Regulatory Analysis

Notice of Intended Action to be published: 641—Chapter 43
"Radon Testing and Analysis Requirements"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 136B and 280
State or federal law(s) implemented by the rulemaking: Iowa Code chapters 136B and 280

Public Hearing

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

November 4, 2025 10 to 10:30 a.m.	Microsoft Teams Meeting ID: 256 572 060 444 0 Passcode: SG2Vc96j

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Department of Health and Human Services no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

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Purpose and Summary

This proposed chapter underwent a fulsome review as a part of the Red Tape Review process laid out in 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 requirements for the certification of radon measurement specialists and radon measurement laboratories.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

- **Classes of persons that will bear the costs of the proposed rulemaking:**

Individuals or organizations seeking to apply for or maintain certification as a radon testing specialist or laboratory will incur fees associated with obtaining or maintaining certification.

- **Classes of persons that will benefit from the proposed rulemaking:**

Persons or organizations who seek to apply for or maintain certification as a radon testing specialist or radon testing laboratory will benefit from clarified rules. Additionally, Iowans seeking the services provided by radon testing specialists and radon testing laboratories will benefit from strengthened rules for certified providers.

2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**

- **Quantitative description of impact:**

Fees associated with certification are as follows:

- Initial application fee: $25

- Annual certification fee: $250 or $500
- Late or insufficient funds fees: $25

- **Qualitative description of impact:**

Persons or organizations who seek to apply for or maintain certification as a radon testing specialist or radon testing laboratory will benefit from clarified rules. Additionally, Iowans seeking the services provided by radon testing specialists and radon testing laboratories will benefit from strengthened rules for certified providers.

3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

Enforcement costs are offset by the certification fees paid by individuals or laboratories certified as radon testing specialists.

- **Anticipated effect on State revenues:**

This proposed rulemaking is not expected to have any impact on State revenues.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

Certification of radon testing specialists is required by Iowa Code chapter 136B.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

Not applicable.

6. **Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

Not applicable.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

Not applicable.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

This proposed rulemaking is not expected to have an impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 641—Chapter 43 and adopt the following **new** chapter in lieu thereof:

CHAPTER 43
RADON TESTING AND ANALYSIS REQUIREMENTS

641—43.1(136B) General provisions. This chapter establishes requirements for the certification of radon measurement specialists and radon measurement laboratories. All persons performing measurements for radon or radon progeny in buildings, other than those that they own, and who provide the results of these measurements to the owner or occupant of these structures, must be certified in accordance with the provisions of this chapter.

641—43.2(136B) Definitions. The definitions provided in 641—Chapter 44 may also apply to the provisions of this chapter. Additionally, the following definitions set forth below are specific to this rule.

"Act" means the Iowa Radon Testing and Abatement Act (Iowa Code chapter 136B).

"ANSI" means the American National Standards Institute.

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

"Certified person" means a certified radon measurement specialist or certified radon measurement laboratory as defined by this chapter.

"Certified radon measurement laboratory" or *"certified laboratory"* means a commercial laboratory that may analyze samples or test for radon decay products and meets the provisions for certification in this chapter.

"Certified radon measurement specialist" or *"certified specialist"* means an individual who performs radon or radon progeny measurements in buildings and provides professional or expert advice on radon and radon progeny measurements, radon entry routes, and other radon-related activities; is knowledgeable in the health risk associated from exposure to radon; and who meets the provisions for certification in this chapter. This includes the initial placement and final retrieval of all measurement devices.

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

"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).

"Laboratory" means any person performing analysis, not at a testing site, on a passive device to measure radon or radon progeny (charcoal canister, alpha-track, electret, etc.).

"NRPP" means the National Radon Proficiency Program facilitated by the Indoor Environments Association (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 certification holders shall submit applications, renewals, supporting documentation, and other required information for licensure, certification, credentialing, or registration.

"Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, department, political subdivision of this state, any other state or political subdivision or agency thereof, and any legal successor, representative, agent, or department of the foregoing, but cannot include federal government agencies.

