

From: [Sunset Advisory Commission](#)
To: [Janet Wood](#)
Subject: FW: Form submission from: Public Input Form for Agencies Under Review (Public/After Publication)
Date: Friday, June 20, 2014 8:30:40 AM

-----Original Message-----

From: sundrupal@capitol.local [<mailto:sundrupal@capitol.local>]
Sent: Thursday, June 19, 2014 5:26 PM
To: Sunset Advisory Commission
Subject: Form submission from: Public Input Form for Agencies Under Review (Public/After Publication)

Submitted on Thursday, June 19, 2014 - 17:25

Agency: DEPARTMENT STATE HEALTH SERVICES DSHS

First Name: Edward

Last Name: Barganier

Title: Building Sciences Program Manager

Organization you are affiliated with: LCA Environmental. Inc.

City: Garland

State: Texas

Your Comments About the Staff Report, Including Recommendations Supported or Opposed:

I am opposed to the elimination of the Mold Assessors and Remediators program.

I have been an asbestos, lead-paint, IAQ and mold consultant since 1985. I remember well the pre-regulated days of the mold industry in Texas. I met carpenters, plumbers, carpet cleaners and even a garage door salesman who added "mold remediation" to their business cards because it was a profit center. Individuals with no experience, training, certification and little or no insurance, were assessing and removing mold. I seriously doubt that many of these individuals had any training and almost certainly did not carry the \$1 million minimum insurance that the current regulated mold workforce must carry. More than 14,000 mold-related insurance claims were filed in Texas in 2001, a driving factor for the implementation of the current Texas Mold Assessment and Remediation Rules (TMARR).

The Mold program is not a distraction. It is not diverse from accepted programs. The Mold program licensing and enforcement is so similar to the Asbestos program (TAHPR) that the same individuals who license and enforce the asbestos program, can easily do the same for the mold program.

The Sunset Report alleges that the mold presents a "low" risk to public health. The aforementioned 14,000 insurance claims in Texas pre-TMARR would belie that. Texas citizens homes and health are put at risk from mold and moisture infiltration as the very document the Sunset report references, the EPA "Mold Remediation in Schools and Public Buildings" clearly states in its opening sentences: "...exposure to mold can cause a variety of health effects and symptoms, including allergic reactions".

The Sunset Report states that the Mold program produces little regulatory activity. While it is likely that the low

regulatory activity level is partially due to a lack of DSHS enforcement manpower, it must also be considered that the better qualified, licensed and regulated work force is providing a more consistent product and thus producing fewer regulatory citations.

The Sunset Report alleges that consumers have enough access to information to make informed choices regarding mold assessment and remediation. This is true. It was also true pre-TMARR. The difference under TMARR is that the guy trying to sell the consumer cannot simply be a good salesman; he MUST be trained, licensed and insured. Eliminating the mold program would also remove that verifiable training and insurance.

The Sunset Report correctly notes that the EPA provides guidance and that multiple private sector groups train and certify mold remediators. However, the report incorrectly indicates that the American Industrial Hygiene Association (AIHA) provides certification of mold assessors. The AIHA provides training, but does not certify mold professionals. Regardless of the quantity and quality of private sector mold training providers, if there is no regulation, there will be no protection of the consumer that they are receiving a genuinely trained and experienced (or insured) service provider.

Any Alternative or New Recommendations on This Agency:

The TMARR and the accompanying training, licensure and enforcement should not simply be thrown out. I suggest the following:

a) Increase enforcement staff

or

b) If the current licensing/training/insurance requirements are eliminated, a minimum training and insurance standard must replace it. I would suggest certification by either the AIHA, AIQA or ACAC and that firms proposing and performing mold assessment and remediation still be required to meet the insurance minimums of the current TMARR, if not more.

My Comment Will Be Made Public: I agree