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Summary

INDOOR RADON EXPOSURE ABATEMENT AND DETECTION ACT OF 2010

Lead Sponsor: Senator Amy Klobuchar, MN

A proposed amendment to the Toxic Substances Control Act (15 U.S.C. 2661)

SEC. 3. DEFINITIONS

Summary of some key definitions:

- *HUD Assisted* – financial assistance awarded by U.S. HUD as a subsidy
- *Publicly owned* – a residential dwelling that is owned and operated by the Federal Government, a public housing authority or tribal entity and subsidized and regulated by the Federal Government
- *Radon hazard* – a level of radon that exceeds the recommended radon action level
- *Residential dwelling* – includes multi-family dwellings on the third or lower floor

SEC. 4. MODEL CONSTRUCTION STANDARDS AND STATE RADON PROGRAMS

- Authorizes EPA, in consultation with HUD, to revise model construction standards and techniques as EPA determines to be necessary.
- STATE AND TRIBAL RADON PROGRAMS
 - STATE ABATEMENT ACTION PLANS – as a condition of receiving a grant, a State must :
 - Submit to EPA a radon abatement action plan to reduce residential radon exposure.
 - Consult with public housing authorities.
 - Update plans every 5 years.
 - TRIBAL ABATEMENT ACTION PLANS – as a condition of receiving a grant, An Indian Tribe must :
 - Submit to EPA a radon abatement action plan to reduce residential radon exposure.
 - Update plans every 5 years.
- MODEL ABATEMENT ACTION PLANS – requires EPA to develop a model abatement action plan that may be adopted by any State or Indian Tribe
 - Shall encourage States and Tribes to use existing certification and accreditation programs.
 - Authorizes EPA to withdraw grant funds if a State or Tribe fails administer and enforce an abatement action plan.
- RADON TECHNOLOGIES – requires EPA to:
 - Conduct research to improve radon testing and abatement.
 - Develop improved radon testing performance standards
 - Evaluate long-term performance and cost-effectiveness of radon abatement techniques and strategies.

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- RESEARCH GRANT PROGRAM – authorizes EPA to establish a research grant program to encourage improvement of radon technologies
 - Funding – requires EPA to use a minimum of 5% of available funding for research grants.

SEC. 5. GRANT ASSISTANCE TO STATES AND INDIAN TRIBES

- Requires EPA, in consultation with HUD, to establish a Federal-State matching grant program to implement State and tribal abatement action plans.
 - For first \$100,000, no State matching requirement.
 - For \$100,001 to \$250,000, at least 10% State matching requirement.
 - For \$500,001 or more, at least 50% State matching requirement.
 - For Tribes, EPA may establish terms and conditions.
 - Funding – requires EPA to use a minimum of 20% of available funding for grants to States and Tribes.
- GRANTS FOR AFFORDABLE HOUSING – Authorizes EPA to make grants to State, local governmental, and Indian tribal applicants (eligible under section 5 of the Cranston-Gonzalez National Affordable Housing Act) for radon testing and hazard abatement under State or Tribal action plans.
 - No matching requirements
 - Funding – requires EPA to use a minimum of 20% of available funding for these grants.
- BUILDING CODES FOR NEW CONSTRUCTION – Requires EPA to make grants to assist in carrying out state, tribal, and local building codes for radon control in new homes.
 - Requires grant recipients to perform radon testing in a percentage of new homes as determined by EPA.
 - Funding – requires EPA to use a minimum of 5% of available funding for these grants.
- ELLIGIBLE ACTIVITIES – A grant made under these subsections may be used to:
 - Perform residential radon testing.
 - Provide residential radon abatement.
 - Ensure testing and abatement are carried out only by certified or State-licensed contractors.
 - Educate the public.
 - Other EPA deemed appropriate activities.
- FORMS OF ASSISTANCE – A variety of assistance forms are available under this subsection including grants, loans, loan guarantees, and any other form of assistance.

SEC.6. REGIONAL RADON TRAINING CENTERS – Authorizes EPA to fund the training centers.

SUBTITLE B – INDOOR RADON EXPOSURE ABATEMENT AND DETECTION

SEC.321. DISPOSITION OF PUBLICLY OWNED RESIDENTIAL DWELLINGS.

- ACTION PLAN – requires EPA to provide guidance on radon testing, radon abatement, and radon measures in the construction of publicly owned housing.
 - EPA and/or HUD required to establish programs necessary to implement this plan and shall jointly delegate to tribal governments or housing authorities the authority and funding to carry out activities related to publicly owned residential dwellings:
 - Testing and abatement.
 - Building code requirements.
 - Tribes may decline this authority and funding in which case EPA and HUD shall jointly establish an action plan.
 - EPA and HUD, jointly, or the tribal authority must make available to prospective purchasers of publicly owned housing the results of each radon test made under this section.
 - Authorizes budget authority to cover any increased costs associated with this subtitle.
- FEDERAL HOUSING ADMINISTRATION FINANCIAL ASSISTANCE.
 - FEDERAL HOUSING ADMINISTRATION MINIMUM PROPERTY STANDARDS – Requires HUD to consult with EPA to amend the FHA MPS to require:
 - The recipient of HUD assistance to receive radon information and
 - The residential dwelling shall meet radon requirements determined to be appropriate by HUD and EPA.
 - Exclusions: Dwellings insured under FHA Section 203 or home equity conversion mortgages.
 - Funding – requires a minimum of 25% of available funding to carry-out this title.

