

WISCONSIN STATE
LEGISLATURE
COMMITTEE HEARING
RECORDS

2003-04

(session year)

Assembly

(Assembly, Senate or Joint)

**Committee on
Public Health
(AC-PH)**

(Form Updated: 11/20/2008)

COMMITTEE NOTICES ...

➤ Committee Reports ... CR
**

➤ Executive Sessions ... ES
**

➤ Public Hearings ... PH
**

➤ Record of Comm. Proceedings ... RCP
**

**INFORMATION COLLECTED BY COMMITTEE
FOR AND AGAINST PROPOSAL ...**

➤ Appointments ... Appt
**

Name:

➤ Clearinghouse Rules ... CRule
**

➤ Hearing Records ... HR (bills and resolutions)

****03hr_ab0660_AC-PH_pt01**

➤ Miscellaneous ... Misc
**

**Vote Record
Committee on Public Health**

Date: 3/3/04 *Freese* *Underheim*

Moved by: Underheim Seconded by: Morris

AB 660 SB _____ Clearinghouse Rule _____
 AJR _____ SJR _____ Appointment _____
 AR _____ SR _____ Other _____

A/S Amdt 1
 A/S Amdt _____ to A/S Amdt _____
 A/S Sub Amdt _____
 A/S Amdt _____ to A/S Sub Amdt _____
 A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

Be recommended for:
 Passage Adoption Confirmation Concurrence Indefinite Postponement
 Introduction Rejection Tabling Nonconcurrence

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Representative J.A. Hines, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative DuWayne Johnsrud	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Representative Gregg Underheim	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Stephen Freese	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Terri McCormick	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Sheldon Wasserman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Johnnie Morris	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Marlin Schneider	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Totals: _____

Introduction - unanimous

Motion Carried Motion Failed

Vote Record Committee on Public Health

Date: 3/3/04

Moved by: Freese

Seconded by: Underheim

AB 660 SB _____ Clearinghouse Rule _____

AJR _____ SJR _____ Appointment _____

AR _____ SR _____ Other _____

A/S Amdt 2

A/S Amdt _____ to A/S Amdt _____

A/S Sub Amdt _____

A/S Amdt _____ to A/S Sub Amdt _____

A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

Be recommended for:

- Passage Adoption Confirmation Concurrence Indefinite Postponement
 Introduction Rejection Tabling Nonconcurrence

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Representative J.A. Hines, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Representative Gregg Underheim	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Stephen Freese	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Terri McCormick	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Sheldon Wasserman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Johnnie Morris	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Marlin Schneider	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Totals: 6 0 2 _____

Motion Carried

Motion Failed

Vote Record Committee on Public Health

Date: 3/3/04

Moved by: Morris

Seconded by: Freese

AB 660 as Amended ~~SB~~

Clearinghouse Rule _____

AJR _____ SJR _____

Appointment _____

AR _____ SR _____

Other _____

A/S Amdt _____

A/S Amdt _____ to A/S Amdt _____

A/S Sub Amdt _____

A/S Amdt _____ to A/S Sub Amdt _____

A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

Be recommended for:

- Passage
 Adoption
 Confirmation
 Concurrence
 Indefinite Postponement
 Introduction
 Rejection
 Tabling
 Nonconcurrence

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
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Representative Johnnie Morris	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Marlin Schneider	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Totals: 6 0 2 _____

Motion Carried

Motion Failed

Vote Record Committee on Public Health

Date: 3/3/04

Moved by: Freese

Seconded by: Underheim

AB 660 SB _____ Clearinghouse Rule _____
 AJR _____ SJR _____ Appointment _____
 AR _____ SR _____ Other _____

A/S Amdt @ 102
 A/S Amdt _____ to A/S Amdt _____
 A/S Sub Amdt _____
 A/S Amdt _____ to A/S Sub Amdt _____
 A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

Be recommended for:

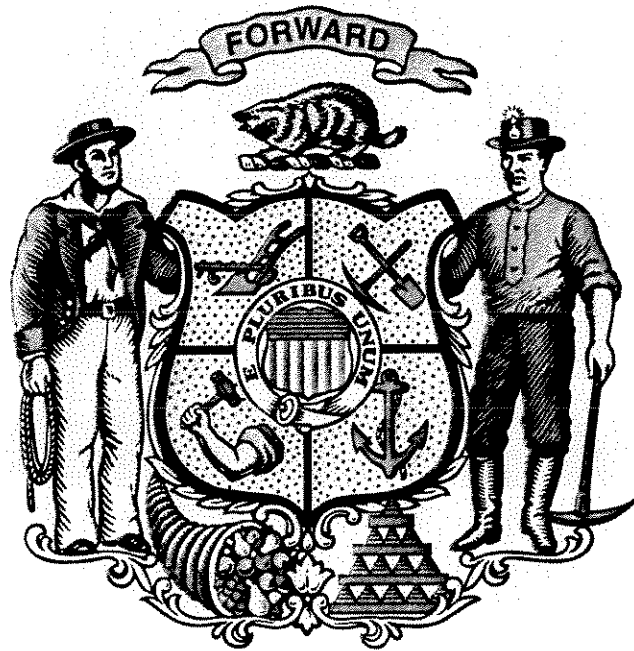
- Passage Adoption Confirmation Concurrence Indefinite Postponement
 Introduction Rejection Tabling Nonconcurrence

