide information or forms indicating how the insured policyholder will be advised of the coverage change and when the change will become effective (mid-term coverage restrictions are not permitted);
- include a separate rate and rule filing if existing coverage is reduced or excluded or if the carrier is proposing to offer buy-back or other related mold coverage; and
- indicate whether reinsurers have precipitated the filing to exclude or limit mold.

Consumer guide issued 2008. Guidelines history unknown.

Or. Dep't of Consumer & Bus. Serv., Ins. Div., *Mold Exclusion Guidelines* (last visited Feb. 6, 2013); [Or. Dep't of Consumer & Bus. Serv., Ins. Div., *Consumer Guide to Homeowner and Tenant Insurance* \(Apr. 2008\)](#)

Oregon, Remediation

No specifically relevant statutes or regulations were located.

The Oregon Department of Human Services has issued a fact sheet that generally recommends the following clean-up steps:

- fix the moisture problem; and
- remove the mold from hard surfaces by washing with soap and water or a bleach solution and drying completely; and
- if necessary, replace absorbent materials.

The Oregon Department of Human Services notes that the EPA recommends that experienced professionals clean mold problems larger than 10 square feet.

Webpage history unknown.

[Or. Health Authority, Public Health Div., *Mold in Your Home* \(last visited June 21, 2016\)](#)

Oregon, Standards

No relevant statutes or regulations were located.

The Oregon Department of Human Services generally does not suggest testing to determine the extent of a mold problem, in part because "[t]here are no standards to judge 'safe' levels of indoor mold."

Webpage history unknown.

[Or. Health Authority, Public Health Div., *Mold in Your Home* \(last visited June 21, 2016\)](#)

Pennsylvania

Pennsylvania, Assessment

No relevant statutes or regulations were located.

However, the Pennsylvania Department of Health convened a task force to address mold, with the objectives of:

- improving understanding of "issues related to mold amplification in the indoor environment"; and
- reducing "the negative consequences associated with the performance of mold assessment and remediation by individuals or groups lacking the qualifications to perform quality work."

Report issued 2006.

Pa. Mold Mgmt. Task Force, *Pennsylvania Mold Management Task Force Report to the Pennsylvania General Assembly* (Aug. 2006) (last visited April 16, 2015)

Pennsylvania, Insurance

No specifically relevant statutes or regulations were located.

The Pennsylvania Department of Health convened a task force to address mold issues, including insurance coverage for mold assessors and remediators, but the task force was unable to reach consensus regarding whether the Commonwealth should mandate insurance coverage.

The Pennsylvania Insurance Department, describing flood insurance, notes that if a policyholder "does everything within their power to prevent the growth of mold and it still grows, the flood insurance policy will pay to sanitize the affected areas in an effort to control and eliminate mold."

Task force report issued 2006. Flood insurance pamphlet amended 2007.

Pa. Mold Mgmt. Task Force, *Pennsylvania Mold Management Task Force Report to the Pennsylvania General Assembly* (Aug. 2006) (last visited April 16, 2015); [Pa. Ins. Dep't, *Floods and Flood Insurance* \(Oct. 27, 2007\)](#)

Pennsylvania, Remediation

Pennsylvania statutes and regulations contain no provisions specifically addressing mold remediation in real estate.

However, the Pennsylvania Pesticide Control Act of 1973 generally regulates the sale and use of pesticides, which include substances that intend to prevent, destroy or mitigate pests, including fungus. The act defines "fungus" as including mold.

Also, the Pennsylvania Department of Health convened a task force to address mold, with the objectives of:

- improving understanding of "issues related to mold amplification in the indoor environment"; and
- reducing "the negative consequences associated with the performance of mold assessment and remediation by individuals or groups lacking the qualifications to perform quality work."

Statutory section 111.23 enacted 1974; § 111.24 amended 1986. Report issued 2006.

[Pa. Stat. tit. 3, §§ 111.23, .24 \(West 2016\)](#); Pa. Mold Mgmt. Task Force, *Pennsylvania Mold Management Task Force Report to the Pennsylvania General Assembly* (Aug. 2006) (last visited April 16, 2015)

Pennsylvania, Standards

No relevant statutes or regulations were located.

However, the Pennsylvania Department of Health task force convened to address mold-related public health issues noted, "because measurements of exposure are not standardized and biological markers of exposure to fungi are largely unknown, it is not possible to determine 'safe' or 'unsafe' levels of exposure for people in general."

Report issued 2006.

Pa. Mold Mgmt. Task Force, *Pennsylvania Mold Management Task Force Report to the Pennsylvania General Assembly* (Aug. 2006) (last visited April 16, 2015)

Puerto Rico

Puerto Rico, Assessment

No relevant statutes were located.

Puerto Rico, Insurance

No specifically relevant statutes were located.

Puerto Rico, Remediation

No relevant statutes were located.

Puerto Rico, Standards

No relevant statutes were located.

Rhode Island

Rhode Island, Assessment

No relevant statutes or regulations were located.

However, the Rhode Island Department of Health does not recommend mold testing in most cases because:

- there are no standards for mold tests;
- some level of mold is always present; and
- testing is "very difficult and expensive and cannot determine whether health effects will occur."

If a homeowner can see or smell mold, the mold must be cleaned up.

Fact sheet amended 2014. Health risks website history unknown.

[R.I. Dep't of Health, *Some Facts About Mold* \(June 27, 2014\); R.I. Dep't of Health, *Mold Health Risks* \(2016\)](#)

Rhode Island, Insurance

No relevant statutes or regulations were located.

However, the Rhode Island Insurance Department has issued a bulletin to provide guidance regarding mold and fungi coverage. The bulletin lists the ISO loss costs and related forms, rules and endorsements that the Department has approved. It also provides guidelines for non-ISO affiliated companies and ISO member companies that seek approval for independent mold-related forms, rules and rate filings. For personal lines:

- mold limitation endorsements must provide a "minimum \$10,000 aggregate all damages sub-limit" for property coverage and "a minimum \$50,000 aggregate sub-limit" for liability coverage, both without a mold-related rate increase;
- any proposal to deviate from the above criteria must demonstrate a need for the deviation with "sound actuarial data";
- companies are encouraged to offer higher limit options for mold-related claims;
- mold limitation endorsements may not apply to fire or lightning perils;
- the filing may not:
 - propose an unreasonably restrictive time period for reporting a mold claim;
 - require a mold claim to be reported within a specified number of days following a covered loss; or
 - require that a loss be reported during the policy period in which the original loss that resulted in the mold claim occurred; and
- the insurer must comply with Insurance Regulation 97, if applicable.

