

ENVIRONMENTAL LAW INSTITUTE
DATABASE OF
STATE INDOOR AIR QUALITY LAWS

DATABASE EXCERPT: RADON LAWS

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The Environmental Law Institute's Database of State Indoor Air Quality Laws contains a broad cross-section of policies on the subject of indoor air quality. The following chart collects those laws included in the database that address the subject of *radon*. The chart does not purport to include every state law that addresses radon. The chart highlights laws that deal directly or exclusively with radon, and does not include laws that may affect the problem of radon indirectly. For example, a law that authorizes a state agency to undertake research on indoor air quality generally may result in radon-related activities but would not be included here. For a fuller compilation of IAQ laws, see the complete database chart. Like the complete database, this excerpt covers laws enacted through December 2009.

The abstracts for documents that were added or substantially amended in 2009 appear in **bold** type.

AK	<p>Alaska Statutes §§ 34.70.010--.200</p> <p>Requires transferors of an interest in residential real property to provide to transferees a written disclosure statement prior to a written offer of transfer, and directs the Alaska Real Estate Commission to establish the form. Form developed by the commission requires disclosure of knowledge of materials deemed to be environmental hazards, including radon, formaldehyde, asbestos and other substances, as well as knowledge of mold or mildew issues. [See http://www.dced.state.ak.us/occ/pub/rec4229.pdf.]</p>
CA	<p>California Business & Professions Code § 10084.1</p> <p>Requires the state to prepare a booklet to educate consumers about common environmental hazards affecting real property, including radon. Separate law (Cal. Health & Safety Code § 25417.1) required the state to update the booklet.</p>
CA	<p>California Civil Code § 1102--1102.18</p> <p>Requires sellers of property containing 1-4 residential units to complete a disclosure form indicating the presence of all environmental hazards, including radon gas, formaldehyde, and mold, that are known to the seller.</p>
CA	<p>California Health & Safety Code § 105430</p> <p>Authorizes the state health agency to develop radon assessment and mitigation plans for new construction in at-risk areas. Provides that if the department adopts regulations to implement a radon assessment and mitigation plan, local governments may not issue building permits until applicants have demonstrated compliance with the state regulatory standards.</p>

CA	California Health & Safety Code §§ 106750--106865
	Establishes that no person may provide radon services for the general public unless that person has completed the National Radon Measurement Proficiency Program of the National Environmental Health Association or the National Radon Safety Board Certified Radon Professional Program. Requires submission of certificate of completion of either course to the state health agency, and requires the agency to make available to the public a list of individuals so certified.
CO	Colorado Revised Statutes Ann. § 12-61-804
	Requires real estate brokers to disclose to prospective purchasers or tenants all adverse material facts actually known by the broker, including any environmental hazards affecting the property that are required by law to be disclosed. State Real Estate Commission created a Seller's Property Disclosure Form (SPD29-5-09) that requires disclosure of environmental conditions of which seller has current actual knowledge, including the existence of radon.
CO	Colorado Revised Statutes Ann. § 25-1.5-101
	Authorizes the Department of Public Health to establish and enforce sanitary standards for the operation and maintenance of schools and other institutions. Regulations adopted under the law (Colorado Code Regs., tit. 6, § 1010-6) require schools to test for radon. 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. Regulations require that radon testing be carried out in a manner consistent with EPA guidance and that schools make the test results available.
CO	Colorado Revised Statutes Ann. § 6-1-105
	Provides that it is a deceptive trade practice to knowingly make a false representation as to the results of a radon test or the need for radon mitigation.

CT	<p>Connecticut General Statutes Ann. § 10-220</p> <p>Requires local or regional boards of education to adopt and implement an IAQ program that provides for ongoing maintenance and facility reviews, as well as a green cleaning program that provides for the procurement and use of environmentally preferable cleaning products. Requires boards of education to report biennially to the Commissioner of Education on facility conditions and on actions taken to implement their IAQ program, green cleaning program, and long-term school building program. Requires that every five years boards of education inspect and evaluate indoor air quality in all new and renovated school buildings, and lists 14 separate items to be included in the inspection and evaluation program, including testing 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>
CT	<p>Connecticut General Statutes Ann. § 10-291</p> <p>Requires public school building projects to incorporate the guidelines set forth in the Sheet Metal and Air Conditioning Contractors National Association's publication, "Indoor Air Quality Guidelines for Occupied Buildings Under Construction" or similar publications. Prohibits the Department of Education from approving school building project plans that do not include provisions for training of building maintenance staff in the operation of HVAC systems and indoor air quality. Also requires the preparation of a Phase I environmental site assessment in school building projects, and establishes requirements relating to roof construction or replacement. Prohibits the department 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>
CT	<p>Connecticut General Statutes Ann. § 19a-14b</p> <p>Requires the Department of Public Health to maintain a list of companies and individuals that are included in current lists of national radon proficiency programs that have been approved by the Commissioner of Public Health. Also requires the department to adopt regulations concerning radon in drinking water consistent with federal regulations.</p>

