

PUBLIC HEALTH DEPARTMENT[641]

Notice of Intended Action

Proposing rule making related to radon testing standards and requirements for school testing and providing an opportunity for public comment

The Public Health Department hereby proposes to amend Chapter 43, “Minimum Requirements for Radon Testing and Analysis,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 136B.4 and section 280.32 as enacted by 2022 Iowa Acts, House File 2412.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 136B and section 280.32 as enacted by 2022 Iowa Acts, House File 2412.

Purpose and Summary

The proposed amendments have been drafted to implement the Radon Testing and Mitigation in Public Schools Act, 2022 Iowa Acts, House File 2412, which Governor Reynolds signed after the 2022 Legislative Session. The proposed amendments:

- Clean up outdated certification agency language throughout 641—Chapter 43. The National Environmental Health Association (NEHA) no longer certifies radon professionals.
- Update rules to include the current national consensus radon measurement standards.
- Add rules about measurement training requirements and training course approval for school district employees as required by 2022 Iowa Acts, House File 2412.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to the Department’s waiver provisions contained in 641—Chapter 178.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on December 6, 2022. Comments should be directed to:

Angela Leek
Department of Public Health
Lucas State Office Building
321 East 12th Street
Des Moines, Iowa 50319
Email: radhealthia@idph.iowa.gov

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making 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).

The following rule-making actions are proposed:

ITEM 1. Adopt the following **new** definitions of “AARST,” “ANSI” and “NRPP” in rule **641—43.2(136B)**:

“AARST” means the American Association of Radon Scientists and Technologists.

“ANSI” means the American National Standards Institute.

“NRPP” or “AARST/NRPP” means the National Radon Proficiency Program facilitated by the American Association of Radon Scientists and Technologists (AARST).

ITEM 2. Rescind the definition of “NEHA” in rule **641—43.2(136B)**.

ITEM 3. Amend paragraph **43.3(2)“c”** as follows:

c. Use detection devices approved by ~~EPA and the department~~ the NRPP, the NRSB, or another department-approved national radon proficiency program to measure radon. The detection device must be obtained from an ~~Iowa-certified~~ Iowa-certified radon measurement laboratory. When a portable electronic detection device is used, the device must be calibrated on at least an annual basis by the manufacturer, or by persons acceptable to the department. The records of calibration must be maintained for review by the department or agents of the department.

ITEM 4. Adopt the following **new** paragraph **43.3(3)“c”**:

c. The certified person shall comply with all EPA, ANSI/AARST and department-approved radon measurement and quality assurance/quality control (QA/QC) guidelines, protocols, and standards and shall conduct measurements following the standard as of [the effective date of these amendments] applicable to the building being tested. The standards include the following:

(1) ANSI/AARST MS-QA-2019, *Radon Measurement Systems Quality Assurance*.

(2) ANSI/AARST MAH-2019, *Protocol for Conducting Measurements of Radon and Radon Decay Products in Homes*.

(3) ANSI/AARST MALB-2014 with 1/2021 Revisions, *Protocol for Conducting Measurements of Radon and Radon Decay Products in Schools and Large Buildings*.

(4) ANSI/AARST MAMF-2017 with 1/2021 Revisions, *Protocol for Conducting Measurements of Radon and Radon Decay Products in Multifamily Buildings*.

ITEM 5. Amend subparagraph **43.4(1)“a”(2)** as follows:

(2) Proof of successful completion of an examination approved by this department. A letter from ~~NEHA~~ the NRPP or NRSB showing a passing score for the radon measurement specialist examination fulfills this requirement.

ITEM 6. Amend subparagraph **43.4(1)“a”(4)** as follows:

(4) A ~~quality assurance/quality control (QA/QC)~~ QA/QC plan for all measurement devices and equipment. If laboratory devices are used, the names and addresses of the ~~Iowa-certified~~ Iowa-certified radon measurement laboratories must be included. If a continuous radon monitor is used, the name of the manufacturer, model, and picture of the monitor must be included. The manufacturer of any device

used must have ~~EPA NRPP, NRSB~~ or other national agency approval ~~which that~~ indicates the device has been approved for measuring radon. Only measurement devices from ~~Iowa-certified~~ Iowa-certified radon measurement laboratories or a continuous radon monitor that has been satisfactorily calibrated and approved by the Iowa radon program are allowed for use in performing radon measurements.

