

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 2448

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## AN ACT

To improve the accuracy of radon testing products and services, to increase testing for radon, and for other purposes.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*

3        **SECTION 1. SHORT TITLE.**

4        This Act may be cited as the “Radon Awareness and  
5        Disclosure Act of 1994”.

1 **SEC. 2. FINDINGS.**

2 The Congress finds the following:

3 (1) The Environmental Protection Agency has  
4 determined that radon is second only to smoking as  
5 the leading cause of lung cancer, resulting in an es-  
6 timated 7,000 to 30,000 deaths each year.

7 (2) Testing for elevated levels of radon is rel-  
8 atively simple and inexpensive.

9 (3) There is not an adequate effort by Federal  
10 agencies to encourage testing for radon.

11 (4) Efforts to encourage testing have had lim-  
12 ited results, reaching only a small percentage of  
13 homes to date.

14 (5) The lack of a mandatory certification proc-  
15 ess leads to inaccurate radon testing, ineffective  
16 radon mitigation, erosion of public confidence in the  
17 industry, and a waste of consumer investment.

18 (6) Increased public awareness of the dangers  
19 of radon gas and the means to mitigate its effects  
20 will lead to more informed decision making and a  
21 more productive use of resources.

22 **SEC. 3. DEFINITIONS.**

23 Section 302 of the Toxic Substances Control Act (15  
24 U.S.C. 2662) is amended by adding the following at the  
25 end thereof:

1           “(5) The term ‘vulnerable premises’ means any  
2 frequently occupied space below the third floor of  
3 any building (other than a building used for indus-  
4 trial purposes).

5           “(6) The term ‘high radon area’ means any  
6 county designated by the Administrator as having a  
7 predicted average indoor screening level for radon  
8 greater than 4 pCi/L, using the methodology de-  
9 scribed by the Environmental Protection Agency in  
10 the report entitled ‘Map of Radon Zones: National  
11 Report (December 3, 1993)’, including any amend-  
12 ments or revisions thereto.”.

13 **SEC. 4. NEW CONSTRUCTION.**

14           Section 304 of the Toxic Substances Control Act (15  
15 U.S.C. 2664) is amended as follows:

16           (1) By striking the section heading thereof and  
17 inserting “**NEW CONSTRUCTION.**”.

18           (2) By inserting “(a) MODEL STANDARDS AND  
19 TECHNIQUES.—” before the first sentence and strik-  
20 ing the last 2 sentences.

21           (3) By adding the following at the end:

22           “(b) FINALIZATION OF MODEL STANDARDS.—Not  
23 later than 3 months after enactment of this subsection,  
24 the Administrator shall promulgate model construction  
25 standards for controlling radon levels in new vulnerable

1 premises which are located in high radon areas and which  
2 are covered by the model standards published by the Ad-  
3 ministrator on March 21, 1994 (59 Fed. Reg. 13402). Not  
4 later than 2 years after the enactment of this subsection,  
5 the Administrator shall promulgate model construction  
6 standards for controlling radon levels in new vulnerable  
7 premises which are located in high radon areas and which  
8 are not covered by such proposed model standards. The  
9 model standards shall achieve significant radon risk reduc-  
10 tion and be technologically achievable and readily  
11 implementable. The Administrator may, where appro-  
12 priate, promulgate model standards for controlling radon  
13 levels in new vulnerable premises in other areas designated  
14 by the Administrator.

15 “(c) PROMOTION OF CODE AND STATE ADOPTION.—

16 (1) The Administrator shall work to ensure that organiza-  
17 tions responsible for developing national model codes for  
18 new vulnerable premises adopt, and State and local au-  
19 thorities which regulate construction of new vulnerable  
20 premises adopt and enforce, the model construction stand-  
21 ards promulgated under subsection (b).

22 “(2) If the Administrator determines that an organi-  
23 zation responsible for developing national model codes for  
24 new vulnerable premises has adopted standards for con-  
25 trolling radon levels in new vulnerable premises that are

1 at least as protective of human health and the environ-  
2 ment as the model construction standards promulgated  
3 under subsection (b), such standards shall be certified as  
4 equivalent to the model construction standards promul-  
5 gated under subsection (b).

6 “(3) At the same time that the Administrator pro-  
7 mulgates model construction standards under subsection  
8 (b), the Administrator shall publish a pamphlet that de-  
9 scribes the standards and their costs and benefits. The  
10 Administrator shall work with interested parties to achieve  
11 the broad distribution of the pamphlet. Such distribution  
12 may be coordinated with the distribution of the pamphlet  
13 distributed under section 310.

14 “(d) INCENTIVE FOR VOLUNTARY COMPLIANCE.—(1)  
15 In addition to the disclosure requirements of section 310,  
16 the following disclosure requirements shall apply to sales  
17 of new buildings (or any portion thereof) with vulnerable  
18 premises in high radon areas, or other designated areas,  
19 covered by model construction standards promulgated  
20 under subsection (b):

21 “(A) Any person who sells such a new vulner-  
22 able premises shall, prior to the signing of a sales  
23 contract—

1           “(i) provide the purchaser with the pam-  
2 phlet on radon prevention in construction pub-  
3 lished under paragraph (3) of subsection (c),

4           “(ii) inform the purchaser in writing that  
5 the premises are located in a high radon area  
6 (or other area designated under subsection (b))  
7 and that the Administrator recommends that  
8 such premises be constructed in compliance  
9 with the model construction standards promul-  
10 gated under subsection (b) or other construc-  
11 tion standards certified as equivalent to such  
12 standards under subsection (c)(2), and

13           “(iii) accurately disclose in writing to the  
14 purchaser whether the premises have been, or  
15 will be, constructed in compliance with such  
16 model construction standards or other construc-  
17 tion standards certified as equivalent to such  
18 standards under subsection (c)(2).

