

111TH CONGRESS
2D SESSION

S. _____

To amend the Toxic Substances Control Act to modify provisions relating to indoor radon abatement, and for other purposes.

IN THE SENATE OF THE UNITED STATES

_____ introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend the Toxic Substances Control Act to modify provisions relating to indoor radon abatement, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Indoor Radon Expo-
5 sure Abatement and Detection Act of 2010”.

6 **SEC. 2. FINDINGS.**

7 Section 301 of the Toxic Substances Control Act (15
8 U.S.C. 2661) is amended—

9 (1) in the heading, by inserting “; **FINDINGS**”
10 after “**GOAL**”;

1 (2) by striking “The national” and inserting
2 “(a) GOAL.—”and

3 (3) by adding at the end the following:

4 “(b) FINDINGS.—Congress finds that—

5 “(1) radon is a radioactive, odorless, colorless,
6 and tasteless gas formed from the natural decay of
7 uranium in the crust of the Earth;

8 “(2) radon may accumulate in basements and
9 homes, reaching indoor concentration levels of many
10 times the ambient outdoor concentration levels;

11 “(3) exposure to indoor concentrations of radon
12 is the second leading cause of lung cancer in the
13 United States, and the leading cause of lung cancer
14 in nonsmokers, contributing to many thousands of
15 lung cancer deaths annually;

16 “(4) the incidence of lung cancer caused by in-
17 door radon concentrations poses a serious national
18 public health problem that is not limited to any re-
19 gion or State;

20 “(5) testing for indoor radon concentrations is
21 easy, affordable, and accurate, if performed prop-
22 erly;

23 “(6) indoor radon concentrations are prevent-
24 able through low-cost abatement actions;

1 “(7) radon resistant construction in new homes
2 can effectively prevent radon gas buildup throughout
3 the life of the property;

4 “(8) constructing new homes with radon resist-
5 ant measures is often more cost effective than in-
6 stalling abatement measures after a home has been
7 constructed; and

8 “(9) most tests for indoor radon concentrations
9 are performed in conjunction with real estate trans-
10 actions, and the majority of States require the dis-
11 closure of any known indoor radon hazards by the
12 seller in a real estate transaction.”.

13 **SEC. 3. DEFINITIONS.**

14 Section 302 of the Toxic Substances Control Act (15
15 U.S.C. 2662) is amended—

16 (1) by striking “For purposes of this title:” and
17 inserting “In this title:”;

18 (2) by striking paragraphs (1) and (2);

19 (3) by redesignating paragraphs (3) and (4) as
20 paragraphs (6) and (12), respectively;

21 (4) by inserting before paragraph (6) (as so re-
22 designated) the following:

23 “(1) ABATEMENT.—The term ‘abatement’
24 means any set of measures (including passive and
25 active systems) designed to reduce an indoor radon

1 concentration to a concentration below the rec-
2 ommended radon action level.

3 “(2) CERTIFIED.—The term ‘certified’, with re-
4 spect to a contractor, tester, measurement provider,
5 worker, or supervisor, means that the contractor,
6 tester, measurement provider, worker, or supervisor
7 has been accredited in accordance with section 322.

8 “(3) HUD ASSISTANCE.—The term ‘HUD as-
9 sistance’ means financial assistance that is awarded,
10 competitively or noncompetitively, allocated by for-
11 mula, or provided by the Secretary of Housing and
12 Urban Development as a subsidy.

13 “(4) INDIAN TRIBE.—The term ‘Indian tribe’
14 has the meaning given the term in section 102 of the
15 Federally Recognized Indian Tribe List Act of 1994
16 (25 U.S.C. 479a)).

17 “(5) PUBLICLY OWNED.—”

18 “(A) IN GENERAL.—The term ‘publicly
19 owned’, with respect to a residential dwelling,
20 means a residential dwelling that is—

21 “(i)(I) owned and operated by—

22 “(aa) the Federal Government;

23 “(bb) a public housing authority;

24 “(cc) a tribally designated hous-
25 ing entity;

1 “(dd) an Indian tribe; or
2 “(ee) another appropriate Fed-
3 eral department or agency; and
4 “(II) subsidized and regulated by the
5 Federal Government pursuant to the
6 United States Housing Act of 1937 (42
7 U.S.C. 1437 et seq.); or
8 “(ii) owned or managed by a Federal de-
9 partment or agency.”

10 (5) by inserting after paragraph (6) (as so re-
11 designated) the following:

12 “(7) RADON ACTIVITY.—The term ‘radon activ-
13 ity’ means any activity associated with radon testing
14 or abatement.

15 “(8) RADON HAZARD.—The term ‘radon haz-
16 ard’ means a level of radon that exceeds the rec-
17 ommended radon action level.

18 “(9) RADON TEST.—The term ‘radon test’
19 means the measurement of indoor radon concentra-
20 tions—

21 “(A) in accordance with applicable State
22 law; or

23 “(B) in accordance with the standards
24 under section 322.

1 “(10) RECOMMENDED RADON ACTION LEVEL.—
2 The term ‘recommended radon action level’ means
3 the indoor radon concentration determined under
4 section 323(b).

