

Union Calendar No. 319

103^D CONGRESS
2^D SESSION

H. R. 2448

[Report No. 103-574]

A BILL

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

JUNE 30, 1994

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

JUNE 17, 1994

Mr. MARKEY (for himself, Mr. WAXMAN, Mr. SWIFT, and Mr. HASTERT) introduced the following bill; which was referred to the Committee on Energy and Commerce

JUNE 30, 1994

Additional sponsors: Mr. BEILENSON, Mr. MILLER of California, Mr. DELLUMS, Mr. LIPINSKI, Mr. FOGLIETTA, Mrs. SCHROEDER, Mr. LEWIS of Georgia, and Mr. BARRETT of Wisconsin

JUNE 30, 1994

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on June 17, 1993]

A BILL

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”.*

6 **SEC. 2. FINDINGS.**

7 *The Congress finds the following:*

8 (1) *The Environmental Protection Agency has*
9 *determined that radon is second only to smoking as*
10 *the leading cause of lung cancer, resulting in an esti-*
11 *mated 7,000 to 30,000 deaths each year.*

12 (2) *Testing for elevated levels of radon is rel-*
13 *atively simple and inexpensive.*

14 (3) *There is not an adequate effort by Federal*
15 *agencies to encourage testing for radon.*

16 (4) *Efforts to encourage testing have had limited*
17 *results, reaching only a small percentage of homes to*
18 *date.*

19 (5) *The lack of a mandatory certification process*
20 *leads to inaccurate radon testing, ineffective radon*
21 *mitigation, erosion of public confidence in the indus-*
22 *try, and a waste of consumer investment.*

23 (6) *Increased public awareness of the dangers of*
24 *radon gas and the means to mitigate its effects will*

1 *lead to more informed decision making and a more*
2 *productive use of resources.*

3 **SEC. 3. DEFINITIONS.**

4 *Section 302 of the Toxic Substances Control Act (15*
5 *U.S.C. 2662) is amended by adding the following at the*
6 *end thereof:*

7 *“(5) The term ‘vulnerable premises’ means any*
8 *frequently occupied space below the third floor of any*
9 *building (other than a building used for industrial*
10 *purposes).*

11 *“(6) The term ‘high radon area’ means any*
12 *county designated by the Administrator as having a*
13 *predicted average indoor screening level for radon*
14 *greater than 4 pCi/L, using the methodology described*
15 *by the Environmental Protection Agency in the report*
16 *entitled ‘Map of Radon Zones: National Report (De-*
17 *cember 3, 1993), including any amendments or revi-*
18 *sions thereto.”.*

19 **SEC. 4. NEW CONSTRUCTION.**

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

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

1 (2) By inserting “(a) *MODEL STANDARDS AND*
2 *TECHNIQUES.—*” before the first sentence and striking
3 the last 2 sentences.

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

5 “(b) *FINALIZATION OF MODEL STANDARDS.—*Not later
6 than 3 months after enactment of this subsection, the Ad-
7 ministrators shall promulgate model construction standards
8 for controlling radon levels in new vulnerable premises
9 which are located in high radon areas and which are cov-
10 ered by the model standards published by the Administrator
11 on March 21, 1994 (59 Fed. Reg. 13402). Not later than
12 2 years after the enactment of this subsection, the Adminis-
13 trator shall promulgate model construction standards for
14 controlling radon levels in new vulnerable premises which
15 are located in high radon areas and which are not covered
16 by such proposed model standards. The model standards
17 shall achieve significant radon risk reduction and be tech-
18 nologically achievable and readily implementable. The Ad-
19 ministrators may, where appropriate, promulgate model
20 standards for controlling radon levels in new vulnerable
21 premises in other areas designated by the Administrator.

