



Newsletter

Volume 14, Issue 6

June 2014

Message from the President – Craig Doolittle

Reflections – the NJAIHA Year in Review

Each year at this time, the NJAIHA business year draws to a close, our activities wind down and most, if not all of us look forward to some time off. As I get older, it seems that each year spins faster and faster and this one was certainly no exception. As a relative newcomer to both the NJAIHA and the Executive Board, I'd like to offer some thoughts on the past year from that perspective. But before I do, I'd like to offer some thanks for making this a great experience for me both personally and professionally.

I may have said this before, but I have thoroughly enjoyed working with my colleagues on the Board. It has been a pleasure and a privilege to work with dedicated professionals who are committed to doing the best they can to make the NJAIHA the vital and important organization that it is. I look forward to continuing our work together.

I would also like to thank the many of you who made it a priority to join us and participate in the life of our Section. Without that, our section would merely be just another website with nothing to give it substance.

Towards a Sustainable Future

Not to over use this word, but maintaining a vital role in our profession remains our central raison d'être. To that end, we have sought to accomplish several things this past year:

- Solicit formal feedback through a member survey
- Evaluate and explore different locations and times for our monthly meeting in response to that feedback
- Change the venue for the PDC and NEIHC, and
- Continue to update the content and format of our portion of the summer review course

I also feel that our meeting content and speakers made our monthly meetings informative and interactive. I know I always came away with new knowledge from each speaker and that has been a great benefit to me professionally.

Going forward into the fall, we are working to plan new and different events as well. For example, our next project will be putting on a full day, low (or no) cost workshop in IH sampling techniques and best practices. We look forward to hearing your input on other programmatic additions we can make to continue to attract as many members (and potential new members) as possible.

Development and Mentoring

This Thursday at our end of year dinner at the Basking Ridge Country Club, we will recognize and hear from our scholarship winners. This year, we increased the amount of scholarship award dollars and had a great response from area students. It is exciting to see the future of our profession pursue their careers and vocations and we will continue to look for ways in which our section can continue to foster the growth of students pursuing EHS careers.

But speaking of mentoring, one of the things I have certainly been impressed by as I have gotten to know everyone in NJAIHA is the number of people I've met who make a point to say they studied or worked for or who were mentored by another member of the Section. The network, relationships and friendships that exist within the NJAIHA are deep and represent to me at least, that our chapter has deep roots.

And yet, as I come to a close on my last message to you as President, I have sensed that at some time in the not too distant future, the number of IH professionals retiring from the industry may exceed the number entering it. That to me presents us with a challenge – how can we continue to draw new talent to the profession? How do we help increase the number of students studying science, and how do we get them interested/excited in pursuing a career in EHS?

This past week, I had the pleasure of working with one of our environmental scientists and teaching her some of the fundamentals of IH sampling. It was rewarding for both of us and made me realize that the enthusiasm I still have for what I do can be an example for others. I would say without a doubt that all of you who have chosen a career in IH, safety or environmental work, do it because you like it and because you can make a difference. What better way to create a profession that is sustainable into the future than to show others what it has meant to you.

I hope to see you this Thursday!



Craig R. Doolittle, PE
President NJAIHA

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Calendar of Events

Date	Subject	Location
June 12, 2014	NJ AIHA Scholarship Awards Presentations* Year in Review and Speaker: Harris Brody CIH, CHMM, MBA - Vice President, Accredited Environmental Technologies	Basking Ridge Country Club****

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Newsletter Advertising Opportunities

Would your company like to advertise in this newsletter? Each year, we publish 8 newsletters - - Sept., Oct., Nov., Jan., Feb., March, April & June. You can choose to advertise in 4 or 8 issues.

The advertising rates are as follows:

- \$100 1/4 page ad - runs for 4 months
- \$200 1/2 page ad - runs for 4 months
- \$400 full page ad - runs for 4 months

Please email Craig Doolittle at president@njaiha.org for more information.

Job Postings

There are many job postings on our web site. If you are looking or just curious check them out.

<http://www.njaiha.org/Resources/JobPostings.aspx>

There are several job postings on these other organization web sites as well:

<http://www.njasse.org/>

<http://www.aiha.org/LocalSections/html/Metro%20NY/jobs.htm>

<http://www.philaaiha.com/Employment.htm>



Contact: Gary Schwartz, gary@phaseassociate.com; 973-597-0750

2014 Industrial Hygiene & Safety Review Course

The New Jersey Section of the American Industrial Hygiene Association (NJ-AIHA) is offering a comprehensive Industrial Hygiene Course. The course is designed to provide basic training in some critical areas of industrial hygiene and safety and will likely be beneficial for those entering the field as well as those who are just looking to sharpen their skills in certain technical areas. In addition, many of the people who have attended the program have found it to be very helpful in preparing for the CIH and CSP examinations. Certified Industrial Hygienists have the opportunity to obtain CM points per lecture (0.167 points per contact hour). Participants are welcome to attend any or all of the lecture sessions, depending on their individual training needs. People who need certification points must sign an attendance sheet for each session.

