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**SUBSTITUTE HOUSE BILL 1535**

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**State of Washington                      52nd Legislature                      1991 Regular Session**

**By** House Committee on Energy & Utilities (originally sponsored by Representatives Cooper, Horn, Grant, May, R. Meyers, Hochstatter and Orr).

Read first time March 6, 1991.

1            AN ACT Relating to radon testing required by the state building  
2 code council; amending RCW 4.24.560; and adding new sections to chapter  
3 19.27 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            NEW SECTION.    **Sec. 1.** A new section is added to chapter 19.27 RCW  
6 to read as follows:

7            (1) A radon measurement device that is listed on a current federal  
8 environmental protection agency radon measurement proficiency list  
9 shall be provided by the local government and delivered by the building  
10 inspector at the time of final inspection of all new single-family  
11 residences and ground floor units in multifamily residential buildings,  
12 regardless of the number of units.

13            (2) The state building code council, in consultation with the  
14 department of health, and the Washington state association of building  
15 code officials, shall develop instructions for use by the owner or

1 occupant on the proper means of installation, maintenance and removal  
2 of the radon measurement device provided for in subsection (1) of this  
3 section. Instructions shall be distributed by the council to all  
4 affected county and city building departments no later than June 15,  
5 1991, and shall accompany the device when provided by the inspector.  
6 Local building officials shall also be provided with the current  
7 federal environmental protection agency radon measurement proficiency  
8 list and known sources for the devices. The instructions included with  
9 each radon measurement device shall be placed in a conspicuous location  
10 in all single-family residences and shall be given to the owner of a  
11 multifamily residential building.

12 (3) It is the responsibility of the owner of a new single-family  
13 residence or a multifamily residential building to return the radon  
14 measurement device to the appropriate testing laboratory in accordance  
15 with the instructions provided with the device.

16 **Sec. 2.** RCW 4.24.560 and 1990 c 2 s 8 are each amended to read as  
17 follows:

18 It is a defense in a civil action brought for damages for injury  
19 caused by indoor air pollutants in a residential structure on which  
20 construction was begun on or after July 1, 1991, that the builder or  
21 design professional complied in good faith, without negligence or  
22 misconduct, with:

23 (1) Building product safety standards, including labeling;

24 (2) Restrictions on the use of building materials known or believed  
25 to contain substances that contribute to indoor air pollution; and

26 (3) The ventilation and radon resistive construction and testing  
27 requirements adopted under RCW 19.27.190.

1        NEW SECTION.    **Sec. 3.**    A new section is added to chapter 19.27 RCW  
2 to read as follows:

3        At the time of the final inspection, county and city building  
4 inspectors shall leave in a conspicuous location a radon measurement  
5 device and instructions in all new single-family and ground floor units  
6 of multifamily buildings, regardless of the number of units.  
7 Acknowledgement by the local building inspector on the final inspection  
8 form of having left the radon measurement device shall exempt the  
9 building inspector and the county or city from liability. Neither the  
10 local building inspector nor the county or city within which such  
11 building is located, shall be liable for the failure of the occupant to  
12 properly install, monitor, or send the device to a certified  
13 laboratory, nor for radon related problems associated with such  
14 residences.