19           “(B) The radon warning statement under sec-  
20 tion 310 included in any contract for purchase and  
21 sale of any such new vulnerable premises shall in-  
22 clude an acknowledgement signed by the purchaser  
23 that the purchaser has—

1           “(i) received the pamphlet on radon pre-  
2           vention in construction published under para-  
3           graph (3) of subsection (c),

4           “(ii) been informed in writing that the  
5           premises are located in a high radon area (or  
6           other area designated under subsection (b)) and  
7           that the Administrator recommends that such  
8           premises be constructed in compliance with the  
9           model construction standards promulgated  
10          under subsection (b) or other construction  
11          standards certified as equivalent to such stand-  
12          ards under subsection (c)(2), and

13          “(iii) received a written disclosure indicat-  
14          ing whether the premises has been, or will be,  
15          constructed in compliance with such model con-  
16          struction standards or other construction stand-  
17          ards certified as equivalent to such standards  
18          under subsection (c)(2).

19          “(2) If the Administrator determines that a State or  
20          local authority which regulates construction of new vulner-  
21          able premises in a high radon area (or other area des-  
22          ignated under subsection (b)) has adopted and is enforcing  
23          in such area either the model construction standards pro-  
24          mulgated under subsection (b) or other standards for con-  
25          trolling radon levels in new vulnerable premises that are

1 at least as protective of human health and the environ-  
2 ment as such model standards, any person who constructs  
3 a new vulnerable premises in such area after such deter-  
4 mination shall be exempt from the disclosure requirements  
5 of paragraph (1). Any State or local authority may submit  
6 to the Administrator State or local standards for control-  
7 ling radon levels in new vulnerable premises. The Adminis-  
8 trator shall determine within 60 days after the date of  
9 such submission whether such standards are as protective  
10 of human health and the environment as the model stand-  
11 ards.

12 “(3) The requirements of this subsection shall take  
13 effect on the later of (A) the date 31 months after promul-  
14 gation of the model construction standards under sub-  
15 section (b) covering the new vulnerable premises con-  
16 cerned, or (B) the effective date of the requirements under  
17 section 310. Six months before the requirements of this  
18 subsection take effect in a high radon area (or other area  
19 designated under subsection (b)), the Administrator shall  
20 provide notice of such requirements to the State in which  
21 such area is located.

22 “(4) Not later than 1 year prior to the effective date  
23 established in paragraph (3), the Administrator shall,  
24 after notice and opportunity for comment, publish a list  
25 of the areas to which the model construction standards

1 concerned are applicable, together with a map of all such  
2 areas.

3 “(5) A violation of this subsection shall be considered  
4 a violation of section 310.

5 “(e) REPORT TO CONGRESS.—Not later than 5 years  
6 after the date of enactment of this subsection, the Admin-  
7 istrator shall report to Congress on the extent to which  
8 State and local authorities which regulate construction of  
9 new vulnerable premises have adopted and are enforcing  
10 the model construction standards promulgated under sub-  
11 section (b), and new vulnerable premises are being con-  
12 structed in compliance with such standards. Such report  
13 shall contain a list of State and local authorities in areas  
14 covered by model standards which have adopted and are  
15 enforcing such standards and a list of those which have  
16 not adopted or are not enforcing such standards. Such re-  
17 port shall identify any obstacles that may exist to—

18 “(1) adoption and enforcement by such State  
19 and local authorities of such model construction  
20 standards, and

21 “(2) construction in compliance with such  
22 model construction standards,  
23 and shall make recommendations for overcoming such ob-  
24 stacles.

1       “(f) GUIDANCE FOR CERTAIN PREMISES.—Not later  
2 than 2 years after the enactment of this subsection, the  
3 Administrator shall promulgate guidance for measuring  
4 and mitigating radon levels in existing vulnerable premises  
5 not covered by the proposed model standards published by  
6 the Administrator on April 12, 1993 (58 Fed. Reg.  
7 19097).

8       “(g) OTHER DISCLOSURE REQUIREMENTS.—The  
9 Administrator may consolidate the requirements applica-  
10 ble under this section with the disclosure requirements ap-  
11 plicable under other authority of law.

12       “(h) VALIDITY OF CONTRACTS AND LIENS.—Nothing  
13 in this section shall affect the validity or enforceability of  
14 any sale or contract for the purchase and sale or lease  
15 of any interest in real property or any loan, loan agree-  
16 ment, mortgage, or lien made or arising in connection with  
17 a mortgage loan, nor shall anything in this section create  
18 a defect in title.”.

