

**Assembly Bill No. 2546**

CHAPTER 327

An act to repeal and add Article 2 (commencing with Section 106750) of Chapter 4 of Part 1 of Division 104 of the Health and Safety Code, relating to environmental health.

[Approved by Governor September 5, 2000. Filed with Secretary of State September 7, 2000.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2546, Jackson. Radon certification guidelines.

Existing law establishes requirements for the certification of radon measurement laboratories, radon testing and consulting specialists, and radon mitigation contractors. In this connection, existing law incorporates various guidelines of the National Radon Measurement Proficiency Program of the federal Environmental Protection Agency, which are adopted as state standards. Violation of these provisions is a misdemeanor.

This bill would revise and recast these provisions. It would prohibit any person from providing radon services, as defined, for the general public, or represent or advertise that he or she may provide radon services unless that person has met specified certification requirements. The bill would require the State Department of Health Services to maintain a list of persons that have submitted proof of certification which would be available to the public. By changing the definition of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

*The people of the State of California do enact as follows:*

SECTION 1. Article 2 (commencing with Section 106750) of Chapter 4 of Part 1 of Division 104 of the Health and Safety Code is repealed.

SEC. 2. Article 2 (commencing with Section 106750) is added to Chapter 4 of Part 1 of Division 104 of the Health and Safety Code, to read:

106750. This article establishes requirements for radon certification.



106770. “Department” means the State Department of Health Services.

106775. “Radon services” means any of the following:

(a) The analysis of radon detectors or testing for radon or radon decay products by a commercial laboratory.

(b) The performance of radon or radon progeny measurements in buildings by an individual person who provides professional or expert advice on radon and radon progeny measurements, radon entry routes, and other radon related activities.

(c) The repair or alteration by an individual person of a building or design for the purpose, in whole or in part, of reducing the concentration of radon in the indoor atmosphere.

106780. (a) Except as provided in Section 106790, no person may provide radon services for the general public, or represent or advertise that he or she may provide radon services unless that person meets both of the following requirements:

(1) Successfully completes the National Radon Measurement Proficiency Program of the National Environmental Health Association or the National Radon Safety Board Certified Radon Professional Program.

(2) Submits to the department a copy of certificate demonstrating successful completion of either program.

(b) Persons certified to provide radon services shall successfully complete and submit to the department proof of completion of the National Radon Measurement Proficiency Program of the National Environmental Health Association or the National Radon Safety Board Certified Radon Professional Program every two years after initial certification.

(c) A copy of the current certificate of completion shall be submitted to the department at least 14 days prior to conducting radon services within the state.

106785. The department shall maintain a list of persons that have submitted proof of certification by either the National Environmental Health Association or the National Radon Safety Board Certified Radon Professional Program. This list shall be made available to the public.

106790. This article does not apply to a person in any of the following circumstances:

(a) The person is testing for, or mitigating radon in a building that the person owns or occupies.

(b) The person is designing or conducting mitigation measures to prevent against radon infiltration or accumulation in new construction.

(c) The person is performing scientific research regarding testing or mitigation of radon, but only if the person informs the owner and the occupant of the building of all of the following:



(1) That the person is not certified by the National Radon Measurement Proficiency Program of the National Environmental Health Association or the National Radon Safety Board Certified Radon Professional Program.

(2) Any test results are neither certified nor valid for legal purposes.

(3) Any mitigation methods suggested or used are experimental.

106795. It is unlawful for an individual to provide radon services in violation of this article. A violation of this article is a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000).

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

