

AMENDED IN SENATE MAY 7, 2001
AMENDED IN SENATE APRIL 16, 2001
AMENDED IN SENATE MARCH 29, 2001

SENATE BILL

No. 732

Introduced by Senator Ortiz

February 23, 2001

An act to amend Section 17920.3 of, to add Chapter 9 (commencing with Section 17999) to Part 1.5 of Division 13 of, and to add Chapter 18 (commencing with Section 26100) to Division 20 of, the Health and Safety Code, relating to toxic mold.

LEGISLATIVE COUNSEL'S DIGEST

SB 732, as amended, Ortiz. Toxic mold.

Existing law provides the State Department of Health Services with various powers to enforce its regulations, to promulgate regulations to protect the public health, and to enjoin and abate nuisances dangerous to public health. The department is vested with the power to perform studies, evaluate existing projects, disseminate information, and provide training programs to enforce regulations related to public health.-

This bill would enact the Toxic Mold Protection Act of 2001 which would require the department to consider the feasibility of adopting permissible exposure limits to molds in indoor environments.

If determined to be feasible, the department would be required to adopt specific regulations to protect the public health from toxic mold. In the process of adopting specific regulations, this bill would require that the department conduct studies, consider specific delineated criteria, and consult with professional and medical experts in the field

to arrive at permissible exposure limits to mold that will protect the public health and avert adverse health risks to a subgroup that is a meaningful portion of the general population. This bill would also set the standards for the identification and the remediation of toxic molds.

This bill would require that after the adoption of permissible exposure limits to molds, the department would be required to review and revise the exposure limits at least once every 5 years and consider any new technological or treatment techniques or new scientific evidence that indicates that molds may present a different health risk than was previously determined.

The bill would provide for specific protocol to allow the public to be involved in the process to determine permissible exposure limits to mold.

This bill would also require that if the department determined that it was not feasible to adopt a permissible exposure limit, the department would be required, in consultation with specifically delineated specialists, to develop guidelines to be used by various enforcement agencies to assess the health threat posed by the presence of mold in indoor environments and determine whether the presence of mold constitutes mold infestation.

This bill would require the department to develop public education materials and resources to inform the public about the health effects of molds, methods of prevention, methods of identification and remediation of mold growth and mold infestation, and contact information to organizations or governmental entities to assist public concerns.

Under existing law, the State Department of Health Services is authorized to adopt rules and regulations related to building standards and is vested with the power to enforce all regulations to ensure that all buildings where people reside are fit for human habitation.

This bill would also add toxic mold to the list of both substandard conditions and a structural hazard to health, for buildings used for human habitation.

This bill would, *except under specified circumstances*, also require that any person who sells or rents residential, *commercial, or industrial* real property, ~~or sells commercial property, to provide a written disclosure, to the potential buyer or renter, disclosing the presence and location of mold-containing or mold-infested construction materials in the building, heating, ventilating, and air-conditioning system, or surrounding environments as well as the potential health risks that may~~



~~result from exposure to mold~~ or a public entity that owns, leases, or operates a building, who knows, or has reasonable cause to believe, that mold is or has been present on the property, to provide a written disclosure to potential buyers, renters, or occupants, of the presence of molds that exceeds the permissible exposure limits established by the State Department of Health Services, including the location of materials that contain mold in the building, heating system, ventilating or air-conditioning system, or appurtenant structures of the property as well as the potential health risks that may result from exposure to mold.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 17920.3 of the Health and Safety Code
- 2 is amended to read:
- 3 17920.3. Any building or portion thereof including any
- 4 dwelling unit, guestroom or suite of rooms, or the premises on
- 5 which the same is located, in which there exists any of the
- 6 following listed conditions to an extent that endangers the life,
- 7 limb, health, property, safety, or welfare of the public or the
- 8 occupants thereof shall be deemed and hereby is declared to be a
- 9 substandard building:
- 10 (a) Inadequate sanitation shall include, but not be limited to, the
- 11 following:
- 12 (1) Lack of, or improper water closet, lavatory, or bathtub or
- 13 shower in a dwelling unit.
- 14 (2) Lack of, or improper water closets, lavatories, and bathtubs
- 15 or showers per number of guests in a hotel.
- 16 (3) Lack of, or improper kitchen sink.
- 17 (4) Lack of hot and cold running water to plumbing fixtures in
- 18 a hotel.
- 19 (5) Lack of hot and cold running water to plumbing fixtures in
- 20 a dwelling unit.
- 21 (6) Lack of adequate heating.
- 22 (7) Lack of, or improper operation of required ventilating
- 23 equipment.
- 24 (8) Lack of minimum amounts of natural light and ventilation
- 25 required by this code.
- 26 (9) Room and space dimensions less than required by this code.



