

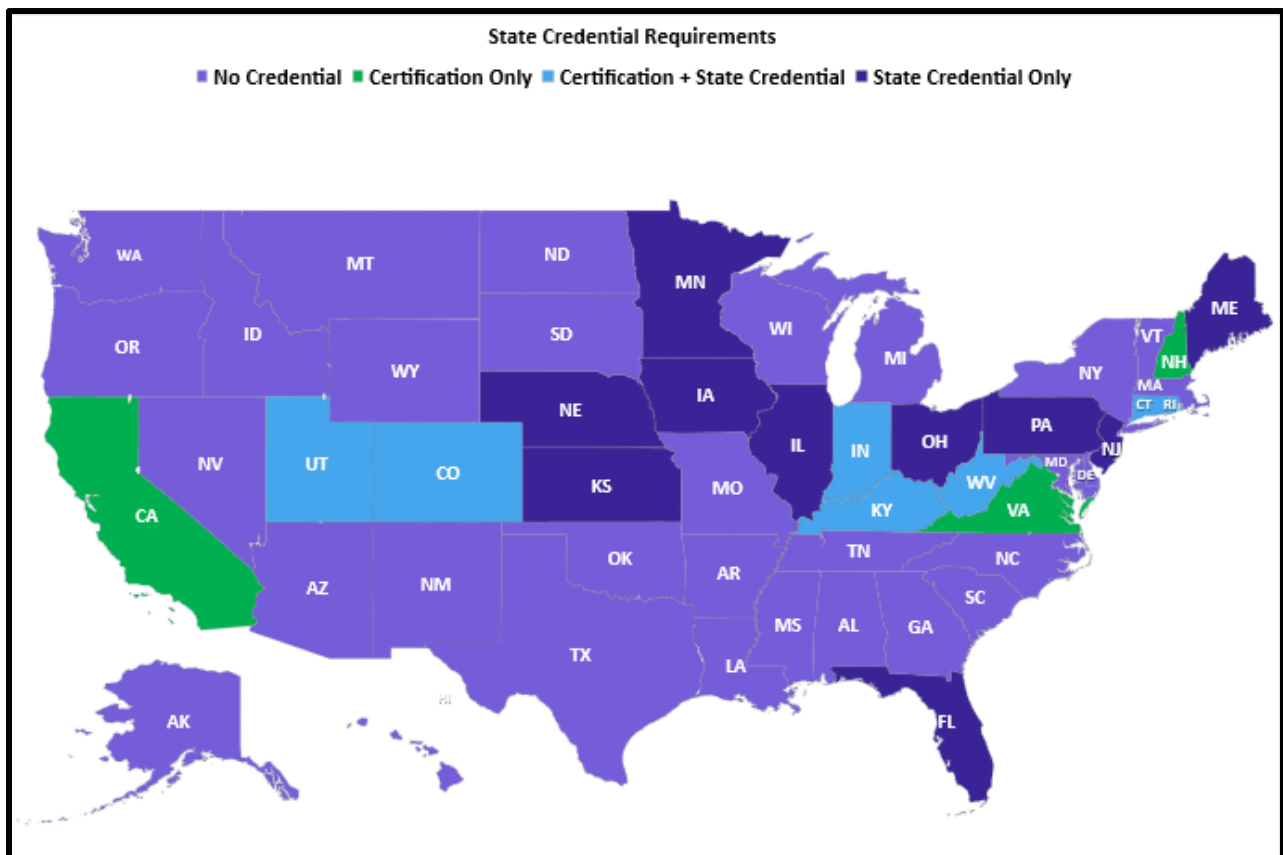
Radon Regulation through Certification



State oversight of professionals' radon credentials is a central element of preventing radon-induced lung cancer. These regulatory structures encourage compliance with recognized standards of practice and ethical professional behavior from those delivering radon testing and mitigation services to ensure citizen protection and enable enforcement.

