

RADON IN SCHOOLS

OVERVIEW OF STATE LAWS

Part of the ELI Series

[Topics in School
Environmental Health:
Overview of State Laws](#)

Environmental Law Institute

Why is this Issue Important for School Environmental Health?

According to the U.S. EPA, indoor radon exposure results in an estimated 21,000 lung cancer deaths in the United States each year. That makes indoor radon the second leading cause of lung cancer, the leading cause of lung cancer among non-smokers, and the seventh leading cause of cancer mortality overall.

Radon is a colorless, odorless gas that is produced from the decay of radium released from uranium ore that is present in most rock and soils. When radon enters a building through cracks or other openings in the foundation or slab, it becomes concentrated indoors. Inhaling radon over a period of years increases cancer risk; the higher the radon levels, the greater the risk.

Elevated radon levels have been found in schools throughout the U.S. The only way to know if a particular school building has elevated radon levels is to test the air in that building for radon. Where elevated radon levels are discovered, established techniques for installing radon control systems can lower radon levels effectively in most cases. Many schools already have taken action to test for and mitigate elevated radon levels. Radon control techniques are also available for new school construction.

For information about radon from the U.S. EPA and the state of Minnesota, see <http://www.epa.gov/radon/>.

For information from ELI about state policies addressing radon in homes, see http://www.eli.org/Buildings/reports_by_topic.cfm#Radon.

What Types of State Policies are Included in this Overview?

This Overview includes state laws and regulations that address radon in schools, though it does not necessarily provide an exhaustive listing of such policies. State radon laws and regulations that impact schools indirectly – e.g., laws that require radon professionals to obtain state certification – are not covered here. State agency guidance documents and other materials are not included in the absence of a related law or regulation addressing radon in schools explicitly.

Most of the policies described below require schools to conduct radon testing or mitigation or to incorporate radon-resistant new construction (RRNC) techniques, while some encourage or facilitate such actions.

States covered in the summary chart below: **CO, CT, DC, FL, IL, IN, IA, ME, MN, NE, NJ, NY, OR, RI, VA, WV**

RADON		
STATE & CITATION	SUMMARY OF LAW/REGULATION	LAW REQUIRES •TESTING? •MITIGATION? •RRNC?
<p>COLORADO Co. Rev. Stat. § 25-1.5-101; 6 Co. Code Regs. § 1010-6:6.8</p>	<p>Colorado health law authorizes the Department of Public Health and Environment to establish and enforce sanitary standards for the operation and maintenance of schools. Department regulations require schools to test for radon in accordance with procedures described in the 2015 AARST <i>Protocols for Conducting Measurements of Radon and Radon Decay Products in Schools and Large Buildings</i>. Results must be maintained on file at each school and be available for review. The regulations also require that newly-constructed schools undergo radon testing within 19 months of occupancy and that remodeled schools be evaluated by the state to determine the need for radon testing.</p>	TESTING
<p>CONNECTICUT Ct. Gen. Stat. § 10-291</p>	<p>Connecticut education law prohibits the Department of Construction Services from approving school building project plans or sites if the site is in an area of moderate or high radon potential, except where the school building project plan incorporates construction techniques to mitigate radon levels.</p>	RRNC
<p>Ct. Gen. Stat. § 10-220</p>	<p>Connecticut education law also requires that every five years, local boards of education inspect and evaluate indoor air quality in all school buildings that have been constructed, extended, renovated or replaced on or after January 1, 2003. The law specifies numerous items to be included in the inspection program, including evaluation of radon levels in the air. Results of these evaluations must be provided at a board meeting and on the website of the board or individual school.</p>	TESTING
<p>Ct. Gen. Stat. § 19a-37b</p>	<p>Connecticut public health law requires the Department of Public Health to adopt regulations to establish requirements and procedures for evaluating radon in indoor air and reducing elevated radon gas levels when detected in public schools.</p>	NO
<p>DISTRICT OF COLUMBIA D.C. Stat. §10-711—712</p>	<p>The District of Columbia Healthy Public Buildings Assessment Act requires the Department of General Services (DGS) to assess each “public building” (including any building owned by the District of Columbia used for education) for environmental risks, including radon. The law requires DGS, in coordination with the D.C. health and environment agencies, to establish protocols for conducting the assessments. The protocols must describe the frequency and methods of assessment, the threshold levels at which remediation measures must be taken, and the remediation and public disclosure measures that must be taken when an assessment reveals levels that exceed the threshold. The law also requires DGS to make the protocols and “user-friendly information about the assessments” for each building available online.</p>	TESTING MITIGATION

