
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 137

Session of
1987

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

SENATOR TILGHMAN, APPROPRIATIONS, RE-REPORTED AS AMENDED,
MAY 4, 1987

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

8 Section 1. Short title.

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

11 Section 2. Legislative findings and intent.

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

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

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

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

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

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

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

30 Section 3. Definitions.

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

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

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

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

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

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

18 Section 6. Certification required for testing and mitigation.

19 (a) General rule.--Beginning 60 days after the establishment
20 of the interim certification program by the department under
21 section 11, no person who is not certified under section 11, or
22 who is not certified under section 4 or 5 after certification
23 programs are established under these sections, shall test for,
24 mitigate or safeguard a building from the presence of radon gas
25 and radon progeny.

26 (b) Exception.--Subsection (a) shall not apply to ~~a person~~ <—
27 ~~performing testing or mitigation on a building which he owns.~~

28 EITHER OF THE FOLLOWING: <—

29 (1) A PERSON PERFORMING TESTING OR MITIGATION ON A
30 BUILDING WHICH THE PERSON OWNS.

(2) A BUILDER UTILIZING PREVENTATIVE OR SAFEGUARDING
MEASURES IN NEW CONSTRUCTION.

Section 7. Disclosure of information to the department.

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

Section 8. Fees.

The department shall, by regulation, establish a fee schedule to cover the costs of the certification programs established under sections 4, 5 and 11. The fees collected shall be placed in the Radiation Protection Fund established under section 403 of the act of July 10, 1984 (P.L.688, No.147), known as the Radiation Protection Act.

Section 9. Confidentiality of data.

Except for use in conducting legitimate scientific studies, as determined by the department, data relating to individuals and data relating to radon gas and radon progeny contamination at nonpublic properties, including residential dwellings, gathered under this act shall be considered confidential by the department. The department shall not release the data in its possession to anyone other than the owner of the property.

Section 10. Employment of trained persons.

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

Section 11. Interim certification.

The department shall, at the time of submission of proposed regulations, establish an interim certification program based

1 upon the proposed regulations. All persons subject to the
2 proposed regulations shall apply to the department for interim
3 certification until the permanent program is implemented. The
4 department shall use the proposed regulations as guidance for
5 interim certification.

6 Section 12. Additional powers of the department.

7 (A) RADIATION PROTECTION.--In addition to the powers and <—
8 duties provided for in this act, the department shall have the
9 powers conferred and duties imposed under applicable provisions
10 of the act of July 10, 1984 (P.L.688, No.147), known as the
11 Radiation Protection Act and regulations promulgated under that
12 act.

13 (B) CERTIFICATION EXEMPTION.--THE DEPARTMENT SHALL BE EXEMPT <—
14 FROM THE REQUIREMENTS FOR CERTIFICATION AS PROVIDED UNDER
15 SECTIONS 4, 5 AND 6.

16 Section 13. Rules and regulations.

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

- 21 (1) Qualifications and minimum experience requirements.
- 22 (2) Proficiency testing.
- 23 (3) Periodic recertification.
- 24 (4) Measures for decertification.
- 25 (5) Truth in advertising requirements.

26 Section 14. Penalties.

27 A person who violates section 6 of this act, or any rule or
28 regulation adopted under section 6, commits a misdemeanor of the
29 third degree. Any person who fails to disclose the information
30 required under section 7 commits a summary offense.

1 Section 15. Appropriation.

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

5 Section 16. Effective date.

6 This act shall take effect immediately.