Department of Professional and Occupational Regulation
Perimeter Center – Board Room 4
9960 Mayland Drive
Richmond, Virginia 23233

BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION
TENTATIVE MEETING AGENDA

October 19, 2026, 10:00 a.m.

1. **Call to Order**

2. **Emergency Evacuation Procedure**

3. **Approval of Agenda**

4. **Approval of Minutes**
   a. August 10, 2026 Board Meeting

5. **Communications**

6. **Public Comment Period***

7. **New Business**
   a. Petition for Regulation – Licensure of Radon Professionals
      i. Adoption of Final Report
   b. Adoption of Guidance Regarding Deferred Disposition of Disciplinary Cases
   c. Election of Officers

8. **Update on DPOR Operations**
   a. Executive Director Reports

9. **Board Member Reporting**
   a. Board Liaison Reports – Observations and Trends from other Board Meetings
   b. Recommendations for Staff
   c. Issues for the Director's or Administration's Consideration

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10. Other Business

a. Board Member Professional Development - Board Member Roles and Responsibilities

11. Conflict of Interest Forms/Travel Vouchers

12. Future Meeting Dates

a. April 12, 2027, 10:00 a.m.

b. August 9, 2027, 10:00 a.m.

c. December 6, 2027, 10:00 a.m.

13. Adjourn

NEXT MEETING TENTATIVELY SCHEDULED FOR April 12, 2027, 10:00 a.m.

*Five-minute public comment per person.

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BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION

MINUTES

The Board for Professional and Occupational Regulation met on Monday, August 10, 2026, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia.

The following members were present for all or part of the meeting:

Sathish Anabathula
Jackson Dyer
Grace Flores-Hughes
Jemmalyn Hewlett
Carrie Sheffield
Tim Taylor

Board members Ron Bledsoe, Gaby Rengifo, and Charles Vaughters were not present at the meeting. The following agency staff was present for all or part of the meeting:

Laura McClintock, Director
Steve Kirschner, Director LRPD
Joe Haughwout, Regulatory Affairs Manager
Eric Beidel, Communications & Digital Media Manager
Jennifer Sayegh, Policy & Legislative Affairs Manager
Amy Goobic, Executive Assistant

James Flaherty, Assistant Attorney General, was present from the Office of the Attorney General.

Call to Order

Mr. Anabathula called the meeting to order at 10:04 a.m.

Emergency Evacuation Procedures

Mr. Haughwout reviewed the emergency evacuation procedures.

Approval of Agenda

Mr. Dyer moved to approve the agenda as presented. Ms. Sheffield seconded the motion, which was unanimously approved by members: Anabathula, Dyer, Flores-Hughes, Sheffield, and Taylor.

Approval of Minutes

Mr. Haughwout informed the Board there were minor technical changes to the minutes from the April 13, 2026, Board meeting, no substantive changes. Mr. Dyer moved to approve the minutes of the April 13, 2026, Board meeting as amended. Mr. Taylor seconded the motion, which was unanimously approved by members: Anabathula, Dyer, Flores-Hughes, Sheffield, and Taylor.

Ms. Sheffield moved to approve the minutes of the June 16, 2026, Public Hearing. Mr. Taylor seconded the motion, which was unanimously approved by members: Anabathula, Dyer, Flores-Hughes, Sheffield, and Taylor.

Mr. Taylor moved to approve the minutes of the July 15, 2026, Public Hearing.

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Mr. Dyer seconded the motion, which was unanimously approved by members: Anabathula, Dyer, Flores-Hughes, Sheffield, and Taylor.

Arrival of Board Member

Ms. Hewlett arrived at 10:13 a.m.

Communications

Board Members were provided an email from "John Doe," regarding licensee information available on the DPOR website. 'John Doe' had concerns with personal licensee information being collected by data brokers and sold to scammers who target professionals with fraudulent compliance offers and phishing schemes.

Mr. Kirschner stated that licensee lists and information are all available under the Freedom of Information Act. He further explained that previously DPOR staff provided licensee lists if requested, the system is now automated so lists may be downloaded from the website, freeing up staff work time.

Public Comment

John Davis, President of the Virginia Chapter of the Indoor Environments Association (VIEA), was present to address the Board regarding VIEA's petition to license radon professionals. Mr. Davis provided a handout (attached) with statistics on radon induced lung cancer in Virginia, as well as other information on radon policies.

Jane Malone, Director of Government Affairs for Indoor Environments Association (IEA), was present to address the Board. Ms. Malone provided information on the prevalence of radon in homes, stating that 30% of homes have unacceptable levels, and that there is no requirement for homes to be tested, or mitigated, for mortgage loans except FHA and HUD loans. Ms. Malone explained that the Virginia Department of Health (VDH) has some oversight of the certification of radon professionals, but the IEA feels it needs to be stronger to prevent unqualified persons from doing shoddy work. They are petitioning for the radon professionals to be licensed under the Virginia Board for Asbestos, Lead, and Home Inspectors.

Update on DPOR Operations

Mr. Haughwout provided an update on DPOR operations, including license application processing times, ongoing regulatory actions, and the implementation of 2026 legislative actions. Compliance and investigation statistics were provided, as well as DPOR in the media highlights.

Mr. Kirschner informed the Board that there had been a change in the method for calculating license application processing times to be more accurate. He also stated that staff was using Microsoft PowerBI reports to calculate and report processing times, and focus is being given on the customer perspective with respect to measuring application processing. Ms. McClintock added that the agency's outdated licensing system is not adept at determining time metrics.

**Presentation attached*

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Board members were provided reports from the regulatory board Executive Directors for informational purposes.

Real Estate Appraiser Online Licensing System

Mr. Kirschner and Mr. Haughwout informed Board members of an online license application pilot program created by DPOR IT staff and VITA, for the Real Estate Appraiser Board. The program provides the ability to process same day applications, and provides a potential path forward for other boards. Board Members watched a video that shows how the public side of the system appears. Ms. McClintock explained that Real Estate Appraisers were selected as it has a smaller population of licensees, and there was federal grant money available to offset the cost to the agency for the development. Ms. McClintock also stated that the Spanberger administration has appointed the first Chief Transformation Officer, Dave Wilkinson, that five million dollars has been approved to create a digital services team to address technology issues within the state, and that DPOR is high on the list.

Board Member Reporting

Mr. Dyer reported he attended the Board for Professional Soil Scientists, Wetland Professionals, and Geologists meeting on June 3, 2026. Mr. Dyer stated the Board discussed regulatory issues and concerns with the low pass rate of the Soil Scientist exam. The Board formed a committee to further discuss the exam. Mr. Dyer also attended the June 24, 2026, Real Estate Appraiser Board meeting. Mr. Dyer remarked that most of the meeting was spent discussing disciplinary cases. He also stated that the Board formed a committee to discuss emerging issues and trends in the industry.

Mr. Haughwout asked Board members if they had any recommendations for staff or had any items for the Director or the Administration to consider. No additional comments were provided by Board members.

Recess

The Board recessed from 11:34 a.m. until 11:51 a.m.

DPOR Fees and Budget

Mr. Haughwout provided information on DPOR fees. He explained that the 2026 General Assembly changed the process by which DPOR regulatory boards can set license fees:

- Effective July 1, 2026, regulatory boards may annually revise fees so that fees are sufficient but not excessive to cover expenses.
- Regulatory boards may also adjust fees to account for inflation up to 1.5 times inflation rate from date fees were last set.
- Fee increases are prohibited if regulatory board expenditures plus anticipated costs do not justify a fee increase.
- Effective July 1, 2028, regulatory boards are prohibited from accumulating fund balances larger than previous renewal cycle's expenditures.

**Presentation attached.*

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Mr. Haughwout also provided an overview of a new rulemaking process for changing fees that allows DPOR regulatory boards to make changes to fees using a process that is exempt from the Administrative Process Act. The new process requires notification and a public hearing before a regulatory board may change fees, but will allow a board to make changes to fees faster than the standard rulemaking process.

Ms. McClintock informed the Board that the agency finance team was building out a new fee structure to ensure that each board was solvent and not dependent on another board's fee revenue. She further commented that some licensing fees had not increased in decades. Ms. McClintock stated that the new fee structure should be ready by next fiscal year, with the boards voting by spring/summer on the options and fee actions becoming effective in the fall.

Mr. Haughwout provided information on the different types of state boards, explaining that Board for Professional and Occupational Regulation (BPOR) appears to be policy board. Policy boards have the power to review and comment on agency budgets. BPOR's enabling law was amended in 2025 and the Board now has the power to review and comment on DPOR's budget. Board members were presented a proposed policy to consider which outlines the policy and process of the Board with regards to budget review. The proposed policy provides that the process is intended and designed to be consultative and that the DPOR Director and Cabinet Secretary have final authority over budget requests. The proposed policy also provided for the process, including documents that will be provided to the Board when reviewing the DPOR budget. The proposed policy was amended to stipulate that documentation regarding the DPOR budget that will be provided to the Board when it performs its review will also include such other additional information as required for the Board to perform its review.

Mr. Taylor moved to adopt the policy as amended. Ms. Flores-Hughes seconded the motion, which was unanimously approved by members: Anabathula, Dyer, Flores-Hughes, Hewlett, Sheffield, and Taylor.

Departure of the Director

Ms. McClintock departed the meeting at 12:33 p.m., apologizing that she had a scheduling conflict.

DPOR Fees and Budget

Mr. Haughwout provided information on DPOR's budget expenses and revenues, explaining that DPOR is funded through non-general fund revenue, and does not receive any general funds. Information was provided on DPOR's sources of revenue and how expenses are categorized. Review of the budget included a review of DPOR's expenditures from the fiscal year that concluded June 2026. Discussion was held on the appropriation from the General Assembly and unexpended funds. Mr. Haughwout explained reasons for the unexpended funds, including savings from a canceled licensing software project and staff vacancies.

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Board members reviewed the 2026-2028 Biennium Budget numbers from the budget bill. Mr. Haughwout reviewed a new "Technology Fee" authorized in the budget, which allows DPOR to collect a fee equal to $7.25 per year with each initial application, renewal, or reinstatement. This is effective July 1, 2026, through June 30, 2030, to support the upgrade or replacement of software systems used by DPOR. The fee is estimated to provide revenue of $2.5 million per year for next four years. Mr. Haughwout also provided information regarding adjustments to DPOR's budget, including adjustments for increases to salaries for state employees, state health insurance premiums, and information technology costs.

Petition for Regulation Update – Licensure of Radon Professionals

Mr. Haughwout provided background information on the process for petitions to the Board from those seeking regulation of a profession or occupation, including applicable provisions in state law and Board guidelines on how such petitions are to be reviewed and considered. Board members were provided background information regarding the petition for regulation of radon professionals from the VIEA. The Board was provided with information regarding the study undertaken following receipt of VIEA's petition in December 2025, including the study methodology. The Board was provided with staff analysis, including issues raised during the study, the current level of regulation of radon professionals, and an evaluation of the petition based on criteria established in the Board's guidelines. The criteria to be considered in evaluating a petition are (i) risk for harm to the consumer; (ii) specialized skills and training; (iii) autonomous practice; (iv) scope of practice; (v) economic impact; (vi) alternatives to regulation; and (vii) least restrictive regulation.

Mr. Haughwout provided the various options for the Board to consider before making their recommendations.

Option 0 – Recommend no change to existing statute.

Option 1 – Recommend statutory change to allow consumers to sue individuals that perform radon measurement or mitigation services (i) without having required certification; or (ii) that do not follow EPA standards.

Option 2 – Recommend statutory change to (i) require certified radon professionals to register with VDH to provide services in Virginia; and (ii) give VDH authority to enforce existing law, to include for imposition of penalties for violations.

Option 3 – Recommend statutory change to require those who design and install radon mitigation systems to obtain mandatory state licensure from the Board for Contractors.

Option 4 – Recommend statutory change to require those who (i) perform radon testing using a standard device or analytical device; or (ii) design and install radon mitigation systems to obtain mandatory state licensure from ALHI Board.

Departure of Board Member

Ms. Hewlett departed the meeting at 2:18 p.m.

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The Board discussed the petition, the staff evaluation, and potential recommendations. The Board also heard from representatives from VIEA and IEA.

Board members each voiced their recommendation. Members Taylor, Flores-Hughes, Sheffield, and Anabathula recommended Option 0, no change. Mr. Dyer recommended Option 4. Ms. Hewlett did not provide a recommendation. Ms. Sheffield suggested recommending VDH provide education to the public. Staff indicated that information regarding a potential change to the Virginia Consumer Protection Act could be included in the Board's final report.

**Presentation attached.*

Ms. McClintock returned to the meeting at 2:00 p.m. **Return of the Director**

Board members considered the following 2027 meeting dates: **Consideration of 2027 Meeting Dates**

- April 12, 2027
- August 9, 2027
- December 6, 2027

Ms. Flores-Hughes moved to accept the 2027 meeting dates. Ms. Sheffield seconded the motion, which was unanimously approved by members: Anabathula, Dyer, Flores-Hughes, Hewlett, Sheffield, and Taylor.

Mr. Haughwout reminded Board members of the Board Member Training Conference, October 22-23. **Other Business**

Board members signed Conflict of Interest forms and travel vouchers. **Conflict of Interest Forms & Travel Vouchers**

The meeting was adjourned at 2:25 p.m. **Adjourn**

_____
Sathish Anabathula, Chair

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_____
Laura V. McClintock, Director

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Outlook

OpEd

From Mary Jane Hogue <mjhogue1@gmail.com>
Date Thu 9/17/2026 9:19 PM
To DPOR: Board for Professional & Occupational Regulation (DPOR) <bpor@dpor.virginia.gov>

Dear Ms. Sheffield,

BRAVO!
I read your OpEd in the Richmond Times Dispatch regarding the cost of adding one more license stipulation and fee for radon professionals. It was heartwarming to read some genuine common sense.

I see so many young people who go to school for 4 to 5 years to be trained as teachers, nurses, graduate...and then go to take State Boards...and then FAIL. I know too many people who would have made fabulous teachers or nurses...who feel they are so dumb...and "may" take the test again, still fail and just give up.
Universities and training schools do not have to be held accountable for outcomes, sad to say.
They just take the tuition funds.

I taught school right after college. Thankfully, there were no Virginia State Boards to take back then. We had student teaching and mentors . My students got some of the highest math scores in the county. I am convinced that I would have probably flunked a state board if they were mandatory back in the day; therefore, I would never have taught school.

There was a young woman a dozen years ago who did many of the very wealthy women's hair in Richmond, VA. She was stellar in her craft. But she kept flunking the cosmetology tests. She showed me the tests. They had zero to do with anything about hair or nails. It was a sophomore biology test with Latin terms. This young woman came from China, spoke beautiful English, but could not read English as well. I went before the cosmetology board with letters from the who's who in Richmond to vouch for her. A member of the General Assembly who helped me said the Cosmetology Board would never give an oral test to this woman. He felt that it was their way to keep competition out of the industry. I don't know if he was right or wrong.

It took me ten years, but I was able to get a high ranking official years later who said to have this hairdresser be tested for a learning disability and if she showed she had one, they could read the test to her. We did that. A very wealthy client paid for the testing (over a 1000.00).
The hairdresser had a learning disability. She said as a child in China, that learning was hard.
The test was read to her, and she became a licensed hairdresser. It gave her the ability to make a living for her family vs getting paid small dollars because the owner of the salon knew she had no other place to go since she did not hold a license.

Having taught school, Ms. Shefffield, I know so many students who are so good with their hands, who would make great plumbers, electricians, plumbers, mechanics, but test taking may not be their forte.
What happened to apprenticeships?

Sorry for the email, but it is a pet peeve of mine that testing is a huge barrier for many. It is not that they are not good at their craft; they may just not test well. The cost of going through so much testing, then licensing, as you astutely state, is also a barrier.

I am not sure if schools, universities, vocational programs are effectively training our next generation for what the future workforce even needs. The needs of the future workplace are changing, but are our training programs changing to meet that need?

Are we putting too many barriers out there to train potential teachers, nurses, skill sets we all need for our homes and businesses, yet we don't ensure opportunities of success?
I have 3 adult children. I learned that what worked for child one for their academic needs may very well not be what would make child number two successful, much less for child number three.
One model may not meet the needs of our future workforce. One size fits all may not be the correct model to ensure we get the workforce we need....so all people have the ability to provide for themselves and their families.

BRAVO! Ms. Sheffield. I loved that you and your fellow Board members came at the radon licensing from a more common sense perspective.
I hope the General Assembly does not dismiss your well thought out research

Highest Regards,
Mary Jane Hogue

Mary Jane Hogue
358-5532 (home)
833-2659 (cell)

Outlook

FW: The Extrapolation of Regulatory Creep

From Paul Stiles <pstiles@thebellcompany.com>
Date Mon 9/28/2026 8:17 AM
To DPOR: Board for Professional & Occupational Regulation (DPOR) <BPOR@dpor.virginia.gov>

Carrie,

I really enjoyed and applaud the article you wrote "*The cost of one more license*" that appeared in the Richmond Times Dispatch.

Licensing is important to qualify individuals and companies regarding delivering services that can impact public health and safety. By any means, professional regulations are not all the same. Virginia's DPOR has quite the task monitoring and controlling the bandwidth of professions that are requesting and renewing licenses.

It appears you are advocating to simplify the pathway for practitioners, and thus this is the reason I am contacting you.

I have been contractor for 31 years. With a short stent working for a professional engineering firm that lasted less than 4 years it takes my overall professional experience to 35 years. Therefore, in my chosen profession, I feel I am highly qualified.

Here is the issue you might be able to offer some support. I was a qualified individual for my last company that held a Class A Commercial Building Contractors license in the Commonwealth. Thus, I passed the examinations required and was the qualified individual for that company for approximately 5 years. Also, at that same company (Versar, Inc.) I also became the qualified Commercial Building Contractor individual in North Carolina and South Carolina through examinations. When I moved to my current company (Bell Company) in 2011, I informed VADPOR within the 30 day period that was required. About 7 years ago I contact DPOR about being added as a qualified individual for Bell Company. I was informed that my credentials as a qualified individual had expired due to a new regulation that was imposed. DPOR did not inform me, or many others as it turned out, of this regulation.

As you can see below (see highlighted part), I am pleading to allow my reciprocity with North Carolina be accepted for allowing me to be a qualified individual. What I believe DPOR is saying is if I started my own company, I could be the qualified individual, yet working for the same company for 15 years negates this privilege. If I am interpreting this correctly, this to me is pure bureaucracy.

Any advice or help will be tremendously valued!

Very respectfully,

Paul

EMPLOYEE-OWNED BELL A DIVISION OF HB GLOBAL, LLC

Paul W. Stiles, PE, PMP
Vice President
The Bell Company
c: (804) 363-3401
o: (804) 266-4117

BELL is hiring.....explore here

From: DPOR: Board for Contractors (DPOR) <contractors@dpor.virginia.gov>
Sent: Thursday, August 27, 2026 5:32 PM
To: Paul Stiles <pstiles@thebellcompany.com>
Subject: Fw: Reminder: Licensing Question - Commercial Building Contractor

Good evening:

The reciprocal agreements referenced are for initial licensure and do not reference or offer a pathway for a change to an already licensed company to have a qualified individual come in using those agreements.

If you were applying for a contractor's license for your own company the agreement would then apply.

Thank you,

Board for Contractors | Virginia Department of Professional and Occupational Regulation
Board for Contractors
c/o Department of Professional and Occupational Regulation
9960 Mayland Drive - Suite 400
Richmond, Virginia 23233
P: (804)-367-8511
F: (866)-430-1033

To facilitate efficient processing of applications, Tuesday and Wednesday call center hours are currently limited. Board telephone call centers will only be available between noon and 2 p.m. on Tuesdays and Wednesdays. Call center hours for Monday, Thursday, and Friday are 8:30 a.m. to 5 p.m.

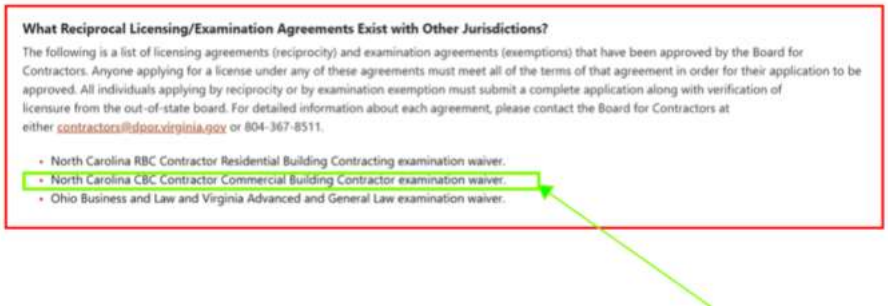
From: Paul Stiles <pstiles@thebellcompany.com>
Sent: Wednesday, August 26, 2026 3:44 PM
To: DPOR: Board for Contractors (DPOR) <contractors@dpor.virginia.gov>
Subject: RE: Reminder: Licensing Question - Commercial Building Contractor

Wendy,

Thank you so much for your response. I can only imagine how many emails you must respond to. Thank you for your service to the Commonwealth.

I am trying to make sure I understand your response.

1. A qualified individual application is understood.
2. The requirement for taking the NASCLA exam is not understood. I thought there was an exemption for this exam via producing evidence of being the qualified individual for a North Coralina CBC



3. Please see your response I highlighted in yellow. From what you have stated below, in my case is it a requirement for being the Virginia CBC qualified individual that the RBC test must be taken? Or am I misinterpreting this?

BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION

Report to the

House Committee on General Laws, Senate Committee on General Laws and Technology, & Joint Commission on Administrative Rules

Analysis and Evaluation of a Petition for Regulation Received from the Virginia Chapter of the Indoor Environments Association Proposing Licensure of Radon Measurement Professionals and Radon Mitigation Specialists

October 30, 2026

Department of Professional and Occupational Regulation
9960 Mayland Drive, Suite 400
Richmond, Virginia 23233
(804) 367-8500
http://www.dpor.virginia.gov

PREFACE

Section 54.1-310.1 of the Code of Virginia allows for any professional or occupational group or organization, any person, or any other interested party that proposes the regulation of any unregulated professional or occupational group to submit a request to the Board for Professional and Occupational Regulation ("the Board") to conduct an analysis and evaluation of the proposed regulation. The Board is required to conduct an analysis and evaluation of the proposed regulation based on criteria established in § 54-311 of the Code of Virginia and submit a report with its findings on whether the public interest requires the professional or occupational group be regulated to the House Committee on General Laws, the Senate Committee on General Laws and Technology, and the Joint Commission on Administrative Rules.

In December 2025, the Board received a petition for regulation from Virginia Chapter of the Indoor Environments Association proposing licensure of radon measurement professionals and radon mitigation specialists. As required under § 54.1-310.1, the Board conducted the required analysis and evaluation of the proposed regulation and produced this report with its findings and recommendations.

Board for Professional and Occupational Regulation Membership

Sathish Anabathula, Chair
Ronald Bledsoe
Jackson Dyer
Jemmalyn A. Hewlett
Grace Flores-Hughes
Gaby Rengifo
Carrie Sheffield. Vice-Chair
Tim Taylor
Charles B. Vaughters

Staff Acknowledgements

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Joseph C. Haughwout, Jr., Regulatory Affairs Manager
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Amy Goobic, Executive Assistant
Department of Professional and Occupational Regulation

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Eric Beidel, Communications & Digital Media Manager
Department of Professional and Occupational Regulation

Darnell Edwards II, Regulatory & Compliance Analyst
Department of Professional and Occupational Regulation

Angelena Gismondi, Special Assistant
Department of Professional and Occupational Regulation

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Table of Contents

Executive Summary ..... **vi**
Background **1**
Description of the Petition 1
Applicable Statutes 3
Overview of Study Methodology 6
Board Guidelines for Conducting the Study *6*
Review of the Petition and Adoption of the Study Work Plan *9*
Study Methodology *9*
Research **10**
Radon and its Health Effects 10
Radon and the Atomic Breakdown Process *10*
Radon Gas and Radon Decay Products *11*
Research on Health Impacts of Radon *12*
Radon and Lung Cancer Risk *13*
Federal and State Regulation 13
Federal Involvement *13*
State Regulation *15*
Overview of Regulation in Virginia *15*
Radon Industry 21
Description of Private Credentialing Programs *21*
Radon Measurement (Testing) *24*
Radon Mitigation *28*
Similarity to other Accredited Professions or Occupations *31*
Risk for Public Harm in Radon Measurement and Radon Mitigation *31*
Complaints Involving Radon Professionals 33
Complaints to Private Accreditation Bodies *33*
Virginia Department of Health *34*
Department of Professional and Occupational Regulation *36*
Complaints in Selected States *38*
Effects of Occupational Licensure 39

DRAFT

Public Benefits of Occupational Licensure *39*
Public Costs of Occupational Licensure *40*
Potential Effects of Licensure on Radon Professionals *42*
Public Comments **45**
Arguments in Favor of Regulation 46
Arguments Against Regulation 47
Analysis **50**
Issues Identified During the Study 50
Issues Related to the Effectiveness of Current Virginia Regulation *50*
Issues Related to the Effectiveness of Private Credentialing *51*
Issues Related to Radon Mitigation and New Residential Construction *52*
Potential Economic Impacts *52*
Records of Complaint *53*
Other Issues *53*
Findings and Application of Evaluation Criteria 53
Current Degree of Regulation of Radon Professionals *53*
Analysis of the Criteria in the Board's Guidelines *53*
Application of the Criteria Against the Degrees of Regulation *58*
Conclusion and Recommendations **61**
Disposition of the Petition 61
Additional Consumer Protection 61
Clarification of Contractor Qualifications for Radon Mitigation Contracting 61
List of References **62**
Appendices **76**
A. Petition for Regulation 76
B. BPOR Work Plan 91
C. Radon Measurement Devices 97
D. Radon Mitigation Methods 100
E. NRPP and NRSB Credentialing Information 103
F. Information on States that Regulate Radon Professionals 107
G. Interview Summaries 113
H. Janurary 12, 2026 BPOR Meeting Minutes (excerpted) 125
I. August 10, 2026 BPOR Meeting Minutes (excerpted) 129
J. Draft of October 19, 2026 BPOR Meeting Minutes (excerpted) 134
K. Public Comments, General Notice, and BPOR Website Notice 135

DRAFT

L. June 16, 2026 Public Hearing Minutes and Transcript 179
M. July 15, 2026 Public Hearing Minutes and Transcript 209
N. Potential Legislation 294

DRAFT

Executive Summary

On December 1, 2025, the Department of Professional and Occupational Regulation ("DPOR"), on behalf of the Board for Professional and Occupational Regulation ("the Board"), received a petition from the Virginia Chapter of the Indoor Environments Association ("VIEA") proposing licensure of (i) radon measurement professionals, those who perform radon testing; and (ii) radon mitigation specialists, those who design and install radon remediation systems.

State law requires that (i) those who perform radon screening, testing, or mitigation in the Commonwealth be accredited by either the National Radon Proficiency Program ("NRPP") or National Radon Safety Board ("NRSB"), national certification programs for radon proficiency recognized by the United States Environmental Protection Agency ("EPA"); and (ii) radon testing and radon mitigation be performed according to EPA-approved standards. The Virginia Department of Health ("VDH") is the state agency responsible for administering the state indoor air radon program.

VIEA requested that radon measurement professionals and radon mitigation specialists (collectively "radon professionals") be licensed under the Virginia Board for Asbestos, Lead, and Home Inspectors, a regulatory board within DPOR. VIEA's request was based on (i) lack of VDH authority and capacity to enforce statute; (ii) limitations in the ability of NRPP and NRSB to conduct inspections and investigations of complaints and impose sanctions; and (iii) purported widespread noncompliance with standards.

Section 54.1-100 of the Code of Virginia provides that the United States Constitution and the Constitution of Virginia protect "[t]he right of right of every person to engage in any lawful profession, trade, or occupation of his choice…" and that such right can only be abridged when "…(i) it is clearly found that such abridgment is necessary for the protection or preservation of the health, safety, and welfare of the public and (ii) any such abridgment is no greater than necessary to protect or preserve the public health, safety, and welfare."

The Board conducted an analysis and evaluation of the proposed regulation based on § 54.1-311 of the Code of Virginia, which provides for the degrees of regulation and applicable criteria the Board must consider when evaluating whether a profession or occupation should be regulated. The Board's review was conducted according to guidelines established by the Board.

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The study included (i) a review of literature; (ii) interviews to obtain additional information about the radon industry and current Virginia practices; and (iii) a 45-day public comment opportunity, which included two public hearings.

Based on the information obtained through research and from public comment, the Board found the following:

- The risk for harm to the public from the unregulated practice of radon measurement and radon mitigation is low to moderate. There is the potential for financial harm to consumers resulting from improper measurement or improper mitigation; and there is potential for health and safety harm to the public resulting from indoor air gas that goes unmitigated due to improper measurement or mitigation. However, the financial costs to the public are relatively low and indoor radon gas, while a toxic substance, is not required by the EPA to be mitigated.
- The economic costs of requiring licensure of radon professionals do not appear justified. Imposition of a licensure requirement would likely impose additional costs to radon professionals. Licensure could negatively impact demand for these professional services and the availability of professionals to provide them. It is not clear that the potential public benefits of additional regulation would outweigh the potential public costs.
- There appear to be alternatives to licensure of radon professionals that adequately protect the public.

Based on the criteria enumerated in § 54.1-311 of the Code of Virginia and as reflected in the Board's guidelines, the Board concludes that (i) the public interest does not require licensure of radon measurement professionals or radon mitigation specialists and licensure is not recommended; and (ii) neither registration nor certification of radon professionals through DPOR is required or recommended.

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Background

Description of the Petition

On December 1, 2025, the Department of Professional and Occupational Regulation ("DPOR"), on behalf of the Board for Professional and Occupational Regulation ("the Board"), received a petition from the Virginia Chapter of the Indoor Environments Association ("VIEA" or "the Petitioner") proposing regulation of those who provide certain radon-related services.[1]

The VIEA petition proposed licensure of the following occupations:

1. Radon measurement professionals. Those who perform radon testing using either an analytical device, such as a continuous radon monitor or electret system, or a standard/passive device, such as a charcoal test kit or liquid scintillation device. Radon measurement professionals are responsible for the implementation, execution, and documentation of all required quality assurance ("QA") or quality control ("QC") procedures. Radon measurement professionals may provide general supervision and QA/QC oversight of radon measurement field technicians.[2]
2. Radon mitigation specialists. Those who design and install radon remediation systems (also referred to as radon mitigation systems). Radon mitigation specialists are responsible for the implementation, execution, and documentation of all quality management and worker safety procedures. Radon mitigation specialists may provide general supervision to radon mitigation installers.[3]

VIEA provided additional information regarding Environmental Protection Agency ("EPA") recognized providers of professional radon certifications, indicating that more than 340 Virginians are accredited in either radon measurement, radon mitigation, or both.

VIEA provided a brief description of the health risks associated with radon and radon decay products, stating that "[r]adon exposure in buildings is the second leading cause of lung cancer and results in more than 21,000 deaths in the United States each year including 700 in Virginia."

[1] A copy of the petition received by DPOR may be found at Appendix A to this report.
[2] During an interview on April 29, 2026, representatives of VIEA advised DPOR staff that the petition does not propose the regulation of field technicians.
[3] VIEA also advised DPOR staff during the April 29, 2026 interview that the petition does not propose the regulation of mitigation installers.

VIEA explained that current Virginia law requires radon measurement and mitigation providers possess private certification and follow standards for measurement and mitigation. The current administering agency of Virginia's radon program is the Virginia Department of Health ("VDH"). The Petitioner requested that these certification and standards requirements be transferred to the Virginia Board for Asbestos, Lead, and Home Inspectors ("ALHI Board"), a regulatory board falling under DPOR. The Petitioner indicated such transfer would "…expand the consequences for violation of the requirements to include reprimands, fines, license suspension or revocation, as well as legal consequences and civil penalties for willful violations."

VIEA identified three significant problems to be solved by DPOR regulation of radon service providers:

1. Lack of VDH authority to enforce certification and standards requirements based on limitations of statute and in the capacity of the VDH Office of Radiological Health ("ORH"). VIEA indicated that ORH is structured to regulate facilities, equipment, and businesses, and not personnel.
2. EPA-recognized national certification programs are able respond to complaints and conduct investigations remotely, and can suspend or revoke a certification, but lack the capacity to conduct inspections in response to complaints, impose fines or similar sanctions, or conduct proactive investigations to supplement complaints from the public.
3. A widespread pattern of noncompliance with standards, documented by mitigation compliance inspections and complaints about faulty measurement collection.

VIEA indicated that the existing private certification requirement should be a qualification for initial licensure and license renewal. Licensure would address the lack of capacity of the EPA-recognized national certification programs to conduct inspections in response to complaints, conduct proactive investigations, and impose fines or similar sanctions. The Petitioner stated, "[a] functional and accountable radon licensing program will prevent inaccurate radon testing results, which can prompt needless mitigation if high or a false sense of security if low, and unsafe and improper mitigation systems, which can increase radon concentrations." The Petitioner indicated the proposed program would be self-funded through license fees paid by regulated persons.

To support its petition, VIEA provided multiple examples of cases involving alleged improper installation of radon mitigation systems, including photographs of the alleged improper installations.

Applicable Statutes

The General Assembly, by statute, has established the principles and parameters governing the regulation of professions and occupations in Virginia.

Section 54.1-100 of the Code of Virginia provides for the Commonwealth's general policy on the regulation of professions and occupations, and states, in part:

> The right of every person to engage in any lawful profession, trade, or occupation of his choice is clearly protected by both the Constitution of the United States and the Constitution of the Commonwealth of Virginia. The Commonwealth cannot abridge such rights except as a reasonable exercise of its police powers when (i) it is clearly found that such abridgment is necessary for the protection or preservation of the health, safety, and welfare of the public and (ii) any such abridgment is no greater than necessary to protect or preserve the public health, safety, and welfare.

This statute further provides that regulation of a profession or occupation should be imposed for the exclusive purpose of protecting the public interest when:

> 1. The unregulated practice of the profession or occupation can harm or endanger the health, safety or welfare of the public, and the potential for harm is recognizable and not remote or dependent upon tenuous argument;
>
> 2. The practice of the profession or occupation has inherent qualities peculiar to it that distinguish it from ordinary work and labor;
>
> 3. The practice of the profession or occupation requires specialized skill or training and the public needs, and will benefit by, assurances of initial and continuing professional and occupational ability; and
>
> 4. The public is not effectively protected by other means.

Section 54.1-310 of the Code of Virginia establishes the powers and duties of the Board, which include:

- Advising the Governor, the General Assembly, and the DPOR Director on matters relating to the regulation or deregulation of professions and occupations; and
- Evaluating professions and occupations in the Commonwealth not otherwise regulated for consideration as to whether such profession or occupation should be regulated and, if so, the degree of regulation that should be imposed.

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Section 54.1-310.1 of the Code of Virginia provides that "[a]ny professional or occupational group or organization, any person, or any other interested party that proposes the regulation of any unregulated professional or occupational group shall submit a request to the Board no later than December 1 of any year for analysis and evaluation during the following year." This statute provides for the minimum requirements for a request for regulation.

Under § 54.1-310.1, the Board must "…conduct an analysis and evaluation of any proposed regulation based on the criteria enumerated in § 54.1-311 [of the Code of Virginia]…"[4] and must "…submit a report with its findings on whether the public interest requires the requested professional or occupational group be regulated to the House Committee on General Laws, the Senate Committee on General Laws and Technology, and the Joint Commission on Administrative Rules no later than November 1 of the year following the request submission."[5]

Section 54.1-311 of the Code of Virginia provides for the degrees of regulation and the applicable criteria that the Board must consider when evaluating whether a profession or occupation should be regulated. The degrees of regulation are:

> 1. Private civil actions and criminal prosecutions. Whenever existing common law and statutory causes of civil action or criminal prohibitions are not sufficient to eradicate existing harm or prevent potential harm, the Board may first consider the recommendation of statutory change to provide more strict causes for civil action and criminal prosecution.
>
> 2. Inspection and injunction. Whenever current inspection and injunction procedures are not sufficient to eradicate existing harm, the Board may promulgate regulations consistent with the intent of this chapter to provide more adequate inspection procedures and to specify procedures whereby the appropriate regulatory board may enjoin an activity which is detrimental to the public well-being. The Board may recommend to the appropriate agency of the Commonwealth that such procedures be strengthened or it may recommend statutory changes in order to grant to

[4] Section 54.1-310.1 permits the Board to decline a review only if it (i) had previously conducted an analysis and evaluation of the proposed regulation of the same professional or occupational group; (ii) had issued a report within the three years prior to submission of the current proposal to regulate professional or occupational group; and (iii) finds that no new information had been submitted in the request that would cause the Board to alter or modify the recommendations made in its earlier report on the proposed regulation of the professional or occupational group.

[5] The General Assembly, in § 30-19.03:1.3 of the Code of Virginia, also requires that when any legislative bill requiring DPOR to increase or begin regulation of an occupation is filed during any session of the General Assembly, the chair of the committee having jurisdiction over the proposal must request the Board to prepare an evaluation of the legislation using the criteria outlined in § 54.1-311.

the appropriate state agency the power to provide sufficient inspection and injunction procedures.

3. Registration. Whenever it is necessary to determine the impact of the operation of a profession or occupation on the public, the Board may implement a system of registration.

4. Certification. When the public requires a substantial basis for relying on the professional services of a practitioner, the Board may implement a system of certification.

5. Licensing. Whenever adequate regulation cannot be achieved by means other than licensing, the Board may establish licensing procedures for any particular profession or occupation.

To determine the proper degree of regulation, the Board must determine:

1. Whether the practitioner, if unregulated, performs a service for individuals involving a hazard to the public health, safety or welfare.

2. The opinion of a substantial portion of the people who do not practice the particular profession, trade or occupation on the need for regulation.

3. The number of states which have regulatory provisions similar to those proposed.

4. Whether there is sufficient demand for the service for which there is no regulated substitute and this service is required by a substantial portion of the population.

5. Whether the profession or occupation requires high standards of public responsibility, character and performance of each individual engaged in the profession or occupation, as evidenced by established and published codes of ethics.

6. Whether the profession or occupation requires such skill that the public generally is not qualified to select a competent practitioner without some assurance that he has met minimum qualifications.

7. Whether the professional or occupational associations do not adequately protect the public from incompetent, unscrupulous or irresponsible members of the profession or occupation.

8. Whether current laws which pertain to public health, safety and welfare generally are ineffective or inadequate.

DRAFT

9. Whether the characteristics of the profession or occupation make it impractical or impossible to prohibit those practices of the profession or occupation which are detrimental to the public health, safety and welfare.

10. Whether the practitioner performs a service for others which may have a detrimental effect on third parties relying on the expert knowledge of the practitioner.

Section 54.1-300 of the Code of Virginia provides the following applicable definitions as they relate to the degrees of regulation:

"Inspection" means a method of regulation whereby a state agency periodically examines the activities and premises of practitioners of an occupation or profession to ascertain if the practitioner is carrying out his profession or occupation in a manner consistent with the public health, safety and welfare.

"Registration" means a method of regulation whereby any practitioner of a profession or occupation may be required to submit information concerning the location, nature and operation of his practice.

"Certification" means the process whereby [DPOR] or any regulatory board issues a certificate on behalf of the Commonwealth to a person certifying that he possesses the character and minimum skills to engage properly in his profession or occupation.

"Licensure" means a method of regulation whereby the Commonwealth, through the issuance of a license, authorizes a person possessing the character and minimum skills to engage in the practice of a profession or occupation that is unlawful to practice without a license.

Overview of Study Methodology

Board Guidelines for Conducting the Study

The Board has established guidelines for reviewing the proposed regulation of professions and occupations. The Board adopted these guidelines, which document best practices and procedures used in prior studies, to inform interested parties of the Board's statutory authority and its approach to conducting studies and evaluations. The *Board for Professional & Occupational Regulation Guidelines for Evaluation of Petitions for Regulation* ("Board Guidelines") were last updated in 2016, following the enactment of Chapter 467 of the 2016 Acts of Assembly, which allowed for the submission of petitions for regulation to the Board. The Board conducted this study using these guidelines.

The Board Guidelines lay out the criteria used by the Board to guide its evaluations, which are based on the parameters in § 54.1-311 and the Commonwealth's predisposition toward public protection. The criteria are:

1. Risk for Harm to the Consumer. The unregulated practice of the profession or occupation will harm or endanger the public's health, safety, or welfare. The harm is recognizable and not remote or dependent on tenuous argument. The harm results from: (i) practices inherent in the occupation; (ii) characteristics of the clients served; (iii) the setting or supervisory arrangements for the delivery of services; or (iv) any combination of these factors.
2. Specialized Skills and Training. The practice of the profession or occupation requires specialized education and training, and the public needs assurance of competence.
3. Autonomous Practice. The function and responsibilities of the practitioner require independent judgment, and the members of the occupational group practice autonomously.
4. Scope of Practice. The scope of practice is distinguishable from other licensed, certified, and registered professions and occupations.
5. Economic Impact. The economic costs to the public of regulating the occupational group are justified. Such costs may result from restriction of the supply of practitioners, as well as expense associated with administration of regulatory boards or agencies.
6. Alternatives to Regulation. No alternatives to state regulation of the profession or occupation exist that adequately protect the public. Examples of methods to address risk for public harm that do not require professional regulation include inspections, injunctions, disclosure requirements, and strengthening consumer protection laws and regulations.
7. Least Restrictive Regulation. If it is determined that state regulation of the occupation or profession is necessary, only the least restrictive level of occupational regulation consistent with public protection will be recommended to the Governor, the General Assembly, and DPOR Director.

The Board Guidelines provide that the Board will evaluate requests for regulating a professional or occupational group by assessing the criteria against the potential degrees of regulation from the least restrictive (registration) to the most restrictive (licensure). The following outline delineates the characteristics of registration, certification, and licensure, and the criteria applicable to each category.

DRAFT

Registration. Registration requires only that an individual or entity file the individual's or entity's name, location, and possibly background information with the Commonwealth. No entry standard is typically established for a registration program.

- Risk Potential: Low, though consumers need to know redress is possible.
- Skill and Training: Variable; can be differentiated from ordinary work and labor.
- Autonomy: Variable.
- Scope of Practice: Not applicable.
- Application of Criteria: Criteria #4, #5, and #6 must be met.

Certification. Certification by the state is a form of voluntary registration, also known as "title protection." No scope of practice is reserved to a particular group; rather only those individuals who meet certification standards (generally defined in terms of education and minimum competencies that can be measured) may use the protected title.

- Risk Potential: Moderate; attributable to the nature of the practice, consumer vulnerability, or practice setting and level of supervision.
- Skill and Training: Specialized; can be differentiated from ordinary work. Individuals must complete specific education, experience, or examination requirements.
- Autonomy: Variable. Some independent decision making; majority of practice actions directed or supervised by others.
- Scope of Practice: Definable in legally enforceable terms.
- Application of Criteria: Criteria #1 through #6 must be met.

Licensure. Licensure is mandatory and the most restrictive form of professional regulation. State licensure typically confers a monopoly upon a specific profession or occupation within a well-defined scope of practice. It generally involves the statutory delineation of practice reserved to a select group based on unique, identifiable, minimal competencies deemed necessary to protect the public.

- Risk Potential: High; attributable to the nature of the profession or occupation.
- Skill and Training: Highly specialized education required.
- Autonomy: High; practices independently with little or no direct supervision.
- Scope of Practice: Definable in legally enforceable terms.
- Application of Criteria: Criteria #1 through #6 must be met.

Alternatives. In cases where the Board identifies a potential risk to an unregulated profession or occupation, but other criteria are insufficient to substantiate that licensure, certification, or registration are appropriate, other recommendations may be warranted. In accordance with Criteria #6 and #7, the Board may consider less restrictive means to

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protect the public's health, safety, and welfare than interfering in the occupational property rights of individuals.

