

Reprinted

FEB 29 1988

Place On Calendar

HOUSE FILE 2354
BY COMMITTEE ON ENERGY AND
ENVIRONMENTAL PROTECTION

(Formerly House File 2043)-

Passed House, Date 2/10/88 (p. 1469) Passed Senate, Date 4/12/88 (p. 1469)
Vote: Ayes 56 Nays 40 Vote: Ayes 36 Nays 9

Approved March 12, 1988

Adopted 2/10/88 (p. 1469)
Reprinted 4/12/88 (p. 1469)
A BILL FOR

1 An Act relating to radon testing and providing a penalty.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA
HOUSE FILE 2354

H-5374

- 1 Amend House File 2354 as follows:
- 2 1. Page 1, line 28, by striking the word "at" and
- 3 inserting the following: "prior to".
- 4 2. Page 1, line 29, by inserting after the word
- 5 "test" the following: "if the test was performed
- 6 within the previous twelve months".

BY ROYER of Page PETERSEN of Muscatine
SKOW of Guthrie SVOBODA of Tama
H-5374 FILED MARCH 8, 1988 DIEMER of Black Hawk
Adopted 2/10/88 (p. 1469)
Reprinted 4/12/88 (p. 1469)

HOUSE FILE 2354

H-5555

- 1 Amend House File 2354 as follows:
- 2 1. Page 1, line 21, by striking the word "not".
- 3 2. Page 1, line 22, by striking the words "owns,
- 4 or to instances in" and inserting the following
- 5 "owns."
- 6 3. Page 1, by striking lines 23 through 31.

H-5555 FILED MARCH 14, 1988 BY BUHR of Polk
NEUHAUSER of Johnson
Adopted 3/21/88 (p. 1469)

HOUSE FILE 2354

H-5732

- 1 Amend House File 2354 as follows:
- 2 1. Page 1, line 20, by inserting after the word
- 3 "writing." the following: "Any test results disclosed
- 4 shall be results of a test performed within the twelve
- 5 months prior to the date of the disclosure."

H-5732 FILED MARCH 18, 1988 BY NORRGARD of Des Moines
LUNDBY of Linn
Adopted 3/21/88 (p. 1469)

1 Section 1. NEW SECTION. 136E.1 RADON TESTING PROGRAM.

2 1. As used in this chapter, unless the context otherwise
3 requires, "department" means the Iowa department of public
4 health.

5 2. The department shall establish a program and adopt
6 rules for the certification of persons who test for the
7 presence of radon gas and radon progeny in building.

8 3. Following the establishment of the certification
9 program by the department, a person who is not certified, as
10 appropriate, shall not test for the presence of radon gas and
11 radon progeny. This section does not apply to a person
12 performing the testing on a building which the person owns, or
13 to a person performing testing without compensation.

14 Sec. 2. NEW SECTION. 136E.2 RADON TESTING INFORMATION.

15 1. A person shall not disclose to any other person, except
16 to the department, the address or owner of a nonpublic
17 building that the person tested for the presence of radon gas
18 and radon progeny, unless the owner of the building waives, in
19 writing, this right of confidentiality or unless a prospective
20 buyer of a building requests the information in writing.

21 This nondisclosure requirement does not apply to a person
22 testing a building which the person owns, or to instances in
23 which disclosure is necessary to contract for further testing
24 or to contract for the mitigating or safeguarding of a
25 building from the presence of radon gas and radon progeny.

26 2. In the case of a prospective sale of a building which
27 has been tested for radon gas and radon progeny, the seller
28 shall provide the buyer at the time the contract of sale is
29 entered into, with a copy of the results of the test. A
30 prospective buyer who contracts for the testing also has the
31 right to receive the results of the testing.

32 3. A person certified pursuant to section 136E.1 shall,
33 within thirty days of the provision of any radon testing
34 services or at the request of the department prior to testing,
35 disclose to the department the address or location of the

1 building, the name of the owner of the building where the
2 services were or will be provided, and the results of any
3 tests performed.

