Research Protocol for Mold Remediation and Certification Laws

Prepared by Elizabeth Glass Geltman, JD, LLM & Adam Hess

October 2015
Mold Remediation and Certification Laws

I. Date of Protocol: October 20, 2015

II. Scope: To compile statutes, regulations and standards governing mold remediation and training and certification for mold remediation workers. This cross-sectional dataset includes coding questions about mold remediation, such as penalties, photo documentation, and third party verification; certification and training requirements for workers and businesses; and exemptions for rental properties.

III. Primary Data Collection


Data Collection Methods: Coders conducted a preliminary literature review of mold certification and remediation laws, regulations and standards. The coders then collected the laws for all 50 states and Washington, D.C., using LexisNexis. To do so, researchers selected the state statutes and regulations database and then restricted the search to a specific state or jurisdiction. The defined search terms were run for all 50 states and Washington, D.C. Collected laws suitable for coding were separated and carefully reviewed using the pre-identified coding scheme. After the laws were collected, coders entered the questions and laws into the LawAtlas Workbench and coded the questions. Coding was reviewed by a supervisor and verified by a naïve coder.

c. Databases used: LexisNexis State Laws and Regulations; state legislature websites; LegiScan


IV. Coding

a. Development of Coding Scheme: After conducting a broad background search, seventeen questions were developed that encompassed various aspects of mold remediation certification from all applicable states. The questions were based on common elements found during research on mold remediation and certification in the
United States. Coders discussed the questions and developed a consensus on word choice and question order.

b. Coding methods: Coding was based on the seventeen questions that were asked in relation to mold remediation certification. The first two questions asked whether the state has any laws about regulating mold remediation at all, and if not, whether the state previously had a law that was repealed. These were answered with a yes or no.

The next series of questions (three through seven) asked whether there were any penalties for violating mold remediation laws. The coding created a distinction between types of penalties: civil or criminal. Specifically, the third question asked if there are any penalties in relation to mold remediation. This was answered with a yes or no. Next, a child question asked if any of the penalties were of a civil nature. This was answered with a yes or no. The following two questions asked for the maximum monetary amounts, if any, for a first penalty and a second penalty. Another child question asked if there were any criminal penalties established. This was answered with a yes or no.

The eighth question considered whether a state’s law required photo documentation of the target mold site before and after remediation. This was answered with a yes or no. The ninth question asked whether or not the remediation required a third party to verify that the removal was properly completed. This was answered with a yes or no.

This next group of questions (ten through 12) all addressed training. The questions examined if training was required at all, and if so, identified who was responsible for the training. The tenth question asked whether a state’s law required training for the workers involved in the remediation of the mold. This too was answered with a yes or no. A child question followed and asked whether the training was conducted, mandated or sponsored by the state. This was answered with a yes or no. Another child question followed exploring whether the training must be done by a third party. Again, this was answered with a yes or no, but if the answer was yes, the third party itself was listed.

The next several questions examined certification for workers and businesses (individuals or entities). In some states, mold remediation workers and businesses can receive a certification, which goes beyond baseline training, to become mold remediation specialists. The 13th question asked whether a state’s law required certification for mold remediation workers. The 14th question inquired whether businesses offering remediation services must be certified. This was answered with a yes or no. A child question followed inquiring whether or not that certification was done by the American Council for Accredited Certification (ACAC). This was answered with a yes or no. Another child question asked whether the certification was done by the Indoor Air Quality Association (IAQA). This was answered with a yes or no.

The final question asked if laws regulating mold remediation contain any exemptions for rental properties. This too was answered with a yes or no. This question was chosen to identify any differences between properties that are rented and properties that are owned.
V. **Quality Control:** After coding was completed, a supervisor reviewed the coding records and verified coding. Discussions were held to ensure consistency and agreement amongst coders. Finally, a naïve coder reviewed the coding.