19 **SEC. 5. AMENDMENTS TO SECTION 306 OF TSCA.**

20       Section 306 of the Toxic Substances Control Act (15  
21 U.S.C. 2666) is amended as follows:

22             (1) In subsection (e), by striking “In the event  
23 that State applications for funds exceed the total  
24 funds available in a fiscal year, the” and inserting  
25 “The”.

1           (2) By amending subsection (e) to add the fol-  
2           lowing new paragraph at the end thereof:

3           “(5) The potential for the activity or project to  
4           advance the strategy developed under section 316  
5           (relating to strategy to identify and reduce excep-  
6           tionally high indoor radon levels).”.

7           (3) In subsection (f), strike “in the third year”  
8           and insert “thereafter”.

9           (4) In subsection (g) by inserting “(1)” before  
10          the first sentence thereof and by adding the follow-  
11          ing at the end thereof:

12          “(2) The Administrator may set aside a percentage  
13          of the grants made to States under this section to be paid  
14          by such States to local governments in high radon areas.  
15          Such amounts shall be used for eligible activities under  
16          subsection (c). In the case of any State not receiving a  
17          grant under this section, the Administrator may make  
18          grants directly to local governments in such State for such  
19          purposes. Subsection (f) shall not apply to any grant to  
20          a local government described in the preceding sentence or  
21          to any portion of a grant to a State under this section  
22          which is paid to a local government as provided in this  
23          paragraph.”.

1 **SEC. 6. PERFORMANCE PROGRAM FOR RADON PRODUCTS**  
2 **AND SERVICES.**

3 Section 309 of the Toxic Substances Control Act (15  
4 U.S.C 2669) is amended to read as follows:

5 **“SEC. 309. PERFORMANCE AND PROFICIENCY PROGRAM**  
6 **FOR RADON PRODUCTS AND SERVICES.**

7 “(a) PERFORMANCE AND PROFICIENCY PROGRAM.—  
8 (1) Within one year after the enactment of the Radon  
9 Awareness and Disclosure Act of 1994, the Administrator  
10 shall promulgate regulations establishing a program to re-  
11 quire each of the following—

12 “(A) Any product for the measurement of  
13 radon shall meet performance criteria that insure  
14 the effectiveness of such product.

15 “(B) Any person offering a service to the public  
16 for the measurement or mitigation of radon shall  
17 meet a level of proficiency that insures the effective-  
18 ness of such service.

19 Effective on the date 2 years after the enactment of the  
20 Radon Awareness and Disclosure Act of 1994, no person  
21 may introduce into commerce any product for the meas-  
22 urement of radon unless such product meets the perform-  
23 ance criteria established under subparagraph (A) and no  
24 person may offer a service to the public for the measure-  
25 ment or mitigation of radon unless such person meets the  
26 level of proficiency established under subparagraph (B).

1       “(2) The program established as provided in para-  
2 graph (1) shall include each of the following—

3           “(A) Procedures for ordering the recall of any  
4 product introduced in commerce for the measure-  
5 ment of radon which does not meet the performance  
6 criteria established under paragraph (1)(A).

7           “(B) Procedures for ordering the discontinu-  
8 ance of any service offered to the public for the  
9 measurement or mitigation of radon which does not  
10 meet the levels of proficiency established under para-  
11 graph (1)(B).

12           “(C) Procedures for establishing adequate qual-  
13 ity assurance requirements for each radon measure-  
14 ment product introduced into commerce and for each  
15 radon measurement or mitigation service offered to  
16 the public.

17       “(b) EFFECTIVENESS OF PRODUCTS; PUBLIC  
18 AWARENESS.—The Administrator shall develop and make  
19 each of the following available to the public:

20           “(1) A list of all radon measurement products  
21 which meet minimum performance criteria under  
22 paragraph (1)(A) of subsection (a).

23           “(2) A summary of current radon measurement  
24 and mitigation methods and products. Such sum-  
25 mary shall include information about the accuracy,

1 effectiveness, cost, and resistance to tampering of  
2 such products and methods.

3 “(c) USER FEE.—(1) Within one year after the en-  
4 actment of the Radon Awareness and Disclosure Act of  
5 1994, the Administrator shall promulgate rules imposing  
6 user fees on persons who manufacture or import any prod-  
7 uct described in subsection (a)(1)(A) and for persons who  
8 offer any service described in subsection (a)(1)(B). The  
9 amount of such fees shall be designed to cover the annual  
10 operating costs of the Environmental Protection Agency  
11 in carrying out the program established under subsection  
12 (a), except that the Administrator may reduce the amount  
13 of such fees during the first 3 fiscal years after the pro-  
14 mulgation of regulations under subsection (a) in order to  
15 promote the availability of radon measurement and miti-  
16 gation products and services. Such fees shall be structured  
17 such that any person’s liability for such fees is reasonably  
18 based on the proportion of the program’s operating costs  
19 that relate to such person, and such person’s liability for  
20 such fees shall not be based on the income of such person.

21 “(2) The fee established under paragraph (1) shall  
22 not apply with respect to persons who are employees of  
23 public and nonprofit child care facilities, schools, hospitals,  
24 nursing homes, or other care facilities and who are provid-

1 ing services described in subsection (a)(1)(B) at such  
2 facilities.

