

Approved: 3/30/10

Date

MINUTES OF THE HOUSE COMMERCE AND LABOR COMMITTEE

The meeting was called to order by Chairman Steve Brunk at 9:00 a.m. on March 18, 2010, in Room 784 of the Docking State Office Building.

All members were present.

Committee staff present:

Art Griggs, Office of the Revisor of Statutes  
Renaë Jefferies, Office of the Revisor of Statutes  
Dennis Hodgins, Kansas Legislative Research Department  
Stephen Bainum, Committee Assistant

Conferees appearing before the Committee:

Kerry Parham, Kansas Association of Real Estate Inspectors  
Gloria Linnertz, Cancer Survivors Against Radon  
Mike Greenwalt, Kansas Association of Residential and Commercial Inspectors  
Senator Jim Barnett,  
Kim Steves, Kansas Department of Health and Environment  
Bruce Snead, Kansas State University  
Stephen E Albright, Broker, Realtor  
Gary Hodgden, American Association of Radon Scientists & Technologists  
Roger Dahlby, Advanced Invironmental Services

Others attending:

See attached list.

The Chairman opened the hearing on **SB 531**.

**SB 531**      **Radon certification law**

Renaë Jefferies, Assistant Revisor, explained **SB 531** (Attachment 1).

The following gave written only testimony as proponents of **SB 531**:

Kerry Parham, Kansas Association of Real Estate Inspectors (Attachment 2).

Gloria Linnertz, Cancer Survivors Against Radon (Attachment 3).

Mike Greenwalt, Kansas Association of Residential and Commercial Inspectors (Attachment 4).

Senator Jim Barnett, presented testimony as a proponent of **SB 531** (Attachment 5). Radon gas is a Class A human carcinogen causing an estimated 200 new cases of lung cancer yearly in Kansas. Currently in Kansas, there are no requirements for individuals who perform radon measurements or radon mitigation to be trained or certified. The risks of improperly performed radon testing and improperly installed mitigation systems are significant.

Representative Grant asked what causes radon, what are the sources. Senator Barnett said it come from the breakdown of uranium in our soil and is prevalent across the state. The KDHE has some impressive maps which show the levels of radon across the state.

Representative Hermanson asked what county did he refer to in his testimony that had a test level of 26. Senator Barnett said it was Lyon County.

The Chairman suspended the hearing on **SB 531** in order to hear from Susan Kang, KDHE, regarding lead based paint. We passed out a bill on lead based paint. There were some new rules and regulations worked out by interested parties. Susan said that the final revised regulations will be published in the Kansas Register on March 25<sup>th</sup>, and they will be effective April 9<sup>th</sup>. It will include the end of job testing issue. Also the person who has undergone the training can come back home and train the other members of the crew. Nothing has changed since the negotiations took place between interested parties.

Representative Grange asked if there was going to be a grace period for certifying companies because of the

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CONTINUATION SHEET

Minutes of the House Commerce and Labor Committee at 9:00 a.m. on March 18, 2010, in Room 784 of the Docking State Office Building.

shortness of time. Susan said they would have a grace period of twelve months.

The Chairman reopened the hearing on **SB 531**.

Kim Steves, Kansas Department of Health and Environment, presented testimony as a proponent of **SB 531 (Attachment 6)**. She concluded that exposure to elevated levels of radon gas for an extended period causes lung cancer. The Kansas Department of Health and Environment believes that certifying the contractors who are performing the tests and installing the radon mitigation systems is the best way to ensure that elevated levels of indoor radon are correctly determined and fixed in the homes of our citizens.

Representative Worley asked how many testers there were. Kim said they had 50,182 measurements in their database. Ron wanted to know what the overall average was. Susan said it was 4.8 pCi/L. The highest we have found in Kansas is 260 pCi/L. 4.0 pCi/L is the accepted level of the Environmental Protection Agency.

Representative Ruiz asked if there is a kit we should be looking for when we test for radon. Kim said that this legislation deals primarily with radon contractors who will come in and use an electronic device that they plug in. Any homeowner can purchase test kits and do it themselves.

Representative Quigley ask what the costs were for testing. Kim said the average was \$75 to \$100 to have a contractor test. Radon mitigation systems may run from \$800 to \$1000 depending on the house. Kim said that if you test then you must reveal the test to the potential buyer.

Representative Maloney asked if there were statistics on the number of cases related to radon. Kim said that it was very difficult to gather that kind of statistic because you do not know all the environmental factors they are exposed to before they developed lung cancer. We do know that in Kansas there are over 1800 lung cancer cases diagnosed every year.

Representative Swenson asked if there was any other way to mitigate radon gas. Kim said the fan mitigation is the most accepted method. In some cases an uncovered sump can be the source of the radon.

Representative Garcia asked if there was a scholarship fund for those who can not afford the testing. Kim said that they can do it themselves for \$5 to \$20. For the mitigation system we can direct you where to buy supplies and how to install it yourself in your own home.

Representative Quigley asked how much it cost to be trained. Kim said that in Kansas we have a radon trainer at Kansas State University. It is a two day training and cost averages about \$350.

Representative Tietze asked if there were any statutes for a landlord of a rental or apartment building. Kim said no but that the tenants can do their own tests and work it out with the owner.

Bruce Snead, Kansas State University, presented testimony as a proponent of **SB 531 (Attachment 7)**.

Representative Kerschen asked what other states are doing with radon testing. Do they have a certification program? Bruce said there were 18 to 19 states requiring radon certification. There is no national requirement for certification. There are two voluntary national proficiency programs that states have taken and complied with.

Representative Grange asked if the training was only available in Manhattan or would you come to the field to conduct the training. Bruce said that he serves Kansas, Missouri and Nebraska in training. The common training areas are Leavenworth for the Kansas City area, Wichita, St Louis, Omaha and Lincoln. If this law is passed we intend to offer training across the state. Representative Grange asked if he foresaw it becoming available on line. Bruce said they were working now on training for testing and mitigation to be available on line. However there is no substitute for actual hands on training in houses which is what we do. We envision having a couple of days in the field in addition to the online training.