In the United States, 20 states have laws or regulations in place that require some form of proficiency qualifications for professionals doing radon work in the marketplace:

- Ten states require that radon work be performed by persons who have earned certification from an EPA-recognized private proficiency program.
 - Six of the ten regulation through certification states also require a state-issued credential (license or certification) that indicates state oversight of the private proficiency program.
- Ten states operate state-based licensing or certification systems, through which state regulations define state-specific terms and conditions (rules) under which individuals will secure, renew, and retain radon credentials.
- Eleven states require that radon professionals adhere to the current EPA-recognized ANSI-AARST standards, seven states rely on older standards, and two states reference a blend of ANSI-AARST standards and other standards.



The other 30 states don't require any qualifications and allow unprotective radon work:

Radon Regulation through Certification

- While the EPA-funded state radon program is required to publish lists of persons credentialed by private proficiency programs, others not on the list have unlimited access to unsuspecting consumers.
- The absence of proficiency requirements in these states allows unqualified personnel and fly-by-night contractors to conduct radon-related services and disregard standards without any accountability, and interferes with creating capacity to comply with national lending policy certification requirements.

State	Required Credential(s)		Current Standard(s) in Effect	
	Private Certification	State License	ANSI-AARST	EPA, ASTM, other
California	X		All	
Colorado*	X	X	All	
Connecticut*	X	X	All	
Florida		X		All
Illinois		X		All
Indiana*	X	X	All	
Iowa		X	Measurement	Mitigation
Kansas		X		All
Kentucky*	X	X	All	
Maine		X		All
Minnesota		X	All	
Nebraska		X		All
New Hampshire	Mitigation		Mitigation	
New Jersey		X	All	
Ohio		X		All
Pennsylvania		X	Multifamily	Single Family
Rhode Island*	X	X	All	
Utah*	Mitigation	Mitigation	Mitigation	
Virginia	X			Single Family
West Virginia*	X	X	All	

* Both private certification and state credential required † Rulemaking pending

Congress has directed EPA to prioritize radon grants to states that have in place adequate certification or credentialing requirements for radon measurement and mitigation workers. AARST Chapters, state leaders and others have been working to secure recognition of national consensus standards and regulation through private certification programs that require adherence to such standards.

Some of the trouble spots for state regulatory programs can be statutory or regulatory references to outdated standards, allowing someone to test and mitigate a property that they own but don't occupy, failure to ensure that multifamily and large building (including schools) projects correctly characterize radon potential by testing 100% of ground floor units as required in the ANSI-AARST standard, and the absence of requirements pertaining to approved radon measurement devices and/or quality control.

AARST's model legislation provides the critical components needed in a statute to save lives, leverage private proficiency infrastructure, optimize any state regulatory burden, and ensure a level playing field for professionals who are willing to adhere to current standards within a framework of accountability.

Regulation through Certification – Model Legislation

Revised January 2023

AN ACT relating to radon gas certifications.

Be it enacted by the General Assembly:

Title: Radon Measurement, Mitigation, and Inspection - Certification and Licensure

1. Definitions.

As used in this section, unless the context requires otherwise:

- (1) “Alter” means to change or modify a building or building design, or to revise, rather than repair, a mitigation system or mitigation system design;
- (2) “Board of Radon Safety” (Board) means group of radon professionals representing radon business entities, as well as non-radon professionals act on behalf of the Department to establish and implement standards, policies, protocols, and procedures in accordance with Sections 9 through 11 of this Act;
- (3) “Building” means any structure used or intended to be used for supporting or sheltering any use or occupancy;
- (4) “Certified” means meeting the certification requirements of a proficiency program for radon measurement, radon mitigation, or radon laboratory analysis;
- (5) “Compensation” means something of value given or received in exchange for radon measurement, radon mitigation, or laboratory analysis;
- (6) “Department” means the Department of *[insert applicable name here]*;
- (7) “Direct supervision” means onsite supervision by a licensed person who accepts responsibility for ensuring compliance by his or her employees, subcontractors, or other designated agents with all applicable requirements under this Act;
- (8) “Government agency” means the State, a state agency, a political subdivision, or any entity of local government;
- (9) “Independent third-party accreditation” means accreditation of a radon laboratory by a third party body approved by the Board.
- (10) “Inspector” means a person certified by a proficiency program who provides a visual assessment and generates a compliance report who meets the requirements of Section 5 of this Act;
- (11) “Laboratory analysis” means the act of analyzing the radon or radon progeny concentrations with passive measurement devices, or the act of calibrating radon or radon progeny measurement devices, or the act of exposing radon or radon progeny devices to controlled concentrations of radon or radon progeny;
- (12) Licensee means a person or business entity licensed with the Board of Radon Safety as a measurement professional, mitigation professional, inspector, or radon laboratory;
- (13) “Measurement” means the act of testing the air, water, or soil using an active or passive measurement device for the presence of radon or radon progeny in the indoor environment of a building;
- (14) “Measurement device” means any active or passive device approved by a proficiency program and used for the measurement of radon or radon progeny in air, water, or soil in the indoor environment of a building;
- (15) “Measurement professional” means a person certified by a proficiency program who provides radon measurement for compensation and who meets the requirements of Section 3 of this Act;
- (16) “Mitigation” means the act of designing, installing, repairing, or altering an active or passive system, for the purpose in whole or in part of reducing the concentration of radon or radon progeny in the indoor environment of a building;

- (17) “Mitigation professional” means a person certified by a proficiency program who provides radon mitigation for compensation and who meets the requirements of Section 4 of this Act;
- (18) “Mitigation system” means any active or passive system designed to reduce radon concentrations in the indoor environment of a building;
- (19) “Person” has the same meaning as in [applicable State law];
- (20) “Prescribed” means promulgated by administrative regulation by the Board of Radon Safety;
- (21) “Proficiency program” means the National Radon Proficiency Program, National Radon Safety Board, or other national radon credentialing body that is currently recognized by the US Environmental Protection Agency;
- (22) “Radon” means a naturally occurring radioactive element that is produced by the breakdown of uranium and exists as a colorless, odorless, and tasteless inert gas;
- (23) “Radon business entity” means a business entity that is certified by a proficiency program and employs a person certified by a proficiency program who provides radon measurement, mitigation or laboratory analysis for compensation and who meets the requirements of Section 6 of this Act;
- (24) “Radon laboratory” means a business entity approved by a proficiency program that provides laboratory analysis for compensation and meets the requirements of Section 7 of this Act;
- (25) “Radon progeny” means any combination of the radioactive decay products of radon;
- (26) “Research” means Board of Radon Safety-approved scientific investigation that includes radon measurement, radon mitigation, or laboratory analysis;
- (27) “Secretary” means the secretary of the Board of Radon Safety.
- (28) “Standard” means a current written document developed and continuously maintained by a standards development organization accredited by the American National Standards Institute that describes in detail commonly accepted methods for the performance of certain tasks.

2. Prohibition against conduct of radon measurement, mitigation, or laboratory analysis without certification and licensure - Business entities - Exception.