3 “(d) USE OF FUNDS.—Amounts received for user  
4 fees under subsection (c) shall be deposited in a Radon  
5 Service Account established in the Treasury of the United  
6 States for use by the Administrator, to the extent provided  
7 in appropriations Acts, in carrying out the program estab-  
8 lished under subsection (a).”.

9 **SEC. 7. DISCLOSURE OF INFORMATION CONCERNING**  
10 **RADON.**

11 Section 310 of the Toxic Substances Control Act (15  
12 U.S.C. 2670) is amended to read as follows:

13 **“SEC. 310. DISCLOSURE OF INFORMATION CONCERNING**  
14 **RADON.**

15 “(a) DISCLOSURE IN PURCHASE AND SALE OR  
16 LEASE.—

17 “(1) RADON.—Not later than 1 year after the  
18 enactment of this section, the Administrator shall  
19 promulgate regulations providing for the disclosure  
20 of radon in vulnerable premises whenever any such  
21 premises is offered for sale or lease. The regulations  
22 shall require that, prior to the signing of a sales con-  
23 tract or lease, the seller or lessor shall—

1           “(A) provide the purchaser or lessee with  
2           a radon hazard information pamphlet as pre-  
3           scribed in subsection (b); and

4           “(B) disclose to the purchaser or lessee the  
5           presence of any known radon measurement re-  
6           port prepared for, or received by, the seller or  
7           lessor and any known radon mitigation systems  
8           in the vulnerable premises concerned.

9           “(2) CONTRACT FOR PURCHASE AND SALE.—  
10          Regulations promulgated under this section shall  
11          provide that every contract for the purchase and sale  
12          of any vulnerable premises shall include a Radon  
13          Warning Statement with an acknowledgement signed  
14          by the purchaser that the purchaser has—

15                 “(A) read the Radon Warning Statement;

16                 “(B) received a radon hazard information  
17          pamphlet; and

18                 “(C)(i) requested and been provided with  
19          the opportunity to conduct a test of the prem-  
20          ises for radon, on terms and conditions mutu-  
21          ally agreeable to purchaser and seller, or

22                 “(ii) agreed to purchase the premises with-  
23          out further testing of the premises for radon.

24          The acknowledgement shall identify which option  
25          (clause (i) or (ii)) the purchaser has agreed to.

1           “(3) CONTENTS OF RADON WARNING STATE-  
2           MENT.—The Radon Warning Statement referred to  
3           in this section shall contain the following text print-  
4           ed in large type on a separate sheet of paper at-  
5           tached to the contract:

*‘The U.S. Surgeon General has determined that prolonged ex-  
posure to radon can be a serious health hazard. Testing is avail-  
able to detect the presence of radon. The seller is required to pro-  
vide the buyer with any information on radon from tests in the  
seller’s possession and notify the buyer of any radon mitigation  
systems.’*

6           “(4) COMPLIANCE ASSURANCE.—Whenever a  
7           seller or lessor has entered into a contract with an  
8           agent for the purpose of selling or leasing a vulner-  
9           able premises, the regulations promulgated under  
10          this section shall require the agent, on behalf of the  
11          seller or lessor, to ensure compliance with the re-  
12          quirements of this section.

13          “(b) RADON HAZARD INFORMATION PAMPHLET.—  
14          Not later than 1 year after the enactment of this section,  
15          and after notice and opportunity for comment, the Admin-  
16          istrator shall publish a radon hazard information pam-  
17          phlet. The pamphlet shall, at a minimum—

18                 “(1) describe the prevalence and risks of radon  
19                 exposure at different levels;

20                 “(2) provide information evaluating products  
21                 and services for the measurement and mitigation of  
22                 radon;

1           “(3) advise persons as to how to obtain a list  
2 of products for the measurement of radon which  
3 meet the performance criteria established under sec-  
4 tion 309(a)(1) and a list of persons providing radon  
5 measurement or mitigation services who meet the  
6 proficiency levels established under section  
7 309(a)(1);

8           “(4) explain that a prospective buyer or lessee  
9 has a right to negotiate an opportunity to conduct  
10 a test of the premises to detect radon; and

11           “(5) state that the Administrator recommends  
12 that buyers and lessees ascertain the radon level of  
13 any vulnerable premises to be purchased or leased.  
14 The Administrator shall from time to time review and re-  
15 vise such pamphlet.

16           “(c) PENALTIES FOR VIOLATIONS.—

17           “(1) CIVIL LIABILITY.—Any person who know-  
18 ingly violates the provisions of this section shall be  
19 jointly and severally liable to the purchaser or lessee  
20 in an amount equal to the reasonable costs of radon  
21 mitigation incurred by such person at the vulnerable  
22 premises.

23           “(2) COSTS.—In any civil action brought for  
24 damages pursuant to paragraph (1), the appropriate  
25 court may award court costs to any prevailing or

1 substantially prevailing party, together with reason-  
2 able attorney fees and any expert witness fees.

3 “(3) LIMITATION ON PENALTY AMOUNT.—For  
4 purposes of applying civil penalties under section 16  
5 in the case of any violation of this section by a seller  
6 or lessor, the maximum penalty applicable under sec-  
7 tion 16 shall be \$2,000 in the case of a seller and  
8 an amount equal to 2 months rent in the case of a  
9 lessor. For purposes of applying such penalties to  
10 any such violation, the second sentence of section  
11 16(a)(1) shall not apply.