5 “(11) RESIDENTIAL DWELLING.—The term
6 ‘residential dwelling’ means—

7 “(A) a single-family dwelling, including liv-
8 able attached structures; or

9 “(B) a single-family dwelling unit on the
10 third floor or below in a structure that contains
11 more than 1 separate residential dwelling unit,
12 and in which each such unit is used or occu-
13 pied, or intended to be used or occupied, in
14 whole or in part, as the home or residence of
15 1 or more individuals.”; and

16 (6) by inserting after paragraph (12) (as so re-
17 designated) the following:

18 “(13) SECRETARY.—The term ‘Secretary’
19 means the Secretary of Housing and Urban Develop-
20 ment.”.

21 **SEC. 4. MODEL CONSTRUCTION STANDARDS AND STATE**
22 **RADON PROGRAMS.**

23 (a) TECHNICAL AMENDMENTS.—Title III of the
24 Toxic Substances Control Act is amended—

1 (1) by striking sections 303 (15 U.S.C. 2663),
2 307 (15 U.S.C. 2667), and 309 (15 U.S.C. 2669);

3 (2) by inserting after section 302 (15 U.S.C.
4 2662) the following:

5 **“Subtitle A—General Provisions”;**

6 (3) in section 310 (15 U.S.C. 2670), by striking
7 “this title” and inserting “this subtitle”; and

8 (4) in section 311 (15 U.S.C. 2671), by striking
9 “this title” each place it appears and inserting “this
10 subtitle”.

11 (b) MODEL CONSTRUCTION STANDARDS.—Section
12 304 of the Toxic Substances Control Act (15 U.S.C. 2664)
13 is amended—

14 (1) in the first sentence, by inserting “, in con-
15 sultation with the Secretary,” after “Agency”;

16 (2) in the fifth sentence, by striking “shall
17 make final model standards and techniques available
18 to the public by June 1, 1990” and inserting “may
19 revise the model standards and techniques as the
20 Administrator determines to be necessary not more
21 than once every 5 years”; and

22 (3) in the sixth sentence—

23 (A) by inserting “, or a Department or
24 Agency determined by the Administrator” after
25 “Administrator”; and

1 (B) by striking “adopt” and inserting “in-
2 corporate”.

3 (c) STATE AND TRIBAL RADON PROGRAMS.—Section
4 305 of the Toxic Substances Control Act (15 U.S.C. 2665)
5 is amended—

6 (1) in subsection (a)—

7 (A) by striking paragraphs (2), (5), and
8 (8); and

9 (B) by redesignating paragraphs (3), (4),
10 (6), and (7) as paragraphs (2), (3), (4), and
11 (5), respectively;

12 (2) by redesignating subsections (b) through (e)
13 as subsections (c) through (f), respectively;

14 (3) by inserting after subsection (a) the fol-
15 lowing:

16 “(b) STATE AND TRIBAL RADON PROGRAMS.—

17 “(1) STATE ABATEMENT ACTION PLANS.—As a
18 condition of receiving a grant under section 306(a),
19 a State shall—

20 “(A) develop and submit to the Adminis-
21 trator a radon abatement action plan that es-
22 tablishes a strategy to reduce radon exposure in
23 residential dwellings within the entire geo-
24 graphical area of the State (excluding Indian
25 tribal areas) through such voluntary and en-

1 enforcement mechanisms as are appropriate to
2 meet the applicable requirements of this title by
3 not later than 30 months after the date of en-
4 actment of the Indoor Radon Exposure Abate-
5 ment and Detection Act of 2010;

6 “(B) consult with public housing authori-
7 ties in the State and other appropriate authori-
8 ties that own or operate publicly owned housing
9 to advance the goals of subparagraph (B); and

10 “(C) update and resubmit to the Adminis-
11 trator a radon abatement action plan not less
12 frequently than once every 5 years, or by such
13 other date as the Administrator determines to
14 be appropriate, which shall include a description
15 of the progress made toward achieving the goals
16 of the abatement action plan.

17 “(2) TRIBAL ABATEMENT ACTION PLANS.—As
18 a condition of receiving a grant under section
19 306(a), an Indian tribe shall—

20 “(A) develop and submit to the Adminis-
21 trator a radon abatement action plan that es-
22 tablishes a strategy to reduce radon exposure in
23 residential dwellings within the area subject to
24 the jurisdiction of the Indian tribe through such
25 voluntary and enforcement mechanisms as are

1 appropriate to meet the applicable requirements
2 of this title; and

3 “(B) update and resubmit to the Adminis-
4 trator a radon abatement action plan not less
5 frequently than once every 5 years, or by such
6 other date as the Administrator determines to
7 be appropriate, which shall include a description
8 of the progress made toward meeting the goals
9 of the abatement action plan.

10 “(3) MODEL ABATEMENT ACTION PLAN.—

11 “(A) DEVELOPMENT.—Not later than 1
12 year after the date of enactment of the Indoor
13 Radon Exposure Abatement and Detection Act
14 of 2010, the Administrator shall develop a
15 model abatement action plan, which may be
16 adopted by any State or Indian tribe for pur-
17 poses of this subsection.

18 “(B) USE OF EXISTING STATE AND LOCAL
19 CERTIFICATION AND ACCREDITATION PRO-
20 GRAMS AND PROCEDURES.—The model plan
21 under subparagraph (A) shall encourage States
22 and Indian tribes to use existing certification
23 and accreditation programs and procedures, to
24 the maximum extent practicable.

