

Regulation through Certification (RtC): IEA's Model Law



Jane Malone
National Policy Director

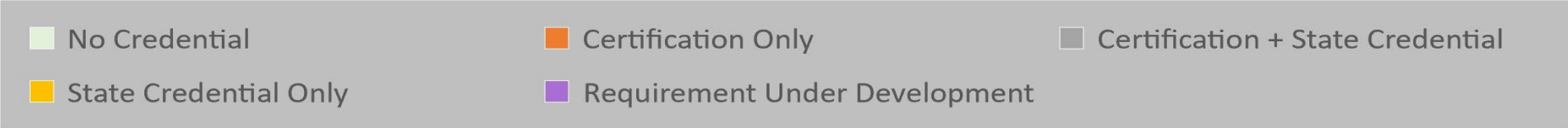
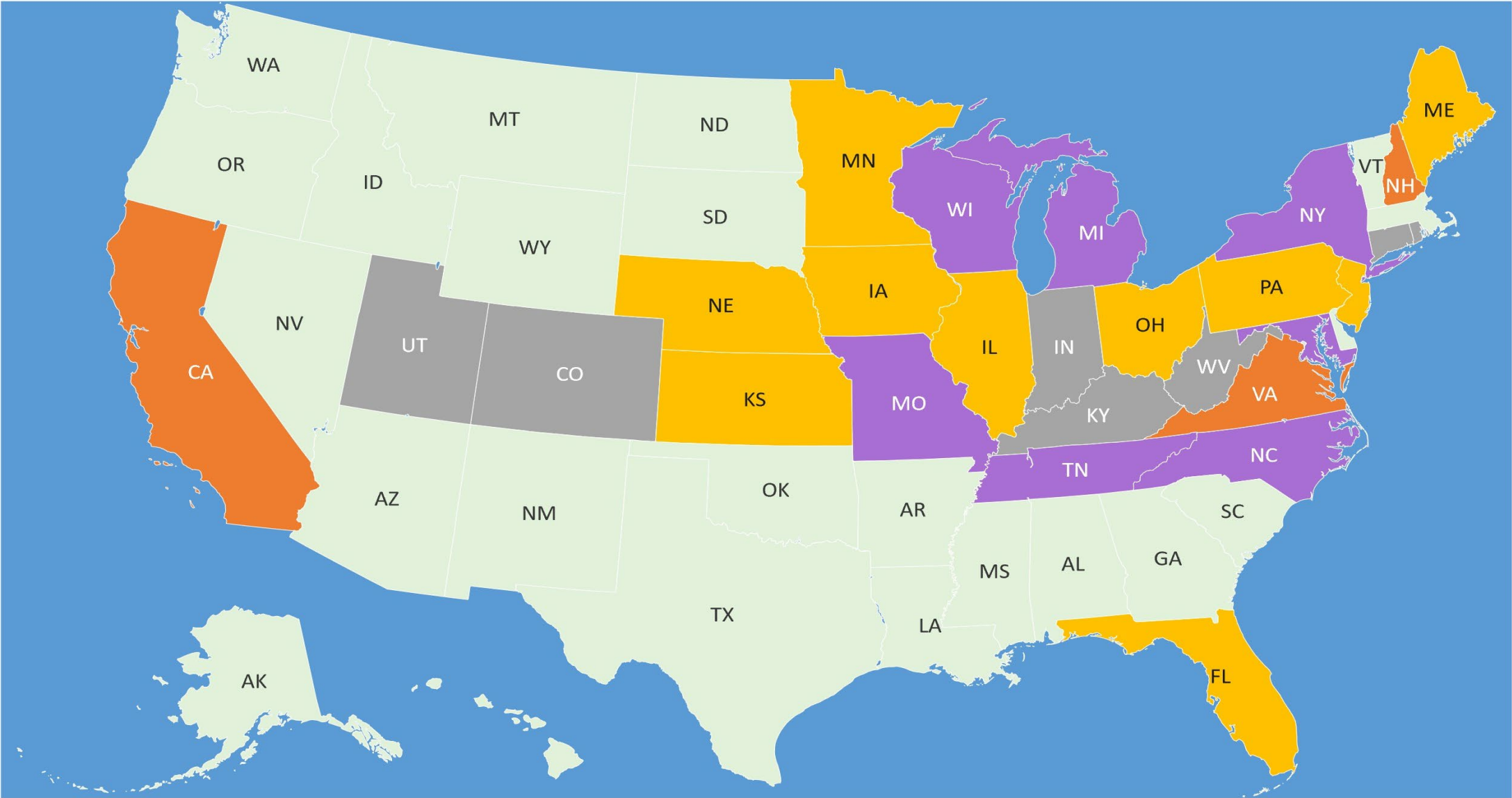
IEA's Model State Legislation: CONTEXT

State Radon Credentials Today

20 States Regulate Radon Mitigation/Measurement

- Goal: prohibit performance by unqualified persons
- Goal: ensure personnel are qualified, follow standards
- These policies specify the required credentials:
 - Private proficiency certification only – 3
 - State credential only – 10
 - Both private proficiency certification and state credential – 7
- The policies also specify standards
 - EPA-recommended ANSI-AARST standards exclusively – 14
 - Combination of ANSI-AARST and legacy standards – 2
 - Legacy standards exclusively – 4

