
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1090 Session of
2020

INTRODUCED BY TARTAGLIONE, HUGHES, FONTANA, SCHWANK, BREWSTER,
COSTA, MUTH AND YUDICHAK, MARCH 25, 2020

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, MARCH 25, 2020

AN ACT

1 Providing for testing for dangerous levels of radon and
2 remediation measures in school buildings, residential
3 buildings, residential homes and commercial buildings; and
4 imposing penalties.

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

7 Section 1. Short title.

8 This act shall be known and may be cited as the Radon
9 Remediation Act.

10 Section 2. Definitions.

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

14 "Commercial building." A building constructed for the
15 purpose of commercial activity that is available to the general
16 public.

17 "Dangerous level of radon." A level of radon above four
18 picocuries per liter.

19 "Department." The Department of Environmental Protection of

1 the Commonwealth.

2 "Prospective buyer." An individual seeking to buy any estate
3 or interest in a residential home for the purpose of occupying
4 the residential home for residential purposes.

5 "Prospective tenant." An individual seeking to lease a
6 dwelling unit contained in a residential building for the
7 purpose of occupying the dwelling unit for residential purposes.

8 "Radon test." A test that determines if a dangerous level of
9 radon is present.

10 "Remediation measure." A measure taken to remediate a
11 dangerous level of radon in accordance with guidelines
12 established by the United States Environmental Protection
13 Agency.

14 "Residential building." A building containing one or more
15 dwelling units occupied by one or more tenants for residential
16 purposes. The term does not include nursing homes, hotels and
17 motels or any dwelling of which the landlord ratepayer is the
18 only resident.

19 "Residential home." A purchased or mortgaged property that
20 is used for residential purposes.

21 "School building." A building owned by or under the control
22 of a school entity where classes are taught or extracurricular
23 activities are conducted on a regular basis.

24 "School entity." Any of the following:

25 (1) A public school, including an area vocational-
26 technical school, a charter school, a cyber charter school,
27 an intermediate unit or a school district.

28 (2) A nonpublic school.

29 Section 3. Duties of school directors.

30 (a) Initial testing.--

1 (1) The board of school directors of each school
2 district shall ensure that a radon test is conducted in each
3 school building.

4 (2) Radon tests in each school building shall be
5 completed as follows:

6 (i) Except as provided under subparagraph (iii), for
7 a school building in existence on the effective date of
8 this section, by June 30, 2021.

9 (ii) For a school building constructed after the
10 effective date of this section, within 19 months of the
11 date of occupancy.

12 (iii) For a school building in existence on the
13 effective date of this section, but remodeled after the
14 effective date of this section, within 19 months of the
15 date of completion of the remodeling.

16 (b) Remediation measures.--The board of school directors, in
17 accordance with section 701 of the act of March 10, 1949
18 (P.L.30, No.14), known as the Public School Code of 1949, shall
19 take all of the following actions:

20 (1) No later than 10 business days before the start of
21 the school year, provide notice to the parents' or guardians'
22 of students of all of the following:

23 (i) The date the radon tests were conducted in each
24 school building of the school district.

25 (ii) The highest radon level recorded in each school
26 building.

27 (iii) A statement, if applicable, that no radon
28 tests were conducted in a particular school building.

29 (iv) A statement that the United States
30 Environmental Protection Agency considers radon levels

1 above four picocuries per liter to be potentially
2 dangerous.

3 (2) If a school building contains a dangerous level of
4 radon, prohibit students from entering the school building
5 until remediation measures are implemented and a subsequent
6 radon test is conducted in the school building which does not
7 detect a dangerous level of radon.

8 (3) If a school building contains a dangerous level of
9 radon, ensure that remediation measures are implemented and a
10 subsequent radon test is conducted in the school building
11 which does not detect a dangerous level of radon.

12 (c) Subsequent radon tests.--The board of school directors
13 shall continue to conduct radon tests in each school building of
14 the school district every five years after the initial radon
15 tests under subsection (a) are conducted.

16 (d) Test results.--The results of radon tests in each school
17 building shall be on file and available for review at each
18 school entity.

19 (e) Certification.--In accordance with the rules and
20 regulations adopted by the department under section 7, each
21 board of school directors shall certify to the department that
22 the board of school directors is in compliance with the
23 provisions of this section.

24 Section 4. Duties of landlords.

25 (a) Testing.--

26 (1) Before permitting a prospective tenant to occupy or
27 lease a dwelling unit in a residential building, each
28 landlord shall ensure that a radon test is conducted in the
29 dwelling unit.

30 (2) Radon tests in a dwelling unit in a residential

1 building shall be completed as follows:

2 (i) Except as provided under subparagraph (iii), for
3 a residential building in existence on the effective date
4 of this section, by June 30, 2021.

5 (ii) For a residential building constructed after
6 the effective date of this section, within 19 months of
7 the date of occupancy.

8 (iii) For a residential building in existence on the
9 effective date of this section, but remodeled after the
10 effective date of this section, within 19 months of the
11 date of completion of the remodeling.

12 (b) Remediation measures.--Landlords shall take all of the
13 following actions:

14 (1) No later than 10 business days before a prospective
15 tenant occupies a dwelling unit in a residential building,
16 provide notice to the prospective tenant of all of the
17 following:

18 (i) The date the radon test was conducted in the
19 prospective dwelling unit.

20 (ii) The highest radon level recorded in the
21 prospective dwelling unit.

22 (iii) A statement, if applicable, that no radon test
23 was conducted in the prospective dwelling unit.

24 (iv) A statement that the United States
25 Environmental Protection Agency considers radon levels
26 above four picocuries per liter to be potentially
27 dangerous.

