

HB 881 -- Missouri Radon Certification Program

Sponsor: Atkins

This bill establishes the Missouri Radon Certification Program within the Department of Health and Senior Services to certify and register providers of radon services. In its main provisions, the bill:

(1) Prohibits a person or business from providing radon services in the state unless he or she complies with the provisions of the bill. Anyone who violates a provision will be guilty of a misdemeanor and subject to a fine of up to \$1,000 for each violation;

(2) Exempts from the provisions of the bill anyone testing for or mitigating radon in a building that he or she owns; anyone designing mitigation plans for radon resistant new construction; state officials conducting tests in state facilities, public schools, and other state-funded buildings; and anyone performing scientific research regarding testing or mitigation of radon if he or she notifies the building's owner and occupant of certain specified information;

(3) Requires, beginning January 1, 2012, anyone providing radon services for the measurement or mitigation of the presence of radon to be nationally certified and certified by the department. To obtain certification, an applicant must:

(a) Be qualified to perform the services for which he or she is seeking certification, including the required training and experience;

(b) Have successfully completed the National Environmental Health Association's National Radon Proficiency Program (NEHA NRPP) or the National Radon Safety Board's Certified Radon Professional Program (NRSB CRPP) for the services which the applicant is seeking certification; and

(c) Provide continued verification of the required credentials that are current and that the certification has not been suspended, expired, or revoked. Any person whose national certification has been suspended, expired, or revoked will also have his or her state certification suspended or revoked;

(4) Requires national protocols to be used during the deployment of radon measurement and mitigation activities. A radon service provider must use the protocols of the national organization from which he or she completed the certification exam;

(5) Requires the most current version of the American Society for Testing Materials (ASTM) Standard E2121 to be used when discrepancies exist between the radon mitigation system configurations and the deployment. When discrepancies exist between the national protocols and local codes and regulations, the local codes and regulations will take precedence, except in regard to alterations to a system which may adversely impact the system's performance to reduce radon levels for which the system was originally designed;

(6) Requires a radon service provider applicant to complete the specified requirements in order to be certified. If a disruption in a provider's national accreditation status occurs, the provider must report it to the department within 15 days;

(7) Requires an analytical laboratory to meet the requirements for certification with the NEHA NRPP and have a responsible party who is certified through the NEHA or the NRSB as a residential measurement provider;

(8) Requires the department to maintain a list of certified radon service providers and make it available to the public and the Missouri Real Estate Commission within the Department of Insurance, Financial Institutions and Professional Registration for dissemination and communication with its members, realtors, consultants, and constituents;

(9) Requires a radon mitigation provider to include a statement in all contracts for the installation of a mitigation system that a system should be tested by an independent radon measurement professional and should occur between 24 hours and 30 days after the system has been installed. A radon mitigation provider may provide a short- or long-term radon testing kit to the client to meet the independent radon measurement post-mitigation test requirement if the test results are analyzed by an independent, qualified radon laboratory. If the requirement for independent post-mitigation testing is waived, the client must sign the contract agreeing to waive this requirement;

(10) Requires every individual and business providing radon services in Missouri to complete the continuing education requirements of the national organizations and to complete two or more continuing education hours promoting radon awareness to the citizens of Missouri;

(11) Allows applications for state radon services to be submitted at any time. If an applicant meets all of the requirements, the department must review the application and validate the supportive documents, including the applicant's national accreditation. The renewal of state certification must

coincide with the provider's national accreditation period;

(12) Requires every radon service provider to retain copies of certain specified records for five years. The records may be in paper or electronic form. The department may require copies of any or all records maintained by the provider at any time; may require statistical information on a periodic basis; or may make random documentation audits, schedule on-site visits, or request to accompany a service provider while performing any radon measurement or mitigation activities. Failure to comply or cooperate with a documentation request from the department can result in the suspension or revocation of a provider's state certification status;

(13) Allows a provider residing outside the state who holds a national radon measurement or mitigation certification to apply for state certification; and

(14) Specifies the procedures to be taken when a complaint is filed with the department against a state-certified radon service provider. If repeated complaints with merit are filed against a provider, the department must notify the national certifying organization to assess disciplinary action up to and including revoking state certification and requesting revocation of the provider's national certification.