12 “(4) EXEMPTION FROM CRIMINAL PENALTIES  
13 AND CITIZENS SUITS.—No criminal penalties shall  
14 be imposed under section 16(b) for any violation of  
15 this section and no action may be brought under  
16 section 20(a)(1) for any such violation.

17 “(d) OTHER DISCLOSURE REQUIREMENTS.—The  
18 Administrator may consolidate the requirements applica-  
19 ble under this section with the disclosure requirements ap-  
20 plicable under other authority of law.

21 “(e) VALIDITY OF CONTRACTS AND LIENS.—Nothing  
22 in this section shall affect the validity or enforceability of  
23 any sale or contract for the purchase and sale or lease  
24 of any interest in real property or any loan, loan agree-  
25 ment, mortgage, or lien made or arising in connection with

1 a mortgage loan, nor shall anything in this section create  
2 a defect in title.

3 “(f) **SHORT TERM LEASES.**—This section shall not  
4 apply to any lease which is for a term of one year or less  
5 and does not, by its terms, provide for an extension.

6 “(g) **EFFECTIVE DATE.**—The regulations under this  
7 section shall take effect 2 years after the date of the enact-  
8 ment of this title.”.

9 **SEC. 8. AUTHORIZED STATE PROGRAMS.**

10 Section 311 of the Toxic Substances Control Act (15  
11 U.S.C. 2671) is amended to read as follows:

12 **“SEC. 311. AUTHORIZED STATE PROGRAMS.**

13 “(a) **APPROVAL.**—Any State which seeks to admin-  
14 ister and enforce a State program containing the stand-  
15 ards, regulations, or other requirements established under  
16 section 304(d) (relating to incentives for voluntary compli-  
17 ance), section 309(a)(1)(B) (relating to services for the  
18 measurement or mitigation of radon), or 310 (relating to  
19 disclosure of information concerning radon), or any com-  
20 bination thereof, may, after notice and opportunity for  
21 public comment, develop and submit to the Administrator  
22 an application, in such form as the Administrator shall  
23 require, for authorization of such a State program. Any  
24 such State may also certify to the Administrator at the  
25 time of submitting such program that the State program

1 meets the requirements of paragraphs (1) and (2) of sub-  
2 section (b) of this section. Upon submission of such certifi-  
3 cation, the State program shall be deemed to be author-  
4 ized under this section, and shall apply in such State in  
5 lieu of the corresponding Federal program under section  
6 304(d), 309(a)(1)(B) or 310, or any combination thereof,  
7 as the case may be, until such time as the Administrator  
8 disapproves the program or withdraws the authorization.

9       “(b) APPROVAL OR DISAPPROVAL.—Within 180 days  
10 following submission of an application under subsection  
11 (a), the Administrator shall approve or disapprove the ap-  
12 plication. The Administrator shall disapprove the applica-  
13 tion if, after notice and after opportunity for public hear-  
14 ing, the Administrator finds that—

15               “(1) the State program is not at least as pro-  
16 tective of human health and the environment as the  
17 Federal program under section 304(d), 309(a)(1)(B)  
18 or 310, or any combination thereof, as the case may  
19 be, or

20               “(2) such State program does not provide ade-  
21 quate enforcement.

22 Upon authorization of a State program under this section,  
23 it shall be unlawful for any person to violate or fail or  
24 refuse to comply with any requirement of such program.

1       “(c) WITHDRAWAL OF AUTHORIZATION.—If a State  
2 is not administering and enforcing a program authorized  
3 under this section in compliance with standards, regula-  
4 tions, and other requirements of this title, the Adminis-  
5 trator shall so notify the State and, if corrective action  
6 is not completed within a reasonable time, not to exceed  
7 180 days, the Administrator shall withdraw authorization  
8 of such program and establish a Federal program pursu-  
9 ant to this title.

10       “(d) MODEL STATE PROGRAM.—Within 12 months  
11 after the enactment of this section, the Administrator  
12 shall promulgate a model State program which may be  
13 adopted by any State which seeks to administer and en-  
14 force a State program under this section. Such program  
15 shall encourage reciprocity among the States.

16       “(e) OTHER STATE REQUIREMENTS.—Nothing in  
17 this title shall be construed to prohibit any State or politi-  
18 cal subdivision thereof from imposing any requirements  
19 which are more stringent than those imposed by this title.

20       “(f) EXISTING STATE AND LOCAL PROGRAMS.—The  
21 regulations under this title shall, to the extent appropriate,  
22 encourage States to seek program authorization and to  
23 use existing State and local programs and procedures for  
24 carrying out such program.

1       “(g) FEES.—Each State program authorized under  
2 this section containing the standards, regulations, or other  
3 requirements established under section 309(a)(1)(B) (re-  
4 lating to services for the measurement or mitigation of  
5 radon) may include user fees applicable to persons who  
6 offer any service described in subsection 309(a)(1)(B) in  
7 an amount designed to cover, in whole or in part, the an-  
8 nual operating costs of such program. The user fees under  
9 section 309(b) shall not apply to persons subject to user  
10 fees under such a State program.”.