1 “(4) STATE AND TRIBAL ENFORCEMENT AND
2 WITHDRAWAL OF AUTHORIZATION AND GRANTS.—If
3 a State or Indian tribe fails to submit an abatement
4 action plan under paragraph (1) by the date that is
5 3 years after the date of enactment of the Indoor
6 Radon Exposure Abatement and Detection Act of
7 2010, or if a State or Indian tribe fails to admin-
8 ister and enforce an abatement action plan under
9 this section in accordance with the standards, regu-
10 lations, and other requirements of this Act, the Ad-
11 ministrator shall—

12 “(A) notify the State or Indian tribe of the
13 failure to comply;

14 “(B) if corrective action is not completed
15 by the State or Indian tribe within a reasonable
16 time, not to exceed 180 days after the date of
17 receipt of the notification, make public the noti-
18 fication of the failure by the State to comply;
19 and

20 “(C) withdraw any grant provided to the
21 State or Indian tribe under this subtitle, as the
22 Administrator determines to be appropriate.”.

23 (4) in subsection (e) (as so redesignated)—

1 (A) in the heading, by striking “PRO-
2 FICIENCY RATING PROGRAM AND TRAINING”
3 and inserting “TRAINING”;

4 (B) by striking paragraphs (1), (6), and
5 (7);

6 (C) by redesignating paragraphs (2)
7 through (5) as paragraphs (1) through (4), re-
8 spectively;

9 (D) in paragraph (1) (as so redesignated),
10 in the first sentence—

11 (i) by striking “such proficiency rat-
12 ing program and”;

13 (ii) by striking “persons applying for
14 a proficiency rating and on”; and

15 (iii) by striking “program or”;

16 (E) in paragraph (2) (as so redesignated),
17 in the second sentence—

18 (i) by striking “proficiency rating pro-
19 gram or”; and

20 (ii) by striking “program or”; and

21 (F) in paragraph (3) (as so redesignated),
22 by striking “program and” in each place it ap-
23 pears; and

24 (G) in paragraph (4) (as so redesi-
25 gnated)—

1 (i) by striking “The Administrator”
2 and inserting the following:

3 “(A) IN GENERAL.—The Administrator”;

4 (ii) in subparagraph (C), by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and indenting appropriately;

8 (iii) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively, and indenting appropriately;

12 (iv) by inserting after paragraph (A) (as so designated) the following:

14 “(B) RADON TECHNOLOGIES.—The Administrator, in cooperation with other Federal departments and agencies, shall conduct research—

18 “(i) to develop improved methods for evaluating indoor radon concentrations in residential dwellings;

21 “(ii) to develop improved methods for abating and preventing radon hazards in new and existing residential dwellings;

1 “(iii) to develop improved performance
2 standards for indoor radon detection meth-
3 ods;

4 “(iv) to evaluate the long-term per-
5 formance of indoor radon hazard reducing
6 techniques;

7 “(v) to evaluate the long-term cost-ef-
8 fectiveness of indoor radon abatement
9 strategies; and

10 “(vi) to assess the effectiveness of
11 radon testing and abatement activities car-
12 ried out under this subtitle.

13 “(C) RESEARCH GRANT PROGRAM.—The
14 Administrator, in cooperation with other Fed-
15 eral agencies, may establish a research grant
16 program to encourage the improvement of
17 radon technologies.

18 “(D) FUNDING.—The Administrator shall
19 use not less than 5 percent of the amounts
20 made available for each fiscal year to carry out
21 this subtitle to carry out this paragraph.”; and
22 (5) in subsection (f) (as so redesignated)—

23 (A) by striking “(e)” and all that follows
24 through “No amount appropriated under this

1 subsection” in paragraph (2) and inserting the
2 following:

3 “(f) LIMITATION.—No amount appropriated to carry
4 out this section”; and

5 (B) by striking paragraph (3).

6 (d) CONFORMING AMENDMENT.—Section
7 6501(c)(1)(B) of the Omnibus Budget Reconciliation Act
8 of 1990 (42 U.S.C. 4370c(e)(1)(B)) is amended by strik-
9 ing “305(e)(2)” and inserting “305(f)”.

10 **SEC. 5. GRANT ASSISTANCE TO STATES AND INDIAN TRIBES**
11 **FOR RADON PROGRAMS.**

12 Section 306 of the Toxic Substances Control Act (15
13 U.S.C. 2666) is amended—

14 (1) in the section heading, by inserting “**AND**
15 **INDIAN TRIBES**” after “**STATES**”;

16 (2) by striking subsections (a) through (f) and
17 inserting the following:

18 “(a) FEDERAL-STATE MATCHING GRANTS PRO-
19 GRAM.—

20 “(1) ESTABLISHMENT.—

21 “(A) IN GENERAL.—The Administrator, in
22 coordination with the Secretary, shall establish
23 a Federal-State matching grant program to
24 make grants to States and Indian tribes to as-

1 sist in the implementation of State and tribal
2 abatement action plans under section 305(b).

3 “(B) ADMINISTRATION.—The Adminis-
4 trator shall, to the maximum extent practicable,
5 integrate—

6 “(i) the program established under
7 subparagraph (A); and

8 “(ii) any applicable State indoor
9 radon grant program established under
10 this subtitle that is in existence as of the
11 date of enactment of the Indoor Radon Ex-
12 posure Abatement and Detection Act of
13 2010.

14 “(2) ELIGIBILITY REQUIREMENTS.—

15 “(A) IN GENERAL.—To be eligible to re-
16 ceive a grant under paragraph (1), a State or
17 Indian tribe shall submit to the Administrator
18 an abatement action plan in accordance with
19 section 305(b).

