



Kansas Radon Program

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Kansas Radon Program
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Kansas Radon Certification Law Facts

- **Effective Date: July 1, 2011**
 - Beginning July 1, 2011, no person may represent or advertise, nor may perform professional radon measurements, radon mitigations or provide radon laboratory services unless that person has been certified by the Kansas Department of Health and Environment (KDHE) as a radon measurement technician, a radon mitigation technician, or as a certified radon laboratory.
- **KDHE Certification Requirements**
 - Subject to modification by the regulatory rules and regulations to be posted by KDHE
 - Measurement Certification
 - Previous successful completion of a radon measurement training course approved by KDHE
 - Previous reception of a passing grade on a radon measurement examination offered by the National Radon Safety Board (NRSB), the National Environmental Health Association's Radon Proficiency Program (NEHA-NRPP), or other organization approved by KDHE.
 - Submission of a certification application to KDHE with the appropriate application fee (not to exceed \$100 for new or biennially renewed certifications). **Fee collection delayed at this time.**
 - Applicants certified by either NRSB or NEHA-NRPP on July 1, 2011, shall be deemed to have met these requirements.
 - Mitigation Certification
 - Previous successful completion of a radon mitigation training course approved by KDHE
 - Previous reception of a passing grade on a radon mitigation examination offered by the National Radon Safety Board (NRSB), the National Environmental Health Association's Radon Proficiency Program (NEHA-NRPP), or other organization approved by KDHE.
 - Submission of a certification application to KDHE with the appropriate application fee (not to exceed \$100 for new or biennially renewed certifications). **Fee collection delayed at this time.**
 - Applicants certified by either NRSB or NEHA-NRPP on July 1, 2011, shall be deemed to have met these requirements.
 - Radon Laboratories Certification
 - Definition: A business that performs laboratory analysis of radon measurement devices or samples, but DOES NOT include the field analysis of continuous radon monitors or continuous working level monitors.
 - A laboratory certification issued by the NRSB, the NEHA-NRPP, or other organization as designated by KDHE is necessary in order to receive a state laboratory certification.
 - Submission of a certification application to KDHE with the appropriate application fee (not to exceed \$250 for new or biennially renewed certifications). **Fee collection delayed at this time.**
- **Owner-Occupied Radon Testing and Mitigation**
 - The owner of a home or building may perform radon testing on those owned properties without a KDHE-issued radon measurement certification.
 - The owner of a home or building may perform radon mitigation on those owned properties without a KDHE-issued radon mitigation certification.
 - A person may perform radon measurements for another individual's property, as long as:
 - The individual performing the tests receives no remuneration, and
 - The measurement(s) are not related to a real estate transaction.

- **Data Reporting Requirements**
 - Any person who performs radon measurements, provides radon measurement laboratory services, or performs radon mitigations in Kansas shall report such testing and mitigation information to KDHE within 90 days.
 - Reports shall include at least the following information: 1) address of the service location, 2) location within the building, 3) approximate age of the building, 4) date the service(s) was provided, 5) type of equipment or test kit used, 6) specific information for measurements, such as pre-mitigation measurements, post-mitigation measurements, real estate transactions, and 7) results of any tests, analysis or mitigation.
 - Reporting exceptions
 - Persons performing tests or mitigations on a building owned by such person
 - Customers or clients may deny consent for reporting data by a radon measurement business to KDHE for locations they are purchasing services for:
 - **Contracts between measurement or mitigation companies and their clients must include the following paragraph:** “It is standard procedure to provide the radon measurement information to the Kansas Department of Health and Environment. This data is required by law to be kept confidential and is used to conduct studies on radon and lung cancer incidence in Kansas. No report or publication will include names or addresses of individuals associated with the radon tests. If you (the client) agree that the radon testing information be disclosed to the Kansas Department of Health and Environment, you should initial here ____.”
 - **If no contract is entered into by a certified radon measurement business and a client, the results of the radon testing **SHALL BE REPORTED** to the department as indicated above. There are no exceptions for radon measurement laboratories to report data.**
- **Collected Fees**
 - All fees collected will be deposited into the Radiation Control Fee Fund at the KDHE to assist with defraying program costs.
- **Penalties for Non-Compliance**
 - Willful violation of this legislation is a class B misdemeanor and individuals operating a radon business without a state certification are subject to cease and desist orders.
 - Additionally, a fine in an amount not to exceed \$1,000 may be levied for each violation of the provisions of this legislation.
 - Any violation that is a continuing violation will be considered a new violation for each day the violation persists.
- **Rules and Regulations**
 - KDHE is currently developing rules and regulations to administer the Kansas Radon Certification Law.
 - The development process for permanent state regulations takes approximately 25 weeks. The process will include the following steps:
 - Review and approval by the secretary of administration (~ 1-3 weeks)
 - Review and approval by the attorney general (~ 1-3 weeks) **Current status is here 8/4/11.**
 - Notice submitted and published in *Kansas Register* (~ 2 weeks)
 - Joint committee on rules and regulations reviews and comments (~ 2-3 months)
 - Public hearing will be held (~ 1-3 weeks)
 - Approval for revisions; adoptions of regulations; filed with secretary of state (~ 1-3 weeks)
 - Regulations published in *Kansas Register* (~3 weeks)
 - Regulations take effect (15 days)
 - The Kansas Radon Program will post information on the current status of the regulatory process on its website: www.kansasradonprogram.org