

# HOUSE BILL REPORT

## ESHB 1535

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*As Passed House  
March 19, 1991*

**Title:** An act relating to radon testing required by the state building code council.

**Brief Description:** Requiring radon testing.

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

**Brief History:**

Reported by House Committee on:  
Energy & Utilities, March 5, 1991, DPS;  
Passed House, March 19, 1991, 76-22.

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**HOUSE COMMITTEE ON  
ENERGY & UTILITIES**

**Majority Report:** *That Substitute House Bill No. 1535 be substituted therefor, and the substitute bill do pass.*  
Signed by 11 members: Representatives Grant, Chair; H. Myers, Vice Chair; May, Ranking Minority Member; Hochstatter, Assistant Ranking Minority Member; Bray; Casada; Cooper; R. Fisher; Jacobsen; Miller; and Rayburn.

**Staff:** Harry Reinert (786-7110).

**Background:** In 1990 the Legislature directed the State Building Code Council (SBCC) to adopt ventilation standards for new residential buildings. The SBCC was directed to adopt interim standards which shall include measures for pollutant source control. The rules adopted by the SBCC require construction measures to reduce the entry of radon into new residential buildings.

The builder of a residential building is not liable for damages for injury caused by indoor air quality if the builder complied with product standards, the use of appropriate building materials, and the ventilation requirements adopted by the SBCC.

The Environmental Protection Agency (EPA) tests radon measurement devices submitted by manufacturers for effectiveness and accuracy. Devices which meet the

proficiency standards of the EPA are placed on a list of devices that have been determined to meet these standards.

**Summary of Bill:** Beginning July 1, 1991, at the time of final inspection of all new single family and ground floor units in multi-family residential buildings, the local government building inspector shall provide a radon measurement device. The device must be one that has been placed on a proficiency list of the Environmental Protection Agency (EPA).

Not later than June 15, 1991, the State Building Code Council (SBCC), in consultation with the Department of Health and the Washington State Association of Building Officials shall develop instructions on the proper means of installation, maintenance, and removal of the device. These instructions shall be distributed by the SBCC to all local governments. The owner of the residence has the obligation of returning the device to the testing laboratory. The instructions that are included with the device must be placed in a conspicuous place in a single family residence and given to the owner of a multi-family residence.

Building inspectors shall also be provided with the current EPA list and with known sources for the devices. The approval of the final inspection by the building inspector is prima facie evidence that a device was left in a residence. The inspector and the city or county are not liable for injuries caused by the failure of the occupant or owner of a new residential building to properly install, monitor, or send the device to the laboratory or from radon entering a residence.

The builder of a residential building is not liable for damages caused by radon gas if the builder has complied with the radon resistive construction standards established by the SBCC.

**Fiscal Note:** Available. Requested for Substitute Bill March 6, 1991.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Testimony For:** The State Building Code Council's requirements for radon resistive construction and the requirements for installation of radon measurement devices will place an additional burden on builders. The bill will place the responsibility for installation of these devices on those who are more knowledgeable about their placement and purpose.

**Testimony Against:** None.

**Witnesses:** Blair Patrick, Washington Association of Building Officials (with concerns); Marc Sullivan, State Building Code Council (no position); Dave Williams, Washington Association of Cities (with concerns); Carolyn Whitney and Cindy Custer, Bonneville Power Administration (no position); and Mark Triplett, Building Industry Association of Washington (pro).