

**Senate File 49 - Introduced**

SENATE FILE 49

BY McCOY

**A BILL FOR**

1 An Act requiring radon testing and mitigation in schools.

2 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 and  
9 the authorities in charge of each nonpublic school shall have  
10 a short-term test for radon gas and radon progeny performed  
11 at each school site under its control at least once every two  
12 years, unless otherwise provided by subsection 5.

13 3. If the results of a test at a school site are at or above  
14 four picocuries per liter, the board of directors of the public  
15 school district or the authorities in charge of the nonpublic  
16 school shall have a second short-term test for radon gas and  
17 radon progeny performed at the school site within ninety days  
18 of the first short-term test.

19 4. If the results of a second test at a school site pursuant  
20 to subsection 3 are at or above four picocuries per liter,  
21 the board of directors of the public school district and the  
22 authorities in charge of the nonpublic school shall retain  
23 a person credentialed to perform radon abatement measures  
24 pursuant to section 136B.1 to develop a radon mitigation plan  
25 within ninety days of the second short-term test. The board  
26 of directors of the public school district and the authorities  
27 in charge of the nonpublic school shall implement the radon  
28 mitigation plan within one hundred eighty days of the second  
29 short-term test.

30 5. a. The board of directors of each public school  
31 district and the authorities in charge of each nonpublic school  
32 shall have a short-term test for radon gas and radon progeny  
33 performed each year at any school site that has implemented  
34 a radon mitigation plan pursuant to subsection 4 or an  
35 alternative radon mitigation plan pursuant to paragraph "b" of

1 this subsection.

2     *b.* If the results of an annual test at a school site are  
3 at or above four picocuries per liter, the board of directors  
4 of the public school district and the authorities in charge of  
5 each nonpublic school shall retain a person credentialed to  
6 perform radon abatement measures pursuant to section 136B.1  
7 to develop an alternative radon mitigation plan within ninety  
8 days of the annual test. The board of directors of the public  
9 school district and the authorities in charge of the nonpublic  
10 school shall implement the alternative radon mitigation plan  
11 within one hundred eighty days of the annual test.

12     *c.* The board of directors of each public school district  
13 and the authorities in charge of each nonpublic school shall  
14 continue annual radon testing at a school site until the  
15 results of annual radon testing at the school site have been  
16 less than four picocuries per liter for four consecutive years.

17     6. Radon testing pursuant to this section shall be conducted  
18 by a person certified to conduct such testing pursuant to  
19 section 136B.1 and shall be conducted as prescribed by the  
20 department of public health. Radon mitigation plans and  
21 alternative radon mitigation plans pursuant to this section  
22 shall be developed and implemented as prescribed by the  
23 department of public health.

24     7. The department of public health and the department of  
25 education shall each adopt rules pursuant to chapter 17A to  
26 jointly administer this section.

27     Sec. 2. Section 298.3, subsection 1, Code 2013, is amended  
28 by adding the following new paragraph:

29     NEW PARAGRAPH. *n.* Radon testing and radon mitigation  
30 pursuant to section 280.30.

31     Sec. 3. STATE MANDATE FUNDING SPECIFIED. In accordance  
32 with section 25B.2, subsection 3, the state cost of requiring  
33 compliance with any state mandate included in this Act shall be  
34 paid by a school district from a physical plant and equipment  
35 levy under section 298.2 or modified allowable growth under

1 section 257.31, subsection 6. This specification of the  
2 payment of the state cost shall be deemed to meet all of the  
3 state funding-related requirements of section 25B.2, subsection  
4 3, and no additional state funding shall be necessary for the  
5 full implementation of this Act by and enforcement of this Act  
6 against all affected school districts.

7

EXPLANATION

8 This bill requires the board of directors of each public  
9 school district and the authorities in charge of each nonpublic  
10 school to have a short-term test for radon gas and radon  
11 progeny performed at each school site under its control at  
12 least once every two years. If the results of such a test  
13 are at or above four picocuries per liter, the bill requires  
14 the board of directors of the public school district and the  
15 authorities in charge of the nonpublic school to have a second  
16 short-term test performed at the school site within 90 days.

17 If the results of a second test are at or above four  
18 picocuries per liter, the bill requires the board of directors  
19 of the public school district and the authorities in charge of  
20 the nonpublic school to retain a person credentialed to perform  
21 radon abatement measures to develop a radon mitigation plan  
22 within 90 days. The radon mitigation plan must be implemented  
23 within 180 days.

24 If the results of a short-term test at a school site at  
25 which a radon mitigation plan has been implemented are at or  
26 above four picocuries per liter, the bill requires the board of  
27 directors of the public school district and the authorities in  
28 charge of the nonpublic school to retain a person credentialed  
29 to perform radon abatement measures to develop an alternative  
30 radon mitigation plan within 90 days. The alternative radon  
31 mitigation plan must be implemented within 180 days.

32 The bill requires annual, instead of biennial, short-term  
33 radon testing for any school site at which a radon mitigation  
34 plan or an alternative radon mitigation plan has been  
35 implemented. Annual testing at a school site continues until

1 the results have been less than four picocuries per liter for  
2 four consecutive years.

3 The bill defines "short-term test" as a test approved by  
4 the department of public health in which a testing device  
5 remains in an area for not less than two days and not more than  
6 90 days to determine the amount of radon in the air that is  
7 acceptable for human inhalation. Radon testing pursuant to the  
8 bill must be conducted by a person certified to conduct such  
9 testing and must be conducted as prescribed by the department  
10 of public health. Radon mitigation plans and alternative radon  
11 mitigation plans pursuant to the bill must be developed and  
12 implemented as prescribed by the department of public health.

13 The bill requires the department of public health and  
14 the department of education to each adopt rules to jointly  
15 administer the bill.

16 The bill adds radon testing and radon mitigation pursuant to  
17 the bill to the list of permissible uses of a physical plant  
18 and equipment levy by a school district.

19 The bill may include a state mandate as defined in Code  
20 section 25B.3. The bill requires that the state cost of any  
21 state mandate included in the bill be paid by a school district  
22 from a physical plant and equipment levy under Code section  
23 298.2 or modified allowable growth under Code section 257.31,  
24 subsection 6. The specification is deemed to constitute state  
25 compliance with any state mandate funding-related requirements  
26 of Code section 25B.2. The inclusion of this specification is  
27 intended to reinstate the requirement of political subdivisions  
28 to comply with any state mandates included in the bill.