For commercial lines:

- the "minimum sub-limit applicable to the limitation endorsements for Commercial Property is \$15,000 aggregate," without a mold-related rate increase;
- any proposal to deviate from the above criteria must demonstrate a need for the deviation with "sound actuarial data";
- a policy may include, exclude or limit mold-related commercial liability coverage;
- companies are encouraged to offer higher limit options for mold-related claims;
- mold limitation endorsements generally may not apply to fire or lightning perils;
- the filing may not:
 - propose an unreasonably restrictive time period for reporting a mold claim;
 - require a mold claim to be reported within a specified number of days following a covered loss; or
 - require that a loss be reported during the policy period in which the original loss that resulted in the mold claim occurred; and
- the insurer must comply with Insurance Regulation 38, if applicable.

Bulletin revised 2003.

[Marilyn Shannon McConaghy, Dir., Dep't of Bus. Regulation, *Insurance Bulletin No. 2003-2: Mold Exclusions/Limitations: Property & Casualty Insurance* \(Mar. 6, 2003\)](#)

Rhode Island, Remediation

Rhode Island statutes and regulations contain no provisions specifically addressing mold remediation in real estate.

However, the Pesticide Control Act generally regulates the labeling, distribution, sale, storage, transportation, use and disposal of pesticides, which include substances that are intended to prevent, destroy or mitigate pests, including fungus. The act defines "fungi" as including mold.

Also, the Rhode Island Department of Health generally suggests the following procedure for cleaning mold:

- stop the moisture source;
- clean the area using a general-purpose detergent in hot water, using a stiff brush or cleaning pad on uneven surfaces or areas that are difficult to clean;
- rinse with clean water;
- let the area dry;
- wear protective clothing and equipment; and
- throw out absorbent materials.

A homeowner should consult a professional if a large area (more than 10 square feet) is contaminated. Professional services may also be required to identify hidden moisture and mold growth.

Statutory section 23-25-3 amended 1979; § 23-25-4 amended 2002. Fact sheet amended 2014.

[R.I. Dep't of Health, *Some Facts About Mold* \(June 27, 2014\); R.I. Gen. Laws §§ 23-25-3, -4 \(2015\)](#)

Rhode Island, Standards

No relevant statutes or regulations were located.

However, the Department of Health does not recommend testing, in part because there are "no standards for mold tests."

Fact sheet amended 2014.

[R.I. Dep't of Health, *Some Facts About Mold* \(June 27, 2014\)](#)

South Carolina

South Carolina, Assessment

No relevant statutes or regulations were located.

However, the South Carolina Bureau of Air Quality has issued a brochure that states "[i]n most cases, testing for mold is not necessary." A homeowner should assume a mold problem exists if he or she sees or smells mold. "Testing for mold could use up resources that are needed to correct moisture problems and remove existing mold growth." However, if mold growth is hidden and difficult to locate, testing may help determine its extent and location.

Brochure amended 2008.

S.C. Dep't of Health & Env'tl. Control, Bureau of Air Quality, *Mold in Homes* (July 2008) (last visited Feb. 11, 2011)

South Carolina, Insurance

All insurers, when issuing or renewing a personal lines residential property insurance policy, must notify the applicant or policyholder whether the insured has flood or mold coverage.

Statutory section amended 2014.

[S.C. Code § 38-75-755 \(2015\)](#)

South Carolina, Remediation

No relevant statutes or generally applicable regulations were located. However, the South Carolina Pesticide Control Act regulates the registration, handling, storage, distribution and use of pesticides, which include substances intended to prevent, destroy or mitigate any pests, including fungus. The act defines "fungus" as including mold.

Also, the South Carolina Bureau of Air Quality has issued a brochure that suggests homeowners perform the following steps to eliminate mold from their homes:

- identify and cure the moisture problem;
- dry wet materials as soon as possible;
- remove and dispose of moldy materials, throwing out porous materials and cleaning non-porous materials, while taking specified steps to protect the worker and others;
- clean surface-mold growing on non-porous materials, taking care to remove and capture the mold contamination;
- disinfect surfaces, if desired; and
- continue looking for signs of moisture problems or renewed mold growth.

Statutory section 46-13-20 amended 1979; § 46-13-40 amended 1996. Brochure revised 2008.

[S.C. Code §§ 46-13-20\(P\), \(CC\), \(DD\); -40 \(2015\)](#); S.C. Dep't of Health & Env'tl. Control, Bureau of Air Quality, *Mold in Homes* (July 2008) (last visited Feb. 11, 2011)

South Carolina, Standards

No relevant statutes or regulations were located. The South Carolina Department of Health and Environmental Control has noted that "[t]here are no state or federal laws or regulations that set minimum standards for indoor air quality, including standards for mold and mildew."

History of webpage unknown.

S.C. Dep't of Health & Env'tl. Control, *General Sanitation: Mold, Mildew and Indoor Air Quality* (last visited Feb. 7, 2013)

South Dakota

South Dakota, Assessment

No relevant statutes or regulations were located.

However, the South Dakota Department of Health has issued a brochure that does not recommend testing as the first step to determine if a home has a mold problem because:

- proper testing is expensive;
- testing requires special equipment;
- residents must hire an environmental contractor to conduct the testing;
and
- federal standards for acceptable or tolerable mold quantities have not been established.

The department recommends that if visible mold is present, sampling is usually not necessary. If a homeowner can see or smell mold, there is a probably a mold problem.

Webpage history unknown.

[S.D. Dep't of Health, *Mold in Your Environment* \(last visited June 21, 2016\)](#)

South Dakota, Insurance

No specifically relevant statutes or regulations were located.

South Dakota, Remediation

South Dakota statutes and regulations contain no provisions specifically addressing mold remediation in real estate. However, South Dakota statutes generally regulate the registration, distribution, and sale of pesticides, which include substances that prevent, destroy, or mitigate pests, including fungus. The statutes define "fungi" as including mold, but do not explicitly address the use of pesticides.

Also, the South Dakota Department of Health has issued a brochure that generally provides that mold should be cleaned with bleach and water. Large amounts may require a professional contractor.

Statutory section 38-20A-1 amended 1992; § 38-20A-4 amended 2008. Webpage history unknown.

[S.D. Codified Laws §§ 38-20A-1\(5\), \(14\), \(15\); -4 \(2015\); S.D. Dep't of Health, *Mold in Your Environment* \(last visited June 21, 2016\)](#)

South Dakota, Standards

No relevant statutes or regulations were located.

However, the S.D. Department of Health does not recommend testing as the first step to determine if a home has a mold problem, in part because "federal standards for judging acceptable or tolerable quantities of mold have not been established."

Webpage history unknown.

[S.D. Dep't of Health, *Mold in Your Environment* \(last visited June 21, 2016\)](#)

Tennessee

Tennessee, Assessment

No specifically relevant statutes or regulations were located.

However, the Tennessee Department of Health has issued a brochure that states that it is generally not necessary for a homeowner to test for mold, noting that both the CDC and the EPA do not recommend testing.