4 Sec. 3. NEW SECTION. 136E.3 TESTING AND REPORTING OF
5 RADON LEVEL.

6 The department shall from time to time perform inspections
7 and testing of the premises of a property to determine the
8 level at which it is contaminated with radon gas or radon
9 progeny as a spot-check of the validity of measurements
10 performed by persons certified under section 136E.1.

11 Following testing the department shall provide the owner of
12 the property with a written report of its results including
13 the concentration of radon gas or radon progeny contamination
14 present, an interpretation of the results, and recommendation
15 of appropriate action. A person certified under section
16 136E.1 shall also be advised of the department's results,
17 discrepancies revealed by the spot-check, actions required of
18 the person, and actions the department intends to take with
19 respect to the person's continued certification.

20 Sec. 4. NEW SECTION. 136E.4 ADMINISTRATION OF THE RADON
21 PROGRAM.

22 The department shall establish a fee schedule to defray the
23 costs of the certification program established pursuant to
24 section 136E.1 and the testing conducted and the written
25 reports provided pursuant to section 136E.3.

26 The department shall adopt rules, pursuant to chapter 17A,
27 to implement this chapter.

28 Sec. 5. NEW SECTION. 136E.5 PENALTY FOR VIOLATION.

29 A person who violates a provision of this division is
30 guilty of a serious misdemeanor.

31 EXPLANATION

32 This bill requires the Iowa department of public health to
33 establish a program and adopt rules for the certification of
34 persons who test for the presence of radon gas and radon
35 progeny, and requires the certification of such persons. The

1 bill also provides for certain disclosure of information
2 relating to the presence of radon or radon progeny in a
3 building, provides for spot checks of the validity of
4 measurements of persons certified to test for radon, provides
5 for the establishment of fees to defray the cost of
6 certification, spot-check testing, and reporting requirements,
7 and establishes a penalty for violating the provision of the
8 chapter as a serious misdemeanor.

9 SIMILAR TO HF 2043 (LSB 7233HF)

HOUSE FILE 2354

FISCAL NOTE

REQUESTED BY REPRESENTATIVE ROSENBERG

In compliance with a written request received January 11, 1988, a fiscal note for **HOUSE FILE 2354** is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 2354 requires the Department of Public Health (DPH) to establish a Certification Program, including adoption of rules for certifying persons who perform tests, for radon gas and radon progeny.

ASSUMPTION

1. All fees collected will be used to implement and support the Certification Program for Radon Testing.

FISCAL EFFECT

There is no apparent fiscal effect of H.F. 2354 due to fee revenues equaling administrative costs of DPH.

Source: Department of Public Health

(LSB 7233H, RRS)

FILED MARCH 10, 1988

BY DENNIS PROUTY, FISCAL DIRECTOR

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HOUSE FILE 2354
BY COMMITTEE ON ENERGY AND
ENVIRONMENTAL PROTECTION
Substituted for S.F. 2226

(As Amended and Passed by the House March 21, 1988)

By Passed House, Date 4/14/88 (p. 1723) Passed Senate, Date 4/12/88 (p. 1469)
Vote: Ayes 53 Nays 59 Vote: Ayes 36 Nays 9
Approved May 12, 1988

A BILL FOR

1 An Act relating to radon testing and providing a penalty.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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House Amendments _____
Deleted Language *

1 Section 1. NEW SECTION. 136E.1 RADON TESTING PROGRAM.

2 1. As used in this chapter, unless the context otherwise
3 requires, "department" means the Iowa department of public
4 health.

5 2. The department shall establish a program and adopt
6 rules for the certification of persons who test for the
7 presence of radon gas and radon progeny in building.

8 3. Following the establishment of the certification
9 program by the department, a person who is not certified, as
10 appropriate, shall not test for the presence of radon gas and
11 radon progeny. This section does not apply to a person
12 performing the testing on a building which the person owns, or
13 to a person performing testing without compensation.

14 Sec. 2. NEW SECTION. 136E.2 RADON TESTING INFORMATION.

15 1. A person shall not disclose to any other person, except
16 to the department, the address or owner of a nonpublic
17 building that the person tested for the presence of radon gas
18 and radon progeny, unless the owner of the building waives, in
19 writing, this right of confidentiality or unless a prospective
20 buyer of a building requests the information in writing. Any
21 test results disclosed shall be results of a test performed
22 within the twelve months prior to the date of the disclosure.

