



TEXAS DEPARTMENT OF STATE HEALTH SERVICES

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Q & A on Mold Remediation Related to Hurricane Harvey

The disaster proclamation issued by the Governor of Texas on August 23, 2017, and subsequently amended on August 26, 2017, August 27, 2017, August 28, 2017, and September 1, 2017, states that pursuant to Section 418.016 of the Texas Government Code, *"any regulatory statute prescribing the procedures for conduct of state business or any order or rule of a state agency that would in any way prevent, hinder or delay necessary action in coping with this disaster shall be suspended upon written approval of the Office of the Governor.* The proclamation applies only to the counties listed below¹.

Licensure requirements are to be waived for the duration of the disaster declaration in the counties listed in the declaration. In lieu of licensure, unlicensed companies wishing to do work under the disaster declaration can do so if they register with the department and provide the following documentation. No fee will be assessed. Registration will be done via email to the licensing email box at mold.reg@dshs.texas.gov. Emails requesting registration should be titled "Mold Remediation Waiver Request".

- Business name, owner's name and 24/7 contact number
- Proof of business registration in another state or a Texas Secretary of State Tax ID number.
- A list of employees working in the impacted areas
- Copies of training certifications for all employees
- Proof of liability insurance

Entities or persons who are not licensed in the state of Texas may not issue a Certificate of Mold Damage Remediation (CMDR). Only a Texas licensed mold remediator and licensed mold consultant may sign the CMDR in the top section and only if the TMARR is followed in its entirety. The bottom section of the form may be signed by a licensed mold consultant for projects that are not conducted under the TMARR, but for which the consultant performs an inspection and determines there is no mold present.

Question 1: I heard the Governor of Texas issued a disaster declaration. What does the proclamation mean?

The proclamation allows state agencies to suspend some regulatory requirements. The Texas Mold Assessment Remediation Rules (TMARR) have been suspended in the counties listed below that were impacted by the disaster with the exception of the following rules: 295.306(6), 295.302(31), (37), 295.305 (e), and 295.312(f)(5) and 295.313(f)(4), 295.306(a)(6) and 295.309. The topics covered by parts of the TMARR that have not been waived are listed and summarized in the bulleted requirements above.

Question 2: Why has the TMARR been suspended?

The TMARR has been suspended to allow companies that may not be licensed but have experience and training in mold assessment, prevention, and remediation to work in the areas impacted by the disaster in order to facilitate the cleanup operation. Companies not licensed in Texas who wish to engage in mold related activities will need to register with the department

Question 3: I am a homeowner and want my home cleaned and the mold removed. What is the difference between a licensed mold contractor and one that is not licensed?

A contractor licensed by the state of Texas has taken approved courses and proven their knowledge, to the state, of mold and mold related activities through examination. These Texas licensed mold remediation contractors can issue a Certificate of Mold Damage Remediation (CMDR). The CMDR is a Texas Department of Insurance form that some homeowners or insurance companies may want to use to verify that mold has been removed correctly. An unlicensed person may be able to do the work but will not be able to certify a home is free of mold damage using the CMDR form because they may not be following the Texas mold rules. Unlicensed personnel are required to register with the state and provide proof of insurance, training, business information, and tax status.

Question 4: I own a business that is in the mold assessment, remediation and/or prevention field. What do I need to do to work in Texas in the declared disaster areas covered in the Governor's Proclamation?

In lieu of licensure, unlicensed companies wishing to do work under the disaster declaration can do so if they register with the department and

provide the following documentation. No fee will be assessed. Registration will be done via email to the Department's Licensing Program email inbox at mold.reg@dshs.texas.gov

Emails requesting registration should be titled "Mold Remediation Waiver Request".

- Business name, owner's name and 24/7 contact number
- Proof of business registration in another state or a Texas Secretary of State Tax ID number.
- A list of employees working in the impacted areas
- Copies of training certifications for all employees
- Proof of liability insurance

Question 5: I am a licensed Mold Assessment Technician, Mold Assessment Consultant, Mold Assessment Company, Mold Remediation Contractor, or Mold Remediation Company. Can unlicensed entities doing business in Texas fill out the Texas Department of Insurance Certificate of Mold Damage Remediation (CMDR)?

No. Entities or persons who are not licensed in the state of Texas may not issue a Certificate of Mold Damage Remediation (CMDR). Only a Texas licensed mold remediator and licensed mold assessment consultant may sign the CMDR in the top section and only if the TMARR is followed in its entirety. However, the bottom section of the form may be signed by a Texas licensed mold assessment consultant for projects that are not conducted under the TMARR, but for which the consultant performs an inspection and determines there is no mold damage present.

Question 6: I am not currently licensed but would like to become licensed so that myself or my company can continue to do mold work in the impacted counties after the disaster declaration expires. What do I need to do?

Go to <http://dshs.texas.gov/mold/default.shtm> or call 512 834 -6600 for information regarding mold professional licensing. Please be advised that the program will be transferring to the Texas Department of Licensing and Regulation (TDLR) effective November 1, 2017, and all licenses will transfer with the program to TDLR at that time.

Counties in Disaster Proclamation:

Angelina, Aransas, Atascosa, Austin, Bastrop, Bee, Bexar, Brazoria, Brazos, Burleson, Caldwell, Calhoun, Cameron, Chambers, Colorado, Comal, DeWitt, Fayette, Fort Bend, Galveston, Goliad, Gonzales, Grimes, Guadalupe, Hardin, Harris, Jackson, Jasper, Jefferson, Jim Wells, Karnes, Kerr, Kleberg, Lavaca, Lee, Leon, Liberty, Live Oak, Madison, Matagorda, Montgomery, Newton, Nueces, Orange, Polk, Refugio, Sabine, San Jacinto, San Patricio, Trinity, Tyler, Victoria, Walker, Waller, Washington, Wharton, Willacy, and Wilson counties.

Resources:

² Cleaning Flooded Buildings, Hurricane Sandy Fact Sheet, FEMA-DRs-4085-NY and -4086-NJ / May 2013, [FEMA - Cleaning Flooded Buildings](#)

³ Press Briefing by Press Secretary Sarah Sanders and Homeland Security Advisor Tom Bossert, 8/31/2017, #8. <https://www.whitehouse.gov/the-press-office/2017/08/31/press-briefing-press-secretary-sarah-sanders-and-homeland-security>

⁴ A roster of mold licensees is available on the Mold Program website at: <http://dshs.texas.gov/mold/profession.shtm>