

CONSUMER MOLD INFORMATION SHEET

Regulation of Mold Assessment and Remediation in Texas



State rules require licensed mold assessors and remediators to give a copy of this Consumer Mold Information Sheet to each client and to the property owner, if not the same person, before starting any mold-related activity [25 TAC 295.306(c)] .

How does Texas regulate businesses that do testing for mold or that do mold cleanup?

The Department of State Health Services (DSHS) regulates such businesses in accordance with the [Texas Occupations Code, Chapter 1958](#). Under the **Texas Mold Assessment and Remediation Rules (Rules)** ([25 Tex. Admin. Code Sections 295.301 - 295.338](#)), all companies and individuals who perform mold-related activities in Texas must be licensed by DSHS unless exempt. (See Page 2 regarding owner exemptions.) Applicants must meet certain qualifications, have required training, and pass a state exam in order to receive their licenses. Mold remediation workers must have training and be registered with DSHS. Laboratories that analyze mold samples must also be licensed and meet certain qualifications. The Rules set minimum work standards and require licensees to follow a code of ethics. To prevent conflicts of interest, the Rules also prohibit a licensee from conducting both mold assessment and mold remediation on the same project. While the Rules regulate the activities of mold licensees when they are doing mold-related activities, the Rules do not require any property owner or occupant to clean up mold or to have it cleaned up.

How can I know if someone is licensed?

A licensed individual is required to carry a current DSHS photo identification card with the license number on it. A search tool and listings of currently licensed companies and individuals can be found at: www.dshs.state.tx.us/mold/profession.shtm.

What is “mold assessment?”

Mold assessment is an inspection of a building by a **mold assessment consultant** or **technician** to evaluate whether mold growth is present and to what extent. Samples may be taken to determine the amount and types of mold that are present; however, sampling is not necessary in many cases. When mold cleanup is necessary a licensed mold assessment consultant can provide

you with a **mold remediation protocol**. A protocol must specify the estimated quantities and locations of materials to be remediated, methods to be used and clearance criteria that must be met.

What is meant by “clearance criteria?”

Clearance criteria refer to the level of “cleanliness” that must be achieved by the persons conducting the mold cleanup. You should understand and agree with the mold assessment consultant prior to starting the project as to what an acceptable clearance level will be, including what will be acceptable results for any air sampling or surface sampling for mold. There are no national or state standards for a “safe” level of mold. Mold spores are a natural part of the environment and are always present at some level in the air and on surfaces all around us.

What is “mold remediation?”

Mold remediation is the cleanup and removal of mold growth from surfaces and/or contents in a building. It also refers to actions taken to prevent mold from growing back. Licensed **mold remediation contractors** must follow a mold remediation protocol as described above and their own **mold remediation work plan** that provides specific instructions and/or standard operating procedures for how the project will be done.

Before a remediation project can be deemed successful, a mold assessment consultant must conduct a **post-remediation assessment**. This is an inspection to ensure that the work area is free from all visible mold and wood rot, the project was completed in compliance with the remediation protocol and remediation work plan, and that it meets all clearance criteria that were specified in the protocol. The assessment consultant must give you a **passed clearance report** documenting the results of this inspection. If the project fails clearance, further remediation as prescribed by a consultant will be necessary.

What is a Certificate of Mold Damage Remediation?

No later than 10 days after a mold remediation project has passed a clearance inspection, the remediation contractor must sign and give you a **Certificate of Mold Damage Remediation**. The licensed mold assessment consultant who conducted the post-remediation assessment must also sign the certificate. The consultant must truthfully state on the certificate that the mold contamination identified for the project has been remediated and whether the underlying cause of the mold has been corrected. (That work may involve other types of professional services that are not regulated by the mold Rules, such as plumbing or carpentry.) Receiving a certificate documenting that the underlying cause of the mold was remediated is an advantage for a homeowner. It prevents an insurer from making an underwriting decision on the residential property based on previous mold damage or previous claims for mold damage. If you sell your property, the law requires that you provide the buyer a copy of all certificates you have received for that property within the preceding five years.

How is a property owner protected if a mold assessor or remediator does a poor job or actually damages the property?

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. Before hiring anyone you should ask for proof of such insurance coverage. You may wish to inquire if the company carries additional insurance, such as professional liability/errors and omissions (for consultants) or pollution insurance (for contractors), that would provide additional recourse to you should the company fail to perform properly.

How is my confidentiality protected if I share personal information about myself with a company?

Under the code of ethics in the Rules, to the extent required by law, licensees must keep confidential any personal information about a client (including medical conditions) obtained during the course of a mold-related activity. Further, you may be able to negotiate a contract to include language that other personal information be kept confidential unless disclosure “is required by law.” However, licensees are required to identify dates and addresses of projects and other details that can become public information.

How do I file a complaint about a company?

Anyone who believes a company or individual has violated the Rules can file a complaint with DSHS. For information on this process and/or to obtain the complaint form, call 1-800-293-0753, or download the form at www.dshs.state.tx.us/mold/complaint.shtm.

Can property owners do mold assessment or remediation on their own property without being licensed?

Yes. A homeowner can take samples for mold or clean it up in the home without a license. An owner, or a managing agent or employee of an owner of a residential property is not required to be licensed, **unless** the property has 10 or more residential dwelling units. For non-residential properties, an owner or tenant, or a managing agent or employee of an owner or tenant, is not required to be licensed to do mold assessment or remediation on property owned or leased by the owner or tenant, **unless** the mold contamination affects a total surface area of 25 contiguous square feet or more. Please refer to 25 TAC §295.303 for further details on exceptions and exemptions to licensing requirements.

For more information about mold and the Texas Mold Assessment and Remediation Rules, contact:

Texas Department of State Health Services, P.O. Box 149347, MC 1987, Austin, TX 78714-9347.

Phone: 512-834-6787 or 800-293-0753. Fax: 512-834-6726. www.dshs.state.tx.us/mold
