

AMENDMENTS TO LB28

(Amendments to Standing Committee amendments, AM708)

Introduced by Krist, 10.

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:

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

5 Sec. 2. The Legislature finds that:

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

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

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

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

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

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

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

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

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

2 (1) Active radon mitigation system means a family of radon
3 mitigation systems involving mechanically driven soil depressurization,
4 including subslab depressurization, drain tile depressurization, block
5 wall depressurization, and submembrane depressurization. Active radon
6 mitigation system is also known as active soil depressurization;

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

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

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

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

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

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

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

1 members to be appointed by the Governor:

2 (a) Three representatives of home builders' associations in
3 Nebraska, each from a different congressional district;

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

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

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

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

11 (f) A representative of a cancer research and prevention
12 organization;

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

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

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

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

18 (k) A representative with expertise in residential or commercial
19 building codes.

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

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

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

1 (b) Consider Appendix F of the International Residential Code for
2 One- and Two-Family Dwellings, 2012 edition, published by the
3 International Code Council; and

4 (c) Consider including the following provisions in such minimum
5 standards:

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

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

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

16 (4) The task force shall provide its recommendations by April 15,
17 2017. The task force and this section terminate on May 1, 2017.

18 Sec. 5. It is the intent of the Legislature that the recommendations
19 provided by the Radon Resistant New Construction Task Force under section
20 4 of this act be used by the Legislature during the 2018 legislative
21 session to establish, in statute, minimum standards for radon resistant
22 new construction.