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

23 (1) The Administrator shall work to ensure that organiza-
24 tions responsible for developing national model codes for
25 new vulnerable premises adopt, and State and local au-

1 *thorities which regulate construction of new vulnerable*
2 *premises adopt and enforce, the model construction stand-*
3 *ards promulgated under subsection (b).*

4 “(2) *If the Administrator determines that an organiza-*
5 *tion responsible for developing national model codes for new*
6 *vulnerable premises has adopted standards for controlling*
7 *radon levels in new vulnerable premises that are at least*
8 *as protective of human health and the environment as the*
9 *model construction standards promulgated under subsection*
10 *(b), such standards shall be certified as equivalent to the*
11 *model construction standards promulgated under subsection*
12 *(b).*

13 “(3) *At the same time that the Administrator promul-*
14 *gates model construction standards under subsection (b), the*
15 *Administrator shall publish a pamphlet that describes the*
16 *standards and their costs and benefits. The Administrator*
17 *shall work with interested parties to achieve the broad dis-*
18 *tribution of the pamphlet. Such distribution may be coordi-*
19 *nated with the distribution of the pamphlet distributed*
20 *under section 310.*

21 “(d) *INCENTIVE FOR VOLUNTARY COMPLIANCE.—(1)*
22 *In addition to the disclosure requirements of section 310,*
23 *the following disclosure requirements shall apply to sales*
24 *of new buildings (or any portion thereof) with vulnerable*
25 *premises in high radon areas, or other designated areas,*

1 covered by model construction standards promulgated under
2 subsection (b):

3 “(A) Any person who sells such a new vulnerable
4 premises shall, prior to the signing of a sales con-
5 tract—

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

9 “(ii) inform the purchaser in writing that
10 the premises are located in a high radon area (or
11 other area designated under subsection (b)) and
12 that the Administrator recommends that such
13 premises be constructed in compliance with the
14 model construction standards promulgated under
15 subsection (b) or other construction standards
16 certified as equivalent to such standards under
17 subsection (c)(2), and

18 “(iii) accurately disclose in writing to the
19 purchaser whether the premises have been, or
20 will be, constructed in compliance with such
21 model construction standards or other construc-
22 tion standards certified as equivalent to such
23 standards under subsection (c)(2).

24 “(B) The radon warning statement under section
25 310 included in any contract for purchase and sale

1 of any such new vulnerable premises shall include an
2 acknowledgement signed by the purchaser that the
3 purchaser has—

4 “(i) received the pamphlet on radon preven-
5 tion in construction published under paragraph
6 (3) of subsection (c),

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

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

22 “(2) If the Administrator determines that a State or
23 local authority which regulates construction of new vulner-
24 able premises in a high radon area (or other area des-
25 ignated under subsection (b)) has adopted and is enforcing

1 *in such area either the model construction standards pro-*
2 *mulgated under subsection (b) or other standards for con-*
3 *trolling radon levels in new vulnerable premises that are*
4 *at least as protective of human health and the environment*
5 *as such model standards, any person who constructs a new*
6 *vulnerable premises in such area after such determination*
7 *shall be exempt from the disclosure requirements of para-*
8 *graph (1). Any State or local authority may submit to the*
9 *Administrator State or local standards for controlling*
10 *radon levels in new vulnerable premises. The Administrator*
11 *shall determine within 60 days after the date of such sub-*
12 *mission whether such standards are as protective of human*
13 *health and the environment as the model standards.*

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

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

1 *areas to which the model construction standards concerned*
2 *are applicable, together with a map of all such 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 Adminis-*
7 *trator shall report to Congress on the extent to which State*
8 *and local authorities which regulate construction of new*
9 *vulnerable premises have adopted and are enforcing the*
10 *model construction standards promulgated under subsection*
11 *(b), and new vulnerable premises are being constructed in*
12 *compliance with such standards. Such report shall contain*
13 *a list of State and local authorities in areas covered by*
14 *model standards which have adopted and are enforcing such*
15 *standards and a list of those which have not adopted or*
16 *are not enforcing such standards. Such report shall identify*
17 *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 model*
22 *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 Ad-
3 ministrator shall promulgate guidance for measuring and
4 mitigating radon levels in existing vulnerable premises not
5 covered by the proposed model standards published by the
6 Administrator on April 12, 1993 (58 Fed. Reg. 19097).

7 “(g) *OTHER DISCLOSURE REQUIREMENTS.*—The Ad-
8 ministrator may consolidate the requirements applicable
9 under this section with the disclosure requirements applica-
10 ble under other authority of law.

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

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

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

21 (1) In subsection (e), by striking “In the event
22 that State applications for funds exceed the total
23 funds available in a fiscal year, the” and inserting
24 “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 (re-*
5 *lating to strategy to identify and reduce exceptionally*
6 *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 following*
11 *at the end thereof:*

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

15 *“(B) Any person offering a service to the public*
16 *for the measurement or mitigation of radon shall meet*
17 *a level of proficiency that insures the effectiveness of*
18 *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 measure-*
22 *ment of radon unless such product meets the performance*
23 *criteria established under subparagraph (A) and no person*
24 *may offer a service to the public for the measurement or*
25 *mitigation of radon unless such person meets the level of*
26 *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 measurement
5 of radon which does not meet the performance criteria
6 established under paragraph (1)(A).