Representative Worley asked what form the test took. Was it an open book written exam or a closed book exam. Bruce said that it is a national proficiency exam which is a computer based exam and it is available

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as a computer based test or with a pencil and paper approach. It is a multiply choice closed book exam. It is a two hour, 104 question measurement exam and it is a three hour 150 question mitigation exam. It is a national standard exam. The passing percentage is 80%. In order to pass you must receive about a 72 % grade

Stephen E Albright, Broker, Realtor, presented testimony as a proponent of **SB 531** (Attachment 8).

Representative Worley asked about cross discipline contractors being required to do mitigation, such as electricians and plumbers. Stephen said that all the disciplines that are involved in mitigation are addressed very effectively in the training. Also you would only be tapping into an existing circuit to power a very low wattage fan.

Gary Hodgden, American Association of Radon Scientists & Technologists, presented testimony as a proponent of **SB 531** (Attachment 9).

Representative Brunk asked how Kansas compares to other states. Gary said that Ohio was the same, Indiana and Nebraska were very similar, Iowa was more strict and Illinois was very stringent. Representative Brunk asked if they have higher gas rates. Gary said no, they just got into it earlier that we did.

Representative Kerschen asked about public buildings. Is anyone testing them? Gary said that the military has checked all of theirs but the public has not. Generally the emphasis is on the home where there are children exposed for 18 hours a day.

Roger Dahlby, Advanced Invironmental Services, presented testimony as a proponent of **SB 531** (Attachment 10). He testified that he had seen many mitigation installations that were done improperly. Some of these actually made the situation worse. These problems are not rare. I see it all the time. These contractors need to be trained.

The Chairman closed the hearing on **SB 531**.

The next meeting is scheduled for March 19, 2010.

The meeting was adjourned at 10:12 a.m.

COMMERCE & LABOR COMMITTEE

DATE: 3-18-10

NAME	REPRESENTING
Norma Jean Vap	
Faith Vap	
John Vap	
Doruck SNEAD	KSD - KDHE
Stephen E. Albright	self
Gary Hodgden	AARST
Kimberly Steves	KDHE
Thomas Conley	KDHE
Brica Henson	IC STATE - KDHE
Wigh Keck	Kuin Law Firm
Megan Bottberg	KDOL
Dick Morrissey	KDHE
Jason Meinholdt	KDHE
Jim Bawlf	ICS Sound
Kobe Harris	Hermanson
Braden Corby	Hermanson
Micaela Heinrich	Brunk
Samuel Heinrich	Brunk
Riley Hammond	Brunk
Julie Ghere	Brunk

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MEMORANDUM

To: House Committee on Commerce and Labor  
From: Renae Jefferies, Assistant Revisor  
Date: March 18, 2010  
Subject: SB 531

SB 531 creates the Radon Certification Law which would require certification of radon measurement technicians, radon mitigation technicians and radon measurement laboratories.

Section 1 sets out the citation for the act.

Section 2 sets out the definitions of the act.

Section 3 provides that the Secretary of Health and Environment shall establish the radon certification program and adopt rules and regulations to implement the program by July 1, 2011. Rules and regulations for measuring radon gas concentrations shall not be more stringent, restrictive or expansive than the federal EPA standards.

Section 4 sets out the maximum fees that may be charged under the act.

Section 5 on pages 2 to 3 sets out the requirements for certification as a radon measurement technician and provides that no person shall perform radon measurements or represent or advertise that such person may perform radon measurements unless such person is certified by the department of KDHE.

Section 6 sets out the requirements for certification as a radon mitigation technician and provides that no person shall perform radon mitigation or represent or advertise that such person may perform radon mitigation unless such person is certified by the department of KDHE.

Both sections 5 and 6 set out who such sections shall not apply to and permit a person who owns or resides in a building or performs services under either section for free will not be in violation of the act unless such person performs such service in association with or related to the

transfer of such property.

Section 7 requires that a radon measurement business be owned by or employ or retain as a consultant a certified radon measurement technician. Such business would be required to have all radon testing and removal of all measurement devices performed by a certified radon measurement technician.

Section 8 requires that a radon mitigation business be owned, or employ or retain as a consultant a certified radon mitigation technician. Such certified radon mitigation technician shall supervise any radon mitigation installations.

Section 9 provides for the certification of a radon measurement laboratory. The designation as a certified radon measurement laboratory is nontransferable.

Section 10 sets out when and under what circumstances a person shall make a report on to the Secretary of KDHE regarding any radon testing or mitigation performed. Such reported information shall be confidential.

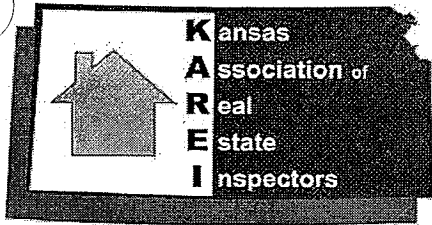
Section 11 provides that a violation of the Radon Certification Law shall be a class B misdemeanor and may result in the imposition of a fine up to \$1,000 and revocation or suspension of such person's certification. Moneys collected from fines imposed shall be credited to the state general fund.

Section 13 provides that any fees collected under the provisions of section 4 shall be deposited in the state general fund and credited to the radiation control operations fee fund.

The act will take effect upon its publication in the statute book.

The fiscal note reports that passage of the bill would increase expenditures by \$2,000 and revenues by \$11,250 in fiscal year 2011 for KDHE. Any change in expenditures or revenues resulting from the passage of the bill would be in addition to amounts recommended in the FY 2011 Governor's

The bill passed out of the Senate 34 yeas, 6 nays.