Review of the Petition and Adoption of the Study Work Plan

As stipulated by the Board Guidelines, the VIEA petition was reviewed by DPOR staff and found to meet the minimum requirements for petitions in § 54.1-310.1 of the Code of Virginia. DPOR staff presented the Board with a proposed work plan for the study. On January 12, 2026, the Board adopted the proposed work plan.[6]

Study Methodology

DPOR staff conducted a review of literature on (i) radon; (ii) the health effects of radon; (iii) laws and regulations at the federal and state levels pertaining to radon professionals; (iv) private credentialing of radon professionals; (v) how radon professionals perform radon measurement and radon mitigation; (vi) complaints involving radon professionals in Virginia and selected states; and (vii) economic impacts of regulation of professions and occupations. Sources included (i) job analyses; (ii) academic journal articles; (iii) government reports and other publications; (iv) radon industry sources, including accreditation data from NRPP and NRSB; and (v) laws and regulations of states that regulate radon professionals. DPOR staff also conducted a limited number of interviews, including with the Petitioner, to obtain additional information about the radon industry and current practices in Virginia.[7]

The Board also sought comment from the public during a 45-day public comment period from June 1, 2026, through July 16, 2026. During the comment period, the Board held two public hearings to receive comments from members of the public.

[6] A copy of the Board's adopted work plan may be found at Appendix B.
[7] Summaries of these interviews may be found at Appendix G.

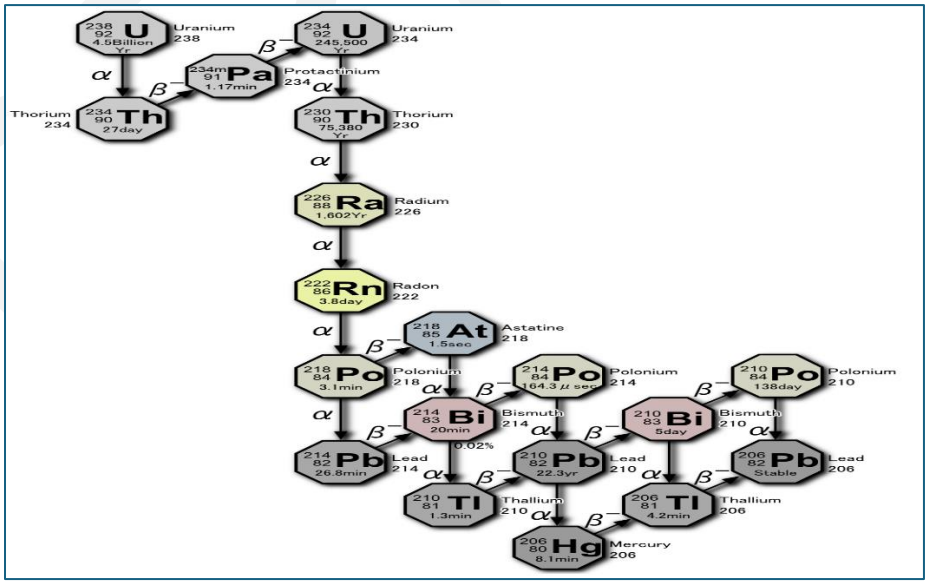
Research

Radon and its Health Effects

Radon and the Atomic Breakdown Process

Radon is a naturally occurring element and naturally exists as a gas. Radon gas cannot be seen, smelled, or tasted. Radon is chemically inert, meaning that it does not react with other chemicals to form new compounds. Radon is a radioactive element. Radioactive atoms have unstable blends of protons and neutrons. To get to a more stable form, these atoms will release energy, called ionizing radiation, in the form of alpha particles, beta particles, gamma rays, and neutrons. Through the release of ionizing radiation, radioactive atoms will either change to a more stable form of the same atom, or to a different atom. This process is called radioactive decay. Radioactive atoms of the same element that have different numbers of neutrons are called radioactive isotopes. Radon is the natural decay product of the radioactive element radium.[8] Radium-226 is widely distributed in soil and rocks that contain uranium. Radium-226 isotopes decay to produce radon-222 gas. A half-life is the length of time it takes for half of the radioactive atoms in a group of radioactive isotopes to decay. The half-life of radon is about four days.

Figure 1: Radon Decay Chain



Author: Tosaka. Source: Wikimedia Commons. https://commons.wikimedia.org/wiki/File:Decay_chain%284n%2B2,_Uranium_series%29.PNG.

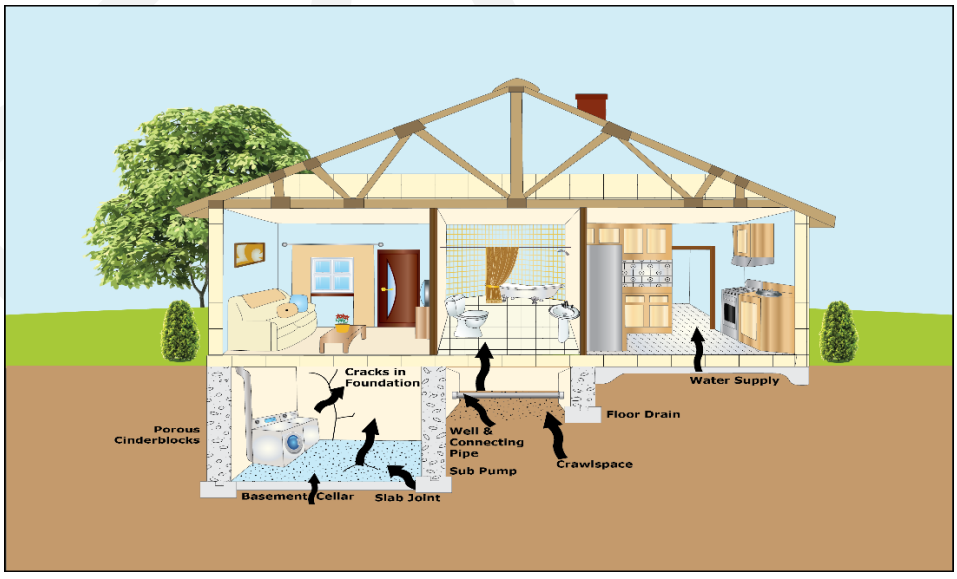
[8] Radon was discovered in 1900 by German chemist Friedrich Ernst Dorn, who discovered the element while researching the radioactive decay of radium.

Radon Gas and Radon Decay Products

Soil and rocks that contain uranium, such as shale, phosphate, and pitchblende will produce radon gas through radioactive decay. Virginia has several uranium deposits of various sizes and depths and is also home to a geological structure called a Triassic Basin that is associated with high levels of radon. Uranium deposits that are closer to the surface could cause high radon in structures that are built over top. Soils that are contaminated with industrial waste products such as byproducts from uranium or phosphate mining may be sources of radon. In addition, some building materials, such as those consisting of sandstone, concrete, brick, natural stone, gypsum, or granite, may emit low levels of radon gas if they contain naturally occurring radioactive elements that decay into radon. There are no human-made sources of radon.

Emitted radon gas escapes into the surrounding air and water. Radon gas emitted from soil or rock can enter buildings through openings or cracks in foundations into indoor air. It may also enter buildings through groundwater sources and end up in the indoor air. The gas can become trapped in buildings and build up. Radon itself undergoes radioactive decay into radioactive isotopes. When radon gas is inhaled, it is mostly exhaled. However, its short-lived decay products[9] are solids and can become trapped in the lungs. The isotopes polonium-218 and polonium-214 are such decay products and emit alpha particles which can damage cells, leading to cancer over time.

Figure 2: How Radon Enters Buildings



Source: Untied States Environmental Protection Agency – Radionuclide Basics: Radon. https://www.epa.gov/radiation/radionuclide-basics-radon. https://www.epa.gov/sites/default/files/2017-04/radon_entry.png.

[9] Radon decay products may also referred to as “progeny.”

Concentrations of radon gas in the air are measured in units called picocuries per liter (pCi/L). Concentrations of radon decay products are expressed in terms of working levels (WL). In homes, for each 1 pCi/L of radon in the air, the concentration of radon decay products is calculated to be .004 WL. Cumulative exposure to radon decay products is measured in terms of working level months (WLM). It is estimated that for each 1 pCi/L of radon in the air of a home, the exposure to radon decay products is .144 WLM per year.[10]

Research on Health Impacts of Radon

Epidemiological studies of underground miners in the United States and internationally have shown there is a relationship between past exposure to radon and lung cancer mortality. These studies indicated a higher incidence of lung cancer among uranium miners. In the United States, this led to the establishment of occupational limits for radon exposure for uranium miners. Animal studies have also substantiated an association between exposure to radon and adverse health effects.

The risks of radon exposure in homes became recognized as a public health threat in the mid-1980s. This was prompted by a 1984 incident involving a Pennsylvania engineer working on an under construction nuclear power plant near Philadelphia. When going to work, the engineer would trigger the plant's radiation monitors, even though the plant had not yet received its nuclear fuel. An investigation revealed that the engineer's home had very high levels of radon, which were attributed to a rock formation in the area known as the Reading Prong. Subsequent research by the Commonwealth of Pennsylvania revealed that other homes in the same area had elevated levels of indoor radon.

The EPA subsequently became involved to assist states and help homeowners reduce the risks of indoor radon. EPA sponsored research studies on the biological effects of ionizing radiation. In 1988, the Biological Effects of Ionizing Radiation ("BEIR") Committee of the National Academy of Sciences ("NAS") issued a report, referred to as the BIER IV Report, that provided a radon risk projection model. EPA subsequently developed its own model for radon risk based on BEIR IV and a 1991 NAS report called the *Comparative Dosimetry Report*. EPA published this model in 1992.[11] EPA's publication provided its methodology for estimated lung cancer deaths in the United States associated with radon exposure in homes. EPA's model estimated there were 14,000[12] number of lung cancer deaths per year in the United States due to radon exposure. EPA's publication identified indoor radon as the second leading cause of lung

[10] Calculation of cumulative radon exposure is predicated on an assumption that individuals spend approximately 70% their time indoors at home.
[11] EPA's 1992 publication, *Technical Support Document for the 1992 Citizen's Guide to Radon*, provides a detailed description of the relative risk projection model it developed.
[12] EPA reported an uncertainty range between 7,000 and 30,000 deaths per year.

cancer death in the United States. EPA also indicated the risk of lung cancer due to radon exposure was higher for individuals who were also smokers.

In 2003, EPA published *EPA Assessment of Risks from Radon in Homes*. EPA's 2003 publication provided updated information regarding risks of radon following additional research and a 1999 NAS report, referred to as the BIER VI Report, and presented a revised risk assessment. The BIER VI Report confirmed radon exposure as the second leading cause of lung cancer. EPA's 2003 document represents the current science relied on by public authorities. EPA's 2003 model estimated the number of lung cancer deaths per year in the United States due to radon exposure is about 21,000.

A meta-analysis of 13 European case-controlled studies of indoor radon, published in 2004, showed strong evidence of an association between radon concentration in the home and lung cancer. The study indicated radon in the home accounts for about nine-percent (9%) of deaths from lung cancer, and two-percent (2%) of all cancer deaths in Europe.

Radon and Lung Cancer Risk

In 2005, the United States Surgeon General issued a national health advisory on radon. The advisory stated radon gas in the indoor of homes is "a serious health risk." The advisory recommended testing homes for radon and taking measures to reduce radon exposure in homes that have elevated levels of radon. Based on EPA's risk assessment, concentrations of radon that are at 4 pCi/L or higher[13] in a home represent a level that EPA has established as a voluntary radon reduction recommendation, where measures to mitigate radon should be taken; however, no level of radon is to be considered "safe." By comparison, the average concentration of radon outdoors is .4 pCi/L. The World Health Organization ("WHO") recommends a level of 2.7 pCi/L.

The chances for getting lung cancer as the result of radon exposure largely depend on (i) the concentration of radon in a building; (ii) the amount of time spent in the building; and (iii) whether one is a smoker or has ever smoked. Individuals who are exposed to higher concentrations of radon in indoor air over time are at greater risk of developing lung cancer. This risk is increased for individuals who are also smokers.

Federal and State Regulation

Federal Involvement

[13] One (1) pCi/L is equal to decay of two radioactive atoms per minute, while 4 pCi/L is equal to eight to nine atoms decaying every minute in every liter of air in the house. A 1,000 sq. ft. house at 4 pCi/L has two million decays per minute.

Following the 1984 Pennsylvania incident, EPA established the Radon Program in 1985 to help states and homeowners reduce the risk of indoor radon. EPA's program is non-regulatory and designed to provide information and technical assistance to the public to assist the public in making informed decisions as to how to protect themselves. In 1986, EPA, along with the Department of Health and Human Services ("HHS"), published *A Citizen's Guide to Radon* to provide information to the public regarding the risks of indoor radon.

Indoor Radon Abatement Act of 1988

In 1988, the United States Congress passed the Indoor Radon Abatement Act of 1988 ("IRAA"), which made amendments to the Toxic Substances Control Act.[14] The IRAA provided that the national long-term goal of the United States be that indoor radon air be as free of radon as the ambient air outside of buildings. The legislation codified the federal government's non-regulatory strategy to reducing risks for radon exposure. IRAA tasked EPA with updating its 1986 *Citizen's Guide*, to include (i) providing a series of radon action levels with associated health risks to ensure the public was informed that no level of exposure to radon is considered to be safe; (ii) addressing risks to special population groups such as children and smokers; and (iii) presenting an analysis of the relationship between short and long-term measurement results.[15]

Amongst other changes, IRAA provided for (i) issuing grants to states to establish state radon programs; (ii) providing for technical assistance to states; (iii) conducting radon surveys of schools and federal buildings; (iv) establishing a proficiency program for firms offering radon services, including testing and mitigation; and (v) developing model construction standards and techniques.

Establishment of Proficiency Programs and Standards

Unlike other toxic substances programs administered by the EPA, such as those addressing asbestos-containing materials or lead-based paint which establish mandatory professional accreditation and abatement standards, the EPA's approach to radon is non-regulatory. The EPA established voluntary programs to assess the proficiency of radon measurement and radon mitigation service providers. The Radon Measurement Proficiency Program was established in 1986, and the Radon Contractor Proficiency Program was established in 1989. In 1995, these programs were merged into the Radon Proficiency Program. In 1998, due to lack of resources, this program was privatized. In 2001, EPA certified two proficiency organizations, the National Radon Proficiency Program ("NRPP") and the National Radon Safety Program ("NRSB"). EPA

[14] Refer to 15 U.S.C. §§ 2661-2671.
[15] The current *Citizen's Guide* from EPA was last revised in 2016.

maintains oversight of national credentialing systems. EPA also supports the development of standards of practice for radon measurement and radon mitigation.

State Regulation

While radon professionals are not regulated by the federal government, 20 of the 50 states, and the District of Columbia, do regulate radon professionals.[16] Jurisdictions that regulate radon professionals take a variety of approaches. Some require that radon professionals obtain a state-issued credential to lawfully perform radon measurement or radon mitigation. Examples include Florida, Minnesota, and Pennsylvania. Others only require those that perform radon measurement or radon mitigation be accredited by an EPA-recognized private proficiency program. Examples include California and the District of Columbia. Others still require that radon professionals obtain a state-issued credential and be accredited by an EPA-recognized proficiency program. Examples include Colorado, Kentucky, and West Virginia. A few states, such as Connecticut, only regulate radon mitigation. States that mandate licensure of radon professionals all require minimum training and examination qualifications; however, some also have an experience qualification for licensure. States that mandate licensure also require their regulants meet continuing education requirements for license renewal. In addition, there are some states which regulate the businesses that perform radon measurement and radon mitigation. Other states also regulate radon laboratories.

Overview of Regulation in Virginia

Virginia's indoor radon program dates back to the late 1980's and is administered by the Office of Radiological Health ("ORH") at VDH. VDH provides information and resources to the public regarding radon and the health risks associated radon, to include information on radon testing and radon mitigation. ORH provides discounted radon test kits to members of the public. ORH provides consumers with information on finding radon professionals certified by NRPP or NRSB.

The VDH indoor radon program is small and is funded through a matching grant from the EPA. The great majority (95%) of federal funds are used to buy the radon testing kits provided to the public. ORH is funded through (i) fees generated by its X-ray program and radioactive materials program; and (ii) emergency preparedness funds provided by Dominion Energy. Fees from the X-ray program are used to cover ORH's matching funds for the EPA grant. ORH has limited staff.[17]

Regulation of Radon Professionals in Virginia

[16] A table providing additional information on states that regulate radon professionals is located at Appendix F.

[17] According to VDH, the radon program has a radon coordinator position, but as of March 2026, this position was vacant. The radon coordinator position was a part-time responsibility.

In 1987, the General Assembly directed the Secretary of Human Resources to study radon. A task force formed by the Secretary conducted the study, which examined (i) problems associated with radon gas in homes; (ii) methods by which radon gas can be detected; and (iii) means by which hazards to the public can be reduced. In a report to the General Assembly dated December 1, 1987, the task force presented the legislature with several recommendations. Among these was a recommendation against the licensure of radon testing firms or radon mitigation firms specifically for radon-related activities. The task force indicated that fields of radon testing and radon mitigation were, at the time, relatively new, and there was little evidence of inferior testing or mitigation services of such magnitude that warranted licensing.[18] However, the task force recommended the Department of Commerce[19] monitor the need for licensing in the future.

In 1989, the General Assembly directed the Board of Commerce[20] to study the need for the regulation of commercial testers of radon gas in the Commonwealth. The Board of Commerce conducted a study which reviewed the nature of the occupation, its unregulated effect on the public, and existing statutory requirements affecting the occupation. In a report to the General Assembly issued in September 1989, the Board of Commerce recommended against additional regulation of radon testers. The recommendation was based on the determinations that (i) there were "no documented cases of harm because of radon gas testers to the public health, safety, or welfare, which would justify regulation of radon gas testers…"; (ii) "…statutory requirements that radon gas testers and mitigators be listed by the EPA's Radon Measurement Proficiency Program provide protection to the public…"; and (iii) the radon industry was constantly changing and the federal government and real estate industry would be providing regulatory guidance in coming years.

Since at least 1990, the Commonwealth has restricted radon testing and radon mitigation to those who have met EPA-recognized proficiency standards.[21] Section 32.1-229.01 of the Code of Virginia states, in part:

> No person shall conduct or offer to conduct any radon screening, testing, or mitigation in the Commonwealth unless he (i) is listed as a professional

[18] The 1987 task force also indicated that the ongoing state of research into radon gas behavior and the most effective and cost-effective methods for correcting radon problems prevented adequate quality control methods or protocols in the fields of radon testing and radon mitigation. State licensure had the potential to create a public perception of quality guaranteed by the state when that was not possible and could risk hindering the development of new and innovative techniques.
[19] This was the name of the Department of the Professional and Occupational Regulation prior to 1993.
[20] This was the name of the Board for Professional and Occupational Regulation prior to 1993.
[21] As of 1989, state law prohibited persons from conducting or offering to conduct radon testing or screening without being listed as proficient by EPA. Effective 1990, state law prohibited persons from conducting or offering to conduct radon mitigation without being listed as proficient by the EPA.

> by either the National Radon Proficiency Program or the National Radon Safety Board or (ii) meets any other proficiency measures deemed acceptable by the U.S. Environmental Protection Agency or the Board of Health for the purpose of offering such screening, testing, or mitigation.

The proficiency programs established by NRPP and NRSB are the only proficiency programs deemed acceptable to the EPA. The State Board of Health has not established any proficiency measures.

Guidance adopted by the State Board of Health[22] provides that the qualification requirements for radon professionals do not apply to the following:

- Homeowners testing their respective homes;
- Businesses that sell radon test kits, provided they neither place the test kits nor provide test results directly to the customer; and
- Builders who install passive radon mitigation systems during the construction of a home.

VDH and the State Board of Health are charged with making available to the public a list of persons who are nationally certified to offer radon screening, testing, or mitigation services.[23] Toward fulfilling this responsibility, VDH provides links to the websites for NRPP and NRSB, from which the public may obtain information regarding persons who are certified with each organization.[24]

Since 2003, the Commonwealth has required those performing radon screening, testing, or mitigation to meet EPA-accepted standards for radon testing and radon mitigation. Section 32.1-229.01 of the Code of Virginia requires radon professionals to:

> "…comply with (i) the radon testing standards outlined in the U.S. Environmental Protection Agency's publication EPA 402-R-92-003, as revised; (ii) the radon mitigation standards outlined in the American Society for Testing and Materials (ASTM International) Standard E-2121-13, as revised; or (iii) any other radon testing and mitigation standards deemed acceptable by virtue of reference by the U.S. Environmental Protection Agency or the Board [of Health]."

[22] Refer to Office of Radiological Health Guidance Document ORH-750: Radon Testing and Mitigation. (https://townhall.virginia.gov/L/ViewGDoc.cfm?gdid=5869)

[23] Section 32.1-228.1 of the Code of Virginia establishes VDH as the state radiation control agency, and requires VDH to "[m]ake available to the public a list of persons who are certified as professionals to offer screening, testing, or mitigation for radon…" Section 32.1-229 of the Code of Virginia directs the Board of Health to make available to the public "…a list of persons who are nationally certified to offer screening, testing, or mitigation for radon…"

[24] NRPP and NRSB websites each provide lists of accredited persons by state.

According to ORH, the specific radon testing and radon mitigation standards identified in statute are no longer recognized by EPA. ORH has issued interpretive guidance[25] to provide that radon professionals should adhere "… to the radon testing and mitigation standards developed by the American National Standards Institute ("ANSI") and the American Association of Radon Scientists and Technologists ("AARST") and endorsed by the EPA."[26]

ORH has provided interpretive guidance of statutes regarding radon mitigation standards that restricts a radon mitigator who performed radon mitigation work from conducting post-mitigation radon testing on that work.[27]

Radon Testing and Home Inspectors

Individuals in Virginia who perform home inspections are required to be licensed by the ALHI Board. Some licensed home inspectors also provide radon testing services. However, since radon testing is not considered a home inspection,[28] it is not subject to regulation under the ALHI Board.

Regulation of Contractors that Perform Radon Mitigation

In the Commonwealth, radon mitigation falls within the scope of the practice of contracting.[29] Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1 of the Code of Virginia provides for the regulation of contractors. Under this statute, a contractor must be licensed when the total value referred to in a single contract or project is over $1,000. However, for some types of regulated contracting work, such as in the electrical, plumbing, and heating, ventilation, and air conditioning trades, a person must hold an individual occupational license regardless of the amount of the contract or project.[30]

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[25] Refer to Office of Radiological Health Guidance Document ORH-750: Radon Testing and Mitigation. (https://townhall.virginia.gov/L/ViewGDoc.cfm?gdid=5869)

[26] ORH has also issued supplemental guidance regarding radon testing and mitigation standards, to include (i) tamper resistance and other good practices for radon testing; (ii) minimum reporting requirements for radon test reports and recordkeeping; and (iii) radon mitigation discharge vent pipes.

[27] Refer to Office of Radiological Health Guidance Document ORH-752: Post Mitigation Radon Testing. (https://townhall.virginia.gov/L/ViewGDoc.cfm?gdid=5871)

[28] Section 54.1-500 of the Code of Virginia defines "home inspection" to mean "…any inspection of a residential building for compensation conducted by a licensed home inspector. A home inspection shall include a written evaluation of the readily accessible components of a residential building, including heating, cooling, plumbing, and electrical systems; structural components; foundation; roof; masonry structure; exterior and interior components; and other related residential housing components."

[29] Section 54.1-1100 of the Code of Virginia provides that "…any person, that for a fixed price, commission, fee, or percentage undertakes to bid upon, or accepts, or offers to accept, orders or contracts for performing, managing, or superintending in whole or in part, the construction, removal, repair, or improvement of any building or structure permanently annexed to real property owned, controlled, or leased by him or another person or any other improvements to such real property…" is a contractor.

[30] Other examples include backflow prevention device workers, liquefied petroleum gas fitters, natural gas fitter providers, water well systems providers, elevator mechanics, accessibility mechanics, and onsite sewage system installers.

Contractors are licensed through the Board for Contractors, a regulatory board within DPOR. Under the licensing scheme established by this regulatory board, contractor licenses are issued to firms. To obtain a license, a firm must name a Qualified Individual to qualify the firm for the type of contracting work the contractor will seek to undertake. The Qualified Individual must meet minimum experience requirements and, for some types of contracting work, minimum training requirements, and pass an examination as established by the regulatory board. For certain types of contracting work, the regulatory board requires the Qualified Individual to have an individual occupational license or be accredited in a trade by an acceptable accrediting body.[31] For example, a contractor seeking to undertake electrical contracting work must have a Qualified Individual that holds a master electrician tradesman license issued by the regulatory board.

Since at least 1992, the Board for Contractors has issued contractor licenses with a specialty service designation for radon mitigation contracting ("RMC specialty"). This specialty service designation is required for "…additions, repairs, or improvements to buildings or structures, for the purpose of mitigating or preventing the effects of radon gas."[32] The RMC specialty service does not allow a contractor with this designation to perform work in the electrical, plumbing, gas fitting, or heating, ventilation, or air conditioning trades. The RMC specialty service is required for a licensed contractor to perform radon mitigation in existing buildings or structures; however, it is not required for a licensed contractor to perform radon mitigation in new construction.[33]

To qualify for an RMC specialty, the Qualified Individual for the contractor must (i) have a certificate issued by NRPP or NRSB; and (ii) qualify by experience and examination for one of several additional contractor classifications or specialty service designations.[34] The regulations of the Board for Contractors do not specify that the Qualified Individual's NRPP or NRSB certificate be in the radon mitigation discipline.[35]

Regulation of Radon Mitigation Systems in the Building Code

[31] Refer to 18VAC50-22-61 of the Board for Contractors Regulations in the Virginia Administrative Code.
[32] Refer to the definition of "radon mitigation contracting" in 18VAC50-22-30 of the Board for Contractors Regulations in the Virginia Administrative Code.
[33] According to DPOR records, as of March 2026, there were 35 contractors licensed with the RMC specialty service.
[34] These are the: commercial building contractors (CBC) classification; commercial improvement contracting (CIC) specialty service; farm improvement contracting (FIC) specialty service; home improvement contracting (HIC) specialty service; or residential building contractors (RBC) classification.
[35] Staff for the Board for Contractors office have indicated that a credential in radon measurement or radon mitigation issued by NRPP or NRSB will be accepted. Staff do not verify whether the NRPP or NRSB credential is active or current in order to renew or reinstate a contractor license.

The Uniform Statewide Building Code ("USBC") [36] addresses radon mitigation systems for new home construction. The USBC incorporates provisions of the International Residential Code ("IRC") by reference. Radon mitigation systems for new home construction are regulated under the USBC by way of an appendix to the IRC.[37] The IRC appendix provides for standards for passive radon mitigation systems for new home construction. The IRC appendix details construction techniques intended to resist radon entry and prepare the building for post-construction radon mitigation. In the Commonwealth, localities can require the installation of passive radon mitigation systems in new home construction by adopting the IRC appendix. These types of radon systems are not regulated under the plumbing or mechanical codes in the USBC and are not considered plumbing or mechanical work. There is no requirement for new non-residential construction to have a passive radon system.

The 2018 VDH Study

In 2018, the General Assembly directed VDH to "…review consumer complaints regarding radon testing and mitigation received since 2013 and the current certification requirements for individuals performing radon testing and mitigation and …. determine the benefits of any additional oversight for individuals performing radon testing and mitigation." ORH conducted a study which included (i) collecting background information on radon and its health effects; (ii) analyzing consumer complaints regarding radon testing and mitigation received by ORH since 2013; (iii) examining Virginia's existing certification requirements for individuals performing radon testing and mitigation; (iv) reviewing literature for best practices for radon reduction; (v) examining radon statutes from other states; and (vi) soliciting stakeholder input from radon professionals.

In a report issued December 1, 2018, ORH noted that existing statute (i) did not provide authority for state or local government officials to enforce radon credentialing requirements or radon testing or mitigation standards; and (ii) did not require radon professionals to provide any radon testing or mitigation data to the state. The report concluded:

> The most effective means to protect the public from the cancer-causing effects of radon exposure is through increasing public awareness and education regarding the existence of radon, its adverse health effects, testing options, mitigation options and how to select a qualified radon testing or mitigation professional. An added layer of assurance would be

[36] Refer to 13VAC5-63 in the Virginia Administrative Code. The USBC provides for minimum construction standards for buildings and structures in the Commonwealth. The USBC incorporates numerous nationally or internationally accepted model building codes as enforceable standards, including codes for residential construction, plumbing, electrical, and mechanical.
[37] Refer to Appendix AF of the 2021 International Residential Code.

> achieved by extending to the Virginia Department of Health enforcement authority with regard to radon professionals' certification, testing, and mitigation protocols. Enforcement authority would help prevent radon testing and mitigation by uncertified individuals, improper testing, and sub-standard mitigation system installations.

The report further advised:

> Additional oversight may provide additional health and safety benefits but would likely require extensive revisions to the Code of Virginia and to the Virginia Department of Health's Radiation Protection Regulations. A regulatory framework pertaining to the heightened oversight of radon professionals, if considered, should address the certification and licensing of radon testing and mitigation professionals, complaint investigations, inspections, enforcement, penalties, and fees necessary to sustain such a program.

Following the VDH study, a bill was introduced during the 2019 General Assembly session,[38] which would have granted the State Board of Health the power and duty to "[e]stablish a program for the regulation of radon testing or mitigation professionals, including requirements for (i) certification of radon testing and mitigation professionals; and (ii) radon testing and mitigation protocols." During the session, the bill was amended to remove the proposed change to grant these powers and duties to the State Board of Health.[39]

Radon Industry

Description of Private Credentialing Programs

Radon professionals receive private accreditation through either the NRPP or the NRSB, which are the only accrediting bodies recognized by the EPA. As of February 2026, there was an approximate total of 4,513 credentials issued to individuals or businesses in the United States by these organizations.[40] More than 3,700 credentials

[38] Refer to House Bill 1885 (2019) as introduced by Delegate Richard P. Bell. (https://legacylis.virginia.gov/cgi-bin/legp604.exe?191+ful+HB1885)

[39] The final bill, which passed the General Assembly and was signed by Governor Ralph Northam required the State Board of Health to make available to the public a list of persons who are nationally certified to offer screening, testing, or mitigation for radon.

[40] This number is derived from public lists of credentialed professionals on the websites for NRPP and NRSB. This number includes individuals or businesses that may (i) hold multiple credentials from the same credentialing body; or (ii) hold credentials from both of the credentialing bodies. Accordingly, this number should not necessarily be seen as reflecting the total number of individuals or businesses that are accredited by these organizations, which may be smaller.

were issued by NRPP and more than 800 were issued by NRSB.[41] In Virginia, there were nearly 400 credentials issued by NRPP or NRSB.

NRPP Credentialing

NRPP is the proficiency program under AARST. In the discipline of radon measurement, NRPP issues certifications for Radon Measurement Professional ("RMP") and Radon Measurement Field Technician ("RMFT"). The RMFT is considered a "junior level" credential to the RMP. The RMFT is designed for individuals whose duties are limited to deploying and retrieving measurement devices and ensuring building conditions for testing and assessment. Qualification for an RMFT requires less training than for an RMP. Individuals with an RMFT certification must be supervised by an RMP.

In the discipline of radon mitigation, NRPP issues credentials for Radon Mitigation Specialist ("RMS") and Radon Mitigation Installer ("RMI"). The RMI is designed for individuals whose duties are limited to installation of soil depressurization systems in residences and implement protection measures for hazards related to the mitigation process. Qualification for an RMI requires less training than for an RMS. Individuals with an RMI certification must be supervised by an RMS within the same company.

Qualification for NRPP credentials requires completion of an initial training course and successful passage of a certification examination. According to NRPP, its certification examinations are developed according to professional testing guidelines endorsed by the American Psychological Association and involve subject matter experts at all stages of development. Test development and performance are monitored by a psychometric provider.

Individuals with an RMP credential must also register an NRPP-approved radon measurement device. Certifications are valid for two (2) years. Individuals holding these credentials are required to (i) complete continuing education to maintain certification; and (ii) adhere to NRPP's code of ethics and terms of certification. Those certified with an RMP who use analytical radon measurement devices must meet additional device calibration and testing requirements.

NRSB Credentialing

The NRSB uses a similar accreditation scheme to that of NRPP. In the discipline of radon measurement, NRSB issues certifications for Radon Measurement Specialist

[41] Additional information on the number and types of credentials issued by NRPP and NRSB may be found at Appendix E.

("RMS") and Radon Measurement Technician ("RMT"). The RMT is a "junior level" credential to the RMS and is intended for individuals whose duties are limited to placement and retrieval of measurement devices. Individuals with an RMT certification require less training than those with an RMS and must be supervised by an RMS.

However, unlike NRPP, NRSB only issues one credential, Radon Reduction (Mitigation) Specialist ("RRS") in the mitigation discipline. Similar to NRPP, NRSB requires individuals seeking certification to complete an initial training course and pass a certification examination. Individuals with an RMS must use an approved measurement device and provide proof of device calibration and proficiency if using a continuous radon monitor.

Certifications are valid for either one (1) year or two (2) years. Individuals must complete continuing education to maintain certification and adhere to NRSB's code of ethics. Individuals who use a continuous radon monitor must have an up-to-date calibration certificate.

Table 1: Radon Measurement Professional Credentialing in Virginia

	NRPP	**NRSB**
CREDENTIAL TYPE (NUMBER ISSUED)[42]	RMP[43] (191) RMFT (3)	RMS (115) RMT (17)
TRAINING REQUIRED	Sixteen (16) hour initial training for RMP. Twelve (12) hour initial training for RMFT.	Sixteen (16) hour initial training for RMS and RMT.
EXPERIENCE REQUIRED	None.	None.
EXAMINATION REQUIRED	Three (3) hours for RMP. Two (2) hours for RMFT.	Two (2) hours for RMS. One and one-half (1½) hours for RMT.
MEASUREMENT DEVICE QUALIFICATION	Must register approved radon measurement device. Those using an analytical device must demonstrate proficiency using device and	RMS must use approved radon measurement device and provide proof of calibration and proficiency if using continuous radon monitor.

[42] As of February 2026, according to public lists available from the websites for NRPP and NRSB.
[43] NRPP divides this credential into two classes: Radon Measurement Professional-Standard Service (RMP-S) which is for individuals who only use standard or passive measurement devices; and Radon Measurement Professional-Analytical Service (RMP-A) which is individuals who use both standard or passive measurement devices, and analytical devices.

	provide documentation of device calibration.	
TERM OF CREDENTIAL	Two (2) years.	One (1) year to two (2) years.
CONTINUING EDUCATION REQUIRED	Twelve (12) hours for RMP. Eight (8) hours for RMFT.	Eight (8) hours for RMS per year. Four (4) hours for RMT per year.

Table 2: Radon Mitigation Specialist Credentialing in Virginia

	NRPP	**NRSB**
CREDENTIAL TYPE (NUMBER ISSUED)[44]	RMS (34) RMI (1)	RRS (21)
TRAINING REQUIRED	Sixteen (16) hour initial training and 24-hour radon mitigation training for RMS. Twelve (12) hour initial training and eight (8) hour radon mitigation training for RMI.	Sixteen (16) hour radon measurement training and 24-hour radon mitigation training.
EXPERIENCE REQUIRED	None.	Eight (8) hours of hands-on experience as part of radon mitigation training.
EXAMINATION REQUIRED	Three (3) hours for RMS. Two (2) hours for RMI.	Two and one-half (2½) hours.
TERM OF CREDENTIAL	Two (2) years.	One (1) year to two (2) years.
CONTINUING EDUCATION REQUIRED	Twelve (12) hours for RMS. Eight (8) hours for RMI.	Eight (8) hours per year.

Radon Measurement (Testing)

Radon measurement professionals specialize in identifying and measuring levels of radon gas in buildings. These individuals use specialized equipment to measure radon, and provide recommendations for reducing radon exposure, to include information on how to prevent radon from entering a building through changes to ventilation systems or installation of mitigation systems.

[44] As of February 2026, according to public lists available from the websites for NRPP and NRSB.

To obtain professional certification in radon measurement, individuals receive training and must pass an examination. Knowledge, skills, and abilities that a radon measurement professional must have include those indicated in Table 3. Individuals may become involved in the radon testing business through associated professions, such as industrial hygiene, environmental science, home inspection, or construction. Home inspectors may become involved in radon testing as an additional line of business. Individuals seeking to become a radon measurement professional will take required training and may work with someone who is already accredited to gain experience.

Table 3: KSA's for Radon Measurement Professionals

Knowledge	Skills*	Abilities
• Basic knowledge of radiation physics and radon. • Understanding of the health effects of radon and associated health risks. • Knowledge of radon measurement techniques and testing protocols. • Knowledge of radon mitigation. • Knowledge of building construction, including building foundations. • Understanding of risk assessment. • Understanding of the importance of radiation safety.	• Technical and analytical skills. • Attention to detail. • Interpersonal skills. • Problem solving skills. • Written and verbal communication skills. • Customer service skills.	• Ability to design and implement a quality assurance program. • Ability to use standard/passive and analytical measurement devices. • Ability to read and analyze radon measurements. • Ability to generate reports. • Ability to create and implement quality action plan (QAP) and quality control plan (QC). • Ability to create and maintain worker protection plan (WPP). • Ability to supervise. • Ability to communicate with clients.
* This list of skills is derived from Bureau of Labor Statistics information regarding those who are classified as environmental science and protection technicians.		

Radon Measurement Devices

Indoor air radon is measured through devices that sample indoor air for radon decay products. The determination of the radon concentration in the air is based on the amount of radon decay products measured. Radon measurement devices fall into two main category types: (i) active devices and (ii) passive devices.

Active devices are those that require power to function. These devices are intended to provide continuous monitoring, report readings in hourly increments, and can be recalibrated periodically. A device that is not capable of these functions or is not set to

record readings each hour is not functioning as a passive device. Passive devices do not require power to function and do not provide hourly readings. These devices are exposed to air for a specified period and can collect a time-weighted average reading.

Table 4: Common Radon Testing Devices[45]

Passive Devices (non-powered)	• Charcoal canisters and bags. • Alpha track detectors. • Electret ion chambers.
Active Devices (powered)	• Continuous radon monitors. • Continuous working level monitors. • Consumer digital radon monitors.

There are two types of radon testing that may determine which type of testing device is appropriate. Short-term testing tests indoor air for two (2) to seven (7) days. Long-term testing tests indoor air for more than 90 days.

Some types of radon measurement devices are commonly sold to the public through retail stores or by order and may be used by consumers to test a building for radon. These devices are relatively inexpensive, ranging from $15 to 300 depending on the type of device. These devices include both active and passive devices. Professional grade radon measurement devices are more typically expensive, ranging between $800 to $3,000. Consumer grade radon measurement devices are not required to undergo a performance program as is the case with professional grade devices and, according to radon professionals, may not be as reliable.

The Radon Testing Process

Most radon testing occurs during real estate transactions. Radon testing is not required for real estate transactions in Virginia but can be agreed upon as part of the transaction. Radon testing may occur in conjunction with a home inspection. Radon testing services may be requested in other types of situations. These include (i) when there is a need for a baseline indoor air assessment, such as may be requested by a school district;[46] (ii) when a bank makes a request for a radon test during a refinancing; (iii) when there is a job relocation and radon testing is requested, such as in transfer of military personnel; or (iv) when a consumer becomes aware of radon, such as after a news story. Radon testing services may also be requested following installation of a radon mitigation

[45] Additional information on the various types of radon measurement devices may be found at Appendix C.
[46] In Virginia, all schools are required to test for radon and maintain records of test results.

system to verify radon mitigation. Radon testing more frequently occurs in residential settings than commercial or institutional settings.

Referrals to radon measurement professionals are likely to occur during real estate transactions. A buyer's agent may seek out a measurement professional or home inspector to perform radon testing. In commercial transactions, attorneys involved in the transaction may arrange for radon testing. Referrals for radon measurement professionals may occur when there will be post-mitigation radon testing.

There are differences in how radon testing may be conducted depending on the type of property that will be tested. AARST has developed standards for (i) measurement of radon in homes; and (ii) measurement in multifamily, school, commercial, and mixed-use buildings. These protocols generally address (i) how to choose test locations, including the building floor or level to be tested and rooms for testing; (ii) building testing conditions; (iii) testing procedures; (iv) reporting of testing results; and (v) guidance on actions based on testing results. AARST protocols also address quality assurance and quality control standards.

Testing begins with short-term testing under closed building conditions to quickly identify if a radon hazard is present. Prior to commencing testing, a radon measurement professional will communicate testing protocols to the consumer. The building will be closed (e.g. windows and doors kept closed on all levels of the building), and the building heating and cooling system allowed to operate normally in order to generate consistent results. Testing units are placed. Test locations will depend on the purpose for the test. For time sensitive situations, such as real estate transactions, the lowest building level suitable for occupancy is tested. For non-time sensitive transactions, the lowest building level that is occupied is to be tested. Rooms that are occupied should be tested.[47] If there are multiple foundation types, such as may occur in residential settings, each foundation type should be tested. In non-residential settings, multiple devices are typically placed because these buildings are larger. For testing in a residential setting, a measurement professional may use a more complex device, such as a continuous radon monitor. However, due to cost, testing in a non-residential setting may only involve the use of passive devices.

After testing is conducted, a testing report is generated. Testing devices may also be sent to a laboratory for analysis and generation of a report. At least two measurement

[47] Spaces that are not commonly occupied, such as closets, crawlspaces, or hallways, would not be tested. In addition, kitchens and bathrooms would not be tested.

data points are needed for mitigation decisions.[48] An initial test result indicating elevated radon should be followed by a confirmatory test. However, for time-sensitive testing, a single testing event may be used to determine if mitigation is needed.

Radon Mitigation

Radon mitigation specialists specialize in the design and installation of radon mitigation systems. The purpose of radon mitigation is to reduce the concentration of indoor air radon to levels that are considered acceptable based on EPA guidelines.

To obtain professional certification in radon mitigation, individuals receive training and must pass an examination. Knowledge, skills, and abilities that a radon mitigation specialist must have include those indicated in Table 5. Individuals may become involved in the radon mitigation business through associated professions, such as industrial hygiene, environmental science, home inspection, or construction. Individuals seeking to become a radon mitigation specialist will take required training and may work with someone who is already accredited to gain experience.

Table 5: KSA's for Radon Mitigation Specialists

Knowledge	Skills*	Abilities
• Knowledge of the sources of radon and its behavior. • Working knowledge of radon measurement techniques. • Knowledge of radon health risks. • Knowledge of building construction. • Knowledge of radon mitigation techniques and various types of mitigation systems.	• Analytical skills. • Business skills. • Communication skills. • Decision-making skills. • Leadership skills. • Technical skills.	• Ability to evaluate the quality of radon measurements. • Ability to assess alternative mitigation strategies. • Ability to properly design and install effective control systems. • Ability to develop and maintain a quality assurance plan. • Ability to develop and maintain worker safety plan. • Ability to supervise. • Ability to communicate with clients.
*This list of skills is derived from Bureau of Labor Statistics information regarding those who are classified as construction managers.		

Radon Mitigation Systems

[48] EPA guidance recommends that mitigation action should be taken when test results indicate the level of radon is 4 pCi/L or higher; and that mitigation action be considered when test results indicate the level of radon is between 2 pCi/L and 4 pCi/L.

As radon is a naturally occurring soil gas, radon intrusion into buildings is not wholly preventable. Buildings, through air pressure, create vacuums that draw in soil gas, such as radon. Radon mitigation methods are intended to restrict the amount of radon gas entering a building and reduce the concentration of radon gas that might enter a building.

Radon mitigation systems may be either active or passive. Active systems use a powered fan approach to vent radon by creating a vacuum under the building foundation to pull soil gas, including any radon, through a piping system to emit into the outdoor air. The most common type of active system is sub-slab depressurization, also called active soil gas depressurization ("ASD"). ASD is considered one of the most reliable means of mitigating radon. Passive systems, in contrast, are not fan-powered and vent radon naturally using air pressure differences between warm building air and cooler soil gas under the building foundation to create a vacuum that allows radon to emit into the outdoor air. This type of system is typically used during construction of new buildings to make them radon resistant.

Table 6: Common Radon Mitigation Systems[49]

Active Mitigation	Uses powered fan to create vacuum beneath building foundation that pulls radon gas through piping system to emit into the outdoor air. Examples include: Sub-slab depressurization/active soil gas depressurization (ASD); and submembrane suction.
Passive Mitigation	Uses natural air pressure differences between warm building air and cooler soil gas to create "stack effect" that pulls radon gas through piping system to emit into outdoor air. Example: radon-resistant construction.