20 “(B) APPROVAL OR DISAPPROVAL.—Not
21 later than 180 days after the date of submis-
22 sion of an abatement action plan, the Adminis-
23 trator shall—

1 “(i) certify that the plan meets the
2 eligibility requirements of this paragraph;

3 or

4 “(ii)(I) determine that the plan does
5 not meet those requirements; and

6 “(II) assist the State or Indian tribe
7 to amend the abatement action plan to
8 meet the eligibility requirements of this
9 paragraph by not later than 90 days after
10 the date of the determination under sub-
11 clause (I).

12 “(C) GRANT AWARDS.—

13 “(i) IN GENERAL.—A State or Indian
14 tribe shall not be eligible to receive more
15 than 1 grant for each fiscal year under
16 this subsection.

17 “(ii) AWARDS TO STATES.—To be eli-
18 gible to receive a grant under paragraph
19 (1), a State shall—

20 “(I) submit to the Administrator
21 an application not less frequently than
22 once every 5 fiscal years; and

23 “(II) agree to provide funding,
24 from State appropriated funds or
25 other State revenues or from private

1 contributions received by the State, to
2 assist in the implementation of the
3 State abatement action plan, based on
4 the following matching schedule, as
5 appropriate based on the annual mon-
6 etary amount requested:

7 “(aa) For the initial
8 \$100,000 requested, the State
9 shall not be required to provide
10 matching funding for that por-
11 tion of the grant.

12 “(bb) For the portion of the
13 grant requested that is greater
14 than \$100,000, but less than or
15 equal to \$250,000, the State
16 shall agree to provide matching
17 funding of not less than 10 per-
18 cent of that portion of the grant.

19 “(cc) For the portion of the
20 grant requested that is greater
21 than \$250,000, but less than or
22 equal to \$500,000, the State
23 shall agree to provide matching
24 funding of not less than 25 per-
25 cent of that portion of the grant.

1 “(dd) For the portion of the
2 grant requested that is greater
3 than \$500,000, the State shall
4 agree to provide matching fund-
5 ing of not less than 50 percent of
6 that portion of the grant.

7 “(iii) AWARDS TO TRIBES.—Each
8 grant provided under this subsection to an
9 Indian tribe shall be subject to such terms
10 and conditions as the Administrator may
11 establish to promote the purposes of this
12 title.

13 “(3) FUNDING.—The Administrator shall use
14 not less than 20 percent of the amounts made avail-
15 able for each fiscal year to carry out this title to
16 provide grants under this subsection.

17 “(b) GRANTS FOR AFFORDABLE HOUSING.—

18 “(1) IN GENERAL.—The Administrator, or a
19 department or agency designated by the Adminis-
20 trator, may provide grants to eligible applicants as
21 described in paragraph (2).

22 “(2) ELIGIBLE APPLICANTS.—A State, local
23 government, or Indian tribe that has an approved
24 comprehensive housing affordability strategy under
25 section 105 of the Cranston-Gonzalez National Af-

1 fordable Housing Act (42 U.S.C. 12705) shall be eli-
2 gible to apply for a grant under this subsection.

3 “(3) REQUIREMENTS.—To be eligible to receive
4 a grant under this subsection, an eligible applicant
5 shall—

6 “(A) submit to the Administrator, or a de-
7 partment or agency designated by the Adminis-
8 trator, an application not less frequently than
9 once every 5 fiscal years, including a descrip-
10 tion of—

11 “(i) the activities to be carried out
12 using the grant;

13 “(ii) the extent to which federally as-
14 sisted housing will be affected by the ac-
15 tivities under the State or tribal abatement
16 action plan under paragraph (1)(C) or
17 (2)(C) of section 305(b), as applicable; and

18 “(iii) each category of housing for
19 which the grant will be used; and

20 “(B) in the case of a State, record and
21 make available to the public information re-
22 garding—

23 “(i) the number of residential dwell-
24 ings subjected to radon testing using grant
25 funds;

1 “(ii) the number of residential dwell-
2 ings in which radon hazards were abated
3 using grant funds; and

4 “(iii) each activity funded using the
5 grant.

6 “(4) USE.—A grant provided under this sub-
7 section shall be used solely to evaluate and abate
8 radon hazards in federally assisted housing that does
9 not otherwise receive funding for radon testing or
10 abatement of radon hazards under subsection (a).

11 “(5) TERMS AND CONDITIONS.—

12 “(A) IN GENERAL.—Each grant provided
13 under this subsection shall be subject to such
14 terms and conditions as the Administrator, or a
15 department or agency designated by the Admin-
16 istrator, may establish to promote the purposes
17 of this title.

18 “(B) NO MATCHING FUNDS REQUIRED.—
19 Receipt of a grant under this subsection shall
20 not require any eligible applicant to provide
21 matching funds for the cost of the activities
22 carried out using the grant.

23 “(6) PROHIBITION OF SUBSTITUTION OF
24 FUNDS.—A grant provided under this subsection
25 may not be used to replace any other amount made

1 available or designated by a State, tribal, or local
2 government for use to promote the purposes of this
3 title.

4 “(7) FUNDING.—The Administrator shall use
5 not less than 20 percent of the amounts made avail-
6 able for each fiscal year to carry out this title to
7 provide grants under this subsection.