- 1 (10) Lack of required electrical lighting.
2 (11) Dampness of habitable rooms.
3 (12) Infestation of insects, vermin, or rodents as determined by
4 the health officer.
5 (13) General dilapidation or improper maintenance.
6 (14) Lack of connection to a required sewage disposal system.
7 (15) Lack of adequate garbage and rubbish storage and
8 removal facilities as determined by the health officer.
9 (b) Structural hazards shall include, but not be limited to, the
10 following:
11 (1) Deteriorated or inadequate foundations.
12 (2) Defective or deteriorated flooring or floor supports.
13 (3) Flooring or floor supports of insufficient size to carry
14 imposed loads with safety.
15 (4) Members of walls, partitions, or other vertical supports that
16 split, lean, list, or buckle due to defective material or deterioration.
17 (5) Members of walls, partitions, or other vertical supports that
18 are of insufficient size to carry imposed loads with safety.
19 (6) Members of ceilings, roofs, ceilings and roof supports, or
20 other horizontal members which sag, split, or buckle due to
21 defective material or deterioration.
22 (7) Members of ceiling, roofs, ceiling and roof supports, or
23 other horizontal members that are of insufficient size to carry
24 imposed loads with safety.
25 (8) Fireplaces or chimneys which list, bulge, or settle due to
26 defective material or deterioration.
27 (9) Fireplaces or chimneys which are of insufficient size or
28 strength to carry imposed loads with safety.
29 (c) Any nuisance.
30 (d) All wiring, except that which conformed with all applicable
31 laws in effect at the time of installation if it is currently in good and
32 safe condition and working properly.
33 (e) All plumbing, except plumbing that conformed with all
34 applicable laws in effect at the time of installation and has been
35 maintained in good condition, or that may not have conformed
36 with all applicable laws in effect at the time of installation but is
37 currently in good and safe condition and working properly, and
38 that is free of cross connections and siphonage between fixtures.
39 (f) All mechanical equipment, including vents, except
40 equipment that conformed with all applicable laws in effect at the



1 time of installation and that has been maintained in good and safe
2 condition, or that may not have conformed with all applicable laws
3 in effect at the time of installation but is currently in good and safe
4 condition and working properly.

5 (g) Faulty weather protection, which shall include, but not be
6 limited to, the following:

7 (1) Deteriorated, crumbling, or loose plaster.

8 (2) Deteriorated or ineffective waterproofing of exterior walls,
9 roof, foundations, or floors, including broken windows or doors.

10 (3) Defective or lack of weather protection for exterior wall
11 coverings, including lack of paint, or weathering due to lack of
12 paint or other approved protective covering.

13 (4) Broken, rotted, split, or buckled exterior wall coverings or
14 roof coverings.

15 (h) Any building or portion thereof, device, apparatus,
16 equipment, combustible waste, or vegetation that, in the opinion
17 of the chief of the fire department or his or her deputy, is in such
18 a condition as to cause a fire or explosion or provide a ready fuel
19 to augment the spread and intensity of fire or explosion arising
20 from any cause.

21 (i) All materials of construction, except those which are
22 specifically allowed or approved by this code, and which have
23 been adequately maintained in good and safe condition.

24 (j) Those premises on which an accumulation of weeds,
25 vegetation, junk, dead organic matter, debris, garbage, offal,
26 rodent harborages, stagnant water, combustible materials, and
27 similar materials or conditions constitute fire, health, or safety
28 hazards.

29 (k) Any building or portion thereof that is determined to be an
30 unsafe building due to inadequate maintenance, in accordance
31 with the latest edition of the Uniform Building Code.

32 (l) All buildings or portions thereof not provided with adequate
33 exit facilities as required by this code, except those buildings or
34 portions thereof whose exit facilities conformed with all
35 applicable laws at the time of their construction and that have been
36 adequately maintained and increased in relation to any increase in
37 occupant load, alteration or addition, or any change in occupancy.

38 When an unsafe condition exists through lack of, or improper
39 location of, exits, additional exits may be required to be installed.



1 (m) All buildings or portions thereof that are not provided with
2 the fire-resistive construction or fire-extinguishing systems or
3 equipment required by this code, except those buildings or
4 portions thereof that conformed with all applicable laws at the time
5 of their construction and whose fire-resistive integrity and
6 fire-extinguishing systems or equipment have been adequately
7 maintained and improved in relation to any increase in occupant
8 load, alteration or addition, or any change in occupancy.

9 (n) All buildings or portions thereof occupied for living,
10 sleeping, cooking, or dining purposes that were not designed or
11 intended to be used for those occupancies.

12 (o) Inadequate structural resistance to horizontal forces.

13 (p) Presence of mold that exceeds the standards established by
14 the State Department of Health Services pursuant to subdivisions
15 (a) and (b) of Section 26103, or what constitutes mold infestation
16 according to the department’s guidelines as developed pursuant to
17 Section 26105, or is determined by the health officer or code
18 enforcement officer, in consultation with scientific experts, to be
19 likely to result in adverse health effects likely to result in serious
20 or permanent bodily injury.

21 “Substandard building” includes a building not in compliance
22 with Section 13143.2.