Industrial Hygiene & Safety Lecture Topics

History of Industrial Hygiene, OSHA Act Review and IH Management, Epidemiology, Fire Protection, Emergency Response, Ergonomics, Risk Management – Record Keeping, Indoor Air Quality, BioSafety, Equipment & Facility Safety, Ionizing Radiation, Non-Ionizing Radiation, Math, Statistics & Calculator Review, Air Pollution, Toxicology, Regulatory & Legal Affairs, Physics & Basic Engineering, Air Sampling - IH Chemistry, Direct Reading Instrumentation, Noise, Ventilation, Ethics & Professional Conduct, Respiratory Protection & PPE

The IH classes will be held each Tuesday night (6:00-9:00) from June 3rd to August 19th at the Rutgers Environmental Health & Safety Dept., 27 Road 1, Livingston Campus, Piscataway, New Jersey 08854. Tel. (732) 445-2550. (See the following link to Google Maps Directions)

<https://www.google.com/maps/place/Rutgers+Environmental+Health+and+Safety/@40.516915,-74.430336,17z/data=!3m1!4m2!3m1!1s0x89c3c7bf656ffff:0x2b79eadac518c3c8>

Cost: \$150.00 (includes registration, admission to all IH and Safety classes and on-line access to all course materials) **SAFETY CLASSES** Sponsored by: ASSE

The NJ Chapter of the American Society of Safety Engineers

Safety Topics have been added to our schedule (included in the price). We will have guest speakers on certain safety topics to help prepare people for the CSP exam. **Safety classes will be held on Thursday nights (6:00 PM) starting now in July.** The website will be updated when the specific dates and topics for the Safety classes have been established. Enrollment forms, directions, and schedule will be posted on the NJAIHA web page.



June 2014 – DINNER MEETING, NJ AIHA YEAR IN REVIEW, & STUDENT SCHOLARSHIP AWARDS (Sponsored by Hillmann Consulting)

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Executive Secretary
Ronnie Tutty
973-300-0144

DATE: Thursday, June 12th, 2014

PLACE: Basking Ridge Country Club 185 Madisonville Rd, Basking Ridge, NJ
908-766-8200

AGENDA: 3:30 p.m. AIHA, NJ Section, Inc. - Executive Committee Meeting

5:00 p.m. Registration/Networking/Cocktails

5:30 p.m. Before Dinner Session:

*Student Scholarship Recognition– **Kelly Lukens, Christina Ogunsuyi, Dawn Prandi, and Megan Rockafellow***

*NJ AIHA 2013-14 Year End Review: **Craig Doolittle, NJ AIHA President***

6:30 p.m. Dinner – Members \$25, guests \$30.
Students and those unemployed are free (Subsidized 100% for Dinner Meetings).

7:30 p.m. After Dinner Session:

Topic: Lessons Learned/Case Studies from 25 Years of Indoor Air Quality Projects

Speaker: Harris Brody CIH, CHMM, MBA - Vice President, Accredited Environmental Technologies, Lima PA

*Please register by **Tuesday, June 10th**, by calling Ronnie Tutty at 973-300-0144 or you may email your reservation to njaiha@ptd.net or fax your reservation to 973-579-6202, giving the names of those who will attend.*

COMMON DIRECTIONS:

Pick up Route 22 West to sign reading "Mountain Ave. – Scotch Plains". Take Mountain Ave. thru 2nd traffic light to parking lot entrance on the right (just after intersection).

Coming from New York City - Lincoln or Holland Tunnels or George Washington Bridge - take NJ Turnpike SOUTH to Newark Airport Exit #14 and follow common directions above.

Coming from Staten Island - Go over the Goethels Bridge and exit to the NJ Turnpike NORTH. Take the Turnpike to Exit #14 to Route 22 WEST and follow common directions above.

Going NORTH on Garden State Parkway - Exit # 140 to Route 22 EAST. Bear to LEFT to take jug handle to Route 22 WEST and follow common directions above.

Going SOUTH on Garden State Parkway – Exit #140A to Route 22 WEST and follow common directions above.

Coming from New Brunswick and Points South – Pick-up Route 287 NORTH (Exit #10 at Edison from the NJ Turnpike or Exit #127 from the Garden State Pkwy.) Take 287 NORTH to Somerville, Exit to Route 22 EAST to Scotch Plains. Entrance on right, after Blue Star Shopping Center and before Park Ave. overpass.

Coming from PA or Points West – Route 78 EAST to Exit #41. Follow signs to Route 22, Scotch Plains. At 3rd traffic light turn right to go over Overpass to Park Ave. Stay in right lane of overpass and at next light turn right onto Mountain Ave. Make first right turn to enter parking lot.

Recent NJAIHA Activities in Pictures

Tim Rice, NJAIHA Historian



New Jersey Section AIHA - 2014 Past Presidents' Night

The New Jersey Section held their annual Past Presidents' Night on April 17, 2014, once again at Snuffy's Pantagis Renaissance restaurant in Scotch Plains, NJ. Among the NJAIHA members and guests joining in the festivities that night were eleven Section Past Presidents whose terms dated as far back as 1982.



NJAIHA Past Presidents' Night - April 17, 2014, Snuffy's Pantagis Renaissance, Scotch Plains, NJ

Left to right (period in office): Louise Valle (2010-11), Mike Dziamba (1985-86), Ed Bulava (2005-06), Wes Van Pelt (1982-83), Patti Johnson (2011-12), Peter Harnett (2004-05), Therese Perrette (2006-07), Pat Mulrooney (2002-03), Jill Asch (2009-10), Mike Mancini (2007-08), Tim Rice (1989-90)



Our pre-dinner speaker was **Robert Sheriff**, CIH, CSP, President and CEO, Atlantic Environmental, Inc., Dover, NJ, shown here during his presentation, "*Libby Montana - An Industrial Hygienist's Dream and a Citizen's Nightmare*". Bob, a long-time NJAIHA member, was also National AIHA President in 1991.



After-dinner speaker, **David Schwartz**, CIH, Sr. Industrial Hygienist, CSERT Safety, Inc., New Castle, DE, makes a point during his presentation, "*Disaster Response - IH and Safety Contributions*". We thank both Dave and Bob for contributing to a successful 2014 NJAIHA Past Presidents' Night.



Happenings On The Hill

American Industrial Hygiene Association Government Affairs Department

Aaron K. Trippler, Director

703-846-0730 atrippler@AIHA.org

May 28, 2014

Washington Preparing for November Elections

With only around 150 days until the November mid-term elections, what seemed nearly impossible (Congress slowing down its activity even more) seems to have taken hold. When Congress returned to Washington following the Easter recess and the short break for Memorial Day, the goal seems to be as stated in *The Washington Post* – “Do no political harm, or at least do nothing to cause serious shifts in the political winds that could upset the status quo before Election Day”.

