

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 137

Session of
1987

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

SENATOR FISHER, ENVIRONMENTAL RESOURCES AND ENERGY, AS AMENDED,
MARCH 16, 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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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 AND ON BUILDING LOTS. <—

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~~ 11, no person who is not certified under section ~~12~~ <—
23 11, or who is not certified under section 4 or 5 after
24 certification programs are established under these sections,
25 shall test for, mitigate or safeguard a building from the
26 presence of radon gas 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. <—
29 ~~or 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 7. Disclosure of information to the department. <—

11 A person certified under sections 4, 5 and 12 11 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 8. 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 11. The fees collected shall be <—
21 placed in the Radiation Protection Fund established under
22 section 403 of the act of July 10, 1984 (P.L.688, No.147), known
23 as the Radiation Protection Act.

24 Section 10 9. 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~~ 10. 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~~ 11. 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~~ 12. 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~~ 13. 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~~ 14. 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 7 commits a summary <—
6 offense.
7 Section ~~16~~ 15. Appropriation. <—
8 The sum of \$100,000, or as much thereof as may be necessary,
9 is hereby appropriated to the Department of Environmental
10 Resources to implement this act.
11 Section ~~17~~ 16. Effective date. <—
12 This act shall take effect immediately.