- (1) No person or business entity shall conduct radon measurement, mitigation, or laboratory analysis in this State after January 1, 202X, without the appropriate certification and licensure pursuant to this Act. No person or business entity shall advertise or claim to be a “radon measurement professional,” “radon mitigation professional,” or “radon laboratory,” unless licensed pursuant to this Act.
- (2) A radon business entity may engage in radon measurement, mitigation, or laboratory analysis if the owner or an employee associated with the radon business entity is a measurement or mitigation professional, or radon laboratory, as applicable, and performs or supervises the radon measurement, mitigation, or laboratory analysis work as applicable. Any business entity that employs persons to perform measurement or mitigation must have a radon business entity license.
- (3) A measurement or mitigation professional directly in charge of measurement or mitigation activities within a radon business entity shall notify the Board of Radon Safety in writing immediately upon termination of the relationship with the radon business entity.
- (4) Licensure requirements under this section shall apply to a radon measurement professional, radon mitigation professional, radon business entity, or radon laboratory, but shall not apply to an individual performing measurement or mitigation on a single-family residence that he or she owns and occupies, or measurement in a rental dwelling unit that he or she occupies.
- (5) The board may authorize by regulation sub-categories of measurement, mitigation, and inspection licensure to align with credentials that may be established by a proficiency program and specify related requirements and limitations.
- (6) A license shall not be issued to any person or business entity if the applicant has had disciplinary action taken in association with a professional license, certification, registration, or permit held by the person or business entity seeking licensure within the last five years.

3. Licensing of radon measurement professional — Renewal of license — Duties of measurement professional.

- (1) The Board shall issue a radon measurement professional license to any person certified for measurement who:
 - (a) Completes the license process and pays a fee prescribed by the Board;
 - (b) Presents current proof of certification by a proficiency program; and
 - (c) Furnishes evidence of a general liability insurance policy that satisfies the requirements of this Act.
- (2) The Board shall renew the radon measurement professional license of any person who:
 - (a) Completes the license renewal process and pays a fee prescribed by the Board;
 - (b) Presents current proof of certification by a proficiency program; and
 - (c) Furnishes evidence of a general liability insurance policy that satisfies the requirements of this section;
- (3) A measurement professional shall:
 - (a) Maintain certification by a proficiency program;
 - (b) Ensure measurements are conducted without deviation in accordance with this section, the applicable present or future standard and administrative regulations;
 - (c) Maintain a quality assurance plan in accordance with the Standard for measurement systems quality assurance;
 - (d) Ensure measurements are conducted by or under the direct supervision of a measurement professional;
 - (e) Use or sell only measurement devices approved by the proficiency program that certifies the person;
 - (f) Report all measurements as prescribed by the Board; and
 - (g) Ensure all laboratory analysis is conducted by a licensed radon laboratory.

4. Licensing of mitigation professional — Renewal of license — Duties of mitigation professional.

- (1) The board shall issue a mitigation professional license to any person certified for mitigation who:
 - (a) Completes the license process and pays a fee prescribed by the board;
 - (b) Presents proof of certification by a proficiency program; and
 - (c) Furnishes evidence of a general liability insurance policy that satisfies the requirements of this Act.
- (2) The Board shall renew the mitigation professional license of any person who:
 - (a) Completes the license renewal process and pays a fee prescribed by the Board
 - (b) Presents current proof of certification by a proficiency program; and
 - (c) Furnishes evidence of a general liability insurance policy that satisfies the requirements of this Act
- (3) A mitigation professional shall:
 - (a) Maintain certification by a proficiency program;
 - (b) Ensure mitigations are conducted in accordance with the applicable mitigation standard and administrative regulations;
 - a. Should there be a conflict between the applicable standard and this Act or other applicable policies, the more protective approach shall apply.
 - (c) Maintain a quality management plan in accordance with the applicable standard for mitigation quality assurance and control;
 - (d) Ensure all mitigation is conducted by or under the direct supervision of a mitigation professional;
 - (e) Report all mitigations as prescribed by the Board; and
 - (f) Ensure all radon mitigation systems repaired or altered on or after January 1, 202X, meet the

applicable mitigation standard.

