

SENATE, No. 573

STATE OF NEW JERSEY
219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator FRED H. MADDEN, JR.

District 4 (Camden and Gloucester)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

SYNOPSIS

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

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



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

3

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

6

7 1. As used in this act:

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

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

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

25

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

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

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

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

6
7 3. a. Within 12 months after the effective date of this act, the
8 Department of Health shall adopt rules and regulations pursuant to
9 the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1
10 et seq.), that establish:

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

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

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

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

25
26 4. This act shall take effect immediately.

27 28 29 STATEMENT

30
31 This bill would require that within 18 months after the effective
32 date of the bill, and at least once every five years thereafter, the
33 superintendent of each school district in the State, and the chief
34 administrator of each private school and charter school within the
35 State, would be required to inspect and evaluate the interior of each
36 public, private, and charter school building under their supervision,
37 as appropriate, for the presence of mold. The evaluation would be
38 performed consistent with procedures that must be established by
39 the Department of Health for mold hazard evaluation, assessment,
40 and abatement of building interiors.

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

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

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