23 However, a condition that would require displacement of sound
24 walls or ceilings to meet height, length, or width requirements for
25 ceilings, rooms, and dwelling units shall not by itself be considered
26 sufficient existence of dangerous conditions making a building a
27 substandard building, unless the building was constructed, altered,
28 or converted in violation of those requirements in effect at the time
29 of construction, alteration, or conversion.

30 SEC. 2. Chapter 9 (commencing with Section 17999) is added
31 to Part 1.5 of Division 13 of the Health and Safety Code, to read:

32
33 CHAPTER 9. MOLD-CONTAINING MATERIALS

34
35 Article 1. Disclosures

36
37 17999. (a) (1) ~~Any~~ *Subject to paragraphs (4) and (5), any*
38 *person who sells residential real property subject to Section 1102*
39 *of the Civil Code, who knows, or has reasonable cause to believe,*
40 *that mold is, or has been, present in the building, heating system,*



1 ventilating or air-conditioning system, or appurtenant structures,
2 shall provide written disclosure to potential buyers, identifying the
3 presence or location of mold-containing construction materials in
4 the building, heating, ventilating, and air-conditioning system
5 (HVAC), or surrounding environments, and shall disclose the
6 potential health risks and the health impact that may result from
7 exposure to mold.

8 ~~(2) prospective buyers if the presence of mold exceeds the~~
9 ~~permissible exposure limit to molds established by subdivisions (a)~~
10 ~~and (b) of Section 26103, or if it constitutes mold infestation~~
11 ~~according to the department's guidelines as developed pursuant to~~
12 ~~Section 26105.~~

13 (2) The written notice required by this subdivision shall identify
14 the presence or location of materials that contain mold in the
15 building, heating system, ventilating or air-conditioning system,
16 or appurtenant structures, and shall disclose the potential health
17 risks and the health impact that may result from exposure to mold
18 by distributing the appropriate public education materials
19 developed by the department or other authoritative bodies.

20 (3) The written notice required by this subdivision shall be
21 provided as soon as practicable before transfer of the title.

22 ~~(3) The notice required by this subdivision shall include~~
23 ~~disclosure of the current presence or prior existence of molds and~~
24 ~~the disclosure shall include whether the current presence or prior~~
25 ~~existence of molds exceeds the permissible exposure limit to~~
26 ~~molds established by subdivisions (a) and (b) of Section 26103, or~~
27 ~~what constitutes mold infestation according to the department's~~
28 ~~guidelines as developed pursuant to Section 26105.~~

29 ~~(b) (1) Commercial and residential landlords shall provide~~
30 ~~written disclosure to potential tenants, identifying the presence or~~
31 ~~location of mold-containing construction materials in the~~
32 ~~building, HVAC system, or surrounding environments, as well as~~
33 ~~potential health risks or health impact that may result from~~
34 ~~exposure to mold.~~

35 ~~(2) The written notice shall be provided as soon as practicable~~
36 ~~before finalizing the rental agreement.~~

37 ~~(3) The notice shall include disclosure of the current presence~~
38 ~~or prior existence of molds and if the current presence or prior~~
39 ~~existence of molds exceeds the permissible exposure limit to~~
40 ~~molds established by subdivisions (a) and (b) of Section 26103, or~~



1 ~~what constitutes mold infestation according to the department's~~
2 ~~guidelines as developed pursuant to Section 26105.~~

3 ~~17999.3. (a) Sellers of commercial real property shall~~
4 ~~provide written disclosure to potential buyers, identifying the~~
5 ~~presence or location of mold-containing or mold-infested~~
6 ~~construction materials in the building, HVAC system, or~~
7 ~~surrounding environments, as well as potential health risks and~~
8 ~~health impact that may result from exposure to mold.~~

9 ~~(b) The written notice shall be provided as soon as practicable~~
10 ~~before transfer of the title.~~

11 ~~(c) The notice shall include disclosure of the current presence~~
12 ~~or prior existence of molds and if the current presence or prior~~
13 ~~existence of molds exceeds the permissible exposure limit to~~
14 ~~molds established by subdivisions (a) and (b) of Section 26103, or~~
15 ~~what constitutes mold infestation according to the department's~~
16 ~~guidelines as developed pursuant to Section 26105.~~

17 ~~(4) A seller of residential real property shall be exempt from~~
18 ~~providing written disclosure pursuant to this subdivision if the~~
19 ~~presence of mold was remediated according to the mold~~
20 ~~remediation standards adopted by the department pursuant to~~
21 ~~Section 26130, or if a state or local health, building, or housing~~
22 ~~official determines that the mold has been eliminated or~~
23 ~~sufficiently mitigated so as not to pose a risk to the life, limb,~~
24 ~~health, property, safety, or welfare of the prospective owner or~~
25 ~~occupants.~~

26 ~~(5) The requirements of this subdivision shall not apply until~~
27 ~~the department adopts standards pursuant to Sections 26103,~~
28 ~~26105, 26120, and 26130.~~

