

HOUSE BILL REPORT

HB 2690

*As Reported By House Committee on:
Energy & Utilities*

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

Brief Description: Providing for radon testing in residences.

Sponsor(s): Representatives Grant, May, H. Myers, Hochstatter, Rayburn, Cooper, Pruitt and Orr.

Brief History:

Reported by House Committee on:
Energy & Utilities, February 6, 1992, DPS.

**HOUSE COMMITTEE ON
ENERGY & UTILITIES**

Majority Report: *The substitute bill be substituted therefor and the substitute bill do pass.* Signed by 10 members: Representatives Grant, Chair; H. Myers, Vice Chair; May, Ranking Minority Member; Hochstatter, Assistant Ranking Minority Member; Bray; Casada; Cooper; R. Fisher; 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 rules also require the builder to provide a radon monitor, installation instructions, and radon information sheets at the time of final inspection. The rules explicitly provide that the builder is not responsible for administering the radon test.

When the Legislature passed the model conservation standards, it also included a provision limiting liability for personal injury caused by indoor air pollution. 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.

Summary of Substitute Bill:

The local government building inspector, at the time of final inspection of all new single family and ground floor units in multi-family residential buildings, shall provide a radon measurement device. The device must be a three-month etched track device that has been placed on a proficiency list of the Environmental Protection Agency (EPA). Postage to the testing facility, laboratory costs, and reporting costs must be included with the device.

Not later than June 15, 1992, 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.

These requirements expire June 30, 1995.

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.

Substitute Bill Compared to Original Bill: The substitute requires the use of a three-month etched track radon measurement device and requires that postage, testing, and reporting be included with the device. The substitute also provides for the expiration of the requirements for placing the device.

Fiscal Note: Available.

Effective Date of Substitute Bill: The substitute bill contains an emergency clause and takes effect immediately.

Testimony For: The building inspector is in a better position to place radon measurement devices than the builder. This bill will make it more likely that adequate radon testing will take place.

Testimony Against: None.

Witnesses: Glen Hudson (pro); Blair Patrick, Washington Association of Building Officials (with concerns); Mike McCourt, Association of Washington Cities (pro); Mark Triplett, Washington Building Industry Association (pro); and Terry Strong, Department of Health (no position).