

From: [Sunset Advisory Commission](#)
To: [Janet Wood](#)
Subject: FW: Form submission from: Public Input Form for Agencies Under Review (Public/After Publication)
Date: Monday, June 23, 2014 8:10:40 AM

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

From: sundrupal@capitol.local [<mailto:sundrupal@capitol.local>]
Sent: Saturday, June 21, 2014 4:19 PM
To: Sunset Advisory Commission
Subject: Form submission from: Public Input Form for Agencies Under Review (Public/After Publication)

Submitted on Saturday, June 21, 2014 - 16:18

Agency: DEPARTMENT STATE HEALTH SERVICES DSHS

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State: Texas

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

TMARR is worth saving because of the following benefits.

1. Property owners are protected if a mold assessor or remediator does a poor job or actually damages the property?
 - a. The Rules require licensees to have commercial general liability insurance in the amount of \$1 million, or to be self-insured, to cover any damage to your property. (Consumer Mold Information Sheet)
 2. TMARR has raised the standard of quality of work for the mold industry.
 - a. Contractors with no training could utilize hazardous biocides in your home. State mandated training is an important way for the contractor to learn about effective alternatives to biocides.
 - b. Consultants with no training may not know how to develop a sample strategy. With state mandated instruction a mold technician and consultant can develop a sample strategy. Without instruction someone could simply purchase the sample pump and cassettes call themselves a mold expert and start work.
3. Fewer mold court cases. If the state does not continue to regulate mold there will be more civil actions which will not protect consumers in general.

A part of TMARR that is easily overlooked is:

§295.338. Civil Liability Exemption for Certain Property Owners or Governmental Entities.

(a) A property owner is not liable for damages related to mold remediation on a property if a certificate of mold remediation has been issued under

§295.327 of this title (relating to Photographs; Certificate of Mold Remediation; Duty of Property Owner) for that property and the damages accrued on or before the date of the issuance of the certificate.

(b) A person is not liable in a civil lawsuit for damages related to a decision to allow occupancy of a property after mold remediation has been performed on the property if a certificate of mold remediation has been issued under §295.327 of this title for the property, the property is owned or occupied by a governmental entity, including a school, and the decision was made by the owner, the occupier, or any person authorized by the owner or occupier to make the decision.

4. The consumer can contact TDSHS if there is a problem. States that are not regulated at all have no standard and consumers are at the mercy of the contractors and consultants that are not licensed and sometimes have no training.

§295.301. General Provisions.

(a) Purpose. This subchapter implements the provisions of the Texas Occupations Code, Chapter 1958 (relating to Mold Assessors and Remediators), concerning the regulation of mold assessors and remediators conducting mold-related activities that affect indoor air quality.

5. TMARR clearly defines a conflict of interest. Individuals working as contractor and consultant on the same job have an economic incentive for increasing the size of the job beyond the scope of work; then passing the clearance of the job with low standards or none at all.

§295.307. Conflict of Interest and Disclosure Requirement.

(a) Conflict of interest.

(1) A licensee shall not perform both mold assessment and mold remediation on the same project.

6. Consumer protection from home insurance company cancelling coverage. The Certificate of Mold Damage Remediation (CMDR) is an important document used for maintaining home insurance.

Under federal law, you can challenge incorrect information in your CLUE report. If you are denied homeowner's coverage because of a CLUE report, you are entitled to receive the report free. Contact the Equifax Insurance Consumer Center at (800) 456-6004. You do not have to report mold problems to your insurance company if you pay for the remediation. However in order to accept a claim, your policy may require you to report water damage to your insurance company within a set time (generally 30 days) after you discover or should have discovered the damage.

https://www.texasattorneygeneral.gov/consumer/home_improvement.shtml

7. Economic stability. Many environmental professionals have invested time and money developing their business over the last 12 years. Money has been spent in training and for licenses. TMARR ensures these businesses a certain level of stability.

8. Improved air quality. The most controversial part of mold work is the potential mold health effects. But there are some points that are documented: infections in immune compromised occupants and allergies. A contractor doing a sloppy job could result in spores being stirred up and spread throughout a building. A consultant doing a poor job in conducting clearance might not notice abnormalities or deficiencies. The following information comes from TDSHS developed training material.