11 **SEC. 9. ENFORCEMENT AND ADMINISTRATIVE PROCEED-**  
12 **INGS.**

13       Title III of the Toxic Substances Control Act (15  
14 U.S.C. 2661 et seq.) is amended by adding the following  
15 new sections after section 311:

16 **“SEC. 312. PROHIBITED ACTS.**

17       “It shall be unlawful for any person to fail or refuse  
18 to comply with any provision of this title or any rule or  
19 order under this title.

20 **“SEC. 313. ADMINISTRATIVE PROCEEDINGS.**

21       “The provisions of section 411 shall apply to regula-  
22 tions issued under this title in the same manner and to  
23 the same extent as such provisions apply to regulations  
24 issued under title IV.

1 **“SEC. 314. CONTROL OF RADON AT FEDERAL FACILITIES.**

2       “Each department, agency, and instrumentality of  
3 executive, legislative, and judicial branches of the Federal  
4 Government and each officer, agent, or employee thereof,  
5 shall be subject to, and comply with, all Federal, State,  
6 interstate, and local requirements, both substantive and  
7 procedural (including any requirement for certification, li-  
8 censing, recordkeeping, or reporting or any provisions for  
9 injunctive relief and such sanctions as may be imposed by  
10 a court to enforce such relief) respecting radon in the  
11 same manner, and to the same extent as any nongovern-  
12 mental entity is subject to such requirements, including  
13 the payment of reasonable service charges. The Federal,  
14 State, interstate, and local substantive and procedural re-  
15 quirements referred to in this subsection include, but are  
16 not limited to, all administrative orders and all civil and  
17 administrative penalties and fines regardless of whether  
18 such penalties or fines are punitive or coercive in nature,  
19 or whether imposed for isolated, intermittent or continu-  
20 ing violations. The United States hereby expressly waives  
21 any immunity otherwise applicable to the United States  
22 with respect to any such substantive or procedural require-  
23 ment (including, but not limited to, any injunctive relief,  
24 administrative order, or civil or administrative penalty or  
25 fine referred to in the preceding sentence, or reasonable  
26 service charge). The reasonable service charges referred

1 to in this section include, but are not limited to, fees or  
2 charges assessed for certification and licensing, as well as  
3 any other nondiscriminatory charges that are assessed in  
4 connection with a Federal, State, interstate, or local radon  
5 program. No agent, employee, or officer of the United  
6 States shall be personally liable for any civil penalty under  
7 any Federal, State, interstate, or local law relating to  
8 radon with respect to any act or omission within the scope  
9 of his official duties.

10 **“SEC. 315. REGULATIONS.**

11 “The Administrator is authorized to issue such regu-  
12 lations, including recordkeeping and reporting require-  
13 ments, as may be necessary to carry out the provisions  
14 of this title.”.

15 **SEC. 10. STRATEGY TO IDENTIFY AND REDUCE EXCEPTION-**  
16 **ALLY HIGH INDOOR RADON LEVELS.**

17 Title III of the Toxic Substances Control Act (15  
18 U.S.C. 2661 et seq.) is amended by adding the following  
19 new section after section 315:

20 **“SEC. 316. STRATEGY TO IDENTIFY AND REDUCE EXCEP-**  
21 **TIONALLY HIGH INDOOR RADON LEVELS.**

22 “(a) DEVELOPMENT OF THE STRATEGY.—Within 9  
23 months of the date of enactment of the Radon Awareness  
24 and Disclosure Act of 1994, the Administrator shall, in  
25 consultation with other Federal agencies and scientific ex-

1   perts in radon health effects, detection, and mitigation,  
2   using relevant and available information, develop and pro-  
3   vide to Congress a strategy using the authorities of the  
4   Administrator for identifying areas and buildings within  
5   the United States with exceptionally high levels of radon  
6   and for reducing such radon levels. The Administrator  
7   shall revise the strategy as necessary to incorporate addi-  
8   tional relevant information.

9       “(b) IMPLEMENTATION OF THE STRATEGY.—No  
10  later than 9 months after the date of enactment of the  
11  Radon Awareness and Disclosure Act of 1994, the Admin-  
12  istrator shall begin to implement the provisions of the  
13  strategy required under subsection (a).

14       “(c) REPORT TO CONGRESS.—21 months after the  
15  date of enactment of the Radon Awareness and Disclosure  
16  Act of 1994, the Administrator shall report to Congress  
17  on the results of Federal, State, and local efforts to imple-  
18  ment the strategy developed under subsection (a).”.

19  **SEC. 11. MEDICAL COMMUNITY OUTREACH.**

20       Title III of the Toxic Substances Control Act (15  
21  U.S.C. 2661 et seq.) is amended by adding the following  
22  new section after section 316:

23  **“SEC. 317. MEDICAL COMMUNITY OUTREACH.**

24       “(a) IN GENERAL.—The Administrator, in coopera-  
25  tion with the Secretary of Health and Human Services,

1 shall develop and implement an outreach program to pro-  
2 vide information about radon to the medical community.