"Picocuries 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 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.

641—43.3(136B) General regulatory requirements.

43.3(1) Except as provided in this chapter, no person may test for the presence of radon or radon progeny in the state of Iowa unless the person has been certified 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 testing to residents of Iowa either directly, through the mail, or by other means.

43.3(2) Individual qualifications for radon measurement specialist. No individual may be certified as a radon measurement specialist unless all of the following conditions are met:

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

b. Successfully complete a department-approved training course on radon/radon progeny measurements 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. This includes the NRPP Radon Measurement Professional or NRSB Radon Measurement Specialist course;

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

d. If the requirement to meet the conditions in this chapter within the two years prior to application above cannot be met, the person may demonstrate current radon licensure, certification, or credentialing through another jurisdiction or licensing body deemed acceptable by the department;

e. Use detection devices approved by the NRPP, the NRSB, or another department-approved national radon proficiency program to measure radon. Passive detection devices must be obtained from an Iowa-certified radon measurement laboratory.

43.3(3) Requirements for continued certification. Requirements for continued certification include the following:

a. A certified person shall allow the department, its agents, employees, and contractors, upon presentation of appropriate credentials, to access the person's facilities, offices, records, and equipment without undue delay for purposes of inspection and examination. The certified person shall also allow the department, its agents, employees, and contractors to accompany the person during the performance of any radon measurement 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 certified person shall remain in compliance with the Act and this chapter.

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 applicable to the building being tested. The standards include the following:

(1) ANSI/AARST MS-QA-2023, *Radon Measurement Systems Quality Assurance*, as amended to August 1, 2025.

(2) ANSI/AARST MAH-2023, *Protocol for Conducting Measurements of Radon and Radon Decay Products in Homes*, as amended to August 1, 2025.

(3) ANSI/AARST MA-MFLB-2023, *Protocol for Conducting Measurements of Radon and Radon Decay Products in Multifamily, School, Commercial and Mixed-Use Buildings*, as amended to August 1, 2025.

NOTE: MA-MFLB consolidates ANSI/AARST MAMF (rev. 1/21) and ANSI/AARST MALB (rev. 1/21) into a single publication.

641—43.4(136B) Application for certification. An application for certification or renewal of certification as a radon measurement specialist or a radon measurement laboratory shall be completed on an application furnished by the department and shall contain complete and accurate information. The applicant must report any changes to the initial or renewal certification application within 14 days.

43.4(1) *Radon measurement specialist.* A person applying for a radon measurement specialist certification shall include:

a. A certificate of completion of the initial training course. If the course was completed more than two years prior to the date of the application, the person shall provide documentation that the person has completed an average of at least four hours of approved continuing education training per year since completing the course.

b. Official documentation of the test score obtained on the NRPP, NRSB, or other department-approved radon measurement examination taken within two years prior to application, showing a minimum passing score.

c. As an alternative to paragraphs 43.4(1)*"a"* and *"b,"* applicants may provide documentation of current licensure, certification, or credentialing through another jurisdiction or licensing body acceptable to the department.

d. A QA/QC plan, or QAP, for all measurement devices and equipment to be used to perform radon measurements.

(1) The plan shall include the requirements as outlined in the ANSI/AARST standard, *Radon Measurement Systems Quality Assurance* (MS-QA), as amended to August 1, 2025, and be acceptable to the department.

(2) If passive devices are used, the name(s), address(es), and Iowa laboratory certification number of the Iowa-certified radon measurement laboratory must be included.

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

f. An example of the confidentiality waiver that the applicant would provide to the customer when requested to release test results to persons other than the owner of the building being tested, as outlined in this chapter.

g. The fee specified in this chapter.

43.4(2) *Radon measurement laboratory.* A person applying for a radon measurement laboratory certification must include:

a. Proof of approval or accreditation as a radon measurement laboratory through the NRPP or NRSB.

b. A quality assurance plan and quality control procedures for all measurements and equipment. The content of the QAP plan will follow the requirements of the ANSI/AARST MS-QA and any requirements of NRPP or NRSB.

c. The fee specified in this chapter.

