

JAN 20 2010

A BILL FOR AN ACT

RELATING TO TOXIC SUBSTANCES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the problem of
2 indoor air pollution has generated concern among scientific and
3 public health communities around the world. Adverse health
4 effects on humans from fungi and toxic mold exposure can range
5 from relatively minor symptoms, such as headache, sore throat,
6 and fatigue, to more serious effects. It is estimated that
7 500,000 deaths occur annually in the United States as a result
8 of toxic mold exposure.

9 Because fungi are ubiquitous in indoor environments, the
10 control of fungi and toxic mold poses a special difficulty for
11 homeowners, building owners, tenants, and public health
12 officers. Therefore, it is necessary for the State to promote a
13 more thorough understanding of the options for addressing fungal
14 contamination and toxic mold prevention and remediation within
15 the context of a wide array of indoor air pollutants that are
16 often inadequately understood.

17 The legislature finds that by increasing awareness about
18 indoor toxic mold and establishing prevention and remediation



1 standards and guidelines, needless hazardous conditions that
2 take the lives of thousands of persons every year and adversely
3 affect the health and well-being of many more can be prevented.

4 The purpose of this Act is to establish a toxic mold
5 remediation task force to examine the potential hazards of toxic
6 indoor mold and fungal contamination, and to recommend standards
7 and guidelines for its prevention and remediation.

8 SECTION 2. (a) There is established a toxic mold
9 remediation task force that shall be placed within the
10 department of health for administrative purposes. The purpose
11 of the toxic mold remediation task force shall be to examine the
12 potential hazards of toxic indoor mold and fungal contamination,
13 and to recommend standards and guidelines for its prevention and
14 remediation.

15 (b) The toxic mold remediation task force shall examine the
16 following areas as they relate to fungal and toxic mold
17 contamination in indoor environments:

- 18 (1) Medical and public health;
- 19 (2) Evaluation and monitoring;
- 20 (3) Remediation and prevention;
- 21 (4) Licensing of mold investigators;
- 22 (5) Property owner disclosures and renters' rights;



- 1 (6) Educational materials;
- 2 (7) Hazard communication; and
- 3 (8) Any other area identified by the task force.
- 4 (c) The toxic mold remediation task force shall consist of
- 5 thirteen members as follows:
- 6 (1) The director of health or the director's designee;
- 7 (2) The chairperson of the board of land and natural
- 8 resources or the chairperson's designee;
- 9 (3) The director of labor and industrial relations or the
- 10 director's designee;
- 11 (4) The senate president or the president's designee;
- 12 (5) The speaker of the house of representatives or the
- 13 speaker's designee;
- 14 (6) Two representatives from the Hawaii occupational
- 15 safety and health division of the department of labor
- 16 and industrial relations;
- 17 (7) One representative of the real estate commission;
- 18 (8) Two representatives from the indoor air quality and
- 19 mold remediation industry; and
- 20 (9) Three members of the public appointed by the governor.
- 21 (d) The members of the task force shall select a
- 22 chairperson from among its members.



1 The members of the task force shall serve without
2 compensation, but shall be reimbursed for necessary expenses,
3 including travel expenses, incurred in the performance of their
4 official duties.

5 (e) The toxic mold remediation task force shall submit a
6 report of its findings and recommendations, including any
7 proposed legislation, to the legislature no later than twenty
8 days prior to the convening of the regular session of 2011,
9 which shall address:

10 (1) The health effects of exposure to fungi and toxic
11 mold;

12 (2) The practices for assessing fungal and toxic mold
13 contamination, including the use of visual inspection,
14 surface sampling, and air monitoring, and the proper
15 analysis of environmental samples;

16 (3) To the extent feasible, the appropriateness of
17 commercially available methods for identifying fungal
18 and toxic mold contamination of building components
19 including, but not limited to, walls, ventilation
20 systems, and support beams;

21 (4) The options for preventing and remediating fungal and
22 toxic mold contamination in indoor environments. The



1 findings are intended as a practical guide regarding
2 options for building managers, homeowners, and members
3 of the general public who may have concerns about
4 fungal contamination in living and working
5 environments;

6 (5) Recommendations on hazard communication for distinct
7 subpopulations, including workers employed in high-
8 risk occupations; and

9 (6) Standards and guidelines on fungal and toxic mold
10 contamination affecting indoor environments.

11 (f) The toxic mold remediation task force shall cease to
12 exist on June 30, 2011.

13 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: Sharon Churn Cleveland
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Report Title:

Toxic Mold Remediation; Task Force; Public Health

Description:

Establishes the toxic mold remediation task force to examine the potential hazards of toxic indoor mold and fungal contamination, and to recommend standards and guidelines for its prevention and remediation.

