

PUBLIC HEALTH DEPARTMENT[641]

Amended Notice of Intended Action

**Proposing rulemaking related to radon mitigation requirements
and providing an opportunity for public comment**

The Department of Health and Human Services proposes to rescind Chapter 44, “Minimum Requirements for Radon Mitigation,” and to adopt a new Chapter 44, “Radon Mitigation Requirements,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapter 136B.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 136B.

Purpose and Summary

This proposed rulemaking pertains to one of eight chapters pertaining to radiologic health matters regulated by the Department. This proposed rulemaking and the seven others were reviewed pursuant to Executive Order 10. As a result of this review, restrictive terms were removed, areas that were duplicative were combined or eliminated, and editorial updates were made to reflect current policies and procedures. This proposed chapter establishes standards for protection against ionizing radiation resulting from activities conducted pursuant to licenses or registrations issued by the Department.

Reason for Amendment of Notice of Intended Action

Notice of Intended Action was published in the Iowa Administrative Bulletin on November 26, 2025, as **ARC 9751C**. The original Notice is being amended to update the returned check fee for licensing applications. Through an agreement with the Department of Inspections, Appeals, and Licensing, the Department has agreed to standardize these fees so that they are in line with other departments across the State. The returned check fee is being updated from \$25 to \$40. The Department assessed one returned check fee in SFY 2025 and SFY 2026.

In addition, the Department is proposing to correct an accidental transposition of words in subrule 44.2. The Notice of Intended Action and Regulatory Analysis provided a definition of “radon modification system.” The correct term is “radon system modification.” The definition remains unchanged.

Finally, the Department made some stylistic updates to the language of subrule 44.4(3) at the suggestion of the Legislative Services Agency.

Fiscal Impact

In this chapter, the Department is reducing the fee for out-of-state radon mitigation and measurement specialist fees. During State fiscal year (SFY) 2025, mitigation and measurement specialist fees for out-of-state applicants generated \$1,000. With the reduction in fees for out-of-state applicants decreasing from \$100 to \$25 (the same as in-state providers), the Department estimates that there will be a reduction of approximately \$750 in collected application fees. However, this reduction in regulatory burdens for out-of-state applicants may give way to an increase of out-of-state providers applying to be approved as radon mitigation or measurement specialists in Iowa. Application fees are used to offset administrative costs and do not contribute to the State’s General Fund. In addition, the State of Iowa is moving to a new licensing system for all agencies. The new licensing system does not support late fees. This change was expected to have a fairly significant fiscal impact on the total fees collected under 641—Chapters 37, 38, 43, and 44. As a result, the Department is removing the recurring late fees from these chapters

and adding a one-time reinstatement fee for late registrations. In total, this switch is expected to decrease fee revenue by approximately \$20,000 for the Department’s Bureau of Radiologic Health. Fees collected under these chapters offset administrative costs and do not impact the State’s General Fund.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 6.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on March 24, 2026. Comments should be directed to:

Victoria L. Daniels
Department of Health and Human Services
Lucas State Office Building
321 East 12th Street
Des Moines, Iowa 50319
Phone: 515.829.6021
Email: compliancerules@hhs.iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

March 24, 2026	Microsoft Teams
10 to 10:30 a.m.	Meeting ID: 264 358 640 097 83
	Passcode: V95vw7re

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

ITEM 1. Rescind 641—Chapter 44 and adopt the following **new** chapter in lieu thereof:

CHAPTER 44
RADON MITIGATION REQUIREMENTS

641—44.1(136B) General provisions. This chapter establishes requirements for the credentialing of radon mitigation specialists. All persons performing abatement for radon or radon progeny in buildings, other than buildings that the persons occupy or are constructing for their own occupancy, must be credentialed in accordance with the provisions of this chapter.

44.1(1) The conversion of a passive mitigation system to an active mitigation system, or radon system modifications to an existing active system, must be performed by persons credentialed under this chapter.

44.1(2) Credentialed mitigation specialists are responsible for ensuring that all radon mitigation systems for which they are responsible are installed following guidelines provided in this chapter.

641—44.2(136B) Definitions. The definitions provided in 641—Chapter 43 may also apply to the provisions of this chapter. Additionally, the following definitions set forth below are specific to this chapter:

“*AARST*” means the American Association of Radon Scientists and Technologists, also known as the IEA.

“*Active mitigation system*” means any system or materials installed as an active part of a ventilation system used for the purpose of reducing radon or radon progeny concentrations by means of an in-line fan.

“*ANSI*” means the American National Standards Institute.