29 ~~(b) (1) Subject to paragraphs (4) and (5), any seller of~~
30 ~~commercial or industrial real property, who knows, or who has~~
31 ~~reasonable cause to believe, that mold is, or has been present in the~~
32 ~~building, heating system, ventilating or air-conditioning system,~~
33 ~~or appurtenant structures, shall provide written disclosure to~~
34 ~~prospective buyers if the presence of mold exceeds the permissible~~
35 ~~exposure limit to molds established by subdivisions (a) and (b) of~~
36 ~~Section 26103, or if it constitutes mold infestation according to the~~
37 ~~department's guidelines as developed pursuant to Section 26105.~~

38 ~~(2) The written notice required by this subdivision shall identify~~
39 ~~the presence or location of materials that contain mold in the~~
40 ~~building, heating system, ventilating or air-conditioning system,~~



1 or appurtenant structures, and shall disclose the potential health
2 risks and the health impact that may result from exposure to mold
3 by distributing the appropriate public education materials
4 developed by the department or other authoritative bodies.

5 (3) The written notice shall be provided as soon as practicable
6 before transfer of the title.

7 (4) A seller of commercial or industrial real property shall be
8 exempt from providing written disclosure pursuant to this
9 subdivision if the presence of mold was remediated according to
10 the mold remediation standards adopted by the department
11 pursuant to Section 26130, or if a state or local health, building,
12 or housing official determines that the mold has been eliminated,
13 or sufficiently mitigated so as not to pose a risk to the life, limb,
14 health, property, safety, or welfare of the prospective owner or
15 occupants.

16 (5) The requirements of this subdivision shall not apply until
17 the department adopts standards pursuant to Sections 26103,
18 26105, 26120, and 26130.

19 17999.1. (a) Subject to subdivisions (d) and (e), commercial,
20 industrial, and residential landlords, who know, or have
21 reasonable cause to believe, that mold is, or has been, present in
22 the building, heating system, ventilating or air-conditioning
23 system, or appurtenant structures, shall provide written disclosure
24 to prospective and current tenants, if the presence of mold exceeds
25 the permissible exposure limit to molds established by subdivisions
26 (a) and (b) of Section 26103, or if it constitutes mold infestation
27 according to the department's guidelines as developed pursuant to
28 Section 26105.

29 (b) The written notice required by subdivision (a) shall identify
30 the presence or location of materials that contain mold in the
31 building, heating system, ventilating or air-conditioning system,
32 or appurtenant structures, and shall disclose the potential health
33 risks and the health impact that may result from exposure to mold
34 by distributing the appropriate public education materials
35 developed by the department or other authoritative bodies.

36 (c) The written notice required by subdivision (a) shall be
37 provided to prospective tenants as soon as practicable before
38 finalizing the rental agreement, and to current tenants as soon as
39 the presence of mold is identified.



1 (d) A landlord shall be exempt from providing written
2 disclosure pursuant to this section if the presence of mold was
3 remediated according to the mold remediation standards adopted
4 by the department pursuant to Section 26130, or if a state or local
5 health, building, or housing official determines that the mold has
6 been eliminated or sufficiently mitigated so as not to pose a risk to
7 the life, limb, health, property, safety, or welfare of the prospective
8 owner or occupants.

9 (e) The requirements of this section shall not apply until the
10 department adopts standards pursuant to Sections 26103, 26105,
11 26120, and 26130.

12 17999.2. (a) A public entity that owns, leases, or operates a
13 building that knows, or has reasonable cause to believe, that mold
14 is, or has been, present in the building, heating system, ventilating
15 or air-conditioning system, or appurtenant structures, shall
16 provide written disclosure to all building occupants or prospective
17 tenants, if the presence of mold exceeds the permissible exposure
18 limit to molds established by subdivisions (a) and (b) of Section
19 26103, or if it constitutes mold infestation according to the
20 department's guidelines as developed pursuant to Section 26105.

21 (b) The written notice required by subdivision (a) shall identify
22 the presence or location of materials that contain mold in the
23 building, heating system, ventilating or air-conditioning system,
24 or appurtenant structures and shall disclose the potential health
25 risks and the health impact that may result from exposure to mold
26 by distributing the appropriate public education materials
27 developed by the department or other authoritative bodies.

28 (c) The written notice shall be provided as soon as the presence
29 of mold is identified.

30 (d) A public entity shall be exempt from providing written
31 disclosure pursuant to subdivision (a) if the presence of mold was
32 remediated according to the mold remediation standards adopted
33 by the department pursuant to Section 26130 or if a state or local
34 health, building, or housing official determines that the mold has
35 been eliminated, or sufficiently mitigated so as not to pose a risk
36 to the life, limb, health, property, safety, or welfare of the
37 prospective owner or occupants.

38 (e) The requirements of this section shall not apply until the
39 department adopts standards pursuant to Section 26103, 26105,
40 26120, and 26130.