28 (2) If the dwelling unit contains a dangerous level of
29 radon, prohibit the prospective tenant from entering or
30 leasing the dwelling unit until remediation measures are

1 implemented and a subsequent radon test is conducted in the
2 dwelling unit which does not detect a dangerous level of
3 radon.

4 (3) If the dwelling unit contains a dangerous level of
5 radon, ensure that remediation measures are implemented and a
6 subsequent radon test is conducted in the dwelling unit which
7 does not detect a dangerous level of radon.

8 (c) Subsequent radon tests.--Landlords shall continue to
9 conduct radon tests in each dwelling unit of a residential
10 building every five years after the initial tests under
11 subsection (a) are conducted.

12 (d) Test results.--The results of radon tests in each
13 dwelling unit of a residential building shall be on file and
14 available for review at the residential building.

15 (e) Certification.--In accordance with the rules and
16 regulations adopted by the department under section 7, each
17 landlord shall certify to the department that the landlord is in
18 compliance with the provisions of this section.

19 Section 5. Duties of residential home sellers.

20 (a) Testing.--

21 (1) Before selling a residential home to a prospective
22 buyer, the seller of the residential home shall ensure that a
23 radon test is conducted in the residential home.

24 (2) Radon tests in a residential home shall be completed
25 as follows:

26 (i) Except as provided under subparagraph (iii), for
27 a residential home in existence on the effective date of
28 this section, by June 30, 2021.

29 (ii) For a residential home constructed after the
30 effective date of this section, within 19 months of the

1 date of occupancy.

2 (iii) For a residential home in existence on the
3 effective date of this section but remodeled after the
4 effective date of this section, within 19 months of the
5 date of completion of the remodeling.

6 (b) Remediation measures.--Sellers of a residential home
7 shall take all of the following actions:

8 (1) No later than 10 days before the prospective buyer
9 occupies the residential home, provide notice to the
10 prospective buyer of all of the following:

11 (i) The date the radon test was conducted in the
12 residential home.

13 (ii) The highest radon level recorded in the
14 residential home.

15 (iii) A statement, if applicable, that no radon test
16 was conducted in the residential home.

17 (iv) A statement that the United States
18 Environmental Protection Agency considers radon levels
19 above four picocuries per liter to be potentially
20 dangerous.

21 (2) If the residential home contains a dangerous level
22 of radon, prohibit the prospective buyer from entering or
23 purchasing the residential home until remediation measures
24 are implemented and a subsequent radon test is conducted in
25 the residential home which does not detect a dangerous level
26 of radon.

27 (3) If the residential home contains a dangerous level
28 of radon, ensure that remediation measures are implemented
29 and a subsequent radon test is conducted in the residential
30 home which does not detect a dangerous level of radon.

1 (c) Test results.--The results of the radon tests in the
2 residential home shall be available to the prospective buyer for
3 review.

4 (d) Certification.--In accordance with the rules and
5 regulations adopted by the department under section 7, each
6 seller of the residential home shall certify to the department
7 that the seller is in compliance with the provisions of this
8 section.

9 Section 6. Duties of commercial building owners.

10 (a) Testing.--

11 (1) Before permitting the general public from entering a
12 commercial building, the owner of the commercial building
13 shall ensure that a radon test is conducted in the commercial
14 building.

15 (2) Radon tests in a commercial building shall be
16 completed as follows:

17 (i) Except as provided under subparagraph (iii), for
18 a commercial building in existence on the effective date
19 of this section, by June 30, 2021.

20 (ii) For a commercial building constructed after the
21 effective date of this section, within 19 months of the
22 date of occupancy.

23 (iii) For a commercial building in existence on the
24 effective date of this section but remodeled after the
25 effective date of this section, within 19 months of the
26 date of completion of the remodeling.

27 (b) Remediation measures.--Owners of commercial buildings
28 shall take all of the following actions:

29 (1) Provide notice to the general public in a local
30 online publication of all of the following:

1 (i) The date the radon test was conducted in the
2 commercial building.

3 (ii) The highest radon level recorded in the
4 commercial building.

5 (iii) A statement, if applicable, that no radon test
6 was conducted in the commercial building.

7 (iv) A statement that the United States
8 Environmental Protection Agency considers radon levels
9 above four picocuries per liter to be potentially
10 dangerous.

11 (2) If the commercial building contains a dangerous
12 level of radiation, prohibit the general public from entering
13 the commercial building until remediation measures are
14 implemented and a subsequent radon test is conducted in the
15 commercial building which does not detect a dangerous level
16 of radon.

17 (3) If the commercial building contains a dangerous
18 level of radiation, ensure that remediation measures are
19 implemented and a subsequent radon test is conducted in the
20 commercial building which does not detect a dangerous level
21 of radon.

22 (c) Subsequent tests.--The owner of a commercial building
23 shall continue to conduct radon tests in the commercial building
24 every five years after the initial test under subsection (a) is
25 conducted.

26 (d) Test results.--The results of the radon tests shall be
27 on file and available for review at the commercial building.

28 (e) Certification.--In accordance with rules and regulations
29 adopted by the department under section 7, each owner of a
30 commercial building shall certify to the department that the

1 owner is in compliance with the provisions of this section.

2 Section 7. Rules and regulations.

3 The department shall adopt rules and regulations to
4 administer and enforce this act.

5 Section 8. Penalties.

6 An individual who violates any provision of this act or the
7 rules and regulations adopted under section 7 may be subject to
8 the Occupational Safety and Health Act of 1970 (Public Law 91-
9 596, 29 U.S.C. § 651 et seq.).

10 Section 9. Effective date.

11 This act shall take effect in 60 days.