“*Building*” means a structure enclosed with exterior walls or fire walls, built, erected and framed with component structural parts, and designed for the housing, shelter, enclosure and support of individuals.

“*Compensation*” means any form of monetary gain that in any way directly or indirectly results from a radon or radon progeny measurement being conducted.

“*Credentialed radon mitigation specialist*” or “*mitigation specialist*” means an individual who evaluates diagnostic tests to determine appropriate radon or radon progeny mitigation strategies for a building, designs mitigation systems, installs or supervises the installation of radon or radon progeny mitigation techniques on buildings, and meets the requirements for credentialing provided by this chapter.

“*Diagnostic tests*” means tests performed or procedures used to determine appropriate mitigation methods for a building.

“*EPA*” means the United States Environmental Protection Agency.

“*IEA*” means the Indoor Environments Association formerly known as the American Association of Radon Scientists and Technologists (AARST).

“*Mitigator*” means a person who installs mitigation systems for the purpose of abating radon levels within buildings.

“*NRPP*” means the National Radon Proficiency Program facilitated by the IEA, formerly known as the AARST.

“*NRSB*” means the National Radon Safety Board.

“*Online licensing portal*” means the electronic system designated by the department through which applicants and credential holders shall submit applications, renewals, supporting documentation, and other required information for licensure, certification, credentialing, or registration.

“*Passive mitigation system*” means any system or materials installed for the purpose of reducing radon or radon progeny concentrations without the use of an in-line fan and relying solely on the convective air flow upward in the vent pipe for sub-slab depressurization and consists of a vertical vent pipe routed through conditioned space from the suction pit to 12 inches above the roof.

“*Picocurie per liter*” means a quantity of radioactive material per liter of air that will produce 2.2 disintegrations per minute of radiation. It may be used as a measure of the concentration of radon gas in air. One curie is equivalent to one trillion picocuries.

“*pCi/L*” means a measurement of radon in picocuries per liter.

“*Radon*” means the radioactive noble gas radon-222.

“*Radon system modification*” means any change to an existing active radon mitigation system that alters its design, configuration, or operation, such as adding or relocating piping, fans, or suction points. This does not include routine replacement of parts with equivalent components that do not affect system function or layout.

“*Radon progeny*” means the short-lived radionuclides formed as a result of the decay of radon-222, including polonium-218, lead-214, bismuth-214, and polonium-214.

“Working level” or “WL” means the concentration of radon progeny that will result in 130,000 million electron volts of alpha particle energy released per liter of air. Working level is a measure of radon decay product concentration in air.

“Working level month” or “WLM” means a cumulative exposure to radon decay products calculated by multiplying the radon daughter concentration in units of working levels by the number of hours exposed and dividing by 170.

641—44.3(136B) General regulatory requirements.

44.3(1) Except as provided in this chapter, no person may mitigate for radon or radon progeny in Iowa for a fee or other remuneration unless such person has been credentialed by the department. This requirement also applies to persons whose place of business is located in Iowa or in a state other than Iowa, and who offer radon mitigation services to residents of Iowa.

44.3(2) Individual qualifications for radon mitigation specialist. No individual may be credentialed as a radon mitigation specialist unless all of the following conditions are met:

a. Be at least 18 years of age at the time of application.

b. Possess three years of relevant professional work experience. Professional work experiences may include:

(1) Relevant postsecondary education, which may be substituted on a year-for-year basis for two of the three years of relevant professional work experience.

(2) Relevant professional work experience, which includes the design or construction of buildings, or associated heating, ventilation, and air-conditioning systems, or closely-related activities approved by the department.

(3) Relevant postsecondary education, which includes a college curriculum in architecture, engineering, building construction, or the physical sciences.

c. Successful completion of department-approved training courses on both radon and radon progeny measurements and on radon mitigation within the two years prior to application. An approved training course is a course that meets and maintains approval by the NRPP or the NRSB. For measurement, this includes the NRPP Radon Measurement Professional or NRSB Radon Measurement Specialist course and for mitigation this includes the NRPP or NRSB Radon Mitigation Specialist courses.

d. Achieve or exceed the minimum passing score on the national mitigation professional or specialist examination provided by the NRPP or the NRSB within the two years prior to application.