8 “(c) BUILDING CODES FOR NEW CONSTRUCTION.—

9 “(1) IN GENERAL.—The Administrator, or a
10 department or agency designated by the Adminis-
11 trator, shall provide grants under this section to any
12 State or Indian tribe to assist in carrying out State,
13 tribal, or local building codes for new residential
14 dwellings that are consistent with the radon control
15 methods that are—

16 “(A) contained in the revised model lan-
17 guage under section 304;

18 “(B) consistent with applicable State, trib-
19 al, or local building codes; or

20 “(C) determined to be appropriate by the
21 Administrator or a department or agency des-
22 igned by the Administrator.

23 “(2) REQUIREMENTS.—A grant recipient shall
24 perform a radon test on a percentage of new resi-
25 dential dwellings, as determined by the Adminis-

1 trator, or a department or agency designated by the
2 Administrator, constructed in accordance with para-
3 graph (1) to demonstrate that—

4 “(A) the building code is effective at reduc-
5 ing radon levels in new residential dwellings;
6 and

7 “(B) the radon level in the residential
8 buildings tested is below the recommended
9 radon action level.

10 “(3) FUNDING.—Not less than 5 percent of the
11 amounts made available for each fiscal year to carry
12 out this title shall be used to provide grants under
13 this subsection.

14 “(d) ELIGIBLE ACTIVITIES.—A grant provided under
15 subsection (a) or (b) may be used—

16 “(1) to perform radon tests in residential dwell-
17 ings;

18 “(2) to provide for the abatement of radon haz-
19 ards in residential dwellings;

20 “(3) to ensure that radon testing and abate-
21 ment activities are carried out only by certified or
22 State-licensed contractors in accordance with section
23 323;

1 “(4) to educate the public regarding the risk of
2 indoor radon exposure and the nature of radon
3 abatement; or

4 “(5) to carry out such activities as the Adminis-
5 trator, or a department or agency designated by the
6 Administrator, determines to be appropriate to pro-
7 mote the purposes of this title.

8 “(e) FORMS OF ASSISTANCE.—A State, tribal, or
9 local government may provide the services described in
10 subsection (d) through programs to provide—

11 “(1) grants;

12 “(2) loans;

13 “(3) equity investments;

14 “(4) revolving loan funds;

15 “(5) loan funds;

16 “(6) loan guarantees;

17 “(7) property tax loans;

18 “(8) interest writedowns; or

19 “(9) any other forms of assistance.”;

20 (3) by striking subsections (i) and (j);

21 (4) by redesignating subsections (g) and (h) as
22 subsections (f) and (g), respectively;

23 (5) in subsection (f) (as so redesignated), by
24 striking “paragraphs (2), (3), and (6) of subsection
25 (c) of” and inserting “this section”; and

1 (6) in subsection (g) (as so redesignated)—

2 (A) in paragraph (3), in the first sentence,
3 by striking “referred to in section 305(a)(2)”;
4 and

5 (B) by striking “(g)” and all that follows
6 through “(3) Any State” and inserting the fol-
7 lowing:

8 “(g) INFORMATION.—Any State”.

9 **SEC. 6. REGIONAL RADON TRAINING CENTERS.**

10 Section 308(f) of the Toxic Substances Control Act
11 (15 U.S.C. 2668(f)) is amended by striking “not to exceed
12 \$1,000,000 for each of fiscal years 1989, 1990, and 1991”
13 and inserting “such sums as are necessary”.

14 **SEC. 7. INDOOR RADON EXPOSURE ABATEMENT AND DE-**
15 **TECTION.**

16 Title III of the Toxic Substances Control Act (15
17 U.S.C. 2661 et seq.) is amended by adding at the end
18 the following:

19 **“Subtitle B—Indoor Radon**
20 **Exposure Abatement and Detection**

21 **“SEC. 321. DISPOSITION OF PUBLICLY OWNED RESIDEN-**
22 **TIAL DWELLINGS.**

23 “(a) ACTION PLAN.—

24 “(1) ESTABLISHMENT.—Not later than 18
25 months after the date of enactment of this subtitle,

1 subject to paragraph (4), the Administrator and the
2 Secretary shall jointly, in consultation with other ap-
3 propriate departments and agencies, establish an ac-
4 tion plan that provides guidance—

5 “(A) to the appropriate Federal depart-
6 ments and agencies regarding testing and
7 abatement of radon hazards in all publicly
8 owned residential dwellings; and

9 “(B) regarding the inclusion of radon
10 abatement measures in new construction of
11 publicly owned housing.

12 “(2) REQUIREMENT.—The action plan under
13 paragraph (1) shall establish a strategy for testing
14 and abating radon hazards in all publicly owned res-
15 idential dwellings.

16 “(3) PROGRAMS.—The Administrator, the Sec-
17 retary, or both jointly, in conjunction with other ap-
18 propriate Federal departments and agencies, shall
19 establish such programs as are necessary to imple-
20 ment the action plan under this subsection.

21 “(4) PUBLICLY OWNED RESIDENTIAL DWELL-
22 INGS IN TRIBAL AREAS.—

23 “(A) IN GENERAL.—The Administrator
24 and the Secretary shall jointly delegate to In-
25 dian tribal governments or tribally designated

1 housing entities, as appropriate, the authority
2 and funding under this section to carry out the
3 activities described in subparagraph (B) for
4 publicly owned residential dwellings in tribal
5 areas.