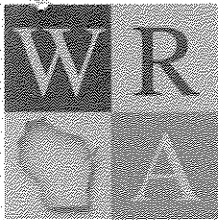
<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Representative J.A. Hines, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Representative Sheldon Wasserman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Johnnie Morris	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Marlin Schneider	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Totals: _____

Motion Carried

Motion Failed





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William Malkasian, CAE, President
E-mail: wem@wra.org

TO: Assembly Committee on Public Health
FROM: Michael Theo, Vice President for Public Affairs
DATE: January 28, 2004
RE: AB 660 – Certification for Mold Inspectors and Remediators

Overview

The Wisconsin REALTORS Association (WRA) supports the intent of AB 660 which is the creation of administrative rules for the training, certification and regulation of mold inspectors and remediators. However, because there exists no scientific brightline standards for determining dangerous levels of mold and because mold reactions vary widely from individual to individual, we are uncertain as to what these rules could or should be. We therefore caution legislators to maintain reasonable expectations from this legislation and commend you to work closely with the Department of Health and Family Services (DHFS) to insure the final rules protect housing affordability and ethical home inspectors as well as human health and safety.

Issues Regarding the Regulations

We offer the following observations and recommendations regarding the regulations:

- Unlike lead paint, there are no scientific standards determining when mold is safe or dangerous. The level of danger is determined by multiple factors including the quantity and species of mold, the particular individuals that interact with the property and the specific environmental conditions of each property.
- Other states, such as New York and Massachusetts, that have attempted to develop effective standards have failed to do so, but should, nonetheless, be examined closely. The federal Environmental Protection Agency (EPA) is also working on establishing mold standards.
- Establishing minimum standards for the regulation of testers and remediators should include balanced input from the housing industry, scientists, testing/remediation/inspection practitioners, and health advocates. The recent unsuccessful attempts by DHFS to develop workable lead paint certification guidelines resulted in part from the department's intentional disregard of recommendations from a technical advisory panel. This experience should be avoided regarding the mold issue.
- Because of the omnipresence of mold, the standards should be limited to only those molds which pose a hazard to human health.

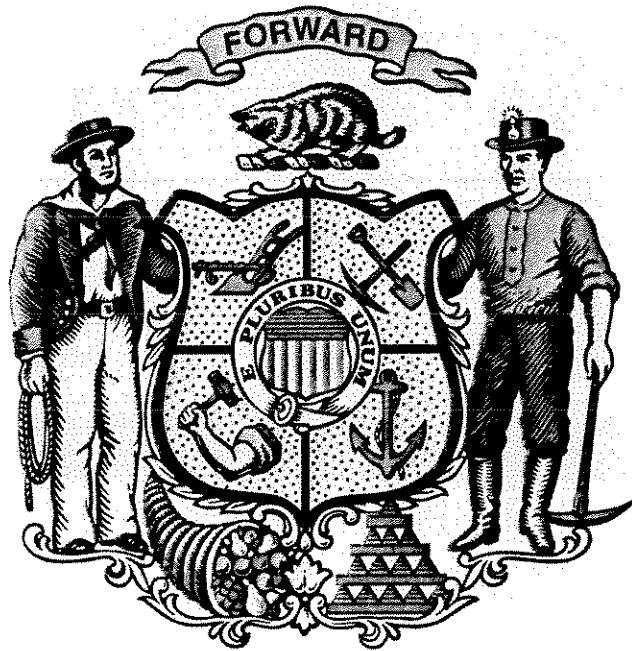
- More -



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- The rules should be realistic, attainable and flexible, recognizing there are no scientific standards, nor is there universal agreement on how best to remediate the problem once it's accurately identified. The rules should also be linked to EPA standards with a curriculum flexible enough to respond to evolving expert opinion.
- Given the complexities involved, DHFS should be allowed a minimum of one year to develop the rules as opposed to the six months provided for in the bill.
- In the legislative history, DHFS should be directed to establish standards that avoid unreasonable barriers for certified individuals or the school who will them. Although the statute does not mandate use of certified persons, the private sector likely will and the failure to have sufficient certified persons will likely have the same negative consequences observed in the current certification of lead based paint inspectors and remediators.
- The rules should avoid such complexity that they discourage rather than encourage certification.
- Controlling mold means controlling moisture, thus a building's maintenance and ventilation is key. Building codes therefore play a significant role in addressing mold problems and thus the Department of Commerce's division of building and safety must be full partners in developing these regulations.