3 “(b) INFORMATION.—(1) The Administrator, in con-  
4 sultation with the Secretary of Health and Human Serv-  
5 ices and the Surgeon General, shall develop informational  
6 material concerning radon tailored to doctors in general  
7 practice and in specialties related to lung cancer. Such in-  
8 formation shall, at a minimum—

9 “(A) explain the health threats posed by expo-  
10 sure to radon;

11 “(B) explain the association of radon with  
12 smoking and other causes of lung cancer;

13 “(C) identify appropriate steps to determine ex-  
14 posure to radon in the home; and

15 “(D) identify sources of additional information.

16 “(2) Not later than one year after the date of the  
17 enactment of this section, the Administrator shall trans-  
18 mit the information developed pursuant to this section  
19 to—

20 “(A) doctors in the United States in general  
21 practice;

22 “(B) doctors in specialties related to lung can-  
23 cer;

24 “(C) all doctors employed by the Federal Gov-  
25 ernment;

1           “(D) all hospital administrators; and

2           “(E) other physicians and officials determined  
3           by the Administrator to be appropriate.

4           “(c) REPORT.—Not later than 2 years after the date  
5 of enactment of this section, the Administrator, in con-  
6 sultation with the Secretary of Health and Human Serv-  
7 ices, shall report to Congress concerning the implementa-  
8 tion of this section and recommendations for measures to  
9 improve radon information dissemination to the medical  
10 community.”.

11 **SEC. 12. UNBIASED PRESENTATION OF RISK INFORMATION.**

12           Title III of the Toxic Substances Control Act (15  
13 U.S.C. 2661 et seq.) is amended by adding the following  
14 new section after section 317:

15 **“SEC. 318. UNBIASED PRESENTATION OF RISK INFORMA-**  
16 **TION.**

17           “The Administrator, in carrying out his or her re-  
18 sponsibilities under this title, shall ensure that the presen-  
19 tation of information on the health risks associated with  
20 exposure to radon and radon progeny is unbiased and in-  
21 formative. To the extent feasible, documents made avail-  
22 able to the general public which describe the degree of risk  
23 from exposure to radon and radon progeny shall, at a min-  
24 imum, characterize the population or populations ad-  
25 dressed by any risk estimates; state the expected risk for

1 the specific population; and state the reasonable range of  
2 uncertainty.”.

3 **SEC. 13. AUTHORIZATION FOR RADON ABATEMENT PROVI-**  
4 **SIONS OF TOXIC SUBSTANCES CONTROL ACT.**

5 (a) IN GENERAL.—Title III of the Toxic Substances  
6 Control Act (15 U.S.C. 2661 et seq.) is amended by add-  
7 ing the following new section after section 318:

8 **“SEC. 319. AUTHORIZATION OF APPROPRIATIONS.**

9 “There is authorized to be appropriated to carry out  
10 the provisions of this title (other than section 307) such  
11 sums as may be necessary for the fiscal years 1994  
12 through 1997.”.

13 (b) CONFORMING AMENDMENTS.—The following sec-  
14 tions of title III of the Toxic Substances Control Act (15  
15 U.S.C. 2661 et seq.) are repealed:

16 (1) Section 305(f).

17 (2) Section 306(j).

18 (3) Section 308(f).

19 **SEC. 14. TECHNICAL AND CONFORMING AMENDMENTS.**

20 The Toxic Substances Control Act (15 U.S.C. 2601  
21 and following) is amended as follows:

22 (1) In the first sentence of subsection (a) of  
23 section 11 strike “mixtures, or products subject to  
24 title IV” and insert “mixtures or products subject to  
25 title III or title IV”.

1           (2) In paragraph (1) of subsection (b) of sec-  
2           tion 11, strike “mixtures, or products subject to title  
3           IV” and insert “mixtures, or products subject to  
4           title III or IV”.

5           (3) In paragraph (1) of section 13(a), strike “6,  
6           or title IV” in each place it appears and insert “6,  
7           or title III or IV” and strike “7 or title IV” and in-  
8           sert “7 or title III or IV”.

9           (4) In section 16, strike “or 409” and insert “,  
10          312, or 409” each place it appears.

11          (5) In section 17:

12                (A) In subsection (a)(1)(A) strike “or  
13                409” and insert “, 312, or 409”.

14                (B) Strike “title IV” in each place it ap-  
15                pears in subparagraphs (B) and (D) of sub-  
16                section (a)(1) and in subsection (b) and insert  
17                “title III or title IV”.

18          (6) In section 19 in the first sentence of sub-  
19          section (a)(1)(A), after “title II” insert “, III,”.

20          (7) In section 20(a)(1) after “title II” insert “,  
21          III,” in each place it appears.

22          (8) Subsection (a)(2) of section 305 is amended  
23          by striking out “Operation” and inserting “Until a  
24          program is in effect under section 309, operation”.

1           (9) Subsection (h)(3) of section 306 is amended  
 2           by inserting before the period at the end of the first  
 3           sentence “or, after the date 2 years after the enact-  
 4           ment of the Radon Awareness and Disclosure Act of  
 5           1994, a proficiency program under section 309”.

6           (10) The table of contents for title III of such  
 7           Act (contained in section 1 of the Act) is amended  
 8           as follows:

9                   (A) Amend the item relating to section 304  
 10           to read as follows:

“Sec. 304. New construction.”.

