SB122 Means IICRC S500/S520 Are FLA Law.

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SB 122 Means S500-2015 & S520-2015 Are FLA Law

- SB 122 requires that mitigation/restoration and remediation contractors comply with industry standards.
  - For water damage mitigation/restoration that means IICRC S500-2015.
  - For mold remediation that means IICRC S520-2015.

Non-Compliance Is Illegal Contracting

- When a dry-out contractor does not comply with S500-2015 he will be doing illegal contracting.
- When doing mold remediation, if the contractor does not comply with S520-2015 he will be doing illegal contracting.
- There are NO attorney fee provisions for illegal work.

S500-2015 / S520-2015 Procedures

- Attached is a list of all the required procedures that contractors must follow to be S500-2015 and S520-2015 compliant.
- In IICRC “speak” that means that the procedure is specified as “should” be performed.
- There are many procedures that should be performed.
- I’ve pulled out a few and next point out how these could be important to Carriers.

S500 1.2.2.1 Initial Inspections

1.2.2.1 Initial Inspection

Upon entering a building, professional moisture detection equipment should be used to evaluate and document the psychrometric conditions inside and outside the building and the moisture content or levels of materials in affected and unaffected areas.

Restorers should inspect and document the source and time of the water intrusion, visible material deterioration, pre-existing damage and visible microbial growth. Professional moisture detection equipment should be used to inspect and document the extent of water migration and moisture intrusion into building materials and contents.

Restorers should establish drying goals for affected building materials and contents near the beginning of the restoration process, and it is recommended, if possible, that agreement with materially interested parties to the appropriateness of these goals be reached and documented.

- Document source of water and all pre-existing damage. Establish drying goals.

S500 9.2.1 Time Keeping

9.2.1 Time Keeping Documentation

Restorers should record the time worked by personnel involved in the project. Projects can be invoiced on a measured-estimate or bid basis, a time-and-material basis, or a cost-plus-overhead and profit basis. Individual timesheets, either written or electronic, might be required for billing purposes. Individual time records can include, but are not be limited to:

- worker name;
- date of service;
- job title or duties;
- time in for a specific task;
- time out for a specific task;
- brief task description and/or a correlating accounting code for the task being performed;
- total time worked;
- validation of time by a supervisor, clerk, or record keeper; and
- the signature of the worker.

- Who did what when.

S500 9.2.3 Project Monitoring Logs

9.2.3 Project Monitoring Logs

Restorers should maintain organized, written logs to monitor progress and demonstrate effectiveness of the drying process. The specific method for creating and maintaining monitoring logs on a project is beyond the scope of this document. Specific items recorded on a project log can include, but are not limited to:

- the name of the project;
- the dates and times of service;
- the person performing the service;
- the instrumentation used;
- the appropriate psychrometric readings (e.g., temperature, RH) in affected areas; unaffected areas and inlets/outlets of dehumidifiers or HVAC systems, if present;
- moisture level or content measurements of representative materials in the affected and unaffected areas;
- drying goals and standards for the affected materials; and
- location of the moisture level or content readings.

- Detailed readings performed at the job site and not made up later at the office.

S500 9.2.4 Required Documentation

9.2.4 Required Documentation

The documents and records obtained and maintained by the restorer shall include documents required by applicable laws, rules and regulations promulgated by federal, state, provincial, and local governmental authorities. This includes appropriate safety and health documentation.

While this is not an exhaustive list, to the extent these documents exist, documents and records should be obtained and maintained by the restorer to include the following:

- the water damage restoration contract and/or the emergency mitigation authorization;
- relevant details of the water intrusion (e.g., source, date of intrusion, date of discovery);
- moisture map;
- psychrometric records;
- moisture level or content records;
- the scope of work and work plan;
- documentation related to project limitations or deviations from compliance with this Standard (e.g., notices, agreements, disclosures, releases, waivers);
- environmental reports made available to the restorer;
- written recommendations or technical specifications from specialized experts, if such documents are made available to the restorer;

- A true moisture map of location and extent of water damage.

S500 9.2.4 Required Documentation

- equipment logs or similar documents that include a description of all equipment, materials, supplies and products used on the project, the quantity and length of time used (where applicable) and other relevant information;
- documentation reflecting client approval for the use of antimicrobial (biocides) including consumer "Right to Know" information; and
- records of pressure readings in and out of containment erected for the purpose of remediation.