CT	Connecticut General Statutes Ann. § 19a-37b
	Requires the Department of Public Health to adopt regulations to establish radon measurement requirements and procedures for evaluating radon in indoor air and reducing radon levels in public schools.
CT	Connecticut General Statutes Ann. § 19a-79
	Requires the Commissioner of Public Health to adopt regulations to assure that child day care centers and group day care homes meet the health, educational and social needs of children utilizing them. Regulations promulgated under the law (Conn. Agencies § 19a-79-3a,7a) require child day care centers and group day care homes that use a basement or first-floor level of a building to conduct at least one radon test during the months of November through April.
CT	Connecticut General Statutes Ann. § 20-327b
	Requires sellers of residential property containing four units or fewer to provide a written residential condition report to the prospective purchaser. Requires that the report contain information concerning environmental matters including, but not limited to, radon. Disclosure form adopted through regulation (CT Admin. Code 20-327b-1).
CT	Connecticut General Statutes Ann. §§ 20-420--427
	Requires that home improvement contractors obtain a certificate of registration from the state and provides that contractors who perform radon mitigation may not obtain the certificate of registration unless they are certified as radon mitigators by the National Radon Safety Board or the National Environmental Health Association.
DE	Delaware Code, tit. 16, § 7402
	Establishes a program to regulate sources of ionizing radiation with authority to survey indoor radon concentrations and advise the legislature of potential health effects.

DE	<p>Delaware Code, tit. 6, §§ 2570--2578</p> <p>Requires sellers of property containing 1-4 residential dwelling units to disclose to the buyer, agent and/or subagent all known material defects of the property. Mandatory disclosure form, developed by the DE Real Estate Commission pursuant to the law, requires disclosure of any radon tests performed on the property, as well as the presence of toxic substances, urea-formaldehyde foam insulation, asbestos and lead paint. In addition to disclosing any radon testing information, sellers of residential real property must provide purchasers with written information developed by the Department of Health and Social Services describing the potential hazards of radon exposure, radon testing, and radon remediation. Provides that the state may sanction real estate licensees who misrepresent the availability or the content of the form.</p>
DC	<p>District of Columbia Municipal Regs., tit. 17, § 2708</p> <p>Requires sellers of property containing 1-4 dwelling units to provide to purchasers a completed Seller's Disclosure Statement containing information about sellers' knowledge of environmental problems on the property, including radon and formaldehyde.</p>
DC	<p>District of Columbia Statutes §§ 28-4201--4203</p> <p>Prohibits persons or companies from conducting radon screening, testing or mitigation unless they have been listed as proficient by the U.S. EPA and requires the Mayor to maintain a public list of such professionals. Authorizes the Mayor to issue proposed rules establishing radon screening, testing, or mitigation programs in the District that are in compliance with any recommendations or guidelines published by the U.S. EPA.</p>

<p>FL</p>	<p>Florida Statutes Ann. § 404.056</p> <p>Authorizes the Department of Health to establish environmental radiation standards for buildings, and to conduct programs designed to reduce human exposure to harmful environmental radiation. Requires that persons who perform radon measurements and mitigation be certified by the department, and that the results of radon measurements be reported to the department. Requires the department to administer a public information program. Requires radon testing of all public and private school buildings, 24-hour care facilities owned or regulated by the state, and state-licensed day care centers located in designated counties. Requires that a specified radon warning statement be provided prior to the sale or lease of a residential property. Regulations adopted under the law establish certification requirements (Fla. Admin. Code r. 64E-5.1201–1208). Regulations also establish that radiation exposure to the public from naturally occurring radioactive materials shall be maintained as low as reasonably achievable and that the annual average radon decay product concentration in buildings shall not exceed 0.02 WL (4.0 pCi/L) (Fla. Admin. Code. r. 64E-5.1001).</p>
<p>FL</p>	<p>Florida Statutes Ann. § 553.98</p> <p>Provides funds to the Department of Community Affairs for activities incidental to the development and implementation of building codes for radon-resistant buildings. Regulations implementing the law adopt a Standard for Radon-Resistant New Commercial Building Construction (Fla. Admin. Code r. 9B-67.004), and a Standard for Passive Radon-Resistant New Residential Building Construction (Fla. Admin Code r. 9B-52.004). Requires that local jurisdictions that choose to adopt requirements for radon-resistant new construction use the model standard adopted by the state.</p>

GA	<p>Georgia Code Ann. § 12-3-5</p> <p>Authorizes the Department of Natural Resources to make grants, as funds are available, to public entities in order to further any of the services, purposes, duties, responsibilities, or functions vested in the department. Regulations promulgated under the law (GA Comp. R. & Regs. 391-7-2-.01--.04) establish the Radon Awareness Grant Program to provide funds to local governments and community-based organizations to address radon issues in their communities. Provides that grants awarded under the program may not exceed \$7,500, must be met by matching funds, and may not be used for radon mitigation.</p>
ID	<p>Idaho Code § 39-1210</p> <p>Requires the Board of Health and Welfare to promulgate appropriate rules to implement and enforce standards for licensing children's residential care facilities, including those that assure the safety and physical care of children. Regulations promulgated under the law (Idaho Admin. Code § 16.06.02.726) require buildings used for children's residential care facilities to be free from hazardous materials or toxins, including radon, lead paint, and asbestos and to provide documentation of radon testing.</p>
IL	<p>Illinois Compiled Stat. Ann. Ch. 420, §§ 44/1--90</p> <p>Authorizes the state to undertake a variety of radon-related activities, including radon measurement, surveys, monitoring, education, and technical assistance. Requires the licensure of persons selling radon detection devices, performing radon detection, or performing radon reduction services. Also requires state approval of radon sampling and measurement devices. Authorizes the state to establish minimum qualifications for licensure. Requires persons testing for radon to report results of testing within 45 days. Regulations adopted under the law (Ill. Admin. Code, tit. 32, § 422) establish procedures and requirements for obtaining a license as a radon mitigator or tester, and set forth protocols for radon measurement and mitigation. Regulations include licensing provisions for measurement and mitigation of multi-family buildings of three stories or less.</p>

