

# HOUSE BILL REPORT

## HB 2436

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As Reported By House Committee On:  
Energy & Utilities

**Title:** An act relating to radon testing in residential structures.

**Brief Description:** Revising provisions relating to radon testing.

**Sponsors:** Representative Zellinsky.

**Brief History:**

Reported by House Committee on:  
Energy & Utilities, February 3, 1994, DPS.

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### HOUSE COMMITTEE ON ENERGY & UTILITIES

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Bray, Chair; Finkbeiner, Vice Chair; Casada, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Caver; Johanson; Kessler; Kremen and Long.

**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 were to include measures for pollutant source control. The rules adopted by the SBCC required construction measures to reduce the entry of radon into new residential buildings. The rules also required the builder to provide a radon monitor, installation instructions, and radon information sheets at the time of final inspection. The rules explicitly provided that the builder was not responsible for administering the radon test.

In 1992, the Legislature adopted a measure modifying the scheme that had been adopted by the SBCC. Instead of being the responsibility of the builder, the Legislature required 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, to 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.

The State Building Code Council (SBCC), in consultation with the Department of Health and the Washington State Association of Building Officials, was also required to develop instructions on the proper means of installation, maintenance, and removal of the device. These instructions are 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 must 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.

**Summary of Substitute Bill:** The building inspector shall place informational materials and a pre-addressed postage prepaid postcard in a single-family residence, and each ground floor unit of a multi-family residential building at the time of final inspection. The postcard shall offer the owner or occupant a radon measurement device, postage to the testing laboratory and the cost of processing and notification. The requirement to provide the postcard and informational materials shall expire June 30, 1995.

**Substitute Bill Compared to Original Bill:** The original bill deleted an existing requirement that the radon measurement device meet EPA proficiency standards. The substitute restores this requirement. The original bill only required that the postcard be left with the owner of the building. The substitute requires that the postcard and informational materials be left in the residence, as is currently required for radon measurement devices. The original bill did not specify who was responsible for paying for testing and postage. The substitute requires these expenses to be included with the device, as is required under current law.

**Fiscal Note:** Available on original bill. Not requested for substitute bill.

**Effective Date of Substitute Bill:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** In the time that radon measurement devices have been required to be left with homeowners, only a very few of them have actually been returned. Even though these devices are not very expensive, the total cost of providing them if they are not used adds up. This bill will give the homeowner an opportunity to get a measurement device if he or she is interested, without wasting unused devices.

**Testimony Against:** Radon is an important public health concern. There is a lag time between the time a device is provided by the laboratory and placed in the home and when the laboratory will receive it. Although the return rate is low right now, it will probably increase over the next year. The testing information that will be developed from these devices is important for the Department of Health to identify the areas that do have radon problems.

**Witnesses:** Sylvia Riddle, Cavalier Corporation (con); Willy O'Neil, State Building Code Council (pro); Ron Perkerewizz, Kitsap County (pro); and Warren Riddle, Pacific Northwest Radon Professionals (con).