- Pressure readings, Right to Know information on Biocide use, etc.

S500 9.3 Proof of Insurance

9.3 Risk Management

It may be appropriate for restoration businesses to consider development of a formal Risk Management Program, including a review of insurance coverage both required by law and appropriate to the risk (e.g., general liability, contractor's pollution liability). Restorers shall determine and comply with any governmental insurance requirements related to their business operations. The conduct of business as a restoration firm requires consideration of several other types of insurance coverage, including:

- workers' compensation: restoration firms shall meet legal requirements to provide workers' compensation coverage for businesses having employees.

- Proof of insurance/worker's comp.

S500 13.5.6.1 Airmover Calcs

13.5.6.1 Controlling Airflow

Airmovers should be set up to provide continuous airflow across all affected wet surfaces (e.g., floors, walls, ceilings, framing).

Upon initiating the restorative drying effort, restorers should install one airmover in each affected room. In addition, add one airmover:

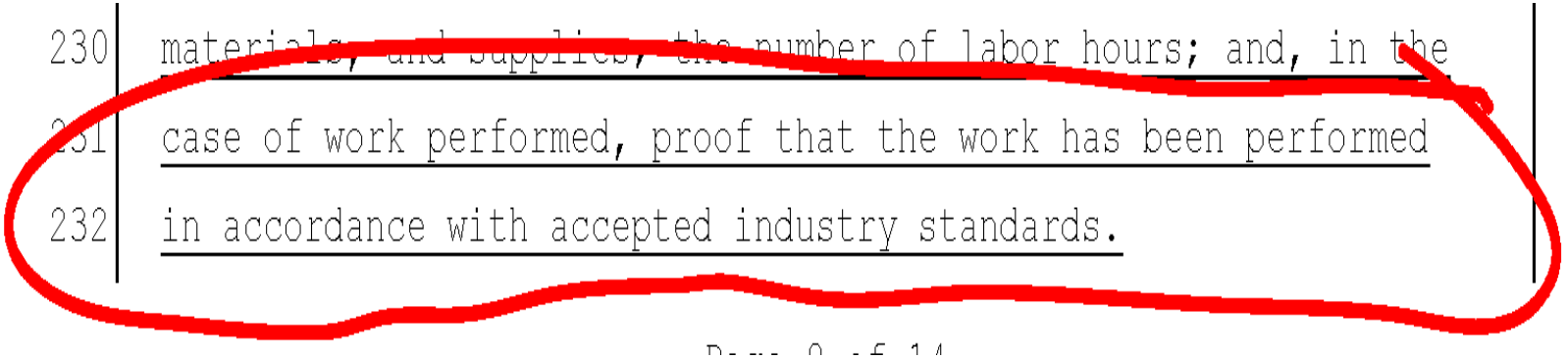
- for every 50-70 SF of affected wet floor in each room (to address floors and lower wall surfaces up to approximately 2 feet),
- for every 100-150 SF of affected wet ceiling and wall areas above approximately 2 feet, and
- for each wall inset and offset greater than 18 inches.

- Now must follow S500-2015 airmover calcs.