* 23 This nondisclosure requirement does apply to a person
24 testing a building which the person owns.

* 25 3. A person certified pursuant to section 136E.1 shall,
26 within thirty days of the provision of any radon testing
27 services or at the request of the department prior to testing,
28 disclose to the department the address or location of the
29 building, the name of the owner of the building where the
30 services were or will be provided, and the results of any
31 tests performed.

32 Sec. 3. NEW SECTION. 136E.3 TESTING AND REPORTING OF
33 RADON LEVEL.

34 The department shall from time to time perform inspections
35 and testing of the premises of a property to determine the

1 level at which it is contaminated with radon gas or radon
2 progeny as a spot-check of the validity of measurements
3 performed by persons certified under section 136E.1.
4 Following testing the department shall provide the owner of
5 the property with a written report of its results including
6 the concentration of radon gas or radon progeny contamination
7 present, an interpretation of the results, and recommendation
8 of appropriate action. A person certified under section
9 136E.1 shall also be advised of the department's results,
10 discrepancies revealed by the spot-check, actions required of
11 the person, and actions the department intends to take with
12 respect to the person's continued certification.

13 Sec. 4. NEW SECTION. 136E.4 ADMINISTRATION OF THE RADON
14 PROGRAM.

15 The department shall establish a fee schedule to defray the
16 costs of the certification program established pursuant to
17 section 136E.1 and the testing conducted and the written
18 reports provided pursuant to section 136E.3.

19 The department shall adopt rules, pursuant to chapter 17A,
20 to implement this chapter.

21 Sec. 5. NEW SECTION. 136E.5 PENALTY FOR VIOLATION.

22 A person who violates a provision of this division is
23 guilty of a serious misdemeanor.

24 SIMILAR TO HF 2043 (LSB 7233HF)

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HOUSE FILE 2354

S-5675

1 Amend House File 2354 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 22, by striking the words "twelve
4 months" and inserting the following: "five years".
5 2. Page 1, by striking lines 23 and 24 and
6 inserting the following:
7 "Notwithstanding the requirements of this section,
8 disclosure to any person of the results of a test
9 performed on a nonpublic building for the presence of
10 radon gas and radon progeny is not required if the
11 results do not exceed the currently established United
12 States environmental protection agency action
13 guidelines.
14 A person who tests a nonpublic building which the
15 person owns is not required to disclose to any person
16 the results of a test for the presence of radon gas or
17 progeny if the test is performed by the person who
18 owns the nonpublic building."

S-5675

Filed March 30, 1988

Place o/o 4/12 (of 1469)

BY MICHAEL E. GRONSTAL

HOUSE FILE 2354

S-5676

1 Amend House File 2354 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, lines 19 and 20, by striking the words
4 "or unless a prospective buyer of a building requests
5 the information in writing".
6 2. Page 1, line 22, by striking the words "twelve
7 months" and inserting the following: "five years".
8 3. Page 1, by striking lines 23 and 24 and
9 inserting the following:
10 "Notwithstanding the requirements of this section,
11 disclosure to any person of the results of a test
12 performed on a nonpublic building for the presence of
13 radon gas and radon progeny is not required if the
14 results do not exceed the currently established United
15 States environmental protection agency action
16 guidelines.
17 A person who tests a nonpublic building which the
18 person owns is not required to disclose to any person
19 the results of a test for the presence of radon gas or
20 progeny if the test is performed by the person who
21 owns the nonpublic building."

S-5676

Filed March 30, 1988

Adopted 4/12 (of 1469)

BY MICHAEL GRONSTAL
RICHARD J. VARN

HOUSE FILE 2354

S-5778

1 Amend House File 2354 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting after line 13, the
4 following:
5 "4. For the purposes of this section, radon
6 abatement systems shall be classified as mechanical
7 ventilation systems."

