

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 339 Session of
2023

INTRODUCED BY TARTAGLIONE, COLLETT, HAYWOOD, HUGHES, FONTANA,
BREWSTER, SCHWANK, COMMITTA AND COSTA, FEBRUARY 10, 2023

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY,
FEBRUARY 10, 2023

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.

1 "Department." The Department of Environmental Protection of
2 the Commonwealth.

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

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

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

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

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

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

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

25 "School entity." Any of the following:

26 (1) A public school, including an area career and
27 technical school, a charter school, a cyber charter school,
28 an intermediate unit or a school district.

29 (2) A nonpublic school.

30 Section 3. Duties of school directors.

1 (a) Initial testing.--

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

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

7 (i) Except as provided under subparagraph (iii), for
8 a school building in existence on the effective date of
9 this section, by June 30, 2025.

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

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

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

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

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

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

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

30 (iv) A statement that the United States

Environmental Protection Agency considers radon levels above four picocuries per liter to be potentially dangerous.

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

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

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

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

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

Section 4. Duties of landlords.

(a) Testing.--

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

1 (2) Radon tests in a dwelling unit in a residential
2 building shall be completed as follows:

3 (i) Except as provided under subparagraph (iii), for
4 a residential building in existence on the effective date
5 of this section, by June 30, 2025.

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

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

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

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

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

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

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

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

29 (2) If the dwelling unit contains a dangerous level of
30 radon, prohibit the prospective tenant from entering or

1 leasing the dwelling unit until remediation measures are
2 implemented and a subsequent radon test is conducted in the
3 dwelling unit which does not detect a dangerous level of
4 radon.

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

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

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

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

20 Section 5. Duties of residential home sellers.

21 (a) Testing.--

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

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

27 (i) Except as provided under subparagraph (iii), for
28 a residential home in existence on the effective date of
29 this section, by June 30, 2025.

30 (ii) For a residential home constructed after the

effective date of this section, within 19 months of the date of occupancy.

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

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

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

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

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

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

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

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

(3) If the residential home contains a dangerous level of radon, ensure that remediation measures are implemented and a subsequent radon test is conducted in the residential

home which does not detect a dangerous level of radon.

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

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

Section 6. Duties of commercial building owners.

(a) Testing.--

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

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

(i) Except as provided under subparagraph (iii), for a commercial building in existence on the effective date of this section, by June 30, 2025.

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

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

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

(1) Provide notice to the general public in a local

1 online publication of all of the following:

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

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

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

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

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

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

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

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

29 (e) Certification.--In accordance with rules and regulations
30 adopted by the department under section 7, each owner of a

1 commercial building shall certify to the department that the
2 owner is in compliance with the provisions of this section.

3 Section 7. Rules and regulations.

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

6 Section 8. Penalties.

7 An individual who violates any provision of this act or the
8 rules and regulations adopted under section 7 may be subject to
9 29 U.S.C. § 651 et seq. (Occupational Safety and Health Act of
10 1970).

11 Section 9. Effective date.

12 This act shall take effect in 60 days.