IL	<p>Illinois Compiled Stat. Ann. Ch. 765, §§ 77/1--65</p> <p>Requires a seller of real property containing up to four units to complete a disclosure report form, on which the seller must report if he/she is aware of various environmental conditions, including unsafe concentrations of radon on the premises.</p>
IL	<p>Illinois Compiled Stat. Ann. Ch. 815, §§ 505/2U--2W</p> <p>Provides that it a misdemeanor to misrepresent the capabilities of a device for detecting and measuring radon or radon progeny.</p>
IL	<p>Illinois Compiled Statutes Ann. Ch. 105, § 5/10-20</p> <p>Recommends that occupied school buildings be tested every five years for radon. Recommends that if radon levels are 4.0 pCi/L or above, the affected areas be mitigated by a licensed radon mitigation professional. Recommends that new schools be built using radon resistant new construction techniques consistent with EPA guidance. Requires reporting of radon test results to the State Board of Education, which must submit a report every two years to the Governor and Legislature containing the results from all schools that have performed radon tests. [See also Ill. Comp. Stat. Ch. 105, § 34-18.37.]</p>
IL	<p>Illinois Compiled Statutes Ann. Ch. 420 §§ 46/1 et seq.</p> <p>Establishes requirements for providing information about radon during residential real property sales. Requires sellers to provide buyers with (1) disclosure of known elevated radon levels in the home, (2) a state-developed pamphlet on radon testing, and (3) a general warning statement recommending radon testing prior to all home purchases.</p>

IL	Illinois Compiled Statutes Ann. Ch. 420, § 44/28
	Establishes a Radon-Resistant Building Codes Task Force, composed of representatives of several specified non-governmental stakeholder groups. Directs the Task Force to make recommendations to the Governor and state agencies regarding the adoption of rules for building codes.
IN	Indiana Code §§ 16-41-38-1--10
	Requires the state to establish a certification program for persons engaged in radon testing and abatement, and provides for reciprocity. Regulations adopted under the law (410 Indiana Admin. Code 5.1-1-22--23) establish certification requirements. Law also requires the state to use any relevant standards or requirements concerning radon gas established by the U.S. EPA.
IN	Indiana Code §§ 32-21-5-1--12
	Requires sellers of property containing 1-4 dwelling units to complete a Seller's Residential Real Estate Sales Disclosure form. Rules adopted under the law (876 Indiana Admin. Code 1-4-1,2) establish the disclosure form, which requires sellers to disclose knowledge of hazardous conditions on the property, including radon gas and mold. [See http://www.in.gov/icpr/webfile/formsdiv/46234.pdf .]
IA	Iowa Code Ann. § 237A.12
	Requires the Department of Human Services to adopt rules setting minimum standards for the operation and maintenance of child care centers and registered child development homes. Regulations promulgated under the law (Iowa Admin. Code § 441-109.11) require radon testing at centers operating at ground level, in basements, or with basements below program areas, and require that testing be performed in accordance with state law governing radon certification. Requires that a mitigation plan be approved by the state prior to full licensing of the facility, if testing reveals radon levels over 4.0 pCi/L.

IA	Iowa Code Ann. § 558A.1 et seq.
	Requires sellers of residential real property to deliver to buyers prior to transfer a written disclosure statement indicating the condition and characteristics of the property. Regulations adopted under the law (Iowa Admin. Code 193E-14.1(543B)) incorporate the required disclosure items in a sample form, including the disclosure of the results of any radon tests. Amendments to the regulation require the seller to acknowledge requirement to provide buyer with state-issued radon fact sheet.
IA	Iowa Code Ann. §§ 136B.1--.5
	Requires the Department of Public Health to establish programs for certifying persons who test for radon gas and credentialing persons who perform radon abatement, and to establish standards for radon abatement systems. Requires disclosure to the state of certain information on testing and mitigation services and provides for confidentiality of test results. Authorizes the department to perform periodic inspections of the validity of measurements and the adequacy of abatement measures performed by certified and credentialed persons. Regulations adopted under the law (Iowa Admin. Code §§ 641-43, 44) set forth certification and credentialing requirements.
IA	Iowa House File 684 (2009)
	Authorizes establishment of a weatherization program, and defines weatherization to include carbon monoxide and radon inspection and detection system installation.
KS	Kansas Statutes Annotated §58-3078a
	Requires that every contract for the sale of residential real property must contain a radon notice as specified in the law. Notice includes information about the health effects of radon and a recommendation for radon testing.