With that goal clearly in their minds, Congress has simply decided to enact very little legislation and simply continue talking about major issues such as raising the minimum wage, immigration reform, repealing or changing the Affordable Care Act, overhauling the tax code, and enacting a FY15 federal budget. Occupational safety and health issues aren't even being discussed.

AIHA continues to work on appropriations issues regarding OSHA, MSHA and NIOSH, but Congress seems to have little interest in addressing the Department of Labor appropriations bill at this time. This single appropriations bill is always one of the last ones to be addressed and most of the time results in being included in an overall omnibus spending bill. The way things are going the same will happen this year.

The bottom line is that Congress has little time left prior to the mid-term election to accomplish anything. One insider I spoke to put it to me like this – “There are three things every politician thinks about when going to bed at night. Number one is what do I need to do to get re-elected? Number two is what does my party need to do to control my Chamber? And number three is to remember the first two.”

And so it goes!

OSHA Announces Semi-Annual Regulatory Agenda

Last week OSHA quietly announced the spring semi-annual regulatory agenda, a compilation of the many issues being undertaken or considered by the agency and a look at when the agency expects action on the issues. This agenda is supposed to be a “blueprint” for the agency to follow when tackling each of the issues; however in recent years the agenda has become something that many consider a complete “wish list” as most of the activity is never concluded on time.

Notwithstanding this fact, it is worthwhile to take a look at the agenda and review the top issues of interest to AIHA and our members. Here’s a look at the spring 2014 semi-annual agenda:

Prerule Stage

Bloodborne Pathogens – OSHA hopes to end the review of this standard and issue findings in July. The purpose of the review is to determine if there is a continued need for the rule, whether it overlaps, duplicates or conflicts with other regulations.

Comment: July seems pretty aggressive for the agency to issue the findings but insiders tell me the agency is moving quickly.

Combustible Dust – An issue that has continually been delayed since it was first proposed back in 2009. In the last agenda OSHA proposed to hold the Small Business Peer Review in April of this year. That date came and went and OSHA now says it hopes to initiate the Small Business Review in December of this year.

Comment: I hope this timeline works out but I sure wouldn’t hold my breath over it. The issue is very controversial and with the mid-term elections coming up I’m not sure the agency has the time or support to move forward with this timeline. Guess we will see.

Infectious Diseases – Since the issue came up back in 2010 the agency has been working to determine whether or not a standard is needed. The agenda states OSHA hopes to initiate a Small Business Review in May.

Comment: Well, May is nearly gone so that isn’t going to happen; however let’s hope this issue moves forward. Seems that every few months we hear of another infectious disease that appears and threatens not only health care workers but the community at large. Yes, there may be difficulty in writing a standard but the time has come to seriously move forward on this issue.

Chemical Management and Permissible Exposure Limits (PELs) – The longstanding issue that until recently had never appeared on the regulatory agenda. Give OSHA credit, the agency recognizes the problem with outdated PELs and is attempting to move forward by issuing a Request for Information (RFI) to gather information on ways to address this problem. The agency lists May (this month) as issuing the RFI. The latest on the issue is that the agency has submitted information to the White House Office of Management and Budget for review and is waiting for a response. 3

Comment: This issue is of the utmost importance to AIHA and many others. While I won't commit to saying the issue will be addressed anytime soon I am more positive than I have been in years. Just having the administration take an interest in the issue is a move in the right direction. Keep your ears open as I hope to announce some movement in the next few months.

Process Safety Management and Prevention of Major Chemical Accidents – The agenda shows OSHA “analyzing comments” in July. That is pretty accurate. OSHA had issued another RFI on this issue back in 2013 after several chemical accidents; the agency received comments on the issue with the comment period ending in March; and now the agency will analyze the comments. I have no idea however as to how long this will take.

Comment: Again, an issue that needs to be addressed. That doesn't mean major changes need to take place but the Request for Information was the proper approach.

Emergency Response and Preparedness – OSHA hopes to initiate stakeholder meetings in July to review the many aspects of emergency response and preparedness. Many of the existing standards were enacted years ago and the issue needs to be reviewed.

Comment: Couldn't agree more! While many may not see this as an important issue I believe it is very important. Here is a chance to become involved in providing input as to the use of occupational health and safety professions in protecting first responders and others.

Proposed Rule Stage

Occupational Exposure to Silica – The post hearing comment on this huge and very controversial standard is to end in July. The issue has been around for more than ten years, with the Small Business Review way back in 2003.

Comment: Many were hoping this standard would be quickly enacted. No such luck! While not put in writing, there are many signs that OSHA recognizes the agency will not finish review of all the comments from the federal register notice and the public hearings until the end of this year or later. Some OSHA insiders say the plan is to perhaps have a final rule out in 2016 but I wouldn't be so sure about that. 2016 will be a Presidential election year so anything can happen. And court challenges are likely.

Occupational Exposure to Beryllium – What began back in 2002 with an RFI has finally progressed to the point where OSHA hopes to issue a Notice of Proposed Rulemaking in July. The issue has been discussed and debated for years but the agency has submitted information to the White House for review.

Comment: I would like to think this is one issue that will meet the deadline. Insiders I talk to say the agency is intent on quickly moving forward whenever the issue is returned from the White House. Don't be surprised if this issue becomes a top priority for the agency in the next 12 months.

Final Rule Stage

Confined Spaces in Construction – Has been around for 11 years and OSHA hopes to issue a final rule in August. 4

Comment: I must admit, I thought this final rule would be one of the first things issued by the Obama Administration, yet here we are nearly six years later with no movement. I won't even predict whether or not the August date will hold true.

