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**SUBSTITUTE HOUSE BILL 2690**

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**State of Washington**

**52nd Legislature**

**1992 Regular Session**

**By** House Committee on Energy & Utilities (originally sponsored by Representatives Grant, May, H. Myers, Hochstatter, Rayburn, Cooper, Pruitt and Orr)

Read first time 02/07/92.

1 AN ACT Relating to radon testing required by the state building  
2 code council; amending RCW 4.24.560; adding a new section to chapter  
3 19.27 RCW; and declaring an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 19.27 RCW  
6 to read as follows:

7 (1) Beginning July 1, 1992, at the time of final inspection of a  
8 new single-family residence or each ground floor unit in a multifamily  
9 residential building, the building inspector shall deliver to each  
10 residence and each ground floor unit a three-month etched track radon  
11 measurement device that is listed on a current federal environmental  
12 protection agency radon measurement proficiency list. Postage to the  
13 testing facility and the cost of testing and notification to the  
14 homeowner shall be included with the device. The device, the

1 instructions included with the device, and the instructions provided by  
2 the state building code council pursuant to subsection (2) of this  
3 section shall be placed in a conspicuous location. The device shall be  
4 provided to the building inspector by the local government.

5 (2) Not later than June 15, 1992, in consultation with the  
6 department of health and the Washington state association of building  
7 code officials, the state building code council shall:

8 (a) Develop instructions for use by the owner or occupant on the  
9 proper means of installation, maintenance and removal of the radon  
10 measurement device provided for in subsection (1) of this section and  
11 distribute the instructions to all affected county and city building  
12 departments; and

13 (b) Distribute to all affected county and city building departments  
14 the current federal environmental protection agency radon measurement  
15 proficiency list and known sources for the devices.

16 (3) The owner of a new single-family residence or of a multifamily  
17 residential building shall be responsible for returning the radon  
18 measurement device left by a building inspector pursuant to this  
19 section to the appropriate testing laboratory in accordance with the  
20 instructions left with the device by the building inspector.

21 (4) The building inspector's approval of the final inspection on  
22 the final inspection record card shall be prima facie evidence that the  
23 building inspector left the radon measurement device and instructions  
24 as required by this section.

25 (5) The building inspector responsible for the final inspection,  
26 the building inspector's employer, and the county or city within which  
27 a single-family residence or multifamily residential building is  
28 located shall not be liable for injuries caused by:

1 (a) The failure of the occupant or owner of the residence or  
2 building to properly install, monitor, or send a radon measurement  
3 device to the testing laboratory; or

4 (b) Radon entering into any single-family residence or multifamily  
5 residential building.

6 (6) This section shall expire June 30, 1995.

7 **Sec. 2.** RCW 4.24.560 and 1990 c 2 s 8 are each amended to read as  
8 follows:

9 It is a defense in a civil action brought for damages for injury  
10 caused by indoor air pollutants in a residential structure on which  
11 construction was begun on or after July 1, 1991, that the builder or  
12 design professional complied in good faith, without negligence or  
13 misconduct, with:

14 (1) Building product safety standards, including labeling;

15 (2) Restrictions on the use of building materials known or believed  
16 to contain substances that contribute to indoor air pollution; and

17 (3) The ventilation and radon resistive construction requirements  
18 adopted under RCW 19.27.190.

19 NEW SECTION. **Sec. 3.** This act is necessary for the immediate  
20 preservation of the public peace, health, or safety, or support of the  
21 state government and its existing public institutions, and shall take  
22 effect immediately.