

ONE HUNDRED THIRD LEGISLATURE - FIRST SESSION - 2013
COMMITTEE STATEMENT
LB13

Hearing Date: Wednesday January 23, 2013
Committee On: Health and Human Services
Introducer: Krist
One Liner: Require radon resistant construction and radon mitigation statements for residential construction and create a building codes task force

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 7 Senators Campbell, Cook, Crawford, Gloor, Howard, Krist, Watermeier
Nay:
Absent:
Present Not Voting:

Proponents:
Senator Bob Krist
David Holmquist
Curtis Drew
Debbie Kalina

Representing:
District #10
American Cancer Society Cancer Action Network
National Radon Defense
Radon Pros, LLC

Opponents:

Representing:

Neutral:
Jay G. Davis
Justin Brady

Representing:
City of Omaha
Home Builders Association of Lincoln/ Metro Omaha
Builders Association

Summary of purpose and/or changes:

Under LB 13, the Legislature finds that, radon is radioactive element that is part of the radioactive decay chain of naturally occurring uranium in soil. Radon is the leading cause of lung cancer among nonsmokers and the number one risk in homes according to the Harvard School of Public Health, Center for Risk Analysis. The 2008-2009 Annual Report from the President's Cancer Panel stated, "Comparative risk assessments by the Environmental Protection Agency (EPA) and its Science Advisory Board have consistently ranked radon among the top 4 environmental risks to the public." Moreover, the World Health Organization's Handbook on Indoor Radon Key Messages states, "There is no known threshold concentration below which radon exposure presents no risk. 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." Additionally, the Surgeon General of the US urged Americans to test their homes to find out how much radon they might be breathing. The EPA estimates that more than 20,000 Americans die of radon related lung cancer each year. Finally, the Nebraska Department of Health and Human Services (DHHS) has identified radon emissions in Nebraska as the third highest in the US because of the high concentration of uranium in the soil.

LB 13 amends Neb. Rev. Statutes 71-3503 to add definitions for active radon mitigation systems, new residential construction, passive construction pipes, radon, radon contractor, radon resistant construction, residential building

codes, and residential building contractor. Moreover, the statute is amended to give DHHS primary responsibility over the coordination, oversight, and implementation of all the state functions concerning radon. The Department of Environmental Quality and other state agencies will need to consult with the DHHS as necessary to fulfill the new radon requirements. LB 13 provides that the DHHS may promulgate rules and regulations for the purposes of the Act.

LB 13 further amends 71-3503 that beginning January 1, 2014, any new residential construction in Nebraska shall be radon resistant. Moreover, a county, city, or village is free to provide for its own administration and enforcement of radon resistant construction, although all enacted regulations must be at least as stringent as those implemented by the DHHS.

LB 13 creates a Radon-Resistant Building Codes Task Force, responsible for making recommendations to the Governor and the DHHS concerning the adoption and promulgation of rules and regulations.

Explanation of amendments:

LB 13 stated that a county, city or village that has adopted any ordinance or resolutions regulating radon resistant construction shall provide for its administration and enforcement. The Committee Amendment adds that any such ordinance or resolution, by no later than January 1, 2016, shall be at least as stringent as the rules and regulations for radon resistant construction adopted by the Department of Health and Human Services.

Additionally, in response to input from the Department of Health and Human Services Division of Public Health, the amendment makes several technical changes to the bill. The amendment clarifies that the United States Environmental Protection Agency, rather than the Nebraska Department of Health and Human Services, has identified radon emission in Nebraska as the third highest in the United States because of the high concentration of uranium in the soil. Definitions regarding radon measurement specialist, radon mitigation specialist, and radon resistant construction are added to the bill. The date by which new construction in Nebraska shall be required to include radon resistant construction is extended from January 1, 2014, to January 1, 2015. Also, the amendment adds inspection and enforcement to the department's responsibilities for coordination, oversight and implementation regarding radon.

Finally, the amendment includes a professional engineer to the professions with representatives on the Radon-Resistant Building Codes Task Force.

Kathy Campbell, Chairperson