

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 28

Introduced by Krist, 10.

Read first time January 08, 2015

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to radon; to adopt the Radon Resistant New
- 2 Construction Act; to require radon resistant new construction as
- 3 prescribed; to provide powers and duties for the Department of
- 4 Health and Human Services; and to create a task force.
- 5 Be it enacted by the people of the State of Nebraska,

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

3 Sec. 2. The Legislature finds that:

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

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

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

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

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

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

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

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

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

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

31 (2) Building code means an ordinance, resolution, or law that

1 establishes standards applicable to new construction;

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

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

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

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

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

19 (8) Radon resistant new construction means a set of construction
20 techniques making up a passive system to reduce radon in new
21 construction, all of which are installed prior to the building being
22 finished.

23 Sec. 4. (1) Beginning January 1, 2018, new construction in Nebraska
24 shall include radon resistant new construction. The department shall
25 adopt and promulgate rules and regulations that establish the minimum
26 standards for radon resistant new construction that must be met in order
27 to comply with this section. In setting such minimum standards, the
28 department shall consider the recommendations of the Radon Resistant
29 Building Codes Task Force developed pursuant to section 5 of this act.

30 (2) The enforcement of this section shall be the responsibility of
31 any county, city, or village that adopts, as part of its building code,

1 standards for radon resistant new construction. Any such standards shall
2 be, by no later than January 1, 2018, at least as stringent as the
3 minimum standards established by the department pursuant to subsection
4 (1) of this section.

5 (3) The minimum standards for radon resistant new construction
6 established by the department pursuant to subsection (1) of this section
7 shall include the following requirements:

8 (a) The installation of an active radon mitigation system shall only
9 be performed by a radon mitigation specialist;

10 (b) The installation of radon resistant new construction may be
11 performed by a building contractor or his or her subcontractors or by a
12 radon mitigation specialist during new construction; and

13 (c) Only a radon mitigation specialist may install a radon vent fan
14 or upgrade a passive new construction pipe to an active radon mitigation
15 system.

16 Sec. 5. (1) The Radon Resistant Building Codes Task Force is
17 created. The task force shall consist of the following members:

18 (a) The chief medical officer of the Division of Public Health of
19 the Department of Health and Human Services as designated in section
20 81-3115 or his or her representative, who shall serve as the chairperson
21 of the task force;

22 (b) A representative, designated by the chief medical officer, of a
23 home builders' association in Nebraska;

24 (c) A representative, designated by the chief medical officer, of a
25 home inspectors' association in Nebraska;

26 (d) A representative, designated by the chief medical officer, of an
27 international building code organization;

28 (e) A representative, designated by the chief medical officer, of a
29 Nebraska realtors' organization;

30 (f) Two representatives, designated by the chief medical officer, of
31 respiratory disease organizations, each from a different organization;

1 (g) A representative, designated by the chief medical officer, of a
2 cancer research and prevention organization;

3 (h) A representative, designated by the chief medical officer, of
4 the League of Nebraska Municipalities;

5 (i) A community public health representative, designated by the
6 chief medical officer, from each congressional district;

7 (j) A professional engineer, as defined in section 81-3422,
8 designated by the chief medical officer; and

9 (k) An architect, as defined in section 81-3404, designated by the
10 chief medical officer.

11 (2) The task force shall meet at the call of the chairperson. The
12 members shall serve on the task force without compensation but may be
13 reimbursed for their reasonable expenses as provided in sections 81-1174
14 to 81-1177. The department shall provide staff and support for the
15 operation of the task force.

16 (3) The task force shall make recommendations to the Governor and
17 the department concerning minimum standards for radon resistant new
18 construction in new construction. In developing such recommendations, the
19 task force shall consider, as applicable, standards such as Appendix F of
20 the International Residential Code, 2012 edition, published by the
21 International Code Council, and ANSI/AARST CCAH-2013, RRNC 2.0: Reducing
22 Radon in New Construction of 1 and 2 Family Dwellings and Townhouses,
23 approved by the American National Standards Institute.

24 (4) The task force shall provide its recommendations by December 31,
25 2016. The task force and this section terminate on January 1, 2017.