

RADON IN SCHOOLS

OVERVIEW OF STATE LAWS

Environmental Law Institute

Part of the ELI Series

*Topics in School
Environmental Health:
Overview of State Laws*

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Why is this Issue Important for School Environmental Health?

According to the U.S. EPA, indoor radon exposure results in an estimated 21,000 lung cancer deaths in the United States each year. That makes indoor radon the second leading cause of lung cancer, the leading cause of lung cancer among non-smokers, and the seventh leading cause of cancer mortality overall.

Radon is a colorless, odorless gas that is produced from the decay of radium released from uranium ore that is present in most rock and soils. When radon enters a building through cracks or other openings in the foundation or slab, it becomes concentrated indoors. Inhaling radon over a period of years increases cancer risk; the higher the radon levels, the greater the risk.

Elevated radon levels have been found in schools throughout the U.S. The only way to know if a particular school building has elevated radon levels is to test the air in that building for radon. Where elevated radon levels are discovered, established techniques for installing radon control systems can lower radon levels effectively in most cases. Many schools already have taken action to test for and mitigate elevated radon levels. Radon control techniques are also available for new school construction.

For information about radon from the U.S. EPA and the state of Minnesota, see <http://www.epa.gov/radon/> and <http://www.health.state.mn.us/divs/eh/indoorair/schools/radonschool.html>.

For information from ELI about state policies addressing radon in homes, see http://www.eli.org/Buildings/reports_by_topic.cfm#Radon.

What Types of State Policies are Included in this Overview?

This Overview includes state laws and regulations that address radon in schools, though it does not necessarily provide an exhaustive listing of such policies. State radon laws and regulations that impact schools indirectly – e.g., laws that require radon professionals to obtain state certification – are not covered here. State agency guidance documents and other materials are not included in the absence of a related law or regulation addressing radon in schools explicitly.

Most of the policies described below require schools to conduct radon testing or mitigation or to incorporate radon-resistant new construction (RRNC) techniques, while some encourage or facilitate such actions.

States covered in the summary chart below: **CO, CT, FL, IL, IA, MN, NJ, NY, OR, RI, VA, WV**

RADON		
STATE & CITATION	SUMMARY OF LAW/REGULATION	LAW REQUIRES •TESTING? •MITIGATION? •RRNC?
<p>COLORADO Co. Rev. Stat. § 25-1.5-101; 6 Co. Code Regs. § 1010-6.8.1(E)(2)</p>	<p>Colorado health law authorizes the Department of Public Health and Environment to establish and enforce sanitary standards for the operation and maintenance of schools. Department regulations require schools to test for radon in accordance with procedures described in the 2015 AARST <i>Protocols for Conducting Measurements of Radon and Radon Decay Products in Schools and Large Buildings</i>. Results must be maintained on file at each school and be available for review. The regulations also require that newly-constructed schools undergo radon testing within 19 months of occupancy and that remodeled schools be evaluated by the state to determine the need for radon testing.</p>	<p>TESTING</p>
<p>CONNECTICUT Ct. Gen. Stat. § 10-291</p> <p>Ct. Gen. Stat. § 10-220</p> <p>Ct. Gen. Stat. § 19a-37b</p>	<p>Connecticut education law prohibits the Department of Construction Services from approving school building project plans or sites if the site is in an area of moderate or high radon potential, except where the school building project plan incorporates construction techniques to mitigate radon levels.</p> <p>Connecticut education law also requires that every five years, local boards of education inspect and evaluate indoor air quality in all school buildings that have been constructed, extended, renovated or replaced on or after January 1, 2003. The law specifies numerous items to be included in the inspection program, including evaluation of radon levels in the air. Results of these evaluations must be provided at a board meeting and on the website of the board or individual school.</p> <p>Connecticut public health law requires the Department of Public Health to adopt regulations to establish requirements and procedures for evaluating radon in indoor air and reducing elevated radon gas levels when detected in public schools.</p>	<p>RRNC</p> <p>TESTING</p> <p>NO</p>
<p>FLORIDA Fl. Stat. § 404.056; 64 Fl. Admin. Code § 64E-5.1208</p>	<p>Florida public health law requires radon testing of all public and private school buildings in counties designated in the Florida Radon Protection Map as Intermediate or Elevated Radon Potential. The law requires the use of testing procedures established by the Department of Health, with initial testing conducted in 20 percent of habitable first floor spaces and five-year follow-up testing completed in five percent of habitable first floor spaces. Additional follow-up testing is required only if significant structural changes occur. Results must be reported to the department. Regulations implementing the law incorporate the radon testing procedures and reporting forms.</p>	<p>TESTING</p>