Improve Tracking of Workplace Injuries and Illnesses – The “electronic reporting” issue that began back in 2010. OSHA now hopes to issue a final rule by March of 2015.

Comment: On the surface this seems like a “no brainer”, but the devil is in the details. The issue received much more opposition than originally expected. While there are some good things in the proposal there are several issues that will make it very difficult to be enacted.

Long-Term Actions

Occupational Injury and Illness Recording and Reporting Requirements – MSD Column –

OSHA has placed this issue in the long-term action category after considerable opposition to the proposal back in 2011. No action has taken place since 2011 and none is expected any time soon.

Comment: You can simply write this one off. OSHA will not move forward with this issue at this time. Will it ever come back? Good question, but anything even remotely related to ergonomics will not see the light of day.

Injury and Illness Prevention Program (I2P2) – OSHA has now placed this issue in the long term action category with no date listed for the next step. In other words, OSHA has determined the issue cannot be enacted at this time and has no idea when the agency will move forward.

Comment: I hate to be the bearer of bad news on this issue but the issue is essentially “dead” for the near future. The only way this issue will return is if the Democrats retain control of the White House in 2016, take control of the House of Representatives, and retain control of the Senate; and even then the issue will face an uphill battle.

NEWS TIDBITS

Kansas – The Governor has signed legislation that moves the state towards pursuing its own state OSHA plan. The legislation requires a report in 2015 with the information needed to pursue the state plan with federal OSHA.

Nanotechnology – A recent study by researchers has shown a direct link of health problems due to exposure to nanoparticles. While the research only links the harm to one worker it has raised concern to many. The report will undoubtedly mean that OSHA and NIOSH will spend a bit more time on the issue. Of course, one report on one worker is not enough to mean a standard is imminent but it does raise the profile of the issue.

Coal Dust in Mining – MSHA recently issued a final rule on coal dust in mining, a rule that reduces the overall dust standard and incorporates new sampling and action requirements. The final rule has a two-year phase-in period. The mining industry has already challenged the final rule and is asking for postponement of the effective date.

Arizona – the Arizona state OSHA plan is challenging federal OSHA's view that the state plan does not meet the requirement that state regulations be “at least as effective” as federal requirements. This has been an ongoing issue and one that may not be decided 5

for a few months as Arizona works to enact legislation that Arizona believes would bring the state into compliance.

OSHA and NIOSH Collaboration – OSHA and NIOSH have signed an agreement to work together a little closer when it comes to scientific research. The agreement stems from a government report a couple of years ago that recommended a closer working relationship.

Workplace Fatality Numbers – New figures show the overall fatality rate for 2012 didn't decline as much as earlier figures indicated. Bureau of Labor Statistics show there were 3.4 deaths per 100,000 workers. While this is up slightly from earlier figures it is the lowest since 2006. While this is mixed news, the news for construction was not good. Figures for construction show the fatality rate grew from 9.1 per 100,000 workers in 2011 to 9.9 in 2012.

Appropriations – Alas, nothing to report on federal appropriations for OSHA, MSHA, NIOSH. Didn't expect anything to happen and it didn't.

The Way I See It!!

Not sure this is so much an opinion piece but "just the facts" on an issue that seems to be exploding in Washington. I am talking about "mandated reports by Congress". *The Washington Post* recently ran a huge article about this issue and it almost makes one give up on whether or not government can be brought under control.

The Post cited one example of this by referencing a report to Congress "Dog and Cat Fur Protection". It requires 15 employees in six federal agencies. When the report is finished it is sent to Congress, per a 2000 law that required it, and once received by Congress nothing happens. Seems the legislators who passed the law aren't even in Congress anymore and no one else has any need for it. Now, if you think that is just one little report, consider that Congress is officially expecting 4,291 written reports, from 466 federal agencies and nonprofit groups. These reports aren't necessarily limited to serious issues like Social Security. There are even reports required on the House of Representatives employee hair salon.

What is really interesting is that Congress isn't even sure how many of these reports are actually turned in, let alone that anyone is reading them.

I could go on and on, much like *The Post* article, but I think you get the idea. Government has gotten so big that no one has any idea how to ever get it under control.

Oh yeah – one more for you. The Social Security Administration has for more than 25 years sent Congress a long annual report about its printing operations. The report even includes the ages and serial numbers of individual pieces of equipment – like forklifts, etc. The report takes 95 employees and 87 workdays to complete. I rest my case!

HOPE TO SEE YOU IN SAN ANTONIO! 6

Federal and State Legislative Action Centers

Visit the AIHA Federal Legislative Action Center to stay abreast of national issues important to occupational health and safety. Simply go to the AIHA home page. Click on “government affairs”, located on the “stay connected” tab at the top of the page. Once in government affairs, click on “Federal Legislation Action Center”. Also available within this Action Center is the opportunity for any member to directly contact their elected officials in Washington simply by inserting their zip code. You can send an email or learn how to contact them by phone or mail. Take a look!

The State Center offers AIHA members the opportunity to monitor all state legislative sites, scan IH professional recognition/title protection laws in states where adopted, and even review and follow all state legislation being monitored in the state legislatures throughout the year. Included under each State site is access to the various state agencies, including the Governor’s office and OSHA state plan sites. If professional recognition/title protection legislation has been enacted in a particular state, this law can also be found.

Another important feature is member access to each of the weekly legislative/regulatory reports sent to each state. With this access, members can follow any piece of legislation that may be of interest.

For information on any of the items in this report, please contact Aaron Trippler.

AMERICAN INDUSTRIAL HYGIENE ASSOCIATION
GOVERNMENT AFFAIRS DEPARTMENT
STATE UPDATE

June 9, 2014

NEW JERSEY

Here is the latest legislative/regulatory report for your State. AIHA government affairs will send the reports every week, detailing any legislative and/or regulatory pertinent to the profession in your state. The reports will also include the text of many bills (if available) and update activity on bills already reported. However, reports will only be sent if there has been new activity on the legislation and/or regulations already reported, or new legislation and/or regulations are found. Reports are sent to local section officers and may be forwarded to others if you wish. Questions contact Aaron Trippler at atrippler@aiha.org.

