
ENGROSSED SUBSTITUTE HOUSE BILL 1535

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; adding a new section to chapter
3 19.27 RCW; and declaring an emergency.

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) Beginning July 1, 1991, at the time of final inspection of a
8 new single-family residence or each ground floor unit in a multifamily
9 residential building, the building inspector shall deliver to each
10 residence and each ground floor unit a radon measurement device that is
11 listed on a current federal environmental protection agency radon
12 measurement proficiency list. The device, the instructions included
13 with the device, and the instructions provided by the state building
14 code council pursuant to subsection (2) of this section shall be placed

1 in a conspicuous location. The device shall be provided to the
2 building inspector by the local government.

3 (2) Not later than June 15, 1991, in consultation with the
4 department of health and the Washington state association of building
5 code officials, the state building code council shall:

6 (a) Develop instructions for use by the owner or occupant on the
7 proper means of installation, maintenance and removal of the radon
8 measurement device provided for in subsection (1) of this section and
9 distribute the instructions to all affected county and city building
10 departments; and

11 (b) Distribute to all affected county and city building departments
12 the current federal environmental protection agency radon measurement
13 proficiency list and known sources for the devices.

14 (3) The owner of a new single-family residence or of a multifamily
15 residential building shall be responsible for returning the radon
16 measurement device left by a building inspector pursuant to this
17 section to the appropriate testing laboratory in accordance with the
18 instructions left with the device by the building inspector.

19 (4) The building inspector's approval of the final inspection on
20 the final inspection record card shall be *prima facie* evidence that the
21 building inspector left the radon measurement device and instructions
22 as required by this section.

23 (5) The building inspector responsible for the final inspection,
24 the building inspector's employer, and the county or city within which
25 a single-family residence or multifamily residential building is
26 located shall not be liable for injuries caused by:

27 (a) The failure of the occupant or owner of the residence or
28 building to properly install, monitor, or send a radon measurement
29 device to the testing laboratory; or

1 (b) Radon entering into any single-family residence or multifamily
2 residential building.

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

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

10 (1) Building product safety standards, including labeling;
11 (2) Restrictions on the use of building materials known or believed
12 to contain substances that contribute to indoor air pollution; and
13 (3) The ventilation and radon resistive construction requirements
14 adopted under RCW 19.27.190.

15 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
16 preservation of the public peace, health, or safety, or support of the
17 state government and its existing public institutions, and shall take
18 effect immediately.