Radon Mitigation Process

Radon mitigation services are typically requested after a radon test is performed and the test results indicate an elevated level of radon. A consumer may be referred to a mitigator by a measurement professional following a test. In some cases, the

[49] Additional information on the various types of radon mitigation methods may be found at Appendix D.

measurement professional who performed the testing may also offer to install a mitigation system.[50]

AARST has developed standards for (i) mitigation of soil gas in existing homes; and (ii) mitigation of soil gas in existing multifamily, school, commercial, and mixed-use buildings. These standards generally address (i) the process for designing systems; (ii) requirements for ASD systems; (iii) requirements for non-ASD systems; (iv) post-mitigation procedures; and (v) health and safety protocols. AARST standards also address quality management.

A project will typically start with the mitigator reviewing the results of the radon test and obtaining additional information regarding the radon test. The mitigator will look for the least intrusive place to install the mitigation system and consult with the consumer about whether the system should be placed on the inside or outside of the building. The mitigator will develop a design for installation. Installation of the system will be performed. A larger mitigation company is likely to have independent teams of installers supervised by a mitigator. If the mitigation company is smaller, the mitigator, possibly with some assistance, may perform the installation. Following installation, the mitigator will refer the consumer for follow-up radon testing to verify that radon is mitigated.

Radon mitigation systems may also be installed in new residential construction. Installation of these systems is required in localities that have adopted radon system standards as part of their building code.[51] The systems installed with new residential construction are passive systems that can later be modified to become an active system following occupancy. It is practice within the construction industry for builders to have these systems installed by either a plumber, a heating, ventilation, and air conditioning tradesman, or by the builder's own personnel during construction of the building. When a locality's building code requires these systems, the installation is subject to permitting and inspection by the local building department during the construction process.[52] Prior to the issuing of an occupancy permit, it is required that radon testing be performed. If the testing report indicates a reading above the EPA action level of 4 piC/L, the builder is required to address the issue. Otherwise, the test result becomes part of the building documentation with the local building department.

[50] According to the Petitioner, this practice is considered unethical. However, the Petitioner indicated that this sometimes occurs in smaller communities due to a lack of available persons to provide mitigation services. The practice in the industry is to provide disclosure in such cases.
[51] The Petitioner indicated that standards for passive systems for new residential construction in the building code are not reflective of a consensus standard in the industry for such systems.
[52] Inspection points include (i) the foundation inspection, where any radon mitigation system piping under the foundation will be inspected; (ii) the "rough-in" inspection, where the system piping going through the house will be inspected; and (iii) the final inspection, where there is a check for a circuit for a fan in the event an active system is installed and a check for appropriate labeling of the piping.

It is more common for mitigation systems to be installed in residential settings than non-residential settings. It is also more common for mitigation systems to be installed in existing construction than in new construction.

Similarity to other Accredited Professions or Occupations

The functions of radon professionals are similar to those performed by accredited professionals in other occupations that perform abatement or remediation of toxic substances, such as asbestos or lead.[53] These functions include (i) testing to determine presence of the toxic substance; (ii) planning and designing to abate or remediate the toxic substance; (iii) implementation of abatement or remediation, including construction; and (iv) post-abatement or post-remediation testing to determine clearance. The functions and duties of radon professionals, however, are different than professionals who abate or remediate asbestos and lead because of the nature of the toxic substance and the work that is performed. Radon professionals perform toxic substance mitigation to levels of acceptable concentration, whereas the other professions function to permanently remove or address the toxic substance.

There is a relationship between the professions of home inspection and radon measurement. Some licensed home inspectors are accredited radon measurement professionals and provide this service; this is usually as a supplemental service to a home inspection. However, the occupation of home inspector is distinct from that of radon measurement professional. A home inspector performs an inspection and evaluation of the components of residential building, such as structural components, foundation, and heating, cooling, plumbing, and electrical systems; whereas a radon measurement professional is testing for the presence and level of radon gas concentration in a building.

Mitigation specialists perform work that falls within the scope of contracting. Contracting is a regulated profession which requires state licensure.

Risk for Public Harm in Radon Measurement and Radon Mitigation

There is the potential for public harm due to failure to adhere to EPA-approved protocols for radon measurement.[54] Improperly performed radon measurement could lead to: (i) “false high” measurements, potentially resulting in the unnecessary installation of mitigation systems and financial harm in the form of the added cost for

[53] License types issued by the ALHI Board for these professionals include: (i) workers; (ii) supervisors; (iii) inspectors; and (iv) project designers. The ALHI Board also licenses the contractors that provide these services.

[54] The Petitioner identified issues such as (i) lack of security in how measurement devices are placed; (ii) improperly calibrated measurement devices; (iii) failure to use control charts; (iv) failure to perform duplicate tests; and (v) test kits placed in areas that could lead to bad readings, such as vents.

mitigation system installation; or (ii) “false low” measurements, potentially exposing building occupants to elevated levels of radon that should otherwise be mitigated. Long-term exposure to higher concentrations of radon gas increases the risk of developing lung cancer. In addition, the potential for financial harm exists if consumers need to pay for re-testing due to improper measurement. The risk for potential improper measurement may be greater in residential settings due to the variety of foundation types in residential buildings. Although most radon testing is performed during real estate transactions, improper radon testing would not typically cause a real estate transaction to fail.[55]

Likewise, there is potential for public harm due to failure to adhere to EPA-approved protocols, or budling code requirements when applicable, for installation of radon mitigation systems.[56] Improperly installed mitigation systems may pose a risk of indoor air radon that is insufficiently mitigated, potentially exposing building occupants to higher concentrations of radon over time. In addition, an improperly installed mitigation system may require repair or replacement at additional cost to consumers. Issues with improper installation of radon mitigation system are not likely to cause a real estate transaction to fail. The risk for potential improper installation may be greater in cases involving systems that are installed in new residential construction as such installations are not required to be performed by a mitigation specialist.[57]

Table 7: Risks of Public Harm

Service	Risks (Type of Harm)
Radon Measurement	• “False high” measurements. (Financial) • “False low” measurements. (Health/Safety) • Re-testing. (Financial) • Lack of character or ethics. (Health/Safety, Financial)
Radon Mitigation	• Insufficiently mitigated radon. (Health/Safety)

[55] The Petitioner indicated that issues surrounding radon testing during a real estate transaction are not significant in terms of the overall transaction and are seen as an inconvenience.
[56] The Petitioner identified defects such as (i) pipes that are improperly installed; (ii) fans that are installed backwards; and (iii) improper venting. Examples of alleged improper mitigation system installation are included in the petition.
[57] The Petitioner indicated that plumbers and other types of tradespersons that install mitigation systems in new residential construction may not be trained in radon mitigation which involves a different set of physics to “collect gas and make it run uphill.”

	• Repair or replacement of defective system. (Financial) • Lack of character or ethics. (Health/Safety, Financial)

A likely cause for improper radon measurement or radon mitigation is individuals performing these services without appropriate training and expertise. An additional cause may be individuals disregarding required measurement or mitigation protocols. There is also the potential that individuals providing these services may lack character or ethics. Information asymmetry between the consumer and the person providing the service creates a risk, as a consumer could end up relying on false representations or misinformation or would be unable to determine whether radon measurement or radon mitigation is being performed according to standards.

Complaints Involving Radon Professionals

Complaints to Private Accreditation Bodies

NRPP and NRSB each require professionals accredited by them to adhere to codes of ethics established by the organizations and each have established processes for receiving and resolving complaints against accredited professionals.

NRPP's code of ethics includes requiring certificate holders to (i) conduct business according to current ANSI-AARST standards and NRPP's quality assurance and quality control guidelines; (ii) adhere to specific state laws, codes, regulations, or protocols that govern the radon service the certificate holder provides or supervises; and (iii) to cooperate with NRPP inquiries related to complaints.

NRSB's code of ethics includes requiring certificate holders to (i) protect the health, safety, and welfare of the public by performing activities according to established and approved procedures and standards adopted by NRSB; (ii) perform activities honestly and treat the public, clients, and their employer in an impartial, ethical, and professional manner; and (iii) avoid conflicts of interest, and disclose any such conflicts to all concerned parties.

NRPP accepts complaints from aggrieved parties (i.e. property owners), contractors, state radon authorities, and other certifying, code, health, environmental, or licensing agencies (public or private). NRPP will address contractual complaints involving compliance with national standards or fulfilling contract terms, to include warranties and guarantees. NRPP does not address complaints about pricing, timelines, competitive practice, and market activities.

An NRPP certificate holder who is the subject of a complaint is notified of the complaint and provided an opportunity to respond. NRPP investigates the complaint. The intent of NRPP's complaint process is "…resolve issues through clear and concise exchange of information and discussion." A certificate holder who has been found to have committed an infraction may be subject to disciplinary action including (i) probation; (ii) a requirement to take additional education; (iii) suspension of certificate; or (iv) revocation of certificate. NRPP will report any certificate suspensions or revocations to state authorities. For some infractions, NRPP can impose a fine.

If NRPP determines there was a failure to comply with ANSI-AARST standards, a first course of action is to have the certificate holder correct any issues and bring the work into compliance with the standards. NRPP's disciplinary scheme has four classes of infractions that range from the less serious to most serious. The Class A and Class B classes are for more minor types of infractions, and sanctions are designed to have the certificate holder learn from the discipline and correct their behavior in the future. The Class C class addresses violations that have the potential for immediate harm to health and safety and in which the intent is to immediately correct issues and educate the certificate holder regarding the unsafe practice. The Class D class is for egregious infractions or violations that violate the trust of the organization and includes certificate suspension or revocation as a sanction. A certificate holder's failure to comply with imposed sanctions for lower class infractions, such as a requirement to fix an issue or take education, can result in an infraction being upgraded to a Class D infraction. A certificate holder that is dissatisfied with the outcome of an investigation is able to appeal the decision.

Similar to NRPP, NRSB receives complaints from consumers that have purchased services from its certificate holders that involve violations of NRSB policies or its recognized standards and protocols. However, NRSB does not review contract or business disputes. NRSB will give the certificate holder who is the subject of the complaint an opportunity to respond and, if needed, take action to remedy the complaint. The goal of NRSB's complaint process is to "…successfully resolve consumer complaints in a fair and timely manner." If a certificate holder remedies the complaint, the complaint is resolved. If a certificate holder does not appropriately remedy the complaint, the certificate holder may be subject to revocation or non-renewal of the certificate.

Virginia Department of Health

ORH at VDH is authorized to investigate complaints involving radon professionals. Sources of complaints include consumers, real estate professionals, and other radon professionals. ORH's guidance regarding complaints against radon professionals

provides that VDH "…will investigate complaints received and if it is clear that the work did not follow accepted standards, then VDH will ask the radon professional to perform corrective measures."[58] ORH's guidance advises consumers to contact the organization that certified the individual (i.e. NRPP or NRSB). The guidance also advises the public of provisions in § 32.1-229.01:1 of the Code of Virginia which provides for a civil cause of action when a radon professional misrepresents their qualifications.[59] The guidance further advises the public of the contractor licensure requirements for regulated contracting work.

VDH advises members of the public that VDH (i) does not have the legal authority to perform on-site inspections to monitor the work of radon professionals; and (ii) cannot issue any enforcement actions if deficiencies are found. ORH practice is to review complaints it receives and work with the individual who performed the work to make corrections. ORH staff are not contractors and are not able to determine if there is non-compliance with EPA-approved standards. However, if ORH staff can determine from a complaint, such as through submitted pictures, that there is an error, ORH will provide information to the complaining party to allow that party to take action against the individual who performed the work. ORH can refer complaints to the accrediting organization for the accrediting organization to take action. ORH does not refer any complaints involving radon mitigation to the Board for Contractors. According to ORH, previous efforts to give VDH enforcement authority over radon professionals were not successful due to estimated fiscal impact.[60]

As part of the 2018 VDH Study, VDH collected information on complaints it received between 2013 and 2018. VDH reported that during this period, ORH received about 21 complaints per year. The most common issues raised in complaints were (i) individuals performing radon measurement or mitigation without required certification; (ii) radon mitigation systems that did not meet required standards; and (iii) radon measurement that failed to follow required measurement protocols.[61] The VDH report noted that there may be underreporting of complaints potentially due consumers being unaware of

[58] Refer to Office of Radiological Health Guidance Document ORH-753: Citizens with Complaints against a Radon Professional. (https://townhall.virginia.gov/L/ViewGDoc.cfm?gdid=5872)
[59] This section of the Code of Virginia provides: "Any person who engages or otherwise uses the radon screening, testing, or mitigation services of a person misrepresenting his proficiency listing to conduct such services as described in § 32.1-229.01 may bring an action to recover the greater of (i) actual damages sustained, together with costs and reasonable attorneys' fees, or (ii) $100."
[60] The Department of Planning and Budget 2019 Fiscal Impact Statement for HB 1885 (2019) as introduced indicated that initial fiscal impact for the first year of a regulatory program would be more than $1.2 million; and that fiscal impact for subsequent years would be more than $600,000.
[61] VDH reported that of the average 21 complaints per year received: Nine (9) were for individuals providing services without being accredited; eight (8) were for installation of deficient mitigation systems; and two (2) were for improper testing methods.

available options to make complaints to VDH, consumers choosing not to make complaints, or consumers seeking other types of resolution.

During the Board's study, ORH provided information to DPOR staff regarding complaints it received and resolved during fiscal years 2024 and 2025.[62] For these fiscal years, there were a total of 15 complaints received. Four (4) complaints were related to radon testing; all of which alleged individuals had performed radon testing without being certified. Five (5) complaints were related to radon mitigation. Two (2) complaints alleged radon mitigation was performed by an uncertified individual. Three (3) complaints that mitigation systems were improperly installed or not installed according to standards. The remainder of the complaints received could not be investigated due to lack of information. According to ORH, most complaints it receives are from other radon professionals. ORH receives few complaints from consumers.[63]

Department of Professional and Occupational Regulation

DPOR is authorized to receive and investigate complaints involving individuals or businesses that are regulated under the regulatory boards within DPOR.[64] Those that are credentialed by a DPOR regulatory board are required to adhere to standards of practice and conduct, which may be established either in law by the General Assembly or in regulation by the regulatory board. If an investigation determines there is probable cause of a violation of a law or regulation, DPOR can refer the regulant to the appropriate regulatory board for potential discipline. With a few exceptions, DPOR may only investigate conduct that falls within the scope of activity for a profession or occupation for which statute grants DPOR regulatory authority. If a regulant is found by a regulatory board to be in violation of a law or regulation pertaining to that regulatory board, the regulatory board may impose sanctions. Generally, sanctions a regulatory board may impose include (i) imposition of a monetary penalty; (ii) suspension of credential; (iii) revocation of credential; or (iv) placing a credential on probation with the condition that the credential holder complete remedial or continuing education.[65] DPOR regulatory boards cannot order regulants to issue refunds, repair defective work, or provide compensation to complainants.

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[62] VDH also provided information for the first half of fiscal year 2026 which indicated no complaints were received or resolved.

[63] In the data for fiscal years 2024 and 2025 provided by ORH, at least five (5) of the nine (9) investigated complaints were made by other radon professionals. One (1) complaint was made by a homeowner. One (1) complaint was made by a citizen. One (1) complaint was made by a real estate agent.

[64] Refer to § 54.1-306 of the Code of Virginia which provides for the powers and duties of the DPOR Director and appointed investigators with respect to enforcement of statues and regulations pertaining to DPOR and its regulatory boards. Further, with a few exceptions, DPOR's authority is limited to investigation of complaints regarding the practice of professions regulated by DPOR, and not to the more general investigation of companies that happen to be licensed through DPOR.

[65] Refer to §§ 54.1-201 and 54.1-202 of the Code of Virginia for general powers of DPOR regulatory boards to impose sanctions for regulatory violations.

In cases where DPOR does not have the authority to investigate a complaint, DPOR will refer the complainant to another agency if that agency has the authority to investigate the complaint or notify the complainant that DPOR does not maintain jurisdiction over the allegation.

Radon testing does not fall within the scope of activity regulated by any DPOR regulatory board, and complaints involving radon testing are not investigated, even if the party against whom the complaint is made might hold a credential issued through a DPOR regulatory board. This would include home inspectors licensed by the ALHI Board who might provide radon testing as an additional service to a home inspection. If DPOR receives a complaint against a home inspector that involves both home inspection and radon testing, DPOR can only investigate issues related to home inspection.

Radon mitigation falls within the scope of the practice of contracting. Complaints against licensed contractors can be investigated if the complaint involves contracting work. This would include cases in which the value of the project is $1,000 or less and would otherwise fall outside the requirement for a contractor to have a license. In cases in which defective construction is alleged, DPOR staff do not investigate the construction for defects, as DPOR staff do not have the expertise to determine whether construction is defective. For DPOR to charge a licensed contractor with a regulatory violation related to construction defects, the defective construction must either (i) involve a violation of the building code; or (ii) be certified by a neutral third party, such as a professional engineer. In most instances, building construction issues that are not building code violations are regarded as civil issues that are appropriately addressed through the civil court system. DPOR will rely on building code inspections by local city or county building officials and neutral third parties that possess certain credentials to determine whether construction is not compliant with the building code.[66]

DPOR also has the authority to investigate complaints involving individuals or businesses who engage in regulated activity without the appropriate credential ("unlicensed activity"). Under applicable statute, engaging in unlicensed activity is a criminal offense.[67] If it is determined there is probable cause that an individual or

[66] Many complaints try to use the opinion of another contractor in evaluating the work of a contractor who is the subject of a complaint. DPOR does not generally view another contractor as a "neutral third party" for this purpose.

[67] Section 54.1-111 of the Code of Virginia provides that it is unlawful for a person to engage in "[p]racticing a profession or occupation without holding a valid license as required by statute or regulation..." and "[p]erforming any act or function which is restricted by statute or regulation to persons holding a professional or occupational license or certification, without being duly certified or licensed." Violation of this statute is a Class 1 misdemeanor, which is punishable by up to 12 months in jail and a

business engaged in unlicensed activity, DPOR may refer the matter to the Commonwealth's Attorney for the jurisdiction in which the crime occurred for further action or consider issuing a cease-and-desist notice. The determination to move forward with criminal prosecution is at the discretion of the Commonwealth's Attorney. Generally, DPOR agency practice is to resolve cases of unlicensed activity by having the individual or business comply with the law by obtaining the required credential when justified by the circumstances.

A search of DPOR records indicated that DPOR appears to receive few complaints that could be considered radon related.[68] During fiscal years 2024, 2025, and 2026, DPOR docketed at least 1,570 cases against licensed contractors. Of these, there were four (4) cases in which the complaint appeared to indicate an issue related to radon mitigation.[69] During the same period, there appears to have been one case docketed against a licensed home inspector in which the complaint made a radon-related allegation.[70]

Complaints in Selected States

During the study, DPOR staff attempted to collect information from some other states that regulate radon professionals. Requests for information were made to the regulatory authorities in the neighboring states of Kentucky and West Virginia, and the District of Columbia. Responses from the Commonwealth of Kentucky and State of West Virginia indicated that not disciplinary action had been taken against credentialed professionals.[71] DPOR did not receive a response from the District of Columbia.

maximum fine of $2,500. A third or subsequent conviction for violating this statute during a 36-month period constitutes a Class 6 felony. This statute also permits DPOR to initiate a civil proceeding to enjoin a person from engaging in the unlawful activity and recover civil penalties for violation of the statute. This statute further permits the DPOR Director, or a designee, authority to issue notice to any person in violation to cease and desist such activity.

[68] Electronic case files were searched using the key word "radon." Positive results were further reviewed to determine whether the complaint in the case involved a radon-related issue.

[69] Two (2) of the cases indicated an allegation that a home builder either did not install, or did not complete installation of, a radon system contracted for as part of the home construction agreement. One (1) case involved an alleged improper installation of a radon system. One (1) case involved an allegation of improper crawlspace sealing.

[70] The complaint alleged that there was high level of radon in the home. However, the documents in the case indicated that the home inspector did not agree to perform radon testing.

[71] The West Virginia Department of Health responded, ""….[t]he program receives very few complaints each year involving credentialed professionals. To date, no disciplinary action has been taken against any credentialed individual. Complaints that fall within the program's regulatory authority are resolved without the need for disciplinary measures or fines. In some cases, the complaints raised are civil matters rather than regulatory violations." The Commonwealth of Kentucky Board of Radon Safety provided a response indicating that it was in the process of finalizing its regulations, and that there was no data regarding processing of complaints.

Requests for information were also made to the regulatory authorities in the State of Colorado[72] and to the Commonwealth of Pennsylvania.[73] Information from the State of Colorado indicated that as of June 2026,[74] ten (10) of 732 currently or formerly licensed radon measurement professionals had been subject to discipline between 2023 and 2025. Most of the cases of discipline involved licensees operating without valid NRPP certification, which is a requirement to practice in Colorado.[75] There was one (1) case in which a licensee was disciplined for performing radon measurement improperly and given a letter of admonition. In addition, seven (7) of 347 currently or formerly licensed radon mitigation professionals had been subject to discipline between 2024 and 2026. Four (4) of the cases involved a licensee who failed to adhere to standards for installation of radon mitigation systems, all of whom were given a letter of admonition. Information received from the Commonwealth of Pennsylvania indicated complaints are usually resolved informally without formal disciplinary action.

During public comment, information was received from Indoor Environments Association regarding complaints against radon professionals in the State of Minnesota. Between 2021 and 2023, the Minnesota Department of Health received 56 complaints from the public.[76] However, this agency reported 454 enforcement actions for this period. The Minnesota Department of Health requires radon professionals to report radon testing results and radon mitigation system installations. This agency also conducts audits of its licensees.

Effects of Occupational Licensure

Public Benefits of Occupational Licensure

Research on occupational licensure has identified several public benefits associated with this form of regulation. The benefits of occupational licensing include:

- Improved quality of services. To lawfully practice, persons must demonstrate a minimum level of competency, typically through meeting minimum training or education and/or experience requirements and pass an examination. Quality of

[72] The State of Colorado was selected since its radon licensure program was established in 2022 and is fairly new.
[73] The Commonwealth of Pennsylvania was selected since its radon licensure program is the oldest in the United States, being established in 1988.
[74] The State of Colorado Department of Regulatory Agencies responded that complaint information was available from its website. A search of the Colorado Department of Regulatory Agencies website was conducted on June 3, 2026.
[75] For most of these cases, the disciplined individual relinquished their Colorado license.
[76] The representative for Indoor Environments Association that presented this information at the July 15, 2026 public hearing indicated that the number of public complaints was relatively small given the size of the state and the volume of radon-related activity in the state. The representative indicated the low level of complaints was evidence that most professionals were operating in compliance.

services may also be improved through establishing minimum standards of practice in the occupation. In addition to directly benefitting a consumer, this may reduce potential risks to third parties beyond the consumer that could be affected by a practitioner's poor performance.

- Protection against harmful or incompetent practitioners. Restricting practice of an occupation to those who have demonstrated minimum competency excludes from lawfully performing the occupation those who might be pose a risk to the public. In addition to excluding those who do not meet minimum training/experience and examination qualifications, those who may lack minimum character or integrity to engage in the occupation can be excluded. Licensing authorities may establish standards that restrict licensure for those that have prior criminal convictions related to the occupation or have been previously sanctioned by a regulatory body.[77] In addition, the licensing authority would be able to address harmful or incompetent practice through enforcement of standards of practice.
- Increased consumer information about the occupation. This may allow for consumers to distinguish between "high quality" and "low quality" providers of the regulated service. Due to informational uncertainty about providers, consumers may elect not to make use of a service. Licensing of the occupation may address the informational uncertainty, potentially resulting in an increase in demand of the service. This may, in turn, incentivize providers to invest in increased training and skill development to meet a "high quality" benchmark.
- Increased recognition of the work and influence of practitioners. Licensure of an occupation represents the state's approval or endorsement of the occupation and practitioners, thereby conferring a sense of public legitimacy and higher social status.
- Building a sense of community or cohesiveness among practitioners of an occupation.

Public Costs of Occupational Licensure

Research on occupational licensure has also identified several public costs associated with this form of regulation. The costs of occupational licensing include:

- Reduced participation in the occupation. Occupational licensure imposes costs on those seeking to engage in an occupation. These include costs to (i) take required training or education; (ii) prepare for and take the licensure examination;

[77] Section 54.1-204 of the Code of Virginia permits DPOR regulatory boards to refuse a credential to an applicant for a prior criminal conviction if the conviction directly relates to the occupation for which a license is sought. DPOR regulatory boards are prohibited from using "vague or arbitrary terms, including 'good moral character' or 'moral turpitude' to refuse a license, certificate, or registration." In addition, most DPOR regulatory boards require applicants to disclose whether they have been subject to prior regulatory discipline and have the authority to refuse licensure to those with prior discipline.

(iii) apply for licensure (i.e. application fees); and (iv) related administrative costs. Those who might otherwise have chosen to engage in a licensed occupation may be deterred from the occupation due to the entry costs. In addition, there may be requirements imposed on regulants to maintain licensure, such as requiring regulants to take continuing education or maintain insurance. The costs of such supplemental requirements may deter some from continuing in the occupation after licensure.

- Increased costs for consumers. Occupational licensure reduces employment in the licensed occupation, which reduces competition. This is beneficial for licensed practitioners who may receive higher wages than if the occupation were not regulated. However, reduced competition can increase the price of a regulated service for consumers.
- Lower wages for those excluded from the occupation. Those who might have engaged in the occupation for potentially higher wages, but are excluded, may engage in a lower wage unlicensed occupation. In turn, this may increase competition for lower wage unlicensed occupations which may further reduce wages. Lower wages may ultimately discourage those who are excluded from participating in the labor market.
- Reduced demand for the service. Higher costs for a regulated service may incentivize consumers to seek lower cost alternatives to the service or not to use the service altogether.
- Reduced economic mobility. Those with lower incomes and fewer skills may be more adversely affected by licensure of an occupation, as those with higher incomes and skills may be able bear the costs associated with obtaining licensure, such as tuition costs and lost wages. A related effect may be that those with fewer resources are less able to start a business, reducing entrepreneurship.
- Reduced geographic mobility. Occupational licensure may reduce the ability of those in an occupation to continue in the occupation when relocating to another state. States that regulate an occupation may have differing entry requirements. A person holding an occupational license in one state may need to take additional training, have additional experience, or take a licensing examination to qualify to practice in another state. In addition, obtaining licensure in another state would likely entail administrative costs and fees to obtain a license from the licensing authority. These costs may deter a person from moving to a state or cause a person to leave the occupation. A related effect may be that a person may choose to relocate to another state that has fewer restrictions, or no restrictions, on the practice of an occupation.
- Costs for the state to administer and enforce occupational licensure. Licensing authorities must assume the costs to administer the occupational licensure

program, this includes (i) costs for staffing and technical resources; (ii) costs to develop and conduct license examinations; and (iii) potential costs to develop administrative regulations to implement the licensure program. In addition, administration of an occupational licensure program entails costs to enforce applicable laws and regulations. This includes costs associated with investigating and adjudicating complaints against regulants. In instances where unlicensed practice is alleged, there are likely to be costs associated with criminal prosecution. Licensing authorities may be able to recoup these costs through fees charged to regulants; however, for occupations with smaller regulant populations doing so without charging highly burdensome fees may pose a challenge. A related effect is that regulants are likely to pass on any costs imposed by the licensing authority on to consumers.

Occupational licensure may be of most benefit when there is significant information asymmetry between the consumer and the service provider. In such instances, the service provider is more informed about the quality of the service than the consumer, and it would be difficult or costly for the consumer to obtain sufficient information on the quality of service to make an informed judgment. Occupational licensure may also be most beneficial when the costs of poor performance may result in serious harm to the consumer or the public. To the extent that these conditions may not exist, lesser forms of regulation, such as certification or registration may be more appropriate.

Potential Effects of Licensure on Radon Professionals

Establishment of a licensure requirement for radon professionals could potentially add to costs currently assumed by radon professionals to be certified by private accrediting organizations if such private credentialing remains a requirement to practice under a licensure program.

Costs for initial certification include the (i) cost of initial training from an organization-approved provider; (ii) initial certification fee; and (iii) examination fee. Costs for renewing credentials include (i) certification renewal fees; and (ii) costs for continuing education. Measurement professionals may also assume costs associated with obtaining organization-approved measurement devices and having these devices tested and calibrated by an organization-approved laboratory.

Table 8: Estimated Costs of Private Certification[78]

Initial Certification (One-Time Costs)	Renewal/Maintenance of Certification (Ongoing Costs)

[78] Based on publicly available information.

Certification Fee: $200 to $325 for two (2) year certification.	Certification Renewal Fee: $200 to $295 for two (2) certification renewal.
Training:* $250 to $350 for measurement training; $400 to $900 for mitigation training.**	Continuing Education:* $100 to $300.
Examination: $120 to $150.	N/A
Professional Continuous Radon Monitor: $800 to $3,000.*** (Measurement Professional Only)	N/A
Testing and Calibration of Radon Monitor: $200 to $350.	Testing and Calibration of Radon Monitor: $200 to $350.
*Training and continuing education costs vary depending on the training provider. **Pricing for radon mitigation training may include the prices for combination courses for training in radon measurement and radon mitigation. ***One comment received during the public comment period indicated that measurement professionals likely need multiple measurement devices to efficiently provide services to clients.	

The additional costs of a licensure program would likely include a requirement for individuals to pay fees for initial licensure and license renewal. The level of licensing fees required would depend on the cost associated with administering a licensure program.[79]

To the extent that a licensure requirement might apply to individuals who are not currently required to be privately credentialed to perform radon measurement or radon mitigation, such individuals would have to likely assume the costs associated with meeting any training, examination, or experience qualifications that might be required.

The cost of a professional radon test can range between $150 to $300; however, prices may vary depending on local market conditions. The cost of a radon mitigation system installation can range from $800 to $2,500. Mitigation that includes crawlspace encapsulation entails additional costs. Installation of a passive mitigation system in new residential construction can range between $200 to $800 for a single-family home. Installation of an active mitigation system in new residential construction can range from around $450 to more than $1,000. Due to costs, some builders avoid installing radon mitigation systems in new residential construction. Any additional costs to radon professionals as the result of establishing a licensure requirement could potentially be passed on to consumers.

[79] Currently, individuals regulated by the ALHI Board are charged an $80 fee to obtain initial licensure, and $45 to renew a license. Licensure fees for DPOR licensing programs are established individually by DPOR regulatory boards and may be adjusted as needed by these regulatory boards to ensure costs of administering licensure programs are covered.

According to Bureau of Labor Statistics data, the median pay for Virginia environmental science and protection technicians, the occupation most likely to include radon measurement professionals, is $49,430. For Virginia construction managers, the occupation most likely to include radon mitigation specialists, the median pay is $119,110. Information developed during the study indicated that demand for radon measurement services in Virginia has declined in recent years due to (i) conditions in the real estate market, including choices by consumers to waive home inspections and radon testing as part of real estate transactions; and (ii) the availability of consumer radon testing devices. There does not appear to be shortage of available radon measurement professionals. Information developed during the study indicated that there is a currently shortage of radon mitigation professionals, particularly in the southwestern region of the state. In addition, costs of obtaining and maintaining private certification have led some professionals to not renew certification. Establishing a licensure requirement for radon professionals could potentially affect demand for the services of radon professionals or potentially affect the availability of radon professionals to provide services to the public.

DRAFT

Public Comments

As part of the study, the Board held a 45-day public comment period from June 1, 2026, through July 16, 2026. A general notice announcing the public comment period was posted to the Virginia Regulatory Town Hall ("Town Hall") and a detailed notice regarding the petition, the study, and the public comment period was posted to the Board's website.[80] Electronic notification of the public comment period was also sent to regulants of the ALHI Board, the Board for Contractors, and the Real Estate Board. The public was invited to submit comments (i) through a Town Hall public comment forum created as part of the general notice or (ii) to the Board directly.[81]

The Board also convened two public hearings at DPOR. The first public hearing was held on June 16, 2026, and was conducted in-person only.[82] A second public hearing was held on July 15, 2026, and was conducted both in-person and virtually.[83]

During the public comment period, the Board received 19 comments on the Town Hall comment forum from 17 commenters, and 10 comments submitted directly through email.[84] The Board also received comments from 10 commenters during the public hearings that were held.

Table 9: Public Comments Received

Comment Method	Total Comments Received	Comments in Favor of Regulation	Comments Not in Favor of Regulation*	Comments from Professionals in Radon, Home Inspection, or Construction
Town Hall Comment Forum	19**	3	13	8
Email to Board	10	5	5	7
June 16 Public Hearing	4	2	2	3
July 15 Public Hearing	6	6	0	6

[80] A copy of the general notice and notice posted to the Board's webpage can be found as part of Appendix K.
[81] Public comments received through Town Hall and by email may be found at Appendix K.
[82] The minutes and transcript of the June 16, 2026 public hearing may be found at Appendix L.
[83] The minutes and transcript of the July 15, 2026 public hearing may be found at Appendix M.
[84] The Board received several comments by email prior to June 1, 2026. These comments are included in the record of public comments for the study.

Total	**39**	**16**	**20**	**24**
*This column includes comments that expressed concern about potential regulation, even if not expressly opposed. **Three comments received addressed topics unrelated to the petition or study.				

Many of the commenters (24) were self-identified members of the radon, home inspection, or construction professions. At least 17 commenters indicated they were accredited by either NRPP or NRSB. More comments received indicated opposition or concern regarding regulation of radon professionals than favored regulation (56% not in favor vs. 44% in favor).

Arguments in Favor of Regulation

Those providing comments in support of the licensure of radon professionals offered the following arguments:

- Licensure would be beneficial to the public health, safety, and welfare.
- Licensure would improve public health and safety for single-family and multi-family buildings.
- Licensure would allow for enforcement of EPA standards for radon measurement and radon mitigation.
- The profession needs state guidance.
- There would be uniform or standard training and testing requirements.
- Licensure would allow for individuals to receive guidance on how to perform radon measurement properly.
- Enforcement of standards would improve the quality of services.
- Licensure would address issues with unqualified individuals providing services.
- Licensure would promote awareness regarding radon.
- State licensure would create a level of trust or credibility in services provided.
- State licensure would strengthen the profession and add authenticity beyond certification.
- Licensure would complement private accreditation programs.
- Licensure based on private accreditation would require minor administrative expenses and fees.
- Other states are regulating radon professionals.
- Self-testing of radon is not sufficient to determine if mitigation is needed.

Several commenters emphasized that state licensure of radon professionals would address issues of non-certified individuals performing radon measurement and radon mitigation and would allow for investigation and meaningful sanctions for those who fail to adhere to EPA standards for measurement and mitigation. Laura Neuroth, Vice-

DRAFT

President of VIEA, provided the following testimony during the June 16, 2026 public hearing:

> So…currently, unqualified people can advertise radon services and perform them for a fee anywhere in Virginia without consequence. Even though…as a couple of people mentioned, credentials are required and compliance with the standards are required. But there is no current enforcement of those requirements. The EPA-recognized proficiency programs have no capacity, authority or jurisdiction to address the activities of people that are not currently certified. State licensure is necessary to direct the cessation of work by uncertified personnel. …[T]his DPOR program…would license already certified individuals, investigate complaints, monitor compliance and enforce penalties for noncompliance without replicating examination, certification and training, and device approval activities of the nationally EPA-recognized proficiency programs. ….Also, the proficiency programs currently have no capacity to conduct prior to inspections or investigate complaints in person. The national EPA-recognized proficiency programs can only investigate complaints remotely and can revoke, suspend or deny renewal of certification if the remote communications warrant corrective action. Potential penalties available to EPA-recognized proficiency programs are limited to certification, revocation and suspension. A state licensing program would have a capacity, where needed, to impose impactful penalties such as reprimands, fines, legal consequences and civil penalties for willful violations in addition to license suspension or revocation. So, without the guardrails of licensure, persons subject to revocation or suspension of their certification by one of the EPA-recognized proficiency programs can migrate to another EPA-recognized proficiency program appearing to be qualified. [85]

Another commenter in support of licensure, Brian Meyer, stated:

> Licensing and regulation allows for states to enforce compliance to adopted standards of practice. Without auditing, inspection, oversight, and education, the state is blindly relying on anyone conducting radon services to act in good faith and provide a quality product that meets industry standards. When in reality, there is a whole spectrum of work being completed from very poor quality to exceeding expectations. The problem is that poor quality radon measurement or mitigation puts Virginia residents health at serious risk to radiation exposure and lung cancer. This can be mitigated by establishing regulation and enforce adherence.[86]

Arguments Against Regulation

[85] Transcript of June 16, 2026 public hearing, pp. 11-13.
[86] Town Hall comment received July 15, 2026. Comment ID: 240733.

Those making comments that were not in support of licensure of radon professionals offered the following arguments:

- The current certification system is sufficient to protect the public
- State licensure would be duplicative of the certification system.
- Licensure would result in costs to homeowners, the public, and regulants.
- There is the potential negative economic impact of licensure.
- There is no risk to the public welfare.
- Additional regulation would provide minimal public benefit.
- Consumer radon testing products provide better outcomes for the public.
- General opposition to regulation.

Some commenters indicated that licensure of radon professionals would not address the concerns regarding enforcement against uncertified persons providing services. Ryan Paris, who previously served as the radon coordinator for VDH, noted during the June 16, 2026 public hearing:

> …the primary problem is there needs to be some way to go after the people who are out there doing the radon work without being properly certified or licensed. And I think that DPOR does have that problem. They can only go after the people that are licensed, not those that are not. We had that same issue with the certification. There's no enforcement capability to go after and punish the people who are out there doing work illegally without the proper certification. So, I see that as a number one issue. Somebody, either VDH or DPOR has to address that issue. That's the number one problem.[87]

Multiple comments pointed to the potential for adverse economic impacts on radon professionals and consumers. Examples include:

- Tony Felix, Radon Measurement Professional and Home Inspector: "…the economics of professional radon testing are becoming increasingly challenging. I am seeing more requests to subcontract testing from professionals who have chosen not to renew their certifications because the service is difficult to offer profitably after accounting for equipment costs, calibration requirements, continuing education, insurance, certification fees, and administrative overhead. Additional state licensing requirements would further increase costs, likely reducing the number of professionals offering testing services while increasing costs to consumers."[88]
- Tim O'Neal, Montani Inspections: "The current system is already effective, as practitioners must maintain rigorous national certifications that require 16 to 24

[87] Transcript of June 16, 2026 public hearing, pp. 7-8.
[88] Town Hall comment received June 18, 2026. Comment ID: 240561.

hours of biennial continuing education. Adding state-level oversight is redundant and will increase administrative costs for small businesses, ultimately leading to higher prices for consumers."[89]

- Jeffrey Chance, Licensed Master Electrician: "Public safety should always be a priority, especially when work involves environmental hazards, ventilation systems, and electrical components. However, I also believe the Board should carefully consider the impact that additional licensing requirements, education mandates, testing, and fees could have on existing skilled tradespeople, including electricians and contractors who may already possess much of the knowledge and experience necessary to safely perform portions of this work…Requiring multiple overlapping licenses and additional fees for professionals who are already qualified in many aspects of the work could create unnecessary financial and administrative burdens without significantly improving public safety."[90]

DRAFT

[89] Email received June 14, 2026.
[90] Email received July 4, 2026.

Analysis

Issues Identified During the Study

There were a variety of issues identified as a result of research and public comment regarding the petition that warrant consideration or further inquiry.

Issues Related to the Effectiveness of Current Virginia Regulation

Lack of VDH Enforcement Authority and Program Resources

A significant issue regarding the current regulation of radon professionals in Virginia is the apparent lack of legal authority for VDH to enforce the law which requires radon professionals to be accredited by NRPP or NRSB to lawfully perform radon screening, testing, or mitigation, and to perform these functions in accordance with EPA-approved testing and mitigation standards. Both the Petitioner and VDH identified this concern during the study. In addition, VDH identified this issue in its report to the General Assembly in 2018. Consequently, VDH appears considerably limited in its ability to appropriately address public harm that might result from (i) radon services being performed by those who lack the requisite expertise; and (ii) radon services not being performed according to required standards.[91]

A related issue is that VDH appears to lack the financial capacity to administer its responsibilities and qualified personnel to determine compliance with EPA-approved standards for radon measurement and mitigation. VDH identified this issue during the study and this issue was also raised in public comments received.

Limited Ability of Regulatory Boards to Address Unlicensed Practice

An issue raised during public comment is that DPOR regulatory boards appear to be limited in addressing matters involving practice by unlicensed persons and can only take enforcement action against those who are licensed.

Lack of Clarity in Radon Mitigation Contracting Qualifications

An additional issue related to the effectiveness of Virginia regulation is what seems to be lack of clarity in the qualifying requirements for contractors to obtain a license to perform radon mitigation. The regulations of the Board for Contractors do not appear to specify that a contractor's Qualified Individual hold an NRPP or NRSB certification in the

[91] A potential related issue identified during the study is that complaints against radon mitigators received by VDH do not appear to be referred to DPOR or the Board for Contractors, which has jurisdiction over licensed contractors.

radon mitigation discipline in order to qualify the contractor to receive the RMC specialty. A possible consequence of this is that individuals who are only certified in radon measurement, and not radon mitigation, could potentially qualify a contractor for the RMC specialty.

Lack of Consumer Awareness About Radon

Another issue related to effectiveness of the current regulation of radon professionals is what may be lack of consumer awareness regarding radon and requirements for radon professionals to be accredited and adhere to EPA-approved standards. The 2018 VDH Study concluded that public awareness and education were the most effective means to protect the public from radon. At least one public comment in support of licensing radon professionals indicated that licensure would promote awareness regarding radon. Another comment indicated that consumer education would be of greater public benefit than licensing radon professionals.

Issues Related to the Effectiveness of Private Credentialing

Limited Ability to Investigate and Impose Sanctions

A principal issue raised regarding the private credentialing organizations is that these organizations are limited in their ability to conduct investigations and limited in their ability to impose sanctions. These organizations can conduct investigations of complaints remotely, but do not perform onsite inspections. In addition, the disciplinary authority of the private credentialing organizations only extends to those who are organization members, and the maximum sanction that may be imposed is revocation of a member's credential. These issues were raised by the Petitioner and were also reflected in some public comments.

"Switching" Between Credentialing Organizations

A related issue is the practice of individuals "switching" their credentialing from one organization to another in the event of a disciplinary action by an organization. As a consequence, consumers may be unaware of an individual being previously disciplined. This issue was raised by the Petitioner and was also reflected in some public comments.

Lack of Experience Qualification for Certification

Another issue raised pertains to lack of experience qualifications for individuals to receive credentialing. NRPP and NRSB principally require training and successful passing of an examination to demonstrate competency to engage in radon measurement or radon mitigation, but do not require individuals to meet an experience

standard. However, information provided during the study, including public comment, indicated some concern that individuals who are accredited may not be minimally competent to perform radon testing or radon mitigation independently without a level of experience.

Issues Related to Radon Mitigation and New Residential Construction

Overlap Between Radon Mitigation Specialists and Other Construction Professionals

There appears to be an overlap in the functions performed by radon mitigation specialists and other construction professionals for radon mitigation performed in new residential construction. In new residential construction, passive radon mitigation systems may be installed by construction professionals, such as plumbers or heating, ventilation, and air conditioning tradespersons, rather than radon mitigation specialists. These individuals are not required to be accredited by NRPP or NRSB to install these systems. The Petitioner raised concerns as to whether non-accredited individuals have the appropriate training to properly install radon mitigation systems. However, some public comment received indicated these tradespersons are qualified to perform radon mitigation.

Differences Between USBC Requirements and EPA Standards for Passive Radon Systems

A related issue identified by Petitioner is differences between requirements contained in the USBC for passive radon mitigation systems installed in new residential construction and EPA-recognized standards for radon mitigation systems.

Expansion of Requirement for Passive Radon Mitigation Systems

Another related issue raised was that of requiring all new construction to have passive radon mitigation systems. One commenter indicated that passive radon systems should be encouraged or required in all new homes, not just those located in areas identified as high-risk on EPA radon maps.

