

**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 16, 2014 8:13:33 AM

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

From: [sundrupal@capitol.local](mailto:sundrupal@capitol.local) [<mailto:sundrupal@capitol.local>]  
Sent: Saturday, June 14, 2014 12:51 PM  
To: Sunset Advisory Commission  
Subject: Form submission from: Public Input Form for Agencies Under Review (Public/After Publication)

Submitted on Saturday, June 14, 2014 - 12:50

Agency: DEPARTMENT STATE HEALTH SERVICES DSHS

First Name: Linda

Last Name: Lauver

Title: Mold Assessment Consultant

Organization you are affiliated with: AQ Testing Services, LLC

City: Katy

State: Texas

Your Comments About the Staff Report, Including Recommendations Supported or

Opposed: I strongly oppose deregulation of mold assessment and remediation.

The TDSHS licensing program was instituted to protect consumers and insurance companies from the abuse of mold contractors performing mold assessment and overstating mold conditions to establish the need for mold remediation. It was so bad in Texas that most homeowners policies are now devoid of mold coverage. I became a mold consultant prior to licensing and I know first hand that the industry was highly corrupt without regulations to stop the conflicts of interest and fraud. Since regulation, the fraudulent inspectors and remediators have, in most part, left the industry. Without regulation, they will be back. Approximately 60% of the 400+ mold inspections I performed last year were for buyers under contract for the purchase of homes.

Homeowners must disclose all reports they receive for four years. Unlicensed and unethical mold inspectors with remediation ties will flood the inspection market and produce unfair reports that will dramatically impact real estate sales. It is not just the issue of keeping the law, the more important part of regulation is having someplace to file a complaint, have it heard, and have it adjudicated without the terrible expense of litigation. Without regulation the number of lawsuits will rise, clogging our court system and lining the pocket of unscrupulous lawyers taking the advantage of both sides. Please consider the consumer impact of deregulation. The TDSHS regulation of mold assessment and mold remediation protects consumers!

Consumer protection cannot be summed up by looking at the number of complaints filed, because regulation works.

Any Alternative or New Recommendations on This Agency:

The TDSHS should increase prices for licenses and fines and have more staff inspectors. Stop reducing fines. If a violation is found, charge the full fine. Allow anonymous complaints with detailed documentation that can be timely investigated. As a practical matter, licensed professionals fear retaliation from the people they are complaining against. The regulation against retaliation does not provide comfort for the complaining party. Regulate water extraction companies. Water extraction companies are constantly performing mold remediation

without following mold regulations and licensing. Require water extraction companies to notify the TDSHS anytime mold is visible. Require water extraction companies to provide the Consumer Mold Information Sheet prior to removal of water damaged/molded materials. They should be subject to fines for doing mold assessment and remediation without a license. I receive calls daily from apartment dwellers complaining about apartment maintenance personnel painting over mold or ignoring it all together. According to the CDC mold exposure can be a health hazard. The TDSHS should remove the mold exemption from apartment owners to protect the health of our citizens. Clarify the 25 sq. ft. visible mold regulation.

My Comment Will Be Made Public: I agree