

**HOUSE** \_\_\_\_\_ **AMENDMENT NO.** \_\_\_\_\_

**Offered By**

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 29,  
Page 6, Section 324.045, Line 17, by inserting after all of said section and line the following:

“324.800. 1. There is hereby established within the department of health and senior services the "Missouri Radon Certification Program". The program shall require national certification and Missouri state certification and registration of all individuals and businesses performing radon services in the state of Missouri. Radon measurement, radon laboratories, individuals and businesses that conduct radon mitigation services in Missouri shall be certified through one of two national radon certification programs. Certification requirements are set forth in subsection 2 of section 324.809.

2. The department of health and senior services shall administer the Missouri radon certification program. No person shall provide radon services except as authorized under sections 324.800 to 324.845. Any violation of sections 324.800 to 324.845 is a misdemeanor punishable by a fine of not more than one thousand dollars per violation.

324.803. As used in sections 324.800 to 324.845, the following terms shall mean:

(1) "Certified radon professional program (CRPP)", curriculum provided by the National Radon Safety Board. The curriculum and examinations provide the necessary information about the policies, requirements, and procedures that follow strict national protocols established by the United States Environmental Protection Agency to measure and mitigate radon gas;

(2) "Department", the department of health and senior services;

(3) "Laboratory", a commercial entity nationally certified to analyze radon levels of tests conducted;

(4) "Measurement provider - standard and analytical services", an individual who:

(a) Is nationally certified and has demonstrated knowledge of measurement protocols for the placement and retrieval of radon measurement devices;

(b) Has demonstrated knowledge and successfully completed a device type certification examination from a nationally certified laboratory for the proper interpretation and reporting of results obtained through the recovery and review of data obtained from the radon testing device used;

(5) "Measurement provider - standard services", an individual who is nationally certified

1 and has demonstrated knowledge of measurement protocols for the placement and retrieval of  
2 radon measurement devices;

3 (6) "Mitigator", a person nationally certified and trained to design and install radon  
4 reduction or mitigation systems;

5 (7) "National radon proficiency program (NRPP)", curriculum provided by the National  
6 Environmental and Health Association (NEHA). The curriculum and examinations provide the  
7 necessary information about the policies, requirements, and procedures that follow strict national  
8 protocols established by the United States Environmental Protection Agency to measure and  
9 mitigate radon gas;

10 (8) "Radon services", any of the following:

11 (a) A laboratory;

12 (b) A measurement provider - standard services;

13 (c) A measurement provider - standard and analytical services; or

14 (d) A mitigator.

15 324.806. Sections 324.800 to 324.845 shall not apply to any of the following:

16 (1) A person who is testing for or mitigating radon in a building that such person owns or  
17 occupies;

18 (2) A person who designs mitigation plans for radon resistant new construction;

19 (3) State officials conducting tests in state facilities, public schools, and other state-funded  
20 facilities deemed appropriate by the state radon office; or

21 (4) A person who is performing scientific research regarding testing or mitigation of  
22 radon, but only if such person informs the owner and the occupant of the building of all of the  
23 following:

24 (a) That he or she is not state or nationally certified by the NEHA or NRSB;

25 (b) Any test results are not certified nor valid for legal purposes; and

26 (c) Any measurement or mitigation methods suggested or used are experimental and no  
27 compensation for such services is solicited or made.

28 324.809. 1. Beginning January 1, 2012, no person may provide radon services for the  
29 measurement or mitigation of the presence of radon in the state of Missouri unless such person  
30 has been nationally certified and certified by the department of health and senior services under  
31 sections 324.800 to 324.845.

32 2. No certification shall be approved unless the following conditions have been met:

33 (1) The applicant is qualified to perform the activities for which the applicant is seeking  
34 certification, including the training and experience required in section 324.800;

35 (2) Successful completion of the National Environmental Health Association (NEHA)  
36 National Radon Proficiency Program (NRPP) or the National Radon Safety Board (NRSB)

1 Certified Radon Professional Program (CRPP) for the radon services which the applicant is  
2 seeking certification;

3 (3) Continued verification of the credentials provided by the NEHA or the NRSB are  
4 current and certification has not been suspended, expired, or revoked; and

5 (4) Any radon proficiency certification that has been suspended, expired, or revoked by  
6 the NEHA or the NRSB shall result in the department suspending or revoking any existing state  
7 certification to provide radon services in Missouri.

8 324.812. 1. In the deployment of radon measurement and radon mitigation activities, the  
9 protocols defined by the NEHA or the NRSB shall apply.

10 2. Protocols used by the radon service provider shall be in accordance with the  
11 organization the radon service provider completed his or her certification exam.

12 3. In all cases where discrepancies exist with radon mitigation system configurations and  
13 deployment, the most current version of ASTM Standard E2121 shall be used.

14 4. Where discrepancies exist between NEHA or the NRSB protocols and local codes or  
15 regulations, local codes and regulations shall take precedence.

