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**State Radon Statutes**  
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**Arizona:**

A.R.S. § 27-371

“Concentrations of radon gas shall not exceed such amounts as may be set by the inspector.”

A.R.S. § 27-372

“In all uranium operations the operator shall test regularly for radon daughter concentration and submit such records of testing as may be required to the inspector.”

A.R.S § 33-423

"Radon gas potential zones as shown on current maps issued by the United States environmental protection agency."

**California:**

Cal. Health & Saf. Code § 105430

“If model construction standards and techniques for controlling radon levels within new buildings are developed by the United States Environmental Protection Agency, the State Department of Health Services may adopt the standards and incorporate them into any radon assessment and mitigation plan which may be completed by the department”

“Any radon assessment and mitigation plan shall include appropriate measures designed to detect, avoid, or dissipate dangerous levels of radon gas at potential building sites or during construction of new residential buildings in areas affected by radon. Any of those measures shall be appropriately delineated so as to apply only to certain at-risk buildings and geographic areas, and the plan shall specify construction projects, building characteristics, and geographical areas to which the measures apply”

“If regulations are adopted by the department to implement any radon assessment and mitigation plan completed by the department after January 1, 1990, no city, county, or other governmental agency may issue a permit to construct any building subject to state department regulation to any applicant who does not first comply with testing or building standards which may be implemented pursuant to this section.”

Cal. Health & Saf. Code § 106750

“This article establishes requirements for radon certification.”

Cal. Health & Saf. Code § 106775

"Radon services" means any of the following:

- (a) The analysis of radon detectors or testing for radon or radon decay products by a commercial laboratory.
- (b) The performance of radon or radon progeny measurements in buildings by an individual person who provides professional or expert advice on radon and radon progeny measurements, radon entry routes, and other radon related activities.
- (c) The repair or alteration by an individual person of a building or design for the purpose, in whole or in part, of reducing the concentration of radon in the indoor atmosphere.”

Cal. Health & Saf. Code § 106780

“(a) Except as provided in Section 106790, no person may provide radon services for the general public, or represent or advertise that he or she may provide radon services unless that person meets both of the following requirements:

- (1) Successfully completes the National Radon Measurement Proficiency Program of the National Environmental Health Association or the National Radon Safety Board Certified Radon Professional Program.”

Cal. Health & Saf. Code § 106785

“The department shall maintain a list of persons that have submitted proof of certification by either the National Environmental Health Association or the National Radon Safety Board Certified Radon Professional Program. This list shall be made available to the public.”

Cal. Health & Saf. Code § 106790

“This article does not apply to a person in any of the following circumstances:

- (a) The person is testing for, or mitigating radon in a building that the person owns or occupies.
- (b) The person is designing or conducting mitigation measures to prevent against radon infiltration or accumulation in new construction.
- (c) The person is performing scientific research regarding testing or mitigation of radon, but only if the person informs the owner and the occupant of the building of all of the following:
  - (1) That the person is not certified by the National Radon Measurement

Proficiency Program of the National Environmental Health Association or the National Radon Safety Board Certified Radon Professional Program.

(2) Any test results are neither certified nor valid for legal purposes.

(3) Any mitigation methods suggested or used are experimental.”

Cal. Health & Saf. Code § 106795

“It is unlawful for an individual to provide radon services in violation of this article. A violation of this article is a misdemeanor punishable by a fine of not more than one thousand dollars (\$ 1,000).”

Cal. Health & Saf. Code § 25417.1

“The department shall publish a new edition of the consumer information booklet described in Section 10084.1 of the Business and Professions Code. The booklet shall, among other things, be in substantial compliance with the federal disclosure requirements regarding the safe management of lead and radon gas in housing, and shall be made available to the public on or before the date on which the Secretary of Housing and Urban Development submits to Congress the report required pursuant to subpart (B) of subdivision (d) of Section 4822 of Title 42 of the United States Code.”

Cal. Health & Saf. Code § 10084.1

“(a) Notwithstanding Section 10450.6, on or before January 1, 1991, the department, using funds appropriated from the Education and Research Account in the Real Estate Fund, shall develop a booklet to educate and inform consumers on all of the following:

(1) Common environmental hazards that are located on, and affect, real property. The types of common environmental hazards shall include, but not be limited to, asbestos, radon gas, lead-based paint, formaldehyde, fuel and chemical storage tanks, and water and soil contamination.”

**Colorado:**

C.R.S. 25-7-109.3

“The commission shall promulgate appropriate regulations pertaining to hazardous air pollutants as defined in [section 25-7-103 \(13\)](#) which are consistent with this section and the requirements of and emission standards promulgated pursuant to section 112 of the federal act, including any standard required to be imposed under section 112(r) of the federal act. The commission shall monitor the progress and results of the risk studies performed under section 112 of the federal act to show that Colorado's hazardous air pollutant control and reduction program is consistent with the national strategy.”

C.R.S. 6-1-105

“ A person engages in a deceptive trade practice when, in the course of such person's business, vocation, or occupation, such person...Knowingly makes a false representation as to the results of a radon test or the need for radon mitigation...”

**Connecticut:**

Conn. Gen. Stat. § 10-220

“Prior to January 1, 2008, and every five years thereafter, for every school building that is or has been constructed, extended, renovated or replaced on or after January 1, 2003, a local or regional board of education shall provide for a uniform inspection and evaluation program of the indoor air quality within such buildings, such as the Environmental Protection Agency's Indoor Air Quality Tools for Schools Program. The inspection and evaluation program shall include, but not be limited to, a review, inspection or evaluation of the following: (1) The heating, ventilation and air conditioning systems; (2) radon levels in the water and the air;”

Conn. Gen. Stat. § 10-231f

“Each local and regional board of education may establish an indoor air quality committee for each school district or facility to increase staff and student awareness of facets of the environment that affect the health of the occupants of school facilities including, but not limited to, air quality, water quality and the presence of radon.”

Conn. Gen. Stat. § 10-291

“(b) The Department of Education shall not approve a school building project plan or site, as applicable, if:

(1) The site is in an area of moderate or high radon potential, as indicated in the Department of Environmental Protection's Radon Potential Map, or similar subsequent publications, except where the school building project plan incorporates construction techniques to mitigate radon levels in the air of the facility;”

Conn. Gen. Stat. § 19-14b

“(1) "Radon diagnosis" means evaluating buildings found to have levels of radon gas that are higher than the guidelines promulgated by this state or the United States Environmental Protection Agency and recommending appropriate remedies to eliminate radon.

(2) "Radon mitigation" means taking steps including, but not limited to, installing ventilation systems, sealing entry routes for radon gas and installing subslab depressurization systems to reduce radon levels in buildings.

(3) "Analytical measurement service providers" means companies or individuals that have their own analysis capability for radon measurement but may or may not offer measurement services directly to the public.

(4) "Residential measurement service providers" means individuals that offer services that include, but are not limited to, detector placement and home inspection and consultation but do not have their own analysis capability and utilize the services of an analytical measurement service provider for their detector analysis.

(5) "Residential mitigation service providers" means individuals that offer services that include, but are not limited to, radon diagnosis or radon mitigation.

(b) The Department of Public Health shall maintain a list of companies or individuals that are included in current lists of national radon proficiency programs that have been approved by the Commissioner of Public Health.

(c) The Department of Public Health shall adopt regulations, in accordance with chapter 54, establishing safe levels of radon in potable water.”

Conn. Gen. Stat. § 19a-37b

“Not later than January 1, 1991, the Department of Public Health shall adopt regulations pursuant to chapter 54 to establish acceptable levels of radon in ambient air and drinking water in schools.”

Conn. Gen Stat. § 20-327b

"[E]ach person who offers residential property in the state for sale, exchange or for lease with option to buy, shall provide a written residential condition report to the prospective purchaser at any time prior to the prospective purchaser's execution of any binder, contract to purchase, option, or lease containing a purchase option... The written residential disclosure report shall contain the following... Information concerning environmental matters such as...radon..."

Conn. Gen. Stat. § 20-420

"No certificate shall be given to any person who holds himself or herself out to be a contractor that performs radon mitigation unless such contractor provides evidence, satisfactory to the commissioner, that the contractor is certified as a radon mitigator by the National Radon Safety Board or the National Environmental Health Association."

Conn. Gen. Stat. § 20-427d

"The commissioner may, after notice and hearing in accordance with the provisions of chapter 54, impose a civil penalty on any person who engages in or practices the work or occupation for which a certificate of registration is required by this chapter without having first obtained such a certificate of registration or who willfully employs or supplies for employment a person who does not have such a certificate of registration... in the case of radon mitigation work, such penalty shall be not less than two hundred fifty dollars."

**Delaware:**

16 Del. C. § 7402

“It is the purpose of this chapter to effectuate the policies set forth in § 7401 of this title by providing a program to:

(5) Survey radon concentrations indoors to determine elevated radon levels and advise the General Assembly of those potential health effects as are set forth in publications and guidelines of the federal government.”

6 Del. C. § 2572A

"(a) [E]very purchaser of any interest in residential real property on which a residential dwelling exists shall be notified that said property may present the potential for exposure to radon.

(b) Except as excluded by § 2577 of this title, the seller of any interest in residential real property on which a residential dwelling exists is required to provide the buyer with any information on radon from tests or inspections in the seller's possession, and notify the buyer of any known radon hazards.

(c) The Department of Health and Social Services shall develop the content of written information that the selling broker shall provide to the buyer of any interest in residential real property on which a residential dwelling exists. The information

shall describe potential hazards of exposure to radon, testing for radon and radon remediation.

(d) The Delaware Real Estate Commission shall develop a form that will document that subsections (a), (b) and (c) of this section have occurred. The form shall be utilized for every transfer of residential real property as described in this section and shall include:

- (1) The property address;
- (2) The seller's disclosure of the presence of radon hazards, if known;
- (3) The buyer's acknowledgement that information about radon was received;
- (4) The buyer's acknowledgement of that buyer's option to test for radon;
- (5) The seller's acknowledgement that the seller has been informed of the seller's obligation and is aware of that seller's responsibility to ensure compliance with this section; and
- (6) Signatures of the buyer and seller attesting to the above and the date so signed."

**District of Columbia:**

D.C. Code § 28-4201

"(a) No person or company shall conduct or offer to conduct any radon screening, testing, or mitigation in the District for a fee unless that person has been listed as proficient by the United States Environmental Protection Agency to offer radon screening, testing, or mitigation services.

(b) The Mayor shall maintain, revise as necessary, and make available to the public a list of persons or companies who have been listed as proficient by the United States Environmental Protection Agency to offer screening, testing, or mitigation for radon."

D.C. Code § 28-4202

"The Mayor may issue proposed rules establishing radon screening, testing, or mitigation programs in the District that are in compliance with any recommendations or guidelines published by the United States Environmental Protection Agency."

**Florida:**

Fla. Stat. § 404.056

"The department may certify persons who perform radon gas or radon progeny measurements, including sample collection, analysis, or interpretation of such measurements, and who perform mitigation of buildings for radon gas or radon progeny, and shall collect a fee for such certification. Before performing radon measurement or radon mitigation services, including collecting samples, performing analysis, or interpreting measurement results, a certified individual must own, be employed by, or be retained as a consultant to a certified radon measurement or certified radon mitigation business."

