



March 8, 2022

The Honorable Mary Kiffmeyer  
Minnesota Senate  
Chair  
Committee on State Government Finance and Policy and Elections

RE: Senate File 295

Dear Senator Kiffmeyer and Committee Members,

I am providing comments from the American Association of Radon Scientists and Technologists. AARST is a nonprofit, professional organization of members who are dedicated to the highest standard of excellence and ethical performance of radon measurement, radon mitigation and transfer of radon information for the benefit of members, consumers, and the public at large. Founded in 1986, AARST is a 501 (c)(6) membership association.

Thank you for your interest in advancing effective radon policy in Minnesota. AARST welcomes constructive efforts in every state to increase the protection of citizens from radon-induced lung cancer.

The proposed legislation, SF 295, to move the state radon licensing program to a different department, is not well-supported by the facts or circumstances.

The following feedback is provided after listening to the recording of the hearing conducted by the Senate Labor and Industry Policy Committee.

- The Minnesota Licensing Act describes the regulated radon profession as persons who “detect the presence of radon in the indoor atmosphere, performs laboratory analysis of radon measurement samples, or performs a service to mitigate radon in the indoor atmosphere.” Nowhere in that description appears “building contractor” or “remodeler.” The legislation proposes to bring the specialized radon profession under the same authority as if the providers are similar. They are not.
- The 376 Minnesota-licensed radon professionals are not typical residential building contractors serviced by the Department of Labor and Industry (DLI). 248 or 66% are measurement professionals who do not perform any mitigation work. The other 128 / 34% are mitigation professionals.

- Radon mitigation is not like construction work. Demolition and repair are minor tasks in the process of radon mitigation; the remaining tasks require specialized knowledge. The entire mitigation process must comply with national standards to prevent increasing the radon level in the home. Radon requires engineering controls to test an existing building and mitigate based on the building-specific conditions in, below, and around the occupiable space. These controls are not in the typical skill set of DLI licensees unless those individuals have received the training and passed the exams that provide evidence of radon-specific expertise.
- Radon mitigation, radon measurement and analytical services are technical topics, along with lead, asbestos, well, lodgings, and nursing homes. Such environmental public health matters and high-risk settings require the oversight of the MN Department of Health (DOH). The technical and scientific competence of DoH oversight is unlikely to be replicated in the DLI.
- Twenty states regulate radon. Only one other state that regulates radon has co-located radon with construction builder licensing, and that state (Utah) only regulates radon mitigation, not radon measurement or analytical services.
- There is no alignment between the Minnesota Radon Licensing Act rules and DLI's rules pertaining to radon.
  - Under DLI, the building code contains new construction requirements for radon systems in the MN provisions (and these provisions are a model for other states).
  - The DoH Radon Program requires compliance with the only national standards addressing work practices for radon mitigation, radon measurement and analytical services that are currently approved by EPA: the ANSI-AARST standards. See <https://www.epa.gov/radon/radon-standards-practice> for more information.
- Contrary to the theory posited during the hearing that carbon monoxide is a more severe threat than radon: radon-induced lung cancer deaths in the US (21,000 per year) outnumber CO deaths in the US (430 per year) 50 to 1.

Since 2005, the AARST Consortium on Radon Standards has administered and maintained committees of volunteers from diverse stakeholder groups to create and maintain 12 national consensus radon standards. The AARST Consortium's standard-building process is achieved through stakeholder consensus, public review, and American National Standards Institute (ANSI) accreditation. Its standards are recommended to all states by the US EPA and recognized by multiple States and governmental agencies as approved standards of practice for radon detection, measurement, mitigation, radon resistant new construction and devices. ANSI-AARST standards are required for radon measurement and mitigation by the International Code Council's *International Green Construction Code (IgCC)* and ASHRAE 189.1, *Standard for the Design of High-Performance Green Buildings*. ASHRAE 189.1 has also approved requiring ANSI-AARST radon resistant new construction standards, which will be incorporated into the IgCC in 2023.

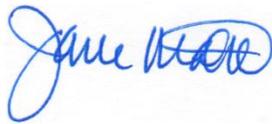
AARST has a 17-year record of leadership in administering the National Radon Proficiency Program (NRPP). Today NRPP is the nation's largest radon professional credentialing program with close to 3000 active certifications. Among other requirements, AARST-certified personnel must complete a comprehensive initial training course, pass a rigorous competency exam, perform regular quality assurance procedures, submit proof of annual instrument calibration and performance evaluations, fulfill relevant continuing education requirements, and renew their certification every two years. The NRPP is recognized by the USEPA as equivalent to the EPA's certifying program (which was known as the Radon Proficiency Program (RPP) and discontinued in 1998. AARST has applied for, and expects to obtain, ISO 17024 accreditation for the NRPP.

I apologize that we cannot testify at the hearing tomorrow. We are available for follow-up questions as needed.

*We urge you to not fix a system that isn't broken. All of Minnesota should take pride in having one of the strongest radon programs in the country. There is no evidence that moving will benefit public health or the regulated community.*

Thank you for your attention and thoughtful consideration of the above information.

Sincerely,



Jane Malone  
National Policy Director