

AMENDMENTS TO LB28

Introduced by Krist, 10.

1 1. Strike the original sections and insert the following new
2 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.

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

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

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

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

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

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

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

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

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

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

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

4 (c) A representative of an international building code organization;

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

6 (e) Two representatives of respiratory disease organizations, each
7 from a different organization;

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

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

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

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

14 (j) An architect as defined in section 81-3404.

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

20 (3) The task force shall develop minimum standards for radon
21 resistant new construction and shall recommend such minimum standards to
22 the Governor and to the Health and Human Services Committee of the
23 Legislature. In developing such minimum standards, the task force shall:

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

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

29 (c) Consider including the following provisions in such minimum
30 standards:

31 (i) A requirement that the installation of an active radon

1 mitigation system only be performed by a radon mitigation specialist;

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

5 (iii) A requirement that only a radon mitigation specialist be
6 allowed to install a radon vent fan or upgrade a passive new construction
7 pipe to an active radon mitigation system.

8 (4) The task force shall provide its recommendation by December 15,
9 2015. The task force and this section terminate on January 1, 2016.

10 Sec. 5. It is the intent of the Legislature that the recommendation
11 provided by the Radon Resistant New Construction Task Force under section
12 4 of this act be used by the Legislature during the 2016 legislative
13 session to establish, in statute, minimum standards for radon resistant
14 new construction.