SEC.322. GUIDELINES AND REGULATIONS FOR TRAINING AND CERTIFICATION OF INDIVIDUALS, ANALYSIS PROVIDERS, AND RADON TESTING.

- Guidelines – requires EPA, in consultation with a number of federal agencies (DOL, CPSC, HHS, NIST) to establish a model program that States and Indian tribes may adopt related to training, certification, and radon testing.
- The model program shall contain:
 - Contain standards for performing radon activities and
 - Recommend that all radon testing and abatement be performed on accordance with these standards.
 - Specific guidance for training programs.
- Certification and Accreditation of Radon Analysis Providers and Laboratories – requires EPA, in consultation with HUD, and HHS, to provide guidance to States and Indian tribes related to certification and accreditation of radon analysis providers and laboratories unless EPA determines that sufficiently effective voluntary certification and accreditation programs are in place and operating.
 - To be certified or accredited. A radon analysis provider or laboratory must, at a minimum, regularly demonstrate ability to accurately and precisely measure known radon concentrations.
 - EPA shall assess the performance and effectiveness of the voluntary certification program within 3 years of original determination.

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- If the voluntary certification program is not effective, EPA shall establish a certification program.
- Lists – EPA shall make an annual list of certified or accredited radon analysis providers and laboratories.
- Homeowners testing their dwellings are exempted for these requirements.
- Funding – requires EPA to use a minimum of 5% of available funding to carry-out this section.

SEC.323. IDENTIFICATION OF RADON HAZARDS.

- GRANT PROGRAM – authorizes EPA to establish a grant program to States and Indian tribes for the abatement of radon in schools.
- RECOMMENDED ACTION LEVEL - Requires EPA to establish a recommended radon action level deemed necessary to protect the public health.
 - EPA shall take into account the economic impact of the recommended action level.
 - The initial action shall not be less than 4 pCi/L.
 - The action level shall not be adjusted more frequently than every 5 years unless a study by EPA or HHS justifies a change.
- NATIONAL RADON MAP – EPA shall establish one or more national radon maps using data organized by State and county.
- NOTIFICATION OF INDOOR RADON CONCENTRATIONS – EPA and HUD shall promulgate regulations regarding notification requirements for radon concentrations in residential buildings.
 - REQUIREMENTS – Shall include any recommendations described in information developed under Sec. 324.
 - INTEGRATION WITH EXISTING NOTIFICATION REQUIREMENTS
- SALE OF NEW CONSTRUCTION DWELLINGS
 - PROPERTY DISCLOSURE STATEMENTS – Requires EPA and HUD to promulgate regulations requiring builders to provide a purchaser with a property disclosure statement if radon control measures have been installed.
 - Contents of the property disclosure statement are specified concerning the radon control measures, radon test results have been provided to the purchaser, and radon concentrations are below the recommended action level.
 - HOME BUILDER REBATE PROGRAM – Authorizes EPA to establish a rebate program to builders to reduce the cost of radon control measures.
- Funding – requires EPA to use a minimum of 10% of available funding to carry-out this section.

SEC.324. RADON PUBLIC EDUCATION.

- INFORMATIONAL MATERIALS – Requires EPA, in consultation with HUD and HHS, to develop radon hazard information.
- EDUCATIONAL OUTREACH– Requires EPA, in consultation with HUD and HHS, to sponsor radon education and outreach activities to increase public awareness with an emphasis on parents of young children, health professionals, home inspectors, real estate professionals, remodelers, homeowners, and tenants.
- Funding – requires EPA to use a minimum of 10% of available funding to carry-out this section.

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SEC.325. RADON AND FEDERALLY FUNDED ENERGY EFFICIENCY PROGRAMS.

- Requires EPA and HUD to coordinate with Federal agencies implementing residential energy efficiency programs to ensure that each activity does not increase radon hazards and to encourage each recipient of Federally funded energy improvements to test for radon.

SEC.325. REPORTS TO CONGRESS.

- Requires EPA to submit a report to Congress that describes progress in implementing this subtitle with a focus on radon risk reduction, summarizing the most-current health studies on radon exposure, recommendations to improve radon testing and abatement performance, and results of radon research carried out ~ Sec, 325.

SUBTITLE C – VIOLATIONS; AUTHORIZATION OF APPROPRIATIONS

SEC. 331. PENALTIES FOR VIOLATIONS.

- Requires EPA to impose civil money penalties for any violations of this title and authorizes EPA and HUD to take action to enjoin violations of this title.
- Nothing in this title affects any sale or lease or contract to purchase of lease a residential dwelling or any loan or loan agreement or mortgage in connection with a federally guaranteed mortgage loan.

SEC. 332. AUTHORIZATION OF APPROPRIATIONS.

- Authorizes appropriations of \$50 million for each of fiscal years 2010 through 2015 and sums as necessary each year thereafter.