# KANSAS ASSOCIATION OF REAL ESTATE INSPECTORS

12601 Jayson Lane - Wichita, Kansas 67235 www.karei.org Phone: 316-393-4043 Fax: 316-722-4463

March 15, 2010

The Honorable Steve Brunk, Chairman  
Labor and Commerce Committee  
300 SW 10<sup>th</sup> Street; Room 141-W  
Topeka KS 66612-1504

RE: Position statement on SB531

Dear Chairman Brunk and other esteemed committee members:

As president of the largest state association of home inspectors in Kansas, I wish to acknowledge our wholehearted support for SB531. It is home inspectors that perform the vast majority of fee-paid radon tests.

Unfortunately, there are unqualified individuals within the industry that come and go, sometimes performing radon tests that are not conducted in accordance with established EPA protocols. At times these tests are done with equipment that lacks calibration, but most often the greatest errors are made by those who lack proper training on how, where and when to place the test devices.

Unwitting buyers and sellers of real estate are relying upon this single test to make a decision regarding mitigation that may cost over \$1,000 to perform. Not only is it financially important that the levels of radon not be overstated, but from a health standpoint it is even more important that these results are not understated. This testing must be performed by a qualified individual in a manner that assures confidence and accuracy. We ask that you support this important legislation, in part because someday that could be your children or grandchildren sleeping in a basement that was tested for radon by an unqualified individual.

Sincerely,

Digitally signed by Kerry Parham  
DN: cn=Kerry Parham, o=Terra Inspections, ou,  
email=terrainspectors@cox.net, c=US  
Date: 2010.03.15 20:48:30 -05'00'

Kerry Parham, President  
Kansas Association of Real Estate Inspectors

NEHA Radon Measurement Certification #100320RT  
AARST Member #207  
Kansas Registered Home Inspector #0110-0003  
Kansas Licensed Geologist #369

House Commerce & Labor  
Date: 3-18-10  
Attachment # 2

**Written Testimony For Support for Kansas State SB531  
the Radon Certification Law**

When my husband, Joe, mentioned that we should check for radon, I responded, "No, we have a very tight basement and a relatively new house." I didn't know what radon gas was, but I was absolutely sure that it wasn't in our house.

I didn't know that living in a house for a long period of time with high levels of radon was like smoking 48 cigarettes a day; that if a person had ever smoked or was a current smoker living with high levels of radon, the chance was 1 in 4 of developing lung cancer; that radon-induced lung cancer takes the lives of 22,000 people each year; that radon is the leading cause of lung cancer in nonsmokers; that there is only a 15% five-year survivor rate once diagnosed; that lung cancer kills more Americans than colon, prostate, breast, kidney and liver cancer combined; that radon is present all over the world; that it can be present in any type of home, old or new, brick or vinyl, basement or flat slab; that 10 million homes in the US have high radon levels; that it is easy to test for radon.

In Dec. 2005, Joe was diagnosed with lung cancer that had spread to his liver and bones. We were devastated. On our second visit to the oncologist, we asked what could have caused this; he said, "smoking and radon gas". Joe hadn't smoked in 27 years.

Lung cancer took Joe's life Feb. 8, 2006. One month after his death, I heard on the news "radon gas can be a cause of lung cancer." I remembered what the doctor had said and researched the Internet to find that a test kit could be purchased at the hardware store. The results of this test revealed we had been living for 18 years with a radon level over four times the EPA action level. I secured an Illinois state licensed radon mitigator to install a radon mitigation system immediately. I had great confidence in the qualifications and professionalism of my mitigator. I knew from the referral by Illinois Emergency Management Agency, the Nuclear Safety Division that this individual was legitimate and that his work performance would be exemplary.

Occasionally, the state legislators have an opportunity to save the lives of the citizens of their states. This was achieved when the seat belt law was passed. Another opportunity is at hand. Citizens will not protect themselves from this deadly gas either because of their ignorance or unwillingness. Please support SB531 in its present form and show real interest in the health of the residents of Kansas. Thousands of lives will be saved.

With God's help and my state representative, Dan Reitz, and the support from the Illinois Home Inspectors Association, and the American Association of Radon Scientists and Technologists, the **Illinois Radon Awareness Act** became law January 1, 2008. During the first year of the existence of this law the number of homebuyers that have tested before taking occupancy of the new home has increased from 8 percent to 25 percent. Homes are being tested, and mitigated if the radon level is high, and lives are being saved in Illinois as a result of this law.

You may not know what it feels like to hear the devastating news that your spouse has lung cancer. You may not know the helpless and hopeless feeling that occurs as you wonder how this could have happened, but I know. I hope you never know. Please test your home for radon and give your support to Kansas Senate Bill 531.

Sincerely,

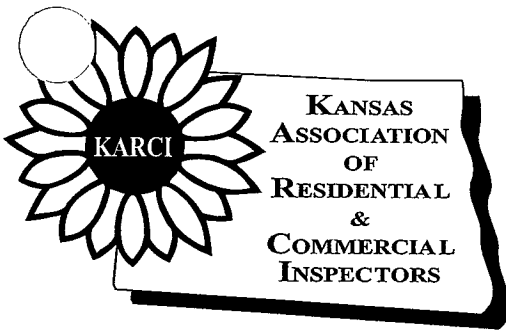
Gloria Linnertz  
618 Evansville Ave.  
Waterloo, IL 62298  
[seascape@htc.net](mailto:seascape@htc.net)  
618 830 4660  
Cancer Survivors Against Radon  
[www.cansar.org](http://www.cansar.org)

House Commerce & Labor

Date: 3-18-10

Attachment # 3





**KARCI™**

**KANSAS ASSOCIATION OF RESIDENTIAL & COMMERCIAL INSPECTORS**  
11184 Antioch • Ste. 103 • Overland Park, KS 66210  
(800) 686-1034 • (425) 696-2185 (Efax)  
Email: michael@mgihomeinspection.com

Chairman Brunk, Members of the Commerce and Labor committee and Honorable Representatives,

