

# D R A F T

## SUMMARY

Prohibits engaging in business of radon level testing or radon mitigation work without Department of Consumer and Business Services certification. Requires department to adopt rules establishing qualifications for certification. Allows department to accept national association certificate as proof of qualifications.

Requires that application for child care facility certification or registration include documentation of radon level testing.

Requires school district board to provide State Board of Education with documentation of radon level testing for district schools offering prekindergarten to grade 12 education.

Makes design and construction standards for radon mitigation applicable to certain residential buildings and certain public buildings that undergo basement remodeling or construction of additions.

## A BILL FOR AN ACT

1  
2 Relating to radon; creating new provisions; and amending ORS 455.365.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Section 2 of this 2014 Act is added to and made a part**  
5 **of ORS chapter 455.**

6 **SECTION 2. (1) A person may not engage in the business of per-**  
7 **forming radon level testing or performing radon mitigation work in**  
8 **this state unless the person possesses an appropriate certificate issued**  
9 **by the Department of Consumer and Business Services.**

10 **(2) The department, in consultation with the Building Codes Struc-**  
11 **tures Board and the Residential and Manufactured Structures Board,**  
12 **shall adopt rules establishing qualifications for the certification of**  
13 **persons engaging in the business of performing radon level testing or**

1 radon mitigation work. In adopting qualifications for certification  
2 under this section, the department shall give consideration to any  
3 qualifications required by national associations that certify persons in  
4 radon level testing or radon mitigation work.

5 (3) If the department determines that the qualifications required  
6 by a national association that certifies persons in radon level testing  
7 or radon mitigation work meet or exceed the qualifications required  
8 for certification by the department, the department may accept a na-  
9 tional association certificate as proof that an applicant meets the  
10 qualifications for certification by the department.

11 (4) The department shall adopt rules establishing procedures for the  
12 issuance or renewal of a certificate to perform radon level testing or  
13 perform radon mitigation work. The department may charge an ap-  
14 plicant for certification a fee in an amount reasonably calculated to  
15 cover the cost to the department of administering and enforcing the  
16 certificate requirement.

17 (5) The department is the enforcing agency of the certification  
18 program for purposes of ORS 455.127 and 455.129.

19 **SECTION 3.** Section 4 of this 2014 Act is added to and made a part  
20 of ORS 329A.250 to 329A.450.

21 **SECTION 4.** (1) In addition to any other qualifications or require-  
22 ments, an applicant for the issuance or renewal of a child care facility  
23 certification or registration must provide the Office of Child Care with  
24 documentation that all ground-contact rooms of the facility that may  
25 be occupied by children have been tested to determine radon levels.  
26 Except as provided in this subsection, radon level tests for a child care  
27 facility must be performed using methods recommended by the United  
28 States Environmental Protection Agency. The Building Codes Struc-  
29 tures Board and the Residential and Manufactured Structures Board  
30 may adopt rules recognizing and requiring compliance with any  
31 amended or replacement federally recognized radon level testing

1 **methods.**

2 (2) Except as provided in this subsection, an applicant that has  
3 previously provided radon level test results to the office is not required  
4 to resubmit documentation or retest. If a child care facility undergoes  
5 new construction, basement remodeling or an addition, the ground-  
6 contact rooms of the facility that may be occupied by children must  
7 be retested for radon. An applicant for the renewal of a child care fa-  
8 cility certification or registration must provide the office with doc-  
9 umentation of the required retesting.

10 (3) This section does not authorize the office to deny, revoke or  
11 suspend an application for the issuance or renewal of a child care fa-  
12 cility certification or registration based upon radon level test results.

13 **SECTION 5. (1) Every school district that receives moneys from the**  
14 **State School Fund must provide the State Board of Education with**  
15 **documentation showing that all schools in the district offering educa-**  
16 **tion programs at any prekindergarten to grade 12 level have tested all**  
17 **ground-contact rooms that may be occupied by children to determine**  
18 **radon levels. Except as provided in this subsection, radon level testing**  
19 **of a school must be performed using methods recommended by the**  
20 **United States Environmental Protection Agency. The Building Codes**  
21 **Structures Board and Residential and Manufactured Structures Board**  
22 **may adopt rules recognizing and requiring compliance with any**  
23 **amended or replacement federally recognized radon level testing**  
24 **methods.**