16 5. Local codes shall not take precedence with regard to alterations to a radon mitigation  
17 system which may adversely impact the performance of the system to reduce radon levels for  
18 which the system was originally designed.

19 6. Due to the wide variation in building design, size, operation, and use, such  
20 requirements do not include detailed guidance on how to select the most appropriate mitigation  
21 strategy for a given building.

22 324.815. Certification as a measurement provider - standard services shall include all of  
23 the following by an applicant:

24 (1) Successful completion of a NEHA NRPP or NRSB CRPP;

25 (2) Agreement to the terms and conditions of the department as stipulated on the Missouri  
26 certification program application;

27 (3) Maintenance of radon measurement accreditation with the NEHA or NRSB, including  
28 reporting any disruption in accreditation status with the National Environmental Health  
29 Association or the National Radon Safety Board to the department within fifteen calendar days of  
30 the disruption in accreditation.

31 324.818. Certification as a measurement provider - standard and analytical services shall  
32 include all of the following by an applicant:

33 (1) Successful completion of a NEHA NRPP or the NRSB CRPP;

34 (2) Successful completion of the laboratory radon device type analytical proficiency  
35 program requirements;

36 (3) Agreement to the terms and conditions of the department as stipulated on the Missouri

1 radon certification program application;

2 (4) Maintenance of radon measurement accreditation with the NEHA or the NRSB,  
3 including reporting any disruption in accreditation status with the NEHA or the NRSB to the  
4 department within fifteen calendar days of the disruption in accreditation.

5 324.821. Certification as a radon mitigation provider shall include all of the following by  
6 an applicant:

7 (1) Successful completion of the radon measurement and mitigation courses of the NEHA  
8 NRPP or the NRSB CRPP;

9 (2) Agreement to the terms and conditions of the department as stipulated on the Missouri  
10 radon certification program application;

11 (3) Presence of a state certified radon mitigator at every mitigation job site to inspect and  
12 assure the radon mitigation system meets the NEHA NRPP or NRSB CRPP and local code  
13 requirements;

14 (4) Maintenance of radon mitigation accreditation with the NEHA or the NRSB, including  
15 reporting any disruption in accreditation status with the NEHA or the NRSB to the department  
16 within fifteen calendar days of the disruption in accreditation.

17 324.824. 1. The department of health and senior services shall maintain a list of persons  
18 that are certified as radon service providers by their department. Such list shall be made available  
19 to the public and to the state realtors board.

20 2. The list of Missouri certified radon service providers shall be provided to the state  
21 realtors board for dissemination and communication with their members, realtors, consultants, and  
22 constituents.

23 3. The state realtors board shall require their members, realtors, consultants, and  
24 constituents to adhere to the guidelines of sections 324.800 to 324.845 in the course of all real  
25 estate transactions where radon service providers are requested.

26 324.827. 1. Radon mitigation providers shall include a statement in all documents  
27 construed as a contract to install a mitigation system that the mitigation system installed should be  
28 tested by an independent radon measurement professional. Testing should occur not less than  
29 twenty-four hours nor more than thirty days after the mitigation system has been installed.

30 2. The requirement for independent post-radon mitigation radon measurement testing  
31 shall be included in the Missouri certification program to alleviate the possible conflict of  
32 interests between the radon mitigation provider and the need to impartially assess the success of  
33 the mitigation system.

34 3. If such requirement is waived, the contract shall be signed by the client agreeing that  
35 post-mitigation system testing by an independent radon measurement professional was not  
36 requested.

37 4. Radon mitigation providers may provide a short- or long-term radon measurement test  
38 kit to the client to meet the independent radon measurement post-mitigation test requirement,  
39 provided that the test results are analyzed by an independent qualified radon laboratory as defined  
40 in section 324.800.