44.3(3) Requirements for continued credentialing. Requirements for continued credentialing include the following:

a. An Iowa credentialed person shall allow the department, its agents, employees, and contractors, upon presentation of appropriate credentials, to access to their facilities, offices, records, and equipment without undue delay for purposes of inspection and examination. The credentialed person shall also allow the department, its agents, employees, and contractors to accompany the person during the performance of any radon abatement activities, for the purpose of inspecting such activities, subject to the consent of the property owner or resident on whose property the activities are being performed.

b. The credentialed person shall remain in compliance with Iowa Code chapter 136B and this chapter.

c. The credentialed person shall comply with all requirements as stated in the ANSI/AARST mitigation standards as amended to August 1, 2025, applicable to the building being mitigated. The standards include the following:

(1) ANSI/AARST SGM-SF-2023, Soil Gas Mitigation Standards for Existing Homes

(2) ANSI/AARST SGM-MFLB-2023, Soil Gas Mitigation Standards for Existing Multifamily, School, Commercial and Mixed-Use Buildings

44.3(4) A credentialed person shall:

a. Fully cooperate with the department or its agents when field evaluations are conducted.

b. Be present during scheduled visits by the department.

c. Not disclose to any other person, except to the department or its agents, the addressee or owner of a nonpublic building, the radon levels present in the building or abatement measures needed or performed, unless the building owner waives, in writing, this right of confidentiality.

d. Ensure that each building is tested for radon levels before (premitigation) and after (postmitigation) mitigation work is performed. This requirement is not binding if the building owner waives these testing requirements prior to the start of the mitigation activities on a form furnished by the department. The credentialed person shall maintain record of such waivers.

(1) Such tests shall be of sufficient type, duration and consistency and shall be performed at such times and under such ventilation conditions as to allow for comparison of premitigation and postmitigation radon levels.

(2) Premitigation and postmitigation radon tests shall be performed using a department-approved test device by one of the following:

1. An independent measurement specialist who is not employed by the same firm as the mitigation specialist performing the mitigation.

2. The homeowner, occupant, or other person responsible for the building.

(3) Postmitigation radon tests shall be started no sooner than one day after mitigation is completed and within 30 days after installation.

e. Install a mitigation system that reduces the radon level to below 4 pCi/L in the area or the level of the building where the mitigation system is installed.

641—44.4(136B) Application for credentialing.

44.4(1) An application for credentialing or renewal of credentials as a radon mitigation specialist shall be completed through the online licensing portal and shall contain complete and accurate information.

44.4(2) The applicant must report any changes to the initial or renewal certification application within 14 days.

44.4(3) Application as a radon mitigation specialist. A person applying for a radon mitigation specialist shall include:

a. A certificate of completion of initial radon measurement and mitigation courses as outlined in subrule 44.3(2).

b. If either course was completed more than two years prior to the date of the application, documentation that the person has completed an average of at least four hours of approved continuing education (CE) training per year since completing the course. The certificate of completion must indicate all of the following:

(1) The name of the individual receiving the training;

(2) The name of the course and course ID assigned by either the NRPP or NRSB;

(3) The dates of the course;

(4) The signature of primary instructor;

(5) Official documentation of the test scores obtained on the NRPP, NRSB, or other department-approved radon mitigation examination taken within two years prior to application, showing a minimum passing score;

(6) Proof of three years of relevant work experience. One or more of the following is required:

1. A detailed resume providing proof of three years of relevant work experience.

2. A combination of a detailed resume and college transcript providing proof of at least one year of relevant work experience and up to two years of relevant postsecondary education as outlined in paragraph 44.3(2) "b."

3. Disclosure of any past disciplinary actions, if applicable, and include a list of any disciplinary actions taken against the applicant's license, credential, certification, registration in any profession in Iowa or another state or jurisdiction, and a copy of the disciplinary action(s), including any charges and disposition.

4. An acceptable mitigation worker protection plan. The plan shall include the elements outlined in Section 11 of the applicable standard for the building type being mitigated, as referenced in paragraph 44.3(3) "c." The worker protection plan shall apply to all mitigation installation activities.

5. An acceptable quality assurance plan (QAP). The plan shall apply to all mitigation installation activities and includes but is not limited to:

- A description of all diagnostic tests performed to determine the mitigation strategy, names of the individuals performing each diagnostic test, and any other related services offered.
- Ensuring all instruments are properly calibrated according to the manufacturer's recommendations.
- A description of all mitigation materials and systems offered.

(7) An example of the operation, maintenance and monitoring (OM&M) information package that will be provided to the building owner for the mitigation system installed.

1. The contents of the OM&M information package shall include the elements outlined in section 10.1 of the applicable standard for the building type being mitigated, as referenced in paragraph 44.3(3) "c."

2. The OM&M information package must include the phone number for the Iowa radon program.

(8) A copy of the mitigation waiver as outlined in paragraph 44.3(4) "d."

(9) The fee specified in rule 641—44.6(136B).