KY	<p>Kentucky Revised Statutes § 324.360</p> <p>Requires that a Seller's Disclosure of Conditions form be used in residential real estate transactions if licensed real estate agents are involved and receive compensation. Requires the real estate commission to promulgate an administrative regulation authorizing the form. The regulation adopted (201 Kentucky Admin. Rules 11:350) requires disclosure of any radon testing of the property and of the existence of mold or other fungi.</p>
KY	<p>Kentucky Revised Statutes §§ 211.855--856</p> <p>Requires all persons engaging in radon analysis, mitigation, or testing activities to obtain certification from the Cabinet for Health and Family Services and directs the agency to establish requirements for certification.</p>
ME	<p>2008 Maine Public Law Chapter 699</p> <p>Establishes a state-wide building code, and requires the state to incorporate the Maine model radon standard for new residential construction. The model radon standard, which incorporates ASTM Standard E-1465-06, had previously been optional for local adoption. Enforcement of the new requirements is phased in between 2010 and 2012.</p>
ME	<p>Maine Revised Statutes Ann., tit. 14, § 6030D</p> <p>Requires residential landlords to have the air in their buildings tested for radon by 2012 and every ten years thereafter. Requires landlords to have the radon levels mitigated within 6 months, if tests reveal a level of 4.0 pCi/L or higher. Requires the landlord to provide a written radon notice to tenants and potential tenants, including information on the risks of radon, the date and results of the most recent radon test, and any completed mitigation. Directs the state health department to develop a standard disclosure statement for landlords to use, including an acknowledgment that the tenant has received the disclosure. Establishes a fine of \$250 per violation.</p>

ME	Maine Revised Statutes Ann., tit. 22, §§ 771--784
	Authorizes the state Department of Human Services to act as an information clearinghouse for radon concerns and educate the public about radon, and establishes the Radon Relief Fund to support radon-related research, testing, educational, and mitigation activities. Requires that persons who test for or mitigate radon register with the department. Requires that registered radon testers notify the department of test results. Regulations (10-144 Code Maine Regs. ch. 224) set forth the requirements of the registration program.
ME	Maine Revised Statutes Ann., tit. 33, § 173
	Requires sellers of residential real property to provide purchaser with a statement that discloses any known defects, as well as the presence or prior removal of hazardous materials on the property, including radon.
MD	Maryland Environment Code § 8-305
	Requires radon testers to complete the U.S. EPA's National Radon Measurement Proficiency Program, use licensed facilities for analyzing test results, and provide consumers with test results.
MD	Maryland Family Law Code §§ 5-506, 508
	Authorizes the state to establish regulations for the licensing of residential child care programs. Regulations (Code of Maryland Regulations 14.31.06.07) require licensees of residential child care programs to maintain evidence that the buildings have been tested for and found to be free of hazards from lead paint, asbestos, and radon.

MD	<p>Maryland Real Property Code § 10-702</p> <p>Requires that sellers of residential properties with four or fewer single-family units provide buyers with a disclaimer or disclosure form. Disclaimer includes any known latent defects that would pose a direct threat to health or safety, and that would not be apparent by a careful visual inspection. Disclosure includes actual knowledge of hazardous or regulated materials including asbestos, lead-based paint, and radon.</p>
MD	<p>Maryland Real Property Code §§ 10-603--604</p> <p>Requires home builders to complete a disclaimer or a disclosure regarding environmental hazards present on the home site, including radon.</p>
MA	<p>Massachusetts General Laws Ann., ch. 13, § 97</p> <p>Requires the state to publish an informational brochure for home buyers on home inspections, including information regarding radon inspections, and requires that the brochure be issued to home buyers at the signing of the first written contract to purchase. Rules promulgated under the law (266 Code Mass. Regs. § 6.03) require home inspectors to notify their clients that answers to some questions, including whether or not a dwelling has been tested for radon gas, and whether there are any mold or air quality issues in the dwelling, should be ascertained from sellers and may not be readily observable through inspection.</p>
MI	<p>Michigan Compiled Laws Ann. § 125.1504</p> <p>Directs the state to adopt a residential building code, specifically the International Residential Code, applicable statewide. The Michigan Residential Code adopts the IRC with amendments, including adoption of the radon-resistant new construction techniques incorporated in IRC Appendix F. The radon requirements are applicable to Zone 1, high radon potential counties within the state.</p>

MI	<p>Michigan Compiled Laws Ann. § 722.112</p> <p>Directs state Department of Human Services to develop rules for the care and protection of children. Regulations adopted under the law (Mich. Admin. Code r. 400.1934) establish a radon standard of 4.0 pCi/L for all basements approved for child use in family and group child care homes and require that documentation of radon test results be kept on file in the home.</p>
MI	<p>Michigan Compiled Laws Ann. §§ 565.951--.966</p> <p>Requires sellers of residential property consisting of 1-4 dwelling units to complete a seller's disclosure statement, which provides for disclosure of any environmental hazards on the property, including radon gas. The disclosure statement was amended in 2005 to recommend that buyers have a professional inspection conducted that specifically addresses indoor air and water quality, as well as any evidence of potential allergens such as mold, mildew and bacteria.</p>
MN	<p>Minnesota Statutes 326B.106</p> <p>Requires the state to incorporate into the state building code standards for radon-resistant new construction based on the International Residential Code Appendix F.</p>
MN	<p>Minnesota Statutes Ann. § 123B.57</p> <p>Provides that in order to receive state health and safety revenue, school districts must adopt a health and safety program. Requires that the program include an IAQ management plan that incorporates a plan to test for and mitigate radon and a plan to monitor and improve indoor air quality. Establishes that health and safety revenues may be used for HVAC upgrades and mold abatement activities.</p>

