Regulatory Analysis

Notice of Intended Action to be published: 641—Chapter 44
"Radon Mitigation Requirements"

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

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 processes and procedures to ensure they reflect current processes and procedures. This chapter establishes requirements for the credentialing of radon mitigation specialists. Credentialed mitigation specialists are responsible for ensuring that all radon mitigation systems for which they are responsible are installed following guidelines that are provided in this proposed chapter.

Analysis of Impact

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

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

Individuals seeking credentialing as a certified radon measurement specialist or laboratory must pay the fees laid out in this proposed chapter.

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

Consumers seeking the use of professional radon measurement specialists or laboratories will benefit from clarified rules certifying those specialists or laboratories.

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:**

The application fee for out-of-state radon mitigation specialists or laboratories was reduced from $100 to $25, which is in line with the application fee for in-state applicants.

- **Qualitative description of impact:**

Consumers seeking the use of professional radon measurement specialists or laboratories will benefit from clarified rules certifying those specialists or laboratories.

3. **Costs to the State:**

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

Enforcement costs to the Department are offset by the credentialing and inspection fees laid out in this chapter.

- **Anticipated effect on State revenues:**

During SFY 25, 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 around $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.

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

The certification and credentialing of certified radon mitigation 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 rulemaking is not expected to have an impact on small business.

Text of Proposed Rulemaking

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 rule:

"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 of 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 modification system" 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 on an application furnished by the department 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, the person shall provide documentation that they have completed an average of at least four hours of approved continuing education 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).

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 department.

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

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. A credential 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 credential was issued.

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 or by submitting an application furnished by the department.

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 continuing education 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.* Any person wishing to reinstate an expired radon mitigation credential must complete one of the following:

a. Attest that they have not performed any radon mitigation work in Iowa since date of expiration,

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

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

(2) Paying the surcharge for any mitigation systems installed during the credentialing period prior to expiration, or the minimum $150, whichever is greater as specified in subrule 44.4(7).

(3) Paying any applicable late fees.

c. For a credential that has been expired more than one year but less than two years, applicants must:

(1) Complete a department-approved mitigation re-entry course. A copy of the course completion certificate must be submitted to the department.

(2) Pay the surcharge for any mitigation systems installed during the credentialing period prior to expiration, or the minimum renewal fee of $150 specified in rule 641—44.6(136B).

(3) For a certification that has been expired for more than two years, reapply for credentialing following the requirements in paragraph 44.5(2)*"a"* and pay the fees specified in rule 641—44.6(136B).

d. Attest that they have not performed any radon mitigation work in Iowa since expiration, and provide documentation of continuous and current radon mitigation licensure/credentialing through another jurisdiction or licensing body acceptable to the department, submit the required application, and pay the surcharge for any mitigation systems installed during the credentialing period prior to expiration or the minimum $150, whichever is greater as specified in subrule 44.4(7).

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 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 late fees.* Persons who fail to pay required fees to the department are subject to the following penalties:

a. $25 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. $25 per month for failure to pay any fee administered by the department starting 30 days after the due date of the original notice or date of expiration. This fee is added to the unpaid fees or added as an additional fee if determined that a complete application was not received on time.

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 continuing education (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 continuing education 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.