

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER o: REGISTRATION, LICENSING, AND REQUIREMENTS FOR
STRUCTURAL PEST CONTROL AND INDOOR ENVIRONMENTAL ASSESSMENT,
REMEDiation, AND RESTORATION SERVICES

PART 835
MOLD REMEDIATION REGISTRATION CODE

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AUTHORITY: Implementing and authorized by the Mold Remediation Registration Act [410 ILCS 105].

SOURCE: Adopted at 50 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 835.100 Definitions

In addition to the definitions contained in the Mold Remediation Registration Act, the following definitions shall apply:

"Act" means the Mold Remediation Registration Act [410 ILCS 105].

"Continuing Education Credits" or "CE Credits" means those continuing education credits received for documented successful completion of approved continuing education courses or for instructing an approved continuing education course.

"Day" means a calendar day, unless otherwise specified.

"Department" or "IDPH" means the Illinois Department of Public Health.
(Section 10 of the Act)

"Directly supervised" means any person doing mold remediation work without being registered and in possession of an approved certification is under active management of a registered and certified mold remediator with at least 1 year of field experience who is physically present on site to evaluate work in real time.

"Electronic mail" means a communication by electronic means which is automatically retained and stored and can be readily accessed or retrieved.
(Section 100.2(a) of Practice and Procedure in Administrative Hearings)

"Financial responsibility" means providing documentation on insurance in the amounts and types prescribed in this Part.

"IICRC" means the Institute for Inspection, Cleaning, and Restoration Certification.

"Mold" means any form of multicellular fungi found in water-damaged indoor environments or water-damaged building materials. "Mold" includes *Cladosporium*, *Penicillium*, *Alternaria*, *Aspergillus*, *Fusarium*, *Trichoderma*, *Memnoniella*, *Mucor*, and *Stachybotrys chartarum*. (Section 10 of the Act)

"Mold Remediation" means the removal, cleaning, sanitizing, demolition, or other treatment, including preventative activities, of mold or mold-contaminated matter in buildings. (Section 10 of the Act)

"Mold Remediation Contractor" means a person that performs mold remediation services, as defined in the Act, for another person for compensation.

"Mold Remediator" means an individual who performs mold remediation services, as defined in the Act, for another person for compensation.

"NORMI" means National Organization of Remediators and Microbial Inspectors.

"Person" means an individual, corporation, partnership, firm, organization, or association, acting individually or as a group.

"Preventative activities" include those intended to prevent future mold contamination of a remediated area, including applying biocides or antimicrobial compounds. (Section 10 of the Act)

"Registrant" means a person who performs mold remediation services in Illinois and has provided all required information to IDPH to meet its registration requirements.

"Renewal" means issuance of a registration that is expiring, has expired or has been previously terminated.

"Third-party certification" means a mold remediation certification offered by the Institute for Inspection, Cleaning, and Restoration Certification, the National Organization of Remediators and Microbial Inspectors, or another national nonprofit organization approved by IDPH. (Section 10 of the Act)

"Volunteer" is a person who provides mold remediation services without receiving compensation.

Section 835.110 Incorporated and Referenced Materials

- a) The following professional certifications are incorporated and referenced in this Part:
 - 1) American Council for Accredited Certification available at <https://www.acac.org>
 - 2) Institute for Inspection, Cleaning, and Restoration Certification available at <https://iicrc.org>
 - 3) National Organization of Remediators and Microbial Inspectors available at <https://www.normi.org>
- b) The following State law is referenced in this Part:

Illinois Administrative Procedure Act [5 ILCS 100]

- c) The following State administrative rule is referenced in this Part:

Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)