MN	<p>Minnesota Statutes Ann. § 16B.325</p> <p>Requires the state Department of Administration and Department of Commerce to develop sustainable building design guidelines for all new construction and major renovation of state buildings, and provides that the guidelines must include IAQ standards to create and maintain a healthy environment. Guidelines published in 2004 and later revised include extensive provisions relating to the indoor environment, including radon control requirements. [See http://www.msbg.umn.edu.]</p>
MS	<p>Mississippi Code Ann. §§ 89-1-501--523</p> <p>Requires written disclosure of the condition of real property consisting of 1-4 dwelling units, when property is transferred with the aid of real estate brokers or salespersons. Property Condition Disclosure Statement adopted under the law requires the disclosure of problems which may exist on the property, including, but not limited to hazardous or toxic waste, asbestos, formaldehyde insulation, radon gas and mold. [See http://www.mrec.ms.gov/docs/mrec_forms_property_condition_disclosure_statement.pdf.]</p>
MT	<p>Montana Code Ann. §§ 75-3-601--607</p> <p>Requires radon professionals to pass a U.S. EPA proficiency examination in order to be publicly listed as proficient. Requires the Department of Environmental Quality to administer a program designed to educate and inform the public about radon, including: making presentations and providing materials; maintaining a toll-free telephone number; providing technical and training information on radon measurement and mitigation; establishing listings of qualified radon measurers and mitigators; and encouraging homeowners to test for radon. Requires that a general radon warning statement and disclosure of any known radon test results be provided to buyers of real property.</p>

NE	<p>Nebraska Revised Stat. § 71-3501</p> <p>Establishes a state policy to protect the public from radon by establishing requirements for (1) appropriate qualifications for persons providing radon measurement and mitigation services, and (2) radon mitigation system installation. Regulations adopted under the law (180 Neb. Admin. Code, ch. 11) provide for the licensure of radon measurement and mitigation specialists, technicians, and businesses. A separate law (Neb. Stat. 38-121) requires radon professionals to obtain a credential under the state's Uniform Credentialing Act .</p>
NE	<p>Nebraska Revised Stat. § 76-2,120</p> <p>Requires sellers of residential real property to submit a written disclosure statement to buyers during real estate transactions. Regulations establishing the disclosure form (302 Neb. Admin. Code, ch. 1, § 001) require the disclosure of sellers' knowledge of radon gas on the property, and the provision of copies of any radon tests that have been conducted on the property.</p>
NH	<p>New Hampshire Revised Statutes § 125:9</p> <p>Requires the Department of Health and Human Services to investigate complaints of poor indoor air quality and to conduct inspections of buildings and dwellings, upon request, for the presence of radon or other health hazards in indoor air. Also requires the department to provide education, technical consultation, and recommendations for abatement of such health hazards in conjunction with the University of New Hampshire cooperative extension service.</p>
NH	<p>New Hampshire Revised Statutes § 477:4-a</p> <p>Requires that prior to executing a contract for the sale of real property, the seller must provide buyer with a statement about radon and radon testing and mitigation techniques.</p>

<p style="text-align: center; font-size: 2em; font-weight: bold;">NH</p>	<p>New Hampshire Revised Statutes §§ 10-B:1--B:4</p>
	<p>Requires the Department of Health and Human Services to adopt clean air standards that must be met in buildings purchased, renovated or leased by the state. Provides that the department is responsible for certifying that buildings meet the clean air standards. Regulations promulgated under the law (N.H. Code Admin. R. He-P 1804, ENV-A 2201 et seq.) establish testing requirements and set standards for ventilation, noise, radon, carbon dioxide, asbestos, formaldehyde and carbon monoxide.</p>
<p style="text-align: center; font-size: 2em; font-weight: bold;">NJ</p>	<p>New Jersey Statutes Ann. § 13:1K-14</p>
	<p>Requires the Department of Environmental Protection to provide the owner of certain residential property inspected for radon, where appropriate, with written certification that any radon gas contamination present was within acceptable limits as established by the U.S. EPA and the department. Also requires the department to provide written certification at the completion of projects undertaken to remove radium or to remedy excessive levels of radon gas from a residential property.</p>
<p style="text-align: center; font-size: 2em; font-weight: bold;">NJ</p>	<p>New Jersey Statutes Ann. § 30:5B-5.2</p>
	<p>Requires that child care centers be tested for radon at least once every five years. Also requires posting of the test results and of any measures taken or proposed to mitigate the presence of radon.</p>

