

House File 2152 - Introduced

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BY KOESTER, R. TAYLOR, HEATON,
MOORE, STANERSON, and
KAUFMANN

A BILL FOR

1 An Act to require radon testing and mitigation in public
2 schools.

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

1 Section 1. NEW SECTION. 280.30 Radon testing and
2 mitigation.

3 1. For purposes of this section, "*short-term test*" means
4 a test approved by the department of public health in which a
5 testing device remains in an area for not less than two days
6 and not more than ninety days to determine the amount of radon
7 in the air that is acceptable for human inhalation.

8 2. The board of directors of each public school district
9 shall establish a schedule for a short-term testing for radon
10 gas to be performed at each attendance center under its control
11 at least once by June 30, 2025, and at least once every ten
12 years thereafter, and following any new construction of an
13 attendance center or additions, renovations, or repairs to an
14 attendance center, unless otherwise provided by subsection 5.

15 3. If the results of a test at an attendance center are at
16 or above four picocuries per liter, the board of directors of
17 the public school district shall have a second short-term test
18 for radon gas and radon progeny performed at the attendance
19 center within ninety days of the first short-term test.

20 4. If the results of a second test at an attendance center
21 pursuant to subsection 3 are at or above four picocuries per
22 liter, the board of directors of the public school district
23 shall retain a person credentialed to perform radon abatement
24 measures pursuant to section 136B.1 to develop a radon
25 mitigation plan within ninety days of the second short-term
26 test. The board shall implement the radon mitigation plan
27 within one year of the second short-term test.

28 5. *a.* The board of directors of each public school district
29 shall have a short-term test for radon gas and radon progeny
30 performed every other year at any attendance center that has
31 implemented a radon mitigation plan pursuant to subsection 4 or
32 an alternative radon mitigation plan pursuant to paragraph "*b*"
33 of this subsection.

34 *b.* If the results of a biennial test at an attendance
35 center are at or above four picocuries per liter, the board of

1 directors of the public school district shall retain a person
2 credentialed to perform radon abatement measures pursuant to
3 section 136B.1 to develop an alternative radon mitigation plan
4 within ninety days of the biennial test. The board shall
5 implement the alternative radon mitigation plan within one year
6 of the biennial test.

7 c. The board of directors of each public school district
8 shall continue biennial radon testing at an attendance center
9 until the results of biennial radon testing at the attendance
10 center have been less than four picocuries per liter for four
11 consecutive years.

12 6. Radon testing pursuant to this section shall be conducted
13 by a person certified to conduct such testing pursuant to
14 section 136B.1 and shall be conducted as prescribed by the
15 department of public health. Radon mitigation plans and
16 alternative radon mitigation plans pursuant to this section
17 shall be developed and implemented as prescribed by the
18 department of public health.

19 7. The department of public health and the department of
20 education shall each adopt rules to jointly administer this
21 section.

22 Sec. 2. Section 298.3, subsection 1, Code 2014, is amended
23 by adding the following new paragraph:

24 NEW PARAGRAPH. n. Radon testing and radon mitigation
25 pursuant to section 280.30.

26 Sec. 3. STATE MANDATE FUNDING SPECIFIED. In accordance
27 with section 25B.2, subsection 3, the state cost of requiring
28 compliance with any state mandate included in this Act shall
29 be paid by a school district from state school foundation aid
30 received by the school district under section 257.16. This
31 specification of the payment of the state cost shall be deemed
32 to meet all of the state funding-related requirements of
33 section 25B.2, subsection 3, and no additional state funding
34 shall be necessary for the full implementation of this Act
35 by and enforcement of this Act against all affected school

1 districts.

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EXPLANATION

3 The inclusion of this explanation does not constitute agreement with
4 the explanation's substance by the members of the general assembly.

5 This bill requires the board of directors of each public
6 school district to have a short-term test for radon gas
7 performed at each attendance center under its control at
8 least once by June 30, 2025, and at least once every 10 years
9 thereafter, and following new construction of an attendance
10 center or additions, renovations, or repairs to an attendance
11 center. If the results of such a test are at or above four
12 picocuries per liter, the bill requires the board to have a
13 second short-term test performed at the attendance center
14 within 90 days.

15 If the results of a second test are at or above four
16 picocuries per liter, the bill requires the board of directors
17 of the public school district to retain a person credentialed
18 to perform radon abatement measures to develop a radon
19 mitigation plan within 90 days. The radon mitigation plan must
20 be implemented within one year.

21 If the results of a short-term test at an attendance center
22 at which a radon mitigation plan has been implemented are at or
23 above four picocuries per liter, the bill requires the board
24 of directors of the public school district to retain a person
25 credentialed to perform radon abatement measures to develop
26 an alternative radon mitigation plan within 90 days. The
27 alternative radon mitigation plan must be implemented within
28 one year.

29 The bill requires biennial, short-term radon testing for any
30 school site at which a radon mitigation plan or an alternative
31 radon mitigation plan has been implemented, which continues
32 until the results have been less than four picocuries per liter
33 for four consecutive years.

34 The bill defines "short-term test" as a test approved by
35 the department of public health in which a testing device

1 remains in an area for not less than two days and not more than
2 90 days to determine the amount of radon in the air that is
3 acceptable for human inhalation. Radon testing pursuant to the
4 bill must be conducted by a person certified to conduct such
5 testing and must be conducted as prescribed by the department
6 of public health. Radon mitigation plans and alternative radon
7 mitigation plans pursuant to the bill must be developed and
8 implemented as prescribed by the department of public health.

9 The bill requires the department of public health and
10 the department of education to each adopt rules to jointly
11 administer the provisions of the bill relating to radon testing
12 in schools.

13 The bill adds radon testing and radon mitigation pursuant to
14 the bill to the list of permissible uses of a physical plant
15 and equipment levy by a school district.

16 The bill may include a state mandate as defined in Code
17 section 25B.3. The bill requires that the state cost of
18 any state mandate included in the bill be paid by a school
19 district from state school foundation aid received by the
20 school district under Code section 257.16. The specification
21 is deemed to constitute state compliance with any state mandate
22 funding-related requirements of Code section 25B.2. The
23 inclusion of this specification is intended to reinstate the
24 requirement of political subdivisions to comply with any state
25 mandates included in the bill.