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Details:

(FORM UPDATED: 08/11/2010)

**WISCONSIN STATE LEGISLATURE ...  
PUBLIC HEARING - COMMITTEE RECORDS**

**2007-08**

(session year)

**Assembly**

(Assembly, Senate or Joint)

**Committee on ... Housing  
(AC-Ho)**

**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**
- Clearinghouse Rules ... **CRule**
- Hearing Records ... bills and resolutions  
(**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)                      (**ajr** = Assembly Joint Resolution)  
(**sb** = Senate Bill)                              (**sr** = Senate Resolution)                      (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

\* Contents organized for archiving by: Mike Barman (LRB) (Aug/2010)

**Assembly**

**Record of Committee Proceedings**

**Committee on Housing**

**Assembly Bill 312**

Relating to: licensure and other regulation of mold assessors and mold remediators, granting rule-making authority, requiring the exercise of rule-making authority, making appropriations, and providing penalties.

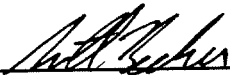
By Representatives Berceau, Pope-Roberts, Sherman, Molepske, Benedict, Seidel and Hilgenberg; cosponsored by Senator Lassa.

May 08, 2007

Referred to Committee on Housing.

March 13, 2008

Failed to pass pursuant to Senate Joint Resolution 1.

  
\_\_\_\_\_  
Scott Becher  
Committee Clerk



## Becher, Scott

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**From:** Jerry J. Deschane [JDeschane@axley.com]  
**Sent:** Monday, May 14, 2007 11:43 AM  
**To:** Becher, Scott  
**Cc:** Brad Boycks; Larson, Tom - Director of Regulatory Affairs; Timothy Semmann  
**Subject:** AB 312 Mold remediators

Scott,

You asked me to take a look at AB 312 on behalf of the Wisconsin Builders Association. I looked the bill over this weekend; it's similar to legislation that has been proposed in previous sessions.

In general, I wonder at the need for legislation to regulate mold remediators and testers. The mold "scare" has largely disappeared in Wisconsin (some would argue that it was overblown in the first place). Are there that many specialists and contractors doing business in this field that a state program to control them is necessary?

Second, a licensing program has the effect of reducing the number of practitioners in a given field. This legislation could have the ironic and unintended consequence of REDUCING the availability of mold assessors and remediators when and where they are needed.

Another issue to be considered is whether the legislation grants DHFS too much discretion in establishing standards. The health impacts of mold are not widely understood, and are subject to differing opinions. Giving a state agency the power to decide something that the scientific community has not resolved could be problematic.

These are just my off-the-cuff observations, and should not be considered "exhaustive" of all the issues that may need to be resolved if this bill were to be worked with by the committee.

At this time, I do not believe the Wisconsin Builders Association has taken a formal position on the bill.

Jerry

Jerry Deschane  
Senior Government Relations Advisor  
Axley Brynson Government Relations, LLC  
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"New ideas, old values, hard work."<sup>(sm)</sup>

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6/1/2007



## Becher, Scott

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**From:** Field, Adam  
**Sent:** Friday, May 25, 2007 11:31 AM  
**To:** Becher, Scott  
**Subject:** FW: AB-312 - (MOLD CERTIFICATION PROGRAM)

---

**From:** Dan Feldt [mailto:tristar1@tds.net]  
**Sent:** Thursday, May 24, 2007 10:51 AM  
**To:** Rep.Wieckert  
**Cc:** John Reiter  
**Subject:** FW: AB-312 - (MOLD CERTIFICATION PROGRAM)

Steve,

I'd like to echo John Reiter's request to meet with you and discuss AB-312. It would be much appreciated and I believe you'd agree that it was well worth your time.

Hope all is well with you. Haven't seen or talked with you since those old days at Elmbrook Single's activities.