"(c) The results of measurements of radon gas or radon progeny performed by persons certified under the provisions of this subsection shall be reported to the department and persons contracting for the service."

Fla. Stat. § 553.98

“(1) The department shall be provided funds for activities incidental to the development and implementation of the building codes for radon-resistant buildings and for such other building code-related activities as directed by the Legislature.”

“(3) Local jurisdictions may enact ordinances for radon-resistant building construction only pursuant to this subsection.”

**Illinois:**

225 ILCS 52/5

“Sec. 5. Public policy. Due to the increasing problems relating to chemical exposure, toxic substances, air pollution, hazardous waste, radon, lead poisoning, radiation, and related health and environmental problems, it is hereby declared necessary to protect the public health and safety from harm by regulating the profession of industrial hygiene.”

415 ILCS 52/5

“Sec. 17.6. The maximum contaminant levels of barium, fluoride, and radionuclides (including radium 226, radium 228, uranium, radon, gross alpha particle activity and gross beta activity) in Illinois public water supplies shall be the enforceable maximum concentration limits promulgated from time to time by the Administrator of the U.S. Environmental Protection Agency to implement Sections 1401 and 1412 of the federal Safe Drinking Water Act [42 U.S.C. §§ 300f and 300g-1]. Board regulations prescribing activity and contaminant levels under this Section shall be adopted pursuant to the provisions of the Illinois Administrative Procedure Act [5 ILCS 100/5-35] relating to preemptory rulemaking.”

420 ILCS 44/5

“Legislative declaration. The General Assembly declares that it is in the interest of the people of Illinois to establish a comprehensive program for determining the extent to which radon and radon progeny are present in dwellings and other buildings in Illinois at levels that pose a potential risk to the occupants and for determining measures that can be taken to reduce and prevent such risk.”

420 ILCS 44/15

“(c) "Laboratory analysis" means the act of determining radon or radon progeny concentrations in air, water, soil, or passive radon testing devices or the act of exposing radon or radon progeny devices to known concentrations of radon or radon progeny as a compensated service.

(d) "Mitigation" means the act of repairing or altering a building or building design for the purpose in whole or in part of reducing the concentration of radon in the indoor atmosphere.

(f) "Radon" means a gaseous radioactive decay product of uranium or thorium.

(g) "Radon contractor" or "contractor" means a person licensed to perform radon or radon progeny mitigation or to perform radon measurements to detect radon or

radon progeny in an indoor atmosphere.

(h) "Radon progeny" means any combination of the radioactive decay products of radon."

420 ILCS 44/20

"(a) The Department may undertake projects to determine whether and to what extent radon and radon progeny are present in dwellings and other buildings, to determine to what extent their presence constitutes a risk to public health, and to determine what measures are effective in reducing and preventing the risk to public health."

420 ILCS 44/25

"License requirement. Beginning January 1, 1998, no person shall sell a device or perform a service for compensation to detect the presence of radon or radon progeny, perform laboratory analysis, or perform a service to reduce the presence of radon or radon progeny in the indoor atmosphere unless the person has been licensed by the Department."

420 ILCS 44/30

"Within 45 days after testing for radon or radon progeny, a person performing the testing shall report to the owner or occupant of the building the results of the testing. To the extent that the testing results contain information pertaining to the medical condition of an identified individual or the level of radon or radon progeny in an identified dwelling, information obtained by the Department pursuant to this Act is exempt from the disclosure requirements of the Freedom of Information Act"

420 ILCS 44/35

"(a) A person required to be licensed under Section 25 of this Act who sells a device or performs a service without being properly licensed under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed \$ 5,000, for each offense, as determined by the Department."

420 ILCS 44/50

"The Director may summarily suspend the license of a radon contractor without a hearing, simultaneously with the institution of proceedings for a hearing, if the Director finds that evidence in his or her possession indicates that continuation of the contractor in practice would constitute an imminent danger to the public. If the Director summarily suspends a license without a hearing, a hearing by the Department shall be held within 30 days after the suspension has occurred and shall be concluded without appreciable delay."

420 ILCS 46/10

"Radon testing and disclosure...the seller shall provide to the buyer of any interest in residential real property the IEMA pamphlet entitled "Radon Testing Guidelines for Real Estate Transactions" (or an equivalent pamphlet approved for use by IEMA) and the Illinois Disclosure of Information on Radon Hazards, which is set forth in subsection (b) of this Section, stating that the property may present the potential for



exposure to radon before the buyer is obligated under any contract to purchase residential real property. Nothing in this Section is intended to or shall be construed to imply an obligation on the seller to conduct any radon testing or mitigation activities."

815 ILCS 505/2W

"No person shall, for compensation, perform any act or service to reduce radon or radon progeny unless that person has an objective basis to believe that the act or service performed will reduce radon or radon progeny as represented. A person who violates this Section commits an unlawful practice within the meaning of this Act and is guilty of a Class A misdemeanor."

815 ILCS 505/2V (& 2U)

"No person shall intentionally or negligently misrepresent the results of a test to detect or measure radon or radon progeny. A person who violates this Section commits an unlawful practice within the meaning of this Act and is guilty of a Class A misdemeanor."

765 ILCS 77/35

" Disclosure report form. The disclosures required of a seller by this Act shall be made in the following form...I am aware of unsafe concentrations of radon on the premise...Yes/No/NA."

**Indiana:**

Burns Ind. Code Ann. § 16-41-38-2

"The state department shall adopt rules under IC 4-22-2 to establish and operate programs for the certification of a person engaged in:  
(1) testing for radon gas in buildings or on areas of land; or  
(2) abatement of radon gas in buildings."

Burns Ind. Code Ann. § 16-41-38-4

"In establishing standards and requirements under this chapter, the state department shall use any relevant standards or requirements concerning radon gas established by the United States Environmental Protection Agency."

Burns Ind. Code Ann. § 16-41-38-5

"(a) This section does not apply to an individual who is testing for radon gas or engaged in the abatement of radon gas if the individual is:  
(1) performing the testing or abatement in a building the individual owns;  
(2) performing the testing on an area of land the individual owns; or  
(3) conducting scientific research on radon gas testing or abatement in a building or on an area of land and the owner of the building or area of land is not charged for the testing or abatement.

(b) An individual may not engage or profess to engage in:  
(1) testing for radon gas; or  
(2) abatement of radon gas;  
unless the individual is certified under this chapter."

Burns Ind. Code Ann. § 16-41-38-7

“An individual accredited in another state to perform testing for or abatement of radon gas may be certified under this chapter without passing an examination if: (1) the state in which the individual is accredited maintains an accreditation program substantially similar to the certification program under this chapter; and (2) the individual pays a fee.”

Burns Ind. Code Ann. § 16-41-38-8

“(a) The radon gas trust fund is established to provide a source of money for the purposes described in this chapter.”

Burns Ind. Code Ann. § 16-41-38-9

“In addition to the penalties set out in this chapter, the state department may commence an action under [IC 4-21.5-3-6](#) or IC 4-21.5-4 for issuance of a compliance order to impose a civil penalty not to exceed one thousand dollars (\$ 1,000) for each violation, each day, against a person who:

- (1) fails to comply with this chapter or a rule adopted under this chapter”

**Iowa:**

Iowa Code § 136B.1

“2. The department shall establish programs and adopt rules for the certification of persons who test for the presence of radon gas and radon progeny in buildings, the credentialing of persons abating the level of radon in buildings, and standards for radon abatement systems.

3. Following the establishment of the certification and credentialing programs by the department, a person who is not certified, as appropriate, shall not test for the presence of radon gas and radon progeny, and a person who is not credentialed, as required, shall not perform abatement measures. This section does not apply to a person performing the testing or abatement on a building which the person owns, or to a person performing testing or abatement without compensation.”

Iowa Code § 136B.2

“ 1. A person shall not disclose to any other person, except to the department, the address or owner of a nonpublic building that the person tested for the presence of radon gas and radon progeny, unless the owner of the building waives, in writing, this right of confidentiality. Any test results disclosed shall be results of a test performed within the five years prior to the date of the disclosure.”

Iowa Code § 136B.3

“The department or its duly authorized agents shall from time to time perform inspections and testing of the premises of a property to determine the level at which it is contaminated with radon gas or radon progeny as a spot-check of the validity of measurements or the adequacy of abatement measures performed by persons certified or credentialed under section 136B.1. Following testing the department shall provide the owner of the property with a written report of its results including the concentration of radon gas or radon progeny contamination present, an

interpretation of the results, and recommendation of appropriate action. A person certified or credentialed under section 136B.1 shall also be advised of the department's results, discrepancies revealed by the spot-check, actions required of the person, and actions the department intends to take with respect to the person's continued certification or credentialing.”

Iowa Code § 136B.5

“A person who violates a provision of this chapter is guilty of a serious misdemeanor.”

**Kentucky:**

KRS § 211.855

“(1) The Cabinet for Health Services shall be the regulatory agency for the control of radon in the Commonwealth of Kentucky.

(2) The Cabinet for Health Services shall develop and conduct programs for evaluation and control of activities related to radon including laboratory analyses, mitigation, and measurements.”

KRS § 211.856

“(1) No person shall engage in radon analysis, mitigation, or testing activities without obtaining certification from the Cabinet for Health Services. The Cabinet for Health Services shall promulgate administrative regulations pursuant to KRS Chapter 13A, which shall include, but not be limited to, specifications of the form of applications for certification, the qualifications for certification, grounds for revocation of certification, and other matters as may be necessary to protect the public from unnecessary radiation exposure from radon.”

**Louisiana:**

La. R.S. 40:740

This statute notes the acceptable levels for hundreds of pollutants/toxins, including radon.

**Maine:**

22 M.R.S. § 772

“2. AUTHORIZED RADON TESTING DEVICE. "Authorized radon testing device" means a device that:

- A. Collects radon or its decay products;
- B. Requires analysis by an independent measuring facility or is a continuous monitoring device; and
- C. Has been determined to meet the proficiency requirements as determined by the department through rule. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.”

22 M.R.S. § 773

“The division is the lead agency having primary responsibility for programs related to radon and associated radiological concerns. The division shall register firms, including listed facilities, and individuals who test for the presence of radon or associated radiological concerns or who provide consulting, construction or other remedial services for reducing the levels of radon or associated radiological concerns. The division may facilitate functions including, but not limited to, education, funding, liaison, technology transfer and training with the United States Environmental Protection Agency or other federal or state agencies. The division also serves as an information clearinghouse for radon and associated radiological concerns by maintaining records and disseminating information to educate the public about radon, describing technical assistance programs and interpreting test results as appropriate.”