But Carriers Need to Up Their Game

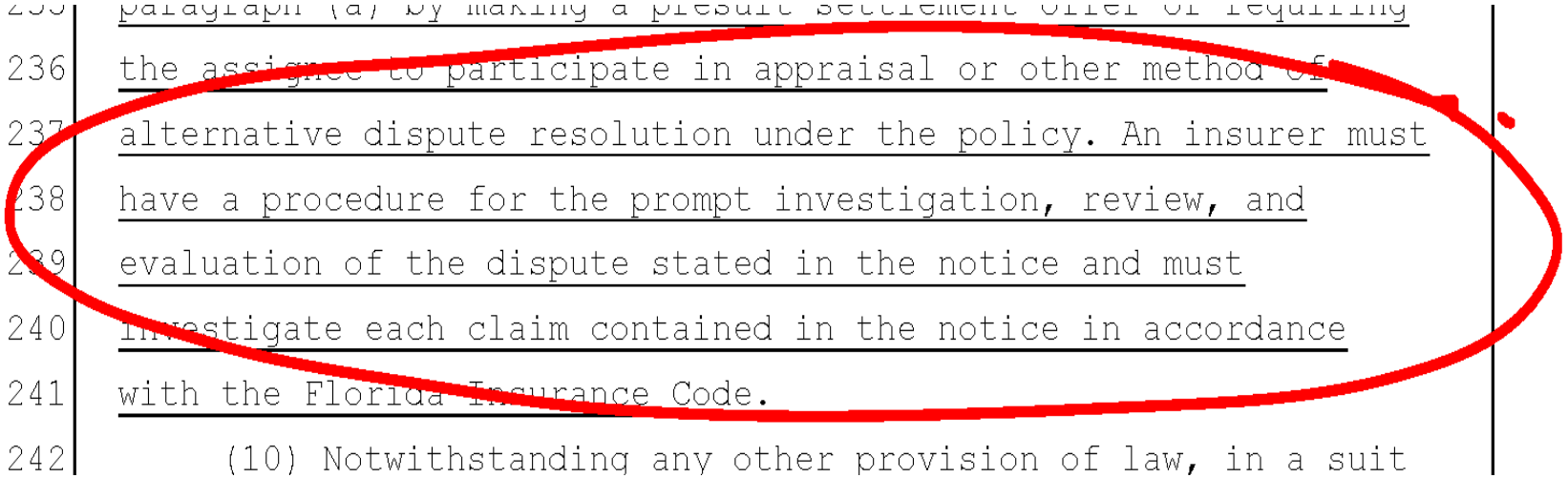
Carriers Must Up Their Game

- Are Carriers ready for the additional due diligence required by SB122?
- Carriers will need the ability to evaluate if work is compliant or not.



Requires "Prompt" Investigation

- Will Carriers have a suitable and effective procedure for the "prompt investigation, review and evaluation of the dispute"?



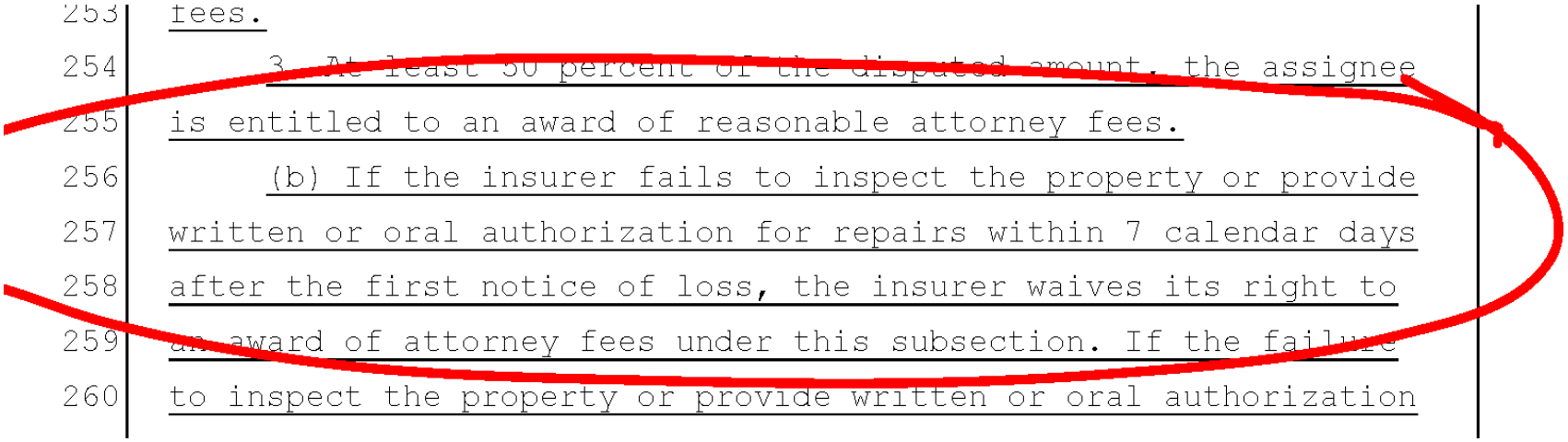
paragraph (a) by making a presuit settlement offer or requiring
the assignee to participate in appraisal or other method of
alternative dispute resolution under the policy. An insurer must
have a procedure for the prompt investigation, review, and
evaluation of the dispute stated in the notice and must
investigate each claim contained in the notice in accordance
with the Florida Insurance Code.
(10) Notwithstanding any other provision of law, in a suit

7 Day Rule

- Will Carriers have a suitable and effective program to not only “inspect” the property given that the contractor must comply with current industry standards…
- But also determine if the pricing is in line for industry standard compliant work?