5. Licensing of Radon Inspection Professionals

- (1) The Board shall issue a radon inspection license to any person certified for soil gas mitigation compliance inspection who:
 - (a) Completes the licensing process and pays a fee prescribed by the Board;
 - (b) Presents current proof of certification by a proficiency program; and
 - (c) Furnishes evidence of a general liability insurance policy that satisfies the requirements of this Act.
- (2) The Board shall renew the soil gas mitigation compliance inspection license of any person who:
 - (a) Completes the license renewal process and pays a fee prescribed by the Board;
 - (b) Presents current proof of certification by a proficiency program; and
 - (c) Furnishes evidence of a general liability insurance policy that satisfies the requirements of this section;
- (3) A soil gas mitigation compliance inspection professional shall:
 - (a) Maintain certification by a proficiency program;
 - (b) Ensure inspections are conducted without deviation in accordance with this section, the applicable present or future standard and administrative regulations;
 - (c) Report all inspections as prescribed by the Board.

6. Licensing of Business Entities

- (1) The Board shall issue a radon business entity license effective for two years to any business for which the application designates a responsible person and a licensed radon professional, and a fee is paid.
- (2) Furnishes evidence of a general liability insurance policy that satisfies the requirements of this Act;
- (3) The radon business entity shall notify the Board of the transfer of the radon business entity license or radon business entity name to another business entity within thirty days.

7. Liability insurance policy requirement

Each radon mitigation professional, radon measurement professional, radon business entity, and radon laboratory shall maintain an insurance policy in effect at all times during the license period that:

- (1) Is issued by an insurance company or other legal entity permitted to transact insurance business in [State];
- (2) Provides for applicable liability coverage for measurement professionals in an amount of at least two hundred fifty thousand dollars (\$250,000);
- (3) Provides for applicable liability coverage for mitigation professionals, radon business entities, and radon laboratories in an amount of at least five hundred thousand dollars (\$500,000);
- (4) Lists the Board of Radon Safety as a certificate holder of any insurance policy issued under this section
- (5) Requires that the carrier notify the Board at least 10 days before the effective date of cancellation or non-renewal. Such notification shall show the name and permanent license number of the individual licensee covered by the policy and the name of the Board.
- (6) A business entity may meet the requirements of this section on behalf of its employees.

8. Licensing of radon laboratory — Renewal of license — Requirements for radon laboratory.

- (1) The Board shall issue a radon laboratory license to any business entity approved for radon laboratory analysis that:
 - (a) Completes the license process and pays a fee prescribed by the board;
 - (b) Presents proof of independent third-party accreditation acceptable to the board or approval by a proficiency program; and
 - (c) Furnishes evidence of a general liability insurance policy that satisfies the requirements of this

Act.

- (2) The Board shall renew the radon laboratory license of any business entity that:
 - (a) Completes the license renewal process and pays a fee prescribed by the Board;
 - (b) Presents current proof of independent third-party accreditation or approval by a proficiency program; and
 - (c) Furnishes evidence of a general liability insurance policy that satisfies the requirements of this Act.
- (3) A radon laboratory shall:
 - (a) Maintain enrollment in an independent third-party accreditation/certification program that meets national laboratory accreditation and certification standards or approval by a proficiency program;
 - (b) Continuously employ a certified, licensed measurement professional to oversee laboratory analysis and QA/QC practices;
 - (c) Ensure all laboratory analysis is conducted in accordance with the applicable laboratory analysis standard;
 - (d) Maintain a quality control program plan in accordance with the applicable standard for performance criteria for measurement systems; and
 - (e) Report all laboratory analyses as prescribed by the Board.

9. Biennial Licensing — Lapse — Duty to report change of information.

- (1) A person or business entity seeking biennial licensing shall complete the licensing process and pay the fee prescribed by the board through the promulgation of administrative regulations.
- (2) Licenses not renewed within thirty (30) days after the renewal date shall lapse and may only be reinstated upon the completion of the licensing process as prescribed by the Board through the promulgation of administrative regulations.
- (3) A licensee shall report any change of information submitted during the licensing process in writing to the Board within ten (10) days of such change taking place. The Board shall not be responsible for a licensee not receiving notices, communications, or other correspondence caused by a failure of the licensee to report changes.