ITEM 7. Amend subparagraph **43.4(1)“a”(6)** as follows:

(6) A signed statement that the individual will follow all EPA radon measurement guidelines, ANSI/AARST radon measurement standards, and department radon measurement guidelines, standards and protocols.

ITEM 8. Amend paragraph **43.4(1)“b”** as follows:

b. An application for a radon measurement laboratory must include:

(1) Proof of successful participation in the ~~NEHA NRPP~~ or NRSB Radon/Radon Progeny Measurement Proficiency Program.

(2) A quality assurance plan and quality control procedures for all measurements and equipment.

(3) A signed statement that all EPA, ~~NEHA NRPP~~ and NRSB and any department measurement guidelines, standards and protocols will be followed.

(4) Name(s) and address(es) of any retail operation(s) selling the laboratory’s testing service(s) within Iowa.

(5) A signed statement that all changes in the original application will be submitted to the department within 14 working days.

(6) The fee specified in subrule 43.4(6).

ITEM 9. Amend paragraph **43.5(2)“s”** as follows:

s. Being discontinued or removed from the ~~NEHA NRPP~~ or NRSB Radon/Radon Progeny Measurement Proficiency Program; or

ITEM 10. Renumber rules **641—43.8(136B)** to **641—43.11(136B)** as **641—43.9(136B)** to **641—43.12(136B)**.

ITEM 11. Adopt the following new rule 641—43.8(136B,280):

641—43.8(136B,280) School district employee measurement training.

43.8(1) School district employee requirements. In order for school district employees to perform radon measurements in buildings within their districts, they must complete a radon measurement training course approved by the department and the Iowa department of education. A school district employee who has completed an approved training can only test buildings within the employee’s district.

43.8(2) Approved training. Training programs shall not state that they have been approved by the state of Iowa unless they have met the requirements of 641—43.8(136B,280) and been approved by the department and the Iowa department of education and are listed on the department’s website. An approved training course shall meet the following requirements:

a. Be based on the measurement requirements as found in the ANSI/AARST standard MALB-2014 with 1/2021 Revisions, *Protocol for Conducting Measurements of Radon and Radon Decay Products in Schools and Large Buildings*.

b. Consist of at least eight instructional hours.

c. Cover at least the following subjects:

(1) Introduction to radon and its health effects.

(2) Guidance for building managers.

(3) Review of the measurement standard including:

1. Purpose and scope of testing.

2. Preparing a testing plan.

3. Test locations.

4. Testing procedures and options.

5. Quality control.

6. Conditions required before and during testing.

7. Documentation, test reports and record keeping.
8. Actions based on test results.
- d.* Conclude with a quiz to review the learned materials.

43.8(3) Certificate of completion. The training provider shall provide that a certificate of completion will be issued and that it will contain at minimum the name of the student, the name of the course and the course ID, the name of the course provider, the course date(s), the number of hours, and the signature and typed name of the training provider.

43.8(4) Application for approval of a training course for school district employees. A person or organization that plans to conduct or sponsor a training course shall apply to the department for approval of the course on a form or in a manner approved by the department. The application shall include:

- a.* The sponsoring organization's name and website URL (if any), contact person, mailing address, email address and telephone number.
- b.* The name of the course.
- c.* The type of course: webinar, online or in-person.
- d.* The course agenda or course outline, including the approximate time allotted to each training segment.
- e.* A copy of the training materials provided to the student (manual, notes, templates, etc.).
- f.* A list of reference materials, texts and audiovisual materials used in the course.
- g.* A copy of the quiz for the course, containing at least 20 questions.

ITEM 12. Amend **641—Chapter 43**, implementation sentence, as follows:

These rules are intended to implement Iowa Code ~~chapter~~ chapters 136B and 280.