Members of the Kansas Association of Residential and Commercial Inspectors (KARACI) and inspectors across Kansas pray for your attention in the following matters in regards to SB 531 as this bill primarily affects our industry:

1. Sec. 10(d) would require inspectors to submit results of all tests to the KDHE unless the customer rejects this part. The results are to be used to conduct studies on radon and lung cancer incidence in Kansas however Kansans will not be able to access this information as it will remain confidential. An inspector's failure to report will be a class B misdemeanor which can result in thousands of dollars in fines, jail time, and the inspector's loss of Radon testing license and their license to perform home inspections (their primary business source). Please consider the following:
  - The inspector can be fined even though the service to the client was accurate, and provided for their safety.
  - The inspector can lose their license to operate both the Radon business and the Home inspection business even though the failure to comply resulted in nothing more than a loss of information for the KDHE for the purpose of study.
2. We would ask that either section 10 be removed in its entirety or a change to the bill that would remove the misdemeanor action as it pertains to this section and include wording to allow for a fine not to exceed \$500 per incident, for failure to comply. This would remove the potential for the inspector to lose their licensed to conduct Home Inspections due to a failure or oversight to turn in the results of a radon test to KDHE.

Thank you for your attention to the concerns of our members and inspectors in Kansas.

Sincerely  
Michael Greenwalt  
President, KARCI (Kansas Association of Residential and Commercial Inspectors)  
Board of Directors, NAHI (National Association of Home Inspectors)  
KHIRB Reg # 0110-0060, NAHI Certified # 2007127ASHI Certified # 249594

House Commerce & Labor  
Date: 3-18-10  
Attachment # 4

STATE OF KANSAS

JIM BARNETT  
SENATOR, 17TH DISTRICT  
CHASE, COFFEY, GREENWOOD  
LYON, MARION, MORRIS, AND OSAGE  
COUNTIES



TOPEKA  
SENATE CHAMBER

COMMITTEE ASSIGNMENTS  
CHAIR: PUBLIC HEALTH AND WELFARE  
CHAIR: KANSAS HEALTH POLICY OVERSIGHT  
COMMITTEE  
MEMBER: AGRICULTURE  
FINANCIAL INSTITUTIONS AND  
INSURANCE  
ORGANIZATION, CALENDAR AND RULES

TESTIMONY TO HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE  
Thursday, March 18, 2010

**SB 531** - Radon certification law.

Senator Jim Barnett

Thank you, Chairman Brunk and other distinguished members of the House Federal and State Affairs Committee, for the opportunity to come before you in support of **SB 531**.

Radon gas is a Class A human carcinogen causing an estimated 200 new cases of lung cancer yearly in Kansas. Radon is undetectable except with specialized equipment or test kits.

Currently in Kansas, there are no requirements for individuals who perform radon measurements or radon mitigation to be trained or certified. As a result, testing may be performed incorrectly and outside of established protocols and standards; the same is true for mitigation.

The risks of improperly performed radon testing and improperly installed mitigation systems are significant. Improper testing may result in below-actual radon concentration measurements, and improper mitigation system installation may result in an increase of radon gas rather than a decrease. Both are key factors contributing to increased radon gas exposure and the development of lung cancer.

I support SB 531 as a measure to develop a minimum set of skills that are critical for protection of our fellow Kansans and the prevention of lung cancer

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620-342-2521  
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House Commerce & Labor  
Date: 3-18-10  
Attachment # 5



Mark Parkinson, Governor  
Roderick L. Bremby, Secretary

DEPARTMENT OF HEALTH  
AND ENVIRONMENT

www.kdheks.gov

Division of Health

**Testimony on SB 531  
Enacting the Radon Certification Law**

**Presented to  
House Commerce and Labor**

**By  
Kimberly Steves, Supervisor, Environmental Radiation, Emergency  
Preparedness, and Right-To-Know  
Kansas Department of Health and Environment**

**March 18, 2010**

Chairman Brunk and members of the committee, I am Kim Steves, Supervisor of the Kansas Radon Program for the Kansas Department of Health and Environment. Thank you for the opportunity to provide testimony in support of SB 531 concerning the creation of a radon certification law.

Radon is a known human Class A carcinogen. It is the second leading cause of lung cancer after cigarette smoking and the first leading cause of lung cancer in individuals who have never smoked. No area of Kansas is safe from the risks of indoor radon exposure. We have documented elevated levels of radon in all 105 Kansas counties. There is no way to predict if a specific location will have elevated radon levels or not. The only way to know is to test. In the Kansas Radon Program database of indoor radon measurements for the state, over 40% of the more than 50,000 Kansas test results are higher than the action level of four pico-Curies per liter (4.0 pCi/l).

Passage of this bill will help ensure that radon testing and mitigation work done for Kansas families is consistently performed to meet proficiency standards accepted by the industry.

It is our goal to ensure that certification is as simple as possible for Kansas radon contractors. Currently many Kansas radon contractors voluntarily attend a training class; pass an examination and stay current through obtaining continuing education. This bill will ensure that all radon contractors meet that standard.

Unfortunately we know that in Kansas there are contractors performing radon tests and installing radon mitigation systems incorrectly. This is a problem. When a radon test is performed incorrectly our citizens are not getting accurate information on whether they and their families

CURTIS STATE OFFICE BUILDING, 1000 SW JACKSON ST., STE. 300, TO

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**House Commerce & Labor**

Date: 3-18-10

Attachment # 6

are being exposed to elevated levels of this carcinogenic radioactive gas. When a radon mitigation system is installed incorrectly, the levels of radon, a radioactive gas, can actually be increased in the home, instead of decreased. Other serious effects, such as increased carbon monoxide levels in the home can also result. Because we know that radon causes lung cancer, and since Kansas families are depending upon the contractor to help protect them it is vital that all radon tests and mitigation services be performed correctly.