10. Board of Radon Safety.

Creation. The Board of Radon Safety is hereby created and attached to the Department.

(1) Duties. The Board shall:

- a) Promote the control of radon in *[this State]*;
- b) Develop and conduct programs for evaluation and control of activities related to radon, including laboratory analyses, measurement, and mitigation;
- c) Promulgate administrative regulations to administer, coordinate, and enforce Sections 1 to 100 of this Act;
- d) Issue a license certificate to certified persons or business entities licensed by the Board;
- e) Ensure compliance with the Act, and initiate enforcement action;
- f) Maintain a public list of all licensed persons or business entities licensed registered by the Board;
- g) Design and administer, or participate in the design and administration of, educational and research programs to ensure citizens are informed about the health risks associated with radon;
- h) Enter into agreements with any federal or state agency, political subdivision, postsecondary education institution, nonprofit organization, or other person or entity to assist with and administer grants received by the Board, including but not limited to the Environmental Protection Agency State Indoor Radon Grant (SIRG) program;
- i) Prepare an annual budget for the use of moneys received by the Board from the collection of fees and fines, receipt of grants, and all other radon-related activities;

- j) Establish and maintain office space and personnel, as necessary, to administer, coordinate, and enforce Sections 1 to 14 of this Act;
 - k) Collect or receive all fees, fines, and other monies owed pursuant to Sections 1 to 100 of this Act, and deposit all those monies into the radon control fund established by Section 14 of this Act;
 - l) Issue subpoenas only through the Board's attorney and only under the authority of the Board's general counsel;
 - m) Administer oaths, examine witnesses, investigate allegations of wrongdoing, and conduct administrative hearings to enforce Sections 1 to 14 of this Act;
 - n) Record minutes of Board meetings and proceedings which shall be documented and made available for public inspection; and
 - o) Perform other duties and responsibilities relating to the topic of radon.
- (1) **Composition.** Each member of the Board shall be a citizen and resident of *[this State]*. The Board shall consist of eight (8) members as follows:
- (a) Five (5) members, who shall include two radon measurement professionals, two radon mitigation professionals and one person associated with a radon laboratory conducting laboratory analysis, shall be appointed by the Governor from a list of six (6) names submitted to the Governor by the *[this State]* Chapter of the American Association of Radon Scientists and Technologists;
 - (b) No business entity shall be represented by more than one professional;
 - (c) One (1) member shall be a representative of a public health organization and shall be appointed by the Governor from a list of three (3) names submitted to the Governor by the *[this State]* Center for Cancer Prevention and Control.
 - (d) One (1) non-voting member shall be a representative of the home building industry and shall be appointed by the Governor from a list of three (3) names submitted to the Governor by the Home Builders Association;
 - (e) One (1) non-voting member shall be a real estate salesperson or broker licensed under *[this State]* law and shall be appointed by the Governor from a list of three (3) names submitted to the Governor by the Association of Realtors;
- (2) **Terms**
- (a) To be eligible for initial appointment as a member of the Board under subsection (1)(a) of this section, a person shall have been actively engaged in the practice of radon measurement, mitigation, or laboratory analysis for not less than three (3) years immediately preceding the date of appointment to the Board.
 - (b) Upon expiration of the initial appointments, to be eligible for appointment as a member of the Board under subsection (2)(a) of this section, a person shall have been actively engaged in performing or managing the practice of radon measurement, mitigation, or laboratory analysis for not less than three (3) years immediately preceding the date of the appointment to the Board and hold a valid license as a radon measurement professional or radon mitigation professional, or be associated with an licensed radon laboratory.
 - (c) The Governor shall initially appoint two (2) for a term of four (4) years, two (2) members for a term of three (3) years, and one (1) member for a term of two (2) years. All appointments shall expire on June 30 of the last year of its term. Thereafter, members shall be appointed for terms of four (4) years. No person shall serve more than four (4) consecutive terms. Members shall serve until their successors are appointed.
 - (d) Upon recommendation of the Board, the Governor may remove any member of the Board appointed by the Governor for poor attendance, neglect of duty, misfeasance, or malfeasance in office.
 - (e) Vacancies in the membership of the Board for any cause shall be filled by appointment by the

Governor for the balance of the unexpired term.