New Legislation

NJ S 2131 SPONSOR: Singer (R)

TITLE: Mold Safe Housing Act
PREFILED: 06/02/2014
INTRODUCED: 06/05/2014
DISPOSITION: Pending

SUMMARY:
Creates the Mold Safe Housing Act.

STATUS:
06/02/2014 FILED.
06/05/2014 INTRODUCED.
06/05/2014 To SENATE Committee on COMMUNITY AND URBAN
AFFAIRS.

Added: Green underlined text

Deleted: ~~Dark red text with a strikethrough~~

Vetoed: Red text

 Links to affected code section

2014 NJ S 2131	Author:	Singer
	Version:	Introduced
	Version Date:	06/05/2014

SENATE, No. 2131

STATE OF NEW JERSEY

216th LEGISLATURE

INTRODUCED JUNE 5, 2014

Sponsored by:

Senator ROBERT W. SINGER

District 30 (Monmouth and Ocean)

Senator THOMAS H. KEAN, JR.

District 21 (Morris, Somerset and Union)

SYNOPSIS

Creates the "Mold Safe Housing Act."

CURRENT VERSION OF TEXT

As introduced.

An Act concerning mold remediation in rental premises, supplementing Title 52 of the Revised Statutes and amending various parts of the statutory law.

Be It Enacted by the Senate and General Assembly of the State of New Jersey:

1. (New section) This act shall be known and may be cited as the "Mold Safe Housing Act."

2. (New section) As used in this act:

"Substantial presence of mold" means the visible or detectable presence of mold growing on interior surfaces or in ventilation ducts, in such amounts as to raise concerns for the health of the residents of the building, in accordance with standards promulgated by the Department of Community Affairs pursuant to P.L. , c. (C.) (pending before the Legislature as Assembly Bill No. 1007 of 2014).

3. (New section) a. In any case where a change of occupancy of any building subject to the requirements of section 1 of P.L.1991, c.92 (C.52:27D-198.1) is subject to a municipal ordinance requiring the issuance of a certificate of occupancy, certificate of inspection or other documentary certification of compliance with laws and regulations relating to safety, healthfulness and upkeep of the premises, no such certificate shall issue until the municipal officer or agency responsible for its issuance has received a certification that the building has been inspected for and found free of any visible or detectable indications of the substantial presence of mold.

b. In the case of change of occupancy of any building subject to the requirements of section 1 of P.L.1991, c.92 (C.52:27D-198.1) to which the provisions of subsection a. of this section do not apply, no owner shall sell, lease or otherwise permit occupancy for residential purposes of that building without first obtaining from the Bureau of Housing Inspection of the Division of Codes and Standards, Department of Community Affairs, a certificate evidencing compliance with the requirements section 6 of P.L. , c. (C.) (pending before the Legislature as this bill). The Commissioner of Community Affairs shall establish a fee which covers the costs of any inspection required, and of issuance of the certificate.

4. (New section) a. A tenant residing in rental housing who believes that the housing contains a substantial mold hazard shall notify the landlord of the premises, in writing, and request remediation of the mold hazard.

b. A landlord who has been notified in writing by a tenant that the tenant believes a substantial mold hazard exists shall investigate the condition within 72 hours of receiving the written notification. If any visible signs of mold on surfaces are present, the landlord shall clean and remove the mold from those surfaces in a manner consistent with the regulations promulgated by the department. Any leaking pipes, roofing or walls which are contributing to a wet condition that in turn is furthering the growth of mold shall be fixed in an expedited manner by the landlord. Any mold conditions which will require testing to determine the efficacy of the mold removal shall be performed by persons certified to remediate mold in accordance with P.L. , c. (C.) (pending before the Legislature as Assembly Bill No. 1007 of 2014).

c. In the event a tenant notifies a landlord who does not comply with subsection b. of this section, the tenant shall be entitled to contact the Commissioner of Community Affairs for consideration for a referral to the relocation program established pursuant to P.L. , c. (C.) (pending before the Legislature as this bill).

5. (New section) a. The Commissioner of Community Affairs shall review any case referred to the department in which a substantial mold hazard condition has been found to exist and which poses an immediate risk of continuing exposure to mold hazard for any tenants living in rental housing. The commissioner shall determine whether the removal of the residents from the rental housing unit containing that mold hazard is warranted.

b. If the commissioner determines that the removal and relocation of the residents from such housing is warranted, then the commissioner shall authorize the payment of relocation assistance pursuant to P.L.2003, c.311 (C.52:27D-437.1 et al.), and shall assist in the relocation of such residents to mold-safe housing.

c. Whenever relocation assistance is authorized pursuant to this section, the commissioner may determine to seek reimbursement for payments made for relocation assistance from the owner of the rental housing from which the tenants were moved. The commissioner shall seek reimbursement if the owner of such rental housing had failed to maintain the housing in a mold-safe condition.

d. In the case of any displacement of a household from a unit of rental housing that has been found, in a final administrative or judicial determination, not to be maintained in a mold-safe condition in accordance with standards established by rule of the Department of Community Affairs, all relocation costs incurred by a public agency to relocate that household shall be paid by the owner of the rental housing to the public agency making relocation payments upon presentation to the owner by the public agency of a statement of those relocation costs and of the date upon which the relocation costs are due and payable.

e. In the event that the relocation costs to be paid to the public agency are not paid within ten days after the due date, interest shall accrue and be due to the public agency on the unpaid balance at the rate of 18% per annum until the costs, and the interest thereon, shall be fully paid to the public agency.

