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# MEMORANDUM

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**To:** Capital Construction Subcommittee of the Joint Committee on Ways and Means

**From:** Kim To, Legislative Fiscal Office, 503-986-1830

**Date:** Friday, June 26, 2015

**Subject:** HB 2931 Relating to testing radon levels  
Work Session Recommendation

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House Bill 2931 requires the Oregon Health Authority (OHA) to disseminate information related to elevated levels of radon to each school district in Oregon. The bill specifies what type of information must be disseminated. If requested by OHA, the State Board of Education must assist OHA in disseminating the information. The bill requires each school district to develop a plan for testing schools for elevated levels of radon. OHA must develop a model plan for school districts to follow. OHA must seek input of the Oregon School Boards Association in developing this model plan. The bill specifies minimum standards for this plan, including providing for testing of radon in schools at least once every 10 years. Results of these tests must be made available to district school boards, OHA, and the school community. School districts must submit their plan to OHA by September 1, 2016. These plans must require initial testing of schools for elevated levels of radon by January 1, 2021; this requirement does not apply to schools that have been tested for elevated levels of radon on or after January 1, 2006.

The measure previously had hearings in the House Committee on Health Care on 3/6/2015, and 3/16/2015.

The – A2 amendment, the original staff measure summary, and the fiscal impact statements are attached to this memo, and available on the Oregon Legislative Information System (OLIS).

## **The –A2 amendment**

The –A2 amendment

- Removes appropriation language.

## **Fiscal Impact**

Although the fiscal impact of this bill is anticipated to be minimal to OHA and ODE, this is because the bill only directs OHA, ODE, and school districts to develop a plan for radon testing. The school districts have 6 years to conduct the first test (the bill specifies that initial testing must be carried out by January 1, 2021). Therefore this fiscal impact analysis does not include the full cost of actually conducting radon testing for every district, only the cost of the development of the plan.

In addition, this fiscal analysis does not include mitigation costs if radon is found. LFO assumes that the plan to be developed by OHA, the Department of Education, and school districts will address implementation issues such as:

- Whether the testing will be done in-house by existing staff in each school, or if the testing will be contracted to certified radon testers;
- The number and types of rooms that will be tested in each school;
- The timeline for testing;
- Data collection, interpreting results, quality control, data reporting, and follow-up requirements – including procedures for mitigation if radon gas is found;
- The cost of conducting radon testing and making the result available to the school community; and
- How these expenses will be funded.

**Recommendation**

LFO recommends moving the – A2 amendment into the bill.

**Motion**

Motion: Senator/Representative \_\_\_\_\_:

**I move the dash A2 amendment into HB 2931.**

**Motion**

Motion: Senator/Representative \_\_\_\_\_:

**I move HB 2931 to the Full Committee with a “do pass” recommendation as amended.**

**Assignment of Carriers**

Full: \_\_\_\_\_

Senate: \_\_\_\_\_

House: \_\_\_\_\_

HB 2931-A2  
(LC 2250)  
6/24/15 (MBM/ps)

**PROPOSED AMENDMENTS TO  
A-ENGROSSED HOUSE BILL 2931**

1 On page 2 of the printed A-engrossed bill, delete lines 18 through 25.

2 In line 26, delete "6" and insert "4".

3 \_\_\_\_\_

**FISCAL IMPACT OF PROPOSED LEGISLATION****Measure: HB 2931 - A2**Seventy-Eighth Oregon Legislative Assembly – 2015 Regular Session  
Legislative Fiscal Office***Only Impacts on Original or Engrossed  
Versions are Considered Official***

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Prepared by: Kim To  
Reviewed by: Linda Ames, Doug Wilson  
Date: 6/24/2015

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**Measure Description:**

Directs Oregon Health Authority to disseminate to school districts information related to elevated levels of radon.

**Government Unit(s) Affected:**

Department of Education, Oregon Health Authority (OHA), School Districts

**Local Government Mandate:**

This does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

**Analysis:**

House Bill 2931 requires the Oregon Health Authority (OHA) to disseminate information related to elevated levels of radon to each school district in Oregon. The bill specifies what type of information must be disseminated. If requested by OHA, the State Board of Education must assist OHA in disseminating the information. The bill requires each school district to develop a plan for testing schools for elevated levels of radon. OHA must develop a model plan for school districts to follow. OHA must seek input of the Oregon School Boards Association in developing this model plan. The bill specifies minimum standards for this plan, including providing for testing of radon in schools at least once every 10 years. Results of these tests must be made available to district school boards, OHA, and the school community. School districts must submit their plan to OHA by September 1, 2016. These plans must require initial testing of schools for elevated levels of radon by January 1, 2021; this requirement does not apply to schools that have been tested for elevated levels of radon on or after January 1, 2006. The bill contains an emergency clause, and is effective on passage.