7 “(B) Procedures for ordering the discontinuance
8 of any service offered to the public for the measure-
9 ment or mitigation of radon which does not meet the
10 levels of proficiency established under paragraph
11 (1)(B).

12 “(C) Procedures for establishing adequate quality
13 assurance requirements for each radon measurement
14 product introduced into commerce and for each radon
15 measurement or mitigation service offered to the pub-
16 lic.

17 “(b) *EFFECTIVENESS OF PRODUCTS; PUBLIC AWARE-*
18 *NESS.*—The Administrator shall develop and make each of
19 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 summary
25 shall include information about the accuracy, effec-

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

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

21 *“(2) The fee established under paragraph (1) shall not*
22 *apply with respect to persons who are employees of public*
23 *and nonprofit child care facilities, schools, hospitals, nurs-*
24 *ing homes, or other care facilities and who are providing*
25 *services described in subsection (a)(1)(B) at such facilities.*

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

7 **SEC. 7. DISCLOSURE OF INFORMATION CONCERNING**
8 **RADON.**

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

11 **“SEC. 310. DISCLOSURE OF INFORMATION CONCERNING**
12 **RADON.**

13 “(a) *DISCLOSURE IN PURCHASE AND SALE OR*
14 *LEASE.*—

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

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

1 “(B) disclose to the purchaser or lessee the
2 presence of any known radon measurement re-
3 port prepared for, or received by, the seller or les-
4 sor and any known radon mitigation systems in
5 the vulnerable premises concerned.

6 “(2) CONTRACT FOR PURCHASE AND SALE.—
7 Regulations promulgated under this section shall pro-
8 vide that every contract for the purchase and sale of
9 any vulnerable premises shall include a Radon Warn-
10 ing Statement with an acknowledgement signed by
11 the purchaser that the purchaser has—

12 “(A) read the Radon Warning Statement;

13 “(B) received a radon hazard information
14 pamphlet; and

15 “(C)(i) requested and been provided with
16 the opportunity to conduct a test of the premises
17 for radon, on terms and conditions mutually
18 agreeable to purchaser and seller, or

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

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

23 “(3) CONTENTS OF RADON WARNING STATE-
24 MENT.—The Radon Warning Statement referred to in
25 this section shall contain the following text printed in

1 *large type on a separate sheet of paper attached to the*
2 *contract:*

‘The U.S. Surgeon General has determined that prolonged exposure to radon can be a serious health hazard. Testing is available to detect the presence of radon. The seller is required to provide the buyer with any information on radon from tests in the seller’s possession and notify the buyer of any radon mitigation systems.’

3 “(4) *COMPLIANCE ASSURANCE.*—Whenever a sell-
4 *er or lessor has entered into a contract with an agent*
5 *for the purpose of selling or leasing a vulnerable*
6 *premises, the regulations promulgated under this sec-*
7 *tion shall require the agent, on behalf of the seller or*
8 *lessor, to ensure compliance with the requirements of*
9 *this section.*

10 “(b) *RADON HAZARD INFORMATION PAMPHLET.*—Not
11 *later than 1 year after the enactment of this section, and*
12 *after notice and opportunity for comment, the Adminis-*
13 *trator shall publish a radon hazard information pamphlet.*
14 *The pamphlet shall, at a minimum—*

15 “(1) *describe the prevalence and risks of radon*
16 *exposure at different levels;*

17 “(2) *provide information evaluating products*
18 *and services for the measurement and mitigation of*
19 *radon;*

20 “(3) *advise persons as to how to obtain a list of*
21 *products for the measurement of radon which meet the*
22 *performance criteria established under section*

1 *309(a)(1) and a list of persons providing radon meas-*
2 *urement or mitigation services who meet the pro-*
3 *ficiency levels established under section 309(a)(1);*

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

7 *“(5) state that the Administrator recommends*
8 *that buyers and lessees ascertain the radon level of*
9 *any vulnerable premises to be purchased or leased.*