22 M.R.S. § 774

“A person may not perform, evaluate or advertise to perform or evaluate tests for the presence of radon in buildings or on building lots unless registered with the division. This registration requirement includes without limitation a person whose place of business is located in the State, or in another state, who offers radon testing services to residents of the State either directly or through the mail. ”

22 M.R.S. § 776

“The requirements of sections 774 and 775 do not apply to any of the following:

1. PERSONAL USE. A person performing testing or mitigation on a building owned or inhabited by that person but not for sale at the time that person performs testing or mitigation on that building;
2. NEW CONSTRUCTION. A builder utilizing preventive or safeguarding measures in new construction as recommended in "Radon-resistant Residential New Construction" EPA/60018-881087 published by the United States Environmental Protection Agency or an equivalent publication as determined by the department;
3. DEPARTMENT EMPLOYEES. Employees of the department in the course of their assigned duties; or
4. AUTHORIZED PERSONNEL. A person performing testing with the written approval of the department. Registration under section 774 or 775 does not constitute written approval for the purposes of this subsection”

22 M.R.S. § 777

“Any person who is required to register under section 774 or 775 shall use only authorized radon testing devices and shall have these devices analyzed by a listed facility. When disclosing test results, any person registered under section 774 or 775 shall provide in writing the name and address of the listed facility that performed the analysis. ”

22 M.R.S. § 778

“person registered under section 774 or 775 shall, within 45 days of the date the services are provided, notify the department in writing of the zip code of the client and the results of any tests performed”

22 M.R.S. § 779

“A person may not advertise any radon testing device as "State-approved," "approved by the State of Maine" or by use of any phrases with similar meaning or content. This restriction also applies to any reference denoting municipal approval.”

22 M.R.S. § 882

“Any person failing to register pursuant to section 774 or 775, commits a civil violation for which a forfeiture not to exceed \$ 500 may be adjudged. Any person in violation of section 777, 778 or 779 commits a civil violation for which a forfeiture not to exceed \$ 250 per violation may be adjudged. Any person who engages in radon testing, advertising or mitigation in violation of this chapter is also in violation of Title 5, chapter 10.”

22 M.R.S. § 884

“The Radon Relief Fund is established as a nonlapsing fund to support the radon-related research, testing, educational and mitigation activities of the division. Funds received from registrations under sections 774 and 775 and any other miscellaneous sources of income are deposited in the fund. The division shall administer the fund. Funds in the Radon Relief Fund must be deposited with the Treasurer of State to the credit of the fund and may be invested as provided by law. Interest on these investments must be credited to the fund.”

33 M.R.S. § 173

"[T]he seller of residential real property shall provide to the purchaser a property disclosure statement containing the following information...Hazardous materials. The presence or prior removal of hazardous materials or elements on the residential real property, including, but not limited to...radon."

**Maryland:**

Md. Environmental Code Ann. § 8-305

“(b) Requirements of persons engaged in business of testing. -- A person who engages in the business of testing for the presence of indoor radon shall:

(1) After completion of round 6 of the United States Environmental Protection Agency's National Radon Measurement Proficiency Program, have all tests analyzed by a listed facility;

(2) Indicate the name of the facility conducting the analysis on the radon testing device; and

(3) Disclose in writing to the ultimate consumer the results of the radon test and the name and address of the facility that analyzed the test.

(c) Responsibilities of Department. -- The Department:

(1) May adopt regulations to require radon testing facilities to send test results to the Department; and

(2) May not disclose, in response to a request from the public for the name of a radon testing facility, the name of a radon tester that is not a listed facility.”

Md. Housing and Community Development Code Ann. § 4-930

“(a) Established. -- There is a Radon and Asbestos Abatement Pilot Program.

(1) To qualify for a loan, an applicant shall:

(i) own a building in need of radon or asbestos abatement:

1. that is otherwise structurally sound; or
2. for which the applicant provides a commitment from a lender to finance improvements to make the building structurally sound; and

(ii) make a proposal to the Department for treatment that complies with the requirements and procedures of the Department of the Environment for radon or asbestos abatement.

(2) In addition to the requirements in paragraph (1) of this subsection, the applicant shall:

(i) live in the building and be a family of limited income;

(ii) agree to rent at least two-thirds of the dwellings in the building to families of limited income; or

(iii) agree to provide congregate or group housing or temporary shelters to families of limited income.

Md. Real Prop. Code Ann. § 10-702

“A vendor of single family residential real property shall complete and deliver to each purchaser... A written residential property condition disclosure statement ... Contents of residential property disclosure statement... Hazardous or regulated materials, including asbestos, lead-based paint, radon...”

Md. Real Prop. Code Ann. §10-603

“If the builder does not participate in a new home warranty security plan... The builder must make a disclosure at the time of the purchase or construction contract containing an explanation in 12 point type that... Describes any hazardous or regulated materials, including asbestos, lead-based paint, radon... present on the site of the new home of which the builder has actual knowledge”

Md. Real Prop. Code Ann. § 10-604

“ A builder who has disclosed that the builder participates in a new home warranty security plan shall... Disclose to the owner at the time of the purchase or construction contract... Any actual knowledge that the builder has of any hazardous or regulated materials, including asbestos, lead-based paint, radon... present on the site of the new home.”

**Massachusetts:**

ALM GL ch. 13, § 97

“Board of Registration of Home Inspectors; Powers and Duties.

Said board shall make available to the public a list of licensed home inspectors and associate home inspectors.”

ALM GL ch. 112, § 222

“(a) No person shall present, call or represent himself as authorized to provide a home inspection for compensation unless licensed by the board in accordance with this section and sections 223 to 226, inclusive. No person shall conduct a home inspection for compensation unless licensed by the board in accordance with this section and said sections 223 to 226, inclusive, and unless he provides a written report of the home inspection. The requirements contained in this subsection shall not be construed to prevent any of the following persons from acting within the scope of their profession:”

**Michigan**

Mich. Comp. Laws § 565.957

" Seller's Disclosure Statement [for transfer in real estate of 1-4 residential units] shall be made on the following form...Are you aware of any substances, materials, or products that may be an environmental hazard such as, but not limited to, asbestos, radon gas...."

**Minnesota:**

Minn. Stat. § 116C.76

“Radionuclide release levels. Radioactive waste management facilities for spent nuclear fuel or high-level radioactive wastes must be designed to provide a reasonable expectation that the undisturbed performance of the radioactive waste management facility will not cause the radionuclide concentrations, averaged over any year, in groundwater to exceed:

- (1) five picocuries per liter of radium-226 and radium-228;
- (2) 15 picocuries per liter of alpha-emitting radionuclides including radium-226 and radium-228, but excluding radon; or
- (3) the combined concentrations of radionuclides that emit either beta or gamma radiation that would produce an annual dose equivalent to the total body of any internal organ greater than four millirems per year if an individual consumed two liters per day of drinking water from the groundwater.”

Minn. Stat. § 123B.57

" A district must adopt a health and safety program. The program must include plans, where applicable, for hazardous substance removal, fire and life safety code repairs, regulated facility and equipment violations, and health, safety, and environmental management, including indoor air quality management... A plan to test for and mitigate radon produced hazards."

**Montana:**

Mont. Code Anno. § 75-3-602

"Radon" means any of the gaseous radioactive decay products of uranium or thorium.

- (6) "Radon progeny" means any of the radioactive decay products of radon.
- (7) "Radon-related occupation" means the occupation of any person who performs radon gas or radon progeny measurements, including sample collection, analysis, or interpretation of those measurements, or who performs radon gas or radon progeny mitigation.

- (3) "Mitigation project" means to repair or alter a building or design for the purpose, in whole or in part, of reducing the concentration of radon in the indoor atmosphere."

Mont. Code Anno. § 75-3-604

"(1) The results of measurements of radon gas or radon progeny performed by a person may be reported to the department. The report may include the radon levels detected and the location and description of the building."

Mont. Code Anno. § 75-3-605

"The department shall initiate and administer a program designed to educate and inform the public concerning radon gas and radon progeny. The program must include but is not limited to:

- (1) public presentations to interested parties;
- (2) developing, reproducing, and distributing printed materials to home owners and other interested groups;
- (3) responding to telephone inquiries on a maintained toll-free telephone number;
- (4) providing technical and training information for radon measurement and mitigation;
- (5) maintaining and distributing lists of qualified persons who perform measurement and mitigation services;
- (6) developing and implementing an effective communication strategy to encourage all home owners to test for radon; and
- (7) encouraging cooperative partnerships to promote radon testing of buildings and homes."

Mont. Code Anno. § 75-3-606

"(1) A radon disclosure statement must be provided on at least one document, form, or application executed prior to or contemporaneously with an offer for the purchase and sale of inhabitable real property."

**Nebraska:**

R.R.S. Neb. § 71-3501

"It is the policy of the State of Nebraska in furtherance of its responsibility to protect occupational and public health and safety and the environment:

To maximize the protection practicable for the citizens of Nebraska from radon or its decay products by establishing requirements for (a) appropriate qualifications for persons providing measurement and mitigation services of radon or its decay products and (b) radon mitigation system installations."

R.R.S. Neb. § 71-3502.01

"The Department of Health and Human Services Regulation and Licensure may establish an alternative maximum contaminant level for radon in drinking water by establishing a multimedia radon mitigation program as provided under federal law which may include public education, testing, training, technical assistance, remediation grants, and loan or incentive programs. The purpose of the radon mitigation program shall be to achieve health risk reduction benefits equal to or greater than the health risk reduction benefits that would be achieved if each public



water system in the state complied with the maximum contaminant level of three hundred picocuries per liter.”

R.R.S. Neb. § 71-3503

“License means:

A license issued to a radon measurement specialist, radon measurement technician, radon mitigation specialist, radon mitigation technician, radon measurement business, or radon mitigation business”

R.R.S. Neb § 71-3505

“Matters relative to radiation as they relate to occupational and public health and safety and the environment shall be a responsibility of the department. The department shall: for registration or licensure of (i) any other source of radiation, (ii) persons providing services for collection, detection, measurement, or monitoring of sources of radiation, including, but not limited to, radon and its decay products”

R.R.S. Neb. § 71-3507

“The department shall require licensure of persons providing measurement and mitigation services of radon or its decay products in order to protect the occupational and public health and safety and the environment. The department shall adopt and promulgate rules and regulations establishing education, experience, training, examination, and continuing competency requirements for radon measurement specialists, radon measurement technicians, radon mitigation specialists, and radon mitigation technicians. Continuing competency requirements may include, but not be limited to, one or more of the continuing competency activities listed in section 71-161.09. The department shall adopt and promulgate rules and regulations establishing staffing, proficiency, quality control, reporting, worker health and safety, equipment, and record-keeping requirements for radon measurement businesses and radon mitigation businesses and mitigation system installation requirements for radon mitigation businesses.”

R.R.S. Neb. § 71-3508.03

“The department shall establish by rule and regulation annual fees for the radioactive materials licenses, for inspections of radioactive materials, for the registration and inspection of radiation-generating equipment and other sources of radiation, and for radon measurement and mitigation business licenses and inspections of radon mitigation systems installations under the Radiation Control Act.

When a registrant or licensee fails to pay the applicable fee, the department may suspend or revoke the registration or license or may issue an appropriate order.”