1       324.830. 1. Analytical laboratories shall meet the requirements for certification with the  
2 National Environmental Health Association's National Radon Proficiency Program.  
3       2. All laboratories shall have a responsible party who is certified as a residential  
4 measurement provider through the National Environmental Health Association or the National  
5 Radon Safety Board.  
6       324.833. 1. Individuals and businesses providing radon services in Missouri:  
7       (1) Shall complete continuing education requirements set by the NEHA or the NRSB;  
8       (2) Shall complete two or more accredited continuing education hours promoting radon  
9 awareness to the citizens of Missouri. Such promotion includes, but is not limited to, public  
10 outreach, presentations, forums, meetings, and presentations to interested professional  
11 organizations. The authoritative source for qualified continuing education credits to meet such  
12 requirement may be obtained from the NEHA or the NRSB. State certification requirements to  
13 satisfy such requirement shall be included with all radon service provider renewal applications.  
14       2. Continuing education requirements set forth by the NHEA or the NRSB shall meet  
15 Missouri radon service providers' continuing education requirements set forth in subdivision (2)  
16 of subsection 1 of this section.  
17       324.836. 1. An application for state radon services certification may be submitted at any  
18 time.  
19       2. If the requirements of sections 324.809 to 324.821 have been met, the department shall  
20 review the completed application and validate the supportive documentation for inclusion into the  
21 state radon services certification program. The validation shall include, but not be limited to,  
22 validating the applicant's accreditation with the NEHA or the NRSB.  
23       3. All applicants shall agree to the terms and conditions of the department as stipulated on  
24 the Missouri radon certification program application.  
25       4. Missouri state radon service provider certification renewal periods shall coincide with  
26 the radon service providers' accreditation period with the NEHA or the NRSB.  
27       5. Radon service provider accreditation with the NEHA or the NRSB shall be validated by  
28 the department.  
29       324.839. 1. Missouri state radon service providers shall retain the following copies of  
30 records associated with the provision of services to clients for a period of five years, which may  
31 be in paper or electronic form:  
32       (1) Any contracts and description of services provided;  
33       (2) Any radon measurement tests performed;  
34       (3) Any equipment calibration certificates;  
35       (4) Any radon mitigation contracts;  
36       (5) Any post-mitigation tests provided by the radon service provider, independent radon  
37 measurement provider, or laboratory;  
38       (6) All working level (WL) radon exposure records for employees maintained by the  
39 radon service provider in accordance with the NEHA NRPP or the NRSB CRPP;  
40       (7) Any accreditation documents provided by the National Environmental Health  
41 Association or the National Radon Safety Board; and  
42       (8) Any official documents validating the successful completion of the radon  
43 measurement device type analytical certification program.

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1        2. The department may require copies of any or all records maintained by the radon  
2 service provider at any time and may require statistical information from radon service providers  
3 on a periodic basis.

4        3. Random documentation audits shall be made by the department to assure the integrity  
5 of the Missouri radon certification program.

6        4. The department may, at the department's discretion, make arrangements for an on-site  
7 visit to the radon service provider's registered place of business to inspect document retention  
8 policies and procedures.

9        5. Radon service providers shall comply with requests for records or on-site inspections or  
10 audits in order to maintain their state certification status.

11        6. Failure to comply or cooperate with requests for documentation by the department may  
12 result in the suspension or revocation of the service provider's Missouri state certification status.

13        7. Upon request, radon service providers shall allow authorized representatives of the  
14 department to accompany him or her while performing any radon measurement or mitigation  
15 activities for the purpose of inspecting such activities, with the approval of the property owner or  
16 resident on whose property such activity is being performed.

17        324.842. 1. A radon service provider who resides outside the boundaries of Missouri and  
18 holds a radon measurement or a radon measurement and mitigation certification from the NEHA  
19 or the NRSB may apply for certification with the department.

20        2. All requirements and conditions of sections 324.800 to 324.845 shall apply to each  
21 individual or business residing outside this state that applies for certification to conduct business  
22 as a radon service provider.

23        324.845. 1. Complaints filed with the department against a state certified radon service  
24 provider related to noncompliance with the NEHA NRPP or NRSB CRPP protocols shall be  
25 investigated. The department shall provide a copy of the filed complaint to the radon service  
26 provider electronically and by United States mail.

27        2. The radon service provider shall have thirty calendar days to remedy the complaint with  
28 the complainant to the satisfaction of the department.

29        3. In all cases, the most current version of ASTM E2121 shall be used to adjudicate the  
30 complaint.

31        4. (1) In the event the complaint filed is valid and not remedied to the satisfaction of the  
32 complainant and the department, the radon service provider may ask for a review with the panel of  
33 professionals comprised as follows:

34        (a) A state certified and registered radon mitigator selected at random by the department;

35        (b) A state certified and registered mitigator selected by the radon service provider. The  
36 radon service provider shall not select themselves or a radon service provider from their company  
37 to meet such requirement; and

38        (c) A representative from the department.

39        (2) The review shall be conducted within ninety days after the date the request is received  
40 by the department and shall be chaired by the representative from the department.

41        (3) Upon completion of the review by the panel listed in subdivision (1) of this  
42 subsection, a simple majority vote of the panel shall determine if the complaint has been remedied  
43 using the guidelines of ASTM E2121.

1       (4) The determination of the panel is final.  
2       (5) If the panel determines the complaint has merit, the offending radon service provider  
3 may be required to make restitution as follows:  
4       (a) Be prosecuted by the complainant in the appropriate court of law to solicit recovery of  
5 any and all costs or damages; and  
6       (b) Be required to make monetary restitution to the department not to exceed one  
7 thousand dollars per complaint. The amount of restitution to the department shall be set by the  
8 panel listed in subdivision (1) of this subsection.  
9       (6) All costs, excluding monetary restitution to the department, associated with subsection  
10 4 of this section shall be borne by the radon service provider requesting the review.  
11       (7) If repeated complaints with merit are filed against a certified radon service provider,  
12 the national certifying organization shall be notified by the department to assess disciplinary  
13 action up to and including revoking state certification and requesting revocation of national  
14 certification. For purposes of this subdivision, national certifying organizations are the NEHA or  
15 the NRSB.” ; and

16  
17 Further amend said bill by amending the title, enacting clause, and intersectional references  
18 accordingly.  
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