

## PUBLIC HEALTH DEPARTMENT[641]

### Adopted and Filed

#### Rule making related to radon testing standards and requirements for school testing

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

#### *Legal Authority for Rule Making*

This rule making is adopted 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*

These 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 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- Clean up outdated certification agency language throughout 641—Chapter 43.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.

#### *Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on November 16, 2022, as **ARC 6647C**. The Department received comments from the American Association of Radon Scientists and Technologists (AARST), the Energy Association of Iowa Schools (EAIS), and the American Lung Association. The following changes from the Notice have been made in response to the comments.

- One commenter recommended the deletion of “or AARST/NRPP” from the definition of “NRPP” in rule 641—43.2(136B). Although used informally in the past, AARST/NRPP is not a legal alternative acronym for the AARST organization. In response, the term has been removed.
- The following language has been stricken from paragraph 43.3(2)“c”: “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.” This change has been made because ANSI/AARST standards describe minimum calibration procedures, so this language is unnecessary.
- In subparagraph 43.4(1)“b”(1), the phrase “Proof of successful participation in” has been replaced with “Proof of meeting the requirements of” to read as follows: “Proof of meeting the requirements of the NRPP or NRSB Radon/Radon Progeny Measurement Proficiency Program.”
- “ANSI/AARST” and “as applicable” have been added to subparagraph 43.4(1)“b”(3) to read as follows: “A signed statement that all EPA, ANSI/AARST, NRPP or NRSB, and any department measurement guidelines, standards and protocols will be followed, as applicable.” Adding “as applicable” is helpful since it is possible a laboratory may participate in one but not the other of these programs. This language will also help avoid any possible conflict between the requirements of these two programs that may prevent adherence to both.

- One commenter recommended a change to the minimum number of instructional hours for school district employee training to allow for it to be completed within one working day. The phrase “Consist of at least eight instructional hours” has been changed to “Consist of five to eight instructional hours” in paragraph 43.8(2)“b.”

- The following language has been added in paragraph 43.8(2)“d”: “The course attendee must pass the quiz with a score of 70 percent or better to receive the attendee’s completion certificate.” This change clarifies that the trainee is required to pass the quiz in order to be permitted to perform radon measurements in buildings within the trainee’s district.

#### *Adoption of Rule Making*

This rule making was adopted by the State Board of Health on January 11, 2023.

#### *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.

#### *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).

#### *Effective Date*

This rule making will become effective on March 15, 2023.

The following rule-making actions are adopted:

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” 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 March 15, 2023, 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~~ 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~~ meeting the requirements of 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~~ ANSI/AARST, NRPP and NRSB and any department measurement guidelines, standards and protocols will be followed, as applicable.
- (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 five to 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. The course attendee must pass the quiz with a score of 70 percent or better to receive the attendee's completion certificate.

**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.

[Filed 1/12/23, effective 3/15/23]

[Published 2/8/23]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/8/23.