R.R.S. Neb. § 71-3517

"Any person who violates any of the provisions of the Radiation Control Act shall be guilty of a Class IV misdemeanor...Radon measurement specialists and radon mitigation specialists shall be subject to the reporting, investigatory, and disciplinary provisions of sections 38-176 to 38-185, 38-1,106, 38-1,109 to 38-1,126, and 38-1,137 to 38-1,139."

**Nevada:**

Nev. Rev. Stat. Ann. § 459.300

“The legislature finds that tailings from active and inactive uranium and thorium mills pose a potential hazard from radiation to the health of persons in this state. It is essential for this state to regulate the activities of such mills to:

1. Assure that every reasonable effort is made to provide for the stabilization, disposal and control of such tailings in a safe and environmentally sound manner.
2. Minimize or prevent the diffusion of radon and other environmental hazards from such tailings.
3. Reduce to the greatest extent practicable the need for long-term treatment and surveillance of such tailings.”

**New Hampshire:**

RSA 125:9

“The commissioner of the department of health and human services shall:  
Investigate complaints of poor indoor air quality and conduct inspections of buildings and dwellings, upon request, for the presence of radon or other health hazards present in indoor air; and provide education, technical consultation, and recommendations for abatement of such health hazards in conjunction with the University of New Hampshire cooperative extension.”

RSA 131:3-a

“Fees for analyses required by the federal Safe Drinking Water Act or offered as a service shall be set by following the cost allocation method established for reimbursements to the state from grants funded by the United States Environmental Protection Agency (EPA).

Radon

\$ 20”

RSA 477:4-a

“Prior to the execution of any contract for the purchase and sale of any interest in real property which includes a building, the seller, or seller's agent, shall provide the following notification to the buyer. The buyer shall acknowledge receipt of this notification by signing a copy of such notification:

- Radon Gas: Radon gas, the product of decay of radioactive materials in rock may be found in some areas of New Hampshire. This gas may pass into a structure through the ground or through water from a deep well. Testing can establish its presence and equipment is available to remove it from the air or water.”

**New Jersey:**

N.J. Stat. § 13:1K-14

“The Department of Environmental Protection shall, upon a determination after inspection and testing that the premises of any residential property are not significantly contaminated with radon gas or radon progeny and require no remedial action, provide the owner of the property with written certification that, as of the date of the testing, any radon gas or radon progeny contamination present was within acceptable limits as established by the United States Environmental Protection Agency and the department.

The costs incurred by the department in providing the certifications required by this section shall be covered by sums which may be appropriated or otherwise made available to the department to remedy radon gas or radon progeny contamination.”

N.J. Stat. § 18A:20-40

“Except as may be provided pursuant to subsection b. of this section, every public school building used as a public school in the State shall be tested for the presence of radon gas or radon progeny at least once every five years. If the public school has been tested less than five years prior to the effective date of this act, then the test shall be performed within five years of that test and once every five years thereafter.

The superintendent of each school district in the State, in consultation with the Department of Environmental Protection and the principal of each school to be tested, shall determine the buildings to be tested, the locations within each building to be tested, the method of testing, and the procedures concerning notification and circulation of the testing results.”

N.J. Stat. § 26:2D-59

“The Department of Environmental Protection shall prepare and transmit to the Governor and Legislature a study concerning the dangers posed to the public health, safety, and welfare by the presence of radon gas and radon progeny in residential dwellings, schools, and public buildings in the State. The study shall identify the potential sources of contamination in the State, identify demographic, geologic, and geographic areas subject to an actual or potential threat or danger of contamination, and develop a cost-effective strategy for radon gas and radon progeny contamination testing. The study shall include recommendations for private actions to solve or alleviate potential health problems and any legislative or executive action that should be taken. The department shall prepare and transmit to the Governor and the Senate Institutions, Health and Welfare Committee and the General Assembly Agriculture and Environment Committee interim reports on its progress in implementing this section. The department shall transmit its first report on May 1, 1986 and subsequent reports every six months thereafter.”

N.J. Stat. § 26:2D-60

“The Department of Health shall conduct an epidemiologic study of cancer and the presence of radon gas and radon progeny in residential dwellings and shall maintain a voluntary registry of persons at risk of radiogenic lung cancer. The department shall communicate promptly to persons on the registry new techniques for the prevention of mortality from the disease.”

N.J. Stat. § 26:2D-61

“The Department of Environmental Protection and the Department of Health shall coordinate to establish a program of confirmatory monitoring of the presence of radon gas and radon progeny in residential dwellings, utilizing local health officers and the Department of Environmental Protection personnel.”

N.J. Stat. § 26:2D-62

“The Departments of Environmental Protection and Health shall also coordinate to establish a public information and education program to inform the public of the potential health effects of the presence of radon gas and radon progeny in residential dwellings, and the presence of radium in potable water supplies, and the geographic areas in the State subject to an actual or potential threat of danger and the measures which can be taken to protect the health, safety, and welfare of the citizens of the State. This public information and education program shall include:

- a. A cooperative program with county and local health departments to facilitate health education in response to requests from the public; and
- b. A toll-free public telephone information service within the Department of Environmental Protection to answer questions from residents of the State concerning radon gas and radon progeny contamination, or radium contamination, or both, as the case may be. The availability of the public telephone information service shall be published in the major newspapers circulated in the geographic areas of this State subject to an actual or potential threat of danger from radon gas or radon progeny contamination, or from the presence of radium in potable water supplies, as appropriate.”

N.J. Stat. § 26:2D-71

“The Department of Environmental Protection shall within 180 days of the enactment of this act establish a program for the certification of persons who mitigate, and safeguard buildings from, the presence of radon gas and radon progeny.”

N.J. Stat. § 26:2D-72

“Beginning 90 days after the establishment of the certification programs by the Department of Environmental Protection pursuant to sections 1 and 2 of this act, no person who is not certified pursuant to section 1 or section 2 of this act, as appropriate, shall test for, or mitigate or safeguard a building from, the presence of radon gas and radon progeny. The provisions of this section shall not apply to a person performing this testing or mitigation on a building which he owns, or to a person performing testing or mitigation without remuneration.”

N.J. Stat. § 26:2D-73

“No person shall disclose to any person, except to the Department of Environmental Protection or the Department of Health, the address or owner of a nonpublic building that the person tested or treated for the presence of radon gas and radon progeny, unless the owner of the building waives, in writing, this right of confidentiality.

The provisions of this section shall not apply to a person performing testing or treatment on a building which he owns, or to instances where disclosure is necessary to contract for further testing or to contract for the mitigating and safeguarding of a building from the presence of radon gas and radon progeny. In the case of a prospective sale of a building which has been tested for radon gas and radon progeny,

the seller shall provide the buyer, at the time the contract of sale is entered into, with a copy of the results of that test and evidence of any subsequent mitigation or treatment, and any prospective buyer who contracts for the testing shall have the right to receive the results of that testing.”

N.J. Stat. § 26:2D-78

“For the purposes of P.L. 1963, c. 73 (C. 47:1A-1 et seq.), health data relating to individuals and data relating to radon gas and radon progeny contamination at specific properties, including residential dwellings, gathered pursuant to the provisions of this act and the provisions of P.L. 1985, c. 408 (C. 26:2D-59 et seq.) shall not be deemed to be public records. The Department of Health and Environmental Protection shall destroy all information in their possession relating to the names and addresses of persons owning properties on which data were collected relating to radon gas and radon progeny contamination, at the end of five years from the date on which the data were collected.”

N.J. Stat. § 26:2D-80

“The Department of Community Affairs is authorized to enter into an agreement with a public or private agency to carry out testing for radon gas and radon progeny at the sites of residential dwellings, the construction of which is in progress or commences on or after the effective date of this act, and to provide funding for that testing, provided that each \$ 1.00 of that funding is matched by \$ 1.00 from other public or private sources.”

N.J. Stat. § 30:5B-5.2

“Except as provided in subsection c. of this section, within six months of the effective date of this act, the owner of any building in which a child care center licensed pursuant to the provisions of P.L. 1983, c. 492 (C. 30:5B-1 et seq.) is located shall test or cause to be tested the space in the building in which the child care center is located for the presence of radon gas and radon progeny. The test shall be conducted at least once every five years. If the building has been tested less than five years prior to the effective date of this act, then the test shall be performed within five years of that test and once every five years thereafter.

The provisions of section 4 of P.L. 1986, c. 83 (C. 26:2D-73) to the contrary notwithstanding, any owner of a building who tests for the presence of radon gas and radon progeny pursuant to this act or who has performed the test within five years prior to the effective date of this act shall post, within 30 days of the completion of the testing procedures, or within 30 days of the effective date of this act if the test has been performed prior thereto, the results of the test, and any measures taken or proposed to mitigate the presence of radon gas or radon progeny, at a location in the building which is readily visible to persons having responsibility for any child that attends the child care center.”

N.J. Stat. § 52:27D-123a

“The Commissioner of Community Affairs shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), a radon hazard code, or may propose amendments to revise the appropriate model code

adopted pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), for the purpose of establishing adequate and appropriate standards to ensure that schools and residential buildings within tier one areas, as defined by the Department of Environmental Protection pursuant to P.L.1985, c.408 (C.26:2D-59 et seq.), are constructed in a manner that minimizes radon gas and radon progeny entry and facilitates any subsequent remediation that might prove necessary. In preparing the radon hazard code standards, the commissioner shall employ a guideline of four picocuries per liter or such other action level standard as the Department of Environmental Protection may establish subsequent to the effective date of this act.

The department shall include in the radon hazard code standards such testing requirements as may prove reliable, practical and economical to identify sites where a proposed school or residential building will require construction in a manner that minimizes radon gas and radon progeny entry and facilitates any subsequent remediation. If a feasible predictive test method is developed, then the standards adopted pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), shall be revised to include such further changes in construction standards as may be necessary to prevent the entry of radon gas and radon progeny into new schools or residential buildings.

No person who constructs a school or residential building in compliance with these standards anywhere within the State shall thereafter be held liable for the presence of radon gas or radon progeny in the school or residential building, or for any losses or damage to persons or property resulting therefrom."

N.J. Stat. § 52:27D-123b

"No construction permit shall be issued for the construction of any new school or residential building in a tier one area, except after submission to the construction official of documentation sufficient to establish that the construction will be in accordance with the radon hazard code standards adopted pursuant to section 1 of this act."

N.J. Stat. § 52:27D-123c

"No certificate of occupancy shall be issued for any newly constructed school or residential building required to be constructed in accordance with radon hazard code standards as provided in section 2 of this act, except upon verification by the construction official that the school or residential building conforms to the radon hazard code standards."

N.J. Stat. § 52:27D-123d

"The Department of Community Affairs, in consultation with the Department of Environmental Protection, the National Institute of Standards and Technology, the National Association of Homebuilders Research Center and the United States Environmental Protection Agency, shall investigate methods of testing building sites for the purpose of predicting the presence of radon hazards in buildings to be constructed thereon."

**New York:**

NY CLS Real P § 444-b (2005)

"Home inspection" means the process by which a home inspector observes and provides a written report of the systems and components of a residential building including but not limited to heating system, cooling system, plumbing system, electrical system, structural components, foundation, roof, masonry structure, exterior and interior components or any other related residential building component as recommended by the home inspection council and implemented by the department through regulation to provide a client with objective information about the condition of the residential building. The home inspector shall clearly identify in the written report which systems and components of the residential building were observed. A home inspection shall not include an inspection for radon or pests."

