

An act to regulate the certification and proficiency of radon testers and mitigators in the State of _____.

Legislative intent. – The general assembly recognizes that radon is an odorless, colorless, tasteless, and radioactive gas that occurs naturally in soil and groundwater; that radon enters homes and buildings through openings in foundations, decays to form radon progeny, and unless vented to the atmosphere, accumulates in buildings and becomes hazardous to human health, and prolonged exposure to elevated concentrations of radon decay products has been associated with increases in the risk of lung cancer. The general assembly recognizes that there is a need to protect human health and prevent exposure to elevated concentrations of radon and a higher risk of mortality from lung cancer.

Declaration of purpose. – The purpose of this chapter is to protect the public health and public interest by establishing a comprehensive program to reduce exposure to radon/radon progeny levels in homes and public buildings and to ensure that all radon/radon progeny mitigation activity in these buildings is conducted only by appropriately trained and licensed/certified personnel. The goal of this chapter is to reduce the incidence of lung cancer due to radon/radon progeny exposure to the greatest extent feasible.

Definitions. – For purposes of this chapter:

(1) "Department" means the state department of _____

(2) "Director" means the director of _____

(3) "New construction" means any erection of a building, structure or part thereof not defined as a renovation for the purposes of this chapter.

(4) "Owner" means the person having legal title to property and/or buildings. For purposes of publicly owned property only, the owner shall be defined to be the chief executive officer of the state or municipal agency which owns, leases or controls the use of the property.

(5) "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this state, and other state or political subdivision or agency thereof, and any legal successor, representative, agent or agency of the foregoing.

(6) "Public building" means any building owned, managed, leased, furnished, or occupied by a state or municipal agency or commission or public school.

(7) "Radon" means the radioactive noble gas radon 222.

(8) "Radon progeny" means the short-lived radionuclides formed as a result of the decay of Radon 222, including Polonium 218, Bismuth 214, lead 214 and Polonium 214.

(9) "Radon/radon progeny mitigation" means any actions or measures taken and any materials or equipment installed, the purpose of which is to reduce levels of radon gas and/or radon progeny in the air or water supply of a building, or to prevent entry of radon or radon progeny into the indoor atmosphere.

(10) "Renovation" means an extension or increase in floor area or height of a building or structure; or a change or rearrangement in the structural parts or in the means of egress; or an enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another; or the reconstruction or renewal of any part of an existing building for the purpose of its maintenance. Ordinary repairs, as defined by the state building code, shall be considered as renovations for the purposes of this chapter.

(11) "Residential construction" means any building, structure, or parts thereof in which families or households live, or in which sleeping accommodations are provided (with or without dining facilities), excluding those that are classified as institutional buildings, and which is designated within state building code use groups R-2, R-3 or R-4.

(12) "State building code" means chapter _____

(13) "Under roof floor space" means the gross constructed floor area covered by a roof that provides shelter, plus any area adjacent to but outside of the enclosing walls that has a constructed floor and is covered by a sheltering roof contiguous with the building. This shall include the gross floor area of each floor of a multiple story building. Walkways are not included in this definition.

Authority of the director. – The director is authorized to:

(1) Designate a unit within the department to administer the provisions of this chapter and provide that unit with the necessary staff, equipment, and operating funds.

(2) Receive and administer funding allocated for radon control programs by the state, agencies of the federal government and other appropriate funding sources.

(3) Promote a radon/radon progeny testing program for residents of owner occupied residential dwellings in the state.

(4) Enter any public or high priority building in the state to perform such tests for radon as he or she may determine to be necessary to evaluate the exposure of occupants to radon/radon progeny in the air of the building and/or in the building water supply.

(5) Institute a public information program to include a telephone information service, written materials, and media advertisements with the purpose of informing the public regarding radon/radon progeny health effects, the necessity for testing of homes and other

buildings, the recommended practices for reducing elevated levels of radon and related issues.

(6) Forward for adoption by the state building code commission recommendations for standards of *radon resistant new construction* designed to prevent or more easily mitigate elevated radon/radon progeny levels.

(7) Issue regulations for the following purposes:

(v) To establish criteria for mandatory licensure and certification of persons involved in radon/radon progeny testing and mitigation services based on standards and ethical requirements promulgated by the US EPA or the American Association of Radon Scientists and Technologists, Inc., or any other recognized national standards setting organization;

(viii) To establish procedures required for real estate disclosure;

(ix) To assess fees for activities authorized by this chapter.

Licensing and certification. – (a) All persons providing or offering to provide the following services for hire must be certified by either the National Radon Proficiency Program or the National Radon Safety Board or another EPA recognized accrediting organization or licensed in accordance with regulations adopted pursuant to the authority conferred by this chapter:

(1) Screening sampling/testing of air or water for radon/radon progeny;

(2) Diagnostic sampling/testing of air or water for radon/radon progeny;

(3) Mitigation planning services for radon/radon progeny;

(4) Training courses offered for the purpose of meeting any of the licensing and/or certification requirements mandated by this chapter.

(b) The director may assess fees for licenses issued in accordance with regulations promulgated pursuant to the authority conferred by this section.

Failure to maintain annual certified proficiency by one of the above named organization is grounds for immediate revocation of the state license.

The Director will also develop rules and procedures for license revocation based on the following criteria:

(1) Consumer Fraud

- (2) Failure to measure or mitigate based on industry standards
- (3) Failure to maintain records
- (4) Failure to maintain recognized proficiency and private certification.

Interpretation and severability. – The provisions of this chapter shall be liberally construed and shall be held to be in addition to, and not in substitution for or a limitation of, the provisions of any other law. If any provision or part thereof of this chapter or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, the remainder of the chapter and the application of such provisions to any other persons or circumstances other than those to which it is held invalid shall not be affected thereby.