6 “(B) DESCRIPTION OF ACTIVITIES.—The
7 activities referred to in subparagraph (A) are—

8 “(i) testing and abatement of radon
9 hazards of all publicly owned residential
10 dwellings, as determined by the appro-
11 priate Indian tribal government or tribally
12 designated housing entity, located in an In-
13 dian tribal area; and

14 “(ii) implementing new building codes
15 that require the inclusion of radon abate-
16 ment measures in new construction that—

17 “(I) is located in an Indian tribal
18 area; and

19 “(II) is publicly owned housing.

20 “(C) DECLINATION OF AUTHORITY.—

21 “(i) IN GENERAL.—A tribal authority
22 or tribally designated housing entity may
23 elect to decline the authority and funding
24 delegated under subparagraph (A).

1 “(ii) ACTION BY ADMINISTRATOR.—

2 On an election by a tribal authority or
3 tribally designated housing entity under
4 clause (i), the Administrator and the Sec-
5 retary shall jointly establish an action plan
6 to test and reduce radon hazards for all
7 publicly owned residential dwellings in the
8 tribal area of the tribal authority or trib-
9 ally designated housing entity.

10 “(b) RESULTS.—The Administrator and the Sec-
11 retary (or tribal authority or tribally designated housing
12 entity, as applicable) shall jointly make available to pro-
13 spective purchasers of publically owned residential dwell-
14 ings included under this section the results of each radon
15 test conducted under subsection (a) to assist the pur-
16 chasers in identifying the presence of indoor radon.

17 “(c) BUDGET AUTHORITY.—To the extent that the
18 requirements of this subtitle increase the cost to the Fed-
19 eral Government of any activity relating to an outstanding
20 direct loan obligation or loan guarantee commitment, the
21 activity shall be—

22 “(1) considered to be a modification under sec-
23 tion 504(e) of the Federal Credit Reform Act of
24 1990 (2 U.S.C. 661c(e)); and

1 “(2) subject to the availability of appropria-
2 tions.

3 “(d) FEDERAL HOUSING ADMINISTRATION FINAN-
4 CIAL ASSISTANCE.—

5 “(1) FEDERAL HOUSING ADMINISTRATION MIN-
6 IMUM PROPERTY STANDARDS.—

7 “(A) IN GENERAL.—The Secretary, in con-
8 sultation with the Administrator, shall amend
9 by regulation the minimum property standards
10 of the Federal Housing Administration (FHA)
11 to require that, prior to receiving Housing and
12 Urban Development assistance (referred to in
13 this section as ‘HUD assistance’), in whole or
14 in part, for a residential dwelling—

15 “(i) the recipient of the HUD assist-
16 ance shall be provided with the informa-
17 tional material regarding indoor radon de-
18 scribed in section 324(a); and

19 “(ii) the residential dwelling being
20 purchased shall meet any requirements re-
21 garding indoor radon determined to be ap-
22 propriate by the Secretary, in consultation
23 with the Administrator.

1 “(B) EXCLUSIONS.—A regulation promul-
2 gated under subparagraph (A) shall not apply
3 to—

4 “(i) the final approval of any loan for
5 a residential dwelling insured under section
6 203 of the National Housing Act (12
7 U.S.C. 1709); or

8 “(ii) a home equity conversion mort-
9 gage for a residential dwelling under sec-
10 tion 255 of the National Housing Act (12
11 U.S.C. 1715z-20).

12 “(2) GUIDANCE DOCUMENTS.—The Secretary
13 shall update any appropriate guidance documents,
14 including handbooks, issued by the Federal Housing
15 Administration to incorporate any regulation issued
16 under paragraph (1).

17 “(e) FUNDING.—Not less than 25 percent of the
18 amounts made available for each fiscal year shall be used
19 to carry out this title.

20 **“SEC. 322. GUIDELINES AND REGULATIONS FOR TRAINING**
21 **AND CERTIFICATION OF INDIVIDUALS, ANAL-**
22 **YSIS PROVIDERS, AND RADON TESTING.**

23 “(a) GUIDELINES.—

24 “(1) IN GENERAL.—Not later than 18 months
25 after the date of enactment of this subtitle, the Ad-

1 administrator, in consultation with the Secretary, the
2 Secretary of Labor, the Commissioner of the Con-
3 sumer Product Safety Commission, and the Sec-
4 retary of Health and Human Services (acting
5 through the Director of the National Institute for
6 Occupational Safety and Health), shall establish a
7 model program that States and Indian tribes may
8 adopt relating to training, certification, and radon
9 testing.

10 “(2) MODEL PROGRAM.—The model program
11 under paragraph (1) shall—

12 “(A) contain standards for performing
13 radon activities, taking into account reliability,
14 effectiveness, and safety; and

15 “(B) recommend that all radon testing and
16 abatement activities performed in residential
17 dwellings be performed in accordance with the
18 standards established under subparagraph (A).

19 “(3) TRAINING PROGRAMS.—The model pro-
20 gram under paragraph (1) shall contain specific
21 guidance for radon activity training programs for
22 abatement workers, supervisors, radon testers, and
23 other individuals involved in radon activities per-
24 formed for compensation.

1 “(b) CERTIFICATION AND ACCREDITATION OF
2 RADON ANALYSIS PROVIDERS AND LABORATORIES.—

3 “(1) ESTABLISHMENT.—Not later than 18
4 months after the date of enactment of this subtitle,
5 the Administrator, in consultation with the Sec-
6 retary and the Secretary of Health and Human
7 Services, shall provide guidance to States and Indian
8 tribes relating to certification and accreditation of
9 radon analysis providers and laboratories as quali-
10 fied to analyze radon test devices or data, unless the
11 Administrator determines that sufficiently effective
12 voluntary certification and accreditation programs
13 are in place and operating on a State-by-State basis
14 as of that date.