NY CLS Real P § 462

"This statute is a questionnaire to be filled out by a home seller and given to the home purchaser. It includes a question regarding whether or not the home has been tested for radon."

NY Tax § 19

"'Green base building' means a base building which is part of an eligible building and which meets the following standards...A licensed engineer, certified industrial hygienist, or other licensed or certified professional whom the commissioner of environmental conservation shall approve, pursuant to regulations, shall conduct indoor air quality testing with respect to the entire building immediately following occupancy, if any, and on an annual basis, to monitor supply and return air and ambient air for carbon monoxide, carbon dioxide, total volatile organic compounds, radon, and particulate matter. Provided, however, once radon measurements have been found to be satisfactory, subsequent annual testing is not required."

**North Carolina:**

N.C. Gen. Stat. § 47E-4

"With regard to transfers described in [G.S. 47E-1](#), the owner of the real property shall furnish to a purchaser a residential property disclosure statement. The disclosure statement shall [disclose]:

Presence of lead-based paint, asbestos, radon gas, methane gas, underground storage tank, hazardous material or toxic material (whether buried or covered), and other environmental contamination."

**Ohio:**

ORC 3723.02

"(A) Except as otherwise provided in this section:

(1) No individual shall perform radon testing, or hold himself out as performing radon testing, without a valid radon tester or mitigation specialist license.

(2) No individual shall provide professional or expert advice on radon testing, radon exposure, or health risks related to radon exposure, or hold himself out as providing such advice, without a radon tester or mitigation specialist license.

(3) No individual shall provide on-site supervision of radon mitigation, or hold himself out as providing such supervision, without a radon mitigation specialist

license.

(4) No individual shall provide professional or expert advice on radon mitigation or radon entry routes, or hold himself out as providing such advice, without a radon mitigation specialist license.

(5) No business entity or government entity shall perform or authorize any individual employed by it to perform radon mitigation, or hold itself out as performing radon mitigation, without a valid radon mitigation contractor license.

(B) Division (A) of this section does not apply to any of the following:

(1) An individual, business entity, or government entity using techniques during new construction designed to prevent or reduce radon infiltration in the new construction;

(2) An individual, business entity, or government entity performing radon tests or mitigation on a building or real property that the individual, business entity, or government entity owns or leases;

(3) An individual, business entity, or government entity practicing in accordance with [section 3723.03 of the Revised Code](#) as a radon tester, mitigation specialist, or mitigation contractor under a license issued by another state;

(4) An individual, business entity, or government entity conducting research regarding radon testing or mitigation in accordance with [section 3723.04 of the Revised Code](#).

(C) Division (A)(5) of this section does not apply to an employee of a licensed radon mitigation contractor, or a general contractor that subcontracts for radon mitigation to be performed by a licensed radon mitigation contractor.”

#### ORC 3723.03

“Pursuant to division (B) of [section 3723.02 of the Revised Code](#), an individual, business entity, or government entity that holds a valid license issued by another state authorizing practice as a radon tester, mitigation specialist, or mitigation contractor under the laws of that state may practice in this state without a license issued under this chapter for not more than ninety days in any calendar year as a radon tester, mitigation specialist, or mitigation contractor, if the director of health finds that the requirements for licensure in that state are comparable to the requirements for licensure under this chapter and the rules adopted under it and the individual, business entity, or government entity provides notice to the director of health, in accordance with rules adopted under [section 3723.09 of the Revised Code](#), prior to commencing practice in this state.”

#### ORC 3723.04

“(A) Pursuant to division (B) of [section 3723.02 of the Revised Code](#), an individual, business entity, or government entity conducting research regarding radon testing or mitigation may perform radon testing or mitigation without a license, if the owner or occupant of the building or real property where the research is to be conducted consents after being informed in writing of all of the following:

(1) That the individual, business entity, or government entity is not licensed to perform radon testing or mitigation;

(2) That the results of any testing are not valid for use in any contract or legal



document as evidence of the presence or absence of radon in the building or real property;

- (3) That any mitigation methods used are experimental and may not be successful.
- (B) Radon test results obtained pursuant to this section are not valid for use in any contract or legal document as evidence of the presence or absence of radon in the building or real property tested.
- (C) No licensed radon mitigation specialist shall provide advice regarding radon mitigation on the basis of any radon test performed pursuant to this section.
- (D) No licensed radon mitigation contractor shall perform radon mitigation on the basis of any radon test performed pursuant to this section.”

ORC 3723.05

“No licensed radon tester shall use the services of a radon laboratory that has not been approved under [section 3723.07 of the Revised Code](#).

- (B) No licensed radon mitigation contractor shall do any of the following:
  - (1) Perform radon mitigation without the direct on-site supervision of a licensed radon mitigation specialist;
  - (2) Provide radon testing services other than through the employment of a licensed radon tester or mitigation specialist;
  - (3) Provide advice regarding radon testing, radon exposure, or health risks associated with radon exposure other than through the employment of a licensed radon tester or mitigation specialist;
  - (4) Provide advice regarding radon mitigation or radon entry routes other than through the employment of a licensed radon mitigation specialist.
- (C) No licensed radon tester, licensed radon mitigation specialist, or licensed radon mitigation contractor involved in the testing of a particular building, or in the provision of advice with respect to a particular building, shall be involved in the performance of mitigation on that building unless the contract for mitigation is in writing and clearly and conspicuously states both of the following:
  - (1) That the radon tester, mitigation specialist, or mitigation contractor was involved in the testing or provision of advice that led to the mitigation contract;
  - (2) The advantages of long-term testing and the value of a second opinion as ways to verify test results and to assure that the proposed mitigation is appropriate, especially when the mitigation is to be performed by the tester, mitigation specialist, or mitigation contractor that was involved in the testing or provision of advice that led to the mitigation contract.
- (D) No licensed radon tester, licensed radon mitigation specialist, or licensed radon mitigation contractor shall perform radon testing or mitigation or provide any advice related to radon, radon testing, or radon mitigation unless it is performed in accordance with the requirements of this chapter and the rules adopted under it.
- (E) No licensed radon tester, licensed radon mitigation specialist, or licensed radon mitigation contractor shall violate any requirement of this chapter or any rule adopted under it.”

ORC 3723.06

“The director of health shall license radon testers, mitigation specialists, and mitigation contractors. Each applicant for a license shall submit a completed application to the director on a form the director shall prescribe and furnish.

(B) In accordance with rules adopted by the public health council under [section 3723.09 of the Revised Code](#), the director shall issue the appropriate license to each applicant that pays the license fee prescribed by the council, meets the licensing criteria established by the council, and complies with any other licensing and training requirements established by the council. An individual, business entity, or government entity may hold more than one license issued under this section, but a separate application is required for each license.

(C) Notwithstanding division (B) of this section, the director shall issue a radon mitigation contractor license on request to the holder of a radon mitigation specialist license if the license holder is the owner or chief stockholder of a business entity for which he is the only individual who will work as a radon mitigation specialist. The licensing criteria and any other licensing and training requirements the individual was required to meet to qualify for the radon mitigation specialist license are hereby deemed to satisfy any and all criteria and requirements for a radon mitigation contractor license. A license issued under this division shall expire at the same time as the individual's radon mitigation specialist license. No license fee shall be imposed for a license issued under this division.

(D) A license issued under this section expires biennially and may be renewed by the director in accordance with criteria and procedures established by the public health council under [section 3723.09 of the Revised Code](#) and on payment of the license renewal fee prescribed by the council.

(E) In accordance with Chapter 119. of the Revised Code, the director may do either of the following:

- (1) Refuse to issue a license to an individual, business entity, or government entity that does not meet the requirements of this chapter or the rules adopted under it or has been in violation of those requirements;
- (2) Suspend, revoke, or refuse to renew the license of an individual, business entity, or government entity that is or has been in violation of the requirements of this chapter or the rules adopted under it.”

ORC 3723.07

“The director of health shall approve all of the following:

- (A) Licensure training courses for radon testers and mitigation specialists;
- (B) Training courses for employees of mitigation contractors;
- (C) Radon laboratories.”

ORC 3723.08

“The director of health shall do all of the following:

- (1) Administer the radon licensing program established by this chapter and enforce the requirements of this chapter and the rules adopted under it;

- (2) Examine records of radon testers, mitigation specialists, mitigation contractors, and operators of radon laboratories and training courses approved under [section 3723.07 of the Revised Code](#) as he considers necessary to determine whether they are in compliance with the requirements of this chapter and the rules adopted under it;
- (3) Coordinate the radon licensing program with any radon programs in schools;
- (4) Collect and disseminate information relating to radon in this state;
- (5) Conduct research on indoor radon contamination, which may include a statewide survey.

(B) The director of health may do any of the following:

- (1) Employ individuals with training necessary to implement the requirements of this chapter and the rules adopted under it, and pay the license fee or license renewal fee established under [section 3723.09 of the Revised Code](#) for any such employee who is required to be licensed under this chapter;
- (2) Conduct inspections as he considers necessary to determine whether the requirements of this chapter and the rules adopted under it have been met;
- (3) Conduct training programs and establish and collect fees to cover the cost of conducting them;
- (4) Advise, consult with, cooperate with, and enter into contracts or grant agreements with any individual, business entity, government entity, interstate agency, or the federal government as he considers appropriate to fulfill the requirements of this chapter and the rules adopted under it;
- (5) Consult with and seek recommendations from the radiation advisory council established under [section 3748.20 of the Revised Code](#) with respect to the implementation of this chapter;
- (6) Delegate his authority and duties under this chapter to any division, bureau, agency, or employee of the department of health;
- (7) Collect information required to be reported to him under any rules adopted under [section 3723.09 of the Revised Code](#).”

#### ORC 3723.10

“Any individual, business entity, or government entity may file a complaint with the director of health concerning any radon tester, mitigation specialist, mitigation contractor, or operator of a radon laboratory or a training course approved under [section 3723.07 of the Revised Code](#). The complainant's name shall be confidential and shall not be released without his written consent.”

#### ORC 3723.11

“The director of health shall maintain a list of all licensed radon testers, mitigation specialists, and mitigation contractors. On request, the director shall provide a copy of all or part of the list to any individual, business entity, or government entity. The director shall not impose a charge for providing the copy that exceeds the actual and necessary expense of copying it.”

#### ORC 3723.12

“The director of health, any employee of the department of health, or any individual, business entity, or government entity with which the director enters into an agreement under division (B)(4) of [section 3723.08 of the Revised Code](#), shall not release information collected pursuant to this chapter concerning a specific building

used as a private residence or the real property upon which it is located to anyone other than the owner or occupant of the building or real property without their consent, unless the director determines that the release is necessary for use in conducting legitimate scientific studies, or the information is released in summary statistical or other form that does not reasonably tend to disclose the address of the building or real property or the identity of the owner or occupant.

(B) The department of health shall maintain information collected pursuant to this chapter and the rules adopted under it for at least five years. The department may destroy any such information that it has maintained for five years.”