SUBPART B: REGISTRATION REQUIREMENTS AND PROCEDURES

Section 835.200 Requirements and Procedures

- a) Any person who performs mold remediation services for another person for compensation in Illinois is required to register with IDPH. (Section 20 of the Act)
- b) Any person registering as a mold remediation contractor with IDPH or seeking renewal of the registration shall:
- 1) Submit a complete and legible registration and renewal form in a manner prescribed by IDPH. Registrants will provide their name, phone number, email address, and the name of their business.
 - 2) Provide an original certificate of insurance or IDPH-provided proof of insurance form documenting that the business carries general liability insurance with a minimum of \$100,000 per occurrence, bodily injury insurance with a minimum of \$300,000 per occurrence, property damage insurance with a minimum of \$50,000, and worker's compensation insurance with a minimum of \$500,000. The general liability insurance as required shall be paired with either a contractors pollution liability policy or an environmental rider with a minimum of \$50,000 per occurrence. The rider must state clearly in writing that it covers mold and activities related to mold remediation work. No registration will be issued in the absence of the certificate of insurance or IDPH-provided proof of insurance form. The certificate must be in force at all times for registration to remain valid.
 - 3) Register the name, address, and telephone number of all employees that maintain an active third-party certification as set out in subsection (a) of Section 835.110 and provide a copy of their certificate.
 - 4) Persons shall inform IDPH of changes in contact information, such as addresses, email address, and telephone numbers within 10 days after the change is effective.

- c) Any individual registering as a mold remediator with IDPH or seeking renewal of the registration shall:
 - 1) Submit a complete and legible registration and renewal form in a manner prescribed by IDPH. Registrants will provide their name, phone number, email address, and the name of their employer.
 - 2) Provide a copy of an active third-party certification from an organization approved by IDPH as set out in subsection (a) of Section 835.110.
- d) All registrations shall be issued to the person named in the registration and renewal form and are not transferable or assignable.
- e) IDPH shall maintain a publicly available list of registered persons who meet the requirements of subsections (a), (b), and (c).
- f) A registration or renewal application shall be incomplete if any of the requirements of subsections (a), (b), and (c) are not present or additional information is required. Applicants will be notified and allowed to resubmit the required information or documentation.

Section 835.210 Exemptions

The following persons are exempt from the registration requirements of this Part:

- a) Home builders and remodelers performing work on any residential structure, consisting of 4 or fewer residential units, under the period and terms of the written warranty of that residential structure. (Section 25 of the Act)
- b) An employee of a registered mold remediation contractor while directly supervised by a registered mold remediator who meets the requirements of Section 835.200.
- c) Volunteers who temporarily perform mold remediation activities in response to a Federal, State, or Locally declared disaster. This applies to volunteers who perform building material removal activities in response to a natural disaster or other natural phenomenon of an exceptional, inevitable, or irresistible character.
- d) Grace Period for Certification Requirement for Current Practitioners
Individuals who are actively engaged in performing mold remediation work as defined in this part and as of the adoption of this rulemaking, may continue to perform such activities without the required active third-party certification until

September 30, 2027, provided that they submit a registration form and obtain certification on or before September 30, 2027.

- 1) Limitations During the Grace Period
During the grace period, individuals operating under this provision must comply with all other applicable rules and standards in this Part.
- 2) Expiration of Grace Period
On and after October 1, 2027, no individual will remain in good standing or perform mold remediation as a registered mold remediator unless they hold an active third-party certification as prescribed under Section 835.220 or qualify for an exemption as described in Section 835.210.

Section 835.220 Approved Third-Party Certifications

IDPH must accept third-party certifications offered by IICRC and NORMI. Certifications relevant to the practice of mold remediation that will be accepted by IDPH include the Mold Remediation Specialist and the Applied Microbial Remediation Technician certifications offered by IICRC and the Certified Mold Remediator credential offered by NORMI.

Section 835.230 Approval of Other Third-Party Certifications

- a) Organizations that offer a certification for mold remediation can apply for approval from IDPH. When considering other third-party certifications for approval, IDPH shall consider the following criteria:
 - 1) The organization is a national nonprofit organization. (Section 10 of the Act)
 - 2) The organization requires applicants to have a minimum of 1 year of verifiable mold remediation field experience prior to certification.
 - 3) The organization requires applicants to pass a closed-book examination.
 - 4) The organization requires certificate holders to maintain their certification by completing a minimum of 7 hours of continuing education relevant to the practice of mold remediation annually. A total of 14 continuing education hours every 2 years will be considered equivalent to 7 annual hours.
 - 5) The organization offers a certification program accredited by the ANSI National Accreditation Board's ISO/IEC 17024 program for personnel

certification accreditation or the Council of Engineering and Scientific Specialty Boards (CESB).