7 Day Rule. Inspections

- And how is “inspection” defined. The courts will rule that it will be defined per IICRC.
- Are Carrier’s prepared to perform such inspections which are intrusive.

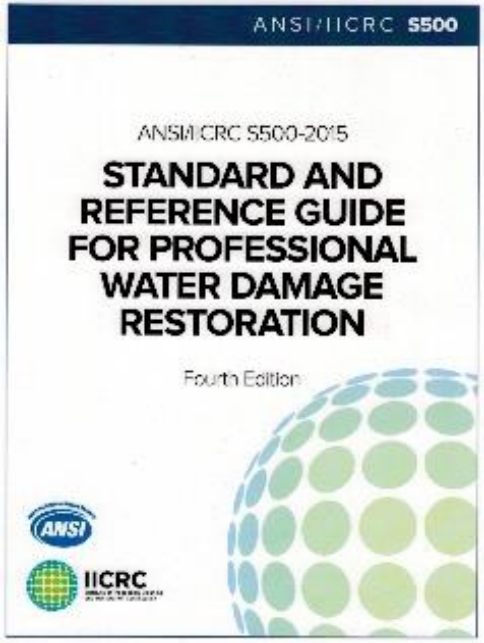


fees.

3. At least 50 percent of the disputed amount, the assignee is entitled to an award of reasonable attorney fees.

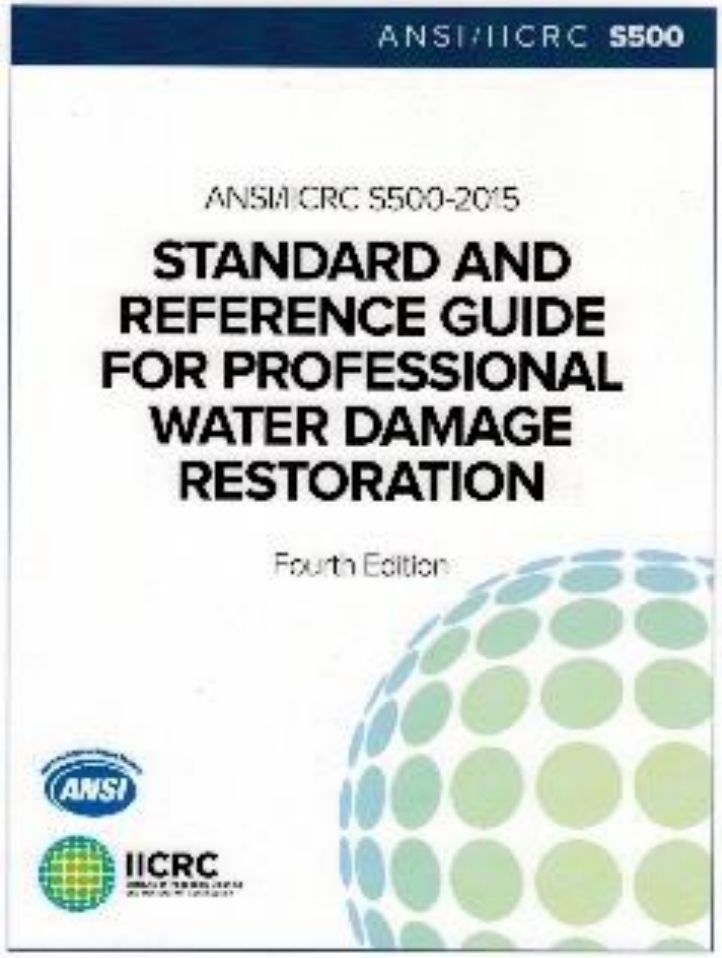
(b) If the insurer fails to inspect the property or provide written or oral authorization for repairs within 7 calendar days after the first notice of loss, the insurer waives its right to an award of attorney fees under this subsection. If the failure to inspect the property or provide written or oral authorization

