

Division of Safety and Health
Safety Training Program
Harriman State Office Campus
Building 12 – Room 154
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Supplement to the Mold Refresher Course Curriculum

The Department of Labor (DOL) has developed this supplement to provide direction on the specific topics and issues that must be covered in the *Case Studies & Group Discussion Forum* section of the mold refresher course. DOL has developed this list based on questions received from the regulated community, mold complaints, and enforcement issues encountered in the field. It is anticipated that this list will be updated periodically in response to changing compliance issues and enforcement concerns; as such, it will be maintained as a separate document from the mold refresher curriculum. DOL will notify approved mold training providers if any updates are made to this supplement.

In addition to the general topics of mold remediation considerations, concepts, and lessons learned, training providers must also include all the specific topics listed below in the *Case Studies & Group Discussion Forum* section of the mold refresher course. Training providers have discretion over which topics to present in a case study and which topics to address as discussion points.

1. Proper Mold Assessment and Remediation

- a) Distribute and review any DOL-issued fact sheets. Presently, the **Mold Assessment and Remediation Factsheet** (P227) is posted on DOL's website at this link: <https://labor.ny.gov/formsdocs/wp/P227.pdf> As noted in the factsheet, in most cases, air sampling and mold testing are not necessary. There are no national or state standards for "safe" levels of mold. Mold assessors who intend to perform sampling or testing on a mold project should explain to the client what type of sampling they wish to perform, why it is necessary, what criteria they are using to compare results, and what it will show that is not already known.
- b) Mold assessors and remediation contractors should reference appropriate guidance and publications from EPA, OSHA, NYCDOH and IICRC in resolving issues pertaining to:
 - i. Proper techniques and standard industry practices for mold removal.
 - ii. Proper use of disinfectant, biocide and anti-microbial coating in accordance with Article 32 Sections 945.3 and 946.5.
- c) Proper mold remediation plan and mold remediation work plan development and content.

2. Moisture Source Identification and Project Clearance

- a) **Mold assessors should emphasize to the client the importance of identifying the source(s) of moisture and elimination of the moisture source(s) to prevent mold recurrence.** As per Article 32 Section 945.1(h) of the NYS Labor Law, when possible, mold assessors should identify the source(s) of the moisture resulting in mold growth in the mold remediation plan and provide a recommendation as to the type of contractor who could remedy the source of the moisture. Ultimately, it is the client's responsibility to decide whether to repair the underlying source of moisture; however, the assessor should clearly identify the moisture source and remedies in the mold remediation plan.
- b) For a remediated project to achieve clearance, a mold assessor shall conduct a post-remediation assessment. Ideally, the same mold assessor that developed the mold remediation plan for a project will perform the post-remediation assessment, but this is not required. If the client declines to have the post-remediation assessment performed, the mold assessor and remediation contractor should obtain documentation of the client's refusal to have a post-remediation assessment performed before completing the project.

3. Prohibited Work Practices

- a) Unlicensed mold assessors, mold remediation contractors, and mold abatement workers/supervisors cannot perform work on a mold project per Article 32 Section 931 of the NYS Labor Law.
- b) It is unlawful for a licensed contractor to perform both mold assessment and mold remediation on the same property per Article 32 Section 936.2 of the NYS Labor Law.
- c) Licensed mold remediation contractors cannot proceed with mold remediation on a mold project until they have provided the client with a mold remediation work plan based upon the mold remediation plan completed by the licensed mold assessor. See Article 32 Section 946 of the NYS Labor Law.

4. Standard Procedures for a Mold Project

The following steps should be followed for the execution of a typical mold project:

- a) The mold assessor provides the mold remediation plan, including the clearance criteria, for the project to the client. See Article 32 Sections 935.1 and 945 of the NYS Labor Law.
- b) The client provides the mold remediation plan to the mold remediation contractor.
- c) The mold remediation contractor utilizes the mold remediation plan to prepare the mold remediation work plan (i.e., standard operating procedures) that is specific to the project and provides it to the client prior to remediating the mold. See Article 32 Sections 935.2 and 946 of the NYS Labor Law.
- d) The mold remediation contractor must be aware of the clearance criteria set forth in the mold remediation plan by the mold assessor.
- e) The post-remediation clearance assessment shall be performed by a licensed mold assessor who shall issue a passed clearance report to the client if the clearance criteria are met, or a final status report with recommendations for completing the remediation.
- f) Upon receipt of a passed clearance report from an assessor, the remediation contractor may complete the project.

5. DOL Mold Program Website and Resources

- a) Review the contents of DOL's Mold Program website and subpages:
<https://labor.ny.gov/workerprotection/safetyhealth/mold/mold-program.shtm>
- b) Review DOL's Mold Program Frequently Asked Questions:
<https://labor.ny.gov/workerprotection/safetyhealth/mold/frequently-asked-questions.shtm>
- c) Observations of prohibited work practices and other potential violations of Article 32 of the NYS Labor Law should be reported to DOL via the Mold Contractor Complaint Form, located at this link:
<https://labor.ny.gov/formsdocs/wp/SH140.pdf>