15 “(2) REQUIREMENT.—To be certified or accred-
16 ited under a program under this subsection, a radon
17 analysis provider or laboratory, at a minimum, shall
18 regularly demonstrate an ability to accurately and
19 precisely measure known radon concentrations.

20 “(3) VOLUNTARY CERTIFICATION AND ACCRED-
21 ITATION PROGRAM.—

22 “(A) IN GENERAL.—If the Administrator
23 determines under paragraph (1) that an effec-
24 tive voluntary certification and accreditation
25 program is in place for radon analysis providers

1 and laboratories, the Administrator shall review
2 the performance and effectiveness of the pro-
3 gram by not later than 3 years after the date
4 of the determination.

5 “(B) NEGATIVE DETERMINATION.—If, on
6 review under subparagraph (A), the Adminis-
7 trator determines that the voluntary certifi-
8 cation and accreditation program is not effec-
9 tive in ensuring the quality and consistency of
10 analyses, the Administrator shall establish a
11 certification and accreditation program that
12 meets the requirements of this subsection by
13 not later than 1 year after the date of the de-
14 termination.

15 “(c) LISTS.—Not later than 18 months after the date
16 of enactment of this subtitle, and annually thereafter, the
17 Administrator shall make publicly available a list of cer-
18 tified or accredited radon analysis laboratories and radon
19 analysis providers.

20 “(d) HOMEOWNER EXCEPTION.—Nothing in this sec-
21 tion prevents the owner of a residential dwelling from test-
22 ing the residential dwelling for radon, regardless of wheth-
23 er the owner has been trained or certified to conduct a
24 radon analysis in accordance with this section.

1 “(e) FUNDING.—The Administrator shall use not less
2 than 5 percent of the amounts made available for each
3 fiscal year to carry out this title to carry out this section.

4 **“SEC. 323. IDENTIFICATION OF RADON HAZARDS.**

5 “(a) GRANT PROGRAM.—The Administrator may es-
6 tablish a program that makes grants to States or Indian
7 tribes for the abatement of radon hazards in school build-
8 ings.

9 “(b) RECOMMENDED RADON ACTION LEVEL.—

10 “(1) IN GENERAL.—Not later than 1 year after
11 the date of enactment of this subtitle, the Adminis-
12 trator shall, for purposes of this title, establish a
13 recommended radon action level, at such level as the
14 Administrator determines to be necessary to protect
15 the public health.

16 “(2) FACTOR FOR CONSIDERATION.—In estab-
17 lishing the recommended radon action level under
18 paragraph (1), the Administrator shall take into
19 consideration the economic impact of the rec-
20 ommended radon action level.

21 “(3) INITIAL RECOMMENDATION.—The initial
22 recommended radon action level under paragraph
23 (1) shall not be less than 4 picocuries per liter (pCi/
24 L).

1 “(4) ADJUSTMENT.—The Administrator shall
2 not adjust the recommended radon action level—

3 “(A) more frequently than once every 5
4 years; and

5 “(B) unless—

6 “(i) the Administrator determines
7 that a study conducted by the Adminis-
8 trator or the Secretary of Health and
9 Human Services after the date of enact-
10 ment of this section justifies a change in
11 the recommended radon action level; and

12 “(ii) any data developed under sub-
13 section (c) is considered.

14 “(c) NATIONAL RADON MAP.—Not later than 18
15 months after the date of enactment of this subtitle, the
16 Administrator, in consultation with the Director of the
17 United States Geological Survey and the heads of other
18 relevant Federal departments and agencies, shall—

19 “(1) establish 1 or more national maps with re-
20 spect to the location and quantities of radon, using
21 data organized by State and county and rec-
22 ommended radon action level; and

23 “(2) update the national maps as necessary.

24 “(d) NOTIFICATION OF INDOOR RADON CONCENTRA-
25 TIONS.—

1 “(1) IN GENERAL.—Not later than 1 year after
2 the date of enactment of this subtitle, except as pro-
3 vided in paragraph (2), the Administrator and the
4 Secretary shall jointly promulgate regulations re-
5 garding notification requirements for indoor radon
6 concentrations in residential dwellings.

7 “(2) REQUIREMENTS.—The regulations promul-
8 gated pursuant to paragraph (1) shall include provi-
9 sions reflecting any recommendations described in
10 the radon hazard informational material developed
11 under section 324, as determined to be appropriate
12 by the Administrator and the Secretary.

13 “(3) INTEGRATION WITH EXISTING NOTIFICA-
14 TION REQUIREMENTS.—

15 “(A) IN GENERAL.—To the maximum ex-
16 tent practicable, and to avoid unnecessary du-
17 plication, the Administrator, jointly with the
18 Secretary, shall take into consideration existing
19 Federal, State, and tribal notification efforts
20 and requirements when carrying out the duties
21 of this subsection.

22 “(B) EXEMPTIONS.—In carrying out the
23 duties of this subsection, if the Administrator
24 determines that a State or tribal mandated no-
25 tification requirement fulfills the objectives of

1 “(I) have been provided to the
2 purchaser; and

3 “(II) demonstrate that the indoor
4 radon concentrations are below the
5 recommended radon action level.

