OVERVIEW OF STATE RADON LAWS

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TRENDS IN STATE RADON LEGISLATION

- Federal Indoor Radon Abatement Act – 1988
- Big push in state legislatures in late 1980s and early 1990s to address significant radon health risks
- Currently, over three-quarters of the states have a law that addresses radon in some way
- States continue to consider and enact new radon laws, though the pace has slowed considerably

Radon Resistant New Construction (RRNC) Workshop
Legal Issues
KEY RADON POLICY STRATEGIES

- Most State Radon Laws Address
  - Disclosure in the Real Estate Transaction
  - Certification/Licensure of Radon Professionals

- Other Major Areas of Radon Policy Include
  - Testing & Mitigation in Existing Buildings
  - Radon Resistant New Construction

RADON DISCLOSURE LAWS

- Around 30 states have radon disclosure laws

- Most laws require seller to disclose known radon levels/tests – no new testing required

- Several laws also require seller to provide a radon warning statement and/or written materials on radon
  - Exs: KS, IL, FL, MT, NH, RI, DE

- Few states require radon disclosure to tenants
  - Exs: FL, IL
RADON CERTIFICATION LAWS

- About 15 states have certification requirements for radon testers, mitigators and/or laboratories

- Most of these states issue their own certifications and have adopted regulations setting out detailed procedures and requirements
  - Qualifications – e.g., Training course, Exam
  - Testing/mitigation standards – e.g., EPA testing/mit. protocols
  - Reporting – Testing/Mitigation performed, results
  - Penalties – Civil/admin fines, criminal penalties, license revocation

- Exemptions
  - New Construction – some laws exempt RRNC activities

RADON TESTING & MITIGATION

- Schools
  - Testing required
    - Exs: CO, FL, VA, CT
  - Testing and mitigation, if high levels are found
    - Exs: RI, WV*

- Child Care Facilities
  - Testing required
    - Exs: CT, FL, NJ
  - Testing and mitigation, if high levels are found
    - Exs: IA, MI, RI, NH
RADON TESTING & MITIGATION

- State Buildings
  - Testing & Mitigation required
    - Ex: NH, RI

- Rental Housing
  - Most State/Local Housing Codes do not mention radon
    - Codes typically contain general prohibitions on conditions that endanger life, health
  - 2009 Maine law requires landlords to test (and mitigate) by 2014
    - First of its kind state law

RADON-RESISTANT NEW CONSTRUCTION (RRNC)

- Several states have laws requiring RRNC
  - Schools: Exs: CT, NJ, RI
  - Homes: Exs: NJ, MI, WA, MN, MD, OR

- RRNC requirements
  - Passive systems [typically IRC Appendix F]
  - State-wide or Zone 1

- Municipalities in several states have included RRNC in local building codes
  - Exs: Fort Collins (CO); East Moline (IL); Montgomery County (MD); Brentwood (TN)
GREEN BUILDING (GB) AND RRNC

- GB - Active area of state (and local) policy
  - Policies focus on public buildings, some private residential
  - May require GB or provide incentives for GB

- GB Criteria – Policies may
  - Reference 3rd party rating systems, which may include RRNC
    - LEED/Homes and ICC-700 (NAHB/ICC): RRNC required in Zone 1
    - Green Communities: RRNC required Zone 1 & 2
    - Green Point Rated (Calif): optional credits for RRNC and Indoor AirPLUS
  - Create their own criteria or modify 3rd-party criteria to require RRNC

AFFORDABLE HOUSING AND RRNC

- Many states provide funding for affordable housing projects - new construction and rehabilitation

- Some states have incorporated radon control as a required element of these state-funded projects
  - Exs: ME, MI, MN, NY, PA, RI, TN, WA
RADON AND IAQ POLICY INFORMATION FROM ELI

- Radon materials from ELI
  - Database of State IAQ Laws (incl. Radon) – through 12/11
  - Policy Update: Radon Control in New Home Construction
  - Radon in Rental Housing – reports and tenant guide
  - State Radon Legislation: Issues and Options

  *Coming soon*: New Report on State Radon Policy Strategies

- ELI radon and IAQ materials available at
  - http://www.eli.org/buildings