

MOLD IN SCHOOLS

OVERVIEW OF STATE LAWS

Environmental Law Institute

Part of the ELI Series

[Topics in School
Environmental Health:
Overview of State Laws](#)

Why is this Issue Important for School Environmental Health?

Molds are fungi that can grow almost anywhere provided they have nutrients (organic matter) and water. Inside a school building, mold growth can result from problems such as flooding, water intrusion, an ongoing leak, or high relative humidity. Controlling dampness and moisture is thus the key to controlling mold. Federal and state health agencies generally recommend taking action to address visible mold, mold odor, and dampness by correcting the water/moisture source and immediately drying, cleaning or removing damp or moldy materials.

In schools, students and staff can be exposed to mold by breathing airborne mold particles. They may also be exposed through skin contact and food. Studies have linked mold and dampness with health effects that include: the development of asthma, allergies, and respiratory infections; the triggering of asthma attacks; and increased wheeze, cough, and difficulty breathing. Health effects can range from mild to severe, and may vary from individual to individual.

For more information on mold in schools from the U.S. EPA and from California and Minnesota, see: <http://www.epa.gov/mold/index.html>, <http://www.cdph.ca.gov/programs/iaq/pages/indoormold.aspx>, and <http://www.health.state.mn.us/divs/eh/indoorair/schools/mold.html>.

What Types of State Policies are Included in this Overview?

This Overview includes state laws and regulations that directly address mold in *existing* school facilities, though it does not necessarily provide an exhaustive listing of such policies. The Overview does not include measures that address mold in school design/construction, or that address mold in schools indirectly through provisions that are applicable to all facilities – e.g., state laws that require certification of mold professionals. Nor does this Overview include policies that address moisture and dampness without explicitly addressing mold as well, though such policies can play an important role in addressing the underlying causes of a mold problem. State agency guidance documents and other materials are not included in the absence of a related law or regulation addressing mold directly.

The state laws and regulations described below address mold in existing school facilities in different ways – e.g., by establishing standards or practices, incorporating mold into facility inspections, requiring state research or guidance, and authorizing state funding programs to include mold remediation. These provisions have been enacted primarily under the states' education, health, or labor authorities.

States covered in the summary chart below: **CA, CT, IN, MN, NE, NJ, NC, TN, WA**

