

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 2353

By Delegate Burkhammer

[Introduced February 13, 2025; referred
to the Committee on Health and Human Resources
then Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article,
 2 designated §16-67-1, §16-67-2, §16-67-3, and §16-67-4, relating to creating the public
 3 awareness campaign on mold threat in indoor environments; with definitions, rules; and
 4 mold remediation standard of care.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 67. PUBLIC AWARENESS CAMPAIGN ON MOLD THREAT IN INDOOR
 ENVIRONMENTS.**

§16-67-1. Definitions.

1 As used in this article:

2 "Department" means the Department of Public Health.

3 "Direct supervisor" means an individual who is physically present during on-site mold
 4 remediation activities and is immediately available to direct, instruct, and oversee the activities of
 5 other individuals;

6 "Mold" means any form of multi-cellular fungi in indoor environments, including
 7 Cladosporium, penicillium, alternaria, aspergillus, fusarium, Trichoderma, memnoniella, mucor,
 8 and stachybotrys chartarum, often found in water-damaged indoor environments and building
 9 materials.

10 "Mold remediation" means the removal, cleaning, sanitizing, demolition, or other
 11 treatment, including preventive activities, of mold or mold-containment matter in buildings.

12 "Third-party certification" means a mold remediation certification offered by the Institute of
 13 Inspection, Cleaning, and Restoration Certification or its successor; the National Organization of
 14 Remediators and Microbial Inspectors or its successor; or any other national nonprofit
 15 organization that has been approved by the Department.

§16-67-2. Public Awareness Campaign.

1 The department shall, in consultation with appropriate agencies and organizations,
2 establish a Public Awareness Campaign to assist the public in understanding the threat of mold in
3 indoor environments and the importance of removing mold. As part of the program, the
4 Department of Health shall:

5 Establish a public awareness campaign on the dangers of mold in accordance with the
6 rules adopted under this article. As part of the campaign, the department shall disseminate
7 information via the Department's website.

8 Provide reference to and contact information for organizations or government agencies
9 that can provide the public with information pertaining to the health effects of mold, mold testing
10 methods, or accredited industry standards for the remediation of mold; and

11 Perform every five years, in accordance with rules adopted under this article, a review of
12 the technology or treatment techniques for mold identification and remediation that provide
13 additional protections to public health and safety. The review shall be performed in accordance
14 with rules adopted under this section and include an examination of any new scientific evidence
15 that indicates that mold may present a greater health risk to the public than previously determined.

§16-67-3. Rules.

1 The department, within one year of the enactment of this article, shall adopt rules to
2 implement a program establishing procedures for entities that provide mold remediation services
3 to register with the state and provide evidence of financial responsibility and proof that at least one
4 of the entity's direct supervisors holds an active third-party certification.

§16-67-4. Mold Remediation Standard of Care.

1 All mold remediation performed within the state shall be conducted in accordance with the
2 ANSI/IICRC S520 Standard for Professional Mold Remediation, or its successor publication, or
3 any other equivalent ANSI-accredited mold remediation standard approved by the department.

NOTE: The purpose of this bill is to create the public awareness campaign on mold threat in indoor environments with definitions, rules, and mold remediation standard of care.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.