

COMMONWEALTH OF VIRGINIA DEPARTMENT OF  
PROFESSIONAL AND OCCUPATIONAL REGULATION

BOARD ASBESTOS, LEAD, MOLD, AND HOME INSPECTORS

IN RE: PUBLIC HEARING

HEARD BEFORE: DAVID E. DICK

DECEMBER 14, 2010  
SECOND FLOOR HEARING ROOM  
9960 MAYLAND DRIVE  
RICHMOND, VIRGINIA 23233  
10:00 A.M.

IN RE: PROPOSED REGULATIONS FOR MOLD INSPECTOR AND  
MOLD REMEDITATOR LICENSING

TAMMIE M. BROWN, CCR  
67 STONEY POINT ROAD  
CUMBERLAND, VIRGINIA 23040  
(804) 492-4954  
brownccr@gmail.com

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David E. Dick, Executive Director

STAFF:

Jill Hrynciw  
Board Administrator  
Department of Professional and Occupational  
Regulation

Michele Atkinson  
Board Administrator  
Department of Professional and Occupational  
Regulation

Michelle Gowen  
Administrative Assistant  
Department of Professional and Occupational  
Regulation

ALSO PRESENT:

Malvern Barrow, Speaker

Arlene Slutzah, Speaker

1 MR. DICK: Good morning, ladies and  
2 gentlemen. I am David E. Dick and I am the Executive  
3 Director of the Board for Asbestos, Lead, Mold, and Home  
4 Inspectors, the ALMHI Board. Assisting us today is Lisa  
5 Wright, a court reporter who will record your statements  
6 for the record. Also assisting me will be Jill Hrynciw,  
7 Board Administrator; Michele Atkinson, Board  
8 Administrator; and Michelle Gowen, Administrative  
9 Assistant.

10 This is a public hearing held at the  
11 Department of Professional and Occupational Regulation,  
12 9960 Mayland Drive, Richmond, Virginia. This hearing is  
13 being held pursuant to Section 2.2-4007 of the  
14 Administrative Process Act of the Code of Virginia for  
15 the purpose of receiving public comment on the Board for  
16 Asbestos, Lead, Mold, and Home Inspectors proposed  
17 regulation for Mold Inspector and Mold Remediator  
18 licensing, which was published in the Virginia Register  
19 on November 8, 2010.

20 The list of interested parties and  
21 organizations which were notified of this process and  
22 invited to comment is available upon written request.

23 The staff of the Department of  
24 Professional and Occupational Regulation will prepare a  
25 report of all public comment received which will be

1 presented to the Board for consideration of any revisions  
2 to the proposed regulations.

3 Now, I would like to present the  
4 rules for this public hearing:

5 Comments will be received from any  
6 member of the public and initial comments will be limited  
7 to a maximum of five minutes, depending on the number of  
8 individuals who wish to speak. If you have not signed up  
9 to speak and you wish to give testimony today, please  
10 sign your name on the sign-up sheet at this time.

11 Anyone may speak in rebuttal to the  
12 comments of another speaker and those comments will also  
13 be limited in the amount of time they may speak. I will  
14 call for rebuttal comments when all speakers on the list  
15 have finished.

16 This is not the proper forum for  
17 questions. If you have a question for the Board or  
18 staff, please forward them in writing to the Board  
19 office.

20 Any speaker who wishes to provide a  
21 written statement in addition to his or her oral  
22 testimony or in lieu of oral testimony may do so until  
23 5:00 p.m., on Friday, January 7, 2011.

24 I will now call the names of the  
25 individuals who have signed up to speak. Please give us

1 your name, the name of any organization or group you  
2 represent, your full mailing address, and electronic mail  
3 address. Please speak distinctly for the benefit of the  
4 court reporter.

5 First is Malvern Barrow. Did I get  
6 that right?

7 MR. BARROW: Yes, sir.

8 MR. DICK: Okay, sir.

9 MR. BARROW: Thank you for hearing me  
10 today. I just want to quickly go over a couple of the  
11 areas that I have some comments on. The first one is 18  
12 VAC 1560-10, the exemptions, surface area less than 10  
13 square feet of mold can be taken care of with no  
14 inspection, no license or anything.

15 It's been my experience that  
16 sometimes if you see 10 square feet of mold here, you  
17 open it up, the cavity is full. So you have fully  
18 exceeded the 10 square feet of mold right there. I think  
19 something needs to be done to address that in the Code.

20 Secondly, professional engineers are  
21 currently exempt because they are dealing with moisture  
22 problems entering the building. Somebody has got to take  
23 care of that mold. It's there. I think they should be  
24 held accountable just as remediators and inspectors as  
25 far as any mold that a professional engineer finds when

1 they go into a building.

2                   Part two of the definitions, the ACAC  
3 requires 40 hours of continuing education credits every  
4 two years and the IICRC requires continuing education  
5 credits, two credits per year. I would like to see  
6 something in that area addressed as far as some kind of  
7 reciprocity or credit for what we do in that area.

8                   Part three, 18 VAC 1560-60, the Board  
9 may issue exceptions and so forth to this. I think that  
10 they should look into the ACAC, the IICRC, and some  
11 number of other different providers out there to provide  
12 them educational opportunities.