Radon Credentialing Policies - Current and Potential



State	Required Credential(s)		Current Meas/Mit Standard(s) in Effect	
	Private Certification*	State License / Cert.	ANSI/AARST**	EPA, ASTM, other
California	X		All	
Colorado	X	X	All	
Connecticut	Mitigation	Mitigation	All (Mitigation)	
Florida		X	(update pending)	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		All (Mitigation)	
New Jersey		X	All	
Ohio		X		All***
Pennsylvania		X	Multifamily	Single Family
Rhode Island	X	X	All	
Utah	Mitigation	Mitigation	All (Mitigation)	
Virginia	X		All	
West Virginia	X	X	All	

* [National Radon Proficiency Program](#) or [National Radon Safety Board](#)

** [American National Standards Institute/American Association of Radon Scientists and Technologists](#)

*** [State regulation](#) requires 100% ground contact testing in multifamily buildings

Needed: Regulation of Radon Work

- In unregulated states -
 - Public health protection is undermined by lack of restriction
 - Harm to consumers caused by ineffective radon testers, mitigators, builders incorrectly testing, ineffectively mitigating, installing useless systems
 - Compliance with outdated standards or no standard = no guardrails
 - Mitigations with dangerous wiring, improper venting, no post-mitigation testing
 - Lenders contract to test less than 100% of ground contact units
 - Irresponsible / unfit / unaware contractors are not held accountable
 - Unsuspecting homebuyer trusts uncertified contractors with good marketing/SEO
 - Radon industry reputation compromised by even a few bad actors
 - Well-intentioned school and childcare testing policies can be empty promises

IEA's #1 State Policy Goal: Regulation in the Non-Regulated States

- Prohibit performance by unqualified persons
- Require compliance with current standards
- Leverage private proficiency programs – build on certification
- Ensure accountability for compliance
 - consequences for noncompliance
 - level playing field
- IEA / Others' Efforts Underway
 - MO NY – Bills introduced
 - MD WI – Bills drafted
 - TN MI NC and other states – Planning discussions

Needed: Better State Regulation of Radon Work

- Some regulated states' programs -
 - Lack enforcement authority or enforcement activity
 - Statutes / regulations provide no clear authority to enforce compliance
 - Agencies' management/counsel impedes using authority to enforce
 - Rely on older standards that have are no longer maintained
 - Have not developed the comprehensive approach needed
- Some ineffective regulatory programs ≈ unregulated
- IEA seeks:
 - Full adoption of the VCS in regulated states referencing older standards
 - Effective enforcement mechanisms e.g., proactive inspections, radon board
 - More comprehensive approach where needed

Origin of the RtC Model Legislation

- IEA has been supporting improving multiple state radon policies
 - Effective homebuyer and tenant awareness bills in several states
 - School and childcare testing policies in regulated states
 - Voluntary consensus standards adoptions
 - Promoting testing requirements for rentals
- Members have continuously objected to
 - Unprofessional peers damaging industry reputation
 - The lack of accountability to government agency
- IEA has been working for regulation for a long time
- Model bill ongoing work in progress
 - building on experience and success

IEA's Model State Legislation: CONTENT

IEA's Model Law: Regulation through Certification FOUNDATION

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

IEA's Model Law: Regulation through Certification

SCOPE

3. Licensing of radon measurement professional — Renewal of license — Duties of measurement professional
4. Licensing of mitigation professional — Renewal of license — Duties of mitigation professional
5. Licensing of mitigation compliance inspection professionals
6. Licensing of business entities

IEA's Model Law: Regulation through Certification GUARDRAILS

7. Liability insurance policy requirement
8. Licensing of radon laboratory — Renewal of license —
Requirements for radon laboratory
9. Biennial Licensing — Lapse — Duty to report change of
information

IEA's Model Law: Regulation through CERTIFICATION OVERSIGHT SYSTEM

- 10. Board of Radon Safety – Established
- 11. Board of Radon Safety powers — Issuance, renewal, suspension and revocation of licenses; fines; reprimands; appeals
- 12. Board of Radon Safety's powers to examine, inspect, test, enforce
- 13. Provision and retention of required records
- 14. Radon mitigation and control fund

Why a Board of Radon Safety?

- Facilitate peer oversight and accountability
- Similar to other professional/occupational oversight bodies
 - State medical boards, board of plumbers, etc.
 - Members of profession serve as volunteer leaders
 - Board is responsible for who can and cannot be state-licensed
 - Members vote to approve disciplinary action at each meeting
- Basic structure and role may vary
 - It may be beneficial to broaden the role of an existing board - e.g. VA

IEA's Model Law Enables Funding Authority

Boards may...

“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 and Tribal Indoor Radon Grant (SIRG) program”

EPA Regulation: SIRG Funds Can Be Used for Credentialing

40 CFR 25.290(b)(4)

Funds appropriated for section 306 may not be used to cover the costs of federal proficiency rating programs under section 305(a)(2) of the Act. Funds appropriated for section 306 and grants awarded under section 306 may be used to cover the costs of State proficiency rating programs.

Summary: Benefits of RtC Model Legislation

- Leverage recognized proficiency programs
- EPA-recommended voluntary consensus standards
- Harmonize expectations across states
- Optimize use of expert state staff
 - Focus on substantive radon initiatives and issues of concern
 - Avoid bureaucratic cost/burden of creating/maintaining unique basic program
- Enable Board of Radon Safety to deliver peer oversight / accountability

View the Model Legislation at <https://aarst.org/state-local-policy/>

RADON CERTIFICATION REQUIREMENTS

■ No Credential ■ Credential ■ Under Development