The reason that this is a critical issue in Kansas is because of the nature and prevalence of radon gas. Radon is colorless, odorless, tasteless, and otherwise undetectable except with specialized equipment or test kits. The risks associated with continued exposure are facts about which many Kansas families are unaware. Without a radon test, our citizens have no other way of knowing if they may be living in a home where they are breathing dangerous radon levels. To be accurate, a radon test must follow established testing standards and protocols. If elevated radon levels are measured, a radon mitigation system installed correctly by a trained and certified contractor ensures the system will function to reduce radon levels in the home and protect Kansas families.

A standard level of proficiency is required by the contractor to ensure that radon is correctly diagnosed and addressed in Kansas homes. We can help ensure this level of proficiency through the certification of contractors that this legislation provides. This will increase consumer protection and confidence and is why nineteen other states have already passed similar legislation.

This bill will also allow for the collection of testing and/or mitigation data by the agency upon homeowner consent. This data is a valuable epidemiological tool which will be used to study lung cancer incidences and radon occurrences in Kansas. This data will help us prevent future cases of radon induced lung cancer in our citizens. The agency will work to offer many options and make the data sharing process as simple as possible. In addition, we can share this data as a visual aid to educate our citizens and promote radon testing and mitigation. In that way, the data which is shared with us by the certified contractors is put back to use to encourage Kansas citizens to use the radon testing and mitigation services that they provide. In the final analysis the collection of radon data benefits everyone.

To summarize: Exposure to elevated levels of radon gas for an extended period causes lung cancer. This is a known and scientifically proven fact. The Kansas Department of Health and Environment believes that certifying the contractors who are performing the tests and installing the radon mitigation systems is the best way to ensure that elevated levels of indoor radon are correctly determined and fixed in the homes of our citizens. KDHE urges favorable consideration and support to SB 531. Thank you for the opportunity to appear before the committee today. I will now stand for questions.



**House Commerce and Labor Committee**

**Written Testimony of Bruce Snead**

**Kansas Industrial Extension – Kansas State University**

**Manhattan, Kansas**

**March 18, 2010**

**SB 531**

Mr. Chair and members of the committee, thank you for the opportunity to testify on this bill. I have provided radon training to industry and public education for twenty years here in Kansas, as well as Nebraska, Missouri, Iowa, Michigan and Pennsylvania. We have provided technical assistance and services to KDHE in support of the radon program and are here in that capacity today. In addition, last year, we were selected by the EPA to provide national services through 4 toll free radon phone lines. I also serve as volunteer chair of the Policy Advisory Board of the National Environmental Health Association's National Radon Proficiency Program, which recommends policy issues to the program.

There are many myths and misconceptions about radon that only consistent public messages and professional services can address. Every member of the industry is a public educator about the issue and needs a sound knowledge of fundamentals and understanding of the risk to effectively deliver risk reduction services through testing and mitigation. Where a consistent requirement for competent, standards compliant services is in place, the public is better served, the industry operates on a level playing field, and it can grow to replace poor practices and sub-standard services.

I am sensitive to the concerns and conditions of the industry that I serve, and to the public that needs the services the industry provides. Citizens are likely to address radon issues in real estate transactions, as the radon concentration is a unique defect associated with the structure, appropriately revealed in a home inspection. Availability of competent, quality radon testing and reduction services can easily address this situation for all parties involved, reducing risk and liability. However, when

**House Commerce & Labor**

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**Attachment #** 7

measurements are improperly conducted, or undetected tampering occurs to secure false low results, or when mitigations are inadequately installed or ineffective, risk may be extended or increased.

Recognition of, and requirement for the practices and standards which this legislation details, is the best way to address this risk.

Having provided the professional training for the vast majority of those currently serving Kansas, I fully understand the costs and commitment such training requires, as well as comparable licensing fees in states with regulation. While the costs proposed in the bill are modest and reasonable, I understand that businesses face difficult economic conditions and added costs of compliance are always viewed as a burden. If this bill becomes law, I will work with KDHE and the industry to ensure that opportunities for the least cost possible training and exams are provided across the state, and help those who need training access it wherever and whenever it is available. This is consistent with the approach we took in providing comprehensive training to the Kansas real estate industry after the law passed two years ago requiring the inclusion of a paragraph addressing radon in all residential real property contracts.

I know that taking time to answer questions about this complex topic is essential to increased understanding and taking appropriate action. I welcome your questions. Thank you.

Bruce Snead

810 Pierre St.

Manhattan, KS 66502

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Testimony on Senate Bill #531

Presented to the House Committee on Commerce and Labor

By: Stephen E. Albright, Broker, and Realtor

Distinguished Representatives,

I rise to give testimony in favor of the Radon Certification Law, SB531.

For the past eleven years I have been in the real estate industry actively representing buyers and sellers in the transfer of real property in Lawrence, KS. Prior to my real estate career, I was in the business of radon testing, mitigation and training for both state and federal government agencies, school districts and the private sector for ten years. I believe my experience affords an unusual, if not unique perspective on the issue of radon testing and mitigation in the context of a real estate transaction.

As a real estate professional I rely daily on a variety of professional and trade service providers. The performance of these vendors is critical to my success. My clients depend upon me to solve the problems that arise in their real estate transaction in a prompt and cost effective manner.

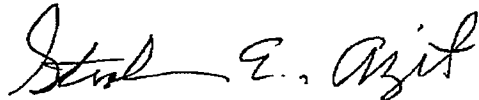
The majority of the problems my clients face occur when the subject property has been put under contract and after the new buyer has conducted his or her inspections to determine the condition of the property. Frequently, the resolution of defects in the property's condition is required for the property to transfer. Just as frequently, there is limited time to fix these conditions. This is when I, and therefore my clients, must rely on credentialed professionals for services. However, with regards to radon problems, there is a lack of clear credentials and demonstrated proficiency among those providing radon services for hire.

With regard to radon measurement, it is critical that the measurements be conducted with the strict adherence to test protocols and with equipment that meets the requirements for the type of test conducted and executed by credentialed technicians. Expensive decisions will be made or falsely avoided based on these test results.