<p>NJ</p>	<p>New Jersey Statutes Ann. § 56:8-19.1</p> <p>Limits liability of licensed real estate brokers or salespersons for communicating false, misleading or deceptive information, where the licensee had no actual knowledge of the information, and made a diligent effort (e.g., obtained a property disclosure report from seller) to ascertain whether the information was false or misleading. State real estate commission property disclosure report adopted pursuant to the act (N.J. Admin. Code 13:45A-29.1) includes disclosure of the presence of mold on the property. Disclosure statement also includes a section providing information about radon testing results, though sellers can opt to wait to provide this information at the time of the contract for sale rather than in the disclosure form.</p>
<p>NJ</p>	<p>New Jersey Statutes Ann. §§ 26:2D-59--62</p> <p>Requires the state to conduct a study of potential sources of radon contamination and to propose strategies for radon testing within the state. Requires the Department of Environmental Protection and the Department of Health to establish a program of confirmatory radon monitoring in residences utilizing local health officers and Department of Environmental Protection personnel. Establishes a public information and education program.</p>
<p>NJ</p>	<p>New Jersey Statutes Ann. §§ 26:2D-70--80</p> <p>Prohibits persons from testing for or mitigating radon unless certified by the state, and requires the state to develop a certification program. Requires certified professionals to provide the state with information about services provided and tests performed, and provides for confidentiality of that information. Requires sellers to provide buyers with copies of any radon test results upon entering into contract for sale. Regulations adopted under the law (N.J. Admin. Code § 7:28-27.1) establish the requirements and procedures for certification of radon testers and mitigators. Additional regulations adopted under the law (N.J. Admin. Code §§ 7:18-1.1 et seq.) establish rules governing certification of laboratories performing radon analysis.</p>

NJ	New Jersey Statutes Ann. §§ 52:27D-123A--123E
	Requires the state to adopt a radon hazard subcode 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. Authorizes state to include radon testing requirements. Regulations promulgated under the law (N.J. Admin. Code §§ 5:23-10.1--10.4) establish the Radon Hazard Subcode, containing standards for radon resistant materials and techniques to be used in certain residential and school buildings in designated areas of the state.
NJ	New Jersey Statutes Ann. §18A:20-40
	Requires radon testing in public schools at least once every five years. Regulations (New Jersey Admin. Code tit. 6, §26A-3.1) require school maintenance plans to include a schedule for required radon testing for each school facility, specifying the spaces to be tested every five years.
NY	New York Education Law §§ 409-d, 409-e
	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. Regulations promulgated under the law (8 NY Code Rules & Regs §§ 155.3--155.6) require a comprehensive maintenance plan for all major building systems, including provisions for establishing maintenance procedures and guidelines that will contribute to acceptable IAQ. Regulations also require: annual and five-year inspections that include IAQ components; an annual safety rating; and school facility report cards that include information on the status of IAQ activities and radon testing. Law also establishes requirements relating to IAQ during construction and renovation, and mandates establishment of health and safety committees at the school district level consisting of representation from district officials, staff bargaining units and parents. In 2007, the Department of Education added an appendix to its Manual of Planning standards to provide voluntary guidelines for building healthy, high performance schools. The appendix, titled “NYCHPS – High Performance Schools Guidelines,” adapts the California CHPS guidelines to address New York code requirements and priorities. The NY-CHPS, for example, includes additional requirements relating to IAQ.

NY	<p>New York Energy Law, App. §§ 7930.1 et seq.</p> <p>Establishes requirements for Radon Assessment Specialists to participate in the state's Radon Diagnosis Assistance Program. Requires the state's Energy Office to maintain a list of specialists who meet the requirements. Regulations adopted under the law (9 NY Code Rules & Regs 7930) establish requirements for qualifying and provide a list of specialists.</p>
NY	<p>New York Public Health Law § 225</p> <p>Authorizes the Department of Public Health to issue regulations relating to ionizing radiation. Regulations issued under the law (10 N.Y. Codes Rules & Regs.16.130) require radon testing and mitigation firms to report testing and mitigation results to the department.</p>
NY	<p>New York Real Property Law § 462</p> <p>Requires all sellers of residential real property to complete and provide to the buyer a property condition disclosure statement, which requires disclosure of the presence of hazardous substances and of any radon testing performed on the property. Also requires sellers to provide a copy of any radon testing reports.</p>
NC	<p>North Carolina Gen. Stat. Ann. §§ 47E-1 et seq.</p> <p>Requires owners of residential real property consisting of 1-4 units to provide buyers with a disclosure statement regarding environmental conditions of the property, including the presence of radon gas. Regulations (21 NC Admin. Code 58A.0114) adopt the disclosure form.</p>

OH	Ohio Revised Code § 3748.20
	Requires the Governor to establish a radon advisory council for the purpose of advising and consulting on radon regulations and programs.
OH	Ohio Revised Code § 5302.30
	Requires sellers of residential real property containing 1-4 units to deliver a disclosure form to buyers disclosing the presence of hazardous materials or substances, including radon gas. Regulations adopted under the law (Ohio Admin. Code § 1301:5-6-10) establish the form, which also includes disclosure of mold inspection or remediation of the property, and contains a warning statement about mold to purchasers.
OH	Ohio Revised Code §§ 3723.01--.18
	Prohibits persons from providing professional radon testing and mitigation services unless licensed by the state. Requires the state to administer a licensing program for radon testers, mitigators and laboratories. Regulations adopted under the law (Ohio Admin. Code 3701-69 et seq.) set forth the licensing program. Law also requires the state to collect and disseminate information on radon, and authorizes the state to conduct inspections and administer training programs.
OK	Oklahoma Statutes Ann., tit. 60, §§ 831--839
	Requires sellers of residential property consisting of 1-2 dwelling units to provide to purchasers either a written property disclaimer statement or written Property Condition Disclosure Statement. Requires the Oklahoma Real Estate Commission to establish by rule a form for the disclosure statement. The regulation (65 OKLA. Admin. Code Ch. 10, Subch 17, App. A), adopts a disclosure form that requires seller to disclose known presence of radon or any radon testing. [See http://www.ok.gov/OREC/documents/Residential%20Prop%20Disclweb%207-2008.pdf .] Also requires seller to disclose any mold inspections or treatment.

