

CIRCULAR 61

ARKANSAS MOLD INVESTIGATOR LAW ACT 1467 OF 2009

An act to license mold investigators; to establish standards for mold investigations; to establish qualifications for mold investigators; and for other purposes.

ARKANSAS MOLD INVESTIGATOR LICENSING ACT

- I. DEFINITIONS:
- A. "MOLD" means any fungus, including spores, hyphae, and mycellial fragments.
 - B. "BOARD" means the State Plant Board.
 - C. "MOLD INVESTIGATOR" means a person who, for a fee, performs the service of examining residential or commercial buildings to confirm or refute the presence of a proliferative source of mold in the building.
 - D. "SERVICE" may be a singular service or combined with any other services.
- II. LICENSES:
- A. Licenses will be issued by the Board and will be valid for one (1) license year.
 - B. License year will be from July 1 of the issuing year until June 30 of the following year, except for 2010. Mold investigator regulations become effective on January 1, 2010. Therefore; the initial license will be valid for the six (6) month period from January 1 until June 30, 2010.
 - C. License renewal applications must be delivered to the Board sixty (60) days prior to current license expiration.
 - D. License applications must be accompanied by;
 - 1. An annual license fee of \$150.00;
 - i. The license fee for the initial year of the mold investigator regulations, 2010, shall be \$75.00 and the effective period will be January 1, 2010, until June 30, 2010.
 - 2. Certification records consisting of one or more of;
 - i. Certification as a Certified Industrial Hygienist by the American Board of Industrial Hygiene;
 - ii. Certification as a Certified Microbial Consultant by the American Indoor Air Quality Council or a Certified Indoor Environmental Consultant;
 - iii. Official transcripts showing satisfactory completion of at least twenty (20) semester hours of college-level microbiology.
 - E. Out of State Applications.
 - 1. Applications for Arkansas Mold Investigator Licenses will be accepted from out of state applicants.
 - i. Applicants must have a resident agent located in the state to receive legal notifications if required.
 - F. Renewal applications must be accompanied by \$150.00 in fees and by documentation from a specified certification entity that all

requirements for continuation of the specified certification title have been met for the applicant to remain certified.

1. Renewal applications submitted for the license year beginning on July 1, 2010, will not be required to submit the certification information if the documentation for the initial 6 month license period has an effective date extending beyond July 1, 2010.
 2. All applications and renewal applications for years subsequent to July 1, 2010, will require submission of the certification documentation. The certification must be effective for the whole license period. Documentation of renewed certification must be provided within seven days of the termination of the original certification if the original certification does not extend the full term of the license. Failure to supply proof of the renewed certification will result in the license becoming invalid.
 - i. Renewal applications received after June 1 will be considered a late application and will be subject to a late fee of Seventy Five (\$75.00) Dollars.
 - ii. Applicants that have not had a license issued or renewed by the board must refrain from conducting mold investigations until the license has been received.
- G. Licenses are held by the individuals named on the license form issued by the Board.
1. Every person employed as a mold inspector is required to be licensed by the Board and is subject to the certification requirements, regardless of the number of people employed by and holding Mold Inspector licenses at the same business.
 2. The licensed investigator must be at every job site while an investigation is being conducted. Unlicensed technicians may accompany the licensed investigator and assist in completing the work but they must be under the direct supervision of the licensed investigator at all times.

III. PENALTIES:

- A. Effective January 1, 2010, a person must be licensed by the Board as a mold investigator to perform a mold investigation service.
- B. Anyone performing a mold investigation or offering mold investigative services without first obtaining a license issued by the Board is subject to a fine of up to one thousand (\$1,000.00) dollars per violation.

IV. LICENSE REVOCATION AND SUSPENSION:

- A. A license holder who is found to have violated the licensing requirement shall be required to cease operations as a mold investigator and to appear before board staff to show cause why their

license should not be revoked or suspended. Violations include but are not limited to the following:

1. Providing false certifications;
 2. Having payment instruments refused by a financial institution;
 3. Having certification voided by recognized certification agencies noted in the Arkansas Mold Investigator Licensing Act;
 4. Falsifying analytical laboratory information from samples generated in a mold investigation.
- B. Any mold investigator whose license has been revoked or suspended shall have an opportunity to appear before the appropriate board committee to appeal staff decisions on violations.
1. Any person desiring to pursue an appeal before the appropriate committee shall provide written request to the board within 10 days of being informed of staff's determination. A committee hearing will be scheduled to hear the appeal.
 2. If the mold investigator desires to appeal the committee decision, an opportunity will be afforded to appear before the full Plant Board. A written request to appeal to the full board must be made within 20 days of receiving written notice of the committee's decision.
 3. The Plant Board's decision is final unless the mold investigator desires to pursue the matter in a court with proper jurisdiction as outlined in the Administrative Procedures Act, A.C.A. 25-15-201. et seq.

V. INVESTIGATION PROCEDURES;

- A. Onsite mold investigations of a structure shall be conducted under the best practices set forth in the guidelines established by the American Conference of Governmental Industrial Hygienists and the American Industrial Hygiene Association, as they existed on January 1, 2009, or;
- B. Air or Bulk samples of any kind, if any are taken, from a residence or commercial building for culture or appropriate examination by a commercial laboratory, shall be analyzed by a laboratory accredited by and actively participating in the American Industrial Hygiene Association's Environmental Microbiology Laboratory Accreditation Program.
1. Violation of this rule will result in referral of the mold investigator to the appropriate committee for consideration of license revocation.