#### ORC 3723.13

“If the director of health requests to examine such records, no licensed radon tester, mitigation specialist, mitigation contractor, or operator of a radon laboratory or a training course approved under [section 3723.07 of the Revised Code](#) shall fail to make available to the director any records pertinent to the activities regulated by this chapter and the rules adopted under it.”

#### ORC 3723.14

“There is hereby created in the state treasury the radon program fund. All fees collected pursuant to this chapter; civil penalties assessed under [section 3723.16 of the Revised Code](#); fines imposed under [section 3723.99 of the Revised Code](#); and any grant, contribution, or other moneys received by the director of health for the purposes of this chapter shall be credited to the fund. Moneys credited to the fund shall be used only for administration and enforcement of the requirements of this chapter and the rules adopted under it.”

#### ORC 3723.17

“If radon testing or mitigation is performed or any related advice is provided in accordance with any procedures established under federal law or the Revised Code, the liability of a licensed radon tester, mitigation specialist, or mitigation contractor for injury, death, or loss to person or property allegedly caused by or otherwise related to radon testing or mitigation or related advice is limited to liability for actions or omissions that are established, by a preponderance of the evidence, to have been negligent. Establishment by a preponderance of the evidence that actions or omissions relating to radon testing or mitigation or related advice were at the time of occurrence in accordance both with generally accepted practice and with any procedures established under federal law or the Revised Code creates a rebuttable presumption that the actions or omissions were not negligent.

(B) The liability of an individual or business entity, other than the owner or occupant of the affected building or real property, contracting with a licensed radon tester, mitigation specialist, or mitigation contractor for injury, death, or loss to person or property allegedly caused by the radon tester, mitigation specialist, or mitigation contractor is limited to actions or omissions that the individual or business entity knew, or reasonably should have known, were not, at the time of occurrence, in accordance with generally accepted practice or with any procedures established under federal law or the Revised Code.

(C) This section governs all claims for injury, death, or loss to person or property arising from radon testing or mitigation or the provision of any related advice.”

ORC 3723.99

“Whoever violates division (A) of section 3723.02, division (C) or (D) of section 3723.04, section 3723.05, or section 3723.13 of the Revised Code is guilty of a misdemeanor of the first degree. Each day of violation is a separate offense.”

ORC 3748.20

“The governor, with the advice and consent of the senate, shall appoint a radiation advisory council, which shall consist of the following members:

One individual who has recognized ability and credentials in the field of radon measurement, mitigation, or health risk management”

ORC 5302.30

"[T]he disclosure form to be completed by transferors...shall be designed to permit the transferor to disclose material matters relating to the physical condition of the property to be transferred, including, but not limited to, the source of water supply to the property; the nature of the sewer system serving the property; the condition of the structure of the property, including the roof, foundation, walls, and floors; the presence of hazardous materials or substances, including lead-based paint, asbestos, urea-formaldehyde foam insulation, and radon gas; and any material defects in the property that are within the actual knowledge of the transferor."

**Oregon:**

ORS § 433.521

“Based upon the recommendations of the Indoor Air Pollution Task Force, the Department of Human Services may establish indoor air quality standards for significant indoor air pollutants. If established, the standards:

- (a) Shall include an adequate margin of safety;
  - (b) Shall be adequate to protect the population, including sensitive groups; and
  - (c) May be revised as appropriate.
- (2) If established, indoor air quality standards shall be at least for the following significant indoor air pollutants:
- (c) Radon;”

ORS § 105.464

"The following are representations made by the seller and are not the representations of any financial institution that may have made or may make a loan pertaining to the property, or that may have or take a security interest in the property, or any real estate licensee engaged by the seller or the buyer... Has any portion of the property been tested or treated for asbestos, formaldehyde, radon gas, lead-based paint, mold, fuel or chemical storage tanks or contaminated soil or water?...[Check Yes, No, or Unknown]."

**Pennsylvania:**

35 P.S. § 7502

“The Department of Environmental Resources shall have the power and its duty shall be to develop and implement, in cooperation with the United States Government and private industry, methods of remedial action to reduce unsafe levels of naturally occurring radon gas in residential buildings. The department may enter into contracts with builders, remodelers and other private contractors to assist the department in developing experimental or prototypic systems of remedial action. Such systems shall be installed or incorporated into occupied residential buildings with the permission of the owners. Upon completion, any and all materials so incorporated shall become fixtures of the property and shall not be removed without the consent of the property owner.

(b) The department shall establish minimum standards for materials and craftsmanship of contractors participating in this project. In addition, the department shall advise homeowners, in areas known to be affected by high radon concentrations, of ways to avoid unscrupulous or unqualified contractors.”

35 P.S. § 7503

“The Pennsylvania Housing Finance Agency is hereby authorized to establish a low-interest loan program to assist persons whose residences have been infiltrated by dangerous levels of radon gas to finance home improvements designed to either prevent such infiltration or avoid dangerous concentrations of radon gas from accumulating.

(b) The Pennsylvania Housing Finance Agency shall administer a low-interest loan program pursuant to the provisions of Article IV-B of the act of December 3, 1959 (P.L. 1688, No. 621), known as the Housing Finance Agency Law.

(c) The Department of Environmental Resources shall establish minimum standards for materials and craftsmanship of contractors providing home improvements financed pursuant to this section and may assist the Pennsylvania Housing Finance Agency in the administration of the low-interest loan program.”

63 P.S. § 2002

“(a) FINDINGS.-- The General Assembly finds and declares as follows:

- (1) Radon levels in public and private buildings can present a significant health risk to the occupants.
- (2) Property owners in affected areas should have their residences and other buildings tested for radon levels.
- (3) Property owners do contract for measures to test and to reduce levels in specific buildings.
- (4) Private consultants and firms do perform radon testing or remedial work or radon testing and remedial work.
- (5) There is a need to assure property owners that the consultants and firms are qualified to perform the services.

(b) INTENT.-- It is the intention of the General Assembly and the purpose of this act to protect property owners from unqualified or unscrupulous consultants and firms by requiring the Department of Environmental Resources to establish and carry

out a program of certification of persons who perform radon progeny testing or carry out remedial radon measures.”

63 P.S. § 2006

“(a) GENERAL RULE.-- Beginning 60 days after the establishment of the interim certification program by the department under section 11, no person who is not certified under section 11, or who is not certified under section 4 or 5 after certification programs are established under these sections, shall test for, mitigate or safeguard a building from the presence of radon gas and radon progeny.

(b) EXCEPTION.-- Subsection (a) shall not apply to either of the following:

- (1) A person performing testing or mitigation on a building which the person owns.
- (2) A builder utilizing preventative or safeguarding measures in new construction.”

63 P.S. § 2007

“A person certified under sections 4, 5 and 11 to provide testing or mitigation services shall, within 45 days of the date the services are provided, disclose to the department the address or location of the building, the name of the owner of the building where the services were provided and the results of any tests performed.”

63 P.S. § 2009

“Except for use in conducting legitimate scientific studies, as determined by the department, data relating to individuals and data relating to radon gas and radon progeny contamination at nonpublic properties, including residential dwellings, gathered under this act shall be considered confidential by the department. The department shall not release the data in its possession to anyone other than the owner of the property.”

63 P.S. § 2013

“The department shall adopt rules and regulations to administer and enforce this act. The rules and regulations shall include, but not be limited to, provisions relating to the following subjects:

- (1) Qualifications and minimum experience requirements.
- (2) Proficiency testing.
- (3) Periodic recertification.
- (4) Measures for decertification.
- (5) Truth in advertising requirements.”

**Rhode Island:**

R.I. Gen. Laws § 23-61-1

“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.”

R.I. Gen. Laws § 23-61-2

“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 public and high priority 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 in Rhode Island to the greatest extent feasible.”

R.I. Gen Laws § 23-61-3

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

(9) "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.

(10) "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.”

R.I. Gen. Laws § 23-61-4

“The director is authorized to:

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

(4) Conduct a voluntary radon/radon progeny testing program for residents of owner occupied residential dwellings in the state.

(5) Enter any public or high priority building in the state in accordance with §§ 23-61-7(a)(1) and 23-61-7(b)(4) 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.

(6) 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.

(7) Develop and forward for adoption by the state building code commission recommendations for standards of new construction designed to prevent or more easily mitigate elevated radon/radon progeny levels.



- (8) Issue regulations for the following purposes:
- (i) To establish indoor environmental air exposure standards and guidelines for radon and radon progeny;
  - (ii) To establish a drinking water standard for radon;
  - (iii) To establish criteria for air and water sampling, and testing for radon and radon progeny;
  - (iv) To establish criteria for notification of the department of mitigation activities to reduce radon/radon progeny exposures in high priority buildings and public water supplies;
  - (v) To establish criteria for licensure and certification of persons involved in radon/radon progeny testing and mitigation services;
  - (vi) To require radon/radon progeny testing by appropriate school officials of each area within public and private schools occupied by children in pre-kindergarten through 12th grade;
  - (vii) To establish work practices and procedures for mitigation of radon/radon progeny in buildings;
  - (viii) To establish procedures for notifications required by § 23-61-6;
  - (ix) To assess fees for activities authorized by this chapter.”

R.I. Gen. Laws § 23-61-5

“All persons providing or offering to provide the following services must be certified or licensed in accordance with regulations adopted pursuant to the authority conferred by this chapter:

- (1) Screening sampling/testing of air for radon/radon progeny;
- (2) Diagnostic sampling/testing of air 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.”

R.I. Gen. Laws § 23-61-6

“The owner of any public and high priority building who intends to take measures, including but not limited to renovation of the building for the purpose of reducing radon/radon progeny levels and/or installation of recognized radon mitigation systems, must submit formal notification to the department prior to commencing the radon/radon progeny mitigation activities.”

R.I. Gen. Laws § 23-61-7

“The director, or his or her designee, is authorized to inspect any public or high priority building, during business hours, or by appointment at another time agreed to by the inspector and the owner, occupant or other person in charge of the building. The owner, occupant or other person in charge of the building shall, upon presentation of proper identification by the state inspector, for the limited purpose of inspection for elevated radon/radon progeny levels, grant the inspector entry and free access to every part of the building where elevated radon/radon progeny levels may pose a hazard. If any owner, occupant or other person in charge of the building fails or refuses to permit such access and entry to the building under his or her control, or any part thereof, the state inspector may, upon showing that probable cause exists for the inspection and for the issuance of a court order directing compliance with the

inspection requirements of this section, petition and obtain an order from a court of competent jurisdiction. Any person refusing to comply with an order issued pursuant to this section shall be subject to such penalties as may be authorized by law for violation of a court order.

(b) The director shall establish regulations requiring the evaluation of all public and high priority buildings for elevated levels of radon/radon progeny and/or adequacy of any radon/radon progeny mitigation activities”

R.I. Gen. Laws § 23-61-9

“Funds appropriated shall be used to carry out the provisions of this chapter, including but not limited to, personnel costs, operating costs, and capital expenditures associated with the regulatory and public education mandates placed on the department by this chapter, as well as the development and implementation of the building codes for radon resistant construction. The department is further authorized to enter into contracts for the purpose of: developing building codes for radon resistant buildings; developing construction techniques for mitigation of radon in existing buildings; conducting training relevant to all changes in building codes adopted pursuant to authority conferred by this chapter; and to otherwise carry out the mandates of this chapter.”