Potential Economic Impacts

There appears to be concern regarding the potential for negative economic impacts of additional regulation of radon professionals. These include (i) the burden of additional regulation on radon professionals and potential costs borne by regulants and consumers; (ii) potential effects on the market for professional radon services; and (iii) applicability of any new licensing requirements on other types of construction professionals, such as licensed tradespeople. Some comments indicated that

accreditation of radon professionals through NRPP or NRSB is sufficient to protect the public and that imposition of licensure would add costs without real public benefit. Other comments indicated that imposition of licensure would increase costs to consumers and professionals and likely reduce the number of professionals available to provide services. A related issue is the potential cost to administer a licensure system.

Records of Complaint

Research has indicated that there are generally low numbers of complaints involving radon professionals or radon services in Virginia, and few complaints from consumers.

Other Issues

Other issues raised related to radon testing and its value in real estate transactions. These included the (i) value of short-term testing as an adequate assessment of radon risk; and (ii) potential for the radon testing process to be manipulated. Another issue raised is the role of radon testing with respect to federal lending requirements pertaining to multifamily housing and what appear to be different standards based whether a state regulates radon.

Findings and Application of Evaluation Criteria

Current Degree of Regulation of Radon Professionals

Based on the description of levels of regulation provided in § 54.1-311 of the Code of Virginia, the current level of regulation for radon measurement professionals and radon mitigation specialists appears to be private civil actions.

Current statute requires that radon measurement professionals and radon mitigation specialists are required to (i) hold private accreditation from either NRPP or NRSB, and (ii) comply with EPA-approved standards for radon measurement and radon mitigation. VDH does not appear to have the legal authority to enforce this statute through inspection, injunction, criminal prosecution, or administrative regulation. Statute, however, does provide for a specific civil cause of action for consumers if a person misrepresents their proficiency to provide radon measurement or radon mitigation services.[92] Consumers may also be able to pursue other types of civil remedies available to them through the civil court system. To the extent that a consumer is aggrieved by an accredited person, the consumer may also contact the organization that accredited the person through the organization's complaint procedures to obtain redress.

Analysis of the Criteria in the Board's Guidelines

[92] Refer to § 32.1-229.01:1 of the Code of Virginia.

The Board Guidelines lay out the criteria used by the Board to guide its evaluation of occupations, which are based on the parameters in § 54.1-311 and the Commonwealth's predisposition toward public protection. The analysis of this criteria is based on information obtained during the study through research and public comment.

Criterion #1: Risk for Harm to the Consumer (Risk Potential): The unregulated practice of the profession or occupation will harm or endanger the public's health, safety, or welfare. The harm is recognizable and not remote or dependent on tenuous argument. The harm results from: (i) practices inherent in the occupation; (ii) characteristics of the clients served; (iii) the setting or supervisory arrangements for the delivery of services; or (iv) any combination of these factors.

Analysis: Low to Moderate Risk.

The risk potential for unregulated radon measurement exists primarily in the form of improper performance of radon measurement in accordance with EPA-approved protocols. The potential harm may be financial in (i) cases where a consumer pays for installation of a radon mitigation system that is unnecessary because of a "false high" measurement; or (ii) cases where a consumer must pay for re-testing due to improper measurement. The potential harm may be to health or safety in cases involving "false low" measurement that lead to a lack of mitigated radon gas and potential exposure of building occupants to high concentrations of radon gas over time. Long-term exposure to higher concentrations of radon gas increases the risk of developing lung cancer.

The risk potential for unregulated radon mitigation exists primarily in the form of improper installation of radon mitigation systems in accordance with EPA-approved protocols or building code requirements, when applicable. The potential harm may be to health or safety in cases where improper installation results in radon that is insufficiently mitigated, potentially exposing building occupants to high concentrations of radon over time. Long-term exposure to higher concentrations of radon gas increases the risk of developing lung cancer. The potential harm may be financial as an improperly installed system may require repair or replacement at additional cost to a consumer.

The existing private accreditation framework appears to provide some degree of assurance to the public that a practitioner has appropriate training and expertise. The Petitioner and VDH support additional regulation by DPOR, citing DPOR authority to enforce professional licensing laws and regulations. There is insufficient information, however, to conclude that the public is seeking additional regulation of these professions or greater accountability. Levels of complaints against radon professionals appear to be low and public comments received do not indicate a significant public interest in additional regulation.

With respect to potential health and safety risk, this analysis reflects that EPA recommends, but does not require, that indoor radon gas that is above action levels be mitigated. With respect to potential financial harm, this analysis reflects that the costs to the public for professional radon testing or radon mitigation appear relatively low.

Criterion #2: Specialized Skills and Training (Skill and Training): The practice of the profession or occupation requires specialized education, training, and the public needs assurance of competence.

Analysis: Radon measurement and radon mitigation can be differentiated from ordinary labor.

Radon measurement and radon mitigation require specialized training and skills. These are established by the private credentialing programs, which have been reviewed and approved by the EPA. Minimum competency is demonstrated through certification examinations administered by the private credentialing programs.

The existing private accreditation framework appears to provide some degree of assurance to the public that a practitioner has appropriate training and expertise. Any potential regulatory program would likely rely on the existing private accreditation framework to establish minimum competency standards.

Criterion #3: Autonomous Practice (Autonomy): The function and responsibilities of the practitioner require independent judgment, and the members of the occupational group practice autonomously.

Analysis: Radon professionals operate autonomously.

Radon measurement professionals and radon mitigation specialists typically operate independently and without supervision. Functions and responsibilities of these professionals require independent judgment. Radon mitigation specialists may operate under the authority and supervision of a licensed contractor business. Some practitioners may operate within a company structure that allows for some functions to be performed under supervision of an accredited professional, but this appears to be dependent on upon the size of the firm. Practitioners may supervise “junior level” staff who performed limited functions.

Criterion #4: Scope of Practice: The scope of practice is distinguishable from other licensed, certified, and registered professions and occupations.

Analysis: The scopes of practice for radon measurement and radon mitigation are largely distinguishable from other licensed, certified, or registered occupations.

Functions of radon professionals are similar to those performed by professionals in other occupations that perform abatement or remediation of toxic substances, such as asbestos remediation or lead abatement. However, the duties and functions of radon professionals are different from those of asbestos and lead professionals because of the nature of the toxic substance and work that is performed. Radon professionals perform toxic substance mitigation to levels of acceptable concentration whereas the asbestos and lead professions function to permanently remove or address the toxic substance.

Although there is a relationship between the professions of home inspector and radon measurement professional, the occupation of home inspector is distinct from that of radon measurement professional.

Radon mitigation specialists perform work that falls within the scope of contracting, which is a regulated profession that requires state licensure. Radon mitigation is a contracting specialty service which requires a licensed contractor's Qualified Individual to be accredited by either NRPP or NRSB, and is distinguishable from other types of contracting work. However, radon mitigation performed in new construction, and specifically in new residential construction, does not require specialty licensure and can be performed by other licensed contracting professionals, including general contractors, plumbers, and HVAC tradespeople.

Radon professionals also perform functions similar to industrial hygienists, which are not required to be licensed in Virginia, but have title protection.

Criterion #5: Economic Impact: The economic costs to the public of regulating the occupational group are justified. Such costs may result from restriction of the supply of practitioners, as well as expense associated with administration of regulatory boards or agencies.

Analysis: The economic costs of requiring licensure of radon measurement professionals and radon mitigation specialists do not appear justified.

The costs for individuals to obtain and maintain private accreditation through NRPP or NRSB to lawfully perform radon measurement or radon mitigation appear to be substantial. Public comment received indicated that there are accredited professionals who are electing not to renew accreditation due to these costs.

Establishment of a licensure requirement for radon professionals could potentially add to costs currently assumed by radon professionals to be certified by private accrediting

organizations if such private credentialing were to be a requirement to practice under a licensure program. The additional costs would likely include a requirement for individuals to pay fees for initial licensure and license renewal.

A licensure program would also entail costs to DPOR and the regulatory board responsible for administering the licensing program and enforcing applicable laws and regulations. DPOR and the regulatory board responsible may be able to recoup these costs through fees charged to regulants for licensure and license renewal. However, the potential regulant population appears to be relatively small, which could result in the imposition of highly burdensome fees. DPOR's initial cost estimate is that an applicant would need to pay a fee of at least $205.[93]

To the extent that a licensure requirement might apply to individuals who are not currently required to be privately credentialed to perform radon measurement or radon mitigation, such individuals would have to assume the costs associated with meeting any training, examination, or experience qualifications that might be required in order to lawfully practice.

Any additional costs to radon professionals as the result of establishing a licensure requirement could be passed on to consumers, which may cause some consumers to not make use of these services. Public comment indicated that consumers are increasingly electing to make use of self-testing options for radon measurement instead of services from a radon measurement professional. Any increases in cost to consumers for this service resulting from a licensure requirement could contributed to this trend.

In addition, a licensure requirement could potentially affect the availability of radon professionals to provide services to the public. Research and public comment indicate that there are low numbers of available professional radon mitigation specialists. A licensure requirement and its associated costs could result in a decrease of available professionals.

Further, it is not clear that the potential public benefits of additional regulation would outweigh the potential public costs. Occupational licensure may be most beneficial when the costs of poor performance may result in serious harm to the consumer or the public. The analysis of potential risk to the public in Criterion #1 does not indicate poor performance would result in serious harm to the consumer or the public.

[93] This figure is based on DPOR's estimation that at least one licensing specialist would be needed to process applications. The total compensation cost for an average licensing specialist is $70,000 annually. This compensation cost is divided by 340, the number of individuals in Virginia credentialed by NRPP and NRSB, as reflected in VEIA's petition.

Criterion #6: Alternatives to Regulation: No alternatives to state regulation of the profession or occupation exist that adequately protect the public. Examples of methods to address risk for public harm that do not require professional regulation include inspections, injunctions, disclosure requirements, and strengthening consumer protection laws and regulations.

Analysis: There are alternatives to additional state regulation of radon professionals.

Alternatives to additional regulation include (i) maintaining the current private accreditation framework; (ii) strengthening consumer protection laws or providing for additional causes of civil action; or (iii) providing for enhanced VDH authority to enforce existing law.

The existing private accreditation framework appears to provide some degree of assurance to the public that a practitioner has appropriate training and expertise. Although there was some information developed during the study to indicate that the lack of an experience qualification to receive private certification was a concern, there were no claims that the qualification standards established by the private accreditation programs were insufficient to protect the public.

The main arguments presented for additional regulation centered on enforcement of both accreditation requirements and mandated EPA standards for radon measurement and mitigation. Providing for enhanced consumer protection laws or additional civil remedies for aggrieved consumers and/or providing for increased VDH authority to enforce existing law may be able to address these issues and adequately protect the public.

Criterion #7: Least Restrictive Regulation: If it is determined that state regulation of the occupation or profession is necessary, only the least restrictive level of occupational regulation consistent with public protection will be recommended to the Governor, the General Assembly, and DPOR Director.

Analysis: To the extent it may be determined that additional regulation of radon professionals is necessary, the least restrictive level of regulation necessary to achieve public protection would likely be to enhance consumer protection laws to provide for additional remedies to aggrieved consumers.

Application of the Criteria Against the Degrees of Regulation

The Board Guidelines provide that the Board will evaluate requests for regulating a professional or occupational group by assessing the criteria against the potential

degrees of regulation from the least restrictive (registration) to the most restrictive (licensure).

The criteria for registration as applied to radon measurement professionals and radon mitigation specialists are outlined in Table 10.

Table 10: Registration Criteria as Applied to Radon Professionals

	Criteria for Registration in Board Guidelines	Radon Measurement Professionals	Radon Mitigation Specialists
Risk Potential	Low, though consumers need to know redress is possible.	Low to Moderate.	Low to Moderate.
Skill and Training	Variable; can be differentiated from ordinary work and labor.	Specialized.	Specialized.
Autonomy	Variable.	High.	High.
Scope of Practice	Not applicable.	Definable in legally enforceable terms.	Definable in legally enforceable terms.
Application of Criteria	Criteria #4, #5, and #6 must be met.	Criterion #4 is met. Criteria #5 and #6 are not met.	Criterion #4 is met. Criteria #5 and #6 are not met.

The criteria for certification as applied to radon measurement professionals and radon mitigation specialists are outlined in Table 11.

Table 11: Certification Criteria as Applied to Radon Professionals

	Criteria for Certification in Board Guidelines	Radon Measurement Professionals	Radon Mitigation Specialists
Risk Potential	Moderate; attributable to the nature of the practice, consumer vulnerability, or practice setting and level of supervision.	Low to Moderate.	Low to Moderate.
Skill and Training	Specialized; can be differentiated from ordinary work. Individuals must	Specialized.	Specialized.

	complete specific education, experience, or examination requirements.		
Autonomy	Variable. Some independent decision making; majority of practice actions directed or supervised by others.	High.	High.
Scope of Practice	Definable in legally enforceable terms.	Definable in legally enforceable terms.	Definable in legally enforceable terms.
Application of Criteria	Criteria #1 through #6 must be met.	Criteria #1, #2, #3, and #4 are met. Criteria #5 and #6 are not met.	Criteria #1, #2, #3, and #4 are met. Criteria #5 and #6 are not met.

The criteria for licensure as applied to radon measurement professionals and radon mitigation specialists are outlined in Table 12.

Table 12: Licensure Criteria as Applied to Radon Professionals

	Criteria for Licensure in Board Guidelines	**Radon Measurement Professionals**	**Radon Mitigation Specialists**
Risk Potential	High; attributable to the nature of the profession or occupation.	Low to Moderate.	Low to Moderate.
Skill and Training	Highly specialized education required.	Specialized.	Specialized.
Autonomy	High; practices independently with little or no direct supervision.	High.	High.
Scope of Practice	Definable in legally enforceable terms.	Definable in legally enforceable terms.	Definable in legally enforceable terms.
Application of Criteria	Criteria #1 through #6 must be met.	Criteria #3 and #4 are met. Criteria #1, #2, #5, and #6 are not met.	Criteria #3 and #4 are met. Criteria #1, #2, #5, and #6 are not met.

Conclusion and Recommendations

Disposition of the Petition

Based on the criteria enumerated in § 54.1-311 of the Code of Virginia and as reflected in the Board Guidelines, the Board concludes that the public interest does not require licensure of radon measurement professionals or radon mitigation specialists. Accordingly, licensure of these occupations is not recommended. Further, based on the analysis and evaluation of the petition, the Board concludes that neither registration nor certification of radon professionals through DPOR or its regulatory boards is required or recommended.

Additional Consumer Protection

The General Assembly may wish to consider amending the Virginia Consumer Protection Act (§ 59.1-196 et seq. of the Code of Virginia) to provide that violating any provision § 32.1-229.01 of the Code of Virginia is unlawful and subject to the civil remedies permitted under that statute.[94] This could provide enhanced public protection for consumers who are harmed by uncertified individuals that perform radon measurement or radon mitigation, or do not provide these services according to required EPA standards.

Clarification of Contractor Qualifications for Radon Mitigation Contracting

The Board recommends that the Board for Contractors clarify the qualifying requirements for contractors to obtain a license to perform radon mitigation. The Board, at minimum, should issue interpretive guidance to clarify that a contractor's Qualified Individual hold an NRPP or NRSB certification in radon mitigation, and specify the credentials from these organizations that are considered acceptable.

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[94] Potential legislative language may be found at Appendix N.

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Appendix A

Petition for Regulation

VIRGINIA CHAPTER
INDOOR ENVIRONMENTS ASSOCIATION

Radon Services Licensure Proposal

Proposed group to be regulated

The primary job roles are:

1. Radon Measurement Professionals perform radon testing utilizing either an analytical device such as a continuous radon monitor or electret system, or a standard / passive device such as a charcoal test kit or liquid scintillation device. They are responsible for the implementation, execution, and documentation of all required QA/QC procedures and may provide general supervision and QA/QC oversight for Radon Measurement Field Technicians
2. Radon Mitigation Specialists design and install radon remediation systems. They are responsible for the implementation, execution, and documentation of all required Quality Management and Worker Safety procedures and may provide general supervision to Radon Mitigation Installers.

The EPA-recognized providers of certifications are the National Radon Proficiency Program (NRPP) and the National Radon Safety Board (NRSB). Presently, 340 Virginians are certified across the two EPA-recognized certification programs:

	NRPP	NRSB
Measurement	177	108
Mitigation	12	14
Both Measurement and Mitigation	19	18
	208	140

Historically, the primary focus of radon certification in the US was for work in single family homes. With the development of standards for larger buildings and demand for radon work in them, NRPP will soon be offering commercial measurement and mitigation certifications; nationally 25-30% of industry members surveyed have indicated interest. NRPP also certifies Soil Gas Mitigation Compliance Inspectors, who inspect mitigation systems to verify if the installation complies with the ANSI-AARST Soil-Gas Mitigation Standard.

The industry is also represented by IEA's Virginia Chapter, which has organized the petition.

Definition of the problems to be solved by regulation and the reasons why regulation is necessary

Radon exposure in buildings is the second leading cause of lung cancer and results in more than 21,000 US deaths each year including 700 in Virginia. Radon is one of the most comprehensively investigated human carcinogens: laboratory studies have documented

that an alpha particle (e.g., from radon decay products polonium-218 and polonium-214) can cause both single- and double-strand DNA breaks and can produce indirect genotoxic and nongenotoxic effects on both traversed and neighboring non-traversed cells.[i] High radon levels have been found in nearly every county in Virginia.

Title 32 of the Virginia code at Section 32.1-229.01 currently requires that radon measurement and mitigation providers possess private certification and follow standards. VDH's bulletin describes the requirements.

This petition requests the transfer of these certification and standards requirements to DPOR's Asbestos, Lead and Home Inspector (ALHI) Board, which will expand the consequences for violation of the requirements to include reprimands, fines, license suspension or revocation, as well as legal consequences and civil penalties for willful violations.

There are three significant problems to be solved by DPOR regulation of radon service providers.

First, based on the limitations of the statute and VDH Office of Radiologic Health's capacity, VDH has no enforcement authority to accompany its certification and standards requirements. Its website states "...VDH will investigate complaints received and if it is clear that the work did not follow accepted standards, then VDH will ask the radon professional to perform corrective measures." Indeed, ORH is set up to regulate facilities, equipment and businesses, not personnel.

Second, the EPA-recognized national certification programs can respond to complaints and conduct investigations remotely, and suspend or revoke a certification, but have no capacity to conduct inspections in response to complaints, impose fines or similar sanctions, or conduct proactive investigations to supplement complaints from the public.

Third, there is a widespread pattern of noncompliance with standards, documented by mitigation compliance inspections and complaints about faulty measurement collection.

Reasons why licensure is being proposed

This petition proposes licensure. The existing private certification requirement should continue as the initial and renewal qualification for a license but is not alone sufficient. Again, the EPA-recognized national certification programs can respond to complaints and conduct investigations remotely, and suspend or revoke a certification, but have no capacity to conduct

inspections in response to complaints, impose fines or similar sanctions, or conduct proactive investigations to supplement complaints from the public.

Public benefit resulting from the proposed regulation

A functional and accountable radon licensing program will prevent inaccurate radon testing results, which can prompt needless mitigations if high or a false sense of security if low, and unsafe and improper mitigation systems, which can increase radon concentrations.

Cost of the proposed regulation

The proposed program would be self-funded through fees from the 300 +regulated personnel.

Description of any anticipated disqualifications on an applicant for certification, licensure, or renewal and how such disqualifications serve public safety or commercial or consumer protection interests.

Since the regulated population will be testing for and mitigating radon, which is a radioactive substance for which exposure can cause lung cancer, it is of the utmost importance that professionals adhere to EPA-recommended industry consensus standards and ethical practices. Screening should be used to consider disqualifying on a case-by-case basis persons who have unresolved issues with compliance with licensure or other credentials and especially for environmental assessment and remediation services.

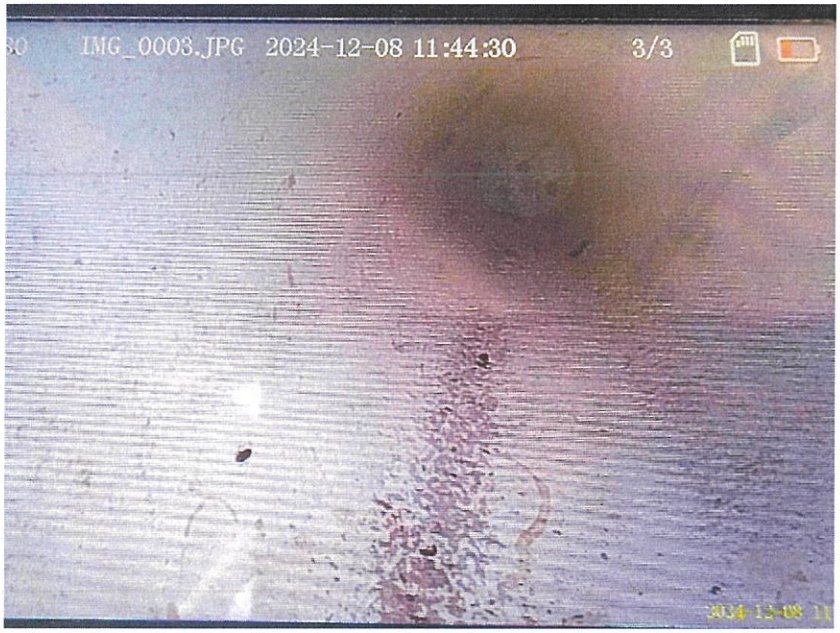
Moreover, since industry members can provide services only by entering people's homes or other occupied facilities, past unresolved criminal activities involving felonies against persons and property should be factored into eligibility decisions on a case-by-case basis, and post-licensure felony convictions may affect continued eligibility.

Therefore, in order to protect consumers and the public, applicants should be required to disclose relevant information about criminal background and licensure standing upon application.

To the best of our knowledge, the above would affect less than 1% of the otherwise eligible candidate pool.

These are just a few of the findings when called to investigate why a system installation was not working correctly, homeowner did not feel comfortable with the installation or hired to convert a builder installed passive vent to an active vent.

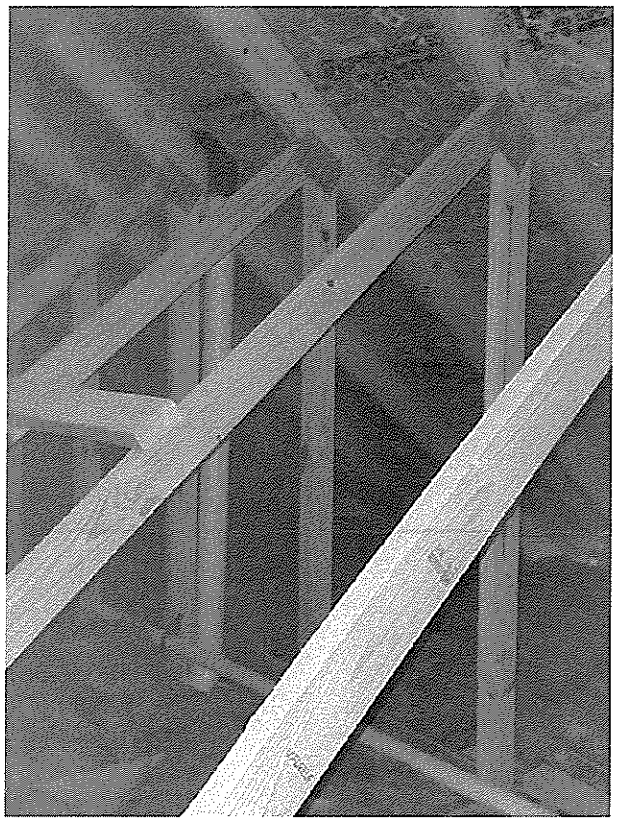
Bruce Jones – NRPP certified Soil Gas Compliance Inspector 112586-SGM-CI.



24219 Land End Rd, Orange, VA - New home and the new homeowners self-tested for radon and it was high. This builder has built a half dozen or so homes in the Lands' End neighborhood. Was called to convert the 'passive' to an 'active' system. The fan had hardly any airflow. Using a borescope investigated the builder's installed passive system under the slab. The builder/plumber installed a tee and instead of the 10' perf pipe they installed solid PVC pipe with end caps that had five 3/8" holes drilled in the caps. Being sub-slab and in a finished basement had to create a new sub-slab suction port. Radon levels are now below 2 pCi/l.



1251 Turner Mountain Road, Charlottesville, VA - Installed from a well-known Charlottesville mitigator that has installed 1000's of systems over the past 30 years and retired this year. I got involved when the homeowner called asking if I have a micromanometer and if I could perform PFE testing on his home because the hired mitigator does not own a micromanometer. What I found... mitigator added two additional suction ports to the existing builders passive vent (because he could not get the level down and had no test equipment for PFE testing), fan mounted horizontally AND in a conditioned attic, flex duct running up and down in relationship to fan, duct tape securing the flex duct to the fan, outdoor vent pointing down, and 16 ft light-duty extension cord for power. Mitigator wanted to add another suction pit/system and possibly an ERV. That evening we deployed six radon monitors throughout the home (basement, 1st floor, and second floor). The next day returned and found multiple issues... thin flexible duct in the attic pumping 50 pCi/l into the conditioned attic and throughout the home. This client had already paid $2600 to the mitigator and was told it would be more with a second system and an ERV that he was about to install. Homeowner let mitigator go and asked us to fix it. Removed the two extra slab suction ports, installed a 'typical' fan, removing the noisy high flow fan; moved the fan and exhausted through the roof in an unconditioned attic area. Home is now at 0.4 pCi/l average. However, what's worse is that this client paid the builder to install a passive radon system. The builder installed a vent pipe into the attic and capped it. The homeowner has raised their three children for the past 7 years thinking their home was safe, but they were living in 50 pCi/l of radon.



We run across this in about 50% of the builders installed passive system. The 2018 VA Residential code book, appendix F, states to leave room for a fan and provide power within 6 feet of the passive pipe. If there is enough vertical pipe, we modify the passive vent pipe with four 45's to bump out the pipe to provide room for the fan.



29 Mill Run, Bumpass, VA - Builder: John Robb Custom Homes. Brand new home near Lake Anna. Homeowners were told they have a passive system as the County requires it. Homeowner stated that when it rains water comes out around the pipe at the concrete slab. Homeowner complained to builder who then came out and put a 90 on the exhaust pipe above the roof to prevent rain entry.

Homeowners then had home tested by a company out of Fredericksburg and results were in the low 10's. Ultimately cut and pulled the pipe at the slab to find the builder/plumber chiseled down about 2 inches and then sealed the pipe to the concrete. Looking at the construction, we quickly determined this is a monolithic pour with a deep footer down the center of the home and confirmed with a 3/8 test hole. Thus, we had to encroach into the living space for a new slab hole. Converted from passive to active in the attic and now all is good. If the County requires a passive system, it needs to be installed per the 2018 Appendix F which has been adopted in Louisa Co.



101 Ashlawn Ct, Locust Grove, VA – Was asked to do a post-mitigation test and inspection of a mitigation system installed by a company out of Fredericksburg, that a lot of realtors use because he is 'cheap'. Beyond a few minor issues this hazard stood out as the power switch and fan, both are ignition sources, operating within 5 feet of the LP gas tank and regulator vent. I drove by months later and noticed this hazard had not been corrected. This was also reported to Ryan Parris.

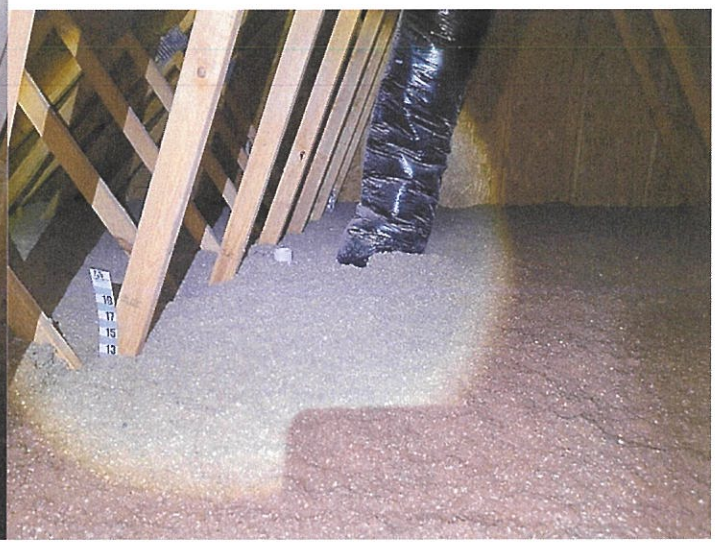


1521 Still Meadow Cove, Charlottesville, VA – Was asked by new owners to this home to figure out why post installation of a system they were still seeing high levels of radon with the tester they purchased. That exhaust just below the window is your infant twin's bedroom. Inspected the system, wrote and submitted the AARST inspection report. Suggested the homeowner to contact the installer to correct the issues found. They decided they did not want the installer back in their home. Ultimately the corrections were implemented a couple months later by replacing the exhaust pipe to above the roofline. With PFE testing, only one third of the slab had communications due to two separate footers running the length of the home. Thus, two additional sub-slab suction ports were added. Post test results are now under 1 pCi/l.



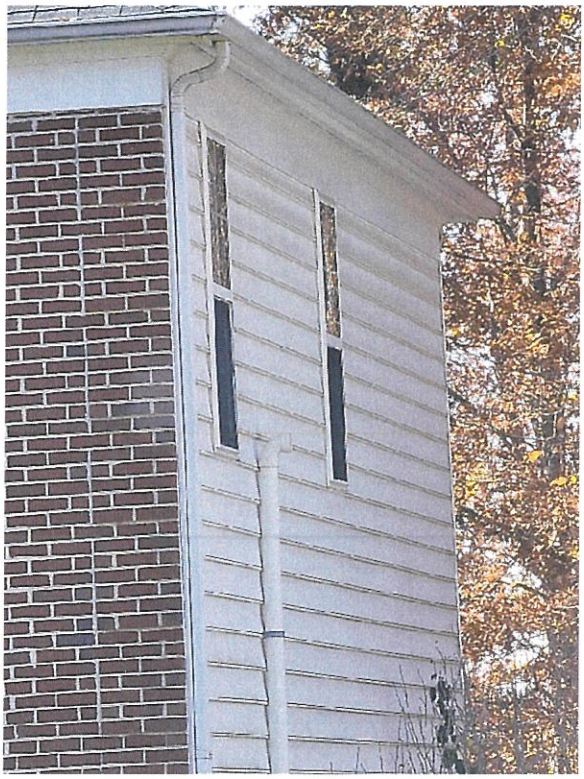
Ashburn, VA – Was called to investigate why the home still has high radon. Clients recently purchased the home, waved the inspection because the home already had a mitigation system. Whoever installed this system must not have been proud of their work as there was no documentation, label anywhere on the system, or electrical panel. Found this pipe connection and two others not even glued.



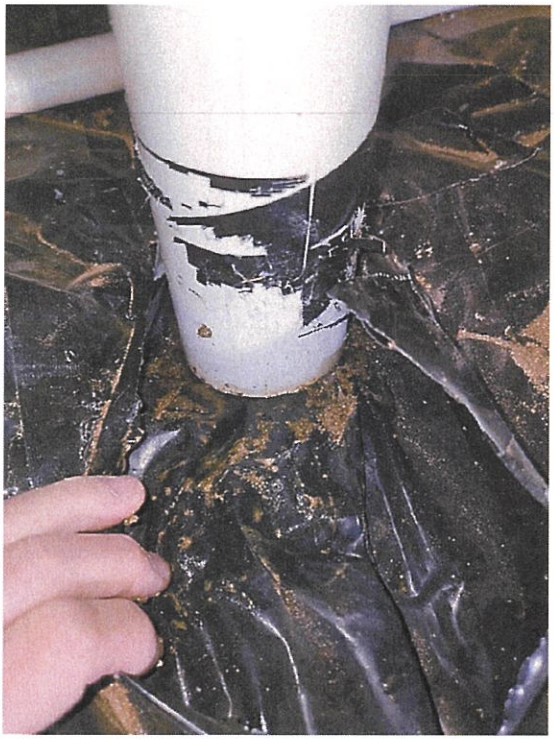


2025 – Brand new development being built over the last couple years by Craig Builders and Southern Development Homes. Buyers are being told these homes have passive radon vents installed. We've converted five so far and not one was installed correctly. In some cases, the exhaust did not go through the roof. Other cases the sub-slab pipe was sitting on the vapor barrier. Others had the slab cored out but not dugout creating a suction pit. When they cored the slab the concrete dust sat on the bottom of the hole, mixed with some moisture created a plug. Also, in some cases the builder is enclosing the vent pipe within the walls not leaving an area for the manometer and vacuum loss alarm. Not one of these installations was done correctly and leaving a false sense of safety to the homeowners.





Charlottesville, VA - These we noticed on neighboring homes where we installed radon mitigation. You can drive around Glenmore, a gated community just outside Charlottesville and find many systems just exhausting within eight feet from ground level or just under or next to upper story bedroom windows.



Rockville, VA – 2025 new home, builder of this development is telling buyers that all the homes have passive radon system. A couple of months ago the homeowner who is working from the home decided to purchase a home radon monitor. Levels were over the action limit. We were contacted to convert the 'passive' system to an 'active' system. Found the builders passive vent, installed the fan to find there is no

air flow. I found the passive vent pipe sitting on top the vapor barrier blocking any air flow. Corrected by adding vapor mat under the vapor barrier. Home now under 1 pCi/l.

VA Chapter IEA Petition for Review of Radon Regulation for Virginia

	Name	Occupation/Certification	Address	Email	Cell #	Signatures
1	AUSTIN GIANNASI	MITIGATION/ TESTING (NRPP)	PO BOX 1555 MECHANICSVILLE 23116	office@geo environmental.net	(804) 317-7094	austin Giannasi
2	WALLY DORSEY	TESTING NRPP	1913 MOSELEY RD 23120	WALLY@RADONBASE.com	804-909-0887	
3	Kim Dingledine	Testing NRPP	620 Farnham circle 23236	K.dingledine@d3g.com	804-339-1187	Kim Dingledine
4	Ethris Chapman	Testing NRSB	2102 N. Hamilton St, Richmond, VA 23230	C chapman@ecslimited.com	804-258-2103	
5	Anam Sauter	NRSB measurement Radon specialis	2101 N. Hamilton st Richmon VA 23230	asauter@ecslimited.com	804-659-8415	
6	John Davis	NRSB NRPP Test & mitigation	2951 Barrow Place Midlothian, VA 23113	JsciAuis@gmail.com	804-458 6021	
7	ANDREW BAIRD	NRSB ~~NRPP~~	FRANKLIN [illegible]	[illegible]	[illegible]	AB
8	Micheal Allshouse	NRSB	7834 Forest Hill Ave Richmond, VA 23225	Mallshouse@Forestcon.com	804-543-4425	
9						
10						
11						

VA Chapter IEA Petition for Review of Radon Regulation for Virginia

	Name	Date	Occupation/Certification	Address	Email	Phone Number	Signature
1	April Leslie	11/24/25	Radon Measurement Specialist NRSB 1755065	Midlothian, VA	April@RVARadon.com	804.385 2233	April Leslie
2	Douglas "Scooter" Burgess	NRPP	Radon Measurement Specialist	Midlothian Va	Scooter@Burgessinspects.com	804-794 1423	Scooter B
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VA Chapter IEA Petition for Review of Radon Regulation for Virginia

	Name	Date	Occupation/Certification	Address	Email	Phone Number	Signature
1	[redacted]						
2	Samuel Hull	11/25/25	RMS + RTS NRPP 40082	Carson, VA	Shull@Commonwealthenvironmental.com	804-337-1064	[signature]
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Appendix B

BPOR Work Plan

Department of Professional and Occupational Regulation

TO: MEMBERS
BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION
FROM: JOSEPH C. HAUGHWOUT, JR.
REGULATORY AFFAIRS MANAGER
SUBJECT: WORK PLAN FOR 2026 STUDY ON REGULATION OF RADON PROFESSIONALS
DATE: JANUARY 9, 2026

Background

Section 54.1-310.1 of the Code of Virginia provides that "[a]ny professional or occupational group or organization, any person, or any other interested party that proposes the regulation of any unregulated professional or occupational group shall submit a request to the Board no later than December 1 of any year for analysis and evaluation during the following year." This section of the Code also provides that "[t]he Board shall submit a report with its findings on whether the public interest requires the requested professional or occupational group be regulated to the House Committee on General Laws, the Senate Committee on General Laws and Technology, and the Joint Commission on Administrative Rules no later than November 1 of the year following the request submission." This section of the Code further provides for the minimum requirements for a request for regulation.

On December 1, 2025, DPOR staff received a petition from the Virginia Chapter of the Indoor Environments Association ("IEA") proposing regulation of those who provide radon services. The petition specifies the following occupations:

1. Radon measurement professionals. Those who perform radon testing using specified types of equipment, and are responsible for the implementation, execution, and documentation of all required quality assurance or quality control procedures, and who may provide general supervision and quality assurance or quality control oversight for radon measurement field technicians.
2. Radon mitigation specialists. Those who design and install radon remediation systems, and are responsible for the implementation, execution, and documentation of all required quality management and worker safety procedures, and may provide general supervision to radon mitigation installers.

IEA proposes licensure of these occupations. According to information provided by IEA, radon exposure is a known carcinogen and the second leading cause of lung cancer, resulting in more than 21,000 deaths in the United States annually, including 700 deaths in Virginia annually. Under current Virginia law, persons who conduct or offer to conduct radon screening, testing, or

mitigation in Virginia must (i) be listed as a professional by either the National Radon Proficiency Program ("NRPP") or the National Radon Safety Board ("NRSB"); or (ii) meet any other proficiency measures deemed acceptable by the U.S. Environmental Protection Agency ("EPA") or the Board of Health for the purpose of offering screening, testing, or mitigation. Current law also establishes standards for radon screening, testing, or mitigation to which these persons must adhere.

IEA contends that regulation of radon service providers by DPOR will address problems it has identified in the existing regulatory scheme. These are (i) lack of Virginia Department of Health authority to enforce certification and standards requirements; (ii) lack of capacity by EPA-recognized national certification programs to conduct inspections in response to complaints, conduct proactive investigations to supplement public complaints, or impose sanctions; and (iii) a widespread pattern of non-compliance with standards.

Scope

Section 54.1-310.1 of the Code of Virginia provides that "[t]he Board shall conduct an analysis and evaluation of any proposed regulation based on the criteria enumerated in § 54.1-311 [of the Code of Virginia]…" upon receipt of a request submitted in accordance with statute.

Section 54.1-100 of the Code of Virginia provides for the Commonwealth's general policy on the regulation of professions and occupations, and provides, in part:

> The right of every person to engage in any lawful profession, trade, or occupation of his choice is clearly protected by both the Constitution of the United States and the Constitution of the Commonwealth of Virginia. The Commonwealth cannot abridge such rights except as a reasonable exercise of its police powers when (i) it is clearly found that such abridgment is necessary for the protection or preservation of the health, safety, and welfare of the public and (ii) any such abridgment is no greater than necessary to protect or preserve the public health, safety, and welfare.
>
> No regulation shall be imposed upon any profession or occupation except for the exclusive purpose of protecting the public interest when:
>
> 1. The unregulated practice of the profession or occupation can harm or endanger the health, safety or welfare of the public, and the potential for harm is recognizable and not remote or dependent upon tenuous argument;
>
> 2. The practice of the profession or occupation has inherent qualities peculiar to it that distinguish it from ordinary work and labor;
>
> 3. The practice of the profession or occupation requires specialized skill or training and the public needs, and will benefit by, assurances of initial and continuing professional and occupational ability; and

4. The public is not effectively protected by other means.

Section 54.1-311 of the Code of Virginia outlines the degrees of regulation, which are:

1. Private civil actions and criminal prosecutions. -- Whenever existing common law and statutory causes of civil action or criminal prohibitions are not sufficient to eradicate existing harm or prevent potential harm, the Board may first consider the recommendation of statutory change to provide more strict causes for civil action and criminal prosecution.

2. Inspection and injunction. -- Whenever current inspection and injunction procedures are not sufficient to eradicate existing harm, the Board may promulgate regulations consistent with the intent of this chapter to provide more adequate inspection procedures and to specify procedures whereby the appropriate regulatory board may enjoin an activity which is detrimental to the public well-being. The Board may recommend to the appropriate agency of the Commonwealth that such procedures be strengthened or it may recommend statutory changes in order to grant to the appropriate state agency the power to provide sufficient inspection and injunction procedures.

3. Registration. -- Whenever it is necessary to determine the impact of the operation of a profession or occupation on the public, the Board may implement a system of registration.

4. Certification. -- When the public requires a substantial basis for relying on the professional services of a practitioner, the Board may implement a system of certification.

5. Licensing. -- Whenever adequate regulation cannot be achieved by means other than licensing, the Board may establish licensing procedures for any particular profession or occupation.

To determine the proper degree of regulation, the Board must determine:

1. Whether the practitioner, if unregulated, performs a service for individuals involving a hazard to the public health, safety or welfare.

2. The opinion of a substantial portion of the people who do not practice the particular profession, trade or occupation on the need for regulation.

3. The number of states which have regulatory provisions similar to those proposed.

4. Whether there is sufficient demand for the service for which there is no regulated substitute and this service is required by a substantial portion of the population.

5. Whether the profession or occupation requires high standards of public responsibility, character and performance of each individual engaged in the profession or occupation, as evidenced by established and published codes of ethics.

6. Whether the profession or occupation requires such skill that the public generally is not qualified to select a competent practitioner without some assurance that he has met minimum qualifications.

7. Whether the professional or occupational associations do not adequately protect the public from incompetent, unscrupulous or irresponsible members of the profession or occupation.

8. Whether current laws which pertain to public health, safety and welfare generally are ineffective or inadequate.

9. Whether the characteristics of the profession or occupation make it impractical or impossible to prohibit those practices of the profession or occupation which are detrimental to the public health, safety and welfare.

10. Whether the practitioner performs a service for others which may have a detrimental effect on third parties relying on the expert knowledge of the practitioner.

The Board will conduct an analysis and evaluation of the occupations for which IEA has requested regulation. The study will be conducted in accordance with the *Board for Professional & Occupational Regulation Guidelines for Evaluation of Petitions for Regulation* ("BPOR Guidelines"). Evaluation will be guided by the following criteria:

1. Risk for Harm to the Consumer. The unregulated practice of the profession or occupation will harm or endanger the public's health, safety, or welfare. The harm is recognizable and not remote or dependent on tenuous argument.
2. Specialized Skills and Training. The practice of the profession or occupation requires specialized education, training, and the public needs assurance of competence.
3. Autonomous Practice. The function and responsibilities of the practitioner, require independent judgment, and the members of the occupational group practice autonomously.
4. Scope of Practice. The scope of practice is indistinguishable from other licensed, certified, and registered professions and occupations.
5. Economic Impact. The economic costs to the public of regulating the occupational group are justified.
6. Alternatives to Regulation. No alternatives to state regulation of the profession or occupation exist that adequately protect the public.

7. Least Restrictive Regulation. If it is determined that state regulation of the occupation or profession is necessary, only the least restrictive level of occupational regulation consistent with public protection will be recommended.

Methodology

The study will be conducted using methods approved in the BPOR Guidelines. This will entail a comprehensive review of the relevant literature to include research of:

- Job analyses of the specified occupations.
- Current regulation in Virginia.
- Related laws and regulations in other jurisdictions.
- Existing private credentialing systems.
- Environmental and health impacts of radon and potential for public harm.

Additional information may be obtained through interviews of practitioners, regulators, and other parties knowledgeable about the issues germane to these occupations.

The study will provide for opportunities for public input. This will include (i) general notices soliciting public comment through the Virginia Regulatory Town Hall; and (ii) one or more public hearings.

Staff will prepare a draft report based on the research and data gathered from sources, to include proposed findings and recommendations. The Board will review the draft report, edit as necessary, and adopt and issue a final report. The Board must issue a report no later than November 1, 2026.

The study is planned to proceed according to the following general timeline:

- January 2026: Preliminary research and adoption of work plan.
- January 2026 through April 2026: Principal research to include literature review and interviews.
- May 2026 through August 2026: Solicitation of public input. Preliminary report drafting.
- July 2026 through September 2026: Principal report drafting.
- September 2026: Board review of draft report.
- October 2026: Board consideration and adoption of final report.

Appendix C

Radon Measurement Devices

Radon Measurement Devices

Note: The device types described below are not inclusive of all types of radon measurement methods identified by EPA.