Radon mitigation systems are another mechanical system that is required to "fix" those houses that have elevated radon levels. I believe that those individuals that install and maintain those systems should be treated as mechanical contractors. Licensing and/or certification of plumbers, electricians and heating and cooling professionals has been a common practice for the purpose of assuring that professional standards and practices are provided to consumers for decades and has been of benefit to the common good.

Therefore, I urge you to support the Radon Certification Law and make a positive impact on the lives of many Kansans.

Respectfully,



Stephen E. Albright

House Commerce & Labor

Date: 3-18-10

Attachment # 8



Testimony Regarding Kansas Bill SB531

Mr. Chairperson and Committee Members:

My name is Gary Hodgden and I appear on behalf of the American Association of Radon Scientists and Technologist (AARST). AARST is the largest professional radon organization in the world. As former National Secretary and residing in Olathe Kansas, I am here at the urging of the AARST National President, National Board and local members. To confirm: The association strongly supports regulation of radon services in Kansas.

*Why we are all here:*

- Radon causes cancer. (Science discussion attached.)
- Kansas is among those states near the top of the list for high percentages of citizens exposed to this danger.
- People place their strongest trust in local consultants and tradesman as their primary source of guidance. Without educated consultants, citizens are quite often effectively denied the tools and even the option to protect themselves.

*AARST has witnessed legislation elsewhere. Where strong legislation has been enacted:*

- Citizens are witnessed to benefit from improved quality of services (such as for determining their risk, reducing exposure and in responsible guidance).
- Competent professionals are seen to compete successfully on an even playing field. Elsewhere, they are barely able to compete against those who assume no responsibility for their actions, quality, education and consumer health.

*AARST bears witness to certification criteria and consumer needs:*

- Bridging the gap between building technology and the science of radiation was a challenge for the USEPA as they identified criteria for minimal education needs (circa 1986 – 1995). This criteria still serves as the primary basis by which the USEPA and AARST recognizes radon certification programs.
- Make no mistake: A professional radon service without this education cannot consistently meet fiduciary obligations that are inherent to the scope of work they are selling. Be it a consultant's weakness in either a building technology or radiation science, failure to consistently provide reliable service is virtually eminent without a transfer of knowledge from this education.

*AARST review of the proposed legislation:*

- AARST members, both locally and nationally, have watched legislative efforts in Kansas. Provisions in the bill are seen to be fair and simply reflect long-standing requirements throughout the industry. The fees and costs are not unreasonable. A few days education to set a person on the right track is a bare essential.
- AARST observes this legislation to highly emphasize consumer protection. By doing so, the bill mutually aids industry by insisting on adherence to responsible professional standards (and regulations) of practice.
- We ask that you enact this bill onto law.

Thank you for the opportunity to testify. I will be happy to answer any questions the Committee may wish to ask me.

House Commerce & Labor

Date: 3-18-10

Attachment # 9

Testimony Regarding Kansas Bill SB531

*Personal / Supplemental Testimony (with discussion of health related science):*

- Radon causes cancer.

Created mostly by our soil, the concern of radon and its byproducts is Alpha energy particles acting similar to small bullets with a force to travel up to about two inches and firing randomly in all directions within your lungs. Most hit water but a single hit to a cell can cause cancer. Considering an air volume of three liters for the average lung and both the radon and byproduct polonium alpha energy released: EPA's action level represents about 80 firings per minute within your lungs (4.0 pCi/L) while outside air is only about 12. The World Health Organization has clearly identified trends in cancer at about 53 per minute. It's a numbers game based upon bullets fired per minute and the number of years it's allowed to happen.

- Homemakers and children get the most hours of exposure. Furnace fans mix it throughout the house.
- If you've known someone with lung cancer, there is about one in ten chance it is the result of radon.
- It doesn't matter which type of house you live in. It doesn't matter if you are rich, poor, in a city, in a suburb or on a farm:

Radon in homes is the number one cause of fatal lung cancer in those who have never smoked. The number two cause in smokers and former smokers. Statistically, the seventh leading cause of all cancer.

- Kansas: It is exceedingly common for potential exposures in Kansas to be between about 80-396 Alpha energy releases per minute within the lungs. 43% of the homes in Johnson County where I live. (See 4-20 pCi/L on state maps). The highest I've measure represents about 5600 per minute.
- Radon is easy to dismiss since there is nobody to blame and no smoking gun. Once cancer begins, it may be kept in check by the body for years until it takes hold in the lungs or travels to other parts of the body to flourish.
- This cancer is easily preventable.

*My family has provided home inspection services since 1976 and I have specialized in radon services since 1988. Too many times I've sat on a front porch in Kansas explaining radiation to someone with lung cancer. I request you take this legislation seriously and convene support to get it passed into law.*

*Gary Hodgden*



*Advanced  
Environmental  
Services Inc.*

3825 SW Dukeries Rd.  
Topeka KS 66610-1506  
(785) 231-9324

Date: March 16, 2010

Subject: **SB 531 Fine Radon Legislation**

Honorable Representatives of the Great State of Kansas,

I and my colleges have witnessed some pitiful excuses for radon mitigations over the years. Electric fans installed near gas meters, over sucking a high efficiency home and creating a CO hazard, humid air exhaust near electric lines, and actually increasing the radon levels rather than lowering them.

My name is Roger Dahlby and I stand before you as a radon mitigator, volunteer fire fighter, and Professional Environmental Engineer that has taken a sworn oath to protect our fellow Kansans. Conducted hundreds of radon mitigations and tested many more homes. Radon mitigation is an art form that requires some training. While you by no means need to be an engineer to figure it out not everyone is cut out for it. I have seen plenty of Kansans taken by what one loosely would call a contractor. Some of those are just making it up as they go along from what I can tell and others use fear in a way that is deplorable. Been embarrassed at times to be in the same industry.