OR	Oregon Revised Statutes Ann. §§ 105.462--105.490
	Amends existing disclosure law to require sellers of real property consisting of 1-4 dwelling units to provide buyers with a seller's property disclosure statement, which includes disclosure of any testing of or treatment for formaldehyde, radon gas, or mold on the property.
OR	Oregon Revised Statutes Ann. §§ 433.502--526
	Authorizes the Department of Human Services to conduct IAQ field investigations, establish IAQ standards, and implement a public information program. Requires that if established, the standards include particulate matter, aldehydes, radon, carbon monoxide, carbon dioxide, ozone, and water vapor. Authorizes the department to establish a public recognition program for office workplaces, buildings and public areas that consistently meet the IAQ requirements set forth in state law.
PA	Pennsylvania Statutes, tit. 35, §§ 7501 et seq.
	Directs the Department of Environmental Resources to implement a radon demonstration project in which the agency develops and implements methods for radon remediation and installs such systems in occupied residential buildings with the permission of the owners. Requires the department to advise homeowners, in areas affected by high radon concentrations, of ways to avoid unscrupulous or unqualified contractors. Authorizes the Pennsylvania Housing Finance Agency to establish a low-interest loan program to finance home improvements designed to prevent radon infiltration and accumulation in residences.

PA	<p>Pennsylvania Statutes, tit. 63, §§ 2001 et seq.</p> <p>Requires the Department of Environmental Resources to establish and carry out a certification program for persons who test for, mitigate, or safeguard a building from the presence of radon gas. Prohibits individuals from providing these radon services unless certified under the program. Requires certified radon testers to provide test results to the department and provides for confidentiality of the information. Regulations adopted under the law (25 Pa. Code § 240) establish the certification program.</p>
PA	<p>Pennsylvania Statutes, tit. 68, §§ 7301 et seq.</p> <p>Requires sellers of residential real property to complete and deliver to buyers a Seller's Property Disclosure Statement. Requires the State Real Estate Commission to create the disclosure statement. The disclosure statement adopted under the law requires sellers to disclose knowledge of hazardous substances on the property, including radon and urea-formaldehyde foam insulation. [See http://www.dos.state.pa.us/bpoa/lib/bpoa/20/real_estate_comm/sellers_property_disclosure_statement.pdf.]</p>
RI	<p>Rhode Island General Laws § 23-1-5.1</p> <p>Authorizes the Department of Health to provide, upon request, laboratory services for voluntary testing of indoor air pollutants, including radon. Authorizes the department to establish fees to fund such activities.</p>

<p>RI</p>	<p>Rhode Island General Laws §§ 23-61 et seq.</p> <p>Authorizes the Department of Health to undertake a variety of radon-related activities, including: conducting a voluntary radon testing program; undertaking radon testing; requiring that owners of "public or high priority buildings" test for radon; recommending radon-resistant construction standards; developing a public information program; and issuing radon standards for air and water. Requires licensure of radon professionals and establishes monetary fines and other penalties for violations. Requires the state to establish regulations requiring the evaluation of all public buildings, schools and day care centers for elevated radon levels. Establishes a fee on new residential construction. Regulations promulgated under the law require licensing and certification of radon mitigation and measurement professionals and radon analytical services (Code R.I. Rules § 14.120.007). Regulations establish radon measurement and mitigation protocols, and set forth requirements for radon testing and mitigation of high levels in public buildings, schools, and child care facilities. Regulations also require that new school construction incorporate a radon mitigation plan if sited in an area of moderate or high radon potential.</p>
<p>RI</p>	<p>Rhode Island General Laws §§ 5-20.8-1--8</p> <p>Requires sellers of residential real estate to provide buyers with a disclosure form explaining all known deficient conditions, including radon. Provides that disclosure form must include the statement: "Radon has been determined to exist in the State of Rhode Island. Testing for the presence of radon in residential real estate prior to purchase is advisable."</p>
<p>RI</p>	<p>Rhode Island General Laws §16-60-04</p> <p>Authorizes the state Board of Regents to approve standards for the design and construction of school buildings. Regulations adopted under the law (Rhode Island Admin. Code 08.010.015) 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>

SC	South Carolina Code Ann. §§ 27-50-10--110
	Requires sellers of property containing 1-4 dwelling units to provide purchasers with a written disclosure statement disclosing environmental contamination on the property, including the presence of radon.
SD	South Dakota Codified Laws §§ 43-4-37--44
	Requires sellers of residential property to provide a disclosure form, including disclosure of known hazardous conditions including radon and mold. Also requires form to disclose whether any tests for radon or mold have been performed.
TN	Tennessee Code Ann. §§ 66-5-201 et seq.
	Requires sellers of residential real property containing 1-4 dwelling units to provide purchasers with a residential property disclaimer statement or a disclosure form that discloses knowledge of any environmental hazards on the property, including radon.
TX	Texas Property Code § 5.008
	Requires that certain sellers of single-unit residential property give buyers a written notice that discloses a variety of conditions, including the presence of radon.
UT	Utah Code Ann. § 58-55-305
	Requires those installing or repairing radon mitigation systems to be licensed as a contractor under the state's construction trades licensing law.