<p>ILLINOIS Il. Comp. Stat. Ch. 105, § 5/10-20.48; Ill. Comp. Stat. Ch. 105, § 5/34-18.39</p>	<p>Illinois education law recommends that occupied school buildings be tested for radon every five years and mitigated by a licensed professional if radon levels are 4.0 pCi/L or higher. The law requires school districts to use certified radon professionals if they conduct radon testing, unless a school employee attends a state-approved training course and receives an exemption. The law also requires school districts to report any radon test results to the state Board of Education and requires the Board to submit a report to the Governor and Legislature every two years. The law further recommends that new schools be built using radon-resistant new construction techniques consistent with EPA guidance. A separate law establishes these provisions for schools districts in cities with more than 500,000 inhabitants.</p>	<p>NO</p>
<p>IOWA Ia. Sen. File 366 (2014)</p>	<p>Iowa legislation requires the state Department of Education to notify each school district and accredited nonpublic school of the risks associated with radon, provide information about radon testing and mitigation, and encourage schools to adopt a testing and mitigation plan. School districts and nonpublic schools are required to notify the Department of their current or anticipated radon testing and mitigation plans. The legislation further requires the Department to report to the legislature on information collected from schools.</p>	<p>NO</p>
<p>MINNESOTA Mn. Stat. §§ 123B.57, 123B.571</p>	<p>Minnesota education law establishes procedures and requirements for school districts to receive health and safety revenue. The law provides that health and safety revenue may only be used for approved expenditures necessary to address a list of covered items, which includes radon testing and mitigation. The law requires school districts to report any radon testing results to the Department of Health and at a school board meeting. The law also authorizes the health and education agencies to develop a plan to encourage school districts to test for radon.</p>	<p>NO</p>
<p>NEW JERSEY N.J. Stat. §§ 52:27D-123A--123E N.J. Admin. Code §§ 5:23-10.1--10.4</p>	<p>New Jersey building construction law requires the state Commissioner of Community Affairs to adopt a radon hazard code to ensure that schools and residential buildings in areas of high radon potential are constructed in a manner that minimizes radon entry and facilitates any subsequent remediation activities. The regulations promulgated under the law establish the Radon Hazard Subcode, which contains standards for radon-resistant materials and techniques to be used in school buildings in designated “tier one” areas of the state.</p>	<p>RRNC</p>
<p>NEW YORK N.Y. Educ. Law §§ 409-d, 409-e; 8 N.Y. Code Rules & Regs §§ 155.5(m)</p>	<p>New York education law requires the Commissioner of Education to establish, develop, and monitor a comprehensive public school building safety program which must include a uniform inspection, safety rating, and monitoring system. The regulations established under the law address school construction and maintenance projects and provide, among other things, that “Districts shall take responsibility to be aware of the geological potential for high levels of radon and to test and mitigate as appropriate.”</p>	<p>NO</p>
<p>OREGON Or. Stat. §455.365; Or. Admin. Code § 918-460-0015</p>	<p>Oregon building construction law requires the state building code agency to adopt design and construction standards for radon control in new residential buildings and new public buildings, including schools. Pursuant to the law,</p>	<p>RRNC</p>

	<p>the new standards are applicable in seven counties listed in the law, as well as others the agency may consider appropriate in light of local radon levels. Regulations adopted under the law incorporate requirements for passive soil depressurization into the Structural Specialty Code for public buildings.</p>	
<p>RHODE ISLAND R.I. Gen. Laws § 16-60-4; R.I. Admin. Code § 21-2-41:1.05</p>	<p>Rhode Island education law authorizes the state Board of Regents to approve standards for the design and construction of school buildings. The regulations adopted under the law require all new school construction and school renovation projects that cost more than \$500,000 to incorporate a radon mitigation strategy if the site is located in an area with moderate or high radon potential.</p>	RRNC
<p>R.I. Gen. Laws §§ 23-61-4, 7 R.I. Admin. Code § 31-1-37:28.0</p>	<p>Rhode Island health and safety law authorizes the Department of Health to require owners of "public or high priority buildings" to test for radon and directs the agency to establish regulations requiring the evaluation of all public buildings, schools, and day care centers for elevated radon levels. Regulations promulgated under the law provide that all schools must be tested for radon; if testing reveals levels at or above 4.0 pCi/L, the regulations require mitigation and post-mitigation testing. The regulations also require that testing and mitigation be conducted by certified professionals in compliance with protocols established by the department.</p>	TESTING MITIGATION
<p>VIRGINIA Va. Code § 22.1-138</p>	<p>Virginia education law requires every school building to be tested for radon. Schools must maintain and make available for review their radon test results, and school districts must report results to the Department of Health.</p>	TESTING
<p>WEST VIRGINIA W.V. Code § 18-9E-3; W. Va. Code St. Rules § 164-4-9</p>	<p>West Virginia education law requires the Division of Health to perform radon testing in new schools within one year of occupancy and at least every five years thereafter. The testing must include all major student-occupied areas at or below grade level. The law also requires mitigation if testing reveals elevated radon levels. The regulation implementing the law requires test results to be filed at the school and with the Bureau for Public Health.</p>	TESTING MITIGATION

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