Dan Feldt

-----Original Message-----

**From:** John Reiter [mailto:johnreiter@kiscoih.com]  
**Sent:** Thursday, May 24, 2007 8:43 AM  
**To:** Feldt Dan  
**Subject:** Fwd: AB-312 - (MOLD CERTIFICATION PROGRAM)

I sent this letter and blind copied the committee  
JR

John Reiter, CIH  
Kisco, Inc.  
N80 W14038 St. George Ct.  
Menomonee Falls, WI? 53051  
(262) 251-2125? xt 13  
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[johnreiter@kiscoih.com](mailto:johnreiter@kiscoih.com)



5/30/2007

Begin forwarded message:

**From:** John Reiter <[johnreiter@kiscoih.com](mailto:johnreiter@kiscoih.com)>  
**Date:** May 24, 2007 9:35:25 AM CDT  
**To:** [Rep.Wieckert@legis.wisconsin.gov](mailto:Rep.Wieckert@legis.wisconsin.gov)  
**Subject:** AB-312 - (MOLD CERTIFICATION PROGRAM)

Representative Wieckert -

I recently copied you with an email I sent to my representative, Ms. Suzanne Jeskewitz, and my Senator, Ms. Alberta Darling, regarding Bill AB-312, Mold Certification Program. The Mold Task Force which I chair, is interested in meeting with you and the Assembly Committee on Housing to discuss a number of issues we have with this mold bill, in addition to those provided in the letter from Mr. Aaron Tippler of the National AIHA (attachment to the email I copied to you). Our committee consists of a number of occupational, environmental, and public health professionals, Certified Industrial Hygienists representing the Wisconsin Section of the American Industrial Hygiene Association, toxicologist, and others serving Wisconsin Department of Health and Family Services. Individually and collectively, we have a fairly vast level of knowledge and expertise in public and environmental health and safety, including mold.

Our committee, in review of the proposed mold bill, are of the opinion that the bill, as proposed, has a number of deficiencies, and may be ineffective and unnecessary. At your convenience, we would like to meet with you and the Assembly Committee on Housing to bring to your attention some of these issues and provide an opportunity to answer any questions you may have about why we believe this bill should not be passed.

I look forward to hearing from you, and I thank you for your consideration in this matter.

John Reiter, CIH  
Chairman, Mold Task Force - Wisconsin

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**Field, Adam**

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**From:** John Reiter [johnreiter@kiscoih.com]  
**Sent:** Friday, June 08, 2007 1:35 PM  
**To:** Rep.Jeskewitz; Sen.Darling; Rep.Wieckert; Powell, Thomas; Tippler Aaron  
**Cc:** Baker Wane; Rowntree Kay; Thiboldeaux, Robert L - DHFS; Johnston Rich; Fink Bill; Sieger, Thomas L - DHFS; Feldt Dan; O'Donnell Pat; Dwayne Jacobson; Morrison, James M - DHFS  
**Subject:** Mold assessor and remediator licensure bill (AB312)

Good afternoon all - Recently, Dan Feldt, I, and others from the Wisconsin Section AIHA and the mold task force-Wisconsin, have corresponded to you regarding Rep. Berceau's bill, AB312. In those communications we suggested that the bill be defeated, and at the same time suggested that we could perhaps meet to express our concerns about the bill. I would like to apologize for the confusion those communications may have caused. While I and my company, Kisco, Inc., have little to gain or lose from any such bill, since we do not pursue mold-related work, I do have a professional interest, and as chairperson of the mold task force, have a particular scientific and practical interest. But that interest is best assuaged by first working with Rep. Berceau, Mr. Powell, and the Assembly Committee on Housing in reviewing and modifying this mold bill, rather than to directly and universally defeat it.

To that end, I would like to ask if the mold task force may be of assistance in the process, and concurrently address some concerns or issues we have with the current bill. To the great majority of the task force, the "I'm in, You're out" mentality is a non-issue. Our issues are good science, practicality, and reasonableness. While many in the industrial hygiene community felt somewhat 'slighted' after Rep. Berceau and Mr. Powell's development process, as little if any, of the content we suggested was included in the current bill, we are looking forward to working within the framework of the Assembly Committee on Housing and Rep. Berceau's office to help craft a workable, reasonable, valuable, bill.

Again, I apologize for the confusion we apparently generated, and look forward to a positive response to permitting representatives of the mold task force to assist on the Mold assessor and remediator licensure bill (AB312).