10 *The Administrator shall from time to time review and re-*
11 *visé such pamphlet.*

12 *“(c) PENALTIES FOR VIOLATIONS.—*

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

19 *“(2) COSTS.—In any civil action brought for*
20 *damages pursuant to paragraph (1), the appropriate*
21 *court may award court costs to any prevailing or*
22 *substantially prevailing party, together with reason-*
23 *able attorney fees and any expert witness fees.*

24 *“(3) LIMITATION ON PENALTY AMOUNT.—For*
25 *purposes of applying civil penalties under section 16*

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

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

13 “(d) *OTHER DISCLOSURE REQUIREMENTS.—The Ad-*
14 *ministrator may consolidate the requirements applicable*
15 *under this section with the disclosure requirements applica-*
16 *ble under other authority of law.*

17 “(e) *VALIDITY OF CONTRACTS AND LIENS.—Nothing*
18 *in this section shall affect the validity or enforceability of*
19 *any sale or contract for the purchase and sale or lease of*
20 *any interest in real property or any loan, loan agreement,*
21 *mortgage, or lien made or arising in connection with a*
22 *mortgage loan, nor shall anything in this section create a*
23 *defect in title.*

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

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

7 **SEC. 8. AUTHORIZED STATE PROGRAMS.**

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

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

11 “(a) *APPROVAL.*—Any State which seeks to administer
12 and enforce a State program containing the standards, reg-
13 ulations, or other requirements established under section
14 304(d) (relating to incentives for voluntary compliance),
15 section 309(a)(1)(B) (relating to services for the measure-
16 ment or mitigation of radon), or 310 (relating to disclosure
17 of information concerning radon), or any combination
18 thereof, may, after notice and opportunity for public com-
19 ment, develop and submit to the Administrator an applica-
20 tion, in such form as the Administrator shall require, for
21 authorization of such a State program. Any such State may
22 also certify to the Administrator at the time of submitting
23 such program that the State program meets the require-
24 ments of paragraphs (1) and (2) of subsection (b) of this
25 section. Upon submission of such certification, the State

1 *program shall be deemed to be authorized under this section,*
2 *and shall apply in such State in lieu of the corresponding*
3 *Federal program under section 304(d), 309(a)(1)(B) or 310,*
4 *or any combination thereof, as the case may be, until such*
5 *time as the Administrator disapproves the program or with-*
6 *draws the authorization.*

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

13 “(1) *the State program is not at least as protec-*
14 *tive of human health and the environment as the Fed-*
15 *eral program under section 304(d), 309(a)(1)(B) or*
16 *310, or any combination thereof, as the case may be,*
17 *or*

18 “(2) *such State program does not provide ade-*
19 *quate enforcement.*

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

23 “(c) *WITHDRAWAL OF AUTHORIZATION.—If a State is*
24 *not administering and enforcing a program authorized*
25 *under this section in compliance with standards, regula-*

1 *tions, and other requirements of this title, the Adminis-*
2 *trator shall so notify the State and, if corrective action is*
3 *not completed within a reasonable time, not to exceed 180*
4 *days, the Administrator shall withdraw authorization of*
5 *such program and establish a Federal program pursuant*
6 *to this title.*

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

13 “(e) *OTHER STATE REQUIREMENTS.—Nothing in this*
14 *title shall be construed to prohibit any State or political*
15 *subdivision thereof from imposing any requirements which*
16 *are more stringent than those imposed by this title.*

17 “(f) *EXISTING STATE AND LOCAL PROGRAMS.—The*
18 *regulations under this title shall, to the extent appropriate,*
19 *encourage States to seek program authorization and to use*
20 *existing State and local programs and procedures for carry-*
21 *ing out such program.*

22 “(g) *FEES.—Each State program authorized under*
23 *this section containing the standards, regulations, or other*
24 *requirements established under section 309(a)(1)(B) (relat-*
25 *ing to services for the measurement or mitigation of radon)*

1 *may include user fees applicable to persons who offer any*
2 *service described in subsection 309(a)(1)(B) in an amount*
3 *designed to cover, in whole or in part, the annual operating*
4 *costs of such program. The user fees under section 309(b)*
5 *shall not apply to persons subject to user fees under such*
6 *a State program.”.*