Also, the Tennessee Application of Pesticides Act of 1978 generally regulates the use of pesticides, which include substances that prevent, destroy, repel, or mitigate certain plant and animal pests, including fungi. A person may not engage in business as a "commercial pest control operator" until he or she has secured a charter from the Department of Agriculture. A "commercial pest control operator" includes a person or business entity who *inspects* real property for the purpose of issuing a wood destroying insect infestation inspection report and who has demonstrated to his or her qualifications to design and direct pest control and inspection operations.

Statutory section 62-21-103 amended 2005; § 62-21-102 amended 2011. Brochure history unknown.

Tenn. Code Ann. §§ 62-21-102, -103 (LexisNexis 2016); [Tenn. Dep't of Health, *Mold* \(last visited June 21, 2016\)](#)

Tennessee, Insurance

No specifically relevant statutes or regulations were located.

Tennessee, Remediation

No specifically relevant statutes or regulations were located.

However, the Tennessee Department of Health has issued a brochure that provides instructions for cleaning up mold, generally involving the following steps:

- wearing appropriate protective clothing and gear;
- drying non-moldy wet materials;
- cleaning and drying the moldy areas; and
- discarding moldy porous items.

Also, the Tennessee Application of Pesticides Act of 1978 generally regulates the use of

pesticides, which include substances that prevent, destroy, repel, or mitigate certain plant and animal pests, including fungi. A person may not engage in business as a "commercial pest control operator" until he or she has secured a charter from the Department of Agriculture. A "commercial pest control operator," means a person or business entity:

- who "engages in the custom application of pesticides or inspection of real property for the purpose of issuing a wood destroying insect infestation inspection report"; and
- who "has demonstrated . . . the person's qualifications to design and direct pest control and inspection operations."

Statutory section 62-21-103 amended 2005; § 62-21-102 amended 2011. Brochure history unknown.

Tenn. Code Ann. §§ 62-21-102, -103 (LexisNexis 2016); [Tenn. Dep't of Health, *Mold* \(last visited June 21, 2016\)](#)

Tennessee, Standards

No relevant statutes or regulations were located.

Texas

Texas, Assessment

Chapter 1958 of the Occupations Code and related regulations address mold assessors and mold remediators. The provisions relevant to mold assessment are described below.

DEFINITION

"Mold assessment" includes:

- inspecting, investigating, or surveying a dwelling or other structure "to provide the owner or occupant with information regarding the presence, identification, or evaluation of mold";
- developing a mold management plan or remediation protocol; or
- collecting or analyzing a mold sample.

PERFORMANCE STANDARDS

Texas regulations establish the following general work practices that are minimum requirements and "do not constitute complete or sufficient specifications for mold assessment":

- the purposes of mold assessment are:
 - to determine the sources, locations and extent of mold growth;
 - to determine the conditions that caused the mold to grow; and
 - to enable the mold assessor to prepare a "mold remediation protocol";
- if an assessment consultant or company determines that personal protective equipment should be used during a project, the assessment consultant or company must ensure that all employees are provided with, fitted for, and trained on the equipment;
- if samples are collected, the assessor must:
 - collect the samples pursuant to nationally accepted methods;
 - implement any necessary preservation methods;
 - record proper sample documentation;
 - use proper chain of custody procedures; and
 - have a licensed laboratory analyze the samples;
- an assessment consultant:
 - must prepare and provide to the client a "mold remediation protocol" that defines the scope of work to be performed;
 - must consider whether to recommend to a client that he or she should inform building occupants of the mold-related activities;
 - must generally must specify containment if the mold contamination affects a surface area of 25 contiguous square feet or more;
 - may specify a product or brand of disinfectant, biocide, or antimicrobial coating only if it is registered by the United States Environmental Protection Agency and if the use is consistent with the labeling instructions;
 - must provide an analytical method for, among other things, determining whether the mold contamination has been remediated, the remediation project "passes clearance" and the underlying cause of the mold has been remediated.

LICENSING REQUIREMENTS

A person may not "engage in mold assessment" unless the person holds a mold assessment license. However, an owner or tenant, or his or her managing agent or employee, is not required to be licensed to perform mold assessment services on property the owner or tenant owns or leases, unless:

- a managing agent or employee is in the business of performing mold assessment for the public;
- the person is an employee of and supervised by a licensee;
- the person is performing mold assessment in a one- or two-family dwelling that the person constructed or improved, if:
 - he or she performs the assessment at the same time as he or she is constructing, improving or repairing the property; and
 - the person does not engage in the mold-assessment business; or
- the person is the owner, or the owner's managing agent or employee, performing mold assessment on the owner's residential property that has fewer than 10 units, provided the managing agent or employee does not engage in the mold assessment business.

WORK ANALYSIS

A licensee who intends to perform a mold assessment project must prepare a "work analysis" that is specific for the project, and provide it to the client before the mold remediation begins. The work analysis must specify the following:

- the rooms or areas to be cleaned;
- the amount of materials to be removed or cleaned;
- the proposed remediation method for each type of area;
- the personal protection equipment to be used by the remediators;
- the proposed containment types to be used; and
- the "proposed clearance criteria for each type of remediation" in each area.

CONFLICTS OF INTEREST

A license holder may not perform mold assessment and remediation on the same project. Also, a person may not own an interest in both the entity that performs assessment services and the entity that performs remediation services on the same project.

REAL ESTATE INSPECTORS

Effective January 1, 2014, Texas Regulations provide that a real estate inspector is not required to determine the "presence, absence, or risk" of mold.

Statutory sections 1958.102 and 1958.151 enacted 2003; §§ 1958.001, 1958.054, 1958.101, and 1958.155 amended 2015. Regulation 295.321 amended 2007; r. 535.227 adopted 2014.

[Tex. Occ. Code §§ 1958.001\(6\), .054, .101, .102, .151, .155 \(2015\); 25 Tex. Admin. Code § 295.321 \(2015\); 22 Tex. Admin. Code § 535.227 \(2015\)](#)

Texas, Insurance

UNDERWRITING DECISIONS

An insurer that writes residential property insurance in Texas may not make an underwriting decision regarding a residential property insurance policy based on previous mold damage or mold-damage claim if:

- the applicant has property eligible for coverage under a residential property policy;
- the property has had mold damage;
- mold remediation has been performed; and
- the property was either:
 - remediated, as evidenced by a certificate of mold remediation that indicates with reasonable certainty that the underlying mold cause has been remediated; or
 - inspected by a licensed independent assessor who determined that the property does not contain evidence of mold damage.

WATER DAMAGE CLAIMS

An insurer that handles or processes water damage claims filed under residential property insurance policies must comply with rules that identify the types of water damage claims that require more prompt, efficient, and effective processing, and that address the following aspects of water damage claims:

- required notice;
- claim acceptance and rejection;
- claim handling and processing;
- claim investigations;
- claim settlement; and
- other areas addressed by regulation.

