

Mold Assessment and Remediation in New York State

What is Mold?

Mold is a multi-cellular fungus, similar to mushrooms and yeast. Mold can be different colors, and look fuzzy, slimy, or powdery. It often has a musty odor when present in large amounts.

Mold requires three things to grow:

- water/moisture,
- organic food source (paper, fabric, sheetrock, etc.), and
- proper temperature.

The presence of mold means there is too much moisture. Moisture problems can be caused by:

- plumbing leaks
- leaking roofs or windows
- high humidity
- flooding
- condensation due to poor ventilation or insulation

It is impossible to ‘mold proof’ your house. However, you can manage mold growth by controlling indoor humidity levels and fixing water leakage problems. To prevent mold from coming back in the future, you must fix the underlying source of moisture.

If I want to clean up mold, do I need to hire a mold professional?

No. Mold issues can often be fixed by the property owner. However, if you are sensitive to mold, not interested in cleaning up the mold or are not capable of cleaning the mold, you can hire mold professionals.

Does New York require a property owner to clean up mold when it is found?

No, there is no cleanup requirement for property owners. However, if a property owner chooses to hire a mold professional, those professionals must follow the requirements of the law.

Note: Rental property owners must still provide clean and sanitary living conditions to their tenants.

How does the Department of Labor help with mold issues?

The Department of Labor makes sure that professionals who do mold assessments and remediation work have proper training, licenses and minimum work standards.

Every mold cleanup project performed by professionals must follow these steps: assessment, remediation (clean up), clearance. The law protects consumers by barring licensed mold companies and their employees from doing both the assessment and remediation on the same property. One mold company and their employees may do the initial and post-cleanup clearance assessments, but a different company and their employees must do the actual cleanup work.

Assessments

What is an assessment?

An assessment, or a mold remediation plan, is a document prepared by a mold professional. It identifies mold and serves as a guide for the cleanup project. It says what must be done, how it is to be done, and how you will be able to tell if all the mold has been removed. The specific requirements are listed in Section 945 of the Labor Law.

Am I entitled to a copy of the assessment?

Yes. If you hire a mold professional to do an assessment, you must be given a copy. The professional you hire to do the remediation work must also get a copy.

Does a mold assessor need to perform sampling as part of an assessment?

No. In most cases, air sampling and mold testing are not necessary. There are no national or state standards for “safe” levels of mold. Mold spores are a natural part of the environment and are always in the air and on surfaces. A thorough visual inspection is the most important step to identify mold problems and determine cleanup strategies. Before contractors perform any sampling or testing, ask what type of sampling or testing they wish to perform, why it is necessary, and what it will show that is not already known.

How much should an assessment cost?

The law does not say how much an assessment should cost. We recommend that you get estimates from different companies. If a contractor recommends testing as part of an assessment, you should have a clear understanding of the costs for that testing and exactly what the testing will show.

Remediation

What does the Mold Remediation Contractor do?

The remediation contractor does the actual cleanup work. They must give you a mold remediation work plan. The work plan must fulfill all the requirements of the mold remediation plan developed through the assessment.

Hiring a Mold Professional

What should I know before hiring a mold professional?

As is true with all construction projects, the most important step is choosing your contractor. Contact more than one contractor for all work to be performed.

- For Mold Assessment: Make sure each contractor comes to the job site and bids on the same work. Before any work starts, you should have a clear understanding of the scope of work and the services the contractor will provide. You should understand and agree with the mold assessor’s remediation plan for

acceptable work scope and job clearance. This may include sampling, recommended use of biocides or other chemicals, replacement of materials, and criteria to demonstrate clearance after the cleanup.

- For Mold Remediation: The work plan must fulfill all the requirements of the mold remediation plan developed through the assessment. The work plan should also have specific instructions and/or standard operating procedures for how the contractor will perform the cleanup work.

Ask about the contractor’s experience and references from previous clients. If you are not sure that the proposed work complies with local building code rules, contact the local building code office before allowing the contractor to start work.

How can I verify that a Mold Assessor or Mold Remediation Contractor is licensed by NYSDOL?

Visit the Department of Labor’s website and use the “Licensed Mold Contractors Search Tool” at: <https://www.labor.ny.gov/workerprotection/safetyhealth/mold/licensing.shtm>

How can I file a complaint if I do not believe the mold professionals followed this guidance?

Submit the “Mold Contractor Complaint Form” at: <https://www.labor.ny.gov/workerprotection/safetyhealth/mold/compliance.shtm>

Where do I go for more information?

New York State Department of Labor:
<http://labor.ny.gov/mold>

New York City Department of Health and Mental Hygiene: <http://www1.nyc.gov/site/doh/health/health-topics/mold.page>

U.S. Environmental Protection Agency:
<https://www.epa.gov/mold>