7 **SEC. 9. ENFORCEMENT AND ADMINISTRATIVE PROCEED-**
8 **INGS.**

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

12 **“SEC. 312. PROHIBITED ACTS.**

13 *“It shall be unlawful for any person to fail or refuse*
14 *to comply with any provision of this title or any rule or*
15 *order under this title.*

16 **“SEC. 313. ADMINISTRATIVE PROCEEDINGS.**

17 *“The provisions of section 411 shall apply to regula-*
18 *tions issued under this title in the same manner and to*
19 *the same extent as such provisions apply to regulations is-*
20 *sued under title IV.*

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

22 *“Each department, agency, and instrumentality of ex-*
23 *ecutive, legislative, and judicial branches of the Federal*
24 *Government and each officer, agent, or employee thereof,*
25 *shall be subject to, and comply with, all Federal, State,*

1 *interstate, and local requirements, both substantive and*
2 *procedural (including any requirement for certification, li-*
3 *ensing, recordkeeping, or reporting or any provisions for*
4 *injunctive relief and such sanctions as may be imposed by*
5 *a court to enforce such relief) respecting radon in the same*
6 *manner, and to the same extent as any nongovernmental*
7 *entity is subject to such requirements, including the pay-*
8 *ment of reasonable service charges. The Federal, State,*
9 *interstate, and local substantive and procedural require-*
10 *ments referred to in this subsection include, but are not lim-*
11 *ited to, all administrative orders and all civil and adminis-*
12 *trative penalties and fines regardless of whether such pen-*
13 *alties or fines are punitive or coercive in nature, or whether*
14 *imposed for isolated, intermittent or continuing violations.*
15 *The United States hereby expressly waives any immunity*
16 *otherwise applicable to the United States with respect to*
17 *any such substantive or procedural requirement (including,*
18 *but not limited to, any injunctive relief, administrative*
19 *order, or civil or administrative penalty or fine referred*
20 *to in the preceding sentence, or reasonable service charge).*
21 *The reasonable service charges referred to in this section in-*
22 *clude, but are not limited to, fees or charges assessed for*
23 *certification and licensing, as well as any other nondiscrim-*
24 *inatory charges that are assessed in connection with a Fed-*
25 *eral, State, interstate, or local radon program. No agent,*

1 *employee, or officer of the United States shall be personally*
2 *liable for any civil penalty under any Federal, State, inter-*
3 *state, or local law relating to radon with respect to any*
4 *act or omission within the scope of his official duties.*

5 **“SEC. 315. REGULATIONS.**

6 *“The Administrator is authorized to issue such regula-*
7 *tions, including recordkeeping and reporting requirements,*
8 *as may be necessary to carry out the provisions of this*
9 *title.”.*

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

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 315:*

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

17 *“(a) DEVELOPMENT OF THE STRATEGY.—Within 9*
18 *months of the date of enactment of the Radon Awareness*
19 *and Disclosure Act of 1994, the Administrator shall, in con-*
20 *sultation with other Federal agencies and scientific experts*
21 *in radon health effects, detection, and mitigation, using rel-*
22 *evant and available information, develop and provide to*
23 *Congress a strategy using the authorities of the Adminis-*
24 *trator for identifying areas and buildings within the United*
25 *States with exceptionally high levels of radon and for reduc-*

1 *ing such radon levels. The Administrator shall revise the*
2 *strategy as necessary to incorporate additional relevant in-*
3 *formation.*

4 “(b) *IMPLEMENTATION OF THE STRATEGY.*—No later
5 *than 9 months after the date of enactment of the Radon*
6 *Awareness and Disclosure Act of 1994, the Administrator*
7 *shall begin to implement the provisions of the strategy re-*
8 *quired under subsection (a).*

9 “(c) *REPORT TO CONGRESS.*—21 months after the date
10 *of enactment of the Radon Awareness and Disclosure Act*
11 *of 1994, the Administrator shall report to Congress on the*
12 *results of Federal, State, and local efforts to implement the*
13 *strategy developed under subsection (a).”.*

14 **SEC. 11. MEDICAL COMMUNITY OUTREACH.**

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

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

19 “(a) *IN GENERAL.*—The Administrator, in coopera-
20 *tion with the Secretary of Health and Human Services,*
21 *shall develop and implement an outreach program to pro-*
22 *vide information about radon to the medical community.*

23 “(b) *INFORMATION.*—(1) *The Administrator, in con-*
24 *sultation with the Secretary of Health and Human Services*
25 *and the Surgeon General, shall develop informational mate-*

