

LEGISLATIVE BILL 9

Approved by the Governor April 27, 2017

Introduced by Krist, 10.

A BILL FOR AN ACT relating to radon; to adopt the Radon Resistant New Construction Act; and to create a task force.
Be it enacted by the people of the State of Nebraska,

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

Sec. 2. The Legislature finds that:

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

(2) Radon is the leading cause of lung cancer among nonsmokers and is the number one risk in homes according to the Harvard Center for Risk Analysis at the Harvard T.H. Chan School of Public Health;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) A representative of a respiratory disease organization;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) The task force shall provide its recommendations by April 15, 2018. The task force and this section terminate on May 1, 2018.

Sec. 5. It is the intent of the Legislature that the recommendations provided by the Radon Resistant New Construction Task Force under section 4 of this act be used by the Legislature during the 2019 legislative session to establish, in statute, minimum standards for radon resistant new construction.