John Reiter, CIH  
Chairman, mold task force Wisconsin

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Leaders in Industrial Hygiene since 1978





STATE REPRESENTATIVE  
**TERESE BERCEAU**

WISCONSIN STATE ASSEMBLY

76TH DISTRICT

January 11, 2008

Representative Steve Wieckert, Chair  
Assembly Committee on Housing  
Room 16 West  
State Capitol  
Madison, WI 53702

Dear Representative Wieckert:

The attached article from the Wisconsin State Journal provides a scary reminder that the mold problem remains a health and financial threat to the citizens of Wisconsin, especially with all of the moisture this winter.

Unfortunately, the threat of unscrupulous mold re-mediators is also out there. Because there is no regulation of this industry, Wisconsin consumers have no way of knowing if they are paying large sums of money to legitimate mold removers -- or to fly-by-night scam artists out to make a quick buck on the mold problem.

My proposal to set up reasonable regulation and licensing requirements -- and to penalize bad actors -- offers a timely solution. However, Assembly Bill 312 has been not received a public hearing despite referral to the Housing Committee last May. I have requested a Legislative Council Study to help resolve disagreements among mold professionals about this bill. While some industrial hygienists welcome and support this effort, others have opposed it, effectively derailing the bill. I have reached out without success to opponents in this field, asking them to send me specific objections, so that we may work with them to reach a compromise.

I would prefer not to wait for a Legislative Council Study if we could resolve these relatively minor issues more quickly. A public hearing could help bring these issues to the fore now.

I am very open to a good workable solution. The people of Wisconsin deserve consumer protection in this area. Will you consider scheduling a public hearing on AB 312 soon?

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Terese Berceau', written in a cursive style.

Terese Berceau  
State Representative  
76th Assembly District

Enclosure

State Capitol, Post Office Box 8952, Madison, WI 53708 • (608) 266-3784 • FAX: (608) 282-3676

E-mail: [rep.berceau@legis.wi.gov](mailto:rep.berceau@legis.wi.gov) • Web page: [//www.terese.org](http://www.terese.org)

Legislative Hotline: 1-888-362-9472

PRINTED ON RECYCLED PAPER

**IMPORTANT MESSAGE**

FOR SKW  
DATE 1/22 TIME 4:11  A.M.  P.M.

M. Rep Berceau

OF  
PHONE 608-279-5220  
AREA CODE NUMBER EXTENSION

FAX  
 MOBILE AREA CODE NUMBER TIME TO CALL

TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	
CAME TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	
WANTS TO SEE YOU	<input type="checkbox"/>	RUSH	
RETURNED YOUR CALL	<input checked="" type="checkbox"/>	SPECIAL ATTENTION	

MESSAGE Called regarding  
mold bill. Would like to  
not speak with you.  
BERCEAU HAPPY TO HEAR THE MOLD BILL.  
SHE WANTS A FULL BROWN HEARING.

SIGNED





Thank you for using our printer friendly story page.

Return to story

## HAZARDOUS HOMES | FIRST OF A THREE-DAY SERIES: The mold menace

By Ron Seely  
608-252-6131  
January 6, 2008

For Madison couple Gunnar Josefsson and Pam Meuer, the illnesses they have endured due to household mold are made even more difficult by the skepticism they have encountered as they sought help.

"You go from doctor to doctor," Meuer said. "And you're discounted, even made fun of. But the main thing is, you don't get the help you need ... I wanted to get better."

Josefsson, 60, and Meuer, 58, first became ill in 1989 while living in a condominium in Sweden that was eventually found to be harboring mold on the damp concrete beneath the carpets, a classic "sick building."

Their health problems continued after they moved to Madison in the early 1990s and now they are remodeling a ranch home on the city's West Side so that they can live in it without getting sick.

Of the many toxins we are exposed to in our homes, few remain as controversial and as problematic as mold. And, according to Dr. Jon Ouellette, a Madison allergist who specializes in mold, more people are likely to be dealing with the problem in their homes because of ice dams that send water cascading down inside walls or flooding that accompanies thaws or even from this summer's torrential rains.