43.4(3) *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 or denied, or whether a previously issued certification 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.

43.4(4) *Expiration of notice of certification.* A certification will be valid for one year following the date of issuance or at the end of the last day in the month for which the certification was issued.

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

b. If the application is rejected, the applicant cannot conduct radon testing or measurements in the state of Iowa for compensation or under any financial arrangement.

43.4(5) *Renewal application of annual certification.* A person applying for a renewal of an annual certification shall:

a. Submit the appropriate application through the online licensing portal or by submitting an application furnished by the department.

b. Have all radon testing activity and data reporting, as required by the department, up to date to within three months of the date of expiration.

c. Submit copies of continuing education completion certificates to the department biennially, based on the date of initial certification.

d. Pay the fee specified in this chapter.

(1) Any fees not paid through the online licensing portal must be in the form of a check or money order, made payable to the Iowa Department of Health and Human Services.

(2) The applicant must include an indication of the purpose of the fee (i.e., radon measurement certification) and certification number that the fee is to be applied to on the check or money order.

43.4(6) *Radon measurement laboratory renewal.* Any person wishing to renew a radon measurement laboratory certification must:

a. Submit the appropriate application through the online licensing portal or by submitting an application furnished by the department.

b. Have all radon testing activity and data reporting, as required by the department, up to date to within three months of the date of expiration.

c. Submit proof of current approval or accreditation as a radon measurement laboratory through the NRPP or NRSB.

d. Pay the fee specified in this chapter.

(1) Any fees not paid through the online licensing portal must be in the form of a check or money order, made payable to the Iowa Department of Health and Human Services.

(2) The applicant must include an indication of the purpose of the fee (i.e., radon measurement certification) and certification number that the fee is to be applied to on the check or money order.

43.4(7) *Reinstatement of an expired certification.* Any person wishing to reinstate an expired radon measurement certification must complete one of the following:

a. Attest that the person has not performed any radon measurement work in Iowa since the date of expiration; and

b. For a certification that has been expired less than one year, a person may renew the certification by:

(1) Submitting the required application and continuing education documentation that was due at time of expiration; and

(2) Paying any applicable late fees.

c. For a certification that has been expired more than one year but less than two years, the completion of a department-approved re-entry course is required. A copy of the course completion certificate must be submitted to the department, and the fee specified in this chapter must be paid.

d. For a certification that has been expired for more than two years, the person must reapply for certification following the requirements set forth in this chapter.

e. Attest that the person has not performed any radon measurement work in Iowa since expiration, provide documentation of continuous and current radon measurement licensure/certification through another jurisdiction or licensing body acceptable to the department, and pay the fee specified in this chapter.

641—43.5(136B) Radon measurement certification fees. Any person wishing to become certified as a radon measurement specialist or as a radon measurement laboratory shall be required to pay nonrefundable fees in amounts sufficient to defray the cost of administering this chapter as outlined in the fee schedule below.

43.5(1) *Initial application fee.* Each person applying for certification under the provisions of this chapter shall pay a nonrefundable $25 application fee.

43.5(2) *Annual certification fee.*

a. Each person applying for certification or applying for renewal of an annual certification as a radon measurement specialist must pay a nonrefundable annual fee of $250.

b. Each person applying for certification or applying for renewal of an annual certification as a radon measurement laboratory must pay a nonrefundable annual fee of $500.

43.5(3) *Returned check and late fees.* Persons who fail to pay required fees to the department are subject to the following penalty(ies):

a. $25 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. $25 per month for failure to pay any fee administered by this department starting after the date of expiration. This fee is added to the unpaid fee.