(4) Organization.

- (a) A majority of the voting members shall constitute a quorum to do business. The Board shall meet at least once each calendar year or at other times deemed necessary by the chairperson or a quorum of the Board after a minimum of ten (10) days' notice at a location or teleconference designated by the chairperson or a quorum of the Board.
- (b) The Board shall elect a chairperson and a vice chairperson. The chairperson shall preside at all meetings at which the chairperson is present. The vice chairperson shall preside at all meetings in the absence of the chairperson. If the chairperson and vice chairperson are absent from a meeting of the Board when a quorum exists, the members who are present may elect a presiding officer who shall serve as acting chairperson until the conclusion of the meeting or until the arrival of the chairperson or vice chairperson.
- (c) Members of the Board shall be immune from suit for any discretionary act performed by them in good faith.
- (d) Each member of the Board shall be reimbursed for costs for actual travel and other actual and necessary expenses incurred in the discharge of official duties associated with the Board, as prescribed by the Board through the promulgation of an administrative regulation.

11. Board of Radon Safety powers — Issuance, renewal, suspension and revocation of licenses; fines; reprimands; appeals.

- (1) The Board may deny a license or renewal to any applicant, censure, place on probation, impose a fine, reprimand any licensee, or suspend or revoke a license if the applicant or licensee:
 - (a) Fraudulently or deceptively uses a license;
 - (b) Is involved in any false statement as to a material matter in any application or other statement or certificate required by or pursuant to this article.
 - (c) Is guilty of gross negligence, incompetence, or misconduct while providing radon services or assisting in providing radon services;
 - (d) Fails to display the license as provided in this article.
 - (e) Violates any provision of this Act, or any regulation promulgated by the Board, or of any standard, code, rule or regulation adopted hereunder.
 - (f) Has had disciplinary action taken against a professional license, certification, registration, or permit held by the person or business entity seeking a license within the last five years;
 - (g) Commits fraud or deceit in obtaining or attempting to obtain certification, license, or a contract to conduct radon measurement, mitigation, or laboratory analysis for the applicant or licensee or for another;
 - (h) Attempts to transfer the authority granted by the license to another person or business entity;
 - (i) Disregards or violates the standards, building codes, electrical codes, or related laws of this State or ordinances of any municipality, city or county;
 - (j) Attempts to abet or evade, or aids or abets any person attempting to evade, the provisions of this Act or the administrative regulations promulgated thereunder by the Board;
 - (k) Fails to adequately train and supervise any person working under the direction and control of the measurement professional, mitigation professional or radon laboratory;
 - (l) Uses unfair or deceptive trade practices; or
 - (m) Fails to maintain the liability insurance required under Section 6 of this Act;
- (2) To determine the amount of the penalty imposed under this Act, the Board shall consider:
 - (a) the seriousness of the violation;
 - (b) the harm caused by the violation;
 - (c) the good faith of the licensee; and

- (d) any history of previous violations by the licensee.
- (3) If a license is revoked or suspended, or an application for license or renewal of license is denied, the person, business entity, or laboratory shall not conduct radon measurement, mitigation, and/or laboratory services.
- (4) Except as otherwise provided in *[applicable state law]*, before the Board takes any final action under this section, it shall give the individual against whom the action is contemplated an opportunity for a hearing before the Board as follows:
 - (a) The Board shall give notice and hold the hearing in accordance with *[applicable state law]*;
 - (b) The Board may administer oaths in connection with any proceeding under this section;
 - (c) If, after due notice, the individual against whom the action is contemplated fails or refuses to appear, nevertheless the Board may hear and determine the matter.
- (5) Any person aggrieved by a final decision of the Board in a contested case, as defined in *[applicable state law]*, may take an appeal as allowed in *[applicable state law]*.
- (6) Notwithstanding the existence or pursuit of any other civil or criminal remedy, the board may institute administrative legal proceedings in the Circuit Court of the county where the person resides, or the business entity is located.
- (7) Any final order of the board may be appealed to the Circuit Court of the county in which the person resides, or the business entity is located [or by the departmental administrative law judge?] after a written decision is rendered in accordance with *[applicable state law]*.