VA	<p>Virginia Code Ann. § 22.1-138</p> <p>Provides that every school building in Virginia shall be tested for radon, and that the test results shall be available for public review.</p>
VA	<p>Virginia Code Ann. §§ 32.1-229 et seq.</p> <p>Prohibits individuals from providing radon screening, testing or mitigation services unless they have completed a proficiency program acceptable to the state Board of Health. Requires radon professionals to comply with radon mitigation and testing standards accepted by the U.S. EPA and the Board of Health.</p>
VA	<p>Virginia Code Ann. §§ 54.1-201, 54.1-1102</p> <p>Requires the Board for Contractors to promulgate regulations necessary for the licensure of contractors and tradesmen. Rules adopted under the law (Virginia Admin. Code, tit. 18, § 50-22) require radon mitigation contracting firms to hold a state building contractor license and set forth the licensing requirements.</p>
VA	<p>Virginia Code Ann. §36-98</p> <p>Authorizes state to promulgate a Uniform Statewide Building Code. Building code adopted under law establishes Appendix F of the International Residential Code as the standard for local jurisdictions that elect to adopt a radon control standard for new construction in high radon potential areas (13 Va. Admin. Code 5-63-210).</p>
WA	<p>Revised Code of Washington § 19.27.074</p> <p>Establishes duties for the state building code council. Regulations adopted under the law (Wash. Admin. Code § 51-51-0327) adopt the Radon Resistant New Construction provisions of the International Residential Code for all buildings in High Radon Potential (Zone 1) counties and for all buildings constructed using unvented crawl space methods.</p>

WA	Revised Code of Washington § 19.27.190
	Mandates the development of state requirements for maintaining indoor air quality in newly constructed residences. Provides that these requirements must establish standards for indoor pollutant source control, including minimizing the entry of radon gas into homes through appropriate foundation construction measures. Regulations adopted under the law adopt the state Ventilation and Indoor Air Quality Code, which addresses a variety of IAQ issues in new home construction, including mechanical ventilation, formaldehyde in building materials, and solid-fuel burning appliances.
WA	Revised Code of Washington § 64.06.020
	Requires sellers of improved residential real property to provide buyers with a disclosure statement indicating knowledge of substances of environmental concern on the property, including radon gas and formaldehyde. Separate law (Rev. Code Wash. 64.06.015) requires radon disclosure in the sale of unimproved residential real property.
WV	West Virginia Code Ann. § 16-34-1 et seq.
	Requires licensing of radon testers, mitigators, and laboratories. Authorizes the state to adopt rules establishing the criteria, procedures, and fees for licenses as well as reporting requirements of radon testers, mitigators, and labs. (See rules at W. Va. Admin. Code 64-78-1, et seq.) Requires the Division of Health to maintain a list of all licensed radon testers, mitigation specialists, mitigation contractors and radon laboratories in the state, and to investigate public complaints about licensees. Also requires agency to conduct research and disseminate information about radon.

WV	West Virginia Code Ann. § 18-9E-3
	Requires all new school buildings to be designed and constructed in compliance with current ASHRAE standards and requires the School Building Authority to promulgate rules consistent with ASHRAE standards for independent testing, adjusting and balancing of HVAC systems in new and renovated school buildings. Requires that the Department of Education provide county maintenance personnel with additional training on school HVAC equipment. Requires the department to forward to the School Building Authority copies of any IAQ complaints that require system repair or replacement. Also requires the state Board of Education to develop rules allowing the use of appropriate floor covering in public schools; the rule adopted (W.Va. Admin. Code 126-173-1--2) recommends restricting carpet to certain uses, requires that carpet meet industry standards, and further requires that custodial staff receive instruction on carpet maintenance. Requires the Division of Health to perform radon testing in new schools within one year of their occupation and at least once every five years thereafter. Requires the state to establish standards for safe levels of radon in public school buildings and requires mitigation if testing reveals high radon levels.
WV	West Virginia Code Ann. §§ 16-2-2, 16-2-11
	Authorizes local boards of health to provide "enhanced" public health services, such as lead and radon abatement to improve indoor air quality.
WI	Wisconsin Statutes Ann. § 254.34
	Establishes the Department of Health and Family Services as the state radiation control agency and requires the department to: develop and disseminate radon information; coordinate a radon measurement program; work with local health departments to perform radon measurement and mitigation in homes; develop training materials and conduct training in radon diagnosis and mitigation methods; and determine performance standards and funding allocations for regional radon centers.

WI	Wisconsin Statutes Ann. §§ 709.01 et seq.
	Requires sellers of property containing 1-4 dwelling units to provide buyers with a real estate condition report disclosing the existence of potentially hazardous substances, including radon.