ASSEMBLY, No. 1347

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:
Assemblyman DANIEL R. BENSON
District 14 (Mercer and Middlesex)
Assemblywoman ANGELA V. MCKNIGHT
District 31 (Hudson)
Assemblyman ROY FREIMAN
District 16 (Hunterdon, Mercer, Middlesex and Somerset)

SYNOPSIS

Requires evaluation for, and abatement of, mold hazards in school buildings.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

AN ACT concerning mold hazards in school buildings, and supplementing Title 18A of the New Jersey Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. As used in this act:

"District" means a local or regional school district established pursuant to chapter 8 or chapter 13 of Title 18A of the New Jersey Statutes, a county special services school district established pursuant to article 8 of chapter 46 of Title 18A of the New Jersey Statutes, a county vocational school district established pursuant to article 3 of chapter 54 of Title 18A of the New Jersey Statutes, an educational services commission, a jointure commission or board, and a commission under the authority of the Commissioner of Education or the State Board of Education.

"Mold" means any form of fungi that lives on plant or animal matter and in indoor environments. Types of mold include, but are not limited to, Cladosporium, Penicillium, Alternaria, Aspergillus, Fusarium, Trichoderma, Memnoniella, Mucor and Stachybotrys chartarum, often found in water-damaged building materials.

"School building" means and includes any structure, building or facility used wholly or in part for educational purposes by a district or a private or charter school.

2. a. Within 18 months after the effective date of this act, and at least once every five years thereafter, the superintendent of each school district in the State, and the chief administrator of each private school and charter school within the State, shall provide for the evaluation of the interior of each public and private and charter school building under their supervision, as appropriate, for the presence of mold. The evaluation shall be performed consistent with the procedures established for the inspection and evaluation of school building interiors adopted by the Department of Health pursuant to section 3 of this act.

b. Within two months after the evaluation of a school building interior where there is a finding that a mold hazard exists in a school building interior, the superintendent of the school district, or the chief administrator of the private school or charter school, as appropriate, shall develop a plan and implementation schedule for mold hazard abatement consistent with the standards and procedures developed therefor pursuant to section 3 of this act. The mold hazard abatement plan shall be implemented within six months after its development.

c. The superintendent of each school district in the State, as well as the chief administrator of each private school and charter school within the State, as appropriate, shall make available to, pursuant to procedures concerning notification and circulation

developed in consultation with the Department of Education, the parent or guardian of each student enrolled in the school, the results of the mold evaluation of the school building interior, and if necessary, the plan and implementation schedule for mold hazard abatement developed pursuant to subsection b. of this section.

3. a. Within 12 months after the effective date of this act, the Department of Health shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), that establish:

(1) procedures for the inspection and evaluation of the interior of school buildings for the presence of mold;

(2) standards and procedures for mold hazard abatement, including practical guidelines for specialized cleaning, removal, maintenance, painting, temporary containment, and removal of mold and mold impacted school building interiors; and

(3) guidelines and procedures for the abatement of underlying conditions and causes of mold development, including the prevention of water intrusion and leaks in indoor environments.

b. The rules and regulations developed pursuant to this section shall be consistent with the standards and guidelines developed by the United States Environmental Protection Agency for the inspection, identification, evaluation, and abatement of mold in building interiors.

4. This act shall take effect immediately.

STATEMENT

This bill would require that within 18 months after the effective date of the bill, and at least once every five years thereafter, the superintendent of each school district in the State, and the chief administrator of each private school and charter school within the State, would be required to inspect and evaluate the interior of each public, private, and charter school building under their supervision, as appropriate, for the presence of mold. The evaluation would be performed consistent with procedures that must be established by the Department of Health for mold hazard evaluation, assessment, and abatement of building interiors.

The bill would also require that within two months after the evaluation of a school building interior, if there is a finding that a mold hazard exists, the superintendent of the school district, or the chief administrator of the private school or charter school, as appropriate, would be required to develop a plan and implementation schedule for mold hazard abatement consistent with the standards and procedures developed therefor. The bill would

require that the mold hazard abatement be implemented within six months after the plan's development.

The bill would also require the superintendent of each school district in the State, as well as the chief administrator of each private school and charter school within the State, as appropriate, to make available to the parent or guardian of each student enrolled in the school, the results of the mold evaluation of the school building interior, and if necessary, the plan and implementation schedule for the mold hazard abatement of the school building.