f. In the event that the relocation costs to be paid to a public agency shall not be paid within ten days after the date due, the unpaid balance thereof and all interest accruing thereon shall be a lien on the parcel in which the dwelling unit from which displacement occurred is located. To perfect the lien granted by this section, a statement showing the amount and due date of the unpaid balance and identifying the parcel, which identification shall be sufficiently made by reference to the municipal assessment map, shall be recorded with the clerk or register of the county in which the affected property is located and, upon recording, the lien shall have the priority of a mortgage lien. Whenever relocation costs with regard to the

parcel and all interest accrued thereon shall have been fully paid to the public agency, the statement shall be promptly withdrawn or canceled by the public agency.

g. In the event that relocation costs to be paid to a public agency are not paid as and when due, the unpaid balance thereof and all interest accrued thereon, together with attorney's fees and costs, may be recovered by the public agency in a civil action as a personal debt of the owner of the property. If the owner is a corporation, the directors, officers and any shareholders who each control more than 5% of the total voting shares of the corporation, shall be personally liable, jointly and severally, for the relocation costs.

h. All rights and remedies granted by this section for the collection and enforcement of relocation costs shall be cumulative and concurrent.

6. (New section) Notwithstanding any other provisions of P.L. , c. (C.) (pending before the Legislature as this bill), a dwelling unit shall not be subject to inspection and evaluation or subject to any fees for the presence of mold hazards if the unit:

is a seasonal rental unit which is rented for less than six months' duration each year;

has been certified as having a mold-free interior by a certified inspector; or

is occupied by the owner of the dwelling unit.

7. N.J.S.2A:18-59 [🔗](#) is amended to read as follows:

2A:18-59. a. Proceedings had by virtue of ~~this~~ article 9 of chapter 18 of Title 2A shall not be appealable except on the ground of lack of jurisdiction. The landlord, however, shall remain liable in a civil action for unlawful proceedings under this article.

b. Whenever the court determines that a tenant has been constructively evicted by a landlord who has maintained the rental premises in an uninhabitable condition, including the failure to address the presence of mold, a copy of the notice of the judgment to that effect shall be provided to the Commissioner of Community Affairs.

(cf: N.J.S.2A:18-59)

8. Section 2 of P.L.1997, c.323 (C.45:8-62 [🔗](#)) is amended to read as follows:

2. As used in this act:

"Board" means the State Board of Professional Engineers and Land Surveyors.

"Client" means any person who engages, or seeks to engage, the services of a home inspector for the purpose of obtaining inspection of and written report upon the condition of a residential building.


"Committee" means the Home Inspection Advisory Committee established pursuant to section 3 of this act.

"Home inspector" means any person licensed as a home inspector pursuant to the provisions of ~~this act~~ P.L.1997, c.323 (C.45:8-61 et seq.).

"Home inspection" means an inspection and written evaluation of the following components of a residential building: heating system, cooling system, plumbing system, electrical system, structural components, foundation, roof, masonry structure, exterior and interior components or any other related residential housing component as determined by the board by regulation; in addition, a home inspection may include an inspection for the visible and detectable presence of substantial mold hazards, if specifically requested by a purchaser of a residential housing unit.

"Residential building" means a structure consisting of from one to four family dwelling units that has been occupied as such prior to the time when a home inspection is requested or contracted for in accordance with this act, but shall not include any such structure newly constructed and not previously occupied.

(cf: P.L.2005, c.201, s.1)


9. Section 15 of P.L.1997, c.323 (C.45:8-75 ) is amended to read as follows:

15. No person licensed as a home inspector pursuant to ~~this act~~ P.L.1997, c.323 (C.45:8-61 et seq.) shall:

a. engage in the practice of architecture or the practice of professional engineering unless licensed therefore; or

b. engage in the practice of mold inspection or mold hazard abatement unless certified to do so pursuant to P.L. , c. (C.) (pending before the Legislature as Assembly Bill No. 1007 of 2014).

(cf: P.L.2001, c.158, s.2)

10. Section 2 of P.L.1993, c.30 (C.45:22A-44 ) is amended to read as follows:

2. a. Subject to the master deed, declaration of covenants and restrictions or other instruments of creation, the association may do all that it is legally entitled to do under the laws applicable to its form of organization.

b. The association shall exercise its powers and discharge its functions in a manner that protects and furthers the health, safety and general welfare of the residents of the community.

c. The association shall provide a fair and efficient procedure for the resolution of disputes between individual unit owners and the association, and between unit owners, which shall be readily available as an alternative to litigation.

d. The association may assert tort claims concerning the common elements and facilities of the development as if the claims were asserted directly by the unit owners individually.

e. Notwithstanding any governing documents to the contrary, no association shall deny permission to a unit owner to abate the presence of mold in or around the immediate areas of the owners' dwelling unit, provided that the association may control the implementation of mold hazard abatement in the common elements.

(cf: P.L.1993, c.30, s.2)

11. Section 3 of P.L.1967, c.76 (C.55:13A-3 [🔗](#)) is amended to read as follows:

3. The following terms whenever used or referred to in P.L.1967, c.76 (C.55:13A-1 et seq.) shall have the following respective meanings for the purposes thereof, except in those instances where the context clearly indicates otherwise:

(a) The term "act" shall mean P.L.1967, c.76 (C.55:13A-1 et seq.), any amendments or supplements thereto, and any rules and regulations promulgated thereunder.

(b) The term "accessory building" shall mean any building which is used in conjunction with the main building of a hotel, whether separate therefrom or adjoining thereto.

(c) (Deleted by amendment, P.L.2013, c.253.)

(d) The term "bureau" shall mean the Bureau of Housing Inspection in the Department of Community Affairs.

(e) (Deleted by amendment.)

(f) The term "commissioner" shall mean the Commissioner of Community Affairs.

(g) The term "department" shall mean the Department of Community Affairs.