12. Board of Radon Safety's powers to examine, inspect, test, and enforce

- (1) The board or its agent or inspector may examine records of licensed mitigation professionals, measurement professionals, radon business entities, radon laboratories, unlicensed persons, and unlicensed business entities that perform, offer, or claim to perform, activities regulated by this section," including but not limited to conducting inspections of mitigation system installations and measurement locations in order to ensure that radon measurement, mitigation, and laboratory analysis are conducted in accordance with the applicable standard and administrative regulations.
- (2) For purposes of enforcing this Act, the Board or its agent or inspector may inspect or test any equipment used for measurement, mitigation, or laboratory analysis or photograph or sketch any portion of a site, building, or equipment involved in measurement, mitigation, or laboratory analysis.
- (3) For purposes of enforcing this Act or any administrative regulation promulgated by the board pertaining to radon measurement, mitigation, or laboratory analysis, an agent or inspector of the Board shall have the power to enter upon premises at all reasonable times to make an inspection, question persons, and require the production of radon mitigation system plans, sketches, diagnostic information, test reports, quality control plans, quality management plans, and other evidence.
- (4) Agents and inspectors of the board shall be empowered to issue a stop order to any owner, agent, or occupant of real property requiring that the radon mitigation system thereon cease operation if that system has been found to be in violation of this Act or any administrative regulation promulgated thereunder by the board or if the radon mitigation system was not constructed, installed, or altered in accordance with the applicable standard.
- (5) A person shall not interfere with an inspection conducted by an agent or inspector of the Board.
- (6) Any certified person or business entity shall report to the board the discovery of any apparent noncompliance with any provision of this section or any administrative regulation promulgated by the board pertaining to radon measurement, mitigation, or laboratory analysis.

13. Provision and retention of required records.

- (1) Measurement and mitigation professionals shall report the address, results and other records about services performed in a manner prescribed by the Board through the promulgation of administrative regulations.
- (2) Records required by this chapter or administrative regulations promulgated under this Act or the applicable standard, including but not limited to records of radon measurement, mitigation, quality control program plans, calibration certifications, laboratory analysis activities, worker health and safety plans, and equipment repairs shall be retained by licensees, as applicable, for a minimum period of five (5) years or the length of time of any warranty or guarantee, whichever is greater.
- (3) The Board shall make the records available upon request:
 - (a) To the owner or occupant of a building;
 - (b) To the Board's staff, counsel and contractors involved in compliance and enforcement;
 - (c) To the public aggregated at the census tract or zip code level without identifying individual homeowners or individual property locations, and
 - (d) To a state or federal agency that provides aggregated data to the public.
- (4) Any measurement or mitigation professional applying for licensure or renewal of license shall specify, for approval by the Board, the physical or electronic location where records required under this section shall be maintained for inspection by the Board.

14. Radon mitigation and control fund.

- (1) There is created the radon mitigation and control fund as a separate trust and agency fund to be administered by the Board. All fees, fines, and other moneys received by the Board pursuant to this section shall be deposited in the fund and shall be used for the implementation of this section and are authorized to be appropriated for those purposes.
- (2) Any monies remaining in the fund at the close of the fiscal year shall not lapse but shall be carried forward to the next fiscal year.
- (3) Any interest earnings of the fund shall become part of the fund and shall not lapse.