

**SENATE BILL REPORT**

**ESHB 1535**

**AS REPORTED BY COMMITTEE ON ENERGY & UTILITIES, APRIL 5, 1991**

**Brief Description:** Requiring radon testing.

**SPONSORS:** House Committee on Energy & Utilities (originally sponsored by Representatives Cooper, Horn, Grant, May, R. Meyers, Hochstatter and Orr).

**HOUSE COMMITTEE ON ENERGY & UTILITIES**

**SENATE COMMITTEE ON ENERGY & UTILITIES**

**Majority Report:** Do pass.

Signed by Senators Thorsness, Chairman; Saling, Vice Chairman; Jesernig, Nelson, Patterson, Roach, Stratton, and Sutherland.

**Staff:** Phil Moeller (786-7445)

**Hearing Dates:** April 2, 1991; April 5, 1991

**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 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.

The Environmental Protection Agency (EPA) tests radon measurement devices submitted by manufacturers for effectiveness and accuracy. Devices which meet the proficiency standards of the EPA are placed on a list of devices that have been determined to meet these standards.

**SUMMARY:**

Beginning July 1, 1991, at the time of final inspection of all new single family and ground floor units in multi-family residential buildings, the local government building inspector shall provide a radon measurement device. The device must be one that has been placed on a proficiency list of the Environmental Protection Agency (EPA).

Not later than June 15, 1991, 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.

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.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** requested March 6, 1991

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

**TESTIMONY FOR:**

This bill is needed to clarify the responsibilities related to the requirement of placing radon detectors in new residential construction.

**TESTIMONY AGAINST:**

The bill is unclear as to what happens after the detector is placed in the new residence.

**TESTIFIED:** Representative David Cooper (pro); Dave Williams, Association of Washington Cities (pro); Tim Chandler, City of Bellevue (con); Jake Frey, City of Tacoma (con); Sylvia Riddle, Pacific NW Radon Professionals (con); Mark Triplett, Washington Homebuilders Association (pro); James Smith, Environmental Radiation Consultants (con)