(h) The term "unit of dwelling space" or the term "dwelling unit" shall mean any room or rooms, or suite or apartment thereof, whether furnished or unfurnished, which is occupied, or intended, arranged or designed to be occupied, for sleeping or dwelling purposes by one or more persons, including but not limited to the owner thereof, or any of the person's or persons' servants, agents or employees, and shall include all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy thereof.

(i) The term "protective equipment" shall mean any equipment, device, system or apparatus, whether manual, mechanical, electrical or otherwise, permitted or required by the commissioner to be constructed or installed in any hotel or multiple dwelling for the protection of the occupants or intended occupants thereof, or of the public generally.

(j) The term "hotel" shall mean any building, including but not limited to any related structure, accessory building, and land appurtenant thereto, and any part thereof, which contains 10 or more units of dwelling space or has sleeping facilities for 25 or more persons and is kept, used, maintained, advertised as, or held out to be, a place where sleeping or dwelling accommodations are available to transient or permanent guests.

This definition shall also mean and include any hotel, motor hotel, motel, or established guesthouse, which is commonly regarded as a hotel, motor hotel, motel, or established guesthouse, as the case may be, in the community in which it is located; provided, that this definition shall not be construed to include any building or structure defined as a multiple dwelling in P.L.1967, c.76 (C.55:13A-1 et seq.), registered as a multiple dwelling with the Commissioner of Community Affairs as hereinafter provided, and occupied or intended to be occupied as such nor shall this definition be construed to include a rooming house or a boarding house as defined in the "Rooming and Boarding House Act of 1979," P.L.1979, c.496

(C.55:13B-1 et al.) or, except as otherwise set forth in P.L.1987, c.270 (C.55:13A-7.5, 55:13A-7.6, 55:13A-12.1, 55:13A-13.2), any retreat lodging facility, as defined in this section.

(k) The term "multiple dwelling" shall mean any building or structure of one or more stories and any land appurtenant thereto, and any portion thereof, in which three or more units of dwelling space are occupied, or are intended to be occupied by three or more persons who live independently of each other. This definition shall also mean any group of ten or more buildings on a single parcel of land or on contiguous parcels under common ownership, in each of which two units of dwelling space are occupied or intended to be occupied by two persons or households living independently of each other, and any land appurtenant thereto, and any portion thereof. This definition shall not include:

(1) any building or structure defined as a hotel in P.L.1967, c.76 (C.55:13A-1 et seq.), or registered as a hotel with the Commissioner of Community Affairs as hereinafter provided, or occupied or intended to be occupied exclusively as such;

(2) a building section containing not more than four dwelling units, provided the building has at least two exterior walls unattached to any adjoining building section and the dwelling units are separated exclusively by walls of such fire-resistant rating as comports with the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) at the time of their construction or with a rating as shall be established by the bureau in conformity with recognized standards and the building is held under a condominium or cooperative form of ownership, or by a mutual housing corporation, provided that if any units within such a building section are not occupied by an owner of the unit, then that unit and the common areas within that building section shall not be exempted from the definition of a multiple dwelling for the purposes of P.L.1967, c.76 (C.55:13A-1 et seq.). A condominium association, or a cooperative or mutual housing corporation shall provide the bureau with any information necessary to justify an exemption for a dwelling unit pursuant to this paragraph; or

(3) any building of three stories or less, owned or controlled by a nonprofit corporation organized under any law of this State for the primary purpose to provide for its shareholders or members housing in a retirement community as same is defined under the provisions of the "Retirement Community Full Disclosure Act," P.L.1969, c.215 (C.45:22A-1 et seq.), provided that the corporation meets the requirements of section 2 of P.L.1983, c.154 (C.55:13A-13.1).

(l) The term "owner" shall mean the person who owns, purports to own, or exercises control of any hotel or multiple dwelling. The term "owner" shall also mean and include any person who owns, purports to own, or exercises control over three or more dwelling units within a multiple dwelling.

(m) The term "person" shall mean any individual, corporation, association, or other entity, as defined in R.S.1:1-2.

(n) The term "continuing violation" shall mean any violation of P.L.1967, c.76 (C.55:13A-1 et seq.) or any regulation promulgated thereunder, where notice is served within two years of the date of service of a previous notice and where violation, premise and person cited in both notices are substantially identical.

(o) The term "project" shall mean a group of buildings subject to the provisions of P.L.1967, c.76 (C.55:13A-1 et seq.), which are or are represented to be under common or substantially common ownership and which stand on a single parcel of land or parcels of land which are contiguous and which group of buildings is named, designated or advertised as a common entity. The contiguity of such parcels shall not be adversely affected by public rights-of-way incidental to such buildings.

(p) The term "mutual housing corporation" means a corporation not-for-profit incorporated under the laws of New Jersey on a mutual or cooperative basis within the scope of Title VI, s.607 of the

"Lanham Public War Housing Act," 54 Stat. 1125, 42 U.S.C. s.1501 et seq., as amended, which acquired a National Defense Housing Project pursuant to said act.

(q) "Condominium" means the form of ownership so defined in the "Condominium Act," P.L.1969, c.257 (C.46:8B-1 et seq.).


(r) "Cooperative" means a housing corporation or association which entitles the holder of a share or membership interest thereof to possess and occupy for dwelling purposes a house, apartment or other structure owned or leased by said corporation or association, or to lease or purchase a dwelling constructed or to be constructed by said corporation or association.

(s) "Retreat lodging facility" means a building or structure, including but not limited to any related structure, accessory building, and land appurtenant thereto, and any part thereof, owned by a nonprofit corporation or association which has tax-exempt charitable status under the federal Internal Revenue Code and which has sleeping facilities used exclusively on a transient basis by persons participating in programs of a religious, cultural or educational nature, conducted under the sole auspices of one or more corporations or associations having tax-exempt charitable status under the federal Internal Revenue Code, which are made available without any mandatory charge to such participants.