As the cost of mitigations might be an issue to not approve SB531 I cite that radon testing prices have not increased after the passing the legislation requiring the radon question on realty contracts. I expect if there is any price increase it will be just that the incredibly poor and unsafe product will no longer be available. Oddly enough my prices historically have been just above those anyway for a product that fulfills all licensure required components. Believe me when I tell you I will be a lot happier as I will not be asked again to talk a customer down from the fear induced by others working in this industry.

Below is a short list of things we recall over the years:

- Unrealistic fear used as a tool to sell
- A misinformed public by a perceived professional
- Radon tests that take only 1 hour (licensure mandates 44hour test minimum)
- Radon tests under vents, in hallways, near windows, or doors (radon tests are suppose to be conducted in areas where air movement is minimized)
- Radon tests over the sump pit (method to encourage elevated results)
- Falsified Tests

House Commerce & Labor

Date: 3-18-10

Attachment # 10

- Radon tests conducted with open windows and doors (test is to be conducted in "closed home conditions")
- No second test after mitigation; homeowner assumes professional install has mitigated home but in fact years' later testing confirms it has not.
- 2" Primary radon vent pipe (ASTM requires 3" minimum)
- Unglued and unsecured radon vent pipes
- Radon fans and switches installed near gas meters (possible explosion hazard)
- Exhaust under and near windows (licensure requires 10' above ground and 2' above windows within 10')
- Exhaust under eaves (licensure requires 1' above roof plane)
- Exhaust at dryer vent level (Radon latent gas at levels where Children Play)
- Taped radon sump covers
- Improper labeling (unknowingly the pipes have been used for plumbing)
- Using the homes plumbing vent stack as a radon pipe
- Dryer vent hose used as radon pipe (Licensure requires minimum Schedule 20 PVC)
- Vent pipes that no longer work as they are filled with water
- Fans installed in livable space (positive pressure on pipe can bring homes to incredible levels if leaks are present)
- Over sucking a home and not checking for back draft (pulls energy out of home and worse possible CO back into home)
- Installing a radon system without treatment to the crawl space.
- Improper or non-existent sealing (energy waste)
- Use of materials that do not meet minimums (for instance there is a minimum of 6mil poly in crawl spaces but often we see 4mil or 2mil used)

Local Observations:

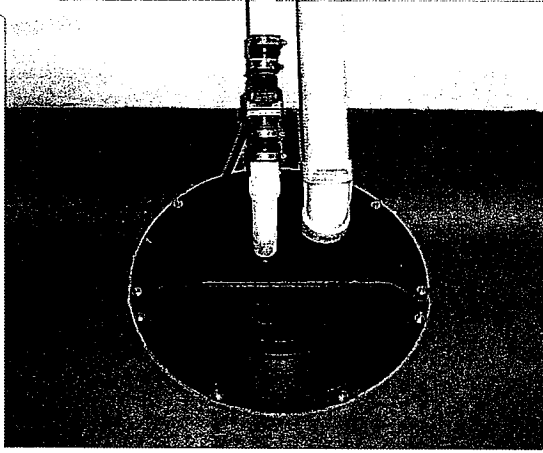
- The standard professional radon test during a realty transaction is \$100
- \$1.00 to \$15.00 if done by the homeowner.
- Mitigation cost is \$750 to \$1700 but averages about \$1,100.
- Homes only feet apart can test minimal to extremely high.
- All homes from our experience can be mitigated.
- More radon awareness is need in Kansans.
- If you pass this legislation we can be certain lives will be saved.

We whole heartedly support SB 531 and the presented amendments. Hope you can see that this is a life safety issue and deserves serious consideration to require licensure and make Kansas a safer place. We commend your time and efforts along with those that have work so hard getting us to this landmark point. If you have any questions please don't hesitate to ask us in the radon industry so you too can make an informed decision.

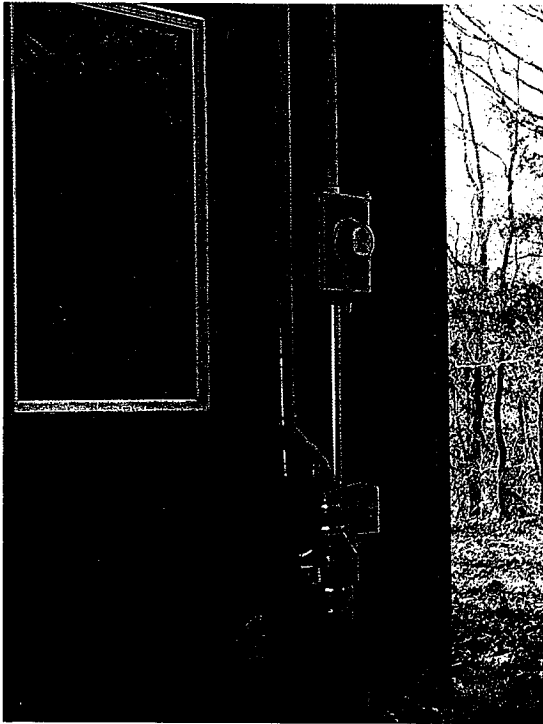
Sincerely,  
 Roger J. Dahlby, P.E.  
 Licensed Professional,  
 Radon Mitigator  
 Radon Testing Specialist  
 Volunteer Fire fighter/EMT/Swift Water Tech.  
 Environmental/Structural Engineer