Activated Carbon (Charcoal) Methods/Charcoal Adsorption Detectors (CAD)

Category: Passive.

Device Types: Activated charcoal adsorption (AC); charcoal liquid scintillation (LS).

Description: These types of devices adsorb radon gas by molecular diffusion into carbon grains. The adsorbed gas decays into short-lived decay products. Decay products bismuth-214 and lead-214 emit gamma rays. The concentration of radon is determined by counting gamma emissions of these decay products. A CAD is exposed to air for between two (2) to seven (7) days. After exposure to air, these devices are sent to a laboratory for analysis.

Alpha Track Devices/Alpha Track Detectors (ATD)

Category: Passive.

Device Types: Alpha track detection-filtered (AT); unfiltered track detection (UT).

Description: These types of devices employ a small, alpha-sensitive plastic chip or cellulose film in a small, filtered container. Radon passes through the filter and decays. Alpha particles strike the chip or film, causing scars to the chip or film (alpha tracks). The concentration of radon is determined based on the density of the tracks. An alpha track detector is designed for long-term measurement and can be exposed to air for measurement between three (3) months to up to a year. After exposure, the device is sent to a laboratory for analysis. The UT device does not employ a filter.

Electret Ion Chamber/Electret Ion Chamber Detectors (EIC)

Category: Passive.

Device Types: Electret ion chamber – short term (ES); electret ion chamber – long term (EL).

Description: These types of devices use a chamber made of, or lined with, electrically conductive plastic coupled with a charged electret disk. Radon atoms diffuse through the filter and release alpha particles as they decay. The decay of radon discharges voltage from the electret. The concentration of radon is determined based on the voltage lost. An electret ion chamber may be used for either short-term or long-term measurement.

Continuous Radon Monitors (CRM)

Category: Active.

Device Types: Alpha scintillation monitors; pulsed ionization chamber monitors; solid state silicon monitors.

Description: These are electronic devices that record measurements of radon concentration over time intervals of one hour or less. They can provide average radon concentration over the time deployed and provide interval readings. The additional data points can help determine if there was an unusual occurrence during the test that might invalidate the overall measurement. These devices may include tamper detection features.

Appendix D

Radon Mitigation Methods

Radon Mitigation Methods

Note: The mitigation methods described below are not inclusive of all types of radon mitigation methods.

Sub-Slab Depressurization/Active Soil Gas Depressurization (ASD)
Description: This active mitigation method is designed for foundations on a slab. The system is designed to create a vacuum beneath the building foundation that is greater than the vacuum applied to the soil by the building. A suction pipe is inserted through the floor slab, or below the slab from outside the building, into the crushed rock or soil underneath the slab. The suction pipe is connected to a fan. The fan causes soil gas under the slab, to include any radon gas, to be pulled through the piping system and vented at an exit point outside of the building and far enough away from any building openings so that the soil gas becomes part of the outdoor air. This approach mitigates risk by preventing soil gas from entering into occupied spaces. Variations of this approach include drain tile suction, sump-hole suction, and block wall suction.

Passive Sub-Slab Suction
Description: This passive mitigation method is similar to active sub-slab suction, but instead vents soil gas, including radon, naturally using air pressure differences between warm building air and cooler soil gas to create a vacuum. This type of system is typically used during construction of new buildings to make them radon resistant.

Submembrane Suction
Description: This active mitigation method is a type of ASD designed for buildings with crawlspaces. This approach entails covering the earth floor under the crawlspace with a high-density plastic sheet and then using a vent pipe and fan to draw soil gas, including radon gas, from under the sheet and vent it to the outdoor air.

Indoor Air Pressurization
Description: This non-ASD active mitigation method entails mechanically driving air into enclosed portions of a building to mitigate the volume of soil gas or radon entering habitable spaces.

Soil Air Pressurization
Description: This non-ASD active mitigation method entails mechanically increasing air pressure within soil that adjoins the outer foundation to mitigate soil gas or radon entry into habitable spaces.

Indoor Air Dilution
Description: This non-ASD active mitigation method entails mechanically driving dilution air into portions of a building as a method to dilute soil gas or radon concentration after gas enters the building.

Caulking or Sealing
Description: Mitigation may include caulking or sealing cracks or openings in a building foundation where soil gas may enter a building. It is not recommended as a permanent or stand-alone technique.

Appendix E

NRPP and NRSB Credentialing Information

NRPP and NRSB Credentialing Data

Note: This data is derived from public lists of credentialed professionals on the websites for NRPP and NRSB. Data were collected in February 2026. These numbers likely include individuals or businesses that may (i) hold multiple credentials from the same credentialing body; or (ii) hold credentials from both of the credentialing bodies. Accordingly, these numbers should not necessarily be seen as reflecting the total number of individuals or businesses that are accredited by these organizations, which may be smaller. Percentages indicated are approximate.

Accredited Professionals in the United States

National Radon Proficiency Program (NRPP)					
Number of Radon Measurement Professional (RMP) (%)	Number of Radon Mitigation Specialists (RMS) (%)	Number of Radon Measurement Field Technician (RMFT) (%)	Number of Radon Mitigation Installer (RMI) (%)	Soil Gas Mitigation Compliance Inspector (SGM-CI) (%)	**Total (%)**
2,469 (67%)	1,056 (29%)	73 (2%)	57 (2%)	46 (1%)	**3,701 (100%)**

National Radon Safety Board (NRSB)						
Number of Radon Measurement Specialists (RMS) (%)	Number of Radon Mitigation Specialists (RRS) (%)	Number of Radon Measurement Technician (RMT) (%)	Number of Accredited Radon Laboratory (ARL) (%)	Number of Secondary Radon Chamber (CHM) (%)	Number of Tertiary Radon Chamber (TRC) (%)	**Total (%)**
534 (66%)	104 (13%)	117 (14%)	52 (6%)	1 (>1%)	4 (>1%)	**812 (100%)**

Accredited Professionals in Virginia

National Radon Proficiency Program (NRPP)					
Number of Radon Measurement Professional (RMP) (%)	Number of Radon Mitigation Specialists (RMS) (%)	Number of Radon Measurement Field Technician (RMFT) (%)	Number of Radon Mitigation Installer (RMI) (%)	Soil Gas Mitigation Compliance Inspector (SGM-CI) (%)	**Total (%)**
191 (83%)	34 (15%)	3 (1%)	1 (>1%)	1 (>1%)	**230 (100%)**

National Radon Safety Board (NRSB)						
Number of Radon Measurement Specialists (RMS) (%)	Number of Radon Mitigation Specialists (RRS) (%)	Number of Radon Measurement Technician (RMT) (%)	Number of Accredited Radon Laboratory (ARL) (%)	Number of Secondary Radon Chamber (CHM) (%)	Number of Tertiary Radon Chamber (TRC) (%)	**Total (%)**
115 (70%)	21 (13%)	17 (10%)	12 (7%)	0 (0%)	0 (0%)	**165 (100%)**

NRPP Credentials

NRPP is the proficiency program under the American Association of Radon Scientists and Technologists ("AARST"). In the discipline of radon measurement, NRPP issues certifications for Radon Measurement Professional ("RMP") and Radon Measurement Field Technician ("RMFT"). In the discipline of radon mitigation, NRPP issues credentials for Radon Mitigation Specialist ("RMS") and Radon Mitigation Installer ("RMI"). Qualification for these credentials requires completion of an initial training course and successful passage of a certification examination. Certifications are valid for two (2) years. Individuals holding these credentials are required to (i) complete continuing education to maintain certification; and (ii) adhere to NRPP's code of ethics and terms of certification.

The RMP and RMFT Credentials

The RMP credential is further divided into two classes. RMP-S,[1] which is for individuals who only use standard or passive measurement devices; and RMP-A,[2] which is for individuals who use both standard or passive measurement devices, and analytical devices. To qualify for an RMP, an individual must (i) complete a 16-hour initial training course from an NRPP-approved provider; (ii) receive a passing score on the NRPP Measurement Professional Examination; and (iii) register an NRPP-approved measurement device. For the RMP-A credential, the individual must also provide evidence of proficiency in the use of an analytical radon measurement device. The RMFT is considered a "junior-level" credential to the RMP. The RMFT is designed for individuals whose duties are limited to deploying and retrieving measurement devices and ensuring building conditions for testing and assessment. Qualification for an RMFT requires less training than for an RMP. Individuals with an RMFT certification must be supervised by an RMP. To maintain the credential, an RMP must complete 12 hours of continuing education every two years. An RMP-A must also (i) annually submit proof of radon measurement instrument calibration; and (ii) have the registered device tested at an NRPP-approved radon chamber every two years. An RMFT must also complete continuing education, but with fewer required hours than an RMP, to maintain the credential.

The RMS and RMI Credentials

To qualify for an RMS, an individual must (i) complete a 16-hour initial radon measurement training course from an NRPP-approved training provider; (ii) complete a 24-hour radon mitigation prep course from an NRPP-approved training provider; and (iii) receive a passing score on the NRPP Mitigation Specialist Examination. The RMI is considered a "junior-level" credential to the RMS. The RMI is designed for individuals whose duties are limited to installation of soil depressurization systems in residences and implement protection measures for hazards related to the mitigation process. Qualification for an RMI requires less training than for an RMS. Individuals with an RMI certification must be supervised by an RMS within the same company. To maintain the credential, an RMS must complete 12 hours of continuing education every two years. An RMI must also complete continuing education, but with fewer required hours than an RMS, to maintain the credential.

Other NRPP Credentials

NRPP also issues a soil gas mitigation compliance inspector certification. This credential is designed for those who inspect active soil depressurization radon mitigation systems to verify that the installation complies with required standards for soil gas mitigation. The role of a soil gas mitigation compliance inspector is to represent home buyers by verifying that systems installed as part of a home sale meet minimum standards, as well as help resolve citizen complaints to NRPP, and assist state radon programs with compliance enforcement. NRPP is also in the process of developing a commercial level credential.

[1] Radon Measurement Professional-Standard Service

[2] Radon Measurement Professional-Analytical Service

NRSB Credentials

The NRSB uses a similar accreditation scheme to that of NRPP. In the discipline of radon measurement, NRSB issues certifications for Radon Measurement Specialist ("RMS") and Radon Measurement Technician ("RMT"). However, unlike NRPP, NRSB only issues one credential, Radon Reduction (Mitigation) Specialist ("RRS") in the mitigation discipline.[3] Similar to NRPP, NRSB requires individuals seeking certification to complete an initial training course and pass a certification examination. Certifications are renewable for either one (1) year or two (2) years. Individuals must complete continuing education to maintain certification and adhere to NRSB's code of ethics.

The RMS and RMT Credentials

To qualify for an RMS, an individual must (i) complete 16 hours of NRSB-approved classroom training; and (ii) pass an NRSB RMS knowledge-based examination. An RMS must also use an NRSB-approved measurement device, and provide proof of device calibration and proficiency if using a continuous radon monitor. The RMT is a "junior-level" credential to the RMS, and is intended for individuals whose duties are limited to placement and retrieval of measurement devices. Individuals with an RMT certification must be supervised by an RMS. To maintain the credential, an RMS must complete eight (8) hours of NRSB-approved continuing education per certificate year. Individuals who use a continuous radon monitor must have an up-to-date calibration certificate. An RMT must also complete continuing education, but with fewer required hours than an RMS, to maintain the credential.

The RRS Credential

To qualify for an RRS, an individual must (i) complete 24 hours of NRSB-approved mitigation training, including eight (8) hours of hands-on experience; (ii) complete 16 hours of NRSB-approved classroom training on radon measurement; and (iii) pass an NRSB-approved RRS knowledge-based examination. To maintain the credential, an RRS must complete eight (8) hours of NRSB-approved continuing education per certificate year.

[3] NRSB also issues credentials for (i) accredited radon laboratories; and (ii) accredited radon chambers.

Appendix F

Information on States that Regulate Radon Professionals

Information on States that Regulate Radon Professionals

Legend:	
	State Licensure and Private Accreditation Both Required
	State Licensure Only Required
	Private Accreditation Only Required

State	State Licensure of Measurement Professionals Required (Y/N)	State Licensure of "Junior Level" Measurement Professionals Required (Y/N)	State Licensure of Mitigation Specialists Required (Y/N)	State Licensure of "Junior Level" Mitigation Specialists Required (Y/N)	Private Accreditation of Measurement Professionals Required (Y/N)	Private Accreditation of Mitigation Specialists Required (Y/N)	Notes:
California	N	N	N	N	Y	Y	• Individuals must provide proof of NRPP/NRSB certification to the state. • Individuals must provide proof of re-certification to state every two (2) years. • Failure to comply is criminal offense.
Colorado	Y	Y	Y	Y	Y	Y	• Individuals must obtain and maintain liability insurance while licensed. • Individuals must maintain NRPP/NRSB certification, and complete continuing education to maintain licensure. • Failure to comply is criminal offense.
Connecticut	N	N	N	N	N	Y	• Radon testers are not required to be accredited. • State is required to maintain list of accredited radon professionals. • Individuals who conduct radon testing in schools must also attend mandatory state training to be qualified. • Individuals who perform radon mitigation must also be registered with the state as a home improvement

							contractor; accreditation by NRPP/NRSB is required for registration. • Failure to comply may result in bar from registering commercial vehicle with state motor vehicles agency.
District of Columbia	N	N	N	N	Y	Y	• Provides for title protection. • Mayor required to maintain list of accredited professionals. • Failure to comply appears to be a civil offense subject to civil fine, fee, or penalty.
Florida	Y	Y	Y	Y	N	N	• State requires state credentialing of businesses that perform radon measurement or radon mitigation. • State imposes experience requirement for "senior level" credentials. • State requires continuing education to maintain licensure. • Failure to comply appears to be a civil offense with an administrative fine.
Illinois	Y	Y	Y	Y	N	N	• State requires licensure of radon analytical laboratories. • State imposes experience requirement for "senior level" credentials. • State requires mitigation professionals to have insurance. • State requires continuing education to maintain licensure. • Failure to comply appears to be a civil offense with a civil penalty.
Indiana	Y	Y	Y	N	Y	Y	• State requires licensure of radon laboratories. • Radon professionals must provide proof of NRPP/NRSB accreditation. • Radon professionals must complete continuing education and biennial re-examination to maintain licensure. • Failure to comply appears to be a civil offense with a civil penalty.
Iowa	Y	N	Y	N	N	N	• State requires licensure of radon laboratories. • Radon professionals must meet experience requirement.

							• State requires continuing education to maintain licensure. • Failure to comply is a criminal offense.
Kansas	Y	N	Y	N	N	N	• State requires licensure of radon measurement laboratories. • State requires continuing education to maintain licensure. • Failure to comply is a criminal offense.
Kentucky	Y	N	Y	N	Y	Y	• State requires licensure of radon laboratories. • Provides for title protection. • Individuals must provide proof of NRPP/NRSB certification to the state. • Individuals must provide proof of insurance. • Individuals must maintain NRPP/NRSB certification to maintain licensure. • Failure to comply may be a criminal offense.
Maine	Y	Y	Y	Y	N	N	• State requires licensure of radon laboratories. • State requires licensure of businesses that perform radon measurement or radon mitigation. • Individuals must complete continuing education to maintain licensure. • Failure to comply appears to be civil offense with civil penalty.
Minnesota	Y	N	Y	N	N	N	• State requires licensure of companies that perform radon mitigation (these firms may also perform radon measurement). • State requires licensure of radon laboratories. • Individuals must complete continuing education to maintain licensure. • Failure to comply appears to be a civil offense.
Nebraska	Y	N	Y	N	N	N	• State requires licensure of businesses that perform radon measurement (including laboratories) and radon mitigation. • State imposes experience requirement for radon mitigation specialists. • Individuals must complete continuing education to maintain credentials. • Failure to comply is a criminal offense.

New Hampshire	N	N	N	N	N	Y	• State does not require credentialing for radon measurement, but recommends consumers hired NRPP/NRSB certified individual. • Criminal offense for person to falsely represent or advertise that individual is certified radon mitigator.
New Jersey	Y	Y	Y	N	N	N	• State requires licensure of businesses that perform radon measurement or radon mitigation. • State imposes experience requirement for "senior level" licenses. • State requires specific training on multifamily buildings, or schools and large buildings under some circumstances. • Individuals must complete continuing education to maintain licensure. • Failure to comply is a criminal offense.
Ohio	Y	N	Y	N	N	N	• State requires licensure of contractors that perform radon mitigation. • State requires licensure of radon laboratories. • Individuals must complete continuing education to maintain licensure. • Failure to comply is a criminal offense.
Pennsylvania	Y	N	Y	N	N	N	• State requires licensure of businesses that perform radon testing or radon mitigation. • State requires licensure of radon laboratories. • State imposes experience requirement for radon mitigation specialists. • Individuals must complete continuing education to maintain licensure. • Failure to comply is a criminal offense.
Rhode Island	Y	N	Y	Y	Y	Y	• State requires licensing of businesses that perform radon testing and radon analysis. • State requires licensing of radon contractors, which must also be registered as a contractor with the state's contractor licensing and registration board. • Individuals must provide proof of certification with NRPP/NRSB and maintain certification. • Individuals must complete continuing education to maintain licensure.

							• Failure to comply appears to be a civil offense.
Utah	N	N	Y	N	N	Y	• State does not require license or private credentialing for radon testing. • State requires that those performing radon mitigation be licensed contractors and have NRPP/NRSB certification. • Failure to comply is a criminal offense.
Virginia	N	N	N	N	Y	Y	• State requires contractor license for businesses that perform contracting work over $1,000 in value. • State licensed contractors must have NRPP/NRSB certification if performing radon mitigation in existing buildings. Not required for new construction.
West Virginia	Y	N	Y	N	Y	Y	• State requires licensure of radon contractor businesses and radon laboratories. • Individuals must provide proof of NRPP/NRSB certification to the state. • State does not appear to require individuals to complete continuing education. • Failure to comply is a criminal offense.

Appendix G

Interview Summaries

Summary of Interview - Ettinger

Interview Participants: Matthew Ettinger, Director, Office of Radiological Health, Virginia Department of Health; Joseph C. Haughwout, Jr., Regulatory Affairs Manager, Department of Professional and Occupational Regulation.

Date of Interview and Format: March 12, 2026, via Microsoft Teams

Staff for the Department of Professional and Occupational Regulation ("DPOR") conducted an interview with Matthew Ettinger ("Ettinger") who is the Director of the Office of Radiological Health at the Virginia Department of Health ("VDH").

Mr. Ettinger provided an overview of the radon program at VDH.

Radon professionals are accredited by either the National Radon Proficiency Program ("NRPP") or the National Radon Safety Board ("NRSB"), which are designated by the U.S. Environmental Protection Agency ("EPA") as the ways for radon professionals to become qualified. EPA has not designated any other proficiency measures for persons to become radon professionals. The Board of Health has not established any proficiency measures.

VDH provides links to the websites for NRPP and NRSB as fulfilling the responsibility under § 32.1-228.1 of the Code of Virginia for VDH to make available to the public a list of persons certified as professionals to offer screening, testing, or mitigation for radon.

The radon program at VDH is small and is funded through a matching grant from EPA. Ninety-five percent (95%) of the federal funds are used to buy radon testing kits that are given to the public, which is the most successful aspect of the radon program. The radiological health office does not receive general funds. The office is funded through (i) fees generated from its X-ray program, and radioactive materials program; and (ii) emergency preparedness funds provided by Dominion Energy. Fees from the X-ray program are used to cover the office's matching funds for the radon grant. The federal grant requires reporting to the EPA. In the past, the office would gather information from radon professionals for reporting. VDH receives reports on school radon measurements. Most schools do not have money to use professional radon testers. The office provides assistance to schools on the placement of radon tests and returning tests to laboratories. Schools are good about re-testing if testing is not done correctly.

The office has limited staff. The radon program has a radon coordinator position, but this position is currently vacant, and was a part-time responsibility. The radon coordinator made a video on how to test for radon.

Regarding complaints against radon professionals, Mr. Ettinger indicated that the office will review complaints and work with the individual who performed the work to fix. The office does not have staff to perform inspections of faulty work. Staff in the office are not contractors, and

are not able to determine if there is non-compliance with standards. If a submitted complaint contains pictures, the office will review pictures to determine if there are "glaring errors." The office will provide information to the complaining party to allow the complaining party to take action against the individual who performed the work. The office also encounters individuals who have let their NRPP or NRSB accreditation lapse. NRPP and NRSB are slow to respond to these issues.

Mr. Ettinger indicated that the office does not have any ability to enforce issues of non-compliance. The office can refer the matter to the accrediting organization but is not informed of any action taken. The office does not refer any complaints involving radon mitigation to the Board for Contractors. Mr. Ettinger indicated that the office does not receive many complaints. The office usually receives less than 50 complaints a year. Most complaints received, about 75%, are from other radon professionals. Mr. Ettinger indicated the radon community is good about "self-policing." The office seldom receives complaints from homeowners. The office does not formally document non-compliance with standards. The office provides reporting on complaints to the EPA, as this is a requirement of the federal grant. These reports are not publicly available on the VDH website.

Mr. Ettinger confirmed VDH regulates emergency management service personnel, and private X-ray inspectors, as VDH cannot perform X-ray inspections.

Regarding VDH's 2018 study on enforcement of radon complaints, Mr. Ettinger indicated that previous efforts to change the law to give VDH enforcement authority were not successful due to due estimated fiscal impact.

Mr. Ettinger indicated that VDH is supportive of DPOR licensure of radon professionals, and that VDH supported HB 58 introduced during the 2026 General Assembly session. Under the existing system, VDH cannot meet the needs of the citizenry, as there is no way for VDH to know if individuals are following rules, such as adhering to certification requirements and work standards.

Summary of Discussion – Board for Contractors Committee

Participants: Taylor Brannan, Ralph Costen, Doug Lowe, James Spencer, and Nathan Trice, Members of the Board for Contractors Committee; Steve Kirschner, Director of Licensing and Regulatory Programs Division, Department of Professional and Occupational Regulation; Wendy Duncan, Stephanie Keuther, Khang Le, and Lisa Robinson, Staff for Board for Contractors office, Department of Professional and Occupational Regulation; Joseph C. Haughwout, Jr., Regulatory Affairs Manager, Department of Professional and Occupational Regulation.

Date of Discussion and Format: April 28, 2026, in-person during meeting of the committee.

Mr. Haughwout provided an overview of the petition for regulation received by the Board for Professional and Occupational Regulation ("BPOR") and the regulation of radon professionals currently under the Virginia Department of Health. The discussion took place as part of the committee's "Radon Regulation" item on its agenda for the meeting.

During discussion, members of the committee indicated that there is no requirement in the Virginia Uniform Statewide Building Code ("USBC") for homes to have a radon mitigation system. However, if a system is installed, the system will need to be USBC compliant. In new construction, builders may install piping that can serve as a passive (unpowered) mitigation system, or pre-placed for an eventual active (powered) mitigation system. Typically, this type of work is performed by either (i) a plumber; (ii) an HVAC tradesman; or (iii) by a general contractor. It was indicated that a plumber or HVAC tradesman can perform installation of mitigation systems. Members of the committee indicated that the licensure of radon professionals could add to the cost of new construction.

Staff for the Board for Contractors office advised that the Board accepts credentials from the National Radon Proficiency Program ("NRPP") or National Radon Safety Board ("NRSB") as qualification for a contractor to receive the radon mitigation contracting ("RMC") specialty service. The Board accepts credentialing in either radon measurement or radon mitigation. Staff does not review whether the credential is for a "junior" level (i.e. technician level) or "senior" level. There is no additional examination required for the RMC specialty service. Staff for the Board do not verify whether the NRPP or NRSB credential is active, current in order to renew or reinstate a contractor license.

Summary of Interview – Virginia Chapter of Indoor Environments Association

Interview Participants: Jane Malone, National Policy Director for Indoor Environments Association ("IEA"); John Davis, President of Virginia Chapter of IEA ("VIEA"); Laura Neuroth, Vice-President of VIEA; Wally Dorsey, Member of VIEA; Joseph C. Haughwout, Jr., Regulatory Affairs Manager, Department of Professional and Occupational Regulation.

Date of Interview and Format: April 29, 2026, via Microsoft Teams

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Staff for the Department of Professional and Occupational Regulation ("DPOR") conducted an interview with representatives of IEA and VIEA (collectively "Petitioners.")

The representatives of IEA and VIEA provided information on their backgrounds in the radon industry.

Ms. Malone is the National Policy Director for IEA and is not a radon professional. Ms. Malone has worked with IEA for 11 years to advocate for policy at the federal and state levels.

Mr. Davis is the President of VIEA. Mr. Davis has been performing residential and commercial radon testing and mitigation for more than 20 years. Mr. Davis started his career in environmental consulting. Mr. Davis is a professional geologist and became involved in the radon industry following continuing education he took for geology. Mr. Davis indicated he is very active in the radon industry.

Ms. Neuroth is the Vice-President of VIEA. Ms. Neuroth has been involved in the environmental space for 20 years. Ms. Neuroth is an industrial hygienist and performs project management for industrial hygiene services. Ms. Neuroth has been involved with radon measurement for commercial buildings since 2014. Radon measurement is a small part of the work Ms. Neuroth performs.

Mr. Dorsey has been involved with radon testing for 41 years. Mr. Dorsey has a background in radiation science stemming from his prior military experience with fast-attack submarines. Mr. Dorsey recently sold his radon testing business.

<u>Radon Measurement/Testing</u>

Petitioners provided additional information on radon testing services and radon measurement professionals.

Radon testing services are typically requested during real estate transactions, both commercial and residential. Testing services will also be provided when there is a need for a baseline indoor air assessment, including requests from school districts. Banks may also request radon testing when there is a refinancing. Radon testing may also be requested when there is a job

relocation, such as in transfer of military personnel. In some instances, individuals who become aware of radon, such as after reading something in the news, may request a radon test. Virginia Department of Health ("VDH") has a program for distribution of radon test kits, and individuals may hire a radon professional to verify test results. Radon professionals may also be requested to perform post-mitigation testing. The Environmental Protection Agency ("EPA") recommends radon testing every five years, and every two years if a mitigation system is installed.

Most testing (60%) is real estate based. Referrals for radon measurement services will occur when a buyer's agent arranges for an inspection and might call upon a measurement professional or home inspector. Attorneys involved in commercial transactions will arrange for radon testing. Referrals for testing will also come following installation of a mitigation system to perform post-testing mitigation. It is practice in the industry that an independent professional perform post-mitigation testing.

There is more radon testing for residential properties than commercial or institutional properties. For these commercial or institutional properties, lenders will typically make sure radon testing is performed during new construction. Residential testing and commercial testing are "entirely different worlds."

For a radon test, the typical assignment will involve the radon measurement professional communicating protocols regarding testing to the customer. The house will be closed up and the A/C run so as to generate consistent results. Testing units are placed. If there are multiple types of foundations, multiple units should be placed for each foundation type. After testing is performed, testing reports are generated. The customer is provided a recommendation. For commercial buildings, multiple devices are typically placed because these buildings are larger. Devices are sent to a laboratory for testing. For mitigation of commercial buildings, some may mitigate to the World Health Organization ("WHO") standard than the EPA standard. "Spikes" in readings may also be sent in for analysis. When needed, multiple devices may be placed to ensure measurements are precise. There is no testing for radon outside of the building.

For equipment, measuring devices used in a residential setting tend to be more complicated (e.g. continuous radon monitors) than in a commercial setting where passive devices are more commonly used because professional devices are more expensive. Working level monitors which suck in air are cost prohibitive and not typically used. Consumer devices do not have to go through a performance program, and may not be as reliable as professional devices which do. The market of consumer devices has accelerated, and homeowners have access to more types of devices.

There are two classes of measurement professional. The measurement professional is considered "senior level" and operates independently. A measurement technician is considered a "junior level" and must be supervised by a measurement professional. On an assignment, the junior level will set out, deploy, and retrieve testing kits, and record data. The senior level reads the devices and interprets the devices and data. Standards for supervision are flexible, a supervisor must be accessible offsite, and is not required to be onsite. However, the level of

supervision may depend on the individual's level of expertise. For residential work, an individual may need to be supervised onsite longer in order to gain experience on the various types of foundations.

The business employing the person performing the radon testing, whether performing independently or under supervision, would be legally accountable for work performed. The owner of the business is culpable. Half of states regulate radon businesses. Petitioners indicated that regulation of radon businesses is an issue that may need to be addressed in any Virginia regulation.

Regarding potential risk of public harm for radon testing not performed to standards, issues include (i) lack of security in how measuring devices are placed; (ii) improperly calibrated measurement devices; (iii) no use of control charts; (iv) no performing of duplicate tests; and (v) test kits that are placed in areas that could lead to bad readings, such as by vents. Petitioners indicated these issues are more likely when the person performing testing is not credentialed. Improper performing of radon testing can result in "false high" cases, which may lead to unnecessary installation of a mitigation system and the added cost of installation. Improper performing of radon testing may also result in "false low" case, which allows radon levels that should be mitigated to go unaddressed, which could potentially result in lung cancer. Petitioners indicated that in real estate transactions, improper radon testing would not typically cause a real estate transaction to fail. In some cases, the buyer might have to pay to have the property retested, or the seller has to assume the cost of installing an unnecessary mitigation system. Issues surrounding radon testing during a real estate transaction are not significant in terms of the overall transaction, are seen as an inconvenience, but not "a show stopper."

Petitioners indicated that individuals can become involved in the radon testing business through associated professions, such as industrial hygiene, environmental science, home inspection, or construction. Home inspectors may become involved in radon testing as an additional line of business. Individuals seeking to become radon measurement professional will take required training and work with someone who is already certified, like a "master-apprentice" relationship. Radon testing requires a working knowledge of building construction and foundation work. Petitioners indicated that in order to operate competently as a radon tester, experience is needed and that required training and continuing education are not sufficient.

The market for radon measurement professionals depends upon the real estate market. Currently, there are plenty of individuals, including home inspectors, to meet the need for radon testing services.

Radon Mitigation

Petitioners provided additional information on radon mitigation services and radon mitigation specialists.

Radon mitigation is typically requested after radon testing is performed when test results come back high. The measurement professional will provide a customer with names of mitigators or may provide a referral. In some cases, the person performing the testing will also offer to install a mitigation system. This is an ethical issue in the industry, but sometimes will happen in smaller communities due to a lack of available persons to provide mitigation services. The practice in the industry is to provide disclosure in such cases.

For a radon mitigation, the typical project starts by having the mitigator review results of the radon test and ask questions about the radon testing performed, including ensuring that the whole house is covered because of the variety of foundation types. The mitigator will look for the least intrusive place to install the mitigation system. The mitigator will ask the customer about whether the system is to be placed outside of the house or inside of the house. The mitigator will come up with a design for installation. The persons performing the installation may depend on the size of the mitigation company. For smaller firms, the mitigation specialist may perform the system design and installation with some assistance. For larger firms, there are more likely to be independent crews of a technician level with supervision by a mitigation specialist. Following installation of a mitigation system, the mitigation specialist will refer the customer for follow up testing. The ethical practice is that a mitigator should not perform post-mitigation testing.

It is more common for mitigation systems to be installed in residential settings than non-residential settings. Mitigation systems are more commonly installed in existing construction as opposed to new construction. For new construction, some builders will install a passive mitigation system. This is required in localities where the locality has adopted radon system standards for new construction as part of the local building code. A house can be made “radon-ready” by a builder by installing a pipe from the foundation to the attic, which is then capped. Following occupancy, the house can be tested and if there is a problem, a professional can “finish” the system. Petitioners indicated that not many builders (between 15% and 20%) do this, and that other builders prefer to avoid dealing with radon mitigation. Petitioners indicated that the great majority (98%) of mitigation systems installed are sub-slab depressurization systems or membrane systems. In some cases, mitigators will perform trenching if a slab is poured on clay, but that this is cost-prohibitive.

Petitioners indicated that similar to radon measurement professionals, mitigation specialists operate under a “senior level”/”junior level” scheme. The radon mitigation installer is the junior level and will perform field installation under the supervision of a mitigation specialist. Mitigation installers do not perform system design or modification to system design, which is done by the mitigation specialist. Standards for supervision are flexible, a supervisor must be accessible offsite, and is not required to be onsite. However, the level of supervision may depend on the individual’s level of expertise. For residential work, an individual may need to be supervised onsite longer in order to gain experience on the various types of residences.

The business employing the person performing the radon mitigation, whether performing independently or under supervision, would be legally accountable for work performed. The

owner of the business is culpable. Half of states regulate radon businesses. Petitioners indicated that regulation of radon businesses is an issue that may need to be addressed in any Virginia regulation.

Petitioners indicated that installation of mitigation systems in new construction is a policy issue. Construction of buildings is driven by the building code. The International Residential Code ("IRC") contains an appendix for radon mitigation system standards for new construction. If a locality adopts radon system standards, it must adopt this appendix. However, the standards in the appendix are not a consensus standard, but are a "casual" standard adopted in the 1990's. Petitioners indicated that requiring regulation of radon in new homes may be controversial and would be opposed by builders. Petitioners also identified an issue with industry practice for installation of mitigation systems in new construction. Petitioners indicated that installation of these systems can be deficient because the work is not performed by a certified professional, but are instead installed by plumbers or other tradespersons who are not trained in radon mitigation. Typical defects include pipes that are buried in the ground, or sticking dirt in pipes. This is because radon mitigation involves a different set of physics to collect gas and make it run uphill, which is not the case with plumbing and other trades, which causes systems to fail. Were such individuals properly trained, the work could be done correctly. Petitioners indicated that another related issue is that of post-mitigation testing. Systems that are installed as "indoor air plus" are not tested. In addition, the building code requires that systems in new construction be tested, but that there is not consistent enforcement of the testing requirement, and that building departments should request radon test results before issuing a certificate of occupancy.

Regarding the potential risk of public harm for radon mitigation not performed to standards, issues include (i) pipes that are improperly installed; and (ii) fans that are installed backwards. A radon mitigation system that is improperly installed may need to be reinstalled. The cost for a radon mitigation system is between $1,500 to $2,500; encapsulation of a crawlspace is an additional $1,000. Issues with installation of a radon mitigation system would not typically cause a real estate transaction to fail, but a radon issue may be a concern to a buyer in a transaction.

Petitioners indicated that individuals can become involved in the radon mitigation business through associated professions, such as industrial hygiene, environmental science, home inspection, or construction. Similar to radon measurement specialists, petitioners indicated that required training and continuing education are not sufficient for mitigators to operate competently. The National Radon Proficiency Program ("NRPP") is considering establishing an experience requirement for mitigation. However, there is concern that such adding such a requirement may result in the profession becoming a "closed shop" because meeting the experience requirement would require working for someone who is certified, and that certified individuals may not want to train their competition. Petitioners indicated that currently there is a shortage of mitigation specialists in the market.

<u>Complaints Involving Radon Professionals</u>

Petitioners indicated that IEA receives a complaint once every two years, usually dealing with ethical issues, and not compliance with radon measurement or radon mitigation standards. The IEA process is for complaints against IEA members only. Complaints are not addressed at the chapter level. NRPP can receive complaints for non-compliance with standards. VDH will get complaints, but complainants may not want to provide documentation. VDH does not have the authority to enforce standards. Petitioners indicated that the State of Colorado, which regulates radon professionals, gets complaints on a regular basis. An individual member of the VIEA representation indicated getting complaints involving mitigation about once a month or so.

Other Subjects

Petitioners indicated that regulation of the "junior level" occupations (radon measurement technicians and radon mitigation installers) is not part of VIEA's request for regulation, and that Virginia should only regulate the "senior level." There is some confusion regarding the junior level/senior level distinction. There is also a limited market for junior level credentials. NRPP is working on creating a commercial level credential.

Summary of Interview - Heinline

Interview Participants: Jerry Heinline, Building Official, Town of Christiansburg, Virginia; Joseph C. Haughwout, Jr., Regulatory Affairs Manager, Department of Professional and Occupational Regulation.

Date of Interview and Format: June 15, 2026, via Microsoft Teams

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Staff for the Department of Professional and Occupational Regulation ("DPOR") conducted an interview with Jerry Heinline who is the Building Official for the Town of Christiansburg, Virginia. Mr. Heinline is also a member of the Board for Contractors, serving in the local building official seat.

Mr. Heinline provided an overview of state building code requirements as they pertain to radon mitigation systems.

Localities in Virginia can require the installation of passive radon mitigation systems for new construction by adopting an appendix of the building code. The Town of Christiansburg has adopted the appendix to the building code. Passive radon systems fall under the building part of the code. They do not fall under the plumbing code or the mechanical code, and are not considered plumbing or mechanical work. There is no requirement for new non-residential construction to have a passive radon system.

The passive radon systems for new construction fall under the building permit obtained by the builder for the new construction. A separate permit is not needed for installation in new construction. When a radon system is installed in existing construction, a general building permit would be obtained.

Mr. Heinline indicated that during new construction, the passive radon systems are typically installed by the building contractor or a plumbing contractor. The installation of the system will be started when the underground plumbing is performed. During the foundation inspection, the under slab plumbing, including the piping for the radon mitigation system, will be inspected. During the rough-in inspection, inspectors will also look at the radon mitigation system piping going up through the house. At final inspection, inspectors will check to see that there is a circuit for a fan in the event an active radon mitigation system is installed, and will check to see that the piping is correctly labeled.

As of the 2021 building code, the building code appendix requires radon testing prior to the issuing of an occupancy permit. The building official is supposed to obtain a testing report prior to occupancy. If the testing report indicates a reading below 4.0 picocuries per liter, the testing report goes into the permanent file. If the report indicates a reading above 4.0 picocuries per liter, the building contractor is required to address the issue.

Mr. Heinline could not recall a radon system failing inspection during construction; only recalls a case where a pipe was not properly labeled. Mr. Heinllne could recall that within the last five or six years, there was one permit obtained for installation of a radon mitigation system in an existing home. It is Mr. Heinline's opinion that a permit should be obtained because his locality is in a high radon zone. Mr. Heinline indicated that his building department has not received complaints about either radon measurement or radon mitigation.

Mr. Heinline provided his opinion that radon mitigation systems do not need to be installed by a specially accredited person, and that "there is not a lot" to installing these systems during construction. Mr. Heinline also provided his opinion that individuals performing testing should be certified.

Appendix H

Janurary 12, 2026 BPOR Meeting Minutes (excerpted)

BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION

MINUTES

The Board for Professional and Occupational Regulation met on Monday, January 12, 2026, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia.

The following members were present for all or part of the meeting:

Sathish Anabathula
Ron Bledsoe
Jackson Dyer
Grace Flores-Hughes
Jemmalyn Hewlett
Gaby Rengifo
Carrie Sheffield
Tim Taylor

Board member Charles Vaughters was not present at the meeting.

The following agency staff was present for all or part of the meeting:

James B. "Jeb" Wilkinson, Jr., Director
Steve Kirschner, Deputy Director LRPD
Joe Haughwout, Regulatory Affairs Manager
Jennifer Sayegh, Policy and Legislative Affairs Manager
Connor Davis, Budget Manager
Amy Goobic, Executive Assistant

James Flaherty, from the Office of the Attorney General, was present.

Call to Order

Ms. Flores-Hughes called the meeting to order at 10:05 a.m.

Emergency Evacuation Procedures

Mr. Haughwout reviewed the emergency evacuation procedures.

Approval of Agenda

Ms. Rengifo moved to approve the agenda. Mr. Anabathula seconded the motion which was unanimously approved by members: Anabathula, Bledsoe, Dyer, Flores-Hughes, Hewlett, Rengifo, Sheffield, and Taylor.

Approval of Minutes

Mr. Anabathula moved to approve the minutes from the March 17, 2025 Board meeting. Ms. Rengifo seconded the motion which was unanimously approved by members: Anabathula, Bledsoe, Dyer, Flores-Hughes, Hewlett, Rengifo, Sheffield, and Taylor.

Communications

Mr. Haughwout had no communications to report.

Ms. Hewlett returned to the meeting.

Board Member Returned

Board members were provided information on a potential regulatory action to include various DPOR administrative fees in a regulation that would be adopted by the Board.

Regulation on Administrative Fess

Mr. Haughwout informed the Board that the Virginia Freedom of Information Act was amended effective September 2022 to allow for certain meetings of public bodies to be conducted electronically without a declared state of emergency. He stated that for a public body to (i) conduct an all virtual meeting; or (ii) allow for electronic participation by board members, it is required to adopt a policy regarding remote participation. Since the Board does not have the authority to deny, revoke or suspend occupational licenses like other DPOR regulatory boards, it does not fall into the 'no' electronic meetings category.

Consider Policy for Virtual Board Meetings & Participation

Mr. Haughwout stated staff would need time to craft a policy. Discussion was held on the feasibility of electronic meetings including various IT issues and whether DPOR board rooms were equipped for virtual meetings. The Board by consensus determined that it did not wish to adopt an electronic meetings policy at this time.

Mr. Haughwout explained the purpose of board liaison assignments, informing the new board members that each of them is assigned as a liaison to other DPOR boards. Mr. Haughwout stated that Board members will receive notification of the upcoming regulatory board meetings they are assigned to, and encouraged them to attend and report back at the next meeting. Board members were provided a list of the DPOR boards they are assigned to.

Board Liaison Assignments

Mr. Haughwout informed Board members that DPOR received a petition from the Virginia Chapter of the Indoor Environments Association ("IEA") proposing regulation of those who provide radon services. The petition specifies the following occupations: Radon measurement professionals and radon mitigation specialists. Section 54.1-310.1 of the Code of Virginia provides that "[t]he Board shall conduct an analysis and evaluation of any proposed regulation based on the criteria enumerated in § 54.1-311 [of the Code of Virginia]..." upon receipt of a request submitted in accordance with statute. Board members were provided the petition and proposed work plan for review. Mr. Haughwout explained that the Board, along with staff, would need to develop a work plan for the 2026 study. Mr. Kirschner explained the different levels to consider in the study, including: licensure, certification, or no licensure.

Petition for Regulation of Radon Professionals

Board Member Departed

Mr. Taylor departed the meeting at 1:05 p.m.

Petition for Regulation of Radon Professionals

Mr. Dyer inquired as to a timeline for the study. Mr. Haughwout stated that the study would need to be completed by November 1, 2026. Mr. Dyer moved to adopt the work plan presented by staff. Mr. Bledsoe seconded the motion which was unanimously approved by members: Anabathula, Bledsoe, Dyer, Flores-Hughes, Hewlett, Rengifo, and Sheffield. Mr. Taylor was not present for the vote.

Consideration of 2026 Meeting Schedule

Board members considered meeting dates for 2026:

- April 13
- August 10
- October 19

Ms. Sheffield moved to adopt the dates as presented. Mr. Anabathula seconded the motion which was unanimously approved by members: Anabathula, Bledsoe, Dyer, Flores-Hughes, Hewlett, Rengifo, and Sheffield.

Other Business

Mr. Haughwout reviewed some 'housekeeping' topics including: how staff sends emails to Board members; RSVPing to staff for Board meeting attendance; and reviewed travel vouchers and Conflict of Interest forms which are filled out and signed each meeting.

Conflict of Interest Act Training/Financial Disclosures

Mr. Haughwout reminded Board Members to complete the Conflict of Interest Act training and to complete their Financial Disclosure Statements.

Conflict of Interest Forms & Travel Vouchers

Board members signed Conflict of Interest forms and travel vouchers.

Adjourn

The meeting was adjourned at 1:23 p.m.

Satish Anabathula

~~Grace Flores-Hughes~~, Chair
Satish Anabathula

~~James B. "Jeb" Wilkinson, Jr.~~, Director
Laura V. McClintock

Appendix I

August 10, 2026 BPOR Meeting Minutes (excerpted)

BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION

MINUTES

The Board for Professional and Occupational Regulation met on Monday, August 10, 2026, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia.

The following members were present for all or part of the meeting:

Sathish Anabathula
Jackson Dyer
Grace Flores-Hughes
Jemmalyn Hewlett
Carrie Sheffield
Tim Taylor

Board members Ron Bledsoe, Gaby Rengifo, and Charles Vaughters were not present at the meeting. The following agency staff was present for all or part of the meeting:

Laura McClintock, Director
Steve Kirschner, Director LRPD
Joe Haughwout, Regulatory Affairs Manager
Eric Beidel, Communications & Digital Media Manager
Jennifer Sayegh, Policy & Legislative Affairs Manager
Amy Goobic, Executive Assistant

James Flaherty, Assistant Attorney General, was present from the Office of the Attorney General.