Allergic Responses

About 10% of the population has allergic antibodies to fungal allergens.³ Half of those (5%) would be expected to show clinical illness.³ Mold-induced allergic illnesses predominately result from outdoor exposures to naturally-occurring molds.³ Normal indoor environments do not promote exposure to molds.

Asthma

Molds can trigger asthma attacks in persons allergic (sensitized) to molds.¹ Hypersensitivity pneumonitis (HP) Rare, but serious, immune-related condition resembling bacterial pneumonia May develop after either acute or chronic exposure (via inhalation) to molds Usually related to occupational exposure Can also be caused by bacteria

Opportunistic Fungal Infections

Of concern to people who are severely immune-compromised or immune suppressed Example Aspergillosis

“Mold Remediation in Schools and Commercial Buildings.” U.S.

Environmental Protection Agency, March 2001.

“State of the Science on Mold and Human Health.” Testimony of Stephen C.

Redd, M.D., Centers for Disease Control and Prevention, to U.S. Congress, July 2002.

“Adverse Human Health Effects Associated with Molds in the Indoor Environment.” American College of Occupational and Environmental Medicine.

2002.

“Damp Indoor Spaces and Health.” Institute of Medicine of the National Academies. 2004.

MedlinePlus. Medical Dictionary.

www.nlm.nih.gov/medlineplus/plusdictionary.html

Some other reliable sources of information address some of the potential health effects follow.

“Invasive fungal infections are increasingly common in the nosocomial setting. Furthermore, because risk factors for these infections continue to increase in frequency, it is likely that nosocomial fungal infections will continue to increase in frequency in the coming decades. The predominant nosocomial fungal pathogens include *Candida* spp., *Aspergillus* spp., *Mucorales*, *Fusarium* spp., and other molds, including *Scedosporium* spp. These infections are difficult to diagnose and cause high morbidity and mortality despite antifungal therapy. Early initiation of effective antifungal therapy and reversal of underlying host defects remain the cornerstones of treatment for nosocomial fungal infections. In recent years, new antifungal agents have become available, resulting in a change in standard of care for many of these infections. Nevertheless, the mortality of nosocomial fungal infections remains high, and new therapeutic and preventative strategies are needed”.

(*Med Mycol.* 2007 Jun;45(4):321-46. Nosocomial fungal infections:

epidemiology, diagnosis, and treatment. Perlroth J1, Choi B, Spellberg B.

1Division of Infectious Diseases, Harbor-University of California Los Angeles

(UCLA) Medical Center, California 90502, USA.)

Hypersensitivity pneumonitis is a lung disease that is often related to occupation. This inflammation of the lungs is caused by repeated inhalation of foreign substances such as organic dust, fungus, or mold. Examples of this disease are farmers' lung, mushroom workers' lung, and bird fanciers' disease.

The annual number of deaths with hypersensitivity pneumonitis as an underlying or contributing cause generally increased from fewer than 20 per year before 1983 to 57 in 1999 (Figure 2-165).

A geographic distribution of age-adjusted rates is presented in Figure 2-166. Hypersensitivity pneumonitis mortality rates for 1990-1999 were highest in the upper Midwest and northern Plains States, along with Vermont and Idaho.

Nearly 29% of decedents during 1990-1999 were women, and 95.7% were white (Figure 2-167).

DHHS (NIOSH) Publication No. 2004-146. September 2004

EPA researchers exposed mice to samples of *Stachybotrys* taken from homes and looked for immune system responses typical of allergies as well as inflammation and functional changes in the animals' lungs. The results showed that the mold can indeed cause a disease analogous to asthma in mice. (EPA 600/R-04/161.

Asthma Research Results Highlights. May 2005. www.epa.gov)

Any Alternative or New Recommendations on This Agency: TMARR is the only Mold regulation. Thus far EPA, OSHA and other organizations have only guidelines.

Eliminating TMARR will eliminate the only real standard for the mold industry. Guidelines are not requirements, guidelines may be ignored without regulatory repercussions.

My Comment Will Be Made Public: I agree