S-5778

Filed April 5, 1988

BY RICHARD VARN

Adopted 4/12 (p. 1469)

SENATE AMENDMENT TO HOUSE FILE 2354

H-6422

1 Amend House File 2354 as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by inserting after line 13, the
4 following:

5 "4. For the purposes of this section, radon
6 abatement systems shall be classified as mechanical
7 ventilation systems."

8 2. Page 1, lines 19 and 20, by striking the words
9 "or unless a prospective buyer of a building requests
10 the information in writing".

11 3. Page 1, line 22, by striking the words "twelve
12 months" and inserting the following: "five years".

13 4. Page 1, by striking lines 23 and 24 and
14 inserting the following:

15 "Notwithstanding the requirements of this section,
16 disclosure to any person of the results of a test
17 performed on a nonpublic building for the presence of
18 radon gas and radon progeny is not required if the
19 results do not exceed the currently established United
20 States environmental protection agency action
21 guidelines.

22 A person who tests a nonpublic building which the
23 person owns is not required to disclose to any person
24 the results of a test for the presence of radon gas or
25 progeny if the test is performed by the person who
26 owns the nonpublic building."

27 5. By renumbering, relettering, or redesignating
28 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-6422 FILED APRIL 13, 1988

House concurred 4/14 (p. 1923)

HOUSE FILE 2354

AN ACT

RELATING TO RADON TESTING AND PROVIDING A PENALTY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. 136E.1 RADON TESTING PROGRAM.

1. As used in this chapter, unless the context otherwise requires, "department" means the Iowa department of public health.

2. The department shall establish a program and adopt rules for the certification of persons who test for the presence of radon gas and radon progeny in building.

3. Following the establishment of the certification program by the department, a person who is not certified, as appropriate, shall not test for the presence of radon gas and radon progeny. This section does not apply to a person performing the testing on a building which the person owns, or to a person performing testing without compensation.

4. For the purposes of this section, radon abatement systems shall be classified as mechanical ventilation systems.

Sec. 2. NEW SECTION. 136E.2 RADON TESTING INFORMATION.

1. A person shall not disclose to any other person, except to the department, the address or owner of a nonpublic building that the person tested for the presence of radon gas and radon progeny, unless the owner of the building waives, in writing, this right of confidentiality. Any test results disclosed shall be results of a test performed within the five years prior to the date of the disclosure.

Notwithstanding the requirements of this section, disclosure to any person of the results of a test performed on a nonpublic building for the presence of radon gas and radon progeny is not required if the results do not exceed the currently established United States environmental protection

agency action guidelines.

A person who tests a nonpublic building which the person owns is not required to disclose to any person the results of a test for the presence of radon gas or progeny if the test is performed by the person who owns the nonpublic building.

2. A person certified pursuant to section 136E.1 shall, within thirty days of the provision of any radon testing services or at the request of the department prior to testing, disclose to the department the address or location of the building, the name of the owner of the building where the services were or will be provided, and the results of any tests performed.

Sec. 3. NEW SECTION. 136E.3 TESTING AND REPORTING OF RADON LEVEL.

The department shall from time to time perform inspections and testing of the premises of a property to determine the level at which it is contaminated with radon gas or radon progeny as a spot-check of the validity of measurements performed by persons certified under section 136E.1. Following testing the department shall provide the owner of the property with a written report of its results including the concentration of radon gas or radon progeny contamination present, an interpretation of the results, and recommendation of appropriate action. A person certified under section 136E.1 shall also be advised of the department's results, discrepancies revealed by the spot-check, actions required of the person, and actions the department intends to take with respect to the person's continued certification.

Sec. 4. NEW SECTION. 136E.4 ADMINISTRATION OF THE RADON PROGRAM.

The department shall establish a fee schedule to defray the costs of the certification program established pursuant to section 136E.1 and the testing conducted and the written reports provided pursuant to section 136E.3.

The department shall adopt rules, pursuant to chapter 17A, to implement this chapter.

Sec. 5. NEW SECTION. 136E.5 PENALTY FOR VIOLATION.

A person who violates a provision of this division is guilty of a serious misdemeanor.

DONALD D. AVENSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2354, Seventy-second General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved May 12, 1988

TERRY E. BRANSTAD
Governor