<p>FLORIDA Fl. Stat. § 404.056; 64 Fl. Admin. Code § 64E-5.1208</p>	<p>Florida public health law requires radon testing of all public and private school buildings in counties designated in the Florida Radon Protection Map as Intermediate or Elevated Radon Potential. The law requires the use of testing procedures established by the Department of Health, with initial testing conducted in 20 percent of habitable first floor spaces and five-year follow-up testing completed in five percent of habitable first floor spaces. Additional follow-up testing is required only if significant structural changes occur. Results must be reported to the department. Regulations implementing the law incorporate the radon testing procedures and reporting forms.</p>	<p>TESTING</p>
<p>ILLINOIS Il. Comp. Stat. Ch. 105, § 5/10-20.48; Ill. Comp. Stat. Ch. 105, § 5/34-18.39</p>	<p>Illinois education law recommends that occupied school buildings be tested for radon every five years and mitigated by a licensed professional if radon levels are 4.0 pCi/L or higher. The law requires school districts to use certified radon professionals if they conduct radon testing, unless a school employee attends a state-approved training course and receives an exemption. The law also requires school districts to report any radon test results to the state Board of Education and requires the Board to submit a report to the Governor and Legislature every two years. The law further recommends that new schools be built using radon-resistant new construction techniques consistent with EPA guidance. A separate law establishes these provisions for schools districts in cities with more than 500,000 inhabitants.</p>	<p>NO</p>
<p>INDIANA In. Stat. 16–41–37.5–2.5</p>	<p>The Indiana health code requires the state department of health to distribute a manual of best practices for managing indoor air quality at schools, no later than July 31, 2019 and every three years thereafter. The manual must include recommendations for radon testing. The department may use a manual on school IAQ developed by a federal agency or another state and make additions or revisions “to make the manual most useful to Indiana schools” and must review and revise the manual every three years to ensure that it continues to represent best practices.</p>	<p>NO</p>
<p>IOWA Ia. Sen. File 366 (2014); Ia. Code 257.31</p>	<p>Iowa legislation requires the state Department of Education to notify each school district and accredited nonpublic school of the risks associated with radon, provide information about radon testing and mitigation, and encourage schools to adopt a testing and mitigation plan. School districts and nonpublic schools are required to notify the Department of their current or anticipated radon testing and mitigation plans. The legislation further requires the Department to report to the legislature on information collected from schools. A separate state education law provides for increased supplemental state aid to a school district for removal, management, or abatement of environmental hazards – including radon – due to a state or federal requirement.</p>	<p>NO</p>
<p>MAINE Me. Stat. 20–A § 4013</p>	<p>Maine education law requires that new elementary and secondary schools be built using radon-resistant new construction techniques consistent with rules adopted by the department of health and human services. The law also establishes that school administrative units may test for radon every five years, and requires the department of</p>	<p>RRNC</p>

	<p>education to disburse money to school administrative units to use for radon testing “[w]hen funds are available.” The tests must be performed by a person registered under the state’s Radon Registration Act, consistent with testing standards established by department of health and human services rules. School administrative units must notify parents, faculty and staff of test results and report the results to the departments of education and health and human services. The law also requires the department of health and human services to submit a report of test results from all school administrative units to the governor and legislature every five years, starting no later than 2025.</p>	
<p>MINNESOTA Mn. Stat. §§ 123B.57, 123B.571</p>	<p>Minnesota education law establishes procedures and requirements for school districts to receive health and safety revenue. The law provides that health and safety revenue may only be used for approved expenditures necessary to address a list of covered items, which includes radon testing and mitigation. The law requires school districts to report any radon testing results to the Department of Health and at a school board meeting. The law also authorizes the health and education agencies to develop a plan to encourage school districts to test for radon.</p>	NO
<p>NEBRASKA Ne. Stat. §§ 76-3503--3505</p>	<p>The Nebraska Real Property code requires that new construction incorporate passive RRNC elements outlined in the statutes. The law provides an exception for any construction project that “utilizes the design of an architect or professional engineer” licensed by the state; for projects located in counties with average radon levels below 2.7 pCi/L; and for non-residential projects where a local building official determines that RRNC is not necessary. The law defines “new construction” to include any original construction of a building used for educational purposes (but no additions to or remodeling of existing structures).</p>	RRNC
<p>NEW JERSEY N.J. Stat. §§ 52:27D-123A--123E N.J. Admin. Code §§ 5:23-10.1--10.4</p>	<p>New Jersey building construction law requires the state Commissioner of Community Affairs to adopt a radon hazard code to ensure that schools and residential buildings in areas of high radon potential are constructed in a manner that minimizes radon entry and facilitates any subsequent remediation activities. The regulations promulgated under the law establish the Radon Hazard Subcode, which contains standards for radon-resistant materials and techniques to be used in school buildings in designated “tier one” areas of the state.</p>	RRNC
<p>NEW YORK N.Y. Educ. Law §§ 409-d, 409-e; 8 N.Y. Code Rules & Regs § 155.5(m)</p>	<p>New York education law requires the Commissioner of Education to establish, develop, and monitor a comprehensive public school building safety program which must include a uniform inspection, safety rating, and monitoring system. The regulations established under the law address school construction and maintenance projects and provide, among other things, that “Districts shall take responsibility to be aware of the geological potential for high levels of radon and to test and mitigate as appropriate.”</p>	NO
<p>OREGON Or. Stat. §455.365;</p>		RRNC

