

## CHAPTER 89

## (HB 44)

AN ACT relating to mold remediation standards.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

*The General Assembly hereby 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.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

*As used in Sections 1 to 4 of this Act:*

- (1) *"Customer" means any person who contracts for services with a mold remediation company for the purposes of mold remediation;*
- (2) *"Department" means the Department of Law;*
- (3) *"Mold" means any living or dead fungi or related products or parts, including spores, hyphae, and mycotoxins;*
- (4) *"Mold remediation" means the removal, cleaning, sanitizing, demolition, or other treatment, including preventative activities, of mold or mold-contaminated matter, live or dead, that was not intended to be grown, or purposely grown, at that location; and*
- (5) *"Mold remediation company" means an entity that performs mold remediation for compensation.*

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

- (1) *The department shall, after consultation with the Environmental and Public Protection Cabinet and the Department for Public Health, establish minimum standards for mold remediation companies that operate in the Commonwealth. The minimum standards shall be based on the five (5) general principles of mold remediation created by the Institute of Inspection, Cleaning and Restoration Certification (IICRC) in its publication, IICRC S520, Second Edition, Standard and Reference Guide for Professional Mold Remediation, or its successor publication. The five (5) general principles of mold remediation are as follows:*
  - (a) *Safety and health;*
  - (b) *Project documentation;*
  - (c) *Contaminant control;*
  - (d) *Contaminant removal; and*
  - (e) *Contamination prevention.*

*All mold remediation companies operating in the Commonwealth shall adhere to the minimum standards established by the department.*

- (2) *Any customer complaints regarding adherence by mold remediation companies to the administrative regulations promulgated under this section shall be directed to the Attorney General.*

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

- (1) *The Attorney General shall have jurisdiction to enforce Sections 1 to 4 of this Act, and may recover the reasonable costs of investigation and litigation.*
- (2) *If an act by a mold remediation company violates any provision of this chapter, the Attorney General may take civil action and seek any remedy provided in this chapter, including the recovery of the reasonable costs of investigation and litigation.*

Signed by Governor April 8, 2010.

