

Senate Bill 1511

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Environment and Natural Resources)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits engaging in business of radon level testing or radon mitigation work without Department of Consumer and Business Services certification. Requires department to adopt rules establishing qualifications for certification. Allows department to accept national association certificate as proof of qualifications.

Requires that application for child care facility certification or registration include documentation of radon level testing.

Requires school district board to provide State Board of Education with documentation of radon level testing for district schools offering prekindergarten to grade 12 education.

Makes design and construction standards for radon mitigation applicable to certain residential buildings and certain public buildings that undergo basement remodeling or construction of additions.

A BILL FOR AN ACT

1
2 Relating to radon; creating new provisions; and amending ORS 455.365.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Section 2 of this 2014 Act is added to and made a part of ORS chapter 455.**

5 **SECTION 2. (1) A person may not engage in the business of performing radon level**
6 **testing or performing radon mitigation work in this state unless the person possesses an**
7 **appropriate certificate issued by the Department of Consumer and Business Services.**

8 **(2) The department, in consultation with the Building Codes Structures Board and the**
9 **Residential and Manufactured Structures Board, shall adopt rules establishing qualifications**
10 **for the certification of persons engaging in the business of performing radon level testing**
11 **or radon mitigation work. In adopting qualifications for certification under this section, the**
12 **department shall give consideration to any qualifications required by national associations**
13 **that certify persons in radon level testing or radon mitigation work.**

14 **(3) If the department determines that the qualifications required by a national associ-**
15 **ation that certifies persons in radon level testing or radon mitigation work meet or exceed**
16 **the qualifications required for certification by the department, the department may accept**
17 **a national association certificate as proof that an applicant meets the qualifications for cer-**
18 **tification by the department.**

19 **(4) The department shall adopt rules establishing procedures for the issuance or renewal**
20 **of a certificate to perform radon level testing or perform radon mitigation work. The de-**
21 **partment may charge an applicant for certification a fee in an amount reasonably calculated**
22 **to cover the cost to the department of administering and enforcing the certificate require-**
23 **ment.**

24 **(5) The department is the enforcing agency of the certification program for purposes of**
25 **ORS 455.127 and 455.129.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **SECTION 3.** Section 4 of this 2014 Act is added to and made a part of ORS 329A.250 to
2 329A.450.

3 **SECTION 4.** (1) In addition to any other qualifications or requirements, an applicant for
4 the issuance or renewal of a child care facility certification or registration must provide the
5 Office of Child Care with documentation that all ground-contact rooms of the facility that
6 may be occupied by children have been tested to determine radon levels. Except as provided
7 in this subsection, radon level tests for a child care facility must be performed using methods
8 recommended by the United States Environmental Protection Agency. The Building Codes
9 Structures Board and the Residential and Manufactured Structures Board may adopt rules
10 recognizing and requiring compliance with any amended or replacement federally recognized
11 radon level testing methods.

12 (2) Except as provided in this subsection, an applicant that has previously provided radon
13 level test results to the office is not required to resubmit documentation or retest. If a child
14 care facility undergoes new construction, basement remodeling or an addition, the ground-
15 contact rooms of the facility that may be occupied by children must be retested for radon.
16 An applicant for the renewal of a child care facility certification or registration must provide
17 the office with documentation of the required retesting.

18 (3) This section does not authorize the office to deny, revoke or suspend an application
19 for the issuance or renewal of a child care facility certification or registration based upon
20 radon level test results.

21 **SECTION 5.** (1) Every school district that receives moneys from the State School Fund
22 must provide the State Board of Education with documentation showing that all schools in
23 the district offering education programs at any prekindergarten to grade 12 level have tested
24 all ground-contact rooms that may be occupied by children to determine radon levels. Except
25 as provided in this subsection, radon level testing of a school must be performed using
26 methods recommended by the United States Environmental Protection Agency. The Building
27 Codes Structures Board and Residential and Manufactured Structures Board may adopt rules
28 recognizing and requiring compliance with any amended or replacement federally recognized
29 radon level testing methods.