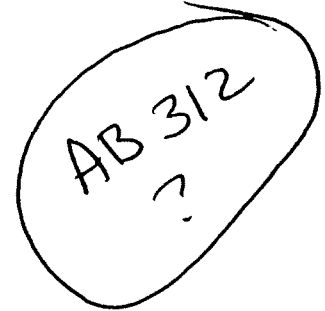
Despite many personal stories of people sickened and driven from their homes or workplaces by toxic molds, medical science is still trying to catch up with definitive research linking mold and illnesses.

### Difficult to diagnose

A survey of scientific literature performed by a state toxicologist found numerous case studies of people reporting similar symptoms -- chronic headache, dizziness, confusion, sinus bleeding and pulmonary problems -- from sick buildings but a scientific cause-and-effect relationship wasn't clear.

Studies, however, have shown a clear connection between asthma and allergic reactions to mold, said Robert Thiboldeaux, a toxicologist with the Bureau of Environmental and Occupational Health who performed the survey.

"Building-related illnesses are difficult to diagnose and interpret," Thiboldeaux said in his study, intended for public-health providers who are confronted with the problem.



"Because the symptoms are nonspecific and often allergy-related, people tend to ignore the problem, or their complaints are ignored by others, until the symptoms become chronic. Even then, it is difficult to make conclusive links to environmental factors."

Dr. Henry Anderson, the state's chief medical officer and an environmental and occupational disease epidemiologist, said mold in homes became more of a problem beginning in the 1970s when builders started constructing homes that were air-tight to prevent energy loss.

Some of those homes weren't adequately ventilated and were more at risk for mold. In recent years, he added, builders have made improvements in materials and in ventilation.

### **Mold cases increasing**

Dozens of mold cases have arisen in Wisconsin in recent years. Here are a few of them:

In 1995, legal damages totalling \$6.7 million were awarded to more than 600 families who had become sickened by mold in new homes built by the now-defunct Tri-State Homes of Mercer. The homes featured an air-tight vapor barrier, and investigations revealed that the company failed to adequately ventilate the homes. That led to moisture problems that caused the growth of mold, mildew, spores and other toxins.

In 2001, John and Lynn Droegkamp were forced to move out of the \$300,000 home they had built in Merton. Family members suffered everything from chronic nosebleeds to asthma, mononucleosis and pneumonia. Even the family cat, Socks, vomited and had blood in its urine while living in the home. Testing by the Waukesha County Division of Environmental Health confirmed several kinds of mold in the home, including the highly toxic *Stachybotrys*. The family's symptoms improved after they moved into another home.

In 2002, officials in Madison closed the city's newest elementary school, Chavez Elementary, after complaints of illnesses from teachers and students. Mold was found behind vinyl baseboards. The school was put back into use after a \$1.2 million cleanup.

Also in 2002, a number of other schools around the state were closed because of mold problems. Yahara Elementary in DeForest was closed in late March after officials found mold; the school district spent about \$2 million on a cleanup that included replacement of carpet with tile and a new ventilation system. Students at Coon Valley Elementary in Vernon County were plagued by headaches, stomachaches and respiratory problems that prompted a \$140,000 cleanup of mold. School districts reporting mold problems included Monona Grove, Milton, Sun Prairie, Oconomowoc, Sheboygan and Oshkosh.

In 2002, Carleen Wild, a Madison television anchor, and her family were forced from their Madison home after ice dams -- like those many homeowners are dealing with this winter -- led to damp walls and the growth of toxic mold under the eaves.

### **Mold awareness up**

Awareness of mold as a health problem has increased dramatically since 2000. The National Concrete Masonry Association reports that the number of mold litigation cases in the country has increased 300 percent since 2001. The association attributes the increase to a highly publicized lawsuit in 2001 in which an Austin, Texas, homeowner was awarded \$32 million after suing Farmers Insurance Group for mishandling a mold claim.

Continuing skepticism about the connections between mold and health is reflected in the response of the insurance industry to the problem. Eric Englund, with the Wisconsin Insurance Alliance, said that after an "extraordinary" number of mold claims were filed in recent years, most insurance companies nationally and in Wisconsin rewrote homeowner policies to exclude coverage of mold-related problems.