An insurer may not use an underwriting guideline based solely on "a single prior water damage claim either filed by the applicant or on the covered property," but that restriction does not "preclude an insurer from the surcharge and renewal provisions of § 551.107."

The Texas Department of Insurance has issued a brochure that provides consumer information regarding the handling of water-damage and mold claims. See [Tex. Dept. of Ins., *Handling Water-Damage Claims* \(June 2016\)](#).

MANDATORY ENDORSEMENTS

Archived commissioner orders:

- provide that Texas personal lines must provide coverage in the basic policy for removing mold that results from sudden and accidental water discharge, leakage or overflow, even if it is concealed, as long as the loss is reported no later than 30 days after the date the insured detected or should have detected the loss;
- eliminate coverage under the basic policy for "testing, treating, containing or disposing of mold beyond that necessary to repair or replace property that is physically damaged by water"; and
- give policyholders the option of purchasing additional coverage of 25, 50 and 100 percent of the policy limits that include the eliminated procedures. (However, an insurer may file for approval to offer a liability limit selection option in place of the 25% and 50% options.)

GENERAL COVERAGE

The Texas Department of Insurance consumer brochure notes as follows:

Most insurance policies will pay to remove mold only if it must be removed to repair or replace property that was damaged by a covered peril. You must report water damage that was hidden from view within 30 days of the date you first noticed it. Some companies provide a limited amount of mold remediation coverage and other companies will allow you to buy additional coverage for mold remediation by endorsement.

The Department of Insurance also notes that if a homeowner hires a mold remediator, all repairs and remediation must be inspected. The remediator must provide a Certificate of Mold Remediation (MDR-1) no later than 10 days after the remediation is completed. The certificate "is proof that the mold has been removed and the cause of the mold is fixed." If the repairs or remediation are not certified, an insurer may deny coverage in the future based on previous mold damage or claims.

Bulletin B-0005-04 issued 2004; bulletin B-0015-02 issued 2002. Regulation amended 2006. Statutory sections 542.252, 542.253, 542.302, and 544.353 enacted 2005; § 544.303 amended 2007; § 544.503 amended 2007 and renumbered 2009. Brochure revised 2015.

[Tex. Dep't of Ins., *News & Rules: Commissioner's Bulletin No. B-0005-04* \(Jan. 23, 2004\)](#); [Tex. Dep't of Ins., *News & Rules: Commissioner's Bulletin No. B-0015-02* \(Apr. 9, 2002\)](#); [28 Tex. Admin. Code](#)

[§ 21.1007 \(2015\); Tex. Ins. Code §§ 542.252, .253; 544.302, .303, .353, .503 \(2015\); Tex. Dep't of Ins., *Handling Water-Damage Claims* \(June 2016\)](#)

Texas, Remediation

Chapter 1958 of the Occupations Code addresses mold assessors and mold remediators. The provisions relevant to mold remediators are described below.

DEFINITION

"Mold remediation" means the "removal, cleaning, sanitizing, demolition, or other treatment, including preventive activities, of mold or mold-contaminated matter that was not purposely grown at that location."

SCOPE

Chapter 1958 regulates only mold-related activities that affect indoor air quality. It does not apply to:

- the following activities, if they are not conducted for mold-assessment or mold-remediation purposes:
 - routine cleaning;
 - diagnosing, repairing, cleaning or replacing "plumbing, heating, ventilation, air conditioning, electrical, or air duct systems or appliances";
 - real estate inspections; and
 - the "incidental discovery or emergency containment" of potential mold contamination during the above services;
- repairing, replacing or cleaning construction materials during construction;
- performing standard custodial activities for, "preventive maintenance of, and the routine assessment of property owned or operated by a governmental entity; or
- a pest control inspection conducted by a person regulated under Chapter 1951.

PERFORMANCE STANDARDS

Texas regulations establish the following general work practices that are minimum requirements and "do not constitute complete or sufficient specifications for a mold remediation project":

- a remediator must prepare a "mold remediation work plan" based on a "mold remediation protocol" and provide it to the client before starting the mold remediation;
- the remediation contractor or company must provide any required personal protection equipment to all employees who engage in remediation activities, if the mold affects a surface area of 25 contiguous feet or more;

- the remediator generally must use the containment specified in the remediation protocol if the mold affects a surface area of 25 contiguous square feet or more;
- the remediator must display at all entrances to remediation areas that are next to the building's occupied areas signs advising that a mold remediation project is in progress;
- a person may not remove or dismantle any walk-in containment structures or materials from a project site before receiving a written notice from a licensed mold assessment consultant that the project has "achieved clearance"; and
- the remediator may use disinfectants, biocides and antimicrobial coatings only if specified in the protocol, registered by the United States Environmental Protection Agency for the intended use, and the use is consistent with the manufacturer's labeling instructions.

LICENSING REQUIREMENTS

A person may not "engage in mold remediation" unless the person holds a mold remediation license. However, an owner or tenant, or his or her managing agent or employee, is not required to be licensed to perform mold assessment services on property owned or leased by the owner or tenant, unless:

- a managing agent or employee is in the business of performing mold assessment for the public or the mold contamination affects more than 25 contiguous square feet;
- the person is an employee of and supervised by a license holder;
- the person is performing mold remediation in an area in which the mold affects less than 25 contiguous square feet;
- the person is performing mold assessment in a one- or two-family dwelling that the person constructed or improved, if:
 - he or she performs the assessment at the same time he or she constructs, improves or repairs work on the property; and
 - the person does not engage in the mold-assessment business; or
- the person is the owner, or the owner's managing agent or employee, performing mold assessment on the owner's residential property that has fewer than 10 dwelling units, provided the managing agent or employee does not engage in the mold assessment business.

WORK ANALYSIS, WORK PLANS, AND NOTICE

A licensee who intends to perform a mold remediation project must prepare a "work analysis" for each project, which the licensee must provide to his or her client before the project begins. The work analysis must specify the following:

- the rooms or areas in which the license holder will perform the work;
- the "quantities of materials to be removed or cleaned";
- the proposed remediation method for each area; and
- the "proposed clearance criteria for each type of remediation" in each area.

A licensee must also prepare a work plan providing instructions for the remediation project. The licensee must:

- provide the plan to his or her client before the mold remediation begins; and
- maintain a copy of the work plan at the job site.

Until September 1, 2017, on or before the "fifth day before the date on which a license holder starts" a mold-remediation project, the license holder must notify the Texas Department of State Health Services in writing about the project. (As of September 1, 2017, the license holder must notify the Texas Department of Licensing and Regulation.) In an emergency, the license holder may make a verbal notice to the department. An emergency exists if a delay would increase the mold contamination.