<p>Or. Admin. Code § 918-460-0015</p> <p>Or. Stat. § 332.345</p> <p>2017 Oregon Laws Ch. 700 (S.B. 1062); Or. Admin. Rules 581-022-2223.</p>	<p>Oregon building construction law requires the state building code agency to adopt design and construction standards for radon control in new residential buildings and new public buildings, including schools. Pursuant to the law, the new standards are applicable in seven counties listed in the law, as well as others the agency may consider appropriate in light of local radon levels. Regulations adopted under the law incorporate requirements for passive soil depressurization into the Structural Specialty Code for public buildings.</p> <p>State law requires school districts to develop, by September 2016, a plan that provides for testing in any frequently occupied room in contact with the ground or located above a basement or crawlspace, and for re-testing at least once every 10 years. Test results must be provided to the district's school board and the state Health Authority and made readily available to parents/guardians, staff, and others. The law also requires the state Health Authority to disseminate information on radon to school districts and to develop model plans for school districts to follow.</p> <p>State education law and regulations require each school district and public charter school to develop and annually update a Healthy and Safe Schools Plan which includes, among other things: "A plan to test for elevated levels of radon as required under ORS 332.167 [now ORS 332.345]."</p>	<p>TESTING</p> <p>TESTING</p>
<p>RHODE ISLAND</p> <p>R.I. Gen. Laws § 16-60-4; R.I. Admin. Code § 21-2-41:1.05</p> <p>R.I. Gen. Laws §§ 23-61-4, 7 R.I. Admin. Code § 216-RICR- 50-15-2.1 et seq</p>	<p>Rhode Island education law authorizes the state Board of Regents to approve standards for the design and construction of school buildings. The regulations adopted under the law require all new school construction and school renovation projects that cost more than \$500,000 to incorporate a radon mitigation strategy if the site is located in an area with moderate or high radon potential.</p> <p>Rhode Island health and safety law authorizes the Department of Health to require owners of "public or high priority buildings" to test for radon and directs the agency to establish regulations requiring the evaluation of all public buildings, schools, and day care centers for elevated radon levels. Regulations promulgated under the law provide that all schools must be tested for radon; if testing reveals levels at or above 4.0 pCi/L, the regulations require mitigation and post-mitigation testing. The regulations also require that testing and mitigation be conducted by certified professionals in compliance with protocols established by the department, and they require schools and child care facilities to notify families of a radon test result greater than or equal to 4.0 pCi/L within 30 days of receipt of that result using language supplied by the Department.</p>	<p>RRNC</p> <p>TESTING MITIGATION</p>
<p>VIRGINIA</p> <p>Va. Code § 22.1-138</p>	<p>Virginia education law requires every school building to be tested for radon. Schools must maintain and make available for review their radon test results, and school districts must report results to the Department of Health.</p>	<p>TESTING</p>
<p>WEST VIRGINIA</p> <p>W.V. Code § 18-9E-3; W. Va. Code St. Rules § 164-4-9</p>	<p>West Virginia education law requires the Division of Health to perform radon testing in new schools within one year of occupancy and at least every five years thereafter. The testing must include all major student-</p>	<p>TESTING MITIGATION</p>

	occupied areas at or below grade level. The law also requires mitigation if testing reveals elevated radon levels. The regulation implementing the law requires test results to be filed at the school and with the Bureau for Public Health.	
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Rev. Feb. 2020

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