30 (2) Except as provided in this subsection, a school district board that has previously
31 provided radon level test results to the State Board of Education is not required to resubmit
32 documentation or retest. If a school undergoes new construction, basement remodeling or
33 an addition, the ground-contact rooms of the school that may be occupied by children must
34 be retested for radon. A school district board shall provide the State Board of Education with
35 documentation of the required retesting within a time period established by rule of the State
36 Board of Education.

37 (3) This section does not authorize the State Board of Education to withhold State School
38 Fund moneys from a school district based upon radon level test results.

39 **SECTION 6.** ORS 455.365 is amended to read:

40 455.365. (1) The Building Codes Structures Board and the Residential and Manufactured Struc-
41 tures Board shall adopt design and construction standards for mitigating radon levels in [*new*] resi-
42 dential buildings [*that are*] identified under the structural specialty code as Group R-2 or R-3
43 buildings and in [*new*] public buildings. **The boards shall adopt residential and public building**
44 **design and construction standards under this subsection for new construction, for basements**
45 **that are remodeled and for new additions.** In adopting the standards, the boards shall give con-

1 sideration to any standards recommended by the United States Environmental Protection Agency for
2 radon mitigation systems in buildings.

3 (2) The boards shall make the design and construction standards for mitigating radon levels
4 applicable in:

5 (a) Baker, Clackamas, Hood River, Multnomah, Polk, Washington and Yamhill Counties; and

6 (b) Any county for which the boards, after consultation with the Oregon Health Authority,
7 consider the standards appropriate due to local radon levels.

8 **(3) A new building that is subject to design and construction standards under this section**
9 **may not be approved for occupancy unless the building has been tested to determine radon**
10 **levels. A remodeled basement or building addition that is subject to design and construction**
11 **standards under this section may not be approved for occupancy unless the basement or**
12 **addition has been tested to determine radon levels. Except as provided in this subsection, the**
13 **radon level test must be performed using methods recommended by the United States Envi-**
14 **ronmental Protection Agency. The boards may adopt rules recognizing and requiring com-**
15 **pliance with any amended or replacement federally recognized radon level test methods.**

16 [(3)] (4) The Director of the Department of Consumer and Business Services may authorize a
17 municipality that administers and enforces one or more building inspection programs under ORS
18 455.148 or 455.150 to also administer and enforce any applicable standards for **testing or** mitigating
19 **radon levels** that are adopted by the boards.

20 [(4)] (5) The director, in consultation with the boards, may adopt rules for the implementation,
21 administration and enforcement of this section.

22 **SECTION 7. (1) The Department of Consumer and Business Services shall establish cer-**
23 **tification qualifications under section 2 of this 2014 Act in time to make certificates available**
24 **for issuance under section 2 of this 2014 Act no later than 60 days after the effective date**
25 **of this 2014 Act.**

26 (2) The prohibition contained in section 2 (1) of this 2014 Act applies to the performance
27 of radon level testing and radon mitigation work performed 180 or more days after the ef-
28 fective date of this 2014 Act.

29 **SECTION 8. Section 4 of this 2014 Act applies to applications for the issuance or renewal**
30 **of child care facility certification or registration that the Office of Child Care receives 180**
31 **or more days after the effective date of this 2014 Act.**

32 **SECTION 9. (1) A school district board shall submit documentation of radon level testing**
33 **required under section 5 of this 2014 Act for schools in the district to the State Board of**
34 **Education no later than one year after the effective date of this 2014 Act.**

35 (2) The State Board of Education shall adopt initial rules regarding school district board
36 provision of radon level required retesting documentation under section 5 (2) of this 2014 Act
37 no later than 90 days after the effective date of this 2014 Act.

38 **SECTION 10. (1) The Building Codes Structures Board and the Residential and Manufac-**
39 **tured Structures Board shall adopt design and construction standards under ORS 455.365 for**
40 **basements that are remodeled and for new additions to buildings to take effect no later than**
41 **180 days after the effective date of this 2014 Act.**

42 (2) The prohibition contained in ORS 455.365 (3) applies to basement remodels and build-
43 ing additions for which a building permit is issued 180 or more days after the effective date
44 of this 2014 Act.