CERTIFICATE OF MOLD REMEDIATION

No later than the 10 days after the date on which a licensee completes a mold-remediation project, the licensee must provide the property owner with a mold-remediation certificate. The certificate must include a statement that "based on visual, procedural, and analytical evaluation, the mold contamination identified for the project has been remediated as outlined in the mold management plan or remediation protocol". If the mold assessment licensee determines that the underlying cause has been remediated "so that it is reasonably certain that the mold will not return from that remediated cause," he or she must state on the certificate that the underlying cause of mold has been remediated.

If a property owner sells property, he or she must provide the buyer with a copy of the certificate.

CONFLICT OF INTEREST

A licensee may not perform mold assessment and remediation on the same project. Also, a person may not own an interest in both the entity that performs assessment services and the entity that performs remediation services on the same project.

RECORD RETENTION

A mold remediator must maintain a record of each mold remediation for at least three years and make the record available for inspection by the Department of State Health Services or any law

enforcement entity. (As of September 1, 2017, a mold remediator must maintain a record of each mold remediation for at least three years and make the record available for inspection by the Texas Department of Licensing and Regulation.) The record must contain the following:

- photographs of the scene before and after the remediation;
- the written remediation contract;
- all invoices issued; and
- any other material required by the department.

Within one week after completing mold remediation, the remediator must provide the property owner with copies of all required photographs.

Statutory sections 1958.002, 1958.102, 1958.151, 1958.152, and 1958.156 enacted 2003; §§ 1958.001, 1958.054, 1958.101, 1958.153, 1958.154, and 1958.155 amended 2015. Regulation amended 2007.

[Tex. Occ. Code §§ 1958.001\(7\), .002, .054, .101, .102, .151, .152, .153, .154, .155, .156 \(2015\); 25 Tex. Admin. Code § 295.322 \(2015\)](#)

Texas, Standards

No statutes or regulations establishing mold standards were located. Texas statutes addressing mold assessors and remediators indicate that such standards do not yet exist: "The executive commissioner by rule may develop and establish mold safety standards for license holders if appropriate scientific information exists regarding the effect of mold." (Effective September 1, 2017, the Texas Commission of Licensing and Regulation "by rule may develop and establish mold safety standards for license holders if appropriate scientific information exists regarding the effect of mold.")

Texas also established a task force to advise the Texas Residential Construction Commission regarding the "feasibility of adopting permissible limits for exposure to mold in indoor environments." However, Tex. Prop. Code § 430.003, which established the task force, expired on September 1, 2009.

Statutory section 430.003 enacted 2003 and expired 2009; § 1958.058 enacted 2015.

[Tex. Occ. Code § 1958.058 \(2015\)](#); see Tex. Prop. Code § 430.003 (2009)

Utah

Utah, Assessment

No relevant statutes or regulations were located.

However, the Utah Department of Health issued a brochure that did not recommend testing as the first step to determine if a home has a mold problem because:

- reliable testing can be expensive;
- individual private-home residents must pay a consultant or contractor to conduct the testing; and
- residents' resources are better used to clean up the problem. (That version of the brochure is no longer readily available on the Internet.)

Brochure revised 2013.

Utah Dep't of Health, Env'tl. Epidemiology Program, *Mold* (2013) (last visited Feb. 7, 2013)

Utah, Insurance

No specifically relevant statutes or regulations were located.

Utah, Remediation

Utah statutes and regulations contain no provisions specifically addressing mold remediation in real estate. However, the Utah Pesticide Control Act generally regulates the distribution and application of pesticides, which include substances that prevent, destroy, control or mitigate certain plant and animal pests, including fungus. The act defines "fungus" as including mold.

[H.B. 286, 2006 Gen. Sess. \(Utah 2006\)](#), a "Toxic Mold Act" that was introduced in 2006, would have required the Department of Health to recommend "practices" for persons who own or occupy property containing mold, but it did not pass into law.

The State of Utah has published a web page that suggests the following remediation procedure:

- fix leaky plumbing or other water sources;
- wash mold off hard surfaces with detergent and water;
- dry those surfaces completely;
- replace, as necessary, absorbent materials that become moldy; and
- take the EPA's "Mold Course."

Statutory section 4-14-2 amended 2007; § 4-14-3 amended 2014. Brochure reviewed 2010.

[Utah Code §§ 4-14-2\(12\), \(20\), -3 \(2015\)](#); State of Utah, Choose Clean Air: *Mold* (last visited Apr. 8, 2015)

Utah, Standards

No relevant statutes or regulations were located.

Vermont

Vermont, Assessment

No relevant statutes or regulations were located.

The Vermont Department of Health does not recommend testing to determine if a home has a mold problem because:

- testing does not provide any information that would change the steps to fix the problem; and
- there are no standards to apply to the test results, so test results cannot be used to determine whether a building is safe or unsafe.

Website dated 2016.

[Vt. Dep't of Health, *Mold and Air Quality* \(2016\)](#)

Vermont, Insurance

No relevant statutes or regulations were located.

However, the Vermont Insurance Division issued Bulletin 141, which provides information regarding insurance coverage for mold losses. The bulletin notes that the insurance industry asked the department to approve mold-coverage limitations and exclusion endorsements, and that the department determined that failing to approve mold-coverage limitations would result in significant premium increases and a decrease in the number of insurers doing business in the Vermont. Therefore, the department approved certain mold limitations and exclusions in both personal and commercial lines.

For ISO member and subscriber companies, the department approved "optional limited mold coverage endorsements for use with the 1991 Homeowners Program as well as specific optional endorsements for use with the 1989 Dwelling Fire and Dwelling Liability Lines."

Non-ISO affiliated companies and ISO members that choose not to adopt the ISO offerings, may seek approval for independent mold related form, rule and rate filings, which the department will approve in personal lines based on the following criteria, among others:

- no mold total exclusions, except for personal umbrella, boat owners, or "personal inland marine" policies or endorsements;
- mold limitation endorsements may not apply to fire or lightning perils;
- mold limitation endorsements may exclude mold damage from constant or repeated leakage or seepage over a period of time only if the insured knew of the seepage; and

- mold limitation endorsements must provide "a minimum \$10,000 aggregate all damages sub-limit for Property coverages" and "a minimum \$ 50,000 aggregate all damages sub-limit for Liability coverages."

The aggregate "property sub-limit definition" may include:

- property damage;
- removal costs;
- costs to tear out and replace property to access the mold; and
- testing costs.

See the Mold Limitation/ Exclusion Filing Guidelines for additional requirements that apply to both personal and commercial lines.

[S.B. 229, 2010 Leg., Reg. Sess. \(Vt. 2010\)](#), which would have required property and casualty insurers to provide insurance coverage for damage arising from mold, did not pass into law. If passed, [S.B. 47, 2011 Leg., Reg. Sess. \(Vt. 2011\)](#), would similarly require insurers to provide insurance coverage for damage arising from mold contamination.

Bulletin dated 2002. Guidelines posted 2015.