MOLD

STATE & CITATION	SUMMARY OF LAW/REGULATION	KEY PROVISIONS IN LAW/REG.
<p>CALIFORNIA Ca. Labor Code §142.3; 8 Ca. Code Regs. § 3362</p>	<p>California labor law authorizes the state Occupational Safety and Health Standards Board to adopt occupational safety and health standards that are at least as effective as federal standards and provides for state workplace inspections. Regulations promulgated under the law apply to schools and other public workplaces and establish, among other things, that exterior water intrusion, leakage from interior water sources, and other uncontrolled accumulation of water must be corrected because of the potential to cause mold growth.</p>	<p>Min. facility standards or practices</p> <p>Inspection/assessment</p>
<p>Ca. Educ. Code §§ 17070.75, 17002(d)(1)</p>	<p>California education law requires school districts to establish a facilities inspection system to ensure that schools are maintained in “good repair,” as a condition of receiving state school facility funds. The law requires the State Allocation Board to establish a school facility inspection and evaluation instrument that defines “good repair.” The law specifies certain criteria to be incorporated into the inspection instrument, including the requirement that “[s]urfaces display no evidence of mold or mildew.” The <u>Facility Inspection Tool</u> developed by the Office of Public School Construction incorporates numerous examples of facility deficiencies, including evidence of water damage on interior surfaces, and surfaces (e.g., floors, ceilings, walls, window casings, HVAC grills) that have mildew, mold odor or visible mold.</p>	<p>Min. facility standards or practices</p> <p>Inspection/assessment</p>
<p>Ca. Health & Safety Code § 39619.6</p>	<p>California health law required the Air Resources Board and the Department of Public Health to conduct a comprehensive study and review of the environmental health conditions in portable classrooms by June 2002. The statute required that the study incorporate, among other things, an assessment of potential toxic contamination, including molds and other biological contaminants.</p>	<p>Study/research</p>
<p>CONNECTICUT Ct. Gen. Stat. § 10-220(d)</p>	<p>Connecticut education law requires that every five years, local boards of education inspect and evaluate indoor air quality in all school buildings that have been constructed, extended, renovated or replaced on or after January 1, 2003. The law specifies numerous items to be included in the inspection program, including evaluation of the potential for exposure to microbiological airborne particles, including, but not limited to, fungi, mold and bacteria.</p>	<p>Inspection/assessment</p>
<p>INDIANA In. Code § 16-41-37.5; 410 In. Admin. Code §§ 33-4-6, 33-4-4</p>	<p>Indiana health law requires the state Department of Health to adopt rules to establish an IAQ inspection, evaluation and employee notification program and to inspect a school after receiving an IAQ complaint. The rules governing department inspections establish that mold is not to be growing in a school and direct schools to take correction action within 48 hours of discovering water leaks, water intrusion, mold, or mold-contaminated materials. Where air conditioning systems are provided they must be operated to maintain 65 percent relative humidity during periods of student occupancy.</p>	<p>Min. facility standards or practices</p> <p>Inspection/assessment</p>
<p>MINNESOTA Minn. Stat. § 123B.57</p>	<p>Minnesota education law addresses the permissible uses of school health and safety revenue and provides that mold abatement is an acceptable capital expenditure of health and safety funds.</p>	<p>Funding authority</p>
<p>NEBRASKA</p>	<p>Nebraska education law authorizes school districts to establish a tax levy for a</p>	

Ne. Rev. Stat. § 79-10, 110	period of up to ten years for indoor air quality or mold abatement and prevention, including expenditures relating to any actions needed to reduce or eliminate mold problems in new or existing school buildings.	Funding authority
NEW JERSEY N.J. Stat. §§ 34:6A-1, et seq; N.J. Admin. Code § 12:100-13.3	New Jersey labor law requires that every employer furnish a place of employment that is reasonably safe and healthful for employees, provides for state workplace inspections, and authorizes the state to adopt rules. The rules promulgated under the law establish safety and health standards for public workplaces, including schools. Under the rules, public employers must control microbial contamination by promptly repairing water intrusion and by remediating damp or wet materials within 48 hours. Employers must further “take measures to remove visible microbial contamination” in HVAC and other building components and on building surfaces.	Min. facility standards or practices
NORTH CAROLINA N.C. Gen. Stat. §115C-12 N.C. Gen. Stat. § 115C-521.1	North Carolina education law requires the state Board of Education to address public health and environmental issues in the classroom and on school grounds. The law requires the board to take a variety of actions, including studying methods for mold and mildew prevention and mitigation and incorporating recommendations into the public school facilities guidelines. North Carolina education law also provides that public school classrooms used as licensed child care facilities for pre-school students must have floors, walls, and ceilings that are free from mold, mildew, and lead hazards.	Study/research Guidance Min. facility standards or practices
TENNESSEE 2003 Tenn. Pub. Acts 381	Tennessee legislation created a special joint legislative committee to study mold abatement in public schools and tasked the committee with reporting its findings no later than March 1, 2004.	Study/research
WASHINGTON Wa. Rev. Code § 43.20.050; Wa. Admin. Code ch. 246-366A	Washington law requires the state Board of Health to adopt rules addressing environmental conditions in public facilities, including schools. Regulations establishing minimum health and safety standards for school facilities were revised in 2009 to add a variety of provisions addressing indoor air quality, including several requirements related to moisture control and mold prevention and remediation. Pending legislative authorization, implementation and enforcement of the revised regulations is suspended and the existing regulations (Wa. Admin. Code ch. 246-366), which do not include the mold/moisture provisions, remain in effect.	Min. facility standards or practices

Rev. June 2016

© Environmental Law Institute®