13                   Having taken a lot of those classes  
14 and gone through the process to submit stuff, it's very  
15 hard to do and get accredited. I think that some  
16 credence should be given to this. It's awfully hard to  
17 go back and get -- I think the Code says you've got to do  
18 it within 12 months, current proof of this. I can go  
19 back and get proof, but I haven't taken the course, the  
20 initial course in 12 months. I've just gone on and  
21 gotten my continuing education credit.

22                   Grounds for disciplinary action, I  
23 think it should be something in the Code, Part 6, on how  
24 to police this. How is this going to take place? How is  
25 the cost for policing all of this? What's the process

1 for that?

2                   Again, as far as the worker, the  
3 supervisor, and the inspection course in Part 7, all  
4 people have to be knowledgeable in building construction  
5 and to eliminate moisture problems, airflow, the  
6 mechanics of the heat flow, humidity, and so forth in the  
7 building envelope.

8                   I don't know how in the world you can  
9 expect a worker to know all of this, be held to the same  
10 accountable standard as a supervisor or an inspector or  
11 an engineer. All three of those are a little bit  
12 different.

13                   I applaud you-all for taking care of  
14 this. The cost will increase dramatically to the  
15 consumer. I know you're looking out for the consumer.  
16 You can't really quantify this like asbestos or lead  
17 because mold has no PEL, permissible exposure limits.  
18 Granted something needs to be done to keep the  
19 unscrupulous out of the industry and this is a start.  
20 Thank you.

21                   MR. DICK: Thank you, sir.

22                   Arlene -- do you want to help me with  
23 your last name. I know I'll get it wrong.

24                   MS. SLUTZAH: Slutzah.

25                   MR. DICK: You have nothing to say?

1 You said you didn't want to speak.

2 MS. SLUTZAH: I didn't, but --

3 MR. DICK: You may.

4 MS. SLUTZAH: I wasn't sure who was  
5 going to be speaking today. I'm familiar and have read  
6 the legislation. My name is Arlene Slutzah. My address  
7 is 4907 Daffodil Circle, Glen Allen, Virginia 23060. My  
8 work address is 504 Wilton Road, Richmond, Virginia  
9 23238. My e-mail address is SP2134@Comcast.net.

10 I am a mold remediator. I run a  
11 company that does water damage and mold. The only  
12 comment I have is I really feel that if you are going to  
13 require people who are certified by IICRC, which is the  
14 standard for our industry, we have taken the tests. We  
15 are all qualified. I have people that have mastered  
16 remediator, mastered fire and feel that it would be a  
17 hardship for each remediation company to take the  
18 required courses that you're proposing, also the cost.

19 What I suggest, I'm not sure if it's  
20 included in the legislation, would be that any person  
21 that is doing mold remediation, that they have pollution  
22 insurance. Also, I feel that the industry standards,  
23 which our company adheres to and have been doing work,  
24 are adequate at this time. If new courses come out,  
25 we're required to take them. We're also required to do



1 continuing education every other year.

2 Our particular company has continuing  
3 education three times a year that we take in different  
4 subjects so that if anything new comes along that we need  
5 to be aware of, that we are educated to that. To say  
6 that other remediators are, I can't say. I can say that  
7 our company and other companies in the industry have.

8 That was basically my only comment  
9 was on the education, that we have already been certified  
10 and the amount that you're proposing of time and money is  
11 going to cost. I'm not opposed to being regulated. I'm  
12 not opposed to paying the fee to Virginia or even a  
13 federal fee to be a licensed remediator for the state or  
14 federal. I just feel at this point we've already been  
15 certified and doing the work. I feel that's adequate.  
16 That would be it.

17 MR. DICK: Thank you, ma'am.

18 Having heard the testimony from  
19 everyone present, does anyone have any comments they want  
20 to make in rebuttal to anything anyone else has said?

21 (None indicated in the affirmative.)

22 Does anyone else desire to speak on  
23 the proposed regulation or in rebuttal to anything said  
24 by any of the speakers at this hearing?

25 (None indicated in the affirmative.)

1                   Let's go off the record here for a  
2 minute.

3                   (A discussion was had off of the  
4 record.)

5                   MR. DICK: The record of the Public  
6 Hearing will be kept open for written comment through  
7 5:00 p.m., on Friday, January 7, 2011.

8                   On behalf of the Board for Asbestos,  
9 Lead, Mold, and Home Inspectors and the Department of  
10 Professional and Occupational Regulation, I wish to thank  
11 each of you for taking the time to attend this Public  
12 Hearing and to provide your comments. This hearing is  
13 now closed.

14                   (Off the record at 10:14 a.m.)

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CERTIFICATE OF REPORTER

I, Lisa Wright, a Certified Court Reporter, hereby certify that I was the Court Reporter at the Public Hearing regarding proposed regulations for Mold Inspector and Mold Remediator licensing, heard in the County of Henrico, Virginia on December 14, 2010, at the time of the hearing herein.

I further certify that the foregoing transcript is a true and accurate record of the testimony and other incidents of the hearing, to the best of my ability.



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Lisa A. Wright, CCR

My Commission expires:  
August 31, 2012  
Notary Registration Number: 293090