

# Environmental Law Institute 2023 Workshop for Indoor Air Quality Officials

**Andrew Faciano**

**Assistant Commissioner**

**Bureau of Environmental Disease and Injury Prevention  
New York City Department of Health and Mental Hygiene**



# The NYC Guidelines on Assessment and Remediation of Fungi in Indoor Environments

- In 1993 the New York City Department of Health and Mental Hygiene issued recommendations on addressing indoor mold growth, followed by major revisions in 2000, minor changes in 2002, and major modifications again in 2008.
- The guidelines are intended for use by building owners and managers, environmental contractors and consultants, although they have also been used by governmental and public sector agencies and the general public.
- They provide basic information on fungi and mold, environmental assessments, visual inspections, sampling, remediation (largely based on extent of mold growth), moisture control and building repair, worker training, cleaning methods, QA indicators, restoration of treated spaces, communication with occupants, health effects, and other related issues.

# Updating the NYC *Guidelines* (circa 2024)

- New local and state laws
- New information on procedures, health effects, and scientific findings including those from recent tropical storms
- Editing to make the language plainer
- Adding visuals where useful to aid comprehension
  - Images (e.g., hygrometer, mold growth)
  - Pull-out boxes for key points and messages

# NYC Guidelines updates and new laws

- **New laws**

- NYC Building Code (§ 2509)--requiring use of water-resistant building materials and techniques in potentially water-exposed areas of bathrooms
- NYC Housing Code (§27-2081)--basement units need water-proofing to the soil line on exterior walls
- NYS Labor Law (Article 32)--professional mold assessors, remediation contractors, and abatement workers must complete NYS-approved training and maintain a current license. Two separate, licensed professionals must conduct the assessment and perform the remediation (with certain exemptions)
- NYC Local Law 55 (as of 2019)--requires private building owners with  $\geq 3$  apartments to keep units free of mold and pests. Law also applies to owners of any housing type (*i.e.* 1- and 2-family homes, co-ops, condos, shelters, public housing, *etc.*) housing a tenant with persistent moderate or severe asthma. Includes safely fixing the conditions that may cause a mold or pest problem.
- NYC Local Law 61 (as of 2019)—Building owners/staff of buildings with  $> 10$  units or with  $> 25,000$  ft<sup>2</sup> of non-residential floor area must use NYS-licensed mold workers (per NYS law), who must file a mold remediation notification and work plan with NYC DEP, and licensed mold assessors must file a post-remediation assessment and mold post-remediation certification (with DEP).

# NYC Guidelines – Examples of Updates

- New recommendations such as use of moisture meters, advice on building materials for flood-prone areas as well as dealing with earthen floors/basements and other issues that were problematic in recent NYC events
- Information gleaned from contemporary mold studies—from types of mold to health impacts (especially asthma and allergies). Some of these were conducted in NYC and involved the DOHMH

# Questions/Comments