"Historically," Englund said, "insurers believed mold was a maintenance issue. Mold was something that grew on the walls of the shower when you didn't clean. Homeowner insurance is not about maintenance. That was the position the industry took."

Still, though it is happening slowly, the problems posed by mold are more frequently being recognized and addressed.

A bill expected to be introduced in Congress early this year by Rep. John Conyers, D-Michigan, would create a national insurance program to protect homeowners against major losses as a result of mold.

The law will call for a program similar to the national flood-insurance program already in place.

And it would also try to address some of the questionable practices by some so-called mold consultants by requiring the certification of mold inspectors.

Costs of remediation can vary. But Kevin Bristol, with the National Association of Mold Professionals, said removing mold from one contaminated wall of a home will cost, on average, about \$3,000. That includes an inspection, mold sampling and testing, and cleanup.

Families confronted with mold and health problems sometimes have to move from their homes or spend thousands of dollars to have the mold removed and a home remodeled so that the mold doesn't return.

### **Mold connection shown**

Ouellette, the retired Madison allergist who has extensively studied mold and health, said that though the medical science has been slow to come, there have been some important reports on the problem in recent years.

Chief among these, he said, was a 2004 report issued by the Institute of Medicine and paid for by the Centers for Disease Control and Prevention.

The report, characterized as a comprehensive review of the scientific literature on mold and health, showed clear connections between exposure to mold and a number of health problems, including upper respiratory tract symptoms, coughing, wheezing and asthma symptoms.



Some evidence was found of mold causing problems such as shortness of breath, lower respiratory illness in otherwise healthy children, and the development of asthma in susceptible people.

Ouellette also said there has been very interesting research lately that has linked the presence of mold with the growth of bacteria that could also be making people sick.

"The evidence is piling up," Ouellette said.

But those who find themselves dealing with mold have little need for more evidence.

Robin Pharo is president of Healthy Homes, a Mount Horeb company that provides homeowners with advice on issues ranging from green building to indoor pollutants.

Pharo said the company gets frequent calls from people who are experiencing illness or allergic reactions to mold or other toxins in their homes. She has no doubt there is a connection between mold and health complaints.

### **Search for home**

Josefsson and Meuer have endured years of illness because of their exposure to mold in a condominium in Sweden.

Both have been diagnosed with hypersensitivity to chemicals, a condition that is sometimes traced to an initial exposure to toxic molds.

They had trouble when they moved to Madison in the early 1990s finding doctors who would treat them and eventually turned to alternative medicine.

They also got help from organizations they found on the Internet, such as the American Academy of Environmental Medicine.

"That was an extremely hard time," Meuer said. "We were sick as dogs. To this day, there are some stores and theaters I can't go into ... If I go into a moldy home, a moldy building or a moldy classroom, it doesn't take long before I can't think straight. I get disoriented. My chest hurts. My head aches."

Two years ago, after living in apartments that worsened their symptoms, Josefsson and Meuer started searching for a home they could remodel to remove all of the things that make them sick.

Eventually, the couple found a ranch home on Old Middleton Road on the city's West Side. Josefsson liked it because the basement was dry and the ceiling in the basement wasn't finished. That meant he could get to the heating ducts and clean them easily.

Even after nearly two years, the task of remodeling the home continues for Josefsson and Meuer. Josefsson spent weeks taking apart the air ducts and carefully cleaning them.

They ripped up the carpets, put in wood floors coated with a chemical-free varnish, and painted the walls with special chemical-free paint.

Most recently, Josefsson has been ripping out the old moisture-filled bathroom and remodeling it.

He also bought a special ventilating machine that will pull more fresh air into the home.

Seated in their living room with its bright walls and shining wood floors, Josefsson and Meuer are proud of the home they have created. And it has returned to them their most prized possession -- their health.

### **For more on mold**

The U.S. Environmental Protection Agency and the Wisconsin Department of Health and Family Services have extensive information on their Web sites. Go to the EPA site at [www.epa.gov/mold/index.html](http://www.epa.gov/mold/index.html)

Or the site maintained by the Wisconsin Department of Health and Family Services, which includes health information and studies as well as tips on hiring mold contractors. The page is at <http://dhfs.wisconsin.gov/eh/mold/>

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