44.4(4) Supplementary statements. The department may require the applicant to submit supplementary statements containing additional information to enable the department to determine whether an application should be approved, denied, or whether a previously issued credential should be amended, suspended, or revoked. Each application or supplementary statement shall be submitted by either the applicant personally, or a person authorized in writing by the applicant to do so on the applicant's behalf.

44.4(5) Expiration of notice of credential. Credentials will expire annually.

a. Radon mitigation activities subject to this chapter cannot be initiated after the expiration of the credential unless a renewal application has been submitted to the department, is determined to be complete, and is approved by the department.

b. All radon mitigation activities initiated prior to the expiration of the credential must be completed within 30 days of the expiration date if renewal is not completed and approved by the department.

c. If the application is rejected, the applicant cannot conduct radon mitigation activities in the state of Iowa for compensation or under any financial arrangement.

641—44.5(136B) Renewal application of annual credentialing.

44.5(1) Credential renewal. A person applying for a renewal of an annual credential shall:

a. Submit the appropriate application through the online licensing portal.

b. Include the number of mitigation systems installed for the renewal period by providing all of the following at or before time of renewal through the online licensing portal:

- (1) Building owner name;
- (2) Building owner phone number;
- (3) Physical address of installation location, including street address, city, state and zip code;
- (4) Installation date;
- (5) Employer at time of installation.

c. Submit copies of CE completion certificates to the department biennially, based on the date of initial credentialing.

d. Pay the fee specified in rule 641—44.6(136B).

44.5(2) Reinstatement of an expired credential. Reinstatement applications shall be submitted through the online licensing portal when a registration has not been renewed within 30 days following the expiration date. Any person wishing to reinstate an expired radon measurement certification must complete the following:

a. Submit the required application and CE documentation that was due at time of expiration. If it has been more than two years since expiration, eight hours of CE must be completed with four of those hours being an approved mitigation standards review course; and

b. Pay the applicable credentialing and reinstatement fees.

641—44.6(136B) Radon mitigation credentialing fees. Any person wishing to become credentialed as a radon mitigation specialist shall pay nonrefundable fees in amounts sufficient to defray the cost of administering the rules of this chapter, as outlined in the fee schedule below.

44.6(1) Initial application fee. Each person applying for initial credentialing under the provisions of this chapter shall pay a nonrefundable \$25 application fee.

44.6(2) Annual credentialing fee.

a. Each person applying for credentialing must pay a nonrefundable initial fee of \$150.

b. Each person applying for annual renewal must pay an annual fee of \$150 or a surcharge fee of \$40 per mitigation system installed for systems costing more than \$200, whichever amount is greater.

c. For fee calculation purposes, one mitigation system installation is considered to be the installation of an interconnected system that contains one or more fans installed on a single riser, one or more suction points, and one or more exhausts. For systems with single or multiple fans installed on separate risers and installed in separate locations, each riser constitutes a separate installation.

d. If a person elects not to renew a credential the subsequent year, all outstanding surcharge fees shall be paid in full within 30 days following the credential's expiration date.

44.6(3) Returned check and reinstatement fees. Persons who fail to pay required fees to the department are subject to the following penalties:

a. \$40 fee for each payment received by the department in accordance with these rules, for which insufficient funds are available to fulfill the obligation of such payment to the department.

b. \$100 reinstatement fee when a certification has not been renewed within 30 days following the expiration date. This fee is added to the unpaid annual credentialing fee.

641—44.7(136B) Enforcement actions. The department may deny, suspend, revoke, or modify the credentials of a person, place on probation, impose a civil penalty, or refer the case to the office of the county attorney for possible criminal penalties pursuant to Iowa Code chapter 136B, or any combination thereof, when it finds that a credentialed person or a person who is not credentialed has committed any of the following actions:

44.7(1) Failure to comply with applicable state, federal, or local statutes and regulations. This includes any action that might place a person with certification under this chapter in noncompliance with Iowa statutes and the requirements of this chapter.

44.7(2) Failure to submit required information or notifications in a timely manner.

44.7(3) Failure to maintain the required records in rule 641—44.8(136B) and in the applicable ANSI/AART mitigation standard listed in paragraph 44.3(4) "c."

44.7(4) Falsifying approval records, qualifications, or other information or documentation related to licensing approval.

44.7(5) Failure to comply with the training standards and requirements in paragraph 44.3(4) "c."

44.7(6) Submitting in the application for credentialing, renewal of credentialing, or supplementary statement false or misleading statements that the department relied upon in approving the application.

44.7(7) Knowingly making misleading, deceptive, untrue, or fraudulent representations involving radon, or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.