6 “(2) HOME BUILDER REBATE PROGRAM.—The
7 Administrator may establish a program under which
8 the Administrator shall provide rebates to home
9 builders to reduce the cost of radon control meas-
10 ures installed during construction by the home build-
11 ers of residential dwellings described in paragraph
12 (3).

13 “(3) DESCRIPTION OF RESIDENTIAL DWELL-
14 INGS.—A residential dwelling referred to in para-
15 graphs (1) and (2) is a residential dwelling that is—

16 “(A) constructed with radon abatement
17 measures consistent with any model construc-
18 tion standards and techniques under section
19 304; and

20 “(B) constructed not earlier than 3 years
21 after the date of enactment of this subtitle.

22 “(f) FUNDING.—The Administrator shall use not less
23 than 10 percent of the amounts made available for each
24 fiscal year to carry out this title to carry out this section.

1 **“SEC. 324. RADON PUBLIC EDUCATION.**

2 “(a) INFORMATIONAL MATERIALS.—The Adminis-
3 trator, in consultation with the Secretary and the Sec-
4 retary of Health and Human Services, shall develop and
5 make available to the public, and from time to time revise,
6 radon hazard information that is appropriate for the tar-
7 geted recipient and situational context, to be used—

8 “(1) in accordance with section 305; and

9 “(2) for general educational purposes.

10 “(b) EDUCATIONAL OUTREACH.—

11 “(1) IN GENERAL.—The Administrator, in con-
12 junction with the Secretary of Housing and Urban
13 Development, the Secretary of Education, and the
14 Secretary of Health and Human Services, acting
15 through the Director of the Agency for Toxic Sub-
16 stances and Disease Registry, shall sponsor public
17 education and outreach activities to increase public
18 awareness of indoor radon.

19 “(2) REQUIREMENT.—The activities described
20 in paragraph (1) shall be designed, at a minimum,
21 to provide educational services and information to—

22 “(A) health professionals;

23 “(B) the general public, with an emphasis
24 on parents of young children;

25 “(C) homeowners, landlords, and tenants;

1 “(D) consumers of home improvement
2 products;

3 “(E) home inspectors;

4 “(F) the residential real estate industry;

5 and

6 “(G) the home renovation industry.

7 “(c) FUNDING.—The Administrator shall use not
8 more than 10 percent of the amounts made available for
9 each fiscal year to carry out this title to carry out this
10 section.

11 **“SEC. 325. RADON AND FEDERALLY FUNDED ENERGY EFFI-
12 CIENCY PROGRAMS.**

13 “The Administrator and Secretary shall coordinate
14 with the Federal agencies authorized to implement energy
15 efficiency programs in residential dwellings—

16 “(1) to ensure, to the maximum extent prac-
17 ticable, that each energy efficiency measure carried
18 out with Federal funds does not increase radon haz-
19 ards in residential dwellings; and

20 “(2) to encourage each recipient of Federally
21 funded energy efficiency improvements to test for in-
22 door radon concentrations.

23 **“SEC. 326. REPORTS TO CONGRESS.**

24 “Not later than 30 months after the date of enact-
25 ment of this subtitle, and not less frequently than once

1 every 3 years thereafter, the Administrator, in coordina-
2 tion with Secretary, shall submit to Congress a report
3 that, with respect to the reporting period—

4 “(1) describes the assessment of the Adminis-
5 trator of the progress made in implementing this
6 subtitle, with a focus on the achieved reductions in
7 radon hazards throughout the United States;

8 “(2) summarizes the most-current health and
9 environmental studies relating to radon exposure;

10 “(3) recommends legislative and administrative
11 initiatives that may improve the performance by the
12 Department of Housing and Urban Development
13 and the Environmental Protection Agency in com-
14 bating radon hazards through the expansion of
15 radon testing and radon hazard reduction activities;

16 “(4) describes the results of research carried
17 out in accordance with section 325; and

18 “(5) includes an estimate of the amount of Fed-
19 eral assistance annually expended for radon hazard
20 evaluation and reduction activities.

21 **“Subtitle C—Violations;**
22 **Authorization of Appropriations**

23 **“SEC. 331. PENALTIES FOR VIOLATIONS.**

24 “(a) PENALTIES FOR VIOLATIONS.—

1 “(1) MONETARY PENALTY.—The Administrator
2 shall impose civil money penalties on any individual
3 or entity that knowingly violates any requirement of
4 this title.

5 “(2) ACTION BY ADMINISTRATOR AND SEC-
6 RETARY.—The Administrator and the Secretary may
7 each take such lawful action as is necessary to en-
8 join any violation of this title.

9 “(b) VALIDITY OF CONTRACTS AND LIENS.—Nothing
10 in this title—

11 “(1) affects the validity or enforceability of any
12 sale or lease, or contract for the purchase or lease,
13 of any interest in a residential dwelling or any loan,
14 loan agreement, mortgage, or lien made, or arising
15 in connection with, a federally guaranteed mortgage
16 loan; or

17 “(2) creates any defect in title.

18 **“SEC. 332. AUTHORIZATION OF APPROPRIATIONS.**

19 ““There are authorized to be appropriated to carry out
20 this title—

21 “(1) \$50,000,000 for each of fiscal years 2010
22 through 2015; and

23 “(2) such sums as are necessary for each fiscal
24 year thereafter.”.