- b) IDPH will maintain a publicly available list of organizations that offer approved third-party certifications.

Section 835.240 Renewal Requirements

- a) All registrations shall expire on September 30 of odd-numbered years. Registrants shall renew their registration by submitting a form in a manner prescribed by IDPH at least 30 days prior to the expiration date of the registration.
- b) The Registration and Renewal form shall include proof of an active, IDPH-approved third-party certification, and proof of current insurance as outlined in subsections (a), (b), and (c) in Section 835.200. Certification and insurance must be verifiable.
- c) For any registration that has expired and is not renewed within 60 days of its expiration date, IDPH shall consider the registration relinquished.

Section 835.250 Relinquishing Registration

A registered person that no longer wishes to provide mold remediation services in Illinois can relinquish their registration at any time. The registrant desiring to relinquish their registration shall submit to IDPH a request in writing stating the last date of any mold remediation activity.

Section 835.260 Grounds for Refusal to Grant or Renew or To Revoke Registration

IDPH shall refuse to grant or renew, or shall revoke a person's registration under the following conditions:

- a) If an applicant does not meet, or at any time a registered mold remediator does not meet the requirements of subsection (b) in Section 835.200, including failure to maintain the required insurance and an active third-party certification approved by IDPH.
- b) A registered person is convicted of a crime that is a felony or of any crime that directly relates to the practice of mold remediation. The record of conviction or a certified copy shall be conclusive evidence of the conviction.
- c) A registered person has been found to have conducted mold remediation activities in a manner hazardous to the public health in Illinois or in any other state where the person has acted in a similar capacity. This finding must be supported by an

investigation and substantial evidence. IDPH will use findings from other States and Municipalities that license, register, or certify parties that provide mold remediation services.

- d) The person has performed other activities for which they are not licensed in Illinois. This finding must be supported by an investigation and substantial evidence.
- e) Knowingly making any misrepresentation or false statement in connection with obtaining a registration or renewal of a registration as a mold remediator.

Section 835.270 Notice of Denial or Revocation of Registration

- a) If, based on any of the conditions listed in Section 835.260, IDPH finds that refusal to grant or renew or that the revocation of a registration is warranted, IDPH shall notify the registrant at the registrant's last known address or email address. The notice shall set forth the reasons for the proposed action and provide the registrant an opportunity for a hearing.
- b) The notice shall be sent to the address or email address listed on the most recent registration application submitted to the Department, unless the Department has been subsequently notified in writing of a change of address or electronic mail address, as follows:
 - 1) Certified mail to the address provided to IDPH by the registrant and shall set forth the reasons for the proposed action and provide the registrant with an opportunity to request a hearing. Notices sent by certified mail to the last known mailing address of a registrant which are returned to IDPH as unclaimed or refused by the addressee shall be considered sufficient mailed notification; or
 - 2) Sent to the last electronic mail address provided to IDPH by the registrant.
- c) If a written hearing request is not received by IDPH within 15 days after the date of certified or electronic mail sent by the Department, the right to a hearing is waived.

Section 835.280 Administrative Hearings

All hearings shall be conducted pursuant to the Act and the Department's Rules of Practice and Procedure in Administrative Hearings.

SUBPART C: ADDITIONAL PROVISIONS AND RESPONSIBILITIES

Section 835.300 Complaints Against Registered Mold Remediation Contractors

IDPH will direct complaints regarding registered mold remediation contractors to the applicable certifying organization for investigation, the Illinois Attorney General's Office, or other appropriate agencies.

Section 835.310 Prohibitions

A person cannot use the name or title "Registered Mold Remediator", "IDPH Registered Mold Remediator", "Illinois Registered Mold Remediator", "Registered Mold Remediation Contractor", or any combination thereof, unless the person has complied with the provisions of Section 835.200.

Section 835.320 Consumer Information

Information related to mold, mold remediation, and IDPH contacts are available to the public at <https://dph.illinois.gov/topics-services/environmental-health-protection/toxicology/indoor-air-quality-healthy-homes.html>. (Section 16 of the Act)