Call to Order

Mr. Anabathula called the meeting to order at 10:04 a.m.

Emergency Evacuation Procedures

Mr. Haughwout reviewed the emergency evacuation procedures.

Approval of Agenda

Mr. Dyer moved to approve the agenda as presented. Ms. Sheffield seconded the motion, which was unanimously approved by members: Anabathula, Dyer, Flores-Hughes, Sheffield, and Taylor.

Approval of Minutes

Mr. Haughwout informed the Board there were minor technical changes to the minutes from the April 13, 2026, Board meeting, no substantive changes. Mr. Dyer moved to approve the minutes of the April 13, 2026, Board meeting as amended. Mr. Taylor seconded the motion, which was unanimously approved by members: Anabathula, Dyer, Flores-Hughes, Sheffield, and Taylor.

Ms. Sheffield moved to approve the minutes of the June 16, 2026, Public Hearing. Mr. Taylor seconded the motion, which was unanimously approved by members: Anabathula, Dyer, Flores-Hughes, Sheffield, and Taylor.

Mr. Taylor moved to approve the minutes of the July 15, 2026, Public Hearing.

DRAFT

Board members reviewed the 2026-2028 Biennium Budget numbers from the budget bill. Mr. Haughwout reviewed a new "Technology Fee" authorized in the budget, which allows DPOR to collect a fee equal to $7.25 per year with each initial application, renewal, or reinstatement. This is effective July 1, 2026, through June 30, 2030, to support the upgrade or replacement of software systems used by DPOR. The fee is estimated to provide revenue of $2.5 million per year for next four years. Mr. Haughwout also provided information regarding adjustments to DPOR's budget, including adjustments for increases to salaries for state employees, state health insurance premiums, and information technology costs.

Petition for Regulation Update – Licensure of Radon Professionals

Mr. Haughwout provided background information on the process for petitions to the Board from those seeking regulation of a profession or occupation, including applicable provisions in state law and Board guidelines on how such petitions are to be reviewed and considered. Board members were provided background information regarding the petition for regulation of radon professionals from the VIEA. The Board was provided with information regarding the study undertaken following receipt of VIEA's petition in December 2025, including the study methodology. The Board was provided with staff analysis, including issues raised during the study, the current level of regulation of radon professionals, and an evaluation of the petition based on criteria established in the Board's guidelines. The criteria to be considered in evaluating a petition are (i) risk for harm to the consumer; (ii) specialized skills and training; (iii) autonomous practice; (iv) scope of practice; (v) economic impact; (vi) alternatives to regulation; and (vii) least restrictive regulation.

Mr. Haughwout provided the various options for the Board to consider before making their recommendations.

Option 0 – Recommend no change to existing statute.

Option 1 – Recommend statutory change to allow consumers to sue individuals that perform radon measurement or mitigation services (i) without having required certification; or (ii) that do not follow EPA standards.

Option 2 – Recommend statutory change to (i) require certified radon professionals to register with VDH to provide services in Virginia; and (ii) give VDH authority to enforce existing law, to include for imposition of penalties for violations.

Option 3 – Recommend statutory change to require those who design and install radon mitigation systems to obtain mandatory state licensure from the Board for Contractors.

Option 4 – Recommend statutory change to require those who (i) perform radon testing using a standard device or analytical device; or (ii) design and install radon mitigation systems to obtain mandatory state licensure from ALHI Board.

Departure of Board Member

Ms. Hewlett departed the meeting at 2:18 p.m.

DRAFT

The Board discussed the petition, the staff evaluation, and potential recommendations. The Board also heard from representatives from VIEA and IEA.

Board members each voiced their recommendation. Members Taylor, Flores-Hughes, Sheffield, and Anabathula recommended Option 0, no change. Mr. Dyer recommended Option 4. Ms. Hewlett did not provide a recommendation. Ms. Sheffield suggested recommending VDH provide education to the public. Staff indicated that information regarding a potential change to the Virginia Consumer Protection Act could be included in the Board's final report.

**Presentation attached.*

Ms. McClintock returned to the meeting at 2:00 p.m. **Return of the Director**

Board members considered the following 2027 meeting dates: **Consideration of 2027 Meeting Dates**

- April 12, 2027
- August 9, 2027
- December 6, 2027

Ms. Flores-Hughes moved to accept the 2027 meeting dates. Ms. Sheffield seconded the motion, which was unanimously approved by members: Anabathula, Dyer, Flores-Hughes, Hewlett, Sheffield, and Taylor.

Mr. Haughwout reminded Board members of the Board Member Training Conference, October 22-23. **Other Business**

Board members signed Conflict of Interest forms and travel vouchers. **Conflict of Interest Forms & Travel Vouchers**

The meeting was adjourned at 2:25 p.m. **Adjourn**

_____
Sathish Anabathula, Chair

DRAFT

_____
Laura V. McClintock, Director

DRAFT

VIRGINIA

The Radon Report Card: Risk and Response

Population and Lung Cancer

Total Population: 8,501,286

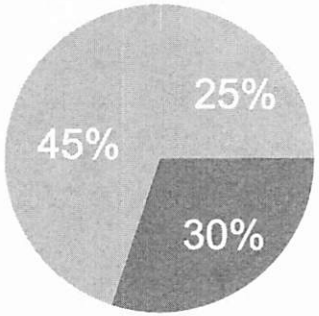
Lung Cancer Deaths: **3,657**

Age-Adjusted Lung Cancer Incidence Rate (per 100,000) **51**

Lung Cancer Cases	5,283
Radon-Induced Lung Cancer Cases	695
* Medical Costs (hospital, medicine, doctors)	$140,000,000
* Economic Costs (lost wages / productivity)	$147,000,000

Buildings and Exposure Potential

Pre-Mitigation Radon Tests: 53,199



Percent by Radon Level

- < 2 pCi/L
- ≥ 2 to < 4 pCi/L
- ≥ 4 pCi/L

Housing Units by Structure Type

	1 to 4 Units	5 or More Units	Total
Existing	2,883,929	628,959	3,512,888
New	21,754	10,664	32,418

Public Schools: 2,124

Statewide Radon Policies

Credential Required	✓	Private Certification
Radon Standards in Effect	✓	ANSI/AARST
Homebuyer Protection Required	✗	None
Radon System Requirement for New Homes	✗	No
Type of New Home Where Required		N/A
Standard/Code for Radon System in New Homes	✓	IRC Appendix F
School Testing Required	✓	Yes
Radon System Requirement for New Schools	✗	No

EPA and ANSI-AARST Radon Measurement Standards recommend fixing a building with a radon level ≥ (above or equal to) 4 pCi/L and consider fixing it if any radon level is ≥ 2 and < (below) 4 pCi/L.

Total Population; Lung Cancer Deaths; Age-Adjusted Lung Cancer Rate (per 100,000); Lung Cancer Deaths: CDC US Cancer Statistics (2018). Estimated Radon-Induced Lung Cancer Cases: Lung Cancer Cases weighted by scaled mean radon levels, CDC Environmental Public Health Tracking Network (2008-2017). National Cancer Institute, Cancer Trends Progress Report (2022) and Productivity Costs of Cancer Mortality in the US (2008). Statewide Radon Policies: IEA staff compilation, 2026. Pre-Mitigation Radon Tests from Labs: CDC Environmental Public Health Tracking Network (2008-2017). Existing Housing Units and New Housing Units: US Census (2019). Public Schools: National Center for Educational Statistics (2020-2021).

Appendix J

Draft of October 19, 2026 BPOR Meeting Minutes (excerpted)

Appendix K

Public Comments, Town Hall General Notice, and BPOR Website Notice

Department of Planning and Budget
An official website Here's how you know

Find a Commonwealth Resource

VIRGINIA REGULATORY TOWN HALL

Export to PDF Export to Excel

Agency

Department of Professional and Occupational Regulation

Board

Board for Professional and Occupational Regulation

19 comments

All good comments for this forum Show Only Flagged

Back to List of Comments

Commenter: Minnie Sears 6/1/26 12:56 pm

DIY - Radon Testing

Yes, absolutely. These professionals should be licensed so the training and testing methods are uniform and reliable. Also, uniform reporting of any test results should be written in such a manner so any lay person could understand what is being presented to them. In addition, when purchasing or selling a property, the property owner should be able to acquire results one can rely on. Unfortunately, the radon industry can appear to operate on a 'trust us' model, where the average homeowner is expected to make potentially costly decisions based on data they cannot see, measure, or independently verify, which can lead one to question whether one is being genuinely informed or simply sold a bill-of-goods.

CommentID: **240531**

Commenter: Anonymous 6/2/26 7:50 am

Radon Regulations

Absolutely NO. Yet another regulatory disaster and more expenses for homeowners and taxpayers.

CommentID: **240532**

Commenter: David P Rovaldi 6/3/26 1:32 pm

Radon Licensing and Remidiation

Gentlemen:
I am a licensed Electrical Contractor-Unlimited in Florida. I have been licensed in several states in the past. I have noted some discrepancies as to the qualifications that vary from state to state in my profession. Realizing that the Department of Health is responsible for licensing, under DBPR in **Florida Statutes Chapter**

404 (Section 404.056), regarding Radon Inspection, mitigation and remediation these regulations should apply, as long as the standard applies to all doing business in Florida. Should a business entity wish to possess a license in Florida for this service, they must meet all qualifications for a license in Florida. There should be no "grandfathering" of any out-of-state business for Radon work of any kind unless it is proven that the out-of-state standard is either higher or equal to Florida's qualification statute. This particularly applies to grandfathering. The state that the entity comes from may change their standard of qualifications. All qualifications for licensure must be met to comply with Florida Statute and regulation at the time of application for licensure in Florida and those qualifications must be equal to or greater than the entity coming from out of state.
What I do not want to see is entities coming to Florida to take business from companies that do have to comply with business operations in Florida.
Therefore I propose that any company coming into the state wishing to enter into business under a Radon license must operate under a licensed, legitimate business that already does business in Florida. **Example:** If a company wants to do business in Electrical Contracting Profession in Florida but possess no license to do so, would be able to hire a licensed contractor to be their representative on that particular project as a **qualified business agent** of the entity wanting to provide services in Florida. The same criteria should apply to out-of-state companies not directly licensed in Florida to provide Radon testing or Radon mitigation and remediation services. If a company wants to do business in Florida under their own business license, they should be required to meet all the obligations other resident businesses have to comply with. They must comply with all regulations to perform business services in Florida; licensure, insurance, etcetera.
I feel this is the only way to treat all businesses that operate in Florida fairly and on a level playing field.

CommentID: **240533**

Commenter: Raven Remediation

6/4/26 4:36 pm

Petition to Regulate Measurement and Mitigation

The Commonwealth already requires(by law) a certified NRSB or NRPP professional to preform Mitigation and Measurement. Having a certified license requires the professional to follow national guidelines ANSI/AARST protocols and standards. Anymore regulatory action is unnecessary and will overall negatively affect the consumer and taxpayer. I say NO.

CommentID: **240538**

Commenter: Robert Johnson, ODI Property Assessments

6/4/26 7:20 pm

Use What is Already in Place or Give an Option

The National Radon Proficiency Program is already in place providing certification and regulation for devices and measurement professionals. I am certified through this program. My status is:

Certification ID #110406-RMP Expires: 2027-02-28, **ACTIVE**

Recognizing the NRPP will save money for DPOR.

At a minimum, make it optional to accept NRPP certifications

CommentID: **240539**

Commenter: Troy Hendrickson, Professional Home Services LLC

6/5/26 7:55 am

Recommendation to NOT implement radon licensure

As a stakeholder, I see no need to regulate radon professionals beyond the current system.

The current system and Virginia code already REQUIRE all radon professionals to be certified by one of two approved national organizations, each with its own requirements and procedures for demonstrating proficiency, knowledge, QA, equipment calibration/certification of measurement equipment, and regulates all aspects of radon work (measurement technicians, specialists, remediators, and laboratories of all tiers). The organizations have their own systems for handling complaints, license review, and disciplinary action.

Implementing state licensure is a redundant layer that provides no additional value and consumes valuable resources with no measurable ROI.

CommentID: **240540**

Commenter: Ryan Paris

6/5/26 1:27 pm

re: BPOR proposal for regulation of radon professionals

VA requires NRSB or NRPP certification of all radon professionals and much is already required to obtain and maintain that certificate. One thing the proposal left out is that organizations can respond to complaints and take corrective action against their members. The main problem is that there is no inspection or enforcement provision written in the state Code and as a result, VA cannot currently take any effective action against uncertified individuals who illegally offer radon services.

CommentID: **240541**

Commenter: Ryan Paris

6/5/26 1:34 pm

re: possible consequences of radon licensing

The post-COVID realty market in VA has dramatically changed and vastly reduced the number of Home Inspections and professional radon tests/mitigation jobs that are conducted through realty transactions. Consequently, many radon professionals are currently struggling to stay in business. Imposing significant new state licensing fees & other requirements might possibly drive many of them out of business.

CommentID: **240542**

Commenter: Lindsay Barnhart, Home Inspections Of VA & WV

6/5/26 6:08 pm

We are already regulated

Like many others have mentioned. NRSB has regulations for our licenses. Class time, testing, continuing education and more. We are regulated and must meet certain requirements to not only obtain but keep our license. What would adding to this benefit the client? It sounds like we would just be paying more fees to another place.

CommentID: **240543**

Commenter: Patrick Conneen 6/10/26 4:41 pm

RaDON LICENSING IMN VA

No, The state doesn't need to collect money and pay someone to do what is already being done. NRSB does a fine job of regulating radon.

CommentID: **240546**

Commenter: Michael Tocci 6/10/26 8:11 pm

Radon Regulation

No inherent risk to public welfare - no more regulation. No more restriction of lawful free enterprise.

CommentID: **240547**

Commenter: Otoniel "Toni" Larios 6/12/26 9:33 pm

Absolutely they need to be regulated

I believe this profession needs to adhere to state guidance just like many other professions.

I also believe that there should be standardized tests regulated by the state.

CommentID: **240549**

Commenter: Mark Holmes, home improvement contractor 6/15/26 6:26 pm

Enough with the regulations already!

Have you seen a code book it's thicker than a dictionary. I remember when it was the size of a paper back. The board should review that colossus and cut regulations. "What if" is no excuse for new rules. Examples; what if a hurricane hits? All houses need to be framed with i beams! What if someone falls down steps? All houses need elevators! What if we have a meteor shower? All roofs need to be made of plate steel! What if you catch your sleeve or loose clothes on a railing? All railings need to be turned into a wall or turned down. The last example is already a ridiculous rule.

CommentID: **240555**

Commenter: Toni Felix, Radon Measurement Professional and Home Inspector 6/18/26 1:18 pm

Consumer Protection Through Education and Construction Practices, Not Additional Licensure

I am a Virginia Licensed Home Inspector and an NRPP-certified radon measurement professional. My comments are specifically directed toward short-term radon testing, which is commonly performed during real estate transactions and frequently marketed to homeowners as a means of assessing radon risk. The majority of radon tests I perform are associated with real estate transactions, providing me direct experience with how consumers use and interpret short-term radon testing.

The primary concern with radon is long-term exposure. Radon levels naturally fluctuate from day to day and season to season, often increasing during colder months when homes are closed and stack-effect pressures are greater. A 48-hour test provides only a snapshot of conditions and cannot determine a home's true long-term average radon level.

Ironically, many of the lowest-cost radon testing options available to consumers provide more useful information than the most commonly performed professional test. A long-term monitor costing a fraction of a professionally administered 48-hour test can provide a better picture of a home's actual radon exposure because it captures seasonal and day-to-day fluctuations that short-term testing cannot. The Virginia Department of Health also provides free radon test kits to consumers, further increasing access to testing without the need for additional regulatory burdens.

In my opinion, additional licensing requirements for radon measurement professionals will have minimal, if any, impact on consumer protection. The limitations of short-term testing are inherent to the testing method and cannot be addressed through additional licensure.

At the same time, the economics of professional radon testing are becoming increasingly challenging. I am seeing more requests to subcontract testing from professionals who have chosen not to renew their certifications because the service is difficult to offer profitably after accounting for equipment costs, calibration requirements, continuing education, insurance, certification fees, and administrative overhead. Additional state licensing requirements would further increase costs, likely reducing the number of professionals offering testing services while increasing costs to consumers.

The Commonwealth should also consider that consumers already have access to inexpensive long-term monitoring devices and free test kits through the Virginia Department of Health. Increasing the regulatory burden on professional testing services is unlikely to meaningfully improve consumer protection when lower-cost testing options are already widely available.

In my opinion, the most effective consumer protection measures are education and improved building practices. Radon-resistant construction techniques, including passive radon systems, should be encouraged or required in all new homes, not just those located in areas identified as high-risk on EPA radon maps. Elevated radon levels are routinely found outside those mapped areas, including homes built on the Yorktown Formation and homes constructed with imported fill materials.

If additional oversight is deemed necessary, I encourage the Commonwealth to focus on public education, enforcement of existing requirements, and radon-resistant construction practices rather than creating additional regulatory burdens for professionals who are already certified through nationally recognized programs.

CommentID: **240561**

Commenter: Anonymous

6/24/26 10:34 pm

Oppose

I have to oppose this.. because in a few years, this profession will suddenly say any ole Joe/Jane Shmo should be able to provide such testing. This sounds oddly familiar and similar to the field I work within. Except my profession’s education and training is currently being gutted. But let the field become over saturated, like it has before, and suddenly there will be these strict requirements needed to be able to become a licensed professional within the field. Just another way to manipulate the job market.

CommentID: **240586**

Commenter: Al Miller 6/30/26 4:18 pm

Mechanical Licensing/ why is the continuing education split into 2 parts? Why do we have continuing

Why do we have continuing education when the information is in the current code book?

CommentID: **240669**

Commenter: Alton Miller 6/30/26 4:26 pm

Why divide mechanical into two parts?

See above

CommentID: **240670**

Commenter: Lou Scerbo, RMS & LAB Certified under NRSB, Board Member VAREI 7/14/26 12:59 pm

Petition to Regulate Radon Professionals

This petition represents a waste of time and monetary resources.

Radon Testing & Mitigation service providers are already regulated and required under Virginia law to maintain active certification with the NRSB or NRPP in the Commonwealth of Virginia when providing fee based radon testing and mitigation services. In attending the June 16th, 2026 Town Hall meeting, is was apparent the good natured petitioners seeking to require state licensing of radon professionals were doing so as a means to provide an enforcement vehicle against non-certified or unqualified radon professionals that simply does not exist. The reality is, neither BPOR nor DPOR seem to possess any authority to penalize or sanction any individuals or corporate entities who choose to operate without required licensing or certification in the Commonwealth of Virginia, period.

CommentID: **240722**

Commenter: Brian Meyer 7/15/26 10:50 pm

Petition to Regulate Radon Measurement and Mitigation

I am a steakholder in the radon measurement and mitigation profession. My professional focus is in radon measurement of multifamily housing and skilled nursing facilities. A measurement project of a large multi-family apartment complex may contain 400 living units or more. If completed improperly, hundreds of residents can be negatively impacted. Radon is the leading environmental cause of lung cancer. Radiation exposure due to improper measurement and mitigation installation in multifamily housing has the potential to expose large numbers of Virginia residents in a single poorly completed project.

Radon measurement is part of real estate due diligence for both single family and multifamily lending, in initial loan authorization and refinancing. In multifamily housing, this accounts for several thousand living units annually. Freddie Mac is a federal government backed lending agency. The Freddie Mac radon policy for multifamily lending applies differently to states with state regulations and those states without regulations. For non-regulated states the radon policy is to

measure radon in 10% of the ground level units, allowing as few as 1 test per residential apartment building. In regulated states, Freddie Mac requires radon measurement to follow state laws. This is a disparity between sampling 10% versus 100% of ground contact units, as well as the 10% of each upper levels units in each building. You can see how many residents are negatively impacted by not being included in sampling. Regulations matter.

Licensing and regulation allows for states to enforce compliance to adopted standards of practice. Without auditing, inspection, oversight, and education, the state is blindly relying on anyone conducting radon services to act in good faith and provide a quality product that meets industry standards. When in reality, there is a whole spectrum of work being completed from very poor quality to exceeding expectations. The problem is that poor quality radon measurement or mitigation puts Virginia residents health at serious risk to radiation exposure and lung cancer. This can be mitigated by establishing regulation and enforce adherence.

Many states across the country successfully regulate radon today. There are also many states in the process of passing legislation to regulate radon in their state, because they see the value and the health benefit to their residents.

CommentID: **240733**

Outlook

Re: Public Comment Opportunity: Petition to Regulate Radon Professionals

From Jimmy Martin <martinseliteconstruction@gmail.com>
Date Thu 5/28/2026 11:15 AM
To DPOR: Board for Professional & Occupational Regulation (DPOR) <BPOR@dpor.virginia.gov>

Yes they should have a license
Sincerely,
Jimmy Martin
Elite Roofing Manager
540-303-9356

On May 28, 2026, at 10:09 AM, Department of Professional and Occupational Regulation <bpor@virginiadpor.ccsend.com> wrote:

DPOR Logo


A magnifying glass is overlayed over a drawing of a house, magnifying the words "86 Rn Radon".

Public Comment Opportunity

DPOR wants to hear from you! The Board for Professional and Occupational Regulation (BPOR) is conducting an analysis and evaluation on the proposed regulation of those who provide radon services.

BPOR has received a petition for regulation from the Virginia Chapter of the Indoor Environments Association proposing licensure of (i) radon measurement professionals; and (ii) radon mitigation specialists. BPOR is seeking public comment on the petition for regulation.

Comments will be accepted from June 1 through July 16, 2026. There also will be two public hearing opportunities.

Please **visit this webpage** for more information on the petition for regulation and this public comment opportunity.

Virginia Department of Professional and Occupational Regulation | 9960 Mayland Drive | Richmond, VA 23233 US

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 **Constant Contact**

Outlook

Re: Public Comment Opportunity: Petition to Regulate Radon Professionals

From tim fisher <tim.fisher228@gmail.com>
Date Thu 5/28/2026 11:24 AM
To DPOR: Board for Professional & Occupational Regulation (DPOR) <BPOR@dpor.virginia.gov>

Ridiculous! Another layer of bureaucracy resulting in more expensive service...just when affordable housing for the middle class is vanishing.
Sent from my iPhone

> On May 28, 2026, at 10:10 AM, Department of Professional and Occupational Regulation <bpor@virginiadpor.ccsend.com> wrote:

DPOR Logo


A magnifying glass is overlayed over a drawing of a house, magnifying the words "86 Rn Radon".

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Virginia Department of Professional and Occupational Regulation | 9960 Mayland Drive | Richmond, VA 23233 US

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Constant Contact

Outlook

Public Comment Petition to Regulate Radon Professionals

From Marc Holliday <hollidayhomeinspections@gmail.com>
Date Thu 5/28/2026 12:55 PM
To DPOR: Board for Professional & Occupational Regulation (DPOR) <BPOR@dpor.virginia.gov>

Board for Professional and Occupational Regulation
Attn: Joseph C. Haughwout, Jr., Regulatory Affairs Manager
9960 Mayland Drive Perimeter Center, Suite 400
Richmond, VA 23233
Email: BPOR@dpor.virginia.gov

RE: Public Comment, Radon

Dear Sir/ Madam,

I am a licensed home inspector in both the state of Tennessee Lic#2697 and the CommonWealth of Virginia Lic#3380002182. I am also the East Tennessee Regional Director for the Home Inspectors of Tennessee Association. In that capacity I coordinate and oversee Continuing Education Classes for Licensed Tennessee Home Inspectors.

I want to make you aware that as a home inspector I do not do radon testing myself either in TN or VA, although I could very easily. The areas I service are 18 counties in East TN and 12 counties in SW Virginia. So for me it is not cost effective to travel 2 hours one way for $150.00 to $250.00 which is the average home inspectors charge for radon testing. Additionally the cost of calibrated equipment is about $1200.00 per unit and to test without issue or delay for customers a home inspector needs at least 4 testing machines which is about $4800.00. The cost of the equipment is considerable when the average Joe can buy a test kit at Lowe's for $15.99

That said, I also do not do radon testing because **there is a major inherent flaw with the radon testing process that most state oversight boards either ignore or don't realize.** The biggest issue is **radon tests can be cheated!** Most home sellers are aware of how to cheat radon tests and I have had many customers who are selling homes tell me that they "open their windows and doors to the home before the inspector arrives" to "air out the house" to remove any possible radon gas. **This action will cause a false negative result in a home that may have high radon gas levels.** There is no way to stop this from happening currently and a home inspector & buyer will never know that the seller did this. Thus giving a false sense of security and putting the buyers health at risk.

If the Commonwealth of Virginia truly cares about the public health risk of radon in homes I suggest the following regulation change;

1. Change the Home Inspection Standards of Practice and Real Estate Agents SOP to prevent false negative radon test results to the following;

"Radon testing CANNOT be performed during a pre-purchase home inspection before the sale of a home for environmental control purposes. The radon testing must be done within 14 days after closing when the buyer takes possession of the home. If radon testing levels come back at high levels the seller is responsible for the cost of installing a radon abatement system, unless the buyer waives this."

If the Commonwealth and EPA are **truly serious about public health and safety, the conditions of which radon testing is done MUST be changed!** Adding regulations for schooling, more training etc is a moot point and nothing more than a tax grab by the government. First fix the problem of people (home sellers) **cheating the radon tests and creating an environment where false negative results occur, which puts public health and safety at risk. Until the ability to cheat testing is addressed by the government radon testing is a fugazi taking peoples money without any real benefits to the public or public health.**

If you have any questions or would like to further discuss this matter please feel free to call me at 423-557-5461.

Respectfully Yours,

Marc T. Holliday

Owner/ CEO

Holliday Home Inspections PLLC

TN Lic #2697

VA Lic #3380002182



Outlook

Re: Public Comment Opportunity: Petition to Regulate Radon Professionals

From Sandy Santaniello <serranosandra99@gmail.com>
Date Thu 5/28/2026 9:42 PM
To DPOR: Board for Professional & Occupational Regulation (DPOR) <BPOR@dpor.virginia.gov>

We support reasonable licensing standards for radon measurement professionals and radon mitigation specialists. Radon testing and mitigation can have significant impacts on public health, and consumers should be able to trust that service providers have appropriate training and knowledge. However, any licensing requirements should be practical, affordable, and not create unnecessary barriers for qualified professionals already working in the industry. Virginia should consider recognizing nationally accepted certifications and providing a clear path for experienced practitioners to become licensed. The goal should be to improve consumer protection while maintaining access to qualified service providers throughout the Commonwealth.

On Thu, May 28, 2026 at 10:26 AM Department of Professional and Occupational Regulation <bpor@virginiadpor.ccsend.com> wrote:

DPOR Logo

Public Comment Opportunity


A magnifying glass is overlayed over a drawing of a house, magnifying the words "86 Rn Radon".

DPOR wants to hear from you! The Board for Professional and Occupational Regulation (BPOR) is conducting an analysis and evaluation on the proposed regulation of those who provide radon services.

BPOR has received a petition for regulation from the Virginia Chapter of the Indoor Environments Association proposing licensure of (i) radon measurement professionals; and (ii) radon mitigation specialists. BPOR is seeking public comment on the petition for regulation.

Comments will be accepted from June 1 through July 16, 2026. There also will be two public hearing opportunities.

Please **visit this webpage** for more information on the petition for regulation and this public comment opportunity.

Virginia Department of Professional and Occupational Regulation | 9960 Mayland Drive | Richmond, VA 23233 US

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Outlook

Re: Public Comment Opportunity: Petition to Regulate Radon Professionals

From yonas alemayhue <yonaseth@gmail.com>
Date Fri 5/29/2026 12:06 AM
To DPOR: Board for Professional & Occupational Regulation (DPOR) <BPOR@dpor.virginia.gov>

I support the proposed licensure of radon measurement professionals and radon mitigation specialists in Virginia. Radon testing and mitigation affect the health and safety of homeowners and building occupants. Licensing can help ensure that individuals performing these services have appropriate training, knowledge, and accountability.

Establishing professional standards may improve the quality and consistency of radon services and provide greater consumer confidence. I encourage the Board to carefully consider reasonable education and experience requirements while avoiding unnecessary burdens on qualified professionals.

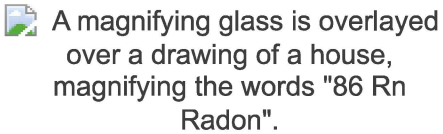
Thank you for the opportunity to provide public comment.

Alemayhue.

On Thu, May 28, 2026, 10:25 AM Department of Professional and Occupational Regulation <bpor@virginiadpor.ccsend.com> wrote:

DPOR Logo

Public Comment Opportunity


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DPOR wants to hear from you! The Board for Professional and Occupational Regulation (BPOR) is conducting an analysis and evaluation on the proposed regulation of those who provide radon services.

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Please **visit this webpage** for more information on the petition for regulation and this public comment opportunity.

Virginia Department of Professional and Occupational Regulation | 9960 Mayland Drive | Richmond, VA 23233 US

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Outlook

Re: Public Comment Opportunity: Petition to Regulate Radon Professionals

From Fred Joseph <rfmj325@gmail.com>
Date Fri 5/29/2026 2:03 PM
To DPOR: Board for Professional & Occupational Regulation (DPOR) <BPOR@dpor.virginia.gov>

I believe that Licensing and requiring continuing education would be proper if it is supported by inspection by a qualified person.

Fredrick Joseph
New Light Electric LLC

On Thu, May 28, 2026 at 10:27 AM Department of Professional and Occupational Regulation <bpor@virginiadpor.ccsend.com> wrote:

DPOR Logo

Public Comment Opportunity


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Comments will be accepted from June 1 through July 16, 2026. There also will be two public hearing opportunities.

Please **visit this webpage** for more information on the petition for regulation and this public comment opportunity.

Virginia Department of Professional and Occupational Regulation | 9960 Mayland Drive | Richmond, VA 23233 US

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Outlook

Public Comment Regarding Proposed Regulation of Radon Professionals in Virginia

From Dallas Moss <dallas.moss87@gmail.com>
Date Wed 6/3/2026 11:54 AM
To DPOR: Board for Professional & Occupational Regulation (DPOR) <BPOR@dpor.virginia.gov>

Attn: Joseph C. Haughwout, Jr., Regulatory Affairs Manager

As a Virginia Class A Contractor with a Radon Mitigation Specialty and a nationally certified radon mitigation professional, I support the concept of regulating the radon industry through DPOR.

Radon mitigation is a specialized trade that regularly involves skills and knowledge related to masonry, roofing, flooring systems, plumbing penetrations, electrical coordination, building science, and ventilation systems. Because the work directly affects the health and safety of Virginia homeowners, it is reasonable for practitioners to be licensed and regulated.

Virginia already has an established framework for contractor licensing and currently recognizes a Radon Mitigation Specialty through DPOR. Rather than creating an entirely separate regulatory structure, I encourage the Board to build upon the existing contractor licensing framework. This would allow Virginia to leverage an established system that contractors already understand and comply with, while minimizing unnecessary administrative burdens and duplication of requirements.

However, I strongly believe that any future licensing program should include a grandfathering provision for individuals who are already legally and professionally performing radon services in Virginia. Existing contractors who have invested significant time and resources obtaining DPOR contractor licenses, radon mitigation specialties, national certifications, insurance coverage, continuing education, and compliance systems should not be forced to suspend or jeopardize their businesses while new licensing requirements are implemented.

I would also ask the Board to clearly address how a future Virginia licensing program would interact with existing national certifications such as those administered by NRPP and NRSB. If Virginia creates its own licensing structure, will practitioners still be required to maintain national certifications, or will the state license serve as the primary credential? This question should be resolved early in the regulatory process to avoid unnecessary duplication of requirements and costs.

While I support regulation of radon mitigation professionals, I do not believe the same level of regulation is necessary for radon measurement professionals. Radon measurement is performed by a wide variety of qualified individuals, including home inspectors, environmental consultants, and testing professionals. However, measurement and mitigation are fundamentally different services. Mitigation contractors physically modify homes and routinely perform work involving building systems, structural penetrations, ventilation design, electrical coordination, permitting, and code compliance. Radon measurement professionals provide an important testing and diagnostic service, but generally do not alter the structure or mechanical systems of the home.

In many cases, radon measurement professionals serve as an important first point of contact for homeowners and help identify homes that require mitigation. Excessive licensing requirements could create barriers to entry, reduce the availability of testing services, and ultimately make it more difficult for homeowners to identify radon issues. If the Board determines that regulation of measurement professionals is necessary, I would encourage a more limited and practical approach than that applied to mitigation contractors.

Another important consideration involves electrical work associated with radon mitigation systems. In my experience, some mitigation contractors perform electrical work that should be completed by a licensed electrician. This may include modifications to electrical systems, work inside service panels, and other activities that require permits and inspections. Requiring licensure and regulatory oversight through DPOR could help establish clearer standards and encourage the use of properly licensed electrical subcontractors. This would improve consumer protection, increase safety, and help ensure that work is performed by qualified and insured professionals.

As a contractor who follows the rules, maintains the appropriate contractor licensing, carries environmental insurance coverage, and utilizes licensed professionals when required, I often find myself competing against individuals who do not maintain the same standards. This creates an uneven playing field and can ultimately harm consumers through improper installations, inadequate insurance coverage, and unpermitted work.

I believe thoughtful regulation can improve professionalism within the industry, enhance consumer protection, and promote safer installations throughout the Commonwealth, provided that experienced professionals are treated fairly through grandfathering provisions and that requirements are implemented in a practical and reasonable manner.

Respectfully,

Dallas Moss
Class A Contractor License #2705192970
NRSB Certified Radon Mitigator #24RS008
Peace of Mind Radon Services
Lynchburg, Virginia

Outlook

Public Comment: Petition to Regulate Radon Professionals

From MONTANI INSPECTIONS <timoneal@montinsp.com>
Date Sun 6/14/2026 1:01 PM
To DPOR: Board for Professional & Occupational Regulation (DPOR) <BPOR@dpor.virginia.gov>

Dear Mr. Haughwout,

I am writing to submit a formal public comment in opposition to the proposed petition to regulate and license radon professionals under the Board for Professional and Occupational Regulation. As a radon measurement professional certified by the National Radon Proficiency Program (NRPP) and licensed in both West Virginia and Virginia, I believe additional state regulation is unnecessary.

The claim that state-level licensing is the least restrictive regulatory option is concerning. The current system is already effective, as practitioners must maintain rigorous national certifications that require 16 to 24 hours of biennial continuing education. Adding state-level oversight is redundant and will increase administrative costs for small businesses, ultimately leading to higher prices for consumers.

Furthermore, the justification for state intervention is flawed. There is no mandatory national exposure limit for radon; there is only a federal recommendation for mitigation at 4.0 picocuries per liter. The decision to mitigate remains a voluntary choice for the public. Because consumers must weigh their own risks and benefits, the assertion of widespread harm under current practices is unsupported.

While radon testing requires specialized skills, implementing state licensure is an unnecessary burden on small businesses and property buyers alike.

Sincerely,

Tim O'Neal, NRPP-RMP
MONTANI INSPECTIONS

Outlook

Public comments on the Petition to Regulate Radon Professionals - Attn: Joseph C. Haughwout, Jr., Regulatory Affairs Manager

From Joey Goembel <joey@hillsidehomeinspectionsnc.com>
Date Mon 6/29/2026 1:09 PM
To DPOR: Board for Professional & Occupational Regulation (DPOR) <BPOR@dpor.virginia.gov>

1 attachment (1 MB)
Public comments on the Petition to Regulate Radon Professionals.pdf;

Hello
Attached are my comments on the aforementioned petition, for review by Joseph C. Haughwout, Jr.

Thank you for the review and consideration of my comments.

Joey Goembel II
(336) 496-8077
https://www.hillsidehomeinspectionsnc.com

1. Dpor should have to quantify the:

Risk for Harm to the Consumer. How often has the unregulated practice of the profession or occupation harmed or endangered the public's health, safety, or welfare?

Validating radon professionals credentials could be audited after the fact. If there have been no complaints then this proposition is political and is being pushed under the false pretense of protecting the people. The data should be published for all.

2. Mitigation, however, may need a higher standard of service that requires credentialing. But requiring a license or certification for the task of testing, one which the homeowner can easily perform, is an unnecessary reach of government. Of course, if the "consumers have been harmed and subsequently reported said harm" then that data needs to be a part of this

proposition

3. Autonomous practice. Exactly and the fluctuations of radon levels from day to day and season to season would make it either impossible to defend the specialist, or honestly protect the client. Unless the state was to intervene and submit their own specialist to perform duplicate testing of a field specialists work. How do you propose regulating and validating this work while also protecting the client?

4. Scope of practice is prescribed by the " National Radon Proficiency Program (“NRPP”) or the National Radon Safety Board (“NRSB”); or (ii) meet any other proficiency measures deemed acceptable by the U.S. Environmental Protection Agency (“EPA”) or the Virginia Board of Health

for the purpose of offering screening, testing, or mitigation." What purpose does it serve for the state of Virginia DPOR or Chapter of the Indoor Environments Association to produce their own SOP outside of these agencies?

5. Economic impact is the fees for regulation will be transferred to the consumer and driven above the financial reach of most of the public consumers. This would serve to protect fewer consumers than the regulation of the industry is intending to protect.

6. Most individuals that "conduct radon screening or testing in Virginia" are licensed home inspectors. For this, an alternative to regulation would be for said individuals to submit to the DPOR their nationally accredited certification of radon measurement professional

or equivalent.

For radon mitigation specialists, a greater risk of harm is introduced by the work they perform, which may indicate they need additional regulation. But the regulation should be on retesting, the frequency of the retesting, and who bears the cost associated with it.

7. Determining the "Least Restrictive Regulation." The form of regulation is a very subjective task. Who determines this? Who is going to make the SOP for this regulation?

If we are regulated by the state then what is the reason to become certified by "the National Radon Proficiency Program (“NRPP”) or the National Radon Safety Board (“NRSB”); or (ii)

meet any other proficiency measures deemed acceptable by the U.S. Environmental Protection Agency (“EPA”) or the Virginia Board of Health for the purpose of offering screening, testing, or mitigation."?

In the end, write a bill that if the clients were harmed due to the malpractice of any individual in any circumstance, they can be criminally charged. How many people would screw up a radon test knowing if they are caught they could be criminally prosecuted? I'd bet 95% or less. That margin of error would occur regulated or not. For me, my client comes before my compensation. Don't get me wrong, I don't (want to) work for free. But if I unknowingly do something wrong I own my mistakes and make them right. I know not all business persons perform in this manner. But regulating everyone

because of the actions of few is a deplorable way to govern. If businesses have harmed the public, make them accountable and make examples of them that will prevent future business from doing so.

VERBAGE OF THE Petition to Regulate Radon Professionals from DPOR

Description of the Petition for Regulation

In accordance with § 54.1-310.1 of the Code of Virginia, the Board for Professional and Occupational Regulation ("BPOR") is conducting an analysis and evaluation on the proposed regulation of those who provide radon services. BPOR has received a petition for regulation from the Virginia Chapter of the Indoor Environments

Association (“IEA”) proposing licensure of the following occupations:

1. Radon measurement professionals. Those who perform radon testing using specified types of equipment, and are responsible for the implementation, execution, and documentation of all required quality assurance or quality control procedures, and who may provide general supervision and quality assurance or quality control oversight for radon measurement field technicians.

2. Radon mitigation specialists. Those who design and install radon remediation systems, and are responsible for the implementation, execution, and documentation of all required quality management and worker safety procedures, and may provide general supervision to radon mitigation installers.

Under current Virginia law, persons who conduct or offer to conduct radon screening, testing, or

mitigation in Virginia must (i) be listed as a professional by either the National Radon Proficiency Program ("NRPP") or the National Radon Safety Board ("NRSB"); or (ii) meet any other proficiency measures deemed acceptable by the U.S. Environmental Protection Agency ("EPA") or the Virginia Board of Health for the purpose of offering screening, testing, or mitigation. Current law also establishes standards for radon screening, testing, or mitigation to which these persons must adhere. IEA contends that licensure of radon service providers will address problems it has identified. These are (i) lack of Virginia Department of Health authority to enforce certification and standards requirements; (ii) lack of capacity by EPA-recognized national certification programs to conduct inspections in response to complaints, conduct proactive investigations to supplement public complaints, or impose

sanctions; and (iii) a widespread pattern of non-compliance with standards.
A copy of the petition for regulation is available from the agency.

Description of the Study

The BPOR analysis and evaluation is being conducted in accordance with the Board for Professional & Occupational Regulation Guidelines for Evaluation of Petitions for Regulation and guided by the following criteria:
1. Risk for Harm to the Consumer. The unregulated practice of the profession or occupation will harm or endanger the public's health, safety, or welfare. The harm is recognizable and not remote or dependent on tenuous argument. The harm results from:

- Practices inherent in the occupation;
- Characteristics of the clients served;

- The setting or supervisory arrangements for the delivery of services; or
- Any combination of these factors.

2. Specialized Skills and Training. The practice of the profession or occupation requires specialized education, and training; and the public needs assurance of competence.
3. Autonomous Practice. The functions and responsibilities of the practitioner require independent judgment, and the members of the occupational group practice autonomously.
4. Scope of Practice. The scope of practice is distinguishable from other licensed, certified, and registered professions and occupations.
5. Economic Impact. The economic costs to the public of regulating the occupational group are justified. Such costs may result from restriction of the supply of practitioners, as well as expense associated with the administration of regulatory

boards or agencies.

6. Alternatives to Regulation. No alternatives to state regulation of the profession or occupation exist that adequately protect the public. Examples of methods to address the risk for public harm that do not require professional regulation include inspections, injunctions, disclosure requirements, and the strengthening of consumer protection laws and regulations.

7. Least Restrictive Regulation. If it is determined that state regulation of the occupation or profession is necessary, only the least restrictive level of occupational regulation consistent with public protection will be recommended to the Governor, the General Assembly, and Director of the Department of Professional and Occupational Regulation.

Public Comments

Public comments on the petition for regulation

will be received from June 1, 2026, through July 16, 2026. Commenters may submit comments to BPOR either (i) through Virginia Regulatory Town Hall; or (ii) directly at:

Board for Professional and Occupational Regulation

Attn: Joseph C. Haughwout, Jr., Regulatory Affairs Manager

9960 Mayland Drive Perimeter Center, Suite 400

Richmond, VA 23233

Email: BPOR@dpor.virginia.gov

In addition, public hearings will be conducted as follows:

June 16, 2026 at 10 a.m. (View more information on Virginia Regulatory Town Hall.)

Location:

Department of Professional and Occupational Regulation

9960 Mayland Drive Perimeter Center, Suite 200
Richmond, VA 23233
(In-Person Only)
July 15, 2026 at 10 a.m. (View more information on Virginia Regulatory Town Hall.)

Location:

Department of Professional and Occupational Regulation
9960 Mayland Drive Perimeter Center, Suite 200
Richmond, VA 23233
(In-Person and Electronic Access)
Any written comments must be received on or before Thursday, July 16, 2026, in order to be considered by BPOR.

Questions or Comments about this Website

Contact

WebCoordinator@dpor.virginia.gov

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Contact Us

About Us

Outlook

Q

From JEFFERYGCHANCE@yahoo.com <JEFFERYGCHANCE@yahoo.com>
Date Sat 7/4/2026 4:22 PM
To DPOR: Board for Professional & Occupational Regulation (DPOR) <BPOR@dpor.virginia.gov>

To Whom It May Concern,

I am writing in response to the petition regarding possible licensure requirements for radon measurement professionals and radon mitigation specialists.

I understand and support the importance of ensuring that individuals performing radon-related work are properly trained and capable of performing the work safely and correctly. Public safety should always be a priority, especially when work involves environmental hazards, ventilation systems, and electrical components.

However, I also believe the Board should carefully consider the impact that additional licensing requirements, education mandates, testing, and fees could have on existing skilled tradespeople, including electricians and contractors who may already possess much of the knowledge and experience necessary to safely perform portions of this work.

