

# HOUSE BILL REPORT

## SSB 6386

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*As Passed House  
March 5, 1992*

**Title:** An act relating to radon testing required by the state building code council.

**Brief Description:** Providing for radon testing in residences.

**Sponsor(s):** By Senate Committee on Energy & Utilities (originally sponsored by Senators Roach, McMullen, Anderson and Bauer).

**Brief History:**

Reported by House Committee on:  
Energy & Utilities, February 21, 1992, DP;  
Passed House, March 5, 1992, 81-17.

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**HOUSE COMMITTEE ON  
ENERGY & UTILITIES**

**Majority Report:** *Do pass.* Signed by 9 members: Representatives Grant, Chair; H. Myers, Vice Chair; May, Ranking Minority Member; Hochstatter, Assistant Ranking Minority Member; Bray; Cooper; R. Fisher; Jacobsen; and Rayburn.

**Minority Report:** *Do not pass.* Signed by 2 members: Representatives Casada and Miller.

**Staff:** Harry Reinert (786-7110).

**Background:** In 1990, the Legislature directed the State Building Code Council (SBCC) to adopt ventilation standards for new residential buildings. The SBCC was directed to adopt interim standards which shall include measures for pollutant source control. The rules adopted by the SBCC require construction measures to reduce the entry of radon into new residential buildings. The rules also require the builder to provide a radon monitor, installation instructions, and radon information sheets at the time of final inspection. The rules explicitly provide that the builder is not responsible for administering the radon test.

When the Legislature passed the model conservation standards, it also included a provision limiting liability for personal injury caused by indoor air pollution. The

builder of a residential building is not liable for damages for injury caused by indoor air quality if the builder complied with product standards, the use of appropriate building materials, and the ventilation requirements adopted by the SBCC.

**Summary of Bill:** The local government building inspector, at the time of final inspection of all new single family and ground floor units in multi-family residential buildings, shall provide a radon measurement device. The device must be a three-month etched track device that has been placed on a proficiency list of the Environmental Protection Agency (EPA). Postage to the testing facility, laboratory costs, and reporting costs must be included with the device.

Not later than June 15, 1992, the State Building Code Council (SBCC), in consultation with the Department of Health and the Washington State Association of Building Officials, shall develop instructions on the proper means of installation, maintenance, and removal of the device. These instructions shall be distributed by the SBCC to all local governments. The owner of the residence has the obligation of returning the device to the testing laboratory. The instructions that are included with the device must be placed in a conspicuous place in a single family residence and given to the owner of a multi-family residence.

Building inspectors shall also be provided with the current EPA list and with known sources for the devices. The approval of the final inspection by the building inspector is prima facie evidence that a device was left in a residence. The inspector and the city or county are not liable for injuries caused by the failure of the occupant or owner of a new residential building to properly install, monitor, or send the device to the laboratory or from radon entering a residence.

These requirements expire June 30, 1995.

The builder of a residential building is not liable for damages caused by radon gas if the builder has complied with the radon resistive construction standards established by the SBCC.

**Fiscal Note:** Requested February 4, 1992.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Testimony For:** The bill will assure that appropriate radon measurement devices will be placed in new homes. The information collected will give the state a better idea of

the places in the state where radon may be a problem. Local governments can accept the responsibility and can recoup any additional costs through increased building permit fees.

**Testimony Against:** It is unfair to impose on local governments and building officials the burden of placing radon testing devices. There are serious questions of whether the program as it has been designed will provide any useful information.

**Witnesses:** Mark Triplett, Washington Building Industry Association (pro); Blair Patrick, Washington Association of Building Officials (con); Terry Frazee, Department of Health (neutral); and Mike McCourt, Association of Washington Cities (pro).