[Vt. Dep't of Banking, Ins., Sec. & Health Care Admin., Ins. Div., *Bulletin 141: Information about Coverage for Mold Losses* \(Nov. 26, 2002\); Vt. Dep't of Banking, Ins., Sec. & Health Care Admin., Ins. Div., *Mold Limitation/Exclusion Filing Guidelines* \(last visited June 22, 2016\).](#)

Vermont, Remediation

No specifically relevant statutes or regulations were located. However, Vermont regulations generally regulate the use of pesticides, which include economic poisons. "Economic poisons" are defined substances produced, distributed, or used to prevent, destroy, or repel pests, including fungi.

Also, the Vermont Department of Health provides the following general instructions for cleaning up mold:

- identify and correct the moisture source;

- clean hard surfaces, objects, and building materials with soap and water;
- wash soft items that can be laundered;
- replace building materials and soft items that are damaged and cannot be washed;
- vacuum the area with a HEPA-filtered vacuum; and
- wear appropriate protective clothing and gear.

A homeowner who sees a large amount of mold growth may want to consider hiring a professional to remove the material.

Regulations effective 1991. Webpage dated 2016.

20-031-012 Vt. Code R. §§ I, II (LexisNexis 2016); [Vt. Dep't of Health, Mold and Air Quality \(2016\)](#)

Vermont, Standards

No relevant statutes or regulations were located. The Vermont Department of Health has noted that "[t]here are no standards that test results can be compared to, and therefore test results cannot be used to say a building is 'safe' or 'unsafe'."

Webpage dated 2016.

[Vt. Dep't of Health, Mold and Air Quality \(2016\)](#)

Virgin Islands

Virgin Islands, Assessment

No relevant statutes were located.

Virgin Islands, Insurance

No specifically relevant statutes were located.

Virgin Islands, Remediation

Virgin Island statutes contain no provisions specifically addressing mold remediation in real estate.

However, the Virgin Islands Pesticide Control Act of 2006 generally regulates the use of pesticides, which include substances that prevent, destroy or mitigate certain pests, including fungus.

Statutory sections enacted 2006.

12 V.I. Code §§ 801, 803 (LexisNexis 2016)

Virgin Islands, Standards

No relevant statutes were located.

Virginia

Virginia, Assessment

Virginia law previously provided that no individual may offer to perform or actually perform mold inspections without a valid license. However, effective July 1, 2012, Virginia deregulated mold inspectors and mold remediators.

The Virginia Department of Health does not recommend testing for indoor molds because testing "can be cost prohibitive and is not generally recommended by the Centers for Disease Control and Prevention and the Environmental Protection Agency." Also, the county and state public health departments do not provide mold remediation, inspection, or testing services.

Statutory sections 54.1-517.3, 54.1-517.4, and 54.1-517.5 repealed 2012. FAQ modified 2013.

[2012 Va. Acts chs. 803, 835; Va. Dep't of Health, *Frequently Asked Questions About Flooding, Molds, and Health* \(Oct. 25, 2013\)](#)

Virginia, Insurance

Virginia regulations establish content standards for fire coverage or fire with other coverage policies. They address mold in only the following policy types, which are attached as exhibits to the regulations:

- a "dwelling buildings and contents policy; special form" may exclude losses from mold, among others, "unless loss from a peril not excluded ensues," in which case the insurer is liable for only the ensuing loss;
- a "homeowners policy; special form" generally may exclude loss from mold, among others; and
- a "homeowners policy; comprehensive form" generally may exclude loss by mold, among others.

None of the other policy types addresses mold.

The Virginia Bureau of Insurance generally describes mold coverage in homeowners' insurance as follows: "If mold is a consequence of another loss that is covered under your homeowners policy, the consequential mold loss is covered. However, if mold is the direct cause of loss, it is excluded."

Regulations effective 1982. Exhibits' history unknown. Guide dated 2011.

[14 Va. Admin. Code §§ 5-340-20, -60, -90, -100, Exs. 3, 6, 7 \(2015\); Va. Bureau of Ins., *Homeowners Insurance: Consumer's Guide* at 13 \(Dec. 8, 2011\)](#)

Virginia, Remediation

LICENSING REQUIREMENTS

Virginia law previously required that no individual could offer to perform or perform mold remediation without a valid license. However, effective July 1, 2012, Virginia deregulated mold inspectors and mold remediators.

HOMEOWNER REMEDIATION

The Virginia Department of Health provides the following general instructions for cleaning up mold:

- remove all porous household items that have been water soaked;
- thoroughly wash all hard surfaces and treat them with a bleach solution;
- wait until any remaining wood or other building materials are thoroughly dry before making repairs; and
- wear appropriate protective clothing and gear.

LANDLORD-TENANT REQUIREMENTS

As of July 1, 2008, § 8.01-226.12, which primarily focuses on landlord and managing agent immunity for mold claims, requires landlords and managing agents with maintenance responsibilities to perform mold remediation if there is visible evidence of mold in a dwelling unit.

If mold in a dwelling unit "materially affects the health or safety of any tenant or authorized occupant," the landlord may require the tenant to temporarily vacate the premises so the landlord can perform mold remediation for up to 30 days. The landlord must provide the tenant with either a comparable dwelling unit or a hotel room at no cost to the tenant. The tenant is responsible for paying the rent due under the rental agreement during the relocation period and for the remainder of the rental agreement's term after the remediation. Unless the tenant is at fault for the mold condition, the landlord must pay all of the mold-remediation costs, and, as of July 1, 2016, all relocation costs.

A landlord must maintain the premises in "such a condition as to prevent the accumulation of moisture and the growth of mold" and respond promptly to any tenant notices regarding mold.

Effective July 1, 2015, if there is visible evidence of mold, the landlord must:

- promptly remediate the mold conditions according to the requirements of Va. Code § 8.01-226.12(E);
- reinspect the dwelling to confirm that there is no longer visible evidence of mold; and
- make available to the tenant copies of "any available written information" related to remediating mold.

The tenant must use "reasonable efforts to maintain the dwelling unit and any other part of the premises that he occupies in such a condition as to prevent accumulation of moisture and the growth of mold" and promptly notify the landlord of any moisture accumulation that occurs or of any visible evidence of mold. Effective July 1, 2009, the landlord must pay all mold-remediation costs, and, as of July 1, 2016, all relocation costs, unless the mold is a result of the tenant's failure to maintain the dwelling unit, as required by § 55-248.16.

Statutory section 8.01-226.12 amended 2008; §§ 54.1-517.3, 54.1-517.4, and 54.1-517.5 repealed 2012; § 55-248.13 amended 2015; §§ 55-225.9, 55-248.16, and 55-248.18:2 amended 2016. FAQ modified 2013.