1 17999.3. (a) *Nothing in this article shall affect the existing*
2 *obligations of the parties to a real estate contract, or their agents,*
3 *to disclose any facts materially affecting the value and desirability*
4 *of the property, including, but not limited to, the physical*
5 *conditions of the property and previously received reports of*
6 *physical inspections noted on the disclosure form set forth in*
7 *Section 1102.6 or 1102.6a of the Civil Code.*

8 (b) *Nothing in this article shall be construed to change the duty*
9 *of a real estate broker or salesperson pursuant to Section 2079 of*
10 *the Civil Code.*

11 17999.35. *The specification of items for disclosure in this*
12 *article does not limit or abridge any obligation for disclosure*
13 *created by any other provision of law, or which may exist in order*
14 *to avoid fraud, misrepresentation, or deceit in the transfer*
15 *transaction.*

16 17999.4. *Neither the transferor, nor any listing or selling*
17 *agent, shall be held liable for any error, inaccuracy, or omission*
18 *of any information delivered pursuant to this article if the error,*
19 *inaccuracy, or omission was not within the personal knowledge of*
20 *the transferor, or the listing or selling agent, or was based on*
21 *information timely provided by public agencies, or by other*
22 *persons providing relevant information, and ordinary care was*
23 *exercised in obtaining and transmitting it.*

24
25 Article 2. Enforcement
26

27 17999.5. Public health officers, code enforcement officers,
28 environmental health officers, and employees of the Department
29 of Industrial Relations may respond to complaints about mold ~~and~~
30 ~~responsibility to~~ *and may enforce standards developed by the*
31 *department, pursuant to subdivisions (a) and (b) of Section 26103,*
32 *or Section 26105.*

33 17999.7. The Department of Consumer Affairs, in
34 consultation with representatives from the State Department of
35 Health Services, the Department of Industrial Relations, the
36 Commission on Building Standards, consumers, *commercial and*
37 *residential* building proprietors, code enforcement officers, public
38 health officers, environmental health officers, medical experts in
39 mold health effects, mold testing experts, mold remediation
40 experts, and industrial hygienists, shall develop standards of

1 education and certification for mold testing professionals, mold
2 remediation specialists, and industrial hygienists.

3 SEC. 3. Chapter 18 (commencing with Section 26100) is
4 added to Division 20 of the Health and Safety Code, to read:

5

6

CHAPTER 18. TOXIC MOLD

7

8

Article 1. General Provisions

9

10 26100. This chapter shall be known, and may be cited, as the
11 Toxic Mold Protection Act of 2001.

12 26101. For purposes of this chapter, the following definitions
13 apply:

14 (a) “Authoritative bodies” means any recognized national or
15 international entities with expertise on public health, mold
16 identification and remediation, or environmental health,
17 including, but not limited to, other states, the United States
18 Environmental Protection Agency, the World Health
19 Organization, the American Conference of Governmental
20 Industrial Hygienists, the New York City Department of Health,
21 and the American Industrial Hygiene Association.

22 (b) “*Certified Industrial Hygienist*” means a person who has
23 met the education, experience, and examination requirements of
24 an industrial hygiene certification organization as defined in
25 Section 20700 of the Business and Professions Code.

26 (c) “Code enforcement officer” means a local official
27 responsible for enforcing housing codes and maintaining public
28 safety in buildings using an interdepartmental approach at the local
29 government level.

30 ~~(e)~~

31 (d) “Department” means the State Department of Health
32 Services, designated as the lead agency in the adoption of
33 permissible exposure limits to mold in indoor environments, mold
34 identification and remediation efforts, and the development of
35 guidelines for the determination of what constitutes mold
36 infestation.

37 ~~(d)~~

38 (e) “Exposure limit” means the maximum permissible amount
39 of mold exposure to persons.

40 ~~(e)~~



1 (f) “Identification” means the process of recognizing mold,
2 water damage, or microbial volatile organic compounds in indoor
3 environments.

4 ~~(f) “Indoor environments” means both the indoor and outdoor~~
5 ~~habitats in and around specified structures.~~

6 ~~(g) “Industrial hygienist” means a professional qualified by~~
7 ~~education, training, and experience to anticipate, recognize,~~
8 ~~evaluate, and develop controls for occupational health hazards,~~
9 ~~including mold issues.~~

10 ~~(h)–~~

11 (g) “Indoor environments” means both a building and any
12 appurtenant structures.

13 (h) “Industrial hygienist” means a person who has met the
14 educational requirements of an industrial hygiene certification
15 organization as defined in subdivision (c) of Section 20700 of the
16 Business and Professions Code, and who has had at least one year
17 in the comprehensive practice of industrial hygiene as defined in
18 subdivision (a) of Section 20700 of the Business and Professions
19 Code.

20 (i) “Mold” means any form of multicellular fungi that live on
21 plant or animal matter and in indoor environments. Types of mold
22 include, but are not limited to, cladosporium, penicillium,
23 alternaria, aspergillus, fusarium, trichoderma, memmoniella,
24 mucor, and stachybotrys chartarum, often found in water damaged
25 structures.

26 ~~(i) “Mold infestation” means the presence of mold that results~~
27 ~~in adverse health effects.~~

28 (j) “Mold infestation” means the presence of mold that is likely
29 to result in adverse health effects likely to result in serious or
30 permanent bodily injury.