11                   (B) Strike out the items relating to section  
 12           309 through 311 and insert the following:

“Sec. 309. Performance and proficiency program for radon products and serv-  
 ices.

“Sec. 310. Disclosure of information concerning radon.

“Sec. 311. Authorized State programs.

“Sec. 312. Prohibited acts.

“Sec. 313. Administrative proceedings.

“Sec. 314. Control of radon at Federal facilities.

“Sec. 315. Regulations.

“Sec. 316. Strategy to identify and reduce exceptionally high indoor radon lev-  
 els.

“Sec. 317. Medical community outreach.

“Sec. 318. Unbiased presentation of risk information.

“Sec. 319. Authorization of appropriations.”.

13   **SEC. 15. ESTABLISHMENT OF PRESIDENT’S COMMISSION**  
 14                   **ON RADON AWARENESS.**

15           (a) ESTABLISHMENT.—There is established a com-  
 16           mission to be known as the President’s Commission on  
 17           Radon Awareness (hereinafter in this Act referred to as  
 18           the “Commission”).

1 (b) DUTIES.—The Commission shall—

2 (1) examine public awareness programs in ef-  
3 fect on the date of the enactment of this Act which  
4 are—

5 (A) implemented through various segments  
6 of mass media; and

7 (B) intended to raise public awareness of  
8 the health threats of radon and the benefits of  
9 testing for radon;

10 (2) act as an administrative and coordinating  
11 body for the voluntary donation of resources to as-  
12 sist the implementation of new programs and na-  
13 tional strategies for dissemination of information in-  
14 tended to raise awareness of the health threats of  
15 radon;

16 (3) encourage media outlets throughout the  
17 country to provide information aimed at increasing  
18 radon awareness, including public service announce-  
19 ments and advertisements; and

20 (4) evaluate the effectiveness and assist in the  
21 update of programs and national strategies formu-  
22 lated with the assistance of the Commission.

23 (c) NATIONAL RADON EDUCATION CAMPAIGN.—

24 (1) IN GENERAL.—The Administrator of the  
25 Environmental Protection Agency, in collaboration

1 with the Commission, shall establish a national edu-  
2 cation campaign to increase public awareness con-  
3 cerning radon health risks and motivate public ac-  
4 tion to reduce radon levels. The national education  
5 campaign shall include the use of funds for the pur-  
6 chase and production of public educational mate-  
7 rials. The Administrator is authorized to enter into  
8 cooperative agreements to carry out this section.

9 (2) RADON AWARENESS WEEK.—As part of the  
10 national education campaign, the Administrator may  
11 designate an annual national radon awareness week.

12 (d) MEMBERSHIP AND OPERATION OF COMMIS-  
13 SION.—

14 (1) NUMBER AND APPOINTMENT.—The Com-  
15 mission shall be composed of 12 members appointed  
16 by the President within 30 days after the date of the  
17 enactment of this Act, and should include represent-  
18 atives of—

19 (A) advertising agencies;

20 (B) television, radio, cable communica-  
21 tions, and print media;

22 (C) the health industry;

23 (D) other segments of the business sector  
24 of the United States;

1 (E) experts in the field of radiation  
2 science;

3 (F) consumer groups;

4 (G) the radon testing and remediation in-  
5 dustry; and

6 (H) other Federal agencies, as designated  
7 by the President.

8 (2) TERMS.—

9 (A) Except as provided in subparagraphs  
10 (B) and (C), members shall be appointed for  
11 terms of 3 years.

12 (B) Any member appointed to fill a va-  
13 cancy occurring before the expiration of the  
14 term for which such member's predecessor was  
15 appointed shall be appointed only for the re-  
16 mainder of such term.

17 (C) A member may serve after the expira-  
18 tion of the member's term until a successor to  
19 the member has taken office.

20 (3) BASIC PAY AND EXPENSES.—(A) Except as  
21 provided in subparagraph (B), members of the Com-  
22 mission shall serve without pay.

23 (B) While away from their homes or regular  
24 places of business in the performance of services for  
25 the Commission, members shall be allowed travel ex-

1       penses, including a per diem allowance in lieu of  
2       subsistence, in the same manner as persons serving  
3       intermittently in the Government services are al-  
4       lowed travel expenses under section 5703 of title 5,  
5       United States Code.

6               (4) PROCEDURES, MEETINGS, STAFF, ETC.—  
7       The Commission shall establish such rules regarding  
8       meetings, including rules regarding quorum, voting  
9       and procedure, and regarding staff, experts and con-  
10      sultants as the Commission deems appropriate. The  
11      Commission may use the United States mails in the  
12      same manner and under the same conditions as  
13      other departments and agencies of the United  
14      States. The Administrator of General Services shall  
15      provide to the Commission on a reimbursable basis  
16      such administrative support services as the Commis-  
17      sion may request.

18              (5) REPORT.—The Commission shall transmit  
19      to the President and to each House of Congress a  
20      report not later than July 31 of each year which  
21      contains a detailed statement of the activities of the  
22      Commission during the preceding year, including a  
23      summary of the number of public service announce-  
24      ments produced by the Commission and published or  
25      broadcast.





103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 2448**

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**AN ACT**

To improve the accuracy of radon testing products and services, to increase testing for radon, and for other purposes.