(t) "Homeowners' association" means the association formed to manage the common elements of a condominium, cooperative, or a planned real estate development.

(u) "Substantial presence of mold" means the visible or detectable presence of mold growing on interior surfaces or in ventilation ducts, in such amounts as to raise concerns for health of the residents of the building, in accordance with standards promulgated by the Department of Community Affairs pursuant to P.L. , c. (C.) (pending before the Legislature as Assembly Bill No. 1007 of 2014).

(cf: P.L.2013, c.253, s.53)

12. Section 7 of P.L.1967, c.76 (C.55:13A-7 ) is amended to read as follows:

7. The commissioner shall issue and promulgate, in the manner specified in section 8 of P.L.1967, c.76 (C.55:13A-8), such regulations as the commissioner may deem necessary to assure that any hotel or multiple dwelling will be maintained in such manner as is consistent with, and will protect, the health, safety and welfare of the occupants or intended occupants thereof, or of the public generally.

Any such regulations issued and promulgated by the commissioner pursuant to this section shall provide standards and specifications for such maintenance materials, methods and techniques, fire warning and extinguisher systems, elevator systems, emergency egresses, and such other protective equipment as the commissioner shall deem reasonably necessary to the health, safety and welfare of the occupants or intended occupants of any units of dwelling space in any hotel or multiple dwelling, including but not limited to:

(a) Structural adequacy ratings;

(b) Methods of egress, including fire escapes, outside fireproof stairways, independent stairways, and handrails, railings, brackets, braces and landing platforms thereon, additional stairways, and treads, winders, and risers thereof, entrances and ramps;

(c) Bulkheads and scuttles, partitions, walls, ceilings and floors;

(d) Garbage and refuse collection and disposal, cleaning and janitorial services, repairs, and extermination services;

(e) Electrical wiring and outlets, and paints and the composition thereof;

(f) Doors, and the manner of opening thereof;

(g) Transoms, windows, shafts and beams;

(h) Chimneys, flues and central heating units;

(i) Roofing and siding materials;

(j) Lots, yards, courts and garages, including the size and location thereof;

(k) Intakes, open ducts, offsets and recesses;

(l) Windows, including the size and height thereof;

thereof; (m) Rooms, including the area and height thereof, and the permissible number of occupants

(n) Stairwells, skylights and alcoves;

(o) Public halls, including the lighting and ventilation thereof;

(p) Accessory passages to rooms;

(q) Cellars, drainage and air space;

(r) Water-closets, bathrooms and sinks;

(s) Water connections, including the provision of drinking and hot and cold running water;

(t) Sewer connections, privies, cesspools, and private sewers;

(u) Rain water and drainage conductors;

(v) Entrances and ramps; ~~and~~

(w) Presence of lead-based paint hazards in multiple dwellings and in single-family and two-family dwellings, exclusive of owner-occupied dwelling units, subject to P.L.2003, c.311 (C.52:27D-437.1 et al.). In a common interest community, any inspection fee for and violation found within a unit which is solely related to this subsection shall be the responsibility of the unit owner and not the homeowners' association, unless the association is the owner of the unit; and

(x) Visible substantial presence of mold on any interior surface, including in ventilation ductwork, and the presence of conditions which contribute to that mold formation in multiple dwellings and in single-family and two-family dwellings, exclusive of owner-occupied dwelling units, subject to P.L. , c. (C.) (pending before the Legislature as this bill). In a condominium, cooperative, or planned real estate development with common elements, any mold, or condition contributing to the formation of mold, which is not under the sole control of a unit owner and which in any manner concerns a common element or facility, shall be the duty of the homeowners' association to remedy; any inspection fee for and violation found within a unit which is solely related to a condition caused by the owner within the individual unit shall be the sole responsibility of that unit owner and not the homeowners' association, unless the homeowners' association is the owner of the unit.

(cf: P.L.2007, c.251, s.5)

13. This act shall take effect immediately.

STATEMENT

Entitled the "Mold-Safe Housing Act," this bill would create mechanisms for tenants living in mold-contaminated rental housing to have the mold effectively removed, or be relocated to safer rental housing. In addition, the bill provides a system of inspection of all rental housing for the presence of mold. Single family and two-family rental housing will be required to be inspected upon a change in occupancy, as well as every five years as part of the multiple dwelling inspection. Multiple dwellings will be inspected every five years for mold under the "Hotel and Multiple Dwelling Law," which is enforced currently by the Bureau of Housing Inspection in the Department of Community Affairs.

The bill provides that a prospective home purchaser can specify that an inspection for presence of mold be performed by a licensed home inspector, should they retain such an inspector prior to purchase.

The bill permits tenants whose landlords fail to abate a mold hazard, upon written request to do so, to notify the Department of Community Affairs, who shall investigate each claim and determine whether to relocate the tenant. Current relocation assistance laws would apply in such circumstances. In addition, the bill requires the court to notify the department whenever a tenant is constructively evicted due to mold or some other issue of habitability in the rental property.

Legislation Reported Earlier

NJ A 1007 SPONSOR: Benson (D)

COSPONSOR(S): McKeon (D), Kean S (R), Lampitt (D), Coughlin (D), Mosquera (D)

TITLE: Mold Hazards

PREFILED: 01/14/2014

INTRODUCED: 01/16/2014

LAST AMEND: 06/05/2014

DISPOSITION: Pending

SUMMARY:

Requires Department of Community Affairs (DCA) to establish procedures for inspection and abatement of mold hazards in residential buildings and school facilities, and certification programs for mold inspectors and mold hazard abatement workers.

STATUS:

01/14/2014 FILED.

01/16/2014 INTRODUCED.

01/16/2014 To ASSEMBLY Committee on HOUSING AND COMMUNITY
DEVELOPMENT.

06/05/2014 From ASSEMBLY Committee on HOUSING AND COMMUNITY
DEVELOPMENT as amended.

Regulatory Activity

None to Report