31 ~~(j)–~~

32 (k) “Person” means an individual, corporation, company,
33 association, partnership, limited liability company, municipality,
34 public utility, or other public body or institution.

35 ~~(k)–~~

36 (l) “Public health officer” means a local health officer
37 appointed pursuant to Section 101000 or a local comprehensive
38 health agency designated by the board of supervisors pursuant to
39 Section 101275 to carry out the drinking water program.

40 ~~(l)–~~



1 (m) “Remediation” means the removal of mold and
2 rectification of the underlying cause of mold and water
3 accumulation through cleanup, drying, or removal of water
4 damaged materials through the abatement processes.

5 26101.5. *All standards that the department develops pursuant*
6 *to this chapter shall be in accordance with existing administrative*
7 *law procedures applicable to the development of regulations.*

8 26102. The department, in consultation with public health
9 officers, environmental health officers, experts on the health
10 effects of molds, medical experts, industrial hygienists,
11 representatives of consumers, and industry representatives, shall
12 consider the feasibility of adopting permissible exposure limits to
13 mold in indoor environments.

14 26103. (a) If the department finds that adopting permissible
15 exposure limits to mold in indoor environments is feasible, the
16 department, in consultation with public health officers,
17 environmental health officers, experts on the health effects of
18 molds, medical experts, industrial hygienists, representatives of
19 consumers, and industry representatives, shall:

20 (1) Adopt permissible exposure limits to mold for indoor
21 environments that avoid known or anticipated adverse effects on
22 health, with an adequate margin of safety, and avoid any
23 significant risk to public health.

24 (2) Place a primary emphasis on the protection of public health
25 and, to the extent technologically and economically feasible, adopt
26 permissible exposure limits to mold to protect the public health.

27 (3) Utilize and include the latest scientific data or existing
28 standards adopted by authoritative bodies.

29 (b) The department shall consider all of the following criteria
30 when it adopts a permissible exposure limit for molds in indoor
31 environments:

32 (1) The adverse health effects of exposure to molds, including
33 specific effects on members of subgroups that comprise a
34 meaningful portion of the general population, including, but not
35 limited to, infants, children, pregnant women, the elderly,
36 asthmatics, allergic individuals, immune compromised
37 individuals, or other subgroups that are identifiable as being at
38 greater risk of adverse health effects than the general population
39 when exposed to molds.



1 (2) The standards for molds, if any, adopted by authoritative
2 bodies.

3 (3) The technological and economic feasibility of compliance
4 with the proposed permissible exposure limit for molds. For the
5 purposes of determining economic feasibility pursuant to this
6 paragraph, the department shall consider the costs of compliance
7 to tenants, landlords, homeowners, and other affected parties.

8 (c) The department shall report to the Legislature on its
9 progress in developing the permissible exposure limit for molds by
10 July 1, 2003.

11 26104. (a) (1) The department shall, at the time it
12 commences preparation of the permissible exposure limits to
13 mold, provide notice electronically by posting on its Internet Web
14 site a notice that informs interested persons, including, but not
15 limited to, representatives from the Department of Industrial
16 Relations, the Commission on Building Standards, representatives
17 of consumers, commercial and residential building proprietors,
18 code enforcement officers, public health officers, environmental
19 health officers, experts on the health effects of molds, medical
20 experts, mold testing experts, and industrial hygienists that the
21 department has initiated work on the permissible exposure limits
22 to mold.

23 (2) The notice shall also include a brief description, or a
24 bibliography of the technical documents or other information the
25 department has identified to date as relevant to the preparation of
26 the permissible exposure limit.

27 (3) The notice shall inform persons who wish to submit
28 information concerning exposure to molds of the name and
29 address of the person in the department to whom the information
30 may be sent, the date by which the information must be received
31 in order for the department to consider it in the preparation of the
32 permissible exposure limits, and that all information submitted
33 will be made available to any member of the public who makes the
34 request.

35 (b) Each permissible exposure limit draft prepared by the
36 department pursuant to this subdivision shall be made available to
37 the public at least 45 calendar days prior to the date that public
38 comment and discussion are solicited.

39 (c) After the department finalizes the permissible exposure
40 limits to molds, the department shall respond in writing to any



1 significant comments, data, studies, or other written information
2 submitted to the office in connection with the preparation of the
3 permissible exposure limits. Any such comments, data, studies, or
4 other written information submitted to the department shall be
5 made available to any member of the public who makes the
6 request.

7 (d) The department may amend the permissible exposure limits
8 to molds to make the limits less stringent if the department shows
9 clear and convincing evidence that the permissible exposure limits
10 to molds should be made less stringent and the amendment is made
11 consistent with Section 26103.

12 (e) The department may review, and adopt by reference, any
13 information prepared by, or on behalf of the United States
14 Environmental Protection Agency or other authoritative bodies,
15 for the purpose of adopting national permissible exposure limits
16 to molds.