R.I. Gen. Laws § 23-1-5.1

" The director of health is further authorized to provide, upon request, testing for other substances of public health concern such as radon in air, lead in paint and soil, and other indoor air pollutants."

R.I. Gen. Laws § 5-20.8-2

" the seller of the real estate shall deliver a written disclosure to the buyer and to each agent with whom the seller knows he or she or the buyer has dealt in connection with the real estate. The written disclosure shall comply with the requirements set forth in subsection (b) of this section and shall state all deficient conditions of which the seller has actual knowledge... The disclosure form shall include the following information... Radon – (Test, Company) "Radon has been determined to exist in the State of Rhode Island. Testing for the presence of radon in residential real estate prior to purchase is advisable."

R.I. Gen. Laws § 42-72-1.5

" A license under this chapter shall be granted to a school age child day care program without the necessity for a separate fire, building, or radon inspection, when said child day care program is conducted at a Rhode Island elementary or secondary school which has already been found in compliance with said inspections, provided that an applicant complies with all other provisions of DCYF regulations, or has been granted appropriate variances by the department."

**South Carolina:**

S.C. Code Ann. § 27-50-40

" The owner of the real property shall furnish to a purchaser a written disclosure statement... The disclosure statement must include, but is not limited to, the following characteristics and conditions of the property... presence of lead-based paint, asbestos, radon gas, methane gas, underground storage tank, hazardous material or toxic material, buried or covered, and other environmental contamination "

**South Dakota:**

S.D. Codified Laws § 43-4-44

" SELLER'S PROPERTY CONDITION DISCLOSURE STATEMENT:  
III. SYSTEMS/UTILITIES INFORMATION... 26. Radon System [Check None-Not Included/Working/Not Working]  
  
IV. HAZARDOUS CONDITIONS: Are you aware of any existing hazardous conditions of the property and are you aware of any tests having been performed?... Radon Gas (House)... Radon Gas (Well) [Check Yes or No for Existing Conditions; and Check Yes or No for Tests Performed]."

S.D. Codified Laws § 45-6B-7

" Reclamation plan--Contents. The reclamation plan shall be based on provision for, or satisfactory explanation of, all general requirements for the type of reclamation proposed to be implemented by the operator... The reclamation plan shall include... The baseline water quality and water level of all areas of aquifers potentially affected by the proposed mining operation. The Department of Environment and Natural Resources may designate, from the parameters set forth below, which parameters must be provided. The applicant shall use testing methods designated by the department: Radon."

**Tennessee:**

Tenn. Code Ann. § 49-2-121

"Each LEA is encouraged to conduct an inspection and evaluation program, such as the environmental protection agency's Indoor Air Quality Tools for Schools Program, for its facilities. Such program may include, but shall not be limited to, the following measures...testing for radon"

**Texas:**

Tex. Health & Safety Code § 401.233

"(3) the adequacy of plans for the collection of prelicense monitoring data and background monitoring plans for the disposal facility site, including analysis of the ambient conditions of the site and established trends of the site's natural parameters, including:  
(B) radon gas levels"

Tex. Prop. Code § 5.008

"A seller of residential real property comprising not more than one dwelling unit located in this state shall give to the purchaser of the property a written notice as prescribed by this section or a written notice substantially similar to the notice prescribed by this section which contains, at a minimum, all of the items in the

notice prescribed by this section. (b) The notice must be executed and must, at a minimum, read substantially similar to the following: Are you (Seller) aware of any of the following conditions?... \_\_Radon Gas..."

**Virginia:**

Va. Code Ann. § 22.1-138

"A. The Board of Education shall prescribe by regulation minimum standards for the erection of or addition to public school buildings governing instructional, operational, health and maintenance facilities where these are not specifically addressed in the Uniform Statewide Building Code.

B. By July 1, 1994, every school building in operation in the Commonwealth shall be tested for radon pursuant to procedures established by the United States Environmental Protection Agency (EPA) for radon measurements in schools.

School buildings and additions opened for operation after July 1, 1994, shall be tested for radon pursuant to such EPA procedures and regulations prescribed by the Board of Education pursuant to subsection A of this section. Each school shall maintain files of its radon test results and make such files available for review. The division superintendent shall report radon test results to the Department of Health."

Va. Code Ann. § 32.1-228.1

"A. The Department of Health is hereby designated as the state radiation control agency. The Commissioner of Health may employ, compensate, and prescribe the duties of such individuals as may be necessary to discharge the responsibilities imposed by this article.

B. The Department shall:

6. Maintain, revise as needed, and make available to the public a list of persons who have been listed as proficient to offer screening, testing, or mitigation for radon by the United States Environmental Protection Agency, the National Radon Measurement Proficiency Program of the National Environmental Health Association, or the National Radon Safety Board Certified Radon Professional Program, or any other proficiency program acceptable to the Board of Health."

Va. Code Ann. § 32.1-229

" The Board is authorized to: 1. Establish a program of effective regulation of sources of radiation for the protection of the public health and safety, including a program of education and technical assistance relating to radon that is targeted to those areas of the Commonwealth known to have high radon levels... 5. Encourage, participate in and conduct studies, investigations, training, research and demonstrations relating to control of sources of radiation... 7. Maintain, revise as necessary, and make available to the public a list of persons that have been listed as proficient to offer screening, testing or mitigation for radon by the United States Environmental Protection Agency, the National Radon Measurement Proficiency Program of the National Environmental Health Association or the National Radon Safety Board Certified Radon Professional Program or any other proficiency program acceptable to the Board of Health..."

Va. Code Ann. § 32.1-229.01

" No person shall conduct or offer to conduct any radon screening, testing or mitigation in the Commonwealth unless he has been listed as proficient by the United States Environmental Protection Agency, the National Radon Measurement Proficiency Program of the National Environmental Health Association or the National Radon Safety Board Certified Radon Professional Program or any other proficiency program acceptable to the Board of Health to offer such screening, testing or mitigation. For the purposes of this article, "person" shall be defined as provided in § [1-230](#). B. Radon professionals listed as proficient pursuant to subsection A shall comply with the radon mitigation and testing standards outlined in the Environmental Protection Agency's publication, EPA 402-R-93-078, as revised, or the American Society for Testing and Materials (ASTM International) Standard, E-2121-02, or any other radon testing and mitigation standards accepted by the Environmental Protection Agency and the Board."

Va. Code Ann. § 32.1-229.01:1

" Any person who engages or otherwise uses the radon screening, testing, or mitigation services of a person misrepresenting his proficiency listing to conduct such services as described in § [32.1-229.01](#) may bring an action to recover the greater of (i) actual damages sustained, together with costs and reasonable attorneys' fees, or (ii) \$100."

**Washington:**

Rev. Code. Wash. (ARCW) § 4.24.560

"It is a defense in a civil action brought for damages for injury caused by indoor air pollutants in a residential structure on which construction was begun on or after July 1, 1991, that the builder or design professional complied in good faith, without negligence or misconduct, with:

- (1) Building product safety standards, including labeling;
- (2) Restrictions on the use of building materials known or believed to contain substances that contribute to indoor air pollution; and
- (3) The ventilation and radon resistive construction requirements adopted under [RCW 19.27.190](#)."

Rev. Code. Wash. (ARCW) § 19.27.190

"Not later than January 1, 1991, the state building code council, in consultation with the department of community, trade, and economic development, shall establish interim requirements for the maintenance of indoor air quality in newly constructed residential buildings. In establishing the interim requirements, the council shall take into consideration differences in heating fuels and heating system types. These requirements shall be in effect July 1, 1991, through June 30, 1993.

The interim requirements for all newly constructed residential buildings shall include standards for indoor air quality pollutant source control, including the following requirements: All structural panel components of the residence shall comply with appropriate standards for the emission of formaldehyde; the back-drafting of combustion by-products from combustion appliances shall be minimized through the use of dampers, vents, outside combustion air sources, or other appropriate

technologies; and, in areas of the state where monitored data indicate action is necessary to inhibit indoor radon gas concentrations from exceeding appropriate health standards, entry of radon gas into homes shall be minimized through appropriate foundation construction measures.”

Rev. Code Wash. (ARCW) § 70.162.005

“The legislature finds that many Washington residents spend a significant amount of their time working indoors and that exposure to indoor air pollutants may occur in public buildings, schools, work places, and other indoor environments. Scientific studies indicate that pollutants common in the indoor air may include radon, asbestos, volatile organic chemicals including formaldehyde and benzene, combustion byproducts including carbon monoxide, nitrogen oxides, and carbon dioxide, metals and gases including lead, chlorine, and ozone, respirable particles, tobacco smoke, biological contaminants, micro-organisms, and other contaminants. In some circumstances, exposure to these substances may cause adverse health effects, including respiratory illnesses, multiple chemical sensitivities, skin and eye irritations, headaches, and other related symptoms. There is inadequate information about indoor air quality within the state of Washington, including the sources and nature of indoor air pollution.

The intent of the legislature is to develop a control strategy that will improve indoor air quality, provide for the evaluation of indoor air quality in public buildings, and encourage voluntary measures to improve indoor air quality.”

Rev. Code Wash. (ARCW) § 64.06.020

"In a transaction for the sale of residential property, the seller shall, unless the buyer has expressly waived the right to receive the disclosure statement, or unless the transfer is exempt under RCW [64.06.010](#), deliver to the buyer a completed seller disclosure statement in the following format and that contains, at a minimum, the following information: THE FOLLOWING DISCLOSURES ARE MADE BY SELLER ABOUT THE CONDITION OF THE PROPERTY...Are there any substances, materials, or products on the property that may be environmental concerns, such as asbestos, formaldehyde, radon gas, lead-based paint, fuel or chemical storage tanks, or contaminated soil or water ? [Check Yes, NO or Don't Know]"

Rev. Code Wash. (ARCW) § 70.162.005

"Finding -- Intent. The legislature finds that many Washington residents spend a significant amount of their time working indoors and that exposure to indoor air pollutants may occur in public buildings, schools, work places, and other indoor environments. Scientific studies indicate that pollutants common in the indoor air may include radon, asbestos, volatile organic chemicals including formaldehyde and benzene, combustion byproducts including carbon monoxide, nitrogen oxides, and carbon dioxide, metals and gases including lead, chlorine, and ozone, respirable particles, tobacco smoke, biological contaminants, micro-organisms, and other contaminants. In some circumstances, exposure to these substances may cause adverse health effects, including respiratory illnesses, multiple chemical sensitivities, skin and eye irritations, headaches, and other related symptoms. There is inadequate

information about indoor air quality within the state of Washington, including the sources and nature of indoor air pollution."

"The intent of the legislature is to develop a control strategy that will improve indoor air quality, provide for the evaluation of indoor air quality in public buildings, and encourage voluntary measures to improve indoor air quality."