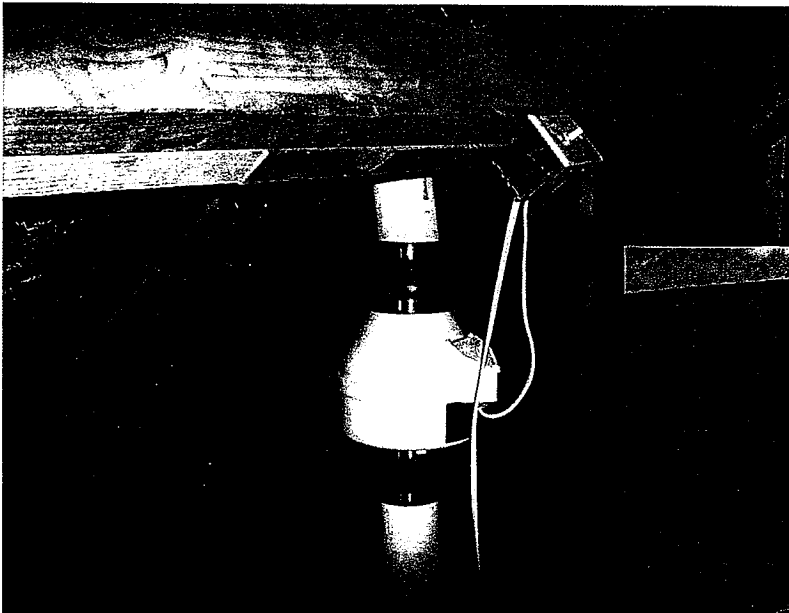
**Licensed Mitigations:**



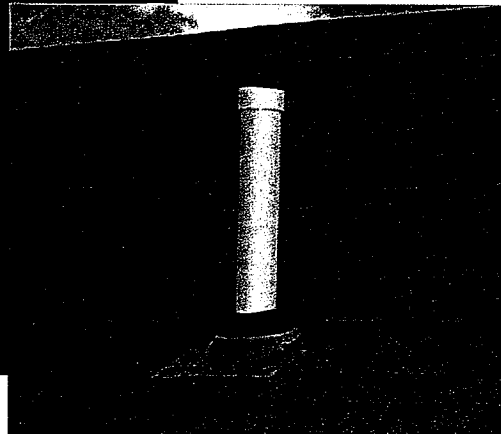
**Properly covered sump pump**

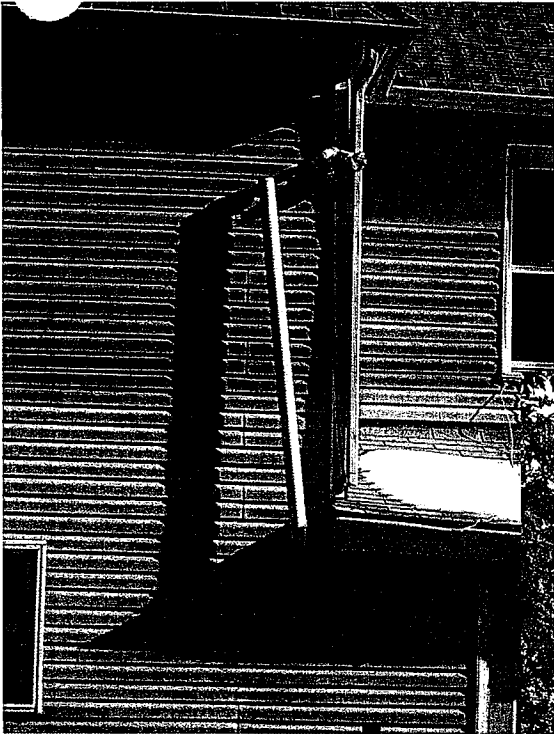


**Exterior mounted radon fan**



**Attic installed radon fan**



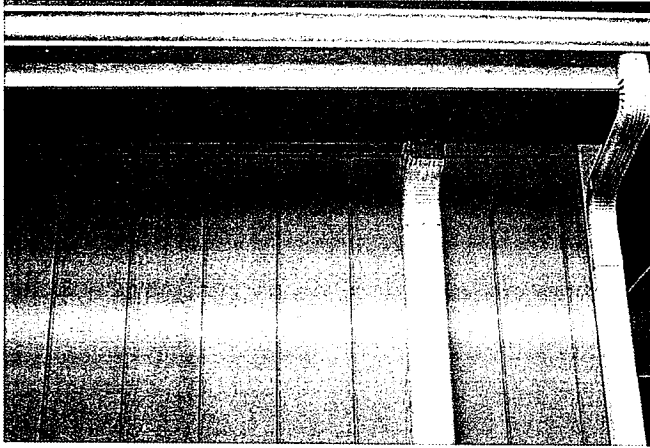


## **Unlicensed mitigations:**

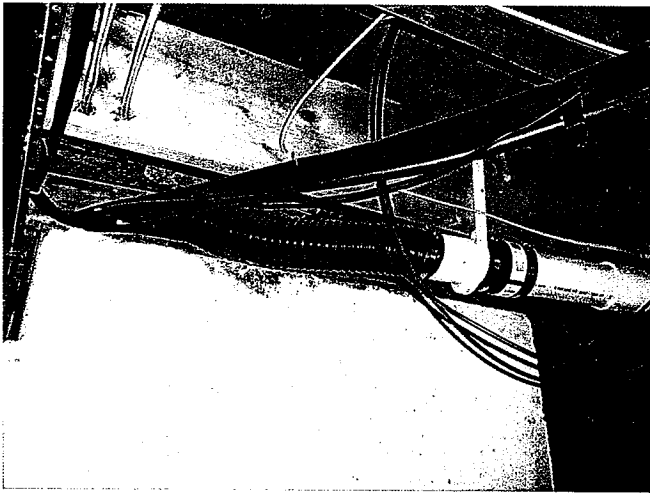
- Fan installed in home
- Stack below windows and deck
- Humid air near electrical
- Improperly attached



- 2" Vent Pipe, no electrical shut off, and used extension cord does not meet ASTM 2121 standards.
- Overpowered fan for home may actually increase radon levels or worse suck CO back into home.
- General poor quality



- Vent breathing back Radon latent air into soffit vent.
- Used Metal Pipe
- High humidity in exhaust will rot and mold soffit.



- Use of dryer vent hose
- Vent slopes downhill filled in with water due to humidity rendering system ineffective.
- Installers nowhere to be found to repair.



- Radon vents below windows is a no-no