17 (f) At least once every five years, after adoption of permissible
18 exposure limits to molds, the department shall review the adopted
19 limits and shall, consistent with the criteria set forth in
20 subdivisions (a) and (b) of Section 26103, amend the permissible
21 exposure limits if any of the following occur:

22 (1) Changes in technology or treatment techniques that permit
23 a materially greater protection of public health.

24 (2) New scientific evidence that indicates that molds may
25 present a materially different risk to public health than was
26 previously determined.

27 26105. (a) If the department finds that adopting permissible
28 exposure limits to mold in indoor environments is not feasible, the
29 department, in consultation with public health officers,
30 environmental health officers, experts on health effects of molds,
31 medical experts, industrial hygienists, representatives of
32 consumers, and industry representatives, shall develop guidelines
33 to be used by public health professionals, code enforcement
34 officers, environmental health officers, and other interested parties
35 to assess the health threat posed by the presence of mold in an
36 indoor environment and determine whether the presence of mold
37 constitutes mold infestation.

38 (b) These guidelines shall be practical, seek to protect the
39 public from known or anticipated adverse effects on health, and be
40 economically and technologically feasible.



1 (c) These guidelines shall consider the specific health effects of
2 exposure to molds on members of subgroups that comprise a
3 meaningful portion of the general population, including, but not
4 limited to, infants, children, pregnant women, the elderly,
5 asthmatics, allergic individuals, immune-; compromised
6 individuals, or other subgroups that are identifiable as being at
7 greater risk of adverse health effects than the general population
8 when exposed to molds.

9 (d) The department shall prepare these guidelines as soon as
10 possible and shall be completed by January 1, 2003.

11

12 Article 2. Standards for Identification of Molds

13

14 26120. The department, ~~shall~~, in consultation with
15 representatives from the Department of Industrial Relations, the
16 Commission on Building Standards, representatives of
17 consumers, commercial and residential building proprietors, code
18 enforcement officers, public health officers, environmental health
19 officers, experts on the health effects of molds, medical experts,
20 mold testing experts, and industrial hygienists, *shall* adopt mold
21 identification standards for the environmental assessment of
22 molds in indoor environments that are based on the criteria in
23 subdivision (b) of Section 26103, or what constitutes mold
24 infestation according to the department's guidelines as developed
25 pursuant to Section 26105.

26 26121. Identification standards shall include elements for
27 visual identification, olfactory identification, and measurements
28 of amount of moisture and presence of mold.

29 26122. (a) Permissible identification standards adopted by
30 the department shall protect public health, to the extent
31 technologically and economically feasible, by avoiding any
32 known or anticipated adverse effects on public health with an
33 adequate margin of safety, and by avoiding any significant risk to
34 public health.

35 (b) The department shall consider all of the following criteria
36 when it adopts identification standards for mold:

37 (1) Permissible exposure limits to molds developed by the
38 State Department of Health Services pursuant to subdivisions (a)
39 and (b) of Section 26103, or what constitutes mold infestation



1 according to the department's guidelines as developed pursuant to
2 Section 26105.

3 (2) Standards for mold identification, if any, adopted by
4 authoritative bodies.

5 (3) The latest technology and information available on
6 effective mold identification using olfactory, visual perception,
7 measurements of moisture, or the presence of mold spores, or other
8 means of effectively identifying the presence of mold.

9 (4) Professional judgment and practicality.

10 (5) The technological and economic feasibility of compliance
11 with the proposed identification standards for mold.

12 (c) The department shall develop a uniform reporting form for
13 building inspection to document the presence of mold.

14 (d) The department shall report to the Legislature on its
15 progress in developing identification standards for mold by July
16 1, 2003.

17 26123. The department shall, at the time it commences
18 preparation of identification standards for mold, develop criteria
19 to rate buildings according to the degree of hazard posed by
20 presence and condition of the mold in the buildings and
21 surrounding environments.

22 26124. (a) (1) The department shall, at the time it
23 commences preparation of identification standards for mold,
24 electronically post on its Internet Web site a notice that informs
25 interested persons that it has initiated work on the remediation
26 standards.

27 (2) The notice shall include a brief description, or a
28 bibliography, of the technical documents or other information the
29 department has identified to date as relevant to the preparation of
30 the identification standards for mold.

31 (3) The notice shall inform persons who wish to submit mold
32 identification information of the name and address of the person
33 in the office to whom the information may be sent, the date by
34 which the information must be received for the department to
35 consider it in the preparation of the identification standards, and
36 that all information submitted will be made available to any
37 member of the public who makes the request.

38 (b) Each draft identification standard prepared by the
39 department pursuant to this article shall be made available to the
40 public at least 45 calendar days prior to the date that public



1 comment and discussion on mold identification standards are
2 solicited.

3 (c) The department shall respond in writing to significant
4 comments, data, studies, or other written information submitted by
5 interested persons to the department related to the preparation of
6 the mold identification standards after the publication of the final
7 identification standards. Any such comments, data, studies, or
8 other written information submitted to the office shall be made
9 available to any member of the public who makes the request.

