

SENATE BILL REPORT

SB 6386

AS REPORTED BY COMMITTEE ON ENERGY & UTILITIES, FEBRUARY 7, 1992

Brief Description: Providing for radon testing in residences.

SPONSORS: Senators Roach, McMullen, Anderson and Bauer

SENATE COMMITTEE ON ENERGY & UTILITIES

Majority Report: That Substitute Senate Bill No. 6386 be substituted therefor, and the substitute bill do pass.

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

Staff: Andrew Scott (786-7198)

Hearing Dates: February 6, 1992; February 7, 1992

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 including 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, 1992, at the time of final inspection of all new single family and ground floor units in multifamily residential buildings, the local government building inspector shall provide a radon measurement device. The device must be one that has been placed on the Environmental Protection Agency (EPA) proficiency list.

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 multifamily 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 shall be 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.

EFFECT OF PROPOSED SUBSTITUTE:

The bill is clarified to require a certain type of radon measurement device, and the cost of mailing the device to the testing facility is included. The substitute bill provides that the section shall expire on June 30, 1995.

Appropriation: none

Revenue: none

Fiscal Note: requested February 4, 1992

TESTIMONY FOR:

This bill places the burden of delivery of these devices on the local government building inspector who is a more natural and reliable agent for delivery than the builder. This bill also protects those builders who have complied with all radon resistive standards from liability.

TESTIMONY AGAINST:

The builder, not the building inspector, should be responsible for delivery of these devices and should bear the liability.

TESTIFIED: Senator Roach, prime sponsor; Blair Patrick, WA Assn. of Building Officials (con); Mark Triplett (pro)