[Va. Code §§ 8.01-226.12; 55-225.9](#) (as amended by [2016 Va. Acts ch. 744](#)), [-248.13](#), [-248.16](#) (as amended by [2016 Va. Acts ch. 744](#)), [-248.18:2 \(2016\)](#) (as amended by [2016 Va. Acts ch. 744](#)); [2012 Va. Acts chs. 803, 835](#); [Va. Dep't of Health, *Frequently Asked Questions About Flooding, Molds, & Health* \(Oct. 25, 2013\)](#)

Virginia, Standards

No relevant statutes or regulations were located.

The Virginia Department of Health notes that:

- there are no federal or state standards for indoor mold levels; and
- "air concentrations of molds cannot be interpreted with regard to health risks."

FAQ modified 2013.

[Va. Dep't of Health, *Frequently Asked Questions About Flooding, Molds, and Health* \(Oct. 25, 2013\)](#)

Washington

Washington, Assessment

No relevant statutes or regulations were located.

Note that as of June 10, 2010, one of the purposes of the state's low-income weatherization and structural rehabilitation assistance account is to "[i]dentify and correct, to the extent practicable, health and safety problems for residents of low-income households, including asbestos, lead, and mold hazards."

Statutory section amended 2010.

[Wash. Rev. Code § 70.164.030 \(2015\)](#)

Washington, Insurance

No specifically relevant statutes or regulations were located.

However, the Office of the Insurance Commissioner has noted that "[m]ost standard homeowner policies don't cover damage caused by mold, fungi, rust or rot." Insurance companies generally consider mold to be a home-maintenance issue, but if consumers have mold in their home, they should talk to their agents about "possible coverage." Also, some insurers provide a limited amount of coverage for mold, and some allow a homeowner to buy mold coverage by adding an endorsement.

Webpage history unknown.

[Wash. State Office of the Ins. Comm'r, *Homeowner Insurance and Mold* \(last visited June 22, 2016\)](#)

Washington, Remediation

Washington statutes and regulations contain no provisions specifically addressing mold remediation in real estate.

However, the Washington Pesticide Control Act generally regulates the formulation, distribution, storage, transportation, use and disposal of pesticides, which include substances intended to prevent, destroy, control or mitigate pests, including fungus. The act defines "fungi" as including mold.

Also, the Department of Health has issued a pamphlet that suggests mold remediation procedures. If the area to be cleaned is large, the homeowner should consider hiring a professional to conduct the remediation. To clean a small area, a homeowner should:

- use protective clothing and equipment;
- seal off the area, cover heat registers and ventilation ducts, and open a window;
- remove furnishings to be cleaned later;
- bag all moldy materials to be discarded;
- scrub affected hard surfaces, first with a mild detergent solution and then with a bleach solution (optional), wait 20 minutes and repeat;
- after 20 minutes, apply a borate-based detergent solution and do not rinse; and
- clean the entire area.

All residential landlords must provide tenants with general information about mold provided by the Department of Health. The Department of Health has posted a web page that includes links to information about mold and mold remediation that residential landlords may use to satisfy the mold disclosure requirements.

Note that as of June 10, 2010, one of the purposes of the state's low-income weatherization and structural rehabilitation assistance account is to "[i]dentify and correct, to the extent practicable, health and safety problems for residents of low-income households, including asbestos, lead, and mold hazards."

Statutory section 15.58.020 enacted 1971; § 70.164.030 amended 2010; §§ 15.58.030 and 59.18.060 amended 2011. Mold and tenant information webpages history unknown.

[Wash. Rev. Code §§ 15.58.020, .030; 59.18.060\(12\); 70.164.030 \(2015\); Wash. State Dep't of Health, Mold \(last visited June 22, 2016\); Wash. Dep't of Health, Div. of Envtl. Health, Office of Envtl. Health & Safety, Renters, Landlords, and Mold \(last visited June 22, 2016\)](#)

Washington, Standards

No relevant statutes or regulations were located. However, the Washington House of Representatives has adopted a resolution establishing a committee to study issues related to environmental risks "potentially affecting human health," including, among others, mold.

Resolution passed 2007.

[H.R. 4603, 2007 Leg., Reg. Sess. \(Wash. 2007\)](#)

West Virginia

West Virginia, Assessment

No relevant statutes or regulations were located.

However, the West Virginia Department of Health and Human Resources has issued an information sheet that does not recommend testing as the first step to determine if a home has a mold problem because:

- sampling can be expensive;
- testing requires equipment that is not available to the public; and
- there are no standards for indoor mold levels.

The department recommends that if a homeowner can see or smell mold, he or she can assume there is a mold problem.

Home inspectors "may not be required to report or render an opinion on" the presence or absence of mold.

Information sheet dated 2000. Regulation amended 2014.

[W. Va. Dep't of Health & Human Res., *Mold in My Home: Is it a Health Concern?* \(Mar. 7, 2000\); W. Va. Code R. § 87-5-13.1 \(2016\)](#)

West Virginia, Insurance

No specifically relevant statutes or regulations were located.

West Virginia, Remediation

West Virginia statutes and regulations contain no provisions specifically addressing mold remediation in real estate. However, the West Virginia Pesticide Control Act of 1990 generally regulates the registration, sale and use of pesticides, which include substances that prevent, destroy or mitigate undesirable fungi. The act defines "fungus" as including mold.

Also, the West Virginia Department of Health and Human Resources has issued an information sheet that provides detailed instructions for cleaning up mold, generally involving the following steps:

- identifying and correcting the moisture source;
- cleaning, rinsing, disinfecting, and drying the moldy area;
- removing and throwing out porous materials; and
- wearing appropriate protective clothing and gear.

If, after cleaning a small test patch of mold, a homeowner feels that his or her health was adversely affected, the homeowner should consider hiring a professional contractor.

Statutory sections enacted 1990. Information sheet dated 2000.

[W. Va. Code §§ 19-16A-2; -3\(17\), \(34\) \(2016\); W. Va. Dep't of Health & Human Res., *Mold in My Home: Is it a Health Concern?* \(Mar. 7, 2000\)](#)

West Virginia, Standards

No relevant statutes or regulations were located.

However, the West Virginia Department of Health and Human Resources does not recommend testing as the first step to determine if a home has a mold problem, in part because "there are no air standards for levels of mold indoors."

Information sheet dated 2000.

[W. Va. Dep't of Health & Human Res., *Mold in My Home: Is it a Health Concern?* \(Mar. 7, 2000\)](#)

Wisconsin

Wisconsin, Assessment

No relevant statutes or regulations were located.