**West Virginia:**

W. Va. Code § 16-24-1

"The Legislature hereby finds and declares that radon is a dangerous toxic substance and harmful to the citizens of this state. Therefore, to help ensure the protection of the citizens of this state, persons who come into contact with radon through remediation or testing should be trained and licensed professionals who know how to deal with radon.

It is the intent of the Legislature that this article is be in addition to all other statutes and rules relating to radon."

W. Va. Code § 16-34-2

"Mitigate" means to repair or alter an existing building or design for the purpose, in whole or in part, of reducing the concentration of radon in the indoor atmosphere.

(e) "Radon" means the radioactive noble gas radon-222 and the short-lived radionuclides which are products of radon-222 decay, including polonium-218, lead-214, bismuth-214 and polonium-214.

(f) "Radon laboratory" means a business entity that offers its laboratory services for the purpose of studying air, soil samples or passive radon detection devices to determine the concentration of radon.

(g) "Radon mitigation contractor" means a business entity having at least one person licensed as a radon mitigation specialist.

(h) "Radon mitigation specialist" means a person holding a license to install or apply methods or materials to reduce airborne radon concentrations in a building or to prevent the entry of radon into the indoor atmosphere.

(i) "Radon testers" means a business entity or person licensed to examine a building, air, soil or water for the presence of radon, including taking air, soil or water samples, or the act of diagnosing the cause of radon contamination in a building."

W. Va. Code § 16-34-3

"Except as otherwise provided in subsection (b) of this section:

(1) No individual may perform radon testing or hold himself or herself out as performing radon testing without a valid radon tester or mitigation specialist license;

(2) No individual may provide professional or expert advice on radon testing, radon exposure or the health risks related to radon exposure or hold himself or herself out as providing such advice without a valid radon tester or mitigation specialist license;

(3) No individual may provide on-site supervision of radon mitigation or hold himself or herself out as providing such supervision without a valid radon mitigation specialist license;

(4) No individual may provide professional or expert advice on radon mitigation or radon entry routes or hold himself or herself out as providing such advice without a

valid radon mitigation specialist license;

(5) No business or government entity may perform or authorize any individual employed by it to perform radon mitigation or hold itself out as performing radon mitigation without a valid radon mitigation contractor license; and

(6) No laboratory shall perform analyses of radon air and soil samples or radon detection devices for the purpose of assessing radon content without a valid radon laboratory license.

(b) Subsection (a) of this section does not apply to any of the following:

(1) An individual, business entity or government entity performing its own radon tests or mitigation on a building or real property that the individual, business entity or government entity owns or leases;

(2) An individual, business entity or government entity conducting research regarding radon testing or mitigation in accordance with section four [§ 16-34-4] of this article; or

(3) Employees of the department of health and human resources' radiological health program.”

W. Va. Code § 16-34-4

“(a) No licensed radon mitigation contractor may do any of the following:

(1) Perform radon mitigation without the direct on-site supervision of a licensed radon mitigation specialist;

(2) Provide radon testing other than through the employment of a licensed radon tester or mitigation specialist;

(3) Provide advice regarding radon testing, radon exposure or the health risks associated with radon exposure other than through the employment of a licensed radon tester or mitigation specialist; or

(4) Provide advice regarding radon mitigation or radon entry routes other than through the employment of a licensed radon mitigation specialist.

(b)

(1) No licensed radon tester, licensed radon mitigation specialist or licensed radon mitigation contractor involved in the testing of a particular building, or in the provision of advice with respect to a particular building, may be involved in the performance of mitigation on that building unless the contract for mitigation is in writing and clearly and conspicuously states both of the following in language approved by the director:

(A) That the radon tester, mitigation specialist or mitigation contractor was involved in the testing or provision of advice that led to the mitigation contract; and

(B) The advantage of long-term testing and the value of a second opinion as ways to verify testing results and to assure that the proposed mitigation is appropriate, especially when the mitigation is to be performed by the tester, mitigation specialist or mitigation contractor that was involved in the testing or provision of advice that led to the mitigation contract.

(2) For purposes of this subsection, a radon tester, mitigation specialist or mitigation contractor involved in testing or providing advice with respect to a particular building will be considered to be "involved in the performance of



mitigation on that building" if he or she has any ownership interest in, or has any contractual or employment relationship with, the individual or entity providing the mitigation.

(c) No licensed radon tester, licensed radon mitigation specialist or licensed radon mitigation contractor may perform radon testing or mitigation or provide any advice related to radon, radon testing or radon mitigation unless it is performed in accordance with the requirements of this article and the rules adopted under this article.

(d) No licensed radon tester, licensed radon mitigation specialist, licensed radon mitigation contractor or licensed radon laboratory may violate any requirement of this article or any rule adopted under it.”

W. Va. Code § 16-34-5

“The director shall license radon testers, mitigation specialists, mitigation contractors and radon laboratories located within the state. Each applicant for a license shall submit a completed application to the director on a form prescribed and furnished by the director.”

W. Va. Code § 16-34-7

“Any individual, business entity or government entity may file a complaint with the director concerning any radon tester, mitigation specialist, mitigation contractor or a radon laboratory or a training course approved under section six [§ 16-34-6] of this article. The complainant's name shall be confidential and shall not be released without his or her written consent. The director shall investigate complaints and take action under this article.

(b) If a radon tester, mitigation specialist, mitigation contractor or radon laboratory violates any rules promulgated pursuant to this article and as a result of the violation harms or injures in any manner an individual or business entity, that radon tester, mitigation specialist, mitigation contractor or radon laboratory shall be considered to have committed an unfair act or practice within the meaning of section one hundred four [§ 46A-6-104], article six, chapter forty-six-a of this code.”

W. Va. Code § 16-34-8

“The director shall maintain a list of all licensed radon testers, mitigation specialists, mitigation contractors and radon laboratories located in the state. On request, the director shall provide a copy of all or part of the list to any individual, business entity or government entity. The director shall not impose a charge for providing the copy that exceeds the actual and necessary expense of copying it.”

W. Va. Code § 16-34-9

“(a) The director, any employee of the department of health and human resources, or any individual, business entity or government entity with which the director enters into an agreement under subdivision (3), subsection (k), section five [§ 16-34-5(k)(3)] of this article, shall not release information collected pursuant to this article concerning a specific building used as a private residence or the real property upon which it is located to anyone other than the owner or occupant of the building or real property without his or her consent: Provided, That the director may release

information if he or she determines that the release is necessary for use in conducting legitimate scientific studies or the information is released in summary statistical or other form that does not reasonably tend to disclose the address of the building or real property or the identity of the owner or occupant.

(b) The division of health shall maintain information pursuant to this article and the rules adopted under this article for at least three years. The division may destroy any information that it has maintained for three years.”

W. Va. Code § 16-34-10

“The funds collected from the fees applicable in this article shall be deposited in a special revenue account in the state treasury to be used by the secretary and dedicated to the purposes of this article which include, but are not limited to, licensing, training, enforcement and program development for radon.”

W. Va. Code § 16-34-11

“The director may set standards for accepting licenses issued by other states. The director may grant licenses to individuals from other states if that other state has licensing requirements which are as stringent as the licensing requirements in this state.”

W. Va. Code § 16-34-12

“If the director requests to examine records, no licensed radon tester, mitigation specialist, mitigation contractor or operator of a radon laboratory or a training course approved under section six [§ 16-34-6] of this article shall fail to make available to the director any records pertinent to the activities regulated by this article and rules adopted under it.”

W. Va. Code § 16-34-13

“The director shall suspend or revoke the license of or reprimand a radon tester, mitigator, contractor or laboratory if the licensee:

- (1) Fraudulently or deceptively obtains or attempts to obtain a license;
- (2) Fails at any time to meet the qualifications for a license or to comply with the requirements of this article or any applicable rules adopted by the secretary;
- (3) Fails to meet applicable federal or state standards for radon testing or radon mitigation; or
- (4) Employs or permits an individual without a radon tester's license or a radon mitigator's license to supervise work on a radon project.

(b) The director shall investigate all alleged violations reported to the division of health. Upon the finding of a violation in connection with any project involving radon testing or mitigation, the director shall issue a cease and desist order directing that all work be halted immediately. Where practicable, the director shall deliver a copy of the order by certified mail, return receipt requested, to the radon tester and radon mitigator.

(c) Hearings regarding violations of this article shall be conducted in accordance with

the administrative procedures act of chapter twenty-nine-a [ §§ 29A-1-1 et seq.] of this code.”

W. Va. Code § 16-34-14

“Any person violating any of the provisions of this article, or any of the rules or orders issued pursuant to this article, is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than two hundred fifty dollars for each violation.”

W. Va. Code § 18-9E-3

“Upon notice from the school building authority that a new public school building is occupied, the division of health shall perform radon testing in the school within the first year after occupancy and at least every five years thereafter. The county board shall provide any reasonable assistance to the division of health that is necessary to perform the radon testing. The radon testing shall include all major student-occupied areas at or below grade level. If it is determined that radon is present in amounts greater than the amount determined to be acceptable by the rules promulgated by the school building authority, pursuant to subsection (d) of this section, any industry accepted mitigation technique shall be used to reduce the radon level to the level or below the level determined acceptable by the school building authority.

(c) If the school building authority determines that it is feasible to test for radon prior to the construction of a school building, the school building authority may cause preconstruction site testing for radon to be performed.”

W. Va. Code § 16-2-2

“Enhanced public health services' means services that focus on health promotion activities to address a major health problem in a community, are targeted to a particular population and assist individuals in this population to access the health care system, such as lead and radon abatement for indoor air quality and positive pregnancy tracking. Enhanced public health services are services a local health department may offer”

W. Va. Code § 48-15-201

“ The following licenses are subject to an action against a license as provided for in this article:...A license issued under articles thirty-two or thirty-four, chapter sixteen of this code, authorizing persons to pursue a trade or vocation in asbestos abatement or radon mitigation”

**Wisconsin:**

Wis. Stat. § 254.34

“With respect to radon and with the department serving as the lead agency, do all of the following:

1. Develop and disseminate current radon information to the news media, builders, realtors and the general public.
2. Coordinate a program of measuring radon gas accumulation, including use of the radon canister counting system, in educational institutions, nursing homes, low-income housing, public buildings, homes, private industries and public service

organizations.

3. Work with staff of local health departments to perform home surveys and diagnostic measurements and develop mitigation strategies for homes with elevated radon gas levels.
4. Develop training materials and conduct training of staff of local health departments, building contractors and others in radon diagnosis and mitigation methods.
5. Develop standards of performance for the regional radon centers and, from the appropriation under [s. 20.435 \(5\) \(ed\)](#), allocate funds based on compliance with the standards to provide radon protection information dissemination from the regional radon centers.”

Wis. Stat. § 709.03

" The report required under [s. 709.02](#) shall be in substantially the following form and shall include at least all of the following information:...I am aware of a defect caused by unsafe concentrations of, or unsafe conditions relating to, radon , radium in water supplies, lead in paint, lead in soil, lead in water supplies or plumbing system or other potentially hazardous or toxic substances on the premises [Check Yes, No, or N/A]" .



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