Licensed electricians already complete extensive training, continuing education, and testing related to electrical systems, ventilation equipment, code compliance, and safe installation practices. Requiring multiple overlapping licenses and additional fees for professionals who are already qualified in many aspects of the work could create unnecessary financial and administrative burdens without significantly improving public safety.

If regulation is adopted, I encourage the Board to consider practical pathways that recognize existing trade licenses, experience, and qualifications rather than creating duplicative requirements. Any new regulations should focus on competency and safety while avoiding excessive barriers for skilled professionals and small contractors.

I appreciate the opportunity to submit public comment on this matter and encourage the Board to pursue a balanced approach that protects consumers while also respecting the experience and capabilities of existing licensed tradespeople.

Sincerely,

Jeffery Chance State of Virginia Master Electrician
804-919-8319 JefferyGChance@yahoo.com

Sent from my iPhone

Department of Planning and Budget
An official website Here's how you know

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VIRGINIA REGULATORY TOWN HALL

Agency **Department of Professional and Occupational Regulation**

Board **Board for Professional and Occupational Regulation**

Edit Notice

General Notice

BPOR Study on the Proposed Regulation of Radon Professionals

Date Posted: 5/13/2026

Expiration Date: 7/16/2026

Submitted to Registrar for publication: YES

45 Day Comment Forum Will begin on 6/1/2026 and will end at midnight on 7/16/2026

The Board for Professional and Occupational Regulation ("BPOR") is conducting an analysis and evaluation on the proposed regulation of those who provide radon services. BPOR has received a petition for regulation from the Virginia Chapter of the Indoor Environments Association proposing licensure of (i) radon measurement professionals; and (ii) radon mitigation specialists. BPOR is seeking public comment on the petition for regulation.

Comments may be posted in the Town Hall forum associated with this General Notice, or may be submitted directly to BPOR. In addition, BPOR will conduct public hearings on June 16, 2026, and July 15, 2026. All comments must be received on or before Thursday, July 16, 2026.

Please visit http://www.dpor.virginia.gov/Boards/BPOR/Radon for more information on the petition for regulation and the public comment process.

Contact Information

Name / Title:	Joe Haughwout / *Regulatory Affairs Manager*
Address:	Perimeter Center 9960 Mayland Drive, Suite 400 Richmond, 23233
Email Address:	Joseph.Haughwout@dpor.virginia.gov
Telephone:	(804)367-8566 FAX: (804)527-4403 TDD: ()-

This general notice was created by Joe Haughwout on 05/13/2026 at 11:10am

Virginia Department of Professional and Occupational Regulation
An official website Here's how you know

English ▼

Find a Commonwealth Resource

Department of Professional & Occupational Regulation

The agency has been notified of scam emails being circulated that falsely appear to originate from DPOR. These messages may request personal information or direct recipients to click on links. Please DO NOT respond to or forward these emails, click on any links, or provide personal information. Always verify the sender's email address. Visit our Fraud Prevention page for more information: Fraud Prevention: Verifying Communications

Petition to Regulate Radon Professionals

Petition to Regulate Radon Professionals

Description of the Petition for Regulation

In accordance with § 54.1-310.1 of the Code of Virginia, the Board for Professional and Occupational Regulation ("BPOR") is conducting an analysis and evaluation on the proposed regulation of those who provide radon services. BPOR has received a petition for regulation from the Virginia Chapter of the Indoor Environments Association ("IEA") proposing licensure of the following occupations:

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2. Radon mitigation specialists. Those who design and install radon remediation systems, and are responsible for the implementation, execution, and documentation of all required quality management and worker safety procedures, and may provide general supervision to radon mitigation installers.

Under current Virginia law, persons who conduct or offer to conduct radon screening, testing, or mitigation in Virginia must (i) be listed as a professional by either the National Radon Proficiency Program ("NRPP") or the National Radon Safety Board ("NRSB"); or (ii) meet any other proficiency measures deemed acceptable by the U.S. Environmental Protection Agency ("EPA") or the Virginia Board of Health for the purpose of offering screening, testing, or mitigation. Current law also establishes standards for radon screening, testing, or mitigation to which these persons must adhere.

IEA contends that licensure of radon service providers will address problems it has identified. These are (i) lack of Virginia Department of Health authority to enforce certification and standards requirements; (ii) lack of capacity by EPA-recognized national certification programs to conduct inspections in response to complaints, conduct proactive investigations to supplement public complaints, or impose sanctions; and (iii) a widespread pattern of non-compliance with standards.

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Description of the Study

The BPOR analysis and evaluation is being conducted in accordance with the Board for Professional & Occupational Regulation Guidelines for Evaluation of Petitions for Regulation and guided by the following criteria:

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- Practices inherent in the occupation;
- Characteristics of the clients served;
- The setting or supervisory arrangements for the delivery of services; or
- Any combination of these factors.

2. Specialized Skills and Training. The practice of the profession or occupation requires specialized education, and training; and the public needs assurance of competence.

3. Autonomous Practice. The functions and responsibilities of the practitioner require independent judgment, and the members of the occupational group practice autonomously.

4. Scope of Practice. The scope of practice is distinguishable from other licensed, certified, and registered professions and occupations.

5. Economic Impact. The economic costs to the public of regulating the occupational group are justified. Such costs may result from restriction of the supply of practitioners, as well as expense associated with the administration of regulatory boards or agencies.

6. Alternatives to Regulation. No alternatives to state regulation of the profession or occupation exist that adequately protect the public. Examples of methods to address the risk for public harm that do not require professional regulation include inspections, injunctions, disclosure requirements, and the strengthening of consumer protection laws and regulations.

7. Least Restrictive Regulation. If it is determined that state regulation of the occupation or profession is necessary, only the least restrictive level of occupational regulation consistent with public protection will be recommended to the Governor, the General Assembly, and Director of the Department of Professional and Occupational Regulation.

Public Comments

Public comments on the petition for regulation will be received from June 1, 2026, through July 16, 2026. Commenters may submit comments to BPOR either (i) through Virginia Regulatory Town Hall; or (ii) directly at:

Board for Professional and Occupational Regulation
Attn: Joseph C. Haughwout, Jr., Regulatory Affairs Manager
9960 Mayland Drive Perimeter Center, Suite 400
Richmond, VA 23233
Email: BPOR@dpor.virginia.gov

In addition, public hearings will be conducted as follows:

June 16, 2026 at 10 a.m. (View more information on Virginia Regulatory Town Hall.)

Location:

Department of Professional and Occupational Regulation
9960 Mayland Drive Perimeter Center, Suite 200
Richmond, VA 23233
(In-Person Only)

July 15, 2026 at 10 a.m. (View more information on Virginia Regulatory Town Hall.)

Location:

Department of Professional and Occupational Regulation
9960 Mayland Drive Perimeter Center, Suite 200
Richmond, VA 23233
(In-Person and Electronic Access)

Any written comments must be received on or before Thursday, July 16, 2026, in order to be considered by BPOR.

Accessibility

Web Policy

Logo Use Guidelines

Organizational Chart

Questions or Comments about this Website Contact
WebCoordinator@dpor.virginia.gov

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Contact Us

Appendix L

June 16, 2026 Public Hearing Minutes and Transcript

BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION

The Board for Professional and Occupational Regulation held a public hearing on June 16, 2026, at the Department of Professional and Occupational Regulation, Perimeter Center, Suite 200, Board Room #3, Richmond, VA 23233 to receive public comment regarding a petition for regulation proposing licensure of radon professionals.

Board staff present:
Joseph C. Haughwout, Jr., Regulatory Affairs Manager

Mr. Haughwout began the public hearing at 10:03 a.m. and read an introductory statement regarding the purpose and rules of the hearing. **Commencement of Public Hearing**

Public Comment Period – Transcript attached. **Public Comment Period**

There being no further comment, the meeting was adjourned at 10:35 a.m. **Adjournment**

Sathish Anabathula, Chair 08/11/2026

Laura V. McClintock, Director

COMMONWEALTH OF VIRGINIA

DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

PUBIC HEARING ON THE PETITION FOR REGULATION OF RADON PROFESSIONALS

SECOND FLOOR CONFERENCE CENTER

9960 MAYLAND DRIVE

HENRICO, VIRGINIA 23233

JUNE 16, 2026

10:00 AM

PRESENT:

Joe Haughwout, Regulatory Affairs Manager

NOTE: Hearing commences at 10:03 AM.

MR. HAUGHWOUT: Good Morning, ladies and gentlemen. I am Joe Haughwout, Regulatory Affairs Manager for the Department of Professional and Occupational Regulations. This is a public hearing held on behalf of the Board of Department of Professional and Occupational Regulations, 9960 Mayland Drive, Richmond, Virginia. This hearing is being held for the purpose of receiving public comment on a petition for regulation received by the Board from the Virginia Chapter of the Indoor Environments Association proposing the licensure of radon measurement professionals and radon mitigation specialists. A general notice announcing this public hearing was published in the Virginia Register on June 1, 2026. The staff of the Department of Professional and Occupational Regulation will prepare a report of all public comment received which will be presented to the Board in the course of conducting its study. And before I get into the rules for the public hearing, I want to let you know that we are in Board Room No. 3. In the event of an emergency, you are going to exit out of either of these two doors and head right toward the security desk where you came in and then, out to the parking lot. And there will be security posted out there as a routing point. Okay, I'll present the

rules of the public hearing. Comments will be received from any member of the public and initial comments will be limited to a maximum of five minutes depending on the number of individuals who wish to speak. If you have not signed up to speak and you wish to give testimony today, please sign your name on the sign-up sheet at this time. Staff members may ask speakers to clarify statements or ask questions to clarify statements. However, it is not the proper forum for questions to the Board. If you have questions for the Board, please forward them in writing to the Board's office. Any speaker who wishes to provide a written statement in addition to any oral testimony or in lieu of oral testimony may do so until July 16, 2026. So, what I'm going to do is go through the sign-up sheet here and ask if you would like to speak. There's a microphone at the table. And to speak into the microphone, just press the little button on the microphone. The light will turn green and then, we'll go ahead and start the timer and get your testimony. So, the first individual I have is Louis Scerbo. All right. I've got the timer on the screen there. It is to keep track of your five minutes. Push the button and you're free to go.

MR. SCERBO: Good Morning. My name is Louis Scerbo. I am a native of Northern Virginia. And my

profession is I'm a licensed home inspector. And, likewise, have a large radon testing business that I've built over the years. And I'm a little different in that I also partner with other home inspectors to serve as their lab and support resource. And it has been a great business. We have been able to help a lot of people. I was a little surprised to hear about the possibility of licensing for radon testers. Especially since there is and has been a law within the Commonwealth of Virginia requiring certification under one of the two certifying bodies under EPA and NRPP and NRSP. And for most of the years that I have been in business, I have been certified. Once I learned it was a requirement. Through NRSP. I find their program to be top tier. And it goes a long way to not only qualify people initially, but to make sure that they are adhering to standards and gaining additional knowledge as time goes on. And not just take the same course over and over again. My only experience with licensure within the Commonwealth of Virginia has been through the ALHI Board for home inspections. Which has been in place since July of 2017. And I find it productive as well. What I've also seen over time is people in my profession, probably on both the radon testing and the home inspection side, not all are licensed the way they're supposed to be. I have only

found the Board's ever policing or imposing penalties against licensed inspectors when there have been issues in following the licensing guidelines and so on and so forth. I have not heard about any issues with other people operating without a license. It's almost like there's no control over what those people can do or any assigned damages or concerns for operating without a proper license. And I have seen that there. And I'm also wondering why the law that governs certification isn't sufficient to cause policing of the process in the Commonwealth of Virginia and what the tangible benefits would be that would make that process better or easier to administer than the way it is now under the current law. Those are my primary questions and concerns. And I'm excited to learn more about this and to keep track over how this will affect my industry.

MR. HAUGHWOUT: Thank you, sir. Next up, I have John Davis.

MR. DAVIS: I'm John Davis. I'm the president of the Virginia chapter of IEA. We are the ones that brought the potential legislation forward. My intention to speak today was really to answer any other questions after all the rest of the public had spoken.

MR. HAUGHWOUT: Mr. Davis, we can postpone you speaking and have others speak first.

MR. DAVIS: I think that would probably be better.

MR. HAUGHWOUT: That's fine. We can postpone. We'll have you speak later.

MR. DAVIS: Okay.

MR. HAUGHWOUT: All right. Next, I have Matt Ettinger. You've indicated that you don't wish to speak?

MR. ETTINGER: No.

MR. HAUGHWOUT: All right. And then, I have Ryan Paris. You also indicated on the sheet that you do not wish to speak either?

MR. PARIS: Yeah, I'll go ahead and speak.

MR. HAUGHWOUT: Okay. Come on up.

MR. PARIS: I'm Ryan Paris. I'm the former radon coordinator for the Virginia Department of Health. I'm retired now. So, I'm kind of an interested observer. I've dealt with all these issues for many, many years as a radon coordinator. As I see it, like Mr. Scerbo brought up, the primary problem is there needs to be some way to go after the people who are out there doing the radon work without being properly certified or licensed. And I think that DPOR does have that problem. They can only go after the people that are licensed, not those that are not. We had that same issue with the

certification. There's no enforcement capability to go after and punish the people who are out there doing work illegally without the proper certification. So, I see that as a number one issue. Somebody, either VDH or DPOR has to address that issue. That's the number one problem. The other problem, as I see it, is that the home inspection and professional radon testing industry has changed dramatically since COVID. Mostly due to changes in the real estate market. The net result has been the number of professional radon tests and subsequent radon mitigation jobs has dropped dramatically in the last five or six years. A lot of radon professionals are dropping out of the business. I'm afraid that if we put in a new licensing program with hefty fees, that will accelerate. I would estimate we lose at least 25 percent of our current radon certified professionals if we put in a licensing program. That is more critical on the mitigation side than the tester side. I mean, we could lose all of our professional testers, but we would still need mitigators. The numbers in your packet there show that there are very few certified radon mitigators. I can tell you that, in some parts of the state, they are virtually mitigation wastelands. The Southside, the whole Southside of Virginia. Especially the Southwest

panhandle. Very few certified mitigators in those areas. Most of the certified professionals tend to cluster around the big cities. Which is kind of sad, because one of our highest risk radon areas is the Southwest. And we've got very few mitigators out there to deal with it. So, I'm afraid that the licensing program might reduce the number of mitigators in the state when actually we need to do something to encourage more mitigators. Because they are, in my view, more critical than testers. The testing is going to continue. People will test their own homes if they have to. Mitigation is the key. So, those are the only comments I had.

MR. HAUGHWOUT: Mr. Paris, I have a couple of follow-up questions, if you don't mind.

MR. PARIS: Sure.

MR. HAUGHWOUT: So, I think you indicated earlier that, in your experience, there's been a change since COVID that there are fewer people in the industry doing radon testing and mitigation.

MR. PARIS: Fewer active people. We've got a lot of people that are certified, but really haven't been working for a year or two. They don't want to spend the money to get recertified, because, at this time, they're not getting enough business to justify it. I mean, your paperwork indicated that we have about 340

certified professionals. Really if you look at the ones, I'll say, that have paused their certifications is well over 500. So, that's a problem. Did you have another question?

MR. HAUGHWOUT: You referenced lack of enforcement authority. If you were in the position of the Board in making a recommendation, what do you think the optimal solution would be to address the problem?

MR. PARIS: Well, you're going to have to change the way you do business in that there needs to be some way to go after the unlicensed people or uncertified people. Right now, that's totally lacking either way you go. And what I used to do is I would get complaints about people who were uncertified. I would document it and back it up with evidence. I'd call them and remind them of the law. Back in the old days, we used to actually send out notice of violation letters. And that got their attention. But our own DOJ told me I couldn't do that anymore, because there's nothing in the code to back it up. So, the other problem at VDH is lack of funding. We get absolutely no general funds to support the radon program. We have no licensing or certification fees coming in. So, we just can't afford to put in an inspection or virtually anything else. We just don't have the money for it. So, that's another

issue.

MR. HAUGHWOUT: I appreciate it. Thank you. The next person I have on the list is Laura Neuroth. Did you want to hold off until the end?

MS. NEUROTH: Sure. Right before John.

MR. HAUGHWOUT: All right. Let me see if there's anyone else here. We have several members of DPOR. We won't be hearing from them. Is there anyone else here from the public who wishes to speak? All right. Then, you're up.

MS. NEUROTH: My name is Laura Neuroth. I am the vice president of the IEA chapter here in Virginia. Also, I've been practicing industrial hygiene for nearly 20 years. And I'm just here to present, like, some of the reasons why regulatory licensing - why we think it's needed, along with certification from an EPA-recognized proficiency program. So, our proposed licensing program would rely on certifications by established nationally recognized proficiency programs presently, NRPP and NRSB. And these programs, you know, are there to approve training courses, provide proctored exams, provide certs to qualified individuals, renew certs based on continuing education credits and quality control assurances and oversee management devices. So, as of, you know, currently, unqualified people can advertise

radon services and perform them for a fee anywhere in Virginia without consequence. Even though, you know, as a couple of people mentioned, credentials are required and compliance with the standards are required. But there is no current enforcement of those requirements. The EPA-recognized proficiency programs have no capacity, authority or jurisdiction to address the activities of people that are not currently certified. State licensure is necessary to direct the cessation of work by uncertified personnel. So, this program, this DPOR program, our board would license already certified individuals, investigate complaints, monitor compliance and enforce penalties for noncompliance without replicating examination, certification and training, and device approval activities of the nationally EPA-recognized proficiency programs. And the proposed program would cause minor administrative expansion. Minimal licensing fees would offset associated costs. Also, the proficiency programs currently have no capacity to conduct prior to inspections or investigate complaints in person. The national EPA-recognized proficiency programs can only investigate complaints remotely and can revoke, suspend or deny renewal of certification if the remote communications warrant corrective action. Potential penalties available to

EPA-recognized proficiency programs are limited to certification, revocation and suspension. A state licensing program would have a capacity, where needed, to impose impactful penalties such as reprimands, fines, legal consequences and civil penalties for willful violations in addition to license suspension or revocation. So, without the guardrails of licensure, persons subject to revocation or suspension of their certification by one of the EPA-recognized proficiency programs can migrate to another EPA-recognized proficiency program appearing to be qualified. That's pretty much all I had to say.

MR. HAUGHWOUT: All right. Thank you. Mr. Davis?

MR. DAVIS: Well, I guess to address one of the first complaints that was talked about is the non-licensure work and going after people. Right now, the certified bodies can only go after the people who are certified and take their certification away if they do something that is, you know, not up to standard or whatever. Can I turn this around? Just like you do in the asbestos program. If somebody goes out and does asbestos testing and they're not licensed, can DPOR go after those folks? That's a question for you. Wouldn't this be in the same vein that we're trying to set this

up? Sort of in the same. Radon has a silo. Asbestos has got a silo. Lead-based paint, you know, on and on, within the DPOR structure. Wouldn't there be some regulatory breach to folks who are trying to operate without a license through the DPOR because of the licensure requirement?

MR. HAUGHWOUT: So, the purpose of the public hearing is to receive comments. I will, just briefly, to address your question about DPOR generally. DPOR is authorized to investigate claims regarding unlicensed activity. So, if someone is required to have a credential. And if DPOR gets a complaint about that, we can investigate the license activity. The process for holding anybody accountable for that is not in the hands of DPOR. That's a matter that would be addressed criminally by the Commonwealth's Attorney of the jurisdiction where the offense occurred. So, the DPOR regulatory boards only have the authority over their regulants in terms of sanctioning someone for a regulatory violation, a violation of standards of practice.

MR. DAVIS: Okay. All right. And another one of the things is there is a great decline in testers, as Ryan was talking about, since post-COVID. A whole lot of that can be contributed to these home self-testing

units, these, like consumer-grade testing devices. I've seen a huge decline in testing, because of those kind of things. But those are not certified to base a mitigation upon. So, we still need licensed testers to, you know, to verify these things if somebody finds a reading. They're more like a screening device versus, you know, an absolute, something to make a decision on for the mitigation. We absolutely need to test. And encourage more of those testers. But in the mitigation world, there are so many violations of people doing stuff. Even if they're licensed, they're doing it in a non-standard way. It's incredible. We see it all the time. It's in the complaint and everybody has read them. At the end of the petition, there's a series of photographs with a narrative about how inadequate testing has been done. Fans being hung upside down or sideways in the attics. You know, not even drilling out for the slabs completely. It just goes on and on and on and on. So, that's one of the real reasons that we need the licensure. We need an agency with some teeth that can regulate this industry. And it's for the health of all Virginians. That's pretty much all I have to say. Do you have any questions?

MR. HAUGHWOUT: Actually I do, Mr. Davis. All right. You mentioned the presence or the prevalence

of the home testing devices and kits. So, if I understand what you're saying is in the industry now or in the world now, there's less business for radon testers because other options are available?

MR. DAVIS: It is contributing to the decline of testing. Yes.

MR. HAUGHWOUT: Okay. Do you feel that mandatory licensure of radon testers would solve that problem? Would make it more likely that individuals would -

MR. DAVIS: No, I don't think that really is going to have an effect at all. No. It's a corollary kind of thing.

MR. HAUGHWOUT: I have kind of gotten from your comments and I think from Ms. Neuroth, the comments about sort of the enforcement mechanism. So, sort of you all's view is the ideal mechanism for a state official to go out and inspect a mitigation system and determine if there is noncompliance with EPA standards, based on a complaint they get. Is that kind of how you all are envisioning it?

MR. DAVIS: Yeah, if the complaint warrants it, then it should be inspected either by the state official or someone, a proxy. There is a certification program for inspectors to go out there. So, there's a

lot of inspectors that are more or less happy to volunteer and assist in that. But the answer to your question is yes.

MR. HAUGHWOUT: Okay. As far as interaction with local building inspectors, what's y'all's experience with those folks in terms of addressing any sort of improper installation?

MR. DAVIS: Well, right now, there's no interaction, because it's not regulated. The inspectors don't have any anything to do with it. If it were regulated, that could be another piece of it. And if they could go in and inspect the electrical system, the plumbing system or whatever, they could inspect the rough-in for a radon system just as well.

MR. HAUGHWOUT: Okay, thank you.

MR. DAVIS: Thank you.

MR. HAUGHWOUT: Sir?

MR. SCERBO: I could offer a little bit more clarification.

MR. HAUGHWOUT: You can come back up so we can get you to speak into the mic.

MR. SCERBO: Yes, it's Louis Scerbo again. As a home inspector, you know, while radon testing is not a requirement under our licensing law, it's an optional service. If it is provided, you know, you do

have to be certified so on and so forth. But the comments regarding the opportunities to do testing is the same condition that has affected home inspectors with home inspections. Our market for home inspections typically has declined by just about 50 percent over the years. And it isn't just related to COVID. What it's related to is the lack of inventory for homes that are for sale. That was, in part, created by the crash that we had in 2008. And a lot of properties being acquired and pulled out of the resale market by institutional investors who are looking to turn those into rentals. So, a lot of volume has gone away for that. It hasn't fully restored. We still have an inventory shortage. And because there's so many people competing for a smaller based homes available for sale. They're waiving their rights to a home inspection or a radon test, because that would be viewed as something that would muck up the deal and lessen their chances for an acceptance of their offer. I don't see a change in that. It's amazing that prices have sustained the way they are. I don't have an answer for that. But most of the people that if they didn't do a radon test during the inspection, they'll do it after they purchase. And the way they do it is they have acquired a test kit. Which is probably a good indicator to discern whether or not you really need a

professional test done just to confirm it. But there's no quick answer to affording people the opportunity to do the inspections or radon testing unless something would happen within the Commonwealth of Virginia that would allow home inspections and radon testing to be a right of a purchaser and not something that's negotiated as part of their deal.

MR. HAUGHWOUT: Thank you. Yes?

MS. NEUROTH: Laura Neuroth again. I just wanted to clarify one thing. This proposed legislature wasn't just targeted for the residential sector. It was also targeted for commercial. My company does a lot of radon testing. And we sub out a lot of commercial mitigation. So, I just wanted to make that distinction there. That this would be over all of that.

MR. HAUGHWOUT: Thank you.

MR. PARIS: I have a followup too.

MR. HAUGHWOUT: Sure.

MR. PARIS: Ryan Paris again. There might be a proposed solution to the whole inspection compliance question. Because we looked at establishing an inspection program at VDH. And it would be tremendously expensive to cover the whole Commonwealth with in-person inspections. That's probably unrealistic. Even if DPOR wanted to do that, the fees that you would have to

charge to cover that program would be prohibitive. I mean, the whole industry would drop out. What I would propose instead - this is something that I used to do. When I got a complaint about a mitigation job, and I got several, you get the people to take photos of the questionable areas. And this could be done by a radon professional or done by the homeowner. The photos can usually indicate very quickly where the problems are. I would interview both sides. I would talk to the mitigator once he's established and he did some non-standard things. And probably 90-95 percent of the time that mitigator would voluntarily come in and correct the problem. So, that's probably where you are headed if you want the program to work and be affordable is to do a lot of these things online or on the phone rather than travel to the site. Because, I mean, to cover the Southwest, you would almost have to have a regional person up there. And that just adds tremendously to expense. So, to make this practical and affordable - I think it's possible to do a lot of this work over the phone and remotely.

MR. HAUGHWOUT: Thank you. All right. I don't see anyone else signed up to speak. So, I think we're at the place where we can conclude our public hearing. I want thank everyone for their comments today.

The record of the public hearing will be kept open until July 16, 2026. And written comments will be accepted through 5:00 PM of that day. With that, this hearing is now closed. Thank you, everyone, for coming in today.

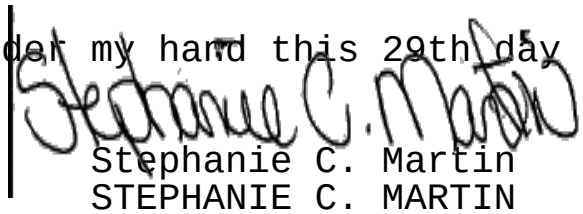
NOTE: Hearing concluded at 10:35 AM.

CERTIFICATE OF COURT REPORTER

I, Stephanie C. Martin, hereby certify that I was the Court Reporter at the Public Hearing held in Henrico County, Virginia on June 16, 2026, at the time of the hearing herein.

I further certify that the foregoing transcript is, to the best of my ability, a true and accurate record of the testimony and incidents of the hearing herein.

Given under my hand this 29th day of June 2026.



Stephanie C. Martin
STEPHANIE C. MARTIN
Notary Registration No. 7984503

My Commission expires:
April 30, 2030

WORD INDEX

< 1 >
1 3:*15*
10:00 1:*15*
10:03 3:*1*
10:35 21:*5*
16 1:*14* 4:*13* 21:*2* 22:*4*

< 2 >
20 11:*14*
2008 18:*9*
2017 5:*21*
2026 1:*14* 3:*15* 4:*14* 21:*2* 22:*4*, *10*
2030 22:*14*
23233 1:*11*
25 8:*16*
29th 22:*10*

< 3 >
3 3:*21*
30 22:*14*
340 9:*25*

< 5 >
5:00 21:*3*
50 18:*5*
500 10:*3*

< 7 >
7984503 22:*12*

< 9 >
90-95 20:*11*
9960 1:*10* 3:*7*

< A >
ability 22:*7*
able 5:*6*
absolute 15:*7*
absolutely 10:*21* 15:*8*
accelerate 8:*15*
acceptance 18:*18*
accepted 21:*2*
accountable 14:*14*
accurate 22:*7*
acquired 18:*9*, *24*
action 12:*25*
active 9:*20*
activities 12:*8*, *15*
activity 14:*11*, *13*
addition 4:*12* 13:*6*
additional 5:*17*
address 8:*5* 10:*8* 12:*7* 13:*15* 14:*9*
addressed 14:*15*
addressing 17:*6*
adds 20:*18*
adhering 5:*16*
administer 6:*13*
administrative 12:*17*
advertise 11:*25*
Affairs 2:*2* 3:*3*
affect 6:*16*
afford 10:*23*
affordable 20:*14*, *20*
affording 19:*2*
afraid 8:*14* 9:*6*
agency 15:*20*
ahead 4:*19* 7:*13*
ALHI 5:*20*
allow 19:*5*
all's 16:*17*
amazing 18:*19*
announcing 3:*13*
answer 6:*22* 17:*2* 18:*21* 19:*2*
anybody 14:*14*
anymore 10:*19*
appearing 13:*11*
appreciate 11:*2*
approval 12:*15*
approve 11:*20*
April 22:*14*
areas 9:*1*, *4* 20:*6*
asbestos 13:*22*, *23* 14:*1*
assigned 6:*7*
assist 17:*2*
associated 12:*18*
Association 3:*11*
assurances 11:*24*
attention 10:*18*
attics 15:*16*
Attorney 14:*16*
authority 10:*6* 12:*7* 14:*18*
authorized 14:*10*
available 12:*25* 16:*4* 18:*15*

< B >
back 10:*15*, *16*, *20* 17:*20*
base 15:*3*
based 11:*22* 16:*19* 18:*15*
behalf 3:*6*
benefits 6:*11*
best 22:*7*
better 6:*12* 7:*2*
big 9:*3*
bit 17:*18*
Board 3:*6*, *10*, *18*, *20* 4:*9*, *10* 5:*20* 10:*7* 12:*11*
boards 14:*18*
Board's 4:*11* 6:*1*
bodies 5:*11* 13:*18*
breach 14:*4*
briefly 14:*9*
brought 6:*21* 7:*20*
building 17:*5*
built 5:*3*
business 5:*2*, *6*, *12* 8:*13* 9:*24* 10:*10* 16:*3*
button 4:*17*, *22*

< C >
call 10:*15*
capability 8:*1*
capacity 12:*7*, *20* 13:*3*
cause 6:*10* 12:*17*
CENTER 1:*9*
CERTIFICATE 22:*1*
certification 5:*10* 6:*9* 8:*1*, *3* 10:*23* 11:*16* 12:*14*, *24* 13:*2*, *9*, *19* 16:*24*
certifications 10:*2* 11:*18*
certified 5:*13* 7:*22* 8:*17*, *22* 9:*1*, *2*, *21* 10:*1* 12:*8*, *11* 13:*18*, *19* 15:*3* 18:*1*
certify 22:*2*, *6*
certifying 5:*10*
certs 11:*21*, *22*
cessation 12:*9*
chances 18:*18*
change 9:*17* 10:*10* 18:*19*
changed 8:*8*
changes 8:*9*
Chapter 3:*10* 6:*20* 11:*12*
charge 20:*1*
cities 9:*3*
civil 13:*5*
claims 14:*10*
clarification 17:*19*
clarify 4:*7*, *8* 19:*10*
closed 21:*4*
cluster 9:*2*
code 10:*20*
Come 7:*14* 17:*20* 20:*12*
coming 10:*23* 21:*4*
commences 3:*1*
comment 3:*9*, *17*
Comments 4:*1*, *2* 9:*12* 14:*8* 16:*15* 18:*2* 20:*25* 21:*2*
commercial 19:*12*, *13*
Commission 22:*14*
COMMONWEALTH 1:*1* 5:*9*, *19* 6:*11* 19:*4*, *23*
Commonwealth's 14:*16*
communications 12:*24*
company 19:*12*
competing 18:*14*
complaint 14:*12* 15:*13* 16:*20*, *22* 20:*4*
complaints 10:*14* 12:*12*, *21*, *22* 13:*16*
completely 15:*18*
compliance 12:*4*, *12* 19:*20*
concerns 6:*7*, *14*

conclude 20:*24*
concluded 21:*5*
condition 18:*3*
conduct 12:*20*
conducting 3:*18*
CONFERENCE 1:*9*
confirm 19:*1*
consequence 12:*2*
consequences 13:*5*
consumer-grade 15:*1*
continue 9:*10*
continuing 11:*23*
contributed 14:*25*
contributing 16:*5*
control 6:*6* 11:*23*
coordinator 7:*16, 19*
corollary 16:*12*
correct 20:*13*
corrective 12:*25*
costs 12:*18*
County 22:*4*
couple 9:*13* 12:*3*
course 3:*18* 5:*18*
courses 11:*21*
COURT 22:*1, 3*
cover 19:*23* 20:*1, 17*
COVID 8:*8* 9:*18* 18:*6*
crash 18:*8*
created 18:*8*
credential 14:*12*
credentials 12:*3*
credits 11:*23*
criminally 14:*16*
critical 8:*18* 9:*9*
current 6:*13* 8:*16* 12:*5*
currently 11:*25* 12:*8, 19*

< D >
damages 6:*7*
Davis 6:*18, 19, 24* 7:*1, 5* 13:*14, 15* 14:*22* 15:*24* 16:*5, 11, 22* 17:*8, 16*
day 21:*3* 22:*10*
days 10:*16*
deal 9:*5* 18:*18* 19:*7*
dealt 7:*18*
decision 15:*7*
decline 14:*23* 15:*2* 16:*6*
declined 18:*5*
deny 12:*23*
DEPARTMENT 1:*3* 3:*4, 6, 15* 7:*16*
depending 4:*3*
desk 3:*23*
determine 16:*18*
device 12:*15* 15:*6*
devices 11:*24* 15:*1* 16:*1*
different 5:*3*
direct 12:*9*
discern 18:*25*
distinction 19:*14*
document 10:*15*
doing 7:*21* 8:*2* 9:*19* 15:*10, 11*
DOJ 10:*18*
doors 3:*22*
DPOR 7:*23* 8:*4* 11:*8* 12:*11* 13:*23* 14:*3, 5, 9, 10, 12, 15, 17* 19:*24*
dramatically 8:*8, 12*
drilling 15:*17*
DRIVE 1:*10* 3:*7*
drop 20:*2*
dropped 8:*11*
dropping 8:*13*
due 8:*8*

< E >
earlier 9:*17*
easier 6:*12*
education 11:*23*
effect 16:*12*
either 3:*22* 7:*12* 8:*4* 10:*13* 16:*23*
electrical 17:*12*
emergency 3:*21*
encourage 9:*8* 15:*8*
enforce 12:*13*
enforcement 8:*1* 10:*6* 12:*5* 16:*16*
Environments 3:*11*
envisioning 16:*21*
EPA 5:*11* 16:*19*
EPA-recognized 11:*16* 12:*6, 16, 21* 13:*1, 9, 10*
Especially 5:*8* 8:*25*
established 11:*18* 20:*10*
establishing 19:*21*
estate 8:*9*
estimate 8:*15*
Ettinger 7:*7, 9*
event 3:*21*
everybody 15:*13*
evidence 10:*15*
examination 12:*14*
exams 11:*21*
excited 6:*15*
exit 3:*22*
expansion 12:*17*
expense 20:*19*
expensive 19:*23*
experience 5:*19* 9:*17* 17:*6*
expires 22:*14*

< F >
Fans 15:*16*
far 17:*4*
fee 12:*1*
feel 16:*7*
fees 8:*15* 10:*23* 12:*18* 19:*25*
fewer 9:*18, 20*
find 5:*14, 22*
finds 15:*5*
fine 7:*3*
fines 13:*4*
first 4:*20* 6:*25* 13:*16*
five 4:*3, 22* 8:*12*
FLOOR 1:*9*
folks 13:*24* 14:*4* 17:*6*
following 6:*3*
followup 19:*17*
follow-up 9:*14*
foregoing 22:*6*
former 7:*15*
forth 6:*4* 18:*1*
forum 4:*9*
forward 4:*10* 6:*21*
found 6:*1*
free 4:*23*
fully 18:*13*
funding 10:*21*
funds 10:*21*
further 22:*6*

< G >
gaining 5:*17*
general 3:*13* 10:*21*
generally 14:*9*
gentlemen 3:*3*
getting 9:*24*
give 4:*5*
Given 22:*10*
go 4:*14, 18, 23* 7:*13, 21, 24* 8:*1* 10:*11, 13* 13:*18, 23* 16:*18, 25* 17:*12*
goes 5:*14, 17* 13:*22* 15:*18*
going 3:*21* 4:*14* 9:*10* 10:*9* 13:*17* 16:*12*
Good 3:*2* 4:*24* 18:*24*
gotten 16:*14*
governs 6:*9*
great 5:*5* 14:*23*
green 4:*18*
guardrails 13:*7*
guess 13:*15*
guidelines 6:*3*

< H >
hand 22:*10*
hands 14:*14*
happen 19:*4*
happy 17:*1*
Haughwout 2:*2* 3:*2, 3* 6:*17, 24* 7:*3, 6, 10, 14* 9:*13, 16* 10:*5* 11:*2, 6* 13:*13* 14:*7* 15:*24* 16:*7, 14* 17:*4, 15, 17, 20* 19:*8, 16, 18* 20:*22*
head 3:*22*

headed 20:*14*
Health 7:*16* 15:*21*
hear 5:*7*
heard 6:*4*
HEARING 1:*6* 3:*1, 5, 8, 14, 20* 4:*1* 11:*8* 14:*8* 20:*25* 21:*1, 3, 5* 22:*3, 5, 8*
hefty 8:*15*
held 3:*5, 8* 22:*3*
help 5:*6*
HENRICO 1:*11* 22:*3*
highest 9:*4*
hold 11:*4*
holding 14:*14*
home 5:*1, 4, 20, 24* 8:*7* 14:*25* 16:*1* 17:*23* 18:*3, 4, 16* 19:*5*
homeowner 20:*7*
homes 9:*11* 18:*7, 15*
huge 15:*2*
hung 15:*16*
hygiene 11:*13*

< I >
ideal 16:*17*
IEA 6:*20* 11:*12*
illegally 8:*3*
impactful 13:*4*
impose 13:*4*
imposing 6:*1*
improper 17:*7*
inadequate 15:*15*
incidents 22:*8*
incredible 15:*12*
indicate 20:*8*
indicated 7:*7, 11* 9:*16, 25*
indicator 18:*25*
individual 4:*20*
individuals 4:*4* 11:*22* 12:*12* 16:*9*
Indoor 3:*11*
industrial 11:*13*
industry 6:*16* 8:*7* 9:*18* 15:*21* 16:*2* 20:*2*
initial 4:*2*
initially 5:*15*
in-person 19:*23*
inspect 16:*18* 17:*12, 13*
inspected 16:*23*
inspection 5:*24* 8:*7* 10:*24* 18:*16, 22* 19:*20, 22*
inspections 5:*21* 12:*20* 18:*4* 19:*3, 5, 24*
inspector 5:*1* 17:*23*
inspectors 5:*4* 6:*2* 16:*25* 17:*1, 5, 9* 18:*3*
installation 17:*7*
institutional 18:*10*
intention 6:*22*
interaction 17:*4, 9*
interested 7:*17*
interview 20:*9*
inventory 18:*7, 13*
investigate 12:*12, 20, 22* 14:*10, 13*
investors 18:*11*
issue 7:*25* 8:*4, 5* 11:*1*
issues 6:*2, 4* 7:*18*
its 3:*18*

< J >
job 20:*4*
jobs 8:*11*
Joe 2:*2* 3:*3*
John 6:*18, 19* 11:*5*
July 4:*13* 5:*21* 21:*2*
JUNE 1:*14* 3:*15* 22:*4, 10*
jurisdiction 12:*7* 14:*17*
justify 9:*24*

< K >
keep 4:*21* 6:*15*
kept 21:*1*
key 9:*12*
kind 7:*17* 9:*3* 15:*2* 16:*13, 14, 20*
kit 18:*24*
kits 16:*1*
know 3:*20* 11:*20, 25* 12:*2* 13:*20* 14:*2* 15:*4, 6, 17* 17:*23, 25*
knowledge 5:*17*

< L >
lab 5:*5*
lack 10:*5, 20* 18:*7*
lacking 10:*12*
ladies 3:*2*
large 5:*2*
Laura 11:*3, 11* 19:*9*
law 5:*9* 6:*9, 14* 10:*16* 17:*24*
Lead-based 14:*2*
learn 6:*15*
learned 5:*13*
legal 13:*5*
legislation 6:*21*
legislature 19:*10*
lessen 18:*18*
letters 10:*17*
license 6:*5, 8* 12:*11* 13:*6* 14:*5, 13*
licensed 5:*1, 25* 6:*2* 7:*23, 24* 13:*23* 15:*4, 11*
licensing 5:*8* 6:*3* 8:*14, 17* 9:*6* 10:*22* 11:*15, 17* 12:*18* 13:*3* 17:*24*
licensure 3:*11* 5:*19* 12:*9* 13:*7* 14:*6* 15:*20* 16:*8*
lieu 4:*13*
light 4:*18*
likewise 5:*2*
limited 4:*3* 13:*1*
list 11:*3*
little 4:*17* 5:*3, 7* 17:*18*
local 17:*5*
long 5:*15*
look 10:*1*
looked 19:*21*
looking 18:*11*
lose 8:*16, 19*
lot 3:*24* 5:*6* 8:*12* 9:*21* 14:*24* 17:*1* 18:*9, 12* 19:*12, 13* 20:*15, 20*
Louis 4:*20, 24* 17:*22*

< M >
making 10:*7*
management 11:*24*
Manager 2:*2* 3:*4*
mandatory 16:*8*
market 8:*9* 18:*4, 10*
Martin 22:*2, 10, 12*
Matt 7:*7*
matter 14:*15*
maximum 4:*3*
MAYLAND 1:*10* 3:*7*
mean 8:*19* 9:*25* 20:*2, 16*
measurement 3:*12*
mechanism 16:*16, 17*
member 4:*2*
members 4:*7* 11:*7*
mentioned 12:*3* 15:*25*
mic 17:*21*
microphone 4:*16, 17, 18*
migrate 13:*10*
mind 9:*14*
Minimal 12:*18*
minor 12:*17*
minutes 4:*3, 22*
mitigation 3:*12* 8:*11, 18, 24* 9:*11, 19* 15:*3, 8, 9* 16:*18* 19:*14* 20:*4*
mitigator 20:*10, 12*
mitigators 8:*21, 22* 9:*1, 5, 7, 8*
money 9:*23* 10:*25*
monitor 12:*12*
Morning 3:*2* 4:*24*
muck 18:*17*

< N >
name 4:*6, 24* 11:*11*
narrative 15:*15*
national 12:*21*
nationally 11:*18* 12:*15*

native 4:*25*
nearly 11:*13*
necessary 12:*9*
need 8:*20* 9:*8* 15:*4, 8, 19, 20* 18:*25*
needed 11:*16* 13:*3*
needs 7:*20* 10:*10*
negotiated 19:*6*
net 8:*9*
Neuroth 11:*3, 5, 11* 16:*15* 19:*9*
new 8:*14*
noncompliance 12:*13* 16:*19*
non-licensure 13:*17*
non-standard 15:*11* 20:*11*
Northern 4:*25*
Notary 22:*12*
NOTE 3:*1* 21:*5*
notice 3:*13* 10:*17*
NRPP 5:*11* 11:*19*
NRSB 11:*20*
NRSP 5:*11, 14*
number 4:*4* 8:*4, 5, 10* 9:*7*
numbers 8:*21*

< O >
observer 7:*17*
OCCUPATIONAL 1:*3* 3:*5, 7, 16*
occurred 14:*17*
offense 14:*17*
offer 17:*18* 18:*19*
office 4:*11*
official 16:*17, 24*
offset 12:*18*
Okay 3:*25* 7:*5, 14* 14:*22* 16:*7* 17:*4, 15*
old 10:*16*
Once 5:*13* 20:*10*
ones 6:*21* 10:*1*
online 20:*15*
open 21:*1*
operate 14:*4*
operating 6:*5, 7*
opportunities 18:*2*
opportunity 19:*2*
optimal 10:*8*
optional 17:*25*
options 16:*4*
oral 4:*12, 13*
oversee 11:*24*