**Oregon Health Authority (OHA)**

OHA estimates the fiscal impact of disseminating information and working with the Oregon Department of Education, and the Oregon School Boards Association to develop a model radon testing plan for school districts to be \$55,946 General Fund. Currently the Health Homes and Schools Program in the Oregon Public Health Division Office of Environmental Public Health receives a small amount of money from federal grants to employ one half-time Radon Program Coordinator. OHA anticipates using this position to carry out the work required by this bill.

**Oregon Department of Education (ODE) and School Districts**

ODE estimates the cost of working with OHA to disseminate information about radon to school districts to be \$27,462 General Fund. The bill requires ODE to assist OHA and to make payments to school districts for the development of a radon testing plan. The Oregon Department of Education assumes that OHA will assist ODE in developing the distribution formula.

If this bill passes, school districts will need to develop a plan for testing schools for elevated levels of radon using the model plan developed by OHA, and submit this plan to the OHA by September 1, 2016.

The Legislative Fiscal Office notes that although the fiscal impact of this bill is anticipated to be minimal to OHA and ODE, this is because the bill only directs OHA, ODE, and school districts to develop a plan for radon testing. The school districts have six years to conduct the first test (the bill specifies that initial testing must be carried out by January 1, 2021). Therefore this fiscal impact analysis does not include the full cost of actually conducting radon testing for every district, only the cost of the development of the plan.

In addition, this fiscal analysis does not include mitigation costs if radon is found. This fiscal assumes that the plan to be developed by OHA, the Department of Education, and school districts will address implementation issues such as:

- Whether the testing will be done in-house by existing staff in each school, or if the testing will be contracted to certified radon testers;
- The number and types of rooms that will be tested in each school;
- The timeline for testing;
- Data collection, interpreting results, quality control, data reporting, and follow-up requirements – including procedures for mitigation if radon gas is found;
- The cost of conducting radon testing and making the result available to the school community; and
- How these expenses will be funded.

As a point of reference for the cost of actually conducting radon tests and installing mitigation systems, the following are rough estimates from risk/facilities managers from a sample of school districts currently carrying out radon testing:.

- Tigard Tualatin = \$25,000-27,000;
- Portland Public Schools = \$100,000 to conduct testing in 3,200 spaces at 101 campuses;
- Beaverton = \$150,000 to conduct testing in 2,900 spaces at 51 schools.
- Salem Keizer = \$100,000 to conduct testing in 65 schools;

In addition, Salem Keizer reports that the district had been testing for radon according to EPA guidelines every 10 years. In 2010, the district spent \$65,033 for mitigation systems that needed to be installed in 5 of the 65 schools. The districts estimate an annual cost ranging from \$4,000 to \$10,000 to maintain these mitigation systems.

**Seventy-Eighth Oregon Legislative Assembly - 2015 Regular Session**  
**STAFF MEASURE SUMMARY**  
**House Committee On Health Care**

**MEASURE: HB 2931 A**

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**Fiscal:** Fiscal impact issued  
**Revenue:** Revenue impact issued

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**Action Date:** 03/16/15  
**Action:** Do Pass As Amended, Be Printed Engrossed, And Bill Be Referred To Ways  
And Means.  
**Meeting Dates:** 03/06, 03/16  
**Vote:**  
Yeas: 9 - Buehler, Clem, Greenlick, Hayden, Kennemer, Keny-Guyer, Lively, Nosse, Weidner  
**Prepared By:** Sandy Thiele-Cirka, Committee Administrator

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**WHAT THE MEASURE DOES:**

Requires Oregon Health Authority (OHA) to disseminate to each school district information relating to elevated radon levels. Specifies types of information to be included. Directs each school district to develop a plan for schools where the radon levels are elevated. Specifies criteria for the plans. Directs school district to submit the plan to OHA on or before September 1, 2016. Exempts any school that has been tested for radon on or after January 1, 2006. Appropriates General Fund moneys to OHA and Department of Education for purposes related to the Act. Declares an emergency, effective on passage.

**ISSUES DISCUSSED:**

- Health problems and conditions associated with radon exposure
- Current Environmental Protection Agency testing recommendations
- School districts' education and testing efforts
- Importance of having unified plans
- Student and teacher health concerns
- Proposed amendment

**EFFECT OF COMMITTEE AMENDMENT:**

Exempts any school that has been tested for radon on or after January 1, 2006.