1 *rial concerning radon tailored to doctors in general practice*
2 *and in specialties related to lung cancer. Such information*
3 *shall, at a minimum—*

4 “(A) *explain the health threats posed by exposure*
5 *to radon;*

6 “(B) *explain the association of radon with smok-*
7 *ing and other causes of lung cancer;*

8 “(C) *identify appropriate steps to determine ex-*
9 *posure to radon in the home; and*

10 “(D) *identify sources of additional information.*

11 “(2) *Not later than one year after the date of the enact-*
12 *ment of this section, the Administrator shall transmit the*
13 *information developed pursuant to this section to—*

14 “(A) *doctors in the United States in general*
15 *practice;*

16 “(B) *doctors in specialties related to lung cancer;*

17 “(C) *all doctors employed by the Federal Govern-*
18 *ment;*

19 “(D) *all hospital administrators; and*

20 “(E) *other physicians and officials determined*
21 *by the Administrator to be appropriate.*

22 “(c) *REPORT.—Not later than 2 years after the date*
23 *of enactment of this section, the Administrator, in consulta-*
24 *tion with the Secretary of Health and Human Services,*
25 *shall report to Congress concerning the implementation of*

1 *this section and recommendations for measures to improve*
2 *radon information dissemination to the medical commu-*
3 *nity.”.*

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

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

8 **“SEC. 318. UNBIASED PRESENTATION OF RISK INFORMA-**
9 **TION.**

10 *“The Administrator, in carrying out his or her respon-*
11 *sibilities under this title, shall ensure that the presentation*
12 *of information on the health risks associated with exposure*
13 *to radon and radon progeny is unbiased and informative.*
14 *To the extent feasible, documents made available to the gen-*
15 *eral public which describe the degree of risk from exposure*
16 *to radon and radon progeny shall, at a minimum, charac-*
17 *terize the population or populations addressed by any risk*
18 *estimates; state the expected risk for the specific population;*
19 *and state the reasonable range of uncertainty.”.*

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

22 *(a) IN GENERAL.—Title III of the Toxic Substances*
23 *Control Act (15 U.S.C. 2661 et seq.) is amended by adding*
24 *the following new section after section 318:*

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

2 *“There is authorized to be appropriated to carry out*
3 *the provisions of this title (other than section 307) such*
4 *sums as may be necessary for the fiscal years 1994 through*
5 *1997.”.*

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

9 (1) *Section 305(f).*

10 (2) *Section 306(j).*

11 (3) *Section 308(f).*

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

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

15 (1) *In the first sentence of subsection (a) of sec-*
16 *tion 11 strike “mixtures, or products subject to title*
17 *IV” and insert “mixtures or products subject to title*
18 *III or title IV”.*

19 (2) *In paragraph (1) of subsection (b) of section*
20 *11, strike “mixtures, or products subject to title IV”*
21 *and insert “mixtures, or products subject to title III*
22 *or IV”.*

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

1 (4) *In section 16, strike “or 409” and insert “,*
2 *312, or 409” each place it appears.*

3 (5) *In section 17:*

4 (A) *In subsection (a)(1)(A) strike “or 409”*
5 *and insert “, 312, or 409”.*

6 (B) *Strike “title IV” in each place it ap-*
7 *pears in subparagraphs (B) and (D) of sub-*
8 *section (a)(1) and in subsection (b) and insert*
9 *“title III or title IV”.*

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

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

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

17 (9) *Subsection (h)(3) of section 306 is amended*
18 *by inserting before the period at the end of the first*
19 *sentence “or, after the date 2 years after the enact-*
20 *ment of the Radon Awareness and Disclosure Act of*
21 *1994, a proficiency program under section 309”.*

22 (10) *The table of contents for title III of such Act*
23 *(contained in section 1 of the Act) is amended as fol-*
24 *lows:*

1 (A) Amend the item relating to section 304
2 to read as follows:

“Sec. 304. New construction.”

3 (B) Strike out the items relating to section
4 309 through 311 and insert the following:

“Sec. 309. Performance and proficiency program for radon products and services.

“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 levels.

“Sec. 317. Medical community outreach.

“Sec. 318. Unbiased presentation of risk information.

“Sec. 319. Authorization of appropriations.”