10 26125. All identification standards for mold published by the
11 department shall be reviewed at least once every five years and
12 revised, as necessary, based upon the availability of new scientific
13 data or information on effective mold identification.

14

15 Article 3. Standards for Remediation

16

17 26130. The department, in consultation with representatives
18 from the Department of Industrial Relations, the Commission on
19 Building Standards, representatives of consumers, commercial
20 and residential building proprietors, code enforcement officers,
21 public health officers, environmental health officers, experts on
22 the health effects of molds, medical experts, mold remediation
23 experts, and industrial hygienists, shall adopt remediation
24 standards for molds in indoor environments that are based on the
25 criteria set forth in subdivisions (a) and (b) of Section 26103, or
26 what constitutes mold infestation according to the department's
27 guidelines as developed pursuant to Section 26105.

28 26131. (a) Remediation standards for mold adopted by the
29 department shall place primary emphasis on the protection of
30 public health.

31 (b) Remediation standards for mold, to the extent
32 technologically and economically feasible, shall meet all of the
33 following:

34 (1) Maximize the protection of individuals from adverse health
35 effects.

36 (2) Remove or clean contaminated materials in a manner that
37 prevents the emission of mold spores and dust, contaminated with
38 mold, from leaving a work area, and entering an occupied or
39 nonabatement area, and protecting the health of workers
40 performing the abatement.



1 (3) Avoid any known or anticipated adverse effects on public
2 health with an adequate margin of safety.

3 (4) Avoid any significant risk to public health.

4 (5) Include criteria for personal protective equipment.

5 (6) Require communication of ~~hazard~~—*mold hazards* to
6 building occupants.

7 26132. (a) The department shall consider all of the following
8 criteria when it adopts a remediation standard for mold:

9 (1) Permissible exposure limits to molds developed by the
10 department pursuant to subdivisions (a) and (b) of Section 26103,
11 or what constitutes mold infestation according to the department's
12 guidelines as developed pursuant to Section 26105.

13 (2) Standards for mold remediation, if any, adopted by
14 authoritative bodies.

15 (3) The latest scientific evidence or technical information
16 available on effective mold remediation.

17 (4) Professional judgment and practicality.

18 (5) The technological and economic feasibility of compliance
19 with the proposed remediation standards.

20 (b) The department shall report to the Legislature on its
21 progress in developing remediation standards for mold by July 1,
22 2003.

23 26133. (a) (1) The department shall, at the time it
24 commences preparation of remediation standards for mold,
25 electronically post on its Internet Web site, a notice that informs
26 interested persons that it has initiated work on the remediation
27 standards.

28 (2) The notice shall also include a brief description, or a
29 bibliography, of the technical documents or other information the
30 department has identified to date in the preparation of remediation
31 standards for mold.

32 (3) The notice shall inform persons who wish to submit
33 information concerning mold remediation of the name and the
34 address of the person in the office to whom the information may
35 be sent, the date by which the information must be received in
36 order for the department to consider it in the preparation of
37 remediation standards, and that all information submitted will be
38 made available to any member of the public who makes the
39 request.



1 (b) Each draft remediation standard prepared by the
2 department pursuant to this subdivision shall be made available to
3 the public at least 45 calendar days prior to the date that public
4 comment and discussion on mold remediation are solicited.

5 (c) At the time the department publishes the final remediation
6 standards for mold, the department shall respond in writing to
7 significant comments, data, studies, or other written information
8 submitted by interested persons to the department in connection
9 with the preparation of remediation standards for mold. Any such
10 comments, data, studies, or other written information submitted to
11 the office shall be made available to any member of the public who
12 makes the request.

13 26134. (a) The department shall make available to the public
14 upon request, information about contracting for the removal of
15 mold in a building or surrounding environment, including all of
16 the following:

17 (1) Recommended steps to take when contracting with a
18 company to remove mold.

19 (2) Existing laws, regulations, and guidelines developed by the
20 department, pertaining to mold infestation, identification, and
21 remediation.

22 (3) Basic health information as contained in existing mold
23 publications.

24 (4) A current list of contractors who are certified pursuant to
25 Section 17999.5 to engage in mold remediation work.

26 (b) All mold remediation standards published by the
27 department shall be reviewed at least once every five years and
28 revised, as necessary based upon the availability of new scientific
29 data.

30 (c) (1) The State Department of Health Services shall develop
31 public education materials and resources to inform the public
32 about the health effects of molds, methods to prevent, identify and
33 remediate mold growth, resources to obtain information about
34 molds, and contact information for individuals, organizations, or
35 government entities to assist with public concerns about molds.

36 (2) The department shall distribute its public education
37 materials to public health officers, environmental health officers,
38 commercial and residential landlord organizations, homeowners'
39 organizations, and tenants' organizations. These materials shall be
40 readily available to the general public.



1 (3) These materials shall be comprehensible to the general
2 public.

3 (4) These materials shall be produced to include other
4 languages, in addition to English, to accommodate the diverse
5 multicultural population of California.

6 (5) These materials shall be made available on the department's
7 *Internet* Web site.