641—43.6(136B) Enforcement actions. The department may deny, suspend, revoke, or modify the certification of a person; place a person 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 certified person or a person who is not certified has committed any of the following actions:

43.6(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;

43.6(2) Failure to submit required information or notifications in a timely manner;

43.6(3) Failure to maintain the required records;

43.6(4) Falsifying approval records, qualifications, or other information or documentation related to certification approval;

43.6(5) Failure to comply with the training standards and requirements in this chapter;

43.6(6) Submitting in the application for certification or renewal of certification false or misleading statements that the department relied upon in approving the application;

43.6(7) Knowingly making misleading, deceptive, untrue, or fraudulent representations involving radon, or engaging in unethical conduct or practices that are harmful or detrimental to the public. Proof of actual injury need not be established;

43.6(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;

43.6(9) Falsifying reports and records required by this chapter;

43.6(10) Accepting any fee by fraud or misrepresentation;

43.6(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;

43.6(12) Failure to comply with the terms of a department order or the terms of a settlement agreement or consent order;

43.6(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;

43.6(14) Failure to respond within 30 days of receipt of communication from the department that was sent by registered or certified mail;

43.6(15) Engaging in any conduct that subverts or attempts to subvert a department investigation;

43.6(16) Failure to comply with a subpoena issued by the department or failing to cooperate with a department investigation;

43.6(17) Failure to pay costs assessed in any disciplinary action;

43.6(18) Any condition revealed by the application, supplementary statement, report, record, inspection, or other evidence that would warrant the department's refusal to grant a certification on an original application;

43.6(19) Failure to maintain approval or accreditation as a radon measurement laboratory with the NRPP or NRSB;

43.6(20) Failure to submit radon test data as required in this chapter;

43.6(21) Violating a statute of this state, another state, or the United States, without regard to its designation as either a felony or misdemeanor, including but not limited to a crime involving dishonesty, fraud, theft, embezzlement, controlled substances, substance abuse, assault, sexual abuse, sexual misconduct, or homicide. A copy of the record of conviction or plea of guilty is conclusive evidence of the violation.

641—43.7(136B) Records and reporting requirements.

43.7(1) A certified person must submit to the department within 30 days after any radon or radon progeny testing, or at the request of the department prior to testing, all of the following:

a. The address or location of the building;

b. The name and telephone number of the owner(s) of the building where the radon testing will be conducted;

c. The results of any tests performed.

43.7(2) The results for each test conducted shall include, at minimum:

a. The method used for radon or radon decay product testing, media tested, and conditions under which the testing was or will be performed.

b. The level or floor of building where the test(s) was or will be conducted.

c. The results of the test(s) in picocuries/liter (pCi/l) of radon gas or WL of radon decay products.

d. The date on which the test(s) was or will be conducted.

e. The purpose of the test(s).

43.7(3) Requirements of certification. A certified person shall:

a. Cooperate with the department when conducting field evaluations.

b. Notify the department within 14 days of any changes in testing results or procedures.

c. Not disclose to any other person, other than the department, the results of a test, the address, or the name of the owner of a nonpublic building that the person tested for the presence of radon gas or radon progeny, unless any of the following conditions are met:

(1) The owner of the building waives, in writing, this right of confidentiality.

(2) The person certified or credentialed pursuant to Iowa Code section 136B.1 may disclose the results of a test performed by the person for the presence of radon or radon progeny to a potential buyer of a nonpublic building when an offer to purchase has been presented by the buyer and if the potential buyer paid for the testing. Any test results disclosed shall be results of a test performed within the five years prior to the date of the disclosure.

43.7(4) Record retention. Records of radon or radon progeny testing must be maintained for a minimum of five years after the radon test is completed.

641—43.8(136B) Continuing education.

43.8(1) All certified measurement specialists must complete at least eight hours of department-approved continuing education (CE) biennially on either radon measurement, mitigation or a combination of the two.

43.8(2) Persons possessing both an Iowa Measurement Specialist certification and Mitigation Specialist credential must complete 12 hours of continuing education biennially on either radon measurement, mitigation, or a combination of the two.

