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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 137

Session of  
1987

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INTRODUCED BY O'PAKE, AFFLERBACH AND MUSTO, JANUARY 15, 1987

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REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, JANUARY 15, 1987

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AN ACT

1 Providing for certification of persons who perform radon testing  
2 and radon remediation; providing for the confidentiality of  
3 certain data; imposing penalties; and making an  
4 appropriation.

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7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. Short title.

10 This act shall be known and may be cited as the Radon  
11 Certification Act.

12 Section 2. Legislative findings and intent.

13 (a) Findings.--The General Assembly finds and declares as  
14 follows:

15 (1) Radon levels in public and private buildings can  
16 present a significant health risk to the occupants.

17 (2) Property owners in affected areas should have their  
18 residences and other buildings tested for radon levels.

19 (3) Property owners do contract for measures to test and  
20 to reduce levels in specific buildings.

21 (4) Private consultants and firms do perform radon  
22 testing or remedial work or radon testing and remedial work.

23 (5) There is a need to assure property owners that the  
24 consultants and firms are qualified to perform the services.

25 (b) Intent.--It is the intention of the General Assembly and  
26 the purpose of this act to protect property owners from  
27 unqualified or unscrupulous consultants and firms by requiring  
28 the Department of Environmental Resources to establish and carry  
29 out a program of certification of persons who perform radon  
30 progeny testing or carry out remedial radon measures.

1 Section 3. Definitions.

2 The following words and phrases when used in this act shall  
3 have the meanings given to them in this section unless the  
4 context clearly indicates otherwise:

5 "Department." The Department of Environmental Resources of  
6 the Commonwealth.

7 Section 4. Program for certification of persons who test for  
8 radon.

9 The department shall, within 90 days of the effective date of  
10 this act, submit proposed regulations to establish a program for  
11 the certification of persons who test for the presence of radon  
12 gas and radon progeny in buildings.

13 Section 5. Program for certification of persons who mitigate the  
14 presence of radon.

15 The department shall, within 90 days of the effective date of  
16 this act, submit proposed regulations to establish a program for  
17 the certification of persons who mitigate, and safeguard  
18 buildings from, the presence of radon gas and radon progeny.

19 Section 6. Certification required for testing and mitigation.

20 (a) General rule.--Beginning 60 days after the establishment  
21 of the interim certification program by the department under  
22 section 12, no person who is not certified under section 12, or  
23 who is not certified under section 4 or 5 after certification  
24 programs are established under these sections, shall test for,  
25 mitigate or safeguard a building from the presence of radon gas  
26 and radon progeny.

27 (b) Exception.--Subsection (a) shall not apply to a person  
28 performing testing or mitigation on a building which he owns, or  
29 to a person performing testing or mitigation without  
30 remuneration.

1 Section 7. Right of confidentiality.

2 (a) General rule.--No person shall disclose to any person,  
3 except to the department, the address or owner of a nonpublic  
4 building that the person tested or treated for the presence of  
5 radon gas and radon progeny, unless the owner of the building  
6 waives, in writing, the right to have the information remain  
7 confidential.

8 (b) Exception.--Subsection (a) shall not apply to a person  
9 performing testing or treatment on a building which he owns.

10 Section 8. Disclosure of information to the department.

11 A person certified under sections 4, 5 and 12 to provide  
12 testing or mitigation services shall, within 45 days of the date  
13 the services are provided, disclose to the department the  
14 address or location of the building, the name of the owner of  
15 the building where the services were provided, and the results  
16 of any tests performed.

17 Section 9. Fees.

18 The department shall, by regulation, establish a fee schedule  
19 to cover the costs of the certification programs established  
20 under sections 4, 5 and 12. The fees collected shall be placed  
21 in the Radiation Protection Fund established under section 403  
22 of the act of July 10, 1984 (P.L.688, No.147), known as the  
23 Radiation Protection Act.

24 Section 10. Confidentiality of data.

25 Except for use in conducting legitimate scientific studies,  
26 as determined by the department, data relating to individuals  
27 and data relating to radon gas and radon progeny contamination  
28 at nonpublic properties, including residential dwellings,  
29 gathered under this act shall be considered confidential by the  
30 department. The department shall not release the data in its

1 possession to anyone other than the owner of the property.

2 Section 11. Employment of trained persons.

3 The department is authorized to employ persons with training  
4 necessary to implement the provisions of this act.

5 Section 12. Interim certification.

6 The department shall, at the time of submission of proposed  
7 regulations, establish an interim certification program based  
8 upon the proposed regulations. All persons subject to the  
9 proposed regulations shall apply to the department for interim  
10 certification until the permanent program is implemented. The  
11 department shall use the proposed regulations as guidance for  
12 interim certification.

13 Section 13. Additional powers of the department.

14 In addition to the powers and duties provided for in this  
15 act, the department shall have the powers conferred and duties  
16 imposed under applicable provisions of the act of July 10, 1984  
17 (P.L.688, No.147), known as the Radiation Protection Act and  
18 regulations promulgated under that act.

19 Section 14. Rules and regulations.

20 The department shall adopt rules and regulations to  
21 administer and enforce this act. The rules and regulations shall  
22 include, but not be limited to, provisions relating to the  
23 following subjects:

24 (1) Qualifications and minimum experience requirements.

25 (2) Proficiency testing.

26 (3) Periodic recertification.

27 (4) Measures for decertification.

28 (5) Truth in advertising requirements.

29 Section 15. Penalties.

30 A person who violates section 6 of this act, or any rule or

1 regulation adopted under section 6, commits a misdemeanor of the  
2 third degree. A person who violates section 7 of this act, or  
3 any rule or regulation adopted under section 7, commits a  
4 summary offense. Any person who fails to disclose the  
5 information required under section 8 commits a summary offense.

6 Section 16. Appropriation.

7 The sum of \$100,000, or as much thereof as may be necessary,  
8 is hereby appropriated to the Department of Environmental  
9 Resources to implement this act.

10 Section 17. Effective date.

11 This act shall take effect immediately.