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BREAKING NEWS! The Maryland Mold Remediation Services Act: Status Update

The unregulated world of mold remediation in Maryland has come to an end. The Maryland Mold Remediation Services Act (Business Regulation Code, §8-701) was originally scheduled to take effect on June 1, 2010. However, due to budget constraints, the Department of Labor, Licensing and Regulation (DLLR) postponed implementation until July 1, 2013. The Maryland Home Improvement Commission (MHIC) which is under the DLLR, has again delayed implementation beyond the July 1 date as implementation of the regulation remains unfunded.

However, MHIC has proceeded with drafting the regulation. According to Steve Smitson, Executive Director of MHIC, once the draft has been internally reviewed and approved, in accordance with the regulatory process, the draft will be published in the Code of Maryland Regulations (COMAR) as a proposed regulation at which time the public will have an opportunity to comment on the proposed regulation. A public hearing may also be held. Once all comments are addressed through the rulemaking process, the final rule will be published. According to Mr. Smitson, the

proposed rule is anticipated for publication in October. Under the tightest timeline the final rule would be implemented in early 2014. However, once implemented, a delay in enforcement of six to twelve months, in order to allow the regulated community to get into compliance is likely.

Mandate: Most significantly, the Act mandates licensing through the (MHIC) for companies and firms providing mold remediation on residential properties. In order to qualify for licensure, the remediation company or firm must submit proof that each employee providing residential mold remediation services is individually certified by an accreditation body, as a microbial remediation supervisor or microbial remediation technician, or equivalent. The law does not create a state certification board or institute a licensing examination. The state will instead rely upon independent certifying bodies to certify individuals.

Licensure: Company or firm licensing requirements will also include the submittal of an application, a nonrefundable application fee and proof of at least \$1,000,000 in insurance.

Companies will be required to renew their licenses every two years and prominently display the license number at their place of business and on service vehicles.

MHIC Role: The MHIC, which licenses and regulates home improvement contractors, subcontractors and salespersons in the state, will have the power and duty to license and regulate mold remediation service providers. The law defines mold remediation as 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.

Requirement: Per the DLLR website, "any mold remediation contractor who performs structural renovations to a house in the course of a mold remediation project (for example, tearing out and rebuilding walls, repairing drywall, replacing floors, etc.) is required to hold a MHIC contractor license. Likewise any contractor that currently holds a MHIC contractor (or subcontractor) license and who also provides mold remediation services on residential properties will be required to hold both the contractor (or subcontractor) license and the license to provide mold remediation services" once the regulation takes effect. (See <http://www.dllr.state.md.us/licen/se/mhic/mhicomoldwork.shtml>).



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Commercial Property:

While the law applies only to residential mold remediation contractors, commercial properties are plagued by mold growth on their properties as well. Remediation companies or firms performing remediation on nonresidential properties will not be required to obtain a license under this law. Without such licensing protections, it remains a buyer beware market for the commercial property industry. Therefore, the buyer of services must actively engage the prospective contractors to ensure they are properly suited for the remediation project including but not limited to proper training, appropriate experience,

adherence to accepted governmental and industrial guidelines, and sufficient insurance coverage.

Exclusions: The law will include certain exclusions. Notably, industrial hygienists, professional engineers and environmental sanitarians who engage in mold remediation services will not require licensing. It also excludes:

- mold remediation of less than 10 square feet
- routine cleaning not performed for the purpose of mold remediation
- mold assessments
- mold remediation on nonresidential properties

Conflict of Interest: The law does not address mold assessors except in conflict of interest provisions which state that a licensed mold remediation company may not provide or offer to provide mold remediation services if the same company provided a mold assessment in the last 12 months. Also, a licensee may not pay any compensation, inducement or reward to a mold assessor or firm in order to generate the referral of any business.

Shari Solomon, Esq. is Director of Training with Compliance Environmental International, Inc. (CEI). To learn more, contact Shari at 410.766.0222 or Solomon@ceiinc.com

Measuring Exposures Before They Happen

Recent advances in computer and modeling technology allow the prediction of airborne concentration of chemicals prior to their occurrence. At the American Industrial Hygiene Conference in Montreal, methods techniques were presented to allow prediction of concentration of chemical exposures in ventilated rooms, in filling operations, subsequent to spills and in other settings.

Monte-Carlo modeling provides a reliable prediction of exposure distribution during task performance prior to the actual work. This allows a manager to plan the work, determine

the equipment needed and format a budget to determine whether a project will be profitable.

Bayesian Statistics is a method which allows a range of exposure measurements to be determined by collecting very few samples. Samples are collected, effectiveness of controls and source are entered and the model provides exposures. OSHA exposures monitoring compliance based upon 95% of exposures being below the permissible limit. Bayesian statistics will prove this with only a few samples.

(An important application of Bayesian statistics includes uses to enhance the resolution in photos of distant galaxies taken by the space telescope.)

Historical Exposures can also be determined by the modeling methods. Historical exposure monitoring has clarified issues regarding exposures which occurred many years prior when sampling was limited or non-existent—especially asbestos exposure.

Use of modeling and some experience in exposure assessment work together and save money. Our experience is that when planning projects or

purchasing operations predictive models are useful.

**Timothy Duffy PE, CIH is a Senior Certified Industrial Hygienist and Senior Engineer with Compliance Environmental International, Inc. (CEI).
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Regulatory Updates

The **Maryland Department of the Environment (MDE)** has passed a law requiring any business entity that provides an asbestos training program may not administer an asbestos occupation examination. The asbestos training examination must be administered by an

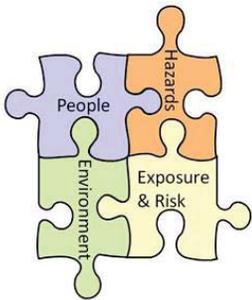
'independent testing organization'. This act is to be enforced by October 1, 2013.



EIA Mid-Atlantic Chapter- Save the Date!



About Our Organization



**Healthcare Facilities
Property Management
Forensic Investigation
Indoor Air Quality**

Based in Baltimore (Glen Burnie), Maryland, CEI prides ourselves on having the capability to perform multitude of different environmental and industrial hygiene services. We endeavor to solve problems in an economic manner, relieving clients of their concerns; and take satisfaction in helping our

clients attain their goals.

“Turn problems into solutions.”

Contact us at no cost for a qualification package, a proposal, or for any inquiries.

CEI is a full-service industrial hygiene and environmental consulting firm which provides a full range of environmental services, with a specialization in:

