

No. 1987-43

AN ACT

SB 137

Providing for certification of persons who perform radon testing and radon remediation; providing for the confidentiality of certain data; imposing penalties; and making an appropriation.

TABLE OF CONTENTS

- Section 1. Short title.
- Section 2. Legislative findings and intent.
- Section 3. Definitions.
- Section 4. Program for certification of persons who test for radon.
- Section 5. Program for certification of persons who mitigate the presence of radon.
- Section 6. Certification required for testing and mitigation.
- Section 7. Disclosure of information to department.
- Section 8. Fees.
- Section 9. Confidentiality of data.
- Section 10. Employment of trained persons.
- Section 11. Interim certification.
- Section 12. Additional powers of department.
- Section 13. Rules and regulations.
- Section 14. Penalties.
- Section 15. Effective date.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short title.

This act shall be known and may be cited as the Radon Certification Act.

Section 2. Legislative findings and intent.

(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.

Section 3. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Department.” The Department of Environmental Resources of the Commonwealth.

Section 4. Program for certification of persons who test for radon.

The department shall, within 90 days of the effective date of this act, submit proposed regulations to establish a program for the certification of persons who test for the presence of radon gas and radon progeny in buildings and on building lots.

Section 5. Program for certification of persons who mitigate the presence of radon.

The department shall, within 90 days of the effective date of this act, submit proposed regulations to establish a program for the certification of persons who mitigate, and safeguard buildings from, the presence of radon gas and radon progeny.

Section 6. Certification required for testing and mitigation.

(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.

Section 7. Disclosure of information to department.

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.

Section 8. Fees.

The department shall, by regulation, establish a fee schedule to cover the costs of the certification programs established under sections 4, 5 and 11. The fees collected shall be placed in the Radiation Protection Fund established under section 403 of the act of July 10, 1984 (P.L.688, No.147), known as the Radiation Protection Act.

Section 9. Confidentiality of data.

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 resi-

dential 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.

Section 10. Employment of trained persons.

The department is authorized to employ persons with training necessary to implement the provisions of this act.

Section 11. Interim certification.

The department shall, at the time of submission of proposed regulations, establish an interim certification program based upon the proposed regulations. All persons subject to the proposed regulations shall apply to the department for interim certification until the permanent program is implemented. The department shall use the proposed regulations as guidance for interim certification.

Section 12. Additional powers of department.

(a) **Radiation protection.**—In addition to the powers and duties provided for in this act, the department shall have the powers conferred and duties imposed under applicable provisions of the act of July 10, 1984 (P.L.688, No.147), known as the Radiation Protection Act and regulations promulgated under that act.

(b) **Certification exemption.**—The department shall be exempt from the requirements for certification as provided under sections 4, 5 and 6.

Section 13. Rules and regulations.

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.

Section 14. Penalties.

A person who violates section 6 of this act, or any rule or regulation adopted under section 6, commits a misdemeanor of the third degree. Any person who fails to disclose the information required under section 7 commits a summary offense.

Section 15. Effective date.

This act shall take effect immediately.

APPROVED—The 9th day of July, A. D. 1987.

ROBERT P. CASEY