44.7(8) Using untruthful or improbable statements in advertisements. Use of these statements includes but is not limited to the presentation of information to the public by training programs that is false, deceptive, or misleading, or that is promoted through fraud or misrepresentation.

44.7(9) Falsifying reports and records required by this chapter.

44.7(10) Accepting any fee by fraud or misrepresentation.

44.7(11) Revocation, suspension, or other disciplinary action taken by a certification or licensing authority of this state, another state, territory, or country; or failure by the firm or individual to report such action in writing within 30 days of the final action by such certification or licensing authority. A stay by an appellate court cannot negate this requirement; however, if such disciplinary action is overturned or reversed by a court of last resort, the report shall be expunged from the records of the board.

44.7(12) Failure to comply with the terms of a department order or the terms of a settlement agreement or consent order.

44.7(13) Representation by a firm or individual that the firm or individual is certified when the certification has been suspended or revoked or has not been renewed.

44.7(14) Failure to respond within 30 days of receipt of communication from the department that was sent by registered or certified mail.

44.7(15) Engaging in any conduct that subverts or attempts to subvert a department investigation.

44.7(16) Failure to comply with a subpoena issued by the department or failing to cooperate with a department investigation.

44.7(17) Failure to pay costs assessed in any disciplinary action.

44.7(18) Any condition revealed by the application, supplementary statement, report, record, inspection, or other evidence, that would warrant the department's refusal to grant credentialing on an original application.

44.7(19) Failure to complete the installation of a radon mitigation system within 30 days of the start date or date contracted to start.

44.7(20) Failure to correct any violation of department-approved standards or rules found during a previous inspection, or any violation found on an inspection that, as determined by the department, jeopardizes the safety of the building or other occupants.

44.7(21) Accepting compensation for installing ineffective radon remedies or for not dropping radon levels below 4 pCi/L in the area or level of the building where a radon mitigation system was installed.

44.7(22) Accepting compensation for installing active radon mitigation systems that are not acceptable to the department or that do not comply with the requirements of this chapter.

44.7(23) Failure to fully cooperate with the department or its agents when field evaluations are conducted.

44.7(24) Failure to attend a scheduled meeting or inspection set up by the department or its agents, when the person holding the credentials was previously notified and agreed to the time and location of the inspection.

641—44.8(136B) Records and reporting requirements. A credentialed radon mitigation specialist shall maintain records to include a report of each mitigation activity for a minimum of five years. Each report shall include at a minimum all of the following:

44.8(1) The address or location of the building.

44.8(2) The name and phone number of the owner(s) of the building where the radon mitigation is conducted.

44.8(3) A written description of each mitigation system, the materials installed, the diagnostic test results, and the cost of each system.

44.8(4) The name of the certified radon measurement specialist or technician used to perform radon or radon progeny testing before and after radon mitigation of a building. This requirement does not apply if the building owner has waived the testing requirement set forth in paragraph 44.3(4) "d" and the mitigation specialist maintains a copy of the signed waiver.

44.8(5) The results of any premitigation or postmitigation radon or radon progeny measurements performed and the measurement methods utilized. This requirement does not apply if the building owner has waived the testing requirement set forth in paragraph 44.3(4) "d" and the mitigation specialist maintains a copy of the signed waiver.

44.8(6) The results of the postmitigation radon measurements performed, including measurement methods utilized, and all pertinent dates. This requirement does not apply if the building owner has waived the testing requirement set forth in paragraph 44.3(4) "d" and the mitigation specialist maintains a copy of the signed waiver.

641—44.9(136B) Continuing education.

44.9(1) All credentialed individuals must complete at least eight hours of department-approved CE biennially on either radon mitigation, measurement, or a combination of the two.

44.9(2) Persons possessing both an Iowa Measurement Specialist certification and Mitigation Specialist credential must complete 12 hours of CE biennially on either radon measurement, mitigation, or both.

44.9(3) A department-approved CE course is a course approved by either NRPP, NRSB or other courses approved by the department.

641—44.10(136B) Exemptions. The following are exempt from the credentialing requirements of this chapter:

44.10(1) Persons who mitigate radon or radon decay products in buildings that they occupy.

44.10(2) Persons mitigating radon or radon decay products as part of scientific research approved by the department.

44.10(3) Persons who install passive radon mitigation systems either as a standalone system or as part of radon-resistant new construction building techniques.

641—44.11(136B) Penalties. It is unlawful for an individual to function as a radon mitigation specialist in violation of the provisions of Iowa Code chapter 136B. Persons convicted of violating the provisions of Iowa Code chapter 136B or this chapter shall be guilty of a serious misdemeanor.

These rules are intended to implement Iowa Code chapter 136B.