5 **SEC. 15. ESTABLISHMENT OF PRESIDENT’S COMMISSION**
6 **ON RADON AWARENESS.**

7 (a) *ESTABLISHMENT.*—There is established a commis-
8 sion to be known as the President’s Commission on Radon
9 Awareness (hereinafter in this Act referred to as the “Com-
10 mission”).

11 (b) *DUTIES.*—The Commission shall—

12 (1) examine public awareness programs in effect
13 on the date of the enactment of this Act which are—

14 (A) implemented through various segments
15 of mass media; and

16 (B) intended to raise public awareness of
17 the health threats of radon and the benefits of
18 testing for radon;

1 (2) *act as an administrative and coordinating*
2 *body for the voluntary donation of resources to assist*
3 *the implementation of new programs and national*
4 *strategies for dissemination of information intended*
5 *to raise awareness of the health threats of radon;*

6 (3) *encourage media outlets throughout the coun-*
7 *try to provide information aimed at increasing radon*
8 *awareness, including public service announcements*
9 *and advertisements; and*

10 (4) *evaluate the effectiveness and assist in the*
11 *update of programs and national strategies formu-*
12 *lated with the assistance of the Commission.*

13 (c) *NATIONAL RADON EDUCATION CAMPAIGN.—*

14 (1) *IN GENERAL.—The Administrator of the En-*
15 *vironmental Protection Agency, in collaboration with*
16 *the Commission, shall establish a national education*
17 *campaign to increase public awareness concerning*
18 *radon health risks and motivate public action to re-*
19 *duce radon levels. The national education campaign*
20 *shall include the use of funds for the purchase and*
21 *production of public educational materials. The Ad-*
22 *ministrator is authorized to enter into cooperative*
23 *agreements to carry out this section.*

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

4 (d) *MEMBERSHIP AND OPERATION OF COMMISSION.*—

5 (1) *NUMBER AND APPOINTMENT.*—The Commis-
6 sion shall be composed of 12 members appointed by
7 the President within 30 days after the date of the en-
8 actment of this Act, and should include representa-
9 tives of—

10 (A) *advertising agencies;*

11 (B) *television, radio, cable communications,*
12 *and print media;*

13 (C) *the health industry;*

14 (D) *other segments of the business sector of*
15 *the United States;*

16 (E) *experts in the field of radiation science;*

17 (F) *consumer groups;*

18 (G) *the radon testing and remediation in-*
19 *dustry; and*

20 (H) *other Federal agencies, as designated by*
21 *the President.*

22 (2) *TERMS.*—

23 (A) *Except as provided in subparagraphs*

24 (B) *and (C), members shall be appointed for*
25 *terms of 3 years.*

1 (B) Any member appointed to fill a va-
2 cancy occurring before the expiration of the term
3 for which such member's predecessor was ap-
4 pointed shall be appointed only for the remain-
5 der of such term.

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

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

12 (B) While away from their homes or regular
13 places of business in the performance of services for
14 the Commission, members shall be allowed travel ex-
15 penses, including a per diem allowance in lieu of sub-
16 sistence, in the same manner as persons serving inter-
17 mittently in the Government services are allowed
18 travel expenses under section 5703 of title 5, United
19 States Code.

20 (4) PROCEDURES, MEETINGS, STAFF, ETC.—The
21 Commission shall establish such rules regarding meet-
22 ings, including rules regarding quorum, voting and
23 procedure, and regarding staff, experts and consult-
24 ants as the Commission deems appropriate. The Com-
25 mission may use the United States mails in the same

1 *manner and under the same conditions as other de-*
2 *partments and agencies of the United States. The Ad-*
3 *ministrator of General Services shall provide to the*
4 *Commission on a reimbursable basis such administra-*
5 *tive support services as the Commission may request.*

6 (5) *REPORT.*—*The Commission shall transmit to*
7 *the President and to each House of Congress a report*
8 *not later than July 31 of each year which contains*
9 *a detailed statement of the activities of the Commis-*
10 *sion during the preceding year, including a summary*
11 *of the number of public service announcements pro-*
12 *duced by the Commission and published or broadcast.*

13 (6) *TERMINATION.*—*The Commission shall ter-*
14 *minate on a date which is 3 years after the date on*
15 *which members of the Commission are first ap-*
16 *pointed, unless the President, by Executive order, ex-*
17 *tends the authority of the Commission.*

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