



## *BILL AND AMENDMENT SUMMARY*

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# Radon Testing In Schools SF 366

Status of Bill: House Floor

Committee: Local Government 21-0 (with amendment) Passed Senate 37-13 (March 20, 2013)

Lead Democrat: Representative Kressig

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### Background

- Radon is an odorless, colorless gas – its origin is uranium, which breaks down and releases radon gas.
- Iowa has the highest uranium concentration in the country.
- Radon gases rise up through an estimated three-quarter of the homes and building foundations in Iowa.
- Testing is the only way to detect radon.
- According to a Des Moines Register March 3<sup>rd</sup> Iowa Poll, 71% Iowans favor requiring schools to test for radon and take steps to reduce it if necessary.
- The Surgeon General's [National Health Advisory on Radon](#) states that "Indoor radon is the second-leading cause of lung cancer in the United States and breathing it over prolonged periods can present a significant health risk to families all over the country."
- According to the Environmental Protection Agency (EPA), radon is the first leading cause of lung cancer in nonsmokers and the second leading cause of lung cancer in smokers.
- All of Iowa is located in Zone 1 (red) indicating Iowans have a very high potential for elevated levels of radon gas.
- The average indoor radon concentration in Iowa is 8.5 picocuries per liter (pCi/L). More than **six times** the national average.
- Iowa leads the nation in the percent of homes over the 4 pCi/L action level as well as the percent of homes over 20 pCi/L.
- Based on data collected from radon home tests, the Department of Public Health (DPH) estimates that as many as 5 in 7 homes across Iowa have elevated radon levels.
- An estimated 400 deaths per year in Iowa are caused by radon-induced lung cancer, about the same number of annual deaths seen in Iowa for traffic fatalities.

### Bill Summary

As passed by the Senate in 2013, SF 366 would apply to new residential construction and school buildings. Under the bill, the building code commissioner would be required to adopt building code construction requirements for radon control in new residential construction beginning after January 1, 2015. The requirements will be based on radon control requirement of the international residential code. The commissioner is allowed to provide training to builders, contractors and other interested persons on the construction requirements and standards for radon control. A building of a residence for resale is required to install a passive radon mitigation system in the residence and notify the buyer that radon testing can be obtained. The builder cannot represent to the buyer that a passive radon mitigation system will eliminate the presence of radon.

A violation of this provision would fall under the general building code penalty in statute including if they fail to comply with an order to remedy any condition in violation of the adopted requirements and standards within 30 days after service or within the time fixed for compliance, whichever is longer, shall be guilty of a simple misdemeanor. Any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent or their agents, or any other person taking part or assisting in the construction or use of any building or structure who knowingly violates the provision is guilty of a simple misdemeanor.

A radon education fund is created and administered by DPH be used to provide radon education. Fees collected by the department would be deposited in the fund. Public and nonpublic schools are required to have a short-term test for radon gas performed at least once by June 30, 2025, and at least once every 10 years after that. They are also required to test following the construction of a new school. If the results of the testing process exceed the specified levels (4 pCi/L), a second test is required within 90 days. If the results of the second test are also above the specified levels, they are required to obtain a person licensed by statute to perform radon abatement measures, develop a radon mitigation plan (developed and prescribed by DPH) within 90 days, and implement the plan within one year. They are then required to test for radon every other year.

If the results of the biennial test are positive for radon, they are required to obtain a person licensed by statute to perform radon abatement measures, develop an alternative radon mitigation plan (developed and prescribed by the department of public health), within 90 days, and implement the plan within one year. A school is required to continue biennial radon testing until the results are less than four picocuries per liter for four consecutive years.

The bill allows Physical Plant and Equipment Levy (PEEL) funds to be used for radon testing and mitigation, but the bill contains standard language on it being an unfunded mandate upon school districts. The fiscal impact of SF 366 was estimated to include a general fund impact of \$160,000 with radon fee revenue used to cover the cost of additional DPH staff. It is estimated that the cost to public schools to test would be \$1.9 million, and estimated cost to private schools of \$300,000.

## **Amendment Summary**

### **H-8114 Local Government Committee Amendment by Windschitl**

The strike after amendment by the House Local Government Committee requires the Department of Education (DE) to notify each school district and private school of the risks associate with radon gas including related data, and encourages them to implement a mitigation plan. By December 1, 2014 school districts and private schools will have to report to the department, if they have a radon testing and mitigation plan in place. If they do not have a plan in place, they need to indicate if they have any plans on implementing a radon testing and mitigation plan in the future.

### **H-8126 to H-8114 by Windschitl**

Adds that in the notice to schools, DE is to provide information on sources of funding available for radon testing and mitigation.

Currently radon mitigation is allowed as permissible uses under PEEL or revenues from the Secure an Advanced Vision (SAVE) account, but not testing. Public schools could also use money for testing or mitigation from their general fund account or a school district can also go before the School Budget Review Committee and apply for Modified Allowable Growth for environmental hazards that would include, but is limited to, asbestos, radon or the presence of any other hazardous material dangerous to health and safety. The only way that private schools could pay for testing or mitigation is through their general fund.