IICRC S500 Compliant Inspections



In-Place Drying No Longer Approved

- IICRC S500-2015 no longer approves of drying in place.
- Now one **must** open walls, remove baseboards, cabinets as needed to thoroughly dry…
- <u>To thoroughly inspect for pre-existing damage or mold.</u>



1.2.2.1 Check For Pre-Existing Damage

1.2.2.1 Initial Inspection

Upon entering a building, professional moisture detection equipment should be used to evaluate and document the psychrometric conditions inside and outside the building and the moisture content or levels of materials in affected and unaffected areas.

Restorers should inspect and document the source and time of the water intrusion, visible material deterioration, pre-existing damage and visible microbial growth. Professional moisture detection equipment should be used to inspect and document the extent of water migration and moisture intrusion into building materials and contents.

- **Initial Inspection <u>required by S500</u>.**
- **Inspect extent of moisture intrusion into building material and contents. Not only on surfaces.**
- **Inspections are not part of a $3K mitigation cap and S500 compliant inspections are expensive.**

10.6.8 Moisture Inspection Inside Assemblies

10.6.8 Performing the Initial Moisture Inspection

Identification of building materials within an assembly can be accomplished through several methods (e.g., building drawings, existing access openings, inspection holes, partial disassembly, invasive moisture meters). The extent of moisture migration should be documented using one or more appropriate methods including at a minimum a moisture map (i.e., a diagram of the structure indicating the areas affected by migrating water).

- **Check inside of assemblies with inspection holes, partial disassembly or invasive moisture meters.**
- **Need to set up containments with negative air to perform such intrusive inspections.**
- **Now required by SB 122.**

13.3.7 Check Inside Assemblies to Access Pockets of Saturation

13.3.7 Pockets of Saturation

Restorers should open assemblies (e.g., walls, stairs, flooring, wall base areas, voids, built-ins) to access pockets of saturation and remove unsalvageable, contaminated materials and components. Exposed materials that remain in place should be cleaned and decontaminated, as appropriate.

- **Need to perform post remediation testing to make sure the air has not been contaminated by opening assemblies to check for pockets of saturation.**
- **Now required by SB 122.**

17.3.1 Pre-Restoration Eval of Assemblies. Open Them Up.

17.3.1 Pre-restoration Evaluation of assemblies

Evaluating layers or assemblies of materials should be done when it is suspected that water has migrated under or into it. Restorers should understand the particular construction in order to determine the best restoration approach. Properly inspecting, cleaning, drying, and restoring these assemblies can require removal of surface or multiple layers of them. If finished wall material (e.g., gypsum board, plaster) requires replacement, restorers should commence removal first; then properly dry exposed sub-surfaces and framing to the predetermined drying goal prior to reinstallation of finish materials.

- **Open assemblies to properly inspect and dry.**
- **Now required by SB 122.**

Conclusions

Conclusions: SB 122 Good For Carriers.

- If there is no proof provided by contractor of S500-2015/S520-2015 compliance. Don't pay.
- If work is not S500-2015/S520-2015 proven compliant, it is illegal.
- Illegal work = No attorney fee provisions.

- See attached list of all pertinent procedures required by the IICRC S500-2015 & IICRC S520-2015 Standard of Care for Water Damage Restoration.

Conclusions: SB 122 Requires Carriers to Quickly Up Their Game

- However Carriers will have to up their game to be able to promptly “inspect” property to:
  - Determine if the work is compliant or not compliant.
  - Determine how much the work should cost (7 day rule.)

How Will This Be Done? Who Will Do It?

- Carrier adjusters are in no way prepared for such tasks.
- Carrier current Forensic Engineers are in no way able to help with such work.

Contact Information

NAERMC is a Florida approved training and exam provider for mold assessor/ mold remediator licensing.

www.Free-Mold-Training.org

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Training. Expert Witness Services. Forensic Engineering. Consulting. Mold Assessment/ Remediation.

About Dr. Rosen

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State Licensed Independent Adjuster
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IICRC S500-2015 Certified WRT
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