The Wisconsin REALTORS Association is committed to the protection and safety of property owners and their properties and thus is committed to working with the legislature and state agencies to develop these regulations.



AB 660 TESTIMONY FOR INFORMATION BY THE DEPARTMENT OF HEALTH & FAMILY SERVICES ON JANUARY 28, 2004

The Department of Health & Family Services recognizes the problems associated with the mold inspection and mold remediation industries across the country and in Wisconsin. We believe the voluntary certification program of AB 660 is a first step in addressing the qualifications of those working in the industry. It is our hope that voluntary state certification will give qualified individuals and businesses a competitive advantage with the ability to use the credential of state certification in promoting their activities.

DHFS views AB 660, with some modifications, as an initial step that should be followed by further study and possible legislative changes in the future.

We respectfully wish to see three changes in the proposed language of AB 660.

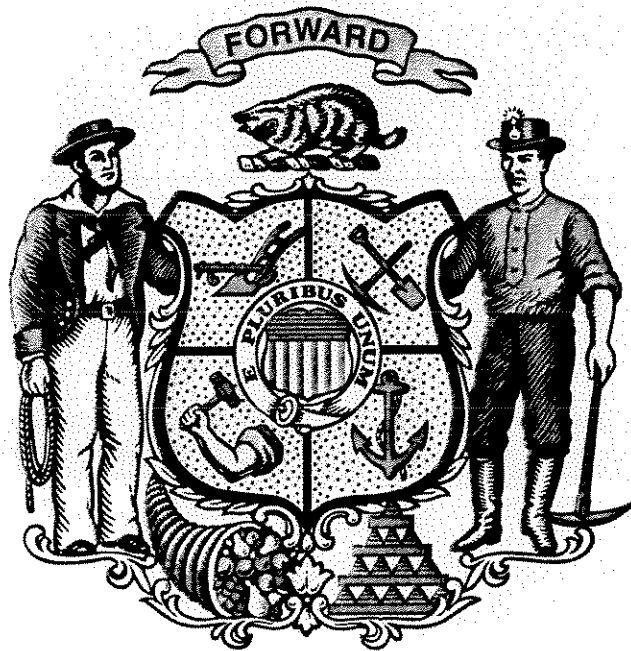
- Under 254.23 (3)(a) and (b) we would like the language ...that indicates that the individual is certified by the state... to read ...that indicates that the individual is **credentialed** by the state....
- We need the ability to regulate training providers if it is decided in developing the rule that training curricula other than a national credential might be appropriate. We suggest the following language as a new subsection under 254.23.
...May accredit appropriate training courses in addition to the recognition of national accreditations...
- We need more authority related to the certification process. An example would be authority to revoke certification based on unethical business practices or shoddy performance. Similarly, we need the ability to refuse to credential those who have engaged in unethical or illegal practices or have previously presented false credentials. We suggest the following language as new sub-section under 254.23.
...May include requirements and procedures for issuing, renewing, revoking and suspending certification issued under this section....

The Department notes the language of the bill that states that all of the costs associated with this program shall be addressed by fees to those entities being accredited. There will be costs associated with the start of this new program. To pass all of them on to the entities may result in a high fee, which may create a disincentive for participation in the process. Alternatively, in the current fiscal environment, the Department cannot absorb the costs and would need additional funding. DHFS is not in a position to absorb the costs of a new program and will not be hiring new staff.

We also want to make clear the limited nature of AB 660. This bill only addresses the voluntary credentialing of mold inspectors and remediators. We are not given authority under this bill to see if those entities we have credentialed are working in a proper manner.

Thank you for the opportunity to testify. We look forward to working with you on further discussions surrounding mold issues.

Terry Moen, Director
Bureau of Occupational Health
Division of Public Health
Department of Health & Family Services



My name is Sharon Bessa. 7505 Oak Circle Drive, Middleton, Wisconsin.

I am a Certified Industrial Hygienist with 24 years of experience in performing air quality investigations. In the past five years, about 50 of those investigations involved mold.

I support certification of individuals performing mold inspections and remediation.

Many states I have one concern: *this on this part issue*

The state certification process needs to recognize those individuals already deemed qualified through certification by an accredited body.

My professional organization – the American Industrial Hygiene Association – has commented on this bill and I quote: “AIHA remains concerned about individuals becoming certified ... after simply attending a 3 or 4 day training course and taking a short examination.” End quote.

In 24 years of experience, no other environmental investigations have been as challenging as those involving mold. No other investigations have required so much effort to stay current. Staying current requires frequent attendance at conferences, studying publications and active participation in my professional organizations.

A 3-4 day training course will not provide an individual with adequate preparation for performing quality inspections and remediation. It would be inappropriate to give that individual a stamp of approval.

I recommend that certification be given to those individuals who provide evidence of education, experience and certification from an accredited body or from a nationally recognized organization.

Charly / *medical* *ciq 1070 analogy + dextm-endor*