However, the Wisconsin Department of Health Services has posted a hiring-tips webpage that states that mold testing is generally not necessary. If a homeowner can see and smell mold in his or her home, there is a mold problem. The webpage also provides links to a list of indoor air quality consultants and mold remediation contractors, but neither the federal government nor the department certifies consultants or contractors for conducting mold investigations. The department recommends the following steps when hiring a consultant to assess a mold problem:

- obtain more than one estimate, ensuring that all consultants are bidding on the same work;
- ask for the names of the consultant's recent customers and call to see if they were satisfied;
- obtain a written inspection report that included a summary of all inspected areas, the cause of the mold, how to alleviate the problem, and any sampling results;
- avoid a contractor who claims to remove all mold from the building;
- contact the Department of Agriculture, Trade and Consumer Protection, Bureau of Consumer Protection, and the Better Business Bureau to determine if complaints have been filed against the consultant;
- ensure that the firm that conducts the inspection or air sampling is not financially related to the firm that conducts the mold remediation, and that any consulting firm with a financial tie to a contractor discloses that relationship; and
- select either the American Industrial Hygiene Association or an EPA-accredited laboratory to analyze any samples.

The Wisconsin Department of Health Services also notes that "testing is only indicated in rare instances and should be discussed with an indoor air quality specialist."

Basic information and hiring-tips webpages revised 2015.

[Wis. Dep't of Health Serv., *Mold: Tips for Hiring a Mold Remediation Contractor/Consultant* \(June 25, 2015\)](#); [Wis. Dep't of Health Services, *Mold Basic Information* \(last visited June 23, 2016\)](#)

Wisconsin, Insurance

No relevant statutes or regulations were located.

However, the Wisconsin Office of the Commissioner of Insurance has issued two bulletins providing guidance regarding mold and fungi coverage. For personal lines, the commissioner "expects homeowners insurers to cover property damage from mold as a result of a covered cause of loss to the extent provided for any other damage caused by a covered cause of loss." However, the office "will not disapprove" form filings that limit property damage coverage from mold that arises from a covered loss as long as:

- the property damage coverage is at least \$10,000; and
- the liability coverage is at least \$50,000.

Personal umbrella and excess liability forms may exclude mold.

A later bulletin clarifies that many approved homeowners insurance policy forms contain "anti-concurrent causation language" that effectively excludes coverage for property damage from mold, whether or not the mold resulted from a covered cause of loss. However:

- homeowners insurers may not refuse to cover damage caused by a covered peril solely because mold is present in the property;
- insurers should pay for repair or replacement of property damaged by a covered peril according to the policy's terms, even if the repair or replacement may result in mold removal or clean-up;
- costs directly associated with mold removal or remediation may be limited or excluded;
- insurers "are encouraged" to offer mold coverage buy-back endorsements or riders; and
- the office will not disapprove a filing that specifically limits third-party liability coverage for claims resulting from mold, as long as the form provides at least \$50,000 of coverage.

For commercial lines, the office "will not disapprove" form filings that exclude mold coverage in commercial lines policies. However, insurers are encouraged to offer mold coverage buy-back endorsements or riders.

Bulletins issued 2002.

[Wis. Office of the Comm'r of Ins., *Bulletin to Insurers* \(Dec. 19, 2002\)](#); [Wis. Office of the Comm'r of Ins., *Bulletin to Insurers* \(June 21, 2002\)](#)

Wisconsin, Remediation

No relevant statutes or regulations specifically addressing mold remediation in real estate were located. However, Wisconsin statutes generally individual commercial applicators and commercial application businesses, which generally include businesses or individuals who use or direct the use of pesticides for hire. Pesticides include substances that prevent, destroy, repel, or mitigate certain pests, including fungus. The term "fungus" includes mold and mildew.

Also, the Wisconsin Department of Health Services has issued a bulletin that provides a link to a list of mold remediation contractors, but neither the federal government nor the department certifies mold-remediation contractors. Therefore, the department recommends the following when hiring a mold-remediation contractor:

- obtain more than one estimate, ensuring that all contractors are bidding on the same work and that all visit the job site;
- ask for the names of the contractor's recent customers and call to see if they were satisfied;
- obtain a written inspection report;
- consider whether the mold contractor showed up on time, cleaned up, and will perform follow-up service on warranties;
- avoid a contractor who claims to remove all mold from the building;
- contact the Department of Agriculture, Trade and Consumer Protection, Bureau of Consumer Protection, and the Better Business Bureau to determine if complaints have been filed against the contractor;
- ensure that the firm that conducts the inspection or air sampling is not financially related to the firm that conducts the mold remediation, and that any consulting firm with a financial tie to a contractor discloses that relationship; and
- select a laboratory that is accredited by either the American Industrial Hygiene Association or an EPA-accredited laboratory to analyze any samples.

The Wisconsin Division of Public Health suggests that homeowners can clean small areas of mold growth on non-porous surfaces by:

- removing the "gross mold buildup";
- applying a simple bleach solution; and
- allowing the affected area to dry thoroughly.

See *Cleaning Mold in Your Home* for a more detailed description of cleaning procedures. Extensive cleanup of large areas may require the use of a clean-up service and the removal of mold-contaminated surfaces.

Statutory sections 94.703 and 94.704 amended 2013; § 94.67 amended 2015. Hiring-tips and basic information webpages revised 2015; cleaning-options webpage revised 2016.

[Wis. Stat. §§ 94.67, .703, .704 \(2016\)](#); [Wis. Dep't of Health Serv., *Mold: Tips for Hiring a Mold Remediation Contractor/Consultant* \(June 25, 2015\)](#); [Wis. Dep't of Health Serv., *Mold Basic Information* \(June 25, 2015\)](#); [Wis. Dep't of Health Serv., *Cleaning Mold In Your Home* \(May 19, 2016\)](#)

Wisconsin, Standards

No relevant statutes or regulations were located.

However, the Division of Public Health notes that "there are no agreed-upon, health-based standards for human exposure to mold or mold spores."

Basic information webpage revised 2015.

[Wis. Dep't of Health Serv., *Mold Basic Information* \(June 25, 2015\)](#)

Wyoming

Wyoming, Assessment

No relevant statutes or regulations were located.

Wyoming, Insurance

No specifically relevant statutes or regulations were located.

Wyoming, Remediation

No specifically relevant statutes or regulations were located.

The Wyoming Health Department has suggested that a home owner or other person with minimal personal protective equipment can usually clean up mold. Bleach is not necessarily the best choice of mold-cleaning agent.

In some cases, mold contamination can be so extensive as to require specialized equipment and training. "Extensive mold problems should be evaluated by an industrial hygienist or other certified indoor air quality specialist and remediation should be conducted by a certified remediator."

The Wyoming Environmental Pesticide Control Act of 1973 generally regulates the use and application of pesticides to control pests, which include certain fungi.

Statutory section amended 1973; regulation filed 2002; pamphlet previously posted 2003.

Wyo. Stat. § 35-7-352 (LexisNexis 2016); [28 Wyo. Code R. § 2\(bb\) \(2015\)](#); Wyo. Health Dep't, *Some Practical Information on Molds* (2003)

Wyoming, Standards

No relevant statutes or regulations were located.