25 (2) Except as provided in this subsection, a school district board  
26 that has previously provided radon level test results to the State Board  
27 of Education is not required to resubmit documentation or retest. If  
28 a school undergoes new construction, basement remodeling or an ad-  
29 dition, the ground-contact rooms of the school that may be occupied  
30 by children must be retested for radon. A school district board shall  
31 provide the State Board of Education with documentation of the re-

1 **quired retesting within a time period established by rule of the State**  
2 **Board of Education.**

3 **(3) This section does not authorize the State Board of Education to**  
4 **withhold State School Fund moneys from a school district based upon**  
5 **radon level test results.**

6 **SECTION 6.** ORS 455.365 is amended to read:

7 455.365. (1) The Building Codes Structures Board and the Residential and  
8 Manufactured Structures Board shall adopt design and construction stan-  
9 dards for mitigating radon levels in [*new*] residential buildings [*that are*]  
10 identified under the structural specialty code as Group R-2 or R-3 buildings  
11 and **in [*new*] public buildings. The boards shall adopt residential and**  
12 **public building design and construction standards under this sub-**  
13 **section for new construction, for basements that are remodeled and**  
14 **for new additions.** In adopting the standards, the boards shall give consid-  
15 eration to any standards recommended by the United States Environmental  
16 Protection Agency for radon mitigation systems in buildings.

17 (2) The boards shall make the design and construction standards for mit-  
18 igating radon levels applicable in:

19 (a) Baker, Clackamas, Hood River, Multnomah, Polk, Washington and  
20 Yamhill Counties; and

21 (b) Any county for which the boards, after consultation with the Oregon  
22 Health Authority, consider the standards appropriate due to local radon  
23 levels.

24 **(3) A new building that is subject to design and construction stan-**  
25 **dards under this section may not be approved for occupancy unless the**  
26 **building has been tested to determine radon levels. A remodeled base-**  
27 **ment or building addition that is subject to design and construction**  
28 **standards under this section may not be approved for occupancy un-**  
29 **less the basement or addition has been tested to determine radon lev-**  
30 **els. Except as provided in this subsection, the radon level test must**  
31 **be performed using methods recommended by the United States Envi-**

1 **ronmental Protection Agency. The boards may adopt rules recognizing**  
2 **and requiring compliance with any amended or replacement federally**  
3 **recognized radon level test methods.**

4 [(3)] (4) The Director of the Department of Consumer and Business Ser-  
5 vices may authorize a municipality that administers and enforces one or  
6 more building inspection programs under ORS 455.148 or 455.150 to also ad-  
7 minister and enforce any applicable standards for **testing or** mitigating  
8 radon **levels** that are adopted by the boards.

9 [(4)] (5) The director, in consultation with the boards, may adopt rules for  
10 the implementation, administration and enforcement of this section.

11 **SECTION 7. (1) The Department of Consumer and Business Services**  
12 **shall establish certification qualifications under section 2 of this 2014**  
13 **Act in time to make certificates available for issuance under section**  
14 **2 of this 2014 Act no later than 60 days after the effective date of this**  
15 **2014 Act.**

16 (2) The prohibition contained in section 2 (1) of this 2014 Act applies  
17 to the performance of radon level testing and radon mitigation work  
18 performed 180 or more days after the effective date of this 2014 Act.

19 **SECTION 8. Section 4 of this 2014 Act applies to applications for the**  
20 **issuance or renewal of child care facility certification or registration**  
21 **that the Office of Child Care receives 180 or more days after the ef-**  
22 **fective date of this 2014 Act.**

23 **SECTION 9. (1) A school district board shall submit documentation**  
24 **of radon level testing required under section 5 of this 2014 Act for**  
25 **schools in the district to the State Board of Education no later than**  
26 **one year after the effective date of this 2014 Act.**

27 (2) The State Board of Education shall adopt initial rules regarding  
28 school district board provision of radon level required retesting doc-  
29 umentation under section 5 (2) of this 2014 Act no later than 90 days  
30 after the effective date of this 2014 Act.

31 **SECTION 10. (1) The Building Codes Structures Board and the**

1 **Residential and Manufactured Structures Board shall adopt design and**  
2 **construction standards under ORS 455.365 for basements that are re-**  
3 **modeled and for new additions to buildings to take effect no later than**  
4 **180 days after the effective date of this 2014 Act.**

5 **(2) The prohibition contained in ORS 455.365 (3) applies to basement**  
6 **remodels and building additions for which a building permit is issued**  
7 **180 or more days after the effective date of this 2014 Act.**

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