**BACKGROUND:**

Radon is a cancer-causing radioactive gas. It cannot be seen, there is no smell nor can it be tasted. The Surgeon General has warned that radon is the second leading cause of lung cancer in the United States. Some scientific studies of radon exposure indicate that children may be more sensitive to radon. This may be due to their higher respiration rate and their rapidly dividing cells, which may be more vulnerable to radiation damage. The U.S. Environmental Protection Agency (EPA) and the Surgeon General's Office have estimated that as many as 20,000 lung cancer deaths are caused each year by radon. Radon-induced lung cancer costs the United States over \$2 billion per year in both direct and indirect health care costs.

**A-Engrossed**  
**House Bill 2931**

Ordered by the House March 18  
Including House Amendments dated March 18

Sponsored by Representative KENY-GUYER, Senator DEMBROW; Representative BUEHLER

**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.

Directs Oregon Health Authority to disseminate to school districts information related to elevated levels of radon.

Directs school districts to develop plan for testing schools for elevated levels of radon. Requires initial testing of schools to occur on or before January 1, 2021.

Appropriates moneys from General Fund to authority for purposes related to Act.

Appropriates moneys from General Fund to Department of Education for State School Fund distributions made for purposes related to Act.

Declares emergency, effective on passage.

**A BILL FOR AN ACT**

1  
2 Relating to testing radon levels; and declaring an emergency.

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

4 **SECTION 1. (1) The Oregon Health Authority shall disseminate information related to**  
5 **elevated levels of radon to each school district in this state. Information disseminated under**  
6 **this section must include:**

7 (a) **Information about radon and the dangers associated with elevated levels of radon;**

8 (b) **The level of radon at which the United States Environmental Protection Agency re-**  
9 **commends schools take action to reduce indoor radon concentrations;**

10 (c) **Processes by which schools may be tested for elevated levels of radon; and**

11 (d) **Model plans developed pursuant to section 2 of this 2015 Act.**

12 (2) **Dissemination of information under subsection (1)(c) of this section must take into**  
13 **account industry standards for testing buildings for elevated levels of radon.**

14 (3) **Upon request, the State Board of Education shall assist the authority in disseminating**  
15 **the information described in this section. Dissemination of information may occur by any**  
16 **reasonable means, including posting the information on a website maintained by the au-**  
17 **thority or the Department of Education and providing each school district with instructions**  
18 **on how to access the information.**

19 **SECTION 2. (1) A school district shall develop a plan for testing schools for elevated**  
20 **levels of radon. At a minimum, plans developed under this subsection must:**

21 (a) **Provide for the testing of radon in any frequently occupied room in contact with the**  
22 **ground or located above a basement or a crawlspace; and**

23 (b) **Provide for the testing of radon in a school at least once every 10 years.**

24 (2) **The Oregon Health Authority shall develop model plans for school districts to follow**  
25 **in implementing the requirements of this section. The authority shall seek the input of the**

**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 **Oregon School Boards Association in developing the model plans.**

2 **(3) Results of a test performed under this section must be:**

3 **(a) Provided to the district school board;**

4 **(b) Provided to the authority in a manner prescribed by the authority; and**

5 **(c) Made readily available to parents, guardians, students, school employees, school vol-**  
6 **unteers, administrators and community representatives at the school's office or school**  
7 **district's office or on a website for the school or school district.**

8 **(4) Information provided and made available under subsection (3) of this section must**  
9 **include the level of radon at which the United States Environmental Protection Agency re-**  
10 **commends schools take action to reduce indoor radon concentrations.**

11 **SECTION 3. (1) A school district shall submit the plan developed under section 2 of this**  
12 **2015 Act to the Oregon Health Authority on or before September 1, 2016.**

13 **(2) Notwithstanding section 2 (1)(b) of this 2015 Act, plans developed under section 2 of**  
14 **this 2015 Act shall require initial testing of schools for elevated levels of radon on or before**  
15 **January 1, 2021.**

16 **(3) Subsection (2) of this section does not apply to any school that has been tested for**  
17 **elevated levels of radon on or after January 1, 2006.**

18 **SECTION 4. In addition to and not in lieu of any other appropriation, there is appropri-**  
19 **ated to the Oregon Health Authority, for the biennium beginning July 1, 2015, out of the**  
20 **General Fund, the amount of \$\_\_\_\_\_ for purposes described in sections 1 and 2 of this 2015**  
21 **Act.**

22 **SECTION 5. In addition to and not in lieu of any other appropriation, there is appropri-**  
23 **ated to the Department of Education, for the biennium beginning July 1, 2015, out of the**  
24 **General Fund, the amount of \$\_\_\_\_\_ for the State School Fund for the purpose of making**  
25 **distributions for purposes described in section 2 of this 2015 Act.**

26 **SECTION 6. This 2015 Act being necessary for the immediate preservation of the public**  
27 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**  
28 **on its passage.**

29 \_\_\_\_\_