43.8(3) Department-approved CE course is a course approved by either the NRPP, NRSB for CE or other courses approved by the department.

641—43.9(136B,280) School district employee measurement training. This section outlines the department's responsibilities for department-approved training program requirements for school

district employees who intend to perform radon testing within their employing district. In accordance with Iowa Code chapter 280, which governs radon testing and mitigation in schools and is enforced by the Iowa department of education, such employees must successfully complete a radon measurement training course approved by both the department and the Iowa department of education.

43.9(1) *Approved training programs.* Training programs cannot state that they have been approved by the state of Iowa unless they have done all of the following:

a. Met the requirements of this chapter;

b. Have been approved by the department;

c. Have been approved by the Iowa department of education;

d. Have been listed on the department's website.

43.9(2) *Training course requirements.* An approved training course shall be based on the measurement requirements as found in the ANSI/AARST MA-MFLB-2023, *Protocol for Conducting Measurements of Radon and Radon Decay Products in Multifamily, School, Commercial and Mixed-Use Buildings* as amended to August 1, 2025.

NOTE: MA-MFLB consolidates ANSI/AARST MAMF (rev. 1/21) and ANSI/AARST MALB (rev. 1/21) into a single publication).

Approved training courses must:

a. Consist, at a minimum, of five to eight instructional hours.

b. Cover, at a minimum, the following subjects that are directly applicable to the testing of school buildings:

(1) Introduction to radon and its health effects.

(2) Guidance for building managers.

(3) Review of measurement standards 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 recordkeeping;
8. Actions based on test results.

c. 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.

43.9(3) *Certificate of completion.* The training provider shall provide a certificate of completion that contains, at minimum:

a. The name of the student;

b. The name of the course;

c. The course ID;

d. The name of the course provider;

e. The course date(s);

f. The number of hours for the course;

g. The signature and typed name of the training provider.

43.9(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 an application furnished by the department. The application shall include:

a. The sponsoring organization's contact information;

b. The sponsoring organization's name;

c. The website URL (if any);

d. The contact person;

e. The mailing address;

f. The contact person's email address;

g. The contact person's telephone number;

h. The name of the course;

i. Whether the course was offered as a webinar online or in person;

j. The course agenda or course outline, including the approximate time allotted to each training segment;

k. A copy of the training materials provided to the student, such as manuals, notes, templates, or other materials provided to attendees;

l. A list of reference materials, texts and audiovisual materials used in the course;

m. A copy of the quiz for the course, containing at least 20 questions.

641—43.10(136B) Exemptions. The following are exempt from the certification requirements of this chapter:

43.10(1) Persons who test for radon or radon decay products in buildings that they own.

43.10(2) Persons who perform radon tests for no compensation.

43.10(3) State officials who are conducting radon testing as part of the state's radon testing program and are approved by the department.

43.10(4) Local officials who are acting on behalf of the state or administering a local program.

43.10(5) Officials who are conducting radon testing as part of government programs in the United States or contractors working for the United States government.

43.10(6) Persons providing radon or radon progeny measurement devices to the public, but not conducting physical tests for the presence of radon or radon progeny with the measurement devices, may do so under the following conditions:

a. They must provide measurement devices obtained from a laboratory certified in Iowa.

b. A valid visible expiration date must be permanently affixed to each measurement device.

c. In addition to the required laboratory instructions regarding measurement procedures, each measurement device must be accompanied by clear directions on where to obtain additional information and interpretation for test results. The certified laboratory or a certified specialist must be included as one of the sources of information and interpretation.

641—43.11(136B) Penalties. It is unlawful for an individual to function as a radon measurement specialist or radon measurement laboratory in violation of the provisions of the Iowa Radon Testing and Abatement Act or of any rule adopted pursuant to the Act. In addition to other sanctions provided in this chapter, persons convicted of violating the provisions of the Act or the rules adopted pursuant to the Act shall be guilty of a serious misdemeanor.

These rules are intended to implement Iowa Code section 136B.5.