

AMENDMENTS TO LB28

Introduced by Health and Human Services.

1           1. Strike the original sections and insert the following new  
2 sections:

3           Section 1. Sections 1 to 5 of this act shall be known and may be  
4 cited as the Radon Resistant New Construction Act.

5           Sec. 2. The Legislature finds that:

6           (1) Radon is a radioactive element that is part of the radioactive  
7 decay chain of naturally occurring uranium in soil;

8           (2) Radon is the leading cause of lung cancer among nonsmokers and  
9 the number one risk in homes according to the Harvard School of Public  
10 Health, Harvard Center for Risk Analysis;

11           (3) The World Health Organization Handbook on Indoor Radon includes  
12 key messages which state:

13           (a) "There is no known threshold concentration below which radon  
14 exposure presents no risk."; and

15           (b) "The majority of radon-induced lung cancers are caused by low  
16 and moderate radon concentrations rather than by high radon  
17 concentrations, because in general less people are exposed to high indoor  
18 radon concentrations.";

19           (4) The Surgeon General of the United States urged Americans to test  
20 their homes to find out how much radon they might be breathing;

21           (5) The United States Environmental Protection Agency estimates that  
22 more than twenty thousand Americans die of radon-related lung cancer each  
23 year; and

24           (6) The United States Environmental Protection Agency has identified  
25 radon levels in Nebraska as the third highest in the United States  
26 because of the high concentration of uranium in the soil.

27           Sec. 3. For purposes of the Radon Resistant New Construction Act:

1           (1) Active radon mitigation system means a family of radon  
2 mitigation systems involving mechanically driven soil depressurization,  
3 including subslab depressurization, drain tile depressurization, block  
4 wall depressurization, and submembrane depressurization. Active radon  
5 mitigation system is also known as active soil depressurization;

6           (2) Building code means an ordinance, resolution, or law that  
7 establishes standards applicable to new construction;

8           (3) Building contractor means any individual, corporation,  
9 partnership, limited liability company, or other business entity that  
10 engages in new construction;

11           (4) Department means the Department of Health and Human Services;

12           (5) New construction means any original construction of a single-  
13 family home or a multifamily dwelling, including apartments, group homes,  
14 condominiums, and townhouses, or any original construction of a building  
15 used for commercial, industrial, educational, or medical purposes. New  
16 construction does not include additions to existing structures or  
17 remodeling of existing structures;

18           (6) Passive new construction pipe means a pipe installed in new  
19 construction that relies solely on the convective flow of air upward for  
20 soil gas depressurization and may consist of multiple pipes routed  
21 through conditioned space from below the foundation to above the roof;  
22 and

23           (7) Radon mitigation specialist means an individual who is licensed  
24 by the department as a radon mitigation specialist in accordance with the  
25 Radiation Control Act.

26           Sec. 4. (1) The Radon Resistant New Construction Task Force is  
27 created. The task force shall consist of the chief medical officer of the  
28 Division of Public Health of the Department of Health and Human Services  
29 as designated in section 81-3115 or his or her designee, who shall serve  
30 as the chairperson of the task force, and the following additional  
31 members to be appointed by the Governor:

1       (a) Three representatives of home builders' associations in  
2 Nebraska, each from a different congressional district;

3       (b) A representative of a home inspectors' association in Nebraska;

4       (c) Two representatives of commercial construction associations, one  
5 of whom must have experience related to large-scale projects and one of  
6 whom must have experience related to medium-scale to small-scale  
7 projects;

8       (d) A representative of a Nebraska realtors' organization;

9       (e) A representative of a respiratory disease organization;

10       (f) A representative of a cancer research and prevention  
11 organization;

12       (g) A representative of the League of Nebraska Municipalities;

13       (h) Three community public health representatives, each from a  
14 different congressional district;

15       (i) A professional engineer as defined in section 81-3422;

16       (j) An architect as defined in section 81-3404; and

17       (k) A representative with expertise in residential or commercial  
18 building codes.

19       (2) The task force shall meet at the call of the chairperson. The  
20 appointed members of the task force shall serve without compensation but  
21 shall be reimbursed for their actual and necessary expenses as provided  
22 in sections 81-1174 to 81-1177. The department shall provide staff and  
23 support for the operation of the task force.

24       (3) The task force shall develop minimum standards for radon  
25 resistant new construction and shall recommend such minimum standards to  
26 the Governor and to the Health and Human Services Committee of the  
27 Legislature. In developing such minimum standards, the task force shall:

28       (a) Design the minimum standards so that they may be enforced by a  
29 county, city, or village as part of its local building code;

30       (b) Consider Appendix F of the International Residential Code for  
31 One- and Two-Family Dwellings, 2012 edition, published by the

1 International Code Council; and

2 (c) Consider including the following provisions in such minimum  
3 standards:

4 (i) A requirement that the installation of an active radon  
5 mitigation system only be performed by a building contractor or his or  
6 her subcontractors or by a radon mitigation specialist;

7 (ii) A requirement that the installation of radon resistant new  
8 construction only be performed by a building contractor or his or her  
9 subcontractors or by a radon mitigation specialist; and

10 (iii) A requirement that only a building contractor or his or her  
11 subcontractors or a radon mitigation specialist be allowed to install a  
12 radon vent fan or upgrade a passive new construction pipe to an active  
13 radon mitigation system.

14 (4) The task force shall provide its recommendations by December 15,  
15 2015. The task force and this section terminate on January 1, 2016.

16 Sec. 5. It is the intent of the Legislature that the recommendations  
17 provided by the Radon Resistant New Construction Task Force under section  
18 4 of this act be used by the Legislature during the 2016 legislative  
19 session to establish, in statute, minimum standards for radon resistant  
20 new construction.