

AMENDMENTS TO LB540

Introduced by Krist, 10.

1           1. Insert the following new sections:

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

4           Sec. 2. The Legislature finds that:

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

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

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

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

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

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

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

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

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

27          (1) Active radon mitigation system means a family of radon

1 mitigation systems involving mechanically driven soil depressurization,  
2 including subslab depressurization, drain tile depressurization, block  
3 wall depressurization, and submembrane depressurization. Active radon  
4 mitigation system is also known as active soil depressurization;

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

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

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

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

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

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

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

31 (a) Three representatives of home builders' associations in

1 Nebraska, each from a different congressional district;

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

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

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

8 (e) A representative of a respiratory disease organization;

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

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

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

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

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

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

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

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

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

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

1 International Code Council; and

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

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

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

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

14 (4) The task force shall provide its recommendations by December 15,  
15 2015. The task force and this section terminate on January 1, 2016.

16 Sec. 5. It is the intent of the Legislature that the recommendations  
17 provided by the Radon Resistant New Construction Task Force under section  
18 4 of this act be used by the Legislature during the 2016 legislative  
19 session to establish, in statute, minimum standards for radon resistant  
20 new construction.

21 2. Renumber the remaining sections accordingly.