< P >
packet 8:*21*
paint 14:*2*
panhandle 9:*1*
paperwork 9:*25*
Paris 7:*11, 13, 15* 9:*13, 15, 20* 10:*9* 19:*17, 19*
parking 3:*24*
part 18:*8* 19:*7*
partner 5:*4*
parts 8:*23*
paused 10:*2*
penalties 6:*1* 12:*13, 25* 13:*4, 5*
people 5:*6, 15, 23* 6:*5, 6* 7:*21, 24* 8:*2* 9:*10, 18, 20, 21* 10:*11, 12, 14* 11:*25* 12:*3, 8* 13:*17, 18* 15:*10* 18:*14, 21* 19:*2* 20:*5*
percent 8:*16* 18:*5* 20:*11*
perform 12:*1*
person 11:*3* 12:*21* 20:*18*
personnel 12:*10*
persons 13:*8*
PETITION 1:*6* 3:*9* 15:*14*
phone 20:*15, 21*
photographs 15:*14*
photos 20:*5, 7*
piece 17:*11*
place 5:*21* 20:*24*
please 4:*6, 10*
plumbing 17:*13*
PM 21:*3*
point 3:*25*
policing 6:*1, 10*
position 10:*6*
possibility 5:*7*
possible 20:*20*
post-COVID 14:*24*
posted 3:*24*
postpone 6:*24* 7:*4*
potential 6:*21* 12:*25*
practical 20:*19*
practice 14:*21*
practicing 11:*13*
prepare 3:*16*
presence 15:*25*
PRESENT 2:*1* 3:*25* 11:*14*
presented 3:*18*
presently 11:*19*
president 6:*20* 11:*12*
press 4:*17*
pretty 13:*12* 15:*22*
prevalence 15:*25*
prices 18:*20*
primary 6:*14* 7:*20*
prior 12:*20*
probably 5:*23* 7:*1* 18:*24* 19:*24* 20:*11, 13*
problem 7:*20, 23* 8:*6* 10:*3, 8, 20* 16:*9* 20:*13*
problems 20:*8*
process 6:*10, 12* 14:*13*
proctored 11:*21*
productive 5:*22*
profession 5:*1, 23*
PROFESSIONAL 1:*3* 3:*4, 6, 16* 8:*7, 10, 20* 19:*1* 20:*7*
PROFESSIONALS 1:*6* 3:*12* 8:*13, 17* 9:*2* 10:*1*
proficiency 11:*17, 19* 12:*6, 16, 19, 22* 13:*1, 9, 11*
program 5:*14* 8:*14, 18* 9:*6* 10:*22* 11:*17* 12:*10, 11, 17* 13:*3, 11, 22* 16:*25* 19:*22* 20:*1, 14*
programs 11:*19, 20* 12:*6, 16, 19, 22* 13:*1, 10*
prohibitive 20:*1*
proper 4:*9* 6:*8* 8:*3*
properly 7:*22*
properties 18:*9*
propose 20:*3*
proposed 11:*17* 12:*16* 19:*10, 20*
proposing 3:*11*
provide 4:*11* 11:*21*
provided 17:*25*
proxy 16:*24*
PUBIC 1:*6*
public 3:*5, 9, 13, 17, 19* 4:*1, 2* 6:*23* 11:*9* 14:*8* 20:*24* 21:*1* 22:*3*
published 3:*14*
pulled 18:*10*
punish 8:*2*
purchase 18:*23*
purchaser 19:*6*
purpose 3:*8* 14:*7*
Push 4:*22*
put 8:*14, 17* 10:*24*

< Q >
qualified 11:*22* 13:*11*
qualify 5:*15*
quality 11:*23*
question 10:*4* 13:*24* 14:*9* 17:*3* 19:*21*
questionable 20:*6*
questions 4:*8, 9, 10* 6:*14, 23* 9:*14* 15:*23*
quick 19:*2*
quickly 20:*8*

< R >
RADON 1:*6* 3:*12* 5:*2, 8, 24* 7:*16, 19, 22* 8:*7, 10, 11, 13, 16, 22* 9:*4, 19* 10:*22* 12:*1* 14:*1* 16:*3, 8* 17:*14, 23* 18:*16, 22* 19:*3, 5, 13* 20:*6*
read 15:*13*
reading 15:*5*
real 8:*9* 15:*19*
really 6:*22* 9:*21*

10:*1* 16:*11* 18:*25*
reasons 11:*15* 15:*19*
receive 14:*8*
received 3:*10, 17* 4:*1*
receiving 3:*9*
recertified 9:*23*
recognized 11:*19*
recommendation 10:*7*
record 21:*1* 22:*8*
reduce 9:*6*
referenced 10:*5*
regarding 14:*10* 18:*2*
regional 20:*18*
Register 3:*14*
Registration 22:*12*
regulants 14:*19*
regulate 15:*21*
regulated 17:*9, 11*
REGULATION 1:*3, 6* 3:*9, 16*
Regulations 3:*5, 7*
Regulatory 2:*2* 3:*3* 11:*15* 14:*4, 18, 20*
related 18:*6, 7*
rely 11:*18*
remind 10:*16*
remote 12:*24*
remotely 12:*23* 20:*21*
renew 11:*22*
renewal 12:*23*
rentals 18:*11*
replicating 12:*14*
report 3:*17*
REPORTER 22:*1, 3*
reprimands 13:*4*
required 12:*3, 4* 14:*11*
requirement 5:*13* 14:*6* 17:*24*
requirements 12:*5*
requiring 5:*10*
resale 18:*10*
residential 19:*11*
resource 5:*5*
rest 6:*23*
restored 18:*13*
result 8:*9*
retired 7:*17*
revocation 13:*2, 7, 8*
revoke 12:*23*
Richmond 3:*7*
right 3:*22* 4:*20* 7:*6, 10* 10:*12* 11:*5, 6, 10* 13:*13, 17* 14:*22* 15:*25* 17:*8* 19:*6* 20:*22*
rights 18:*16*
risk 9:*4*
Room 3:*21*
rough-in 17:*14*
routing 3:*25*
rules 3:*19* 4:*1*
Ryan 7:*11, 15* 14:*24* 19:*19*

< S >
sad 9:*3*
sale 18:*8, 15*
sanctioning 14:*19*
saying 16:*2*
Scerbo 4:*20, 24, 25* 7:*19* 17:*18, 22*
screen 4:*21*
screening 15:*6*
SECOND 1:*9*
sector 19:*11*
security 3:*23, 24*
see 7:*19* 8:*3, 6* 11:*6* 15:*12* 18:*19* 20:*23*
seen 5:*22* 6:*8* 15:*2*
self-testing 14:*25*
send 10:*17*
series 15:*14*
serve 5:*4*
service 17:*25*
services 12:*1*
set 13:*25*
sheet 4:*6, 15* 7:*11*
shortage 18:*13*
show 8:*21*
side 5:*24* 8:*18, 19*
sides 20:*9*
sideways 15:*16*
sign 4:*6*
signed 4:*5* 20:*23*
sign-up 4:*6, 14*
silo 14:*1, 2*
sir 6:*17* 17:*17*
site 20:*16*
six 8:*12*
slabs 15:*17*
smaller 18:*14*
solution 10:*8* 19:*20*
solve 16:*8*
Somebody 8:*4* 13:*22* 15:*5*
Sort 14:*1* 16:*16* 17:*7*
Southside 8:*24, 25*
Southwest 8:*25* 9:*4* 20:*17*
speak 4:*4, 5, 15, 16* 6:*22, 25* 7:*4, 8, 12, 13* 11:*9* 17:*21* 20:*23*
speaker 4:*11*
speakers 4:*7*
speaking 6:*25*
specialists 3:*13*
spend 9:*22*
spoken 6:*23*
staff 3:*15* 4:*7*
standard 13:*20*
standards 5:*16* 12:*4* 14:*20* 16:*19*
start 4:*19*
state 8:*23* 9:*7* 12:*9* 13:*2* 16:*17, 23*
statement 4:*12*
statements 4:*7, 8*
Stephanie 22:*2, 10, 12*
structure 14:*3*
study 3:*19*
stuff 15:*10*
sub 19:*13*
subject 13:*8*
subsequent 8:*11*
sufficient 6:*10*
support 5:*5* 10:*22*
supposed 5:*25*
sure 5:*16* 9:*15* 11:*5* 19:*18*
surprised 5:*7*
suspend 12:*23*
suspension 13:*2, 6, 8*
sustained 18:*20*
system 16:*18* 17:*12, 13, 14*

< T >
table 4:*16*
take 5:*18* 13:*19* 20:*5*
talk 20:*9*
talked 13:*16*
talking 14:*24*
tangible 6:*11*
targeted 19:*11, 12*
teeth 15:*20*
tell 8:*23*
tend 9:*2*
terms 14:*19* 17:*6*
test 9:*11* 15:*8* 18:*16, 22, 24* 19:*1*
tester 8:*19*
testers 5:*8* 8:*20* 9:*10* 14:*23* 15:*4, 9* 16:*4, 8*
testimony 4:*5, 12, 13, 19* 22:*8*
testing 5:*2, 24* 8:*7* 9:*10, 19* 13:*23* 15:*1, 2, 15* 16:*1, 6* 17:*23* 18:*2* 19:*3, 5, 13*
tests 8:*10*
Thank 6:*17* 11:*2* 13:*13* 17:*15, 16* 19:*8, 16* 20:*22, 25* 21:*4*
thing 16:*13* 19:*10*
things 14:*23* 15:*3, 5* 20:*11, 15*
think 7:*1, 23* 9:*16* 10:*7* 11:*15* 16:*11, 15* 20:*20, 23*
tier 5:*14*
time 4:*6* 5:*17, 23* 9:*23* 15:*12* 20:*12* 22:*4*
timer 4:*19, 21*
today 4:*5* 6:*22* 20:*25* 21:*4*
told 10:*18*
top 5:*14*
totally 10:*12*
track 4:*22* 6:*15*
training 11:*21* 12:*14*
transcript 22:*6*
travel 20:*16*

tremendously 19:*22* 20:*19*
true 22:*7*
trying 13:*25* 14:*4*
turn 4:*18* 13:*21* 18:*11*
two 3:*22* 5:*10* 9:*22*
typically 18:*5*

< U >
uncertified 10:*12, 14* 12:*10*
understand 16:*2*
units 15:*1*
unlicensed 10:*11* 14:*11*
unqualified 11:*25*
unrealistic 19:*24*
upside 15:*16*
usually 20:*8*

< V >
VDH 8:*4* 10:*20* 19:*22*
vein 13:*25*
verify 15:*5*
versus 15:*6*
vice 11:*12*
view 9:*9* 16:*17*
viewed 18:*17*
violation 10:*17* 14:*20*
violations 13:*6* 15:*10*
VIRGINIA 1:*1, 11* 3:*8, 10, 14* 4:*25* 5:*9, 20* 6:*11, 20* 7:*16* 8:*25* 11:*12* 12:*2* 19:*4* 22:*4*
Virginians 15:*22*
virtually 8:*24* 10:*24*
volume 18:*12*
voluntarily 20:*12*
volunteer 17:*2*

< W >
waiving 18:*15*
want 3:*20* 9:*22* 11:*4* 20:*14, 25*
wanted 19:*10, 14, 25*
warrant 12:*24*
warrants 16:*22*
wastelands 8:*24*
way 5:*15, 25* 6:*13* 7:*21* 10:*10, 11, 13* 15:*12* 18:*20, 23*
well 5:*22* 10:*2, 9* 13:*15* 17:*8, 14*
we're 13:*25* 20:*24*
we've 9:*5, 20*
willful 13:*5*
wish 4:*4, 5* 7:*7, 12*
wishes 4:*11* 11:*9*
wondering 6:*9*
work 7:*22* 8:*2* 12:*10* 13:*17* 20:*14, 21*
working 9:*22*
world 15:*9* 16:*3*
writing 4:*10*
written 4:*12* 21:*2*

< Y >
y'all's 17:*5*
Yeah 7:*13* 16:*22*
year 9:*22*
years 5:*3, 12* 7:*18* 8:*12* 11:*14* 18:*6*

Appendix M

July 15, 2026 Public Hearing Minutes and Transcript

BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION

The Board for Professional and Occupational Regulation held a public hearing on July 15, 2026, at the Department of Professional and Occupational Regulation, Perimeter Center, Suite 200, Training Room #1, Richmond, VA 23233 to receive public comment regarding a petition for regulation proposing licensure of radon professionals.

Board staff present:
Joseph C. Haughwout, Jr., Regulatory Affairs Manager
Darnell Edwards II, Regulatory and Compliance Analyst

Mr. Haughwout began the public hearing at 10:00 a.m. and read an introductory statement regarding the purpose and rules of the hearing. **Commencement of Public Hearing**

Public Comment Period – Transcript and presentation from Indoor Environments Association attached. **Public Comment Period**

There being no further comment, the meeting was adjourned at 11:15 a.m. **Adjournment**

Sathish Anabathula, Chair 08/11/2026

Laura V. McClintock, Director

COMMONWEALTH OF VIRGINIA

DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION

IN RE: PUBLIC HEARING

(Conducted In Person and Remotely)

HEARD BEFORE: JOSEPH HAUGHWOUT

July 15, 2026

SECOND FLOOR CONFERENCE CENTER

HENRICO, VIRGINIA 23233

10:00 A.M.

APPEARANCES:

BOARD DESIGNEE: JOSEPH HOUGHWOUT

ALSO PRESENT:

APRIL LESLIE, Radon Measurement Specialist

JOHN DAVIS, President of the Virginia Chapter of IEA.

ATTENDING VIRTUALLY

MYCA BRUNO, involved with radon projects in Multi-family and commercial properties nationally, Including Virginia.

BRIAN MEYER, licensed for asbestos, lead-based paint, radon measurement, consulting in many states.

DIANE SWECKER, Executive Director of the Indoor Environment Association.

JANE MALONE, National Policy Director for the Indoor Environment Association

NOTE: The Conference convened at 10:00 a.m.

MR. HAUGHWOUT: Good morning, ladies and gentlemen, I'm Joe Haughwout, Regulatory Affairs Manager for the Department of Professional and Occupational Regulation.

This is a Public Hearing on behalf of the Board for Professional and Occupational Regulation, held at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia.

This hearing is being held both in person at the Department, and virtually, by way of Microsoft Teams. This hearing is being held for the purpose of receiving public comment on a Petition For Regulation, received by the Board from the Virginia Chapter of the Indoor Environment Association, proposing a licensure of radon measurement professionals and radon mitigation specialists.

The general notice announcing this Public Hearing was published in the Virginia Register on June 1, 2026. The staff of the Department of Professional and Occupational Regulation will prepare a report of all public comment received, which will be presented to the Board in the course of conducting the study.

So, before I get to the rules of the Public Hearing, I'll just brief you on evacuation procedures. In the event of an emergency, what would happen is, you would exit out either one of these two doors. There's the door on the on the left-side of the room, closest to the wall. You could exit out that door.

And there's a door right over here that I'm pointing to on the other side of this meeting curtain. You could exit out of both of those doors. Then you would head up the hallway, toward the direction of the security desk were you came in, and then head out the exit door, past the security desk, and out to a rally stage in the parking lot. So we don't have any anticipated fire drills or evacuation drills this morning so, hopefully, everything will go fine. But that's the instructions for vacating in the event of an emergency.

So what I'd like to do now is talk about the rules for the Public Hearing. So comments will be received from any member of the public. And initial comments will be limited to a maximum of five minutes, depending on the number of individuals who wish to speak. If you are here in person and have not signed up to speak and you wish to give testimony today, please

please sign your name on the sign-in sheet at the front of the room at this time.

If you are participating in this Hearing virtually and wish to give testimony today, please use the "hands up" feature on Microsoft Teams to indicate that you wish to speak.

Staff will receive comments first from those speakers who are here in person, and then from speakers those who will be participating virtually.

Staff members may ask speakers questions, or to clarify statements; however, this is not the proper forum for questions to the Board. If you have questions for the Board, please forward them in writing to the Board's office.

Any speaker who wishes to provide a written statement in addition to oral testimony, or in lieu of oral testimony, may do so until July 16, 2026. In this room, we don't have an overhead microphone speaker system active today. So all of the sound-received transmission, particularly for those that are participating virtually, will be at this little speaker device that I have up in front of my desk here. So, for those that are going to be here in the room individually speaking, just make sure to project so that people on-line, your words can get captured in the

speaker and people on-line can receive that.

So I'll look at the sign-in sheet. It looks like we have three people who are on the sign-in sheet. We have April Leslie. If you wish to come up and speak? You've indicated that you wish to speak, on the sign-in sheet?

MISS LESLIE: Yes.

MR. HOUGHWOUT: Okay. Please come on up.

MISS LESLIE: I'm April Leslie, L-e-s-l-i-e. And I am here, both as a concerned citizen and a radon measurement specialist.

I have been in the field for ten years as a radon measurement specialist. And I'm here to express a desire for there to be more licensure regulation and professional attention drawn towards this profession that I'm in because, when I started, I didn't have any guidance. And I was in the field, and I took my course. And I did everything that I knew to do. But there were some things that I was doing improperly and needed to learn how to do a better job of. I did not have a mentor. I needed further guidance, and there was no one to show me the way.

The reason I initially got involved in this field was because we have family members that

had become ill with lung cancer and had never smoked. And, after doing further research, realized that there was something called radon gas, that long-term exposure through different individuals' DNA can mutate that into cancer. And the community is unaware that this exists. And, without proper licensure, raising awareness becomes even more difficult, because if you don't have the right education behind promoting the need for a good radon test, then you're going to receive false information.

False information can be putting your radon monitors in the wrong place. It can be not putting in the correct amount of monitors. It can be putting them in the areas that are not going to have close conditions. There can be so many different things. But if you don't have the proper licensure for this, there's not anyone that's going to be able to guide in the direction to improve the education behind the field. And we need more of it.

We need the community to know that radon gas is the number one cause of lung cancer worldwide in non-smokers. We need the community to know that there is a growing science behind radon gas, where we are learning more and more about other issues that it can cause; such as it being correlated to childhood acute leukemia, and studies that we're finding about

that.

But if you don't start at the simple basic of having your home tested, then you are missing an opportunity for disease prevention. This is something that can be prevented and help save lives. And we're doing it properly. We're not doing just to our community. And we have to start somewhere, by making sure that individuals that want to get involved in this field know how to do a good job, so that we can serve each other.

MR. HOUGHWOUT: Thank you. Miss Leslie, do you have a second for some follow-up questions?

MISS LESLIE: Yes.

MR. HOUGHWOUT: So you, from what I heard, you raised a couple different issues. You raised an issue with knowledge amongst consumers. So I'm trying to get a better idea. How would requiring radon professionals to have a State license to perform their duties, how would that achieve that objective of certain public awareness?

MISS LESLIE: That's a good question. It's something I run into quite frequently in a real estate transaction, doing a measurement.

A seller may present themselves to me

and say: Why are you testing my home for radon gas? This is just a hoax. Do you even have a license for this?

So I have a certification, but licensures put something more firm behind being able to show authenticity. And people need that. And the more that -- and if there is a DPOR standard of licensure, than that's more effort that has to go into getting things done properly, which can help awareness

MR. HAUGHWOUT: So you're saying now, in your experience that, telling someone you have a credential from one of the private accrediting organizations, that's not good enough, in terms of, like, convincing people that you're qualified to do work? Is that kind of what I'm hearing?

MISS LESLIE: That's part of it. I mean, that's one area. So that's one area that I believe that would make a difference, because the more standards there are behind your profession, the more that it's acknowledged and respected.

MR. HAUGHWOUT: Okay. So your view then is that State licensure, sort of, adds -- and this is my words -- the imprimatur of the State's approval, or the State's authority, that therefore that's more than private credentialing?

MISS LESLIE: Correct.

MR. HAUGHWOUT: You also referenced, I think, in our presentation, your testimony, you referenced, sort of, lack of mentorship.

So I mean, sort of, in your thought, a licensure scheme would need a, sort of, mentor, mentee, or master apprentice kind-of arrangement, from for your standpoint?

How would licensure necessarily accomplish what you're referring to, in terms of, sort of, lack of mentorship?

MISS LESLIE: A sense of community. Why you get a -- when a profession has a licensure that is required, then there is a place that you can go to look up who all is involved.

And if a licensure is -- there's more dedication than a simple certification. So, there's more work involved in that, in that you have people that sometimes will, or individuals or professionals that will take that career path a little bit more seriously, rather than checking a box.

Currently, or when I first signed on, if I could look up if someone was certified, but that certification might have been someone that didn't know anything at all. Maybe it was a home inspector who had

two monitors to their company name, and they weren't putting them in the field properly. And they weren't doing a test anyway, and they could offer no guidance, because the only thing that was wanted on their part was to be able to say: Oh, we offer this service. So come and use our company for radon testing and your home inspection.

So at that time, there was not an avenue that I would be able to find professionals take the field seriously, that I knew of at the time.

Since then, since I've grown, I have been able to really connect with some other professionals. But it's really been in the last two years that the world is kind of opened up, getting to other professionals in the radon community. And that's where we found that, if there were more individuals that were licensed and knew how to do things properly and there was some regulations, we could save more lives with disease prevention.

MR. HAUGHWOUT: So I'm sort of picking up on some of your comments. It seems like you may not believe that the standards that the private credentialing organizations have established are sufficient to ensure if someone is competent to engage in the profession.

I guess, are you saying that there should actually be something more than what the private credentialing entities, more than what they do, or more than what they have, as far as their minimum standards to achieve that, that there should be more in addition to that, beyond -- for a State licensure program, more beyond than what those folks are requiring as a minimum to become credentialed.

Does that make sense?

MISS LESLIE: I does, but I want to be careful with how I answer.

MR. HAUGHWOUT: Okay.

MISS LESLIE: Because the NRSV and the NRPP do a really great job; however, more can be done. Because at this point, I have seen multiple tests being done that were improper, that have been given to me by other individuals; such as: Hey, April, would you please take a look at this, the radon report that we received from so and so. Tell us what you think. And I can say: Well this looks like a great start, but this home needed this amount of monitors, and you only received this amount. And this was placed here, and it really needed to be placed here.

So the issue can be because there's not enough regulation for the radon measurement

specialist to have to follow. And if they don't have the appropriate regulation to follow, it trickles down to next steps.

If a homeowner says to a radon mitigation specialist: I had my home tested. I have a crawl space. I really don't want you to tap into any other foundation types that I have on my home, because only the crawl space is tested, and only the crawl space showed some elevation, and then they only do that.

In their mitigation process, they can have a false sense of security, thinking that their whole home has been remediated, and that their whole home is experiencing radon levels below the EPA actual level, or below the Word Health Organization level, because they never knew how to start properly.

MR. HAUGHWOUT: Thank you.

MISS LESLIE: You're welcome.

MR. HAUGHWOUT: Next on the list is John Davis. Did you want to come up now and speak?

MR. DAVIS: Okay. I'm John Davis. I'm President of the Virginia Chapter of IEA. I just want to talk a little about mitigations that are improperly installed and stuff.

There is a whole list of things that were documented, that were attached to the back of our

initial petition. So if you all would like to look at that. I don't think you can see the pictures I have here. But this is, basically, a radon room monitor. This is designed to be installed vertically; but, as you can see -- I don't know if you can see this picture, but there's one that's installed horizontally. And what it's going to do is, fill up with water, and make sure the system not work and not function. So this is one, and this has been observed in many places around.

A lot of times they'll put in a passive system. The pipe will go up through the attic, and then you find later that it needs to be an active system. But the pipe is about two inches away from the part of a truss. And so you end up having to reroute the piping to make it work.

There's been instances of where the borings in the slab, they didn't even bother to clean it out, or create a suction pit. This is all documented in this attachment to the petition.

Other examples are installing an electrical device within less than three feet of some kind of a gas source; in this case, it's a propane tank. It could be a gas meter. It could be -- or the vent of a gas meter.

And this is a bad one. We see this a

lot. I don't know if you can see, but there's a pipe that comes up, and the exhaust is right below the window. So someone opens the window in that house, that radon gas is going to get stuck right back in, re-trained into the home, and just going to recycle that radon.

These are basic things that -- where enforcement can catch and fix. There's shoddy workmanship, pipes falling apart in attics, things like that. They'll half-way install a system. The pipe will just be open in the attic, and they'll call that a radon system. And it's not correct.

And here's one that's a ground-level exhaust. That's not legal. Here's another that's right by a window. And here's one where they just run a pipe, and it's sitting on top of the poly in the crawl space, not connected to any kind of a network.

These are just examples. And we see these all over the State, where a regulatory framework with the State would really help enforce these and put some teeth into to them to correct them.

That's pretty much what I have to say.

MR. HAUGHWOUT: For the benefit of those who will be reviewing the transcript, I'll let

them know that what you were holding up were pages from the Petition For Regulation, including several photographs that were submitted as part of that, indicating defective mitigation systems.

MR. DAVIS: Right.

MR. HAUGHWOUT: And then the device that you brought in, that is a piece of a mitigation system?

MR. DAVIS: This is the radon fan, itself. This is the heart of the mitigation system, of an active mitigation system. This is the thing.

MR. HAUGHWOUT: Okay. If you have a minute, just some clarifying questions about this.

So you have referenced, sort of, addressing the defects in the work. So is, sort of, your, sort of, thought about enforcement would be that, if there's a complaint received, then there would be a representative of the Commonwealth that would go physically inspect the alleged defects, and then make a determination as to whether or not proper practices were used?

MR. DAVIS: It could to go to that.

MR. HAUGHWOUT: Okay.

MR. DAVIS: And maybe just a complaint is made to DPOR. And then the DPOR

representative will call the provider, the radon provider, the installer, tell them what's going on. And, most of the time, they will go back and fix it. If they don't then, then that's where either the inspector can go have a look for themselves, or that's when enforcement, actually from DPOR, can kick in.

MR. HAUGHWOUT: As far as, in your experience, how are these issues of faulty systems, have any of those concerns ever been brought to the attention of local building officials at all?

MR. DAVIS: No. Most of the time, sometimes they were being brought to VDH, Department of Health. But they really don't have any power to do anything.

Ryan Parrish, the Radon Coordinator with VDH, Virginia Department of Health. He would write letters for a while. They were told to stand down and not do that any more. So they don't have any enforcement power.

The other avenue was to actually contact either NRSV or NRPP, which are the two regulating bodies out there. And they, in turn, can write a letter, or actually even take their license away.

But then there is another case that,

what about the person who doesn't have a license at all? So NRSV and NRPP really don't have any way to do that, but DPOR does. Say, if you were taking asbestos samples and not have a license, DPOR has the power to come and regulate that if it's reported.

So that's the kind of thing we're looking for, that DPOR can stand up on the silo similar to the asbestos regulations and the lead paint regulations. I think that would be well served for our industry.

MR. HAUGHWOUT: Thank you.

The last individual I have signed is Scooter Burgess. And you've indicated that you do not wish to speak?

MR. BURGESS: Correct.

MR. HAUGHWOUT: Okay. Thank you, sir.

Anyone else here who wishes to speak?

It looks like no one else is signed up, so we're good there.

I will now move on the folks who are on-line. Again, if you weren't here for my initial introduction, if you wish to speak, if you could use the "hands-up" feature on Microsoft Teams, to indicate that you wish to speak. That would be helpful.

And then we'll go ahead and have you offer your comments.

The first hand I saw go up was for Myca Bruno. So we'll go ahead and un-mute Myca Bruno, and have Myca Bruno give her testimony at this time. Are you able to speak?

MISS BRUNO: Yes.

MR. HAUGHWOUT: Okay. And we can hear you. Excellent. Okay. You have five minutes.

MISS BRUNO: Awesome. I have been in the radon business, as well as others, for about twenty years now. I have also held asbestos and lead-based paint licenses through the DPOR previously. So I'm well aware of that process.

I sit in a unique position, where I actually am involved with radon projects in multi-family and commercial properties nationally, including Virginia. So I get to see a lot of different things across the country, including Virginia.

First off, unfortunately, a lot of people do not follow the law unless made to do so, or in a threat that they may lose their professional certification or licensing, et cetera. I have personally witnessed non-compliance in Virginia all across the board, where they're not following the

required standards properly. Some are not even certified to do the work in Virginia, which is unfortunate. And in multi-family, I have heard a lot. And I've read the comments on-line.

I have heard a lot about single-family residential homes, which I can understand. But no one seems to be addressing the fact that multi-family housing is also a concern, especially when you have so many people living in one place and one building. And if they're not properly being tested, say you're in a building and they should be testing all of the ground contact units and they're only testing one in that building, it's not giving you a proper view of what is actually going on in that building, just that unit.

And a lot of times what is happening is that, if they test that one unit and say: Oh, they've got radon. Then they're just mitigating that one unit and ignoring the rest, which there is most likely a concern in the other units. So the tenants in these units have no idea that they're potentially breathing in radon, which will cause lung cancer down the road.

I have witnessed the licensing in other states. And what I have been witness to in the most successful states, when it comes to the radon

industry, have licensing, and they are enforcing their licensing requirements. And the fear of losing your license will make you walk the straight and narrow line of following the law of what they should be doing.

So I'm in support of Virginia having licensing -- I mean, in support of every state having licenses in the radon industry. But Virginia, I'm very passionate about. I grew up in Virginia. I grew up in Richmond. I've had licensing at DPOR.

I know that, with asbestos licensing, one of the requirements is that you have to have so much experience to get that license. That could be something added to the radon licensing.

And I know mitigation is an easy thing to say: Oh, well, this is terrible this mitigation was put in place. But with measurement, when you're not conducting it properly -- I have seen people place devices on the floor. That's how I'm going to give you an accurate representation of the radon levels in that unit.

I've seen them place them in closets. These are places that they should not be putting their radon measurement devices. And then it comes back negative when they did not place these measurement devices correctly, then it gives the tenant, or the

resident, a false sense of safety, which is terrible.

So, especially with multi-family, I think it is so incredibly important that there is licensing for the purposes of enforcement, so we can ensure that the tenants and residents of buildings in Virginia are receiving accurate information to know if they're being subjected to radon in their homes and mitigated properly, to reduce lung cancer.

Thank you.

MR. HAUGHWOUT: Thank you.

Miss Bruno, I do have, kind of, a follow-up question.

MISS BRUNO: Sure.

MR. HAUGHWOUT: You've referenced some other states that, in your opinion, were successful. Would you be able to identify maybe one or two that, in your opinion, are, sort of, exemplar in following, in terms of regulation?

MISS BRUNO: Kentucky is a great state. Minnesota, Minnesota is excellent. They are actually doing regular audits of their licensed staff, to go through the reporting, to make sure that they are following the standards properly, and then helping them get to the point to correct anything they found that wasn't compliant, so in the future, that all of their

radon measurement conduction in that state is done appropriately.

I mean, there's quite a few states. Minnesota is probably my favorite, just because they're so great about auditing, making sure that everyone is licensed in the state and enforcing their requirements fully.

MR. HAUGHWOUT: As far as the private accrediting entities, in your opinion, are the training and standards that they require in order to be a certificated -- are they sufficient to -- are they, alone, sufficient to ensure that people have the requisite training in order to, you know, provide these services to the public?

MISS BRUNO: I think they give you an excellent base of knowledge that you absolutely need; however, I do -- I'm a believer in: Some experience can go a long way.

So, like I mentioned with the asbestos licensing, I think it's, like, depending on your education, once you pass the class and do the test, you still have, I think it's like, five to ten projects that you worked on, under someone else who is licensed, that they write off on, saying that you appropriately completed these projects with them, to have the proper

in-field training, to know how to handle asbestos handling. I think that's an excellent idea for measurement and mitigation, just so you have that real-world experience. Because anyone can, like, read a book, go through a class, pass a test. And it does give you, and if you're paying attention, you should understand what it is to do that job; however, things can be interpreted differently when you're reading the standards. So having that in-the-field, real-life experience, I think, would go a long way to ensure that people are doing the appropriate measurement techniques, placing them properly in all the places they should be placed, and obtaining proper and correct results, as well as that that they're installing mitigation systems properly. I have seen crazy things, when it comes to mitigation systems.

I mostly focus on the measurement, because I feel that gets overlooked a little bit. Like, anyone can do a measurement. But I think a little bit of experience, documented, would go a long way.

MR. HAUGHWOUT: Okay. Thank you.

MISS BRUNO: You're welcome.

MR. HAUGHWOUT: We'll move on to -- the next person we have is Diane; that's D-i-a-n-e. The last name is spelled Swecker, S-w-e-c-k-e-r.

Miss SWECKER: Would it be okay, I have a couple slides I would like to share?

MR. HAUGHWOUT: You can try. Let's see if you can share your screen.

MISS SWECKER: No, I cannot.

MR. HAUGHWOUT: We may just have to have you submit those to us directly, and we can include it in the record.

MR. DAVIS: Joe, those are the ones we sent yesterday.

MR. HAUGHWOUT: Okay. Is Miss Malone going to present those slides?

MR. DAVIS: I think Diane was going to do those slides.

MISS SWECKER: That's correct.

MR. HAUGHWOUT: All right. Bear with me one second. I can forward you the meeting invitation.

and then, hopefully, you should be able to present.

MISS SWECKER: Okay.

MR. HAUGHWOUT: Would you be able to provide your e-mail address?

MISS SWECKER: Sure. Director@aarst.org.

MR. HAUGHWOUT: Thank you. I'm going to forward this to you and see if that will allow you to present.

MISS SWECKER: If you want to go on to Brian, while we're waiting?

MR. HAUGHWOUT: Sure. So we've got Brian. And the last name is spelled M-e-y-e-r.

Sir, can you state your name for the record, sir?

MR. MEYER: Brian Meyer.

MR. HAUGHWOUT: Thank you, Mr. Meyer. You have five minutes.

MR. MEYER: Good morning. I have been in the asbestos and radon consulting industry for 26 years now, licensed for asbestos, lead-based paint, radon measurement, consulting in many states throughout that process.

One of the issues with non-regulated states, where there is non-enforcement, is

non-compliance with the set standard. So, in Virginia, requiring people to be certified by NRPP is a great first step, but not having any regulatory authority to verify that people follow what is set forth in NRPP or NRSV really leaves the public at risk.

So although, if you follow your certification and you follow the NCR standard, you have a full measurement of the building, whether that is a single-family home, multi-family apartment complex or a school building.

But what it does not, if you're not regulated, a clientele could push a measurement professional to do a lower scope of work. They may say: I don't want all that sampling. I only want you to do this. I only wanted one sample. I don't want all these extra samples. That's too expensive.

So, for example, I work within the multi-family real estate transaction process. And in that process, you have lenders, such as Freddie Mac, who lend nationally, lend nationally on multi-family housing. And Freddie Mac's documented radon policy is that, in non-regulated states, you only sample ten percent of ground contact living units, with as little as one sample per apartment building.

Now that is much less than what the

NCR standard is for multi-family large building, which is one hundred percent at ground contact; living units, common areas, offices, and 10 percent of upper level units, on each upper level, in each building.

You can see the disparity between what a client may ask for and what the standard requires. Now, if the State does not regulatoryly those standards, measurement professionals can be pushed; or again, as you are expecting someone to work in good faith, if people work in bad faith to be able to get more work at a cheaper price, doing less than what is required without enforcement, that occurs, putting the public at risk of radiation exposure. And it is documented that radiation exposure from radon is the number one environmental cause of lung cancer. And that is something can be prevented through enforcement, inspection, to verify that both measurements are following the nationally-accepted standard, and that these mitigation systems that are being installed, are being installed properly and not being done improperly in the most inexpensive, quick way, just to sell a product, and not actually resolving an issue. That goes back to, on the measurement standard for clearance sampling.

After a mitigation system is

installed, clearance sampling is required. And, in a non-regulated state, in an apartment complex, there may have been a handful of mitigation systems installed at an apartment complex. And only those units that had a mitigation system installed are then sampled for clearance, when we know that, if you install a mitigation system in one apartment unit, it may negatively affect, or adversely effect the other unit, because you're changing the way that air flows below the sub slab, the foundations. The national standard requires clearance in all ground contact units.

MR. HAUGHWOUT: Mr. Meyer, your five minutes has elapsed.

MEYER: Okay.

MR. HAUGHWOUT: You did reference an entity. And I want to make sure we have it correct for the Court Reporter. You mentioned Ready Mac?

MR. MEYER: Freddie Mac. They're the Federal Government lending source.

MR. HAUGHWOUT: Freddie Mac. I got you.

So your testimony focused on, sort of, it sounds like multi-family settings, or rental apartment settings. So how would mandatory State licensure necessarily address an issue where a client

wants a service that may not be recommended, or level of service lower than what would be recommended? How would mandatory State licensure address that problem?

MR. MEYER: Sure. In many states that have regulation and licensing, they require the reporting of all radon results to a centralized location to the State.

They look at -- and it includes the address of the building and the samples, and sample results of what was collected there.

Now if you have a 200-unit multi-family, and there are only six samples submitted to the State, they can easily identify that this wasn't done properly.

It also allows them to see that quality control samples were included, duplicate samples of blank samples, to be able to prove that the standard was followed and that those are quality results.

So those reporting, different states handle it a little bit differently. Some require monthly submission, some require quarterly submission of data; but it requires for measurement professionals, as well as the laboratories, to submit all lab data for the samples that you, as a measurement professional, collected in that state.

And for laboratories, they report all results that they provided in a particular state. And that allows them also to match up what was analyzed by the labs, versus what was submitted by the people, which identifies people who are doing work without proper licensure.

MR. HAUGHWOUT: Thank you.

Miss Swecker, it looks like you might have received my invitation e-mail. Are you in a position where you might be able to share?

MR. SWECKER: Good morning. I am Diane Swecker. I'm a resident of Oak Hill, Virginia.

I'm also the Executive Director of the Indoor Environment Association.

Through our administration of the EPA-recognized National Radon Proficiency Program, or NRPP, we support states by providing the professional framework that many regulatory programs rely on to ensure qualified practitioners and protect consumers.

To help with today's discussion, I'd like to share a few excerpts from the presentation from the annual symposium in 2024, Effective and Enforcement Methods, which I believe adds valuable perspective to the whole of what we're asking.

Next slide please. This information

is coming from compliance enforcement in Kansas and Minnesota. And then we'll have an overview of NRPP's compliance process.

So I'll start with a few highlights from Mark Unger, from the Kansas Department of Health and Environment. Kansas does not perform in-person inspections of radon measurement activity, such as observing the climate of retrieval and retrieval of measurement devices. As a result, most enforcement activities focus on radon mitigation. Quality assurance plans are reviewed during the application process. With the implementation of new data reporting application, Kansas then began conducting audits of quality assurance and quality control activities.

For mitigation, Kansas has several avenues for inspection enforcement. One is inspections requested by homeowners.

So what is inspections requested by homeowners? Typically, those who have purchased or taken possession of a home with an existing mitigation system, they may have questions about whether it was installed correctly. The program distinguishes questions related to compliance with mitigation standards and routine maintenance, or repair issues for conducting on-site inspections, information about the

homeowner's concerns or review photographs of the system, when available.

If needed or requested, an in-person inspection is conducted, using standardized inspection checklists to document any violations following the inspection. A summary and a completed inspection test checklist are provided to the homeowners.

I'm going to cut through this, because I don't want to take up too much time. This just kind of shows the cycle of what Kansas is doing correctly.

And we'll move to the next slide. The goal is to get the mitigation specialist to bring the system up to standard, and offer to do the same for any systems installed within the state's timeframe. It's typically the previous two to three years.

If the mitigation specialist is unresponsive or not willing to correct the systems, the next step is legal action for civil penalties. Large fines are generally used as a last resort, because the goal is not to have fewer people performing radon work, but to ensure that the work is completed in accordance with the adopted laws. The objective is to have all mitigation for professionals adopted and operating on a level playing field. Notices of violation are issued,

or a civil penalty is assessed. Follow-up inspections are conducted on systems installed after the enforcement action, to verify that deficiencies have been corrected.

Let's move to the next slide. For Minnesota, and the next slide again. This was presented by Daniel Tranter, of the Minnesota Department of Health. So their complaints typically begin with a call or e-mail from a homeowner, real estate professional or other member of the public who has a specific concern. The Minnesota Department of Health reviews the information and immediately need opens a formal case. Then, depending on the nature of the complaint, MDHA may inspect the mitigation on site, or audit the measurement professional.

If additional information is needed, they may issue a RFI letter letter to obtain records for an explanation from the credentialed professional. When the investigation provides sufficient evidence of non-compliance, the MTH initiates these appropriate courses of action, in accordance with State regulations.

The important here on this next side is the Public Complaints Column, which represents complaints received from the public that may result in a review investigation, inspection and enforcement activity. So you can see, in 2021, we had 19

complaints; 2022, 12 complaints. In 2025, we had 23 complaints.

Given the size of Minnesota, the volume of radon-related activity across the state represents a relatively small number of complaints. And the low complaint volume suggests that most radon professionals are operating in compliance; however, having an established process remains an important part of consumer protection in maintaining the program's integrity.

Next side. And I see that time is running out here. So these are just common violations.

Next side. Previous were mitigation violations. These are measurement violations. You can see, this will be part of the reporting.

So we'll move to the next slide.

MR. HOUGHWOUT: Okay.

MISS SWECKER: NRPP compliance, Amy Roedl is our director of the National Radon Proficiency Program. I'm going to just briefly talk about the compliance management program here. The complaints against professionals for certificates, fall into two different violations. It's A through D. They increase in severity, moving from "A" to "D."

Next slide. Class A and B violations

are severe. There are different violations.

Moving to Class C violations, they involve conditions that may place the homeowners in short term imminent danger, such as unsafe electrical work or compromised fire probation.

Substantiating Class D violations require immediate correction and action plan, if needed, probation, additional training, et cetera, and failure to respond would move it to a more severe violation, Class D, which is shown here.

Those are the most serious violations, that include actions involving anything from dishonest, ethics violations, unsafe or abuse of contract violations, failure to cooperate with investigations. It goes on and on, restrictions on future certifications or other disciplinary actions can be incurred.

Substantiated Class D violations may result in suspensions or revocations are reported to the certificate's employer here in the State Radon Board.

Next side. We talked a little bit about the process already. So let me wrap this up, because I know I'm running short on time.

Why is regulatory licensure needed, in addition to private certification? While

EPA-recognized proficiency programs provide an essential foundation by certifying qualified professionals, approving training and devices and maintaining education requirements, they're not regulatory agencies, and have no authority to enforce State laws.

The Virginia oversight of radon professionals should compliment these certification programs by providing the legal authority to investigate complaints, stop unqualified individuals from practicing, monitor the compliance and impose meaningful disciplinary actions when violations occur.

I understand that the Virginia Department of Health is not allowed to communicate violations in writing to the radon professional. I understand that DPOR has the authority to not only communicate, but take enforcement action.

Together, national certification, NRPP, NRSV and state licensure should provide a comprehensive system that really protects the consumers, by also minimizing administrative burdens.

So that's my time. I know I went over. Thank you. That's all I have.

MR. HAUGHWOUT: Miss Swecker, I do have, kind of, some follow-up questions, if you have a second?

MISS SWECKER: Yes.

MR. HAUGHWOUT: So I understand that the NRPP, one of the credentialing organizations, they can only enforce their rules against people who are members, who are accredited members of their organization. They can't, obviously, do anything adverse to someone who's not a member, outside of civil litigation, I'm assuming.

So, I mean, in terms of your -- does that, the mechanisms within the accrediting systems, I mean, is that sufficient to at least ensure that the members of those organizations are adhering to the standards and following all the rules?

MISS SWECKER: For the complaints we receive, we are able to follow the process for that NRPP professional, and to have to resolve to it, right, to be able to have that homeowner be in a safer place. And whatever that outcome is, whether that certified professional comes and resolves that outstanding issue, or other things have to continue. But for those complaints, I think we are doing a good job.

MR. HAUGHWOUT: And you had another statement. I'll let you finish.

MISS SWECKER: Clearly, there are many situations that potentially homeowners are not

aware of. And, again, working with the State, would greatly compliment ensuring the safety of those homeowners, those residents.

MR. HAUGHWOUT: My additional follow-up question to you would be: If the Department of Health were granted Enforcement authority, maybe along the lines of what you've raised in some of your presentation today, would that be sufficient to protect the public, aside from mandatory state licensure?

MISS SWECKER: I'm sorry, could you repeat that?

MR. HAUGHWOUT: Sure. Absolutely. So if the Department of Health, which is the current administrative agency over radon, in the Commonwealth. If they were granted the enforcement authority to address maybe some of these issues that are complained of, would be that be, in your view, enough to protect the public without, necessarily requiring radon professionals to have an occupational license?

MISS SWECKER: I think that would make strong advances.

Jane, do you want to add to that response?

MR. HOUGHWOUT: We'll have to un-mute Miss Malone. Give us one second.

MR. HAUGHWOUT: And, Miss Malone, before you speak, I'm going to just introduce you, for the record.

So your last name is spelled M-a-l-o-n-e; first name is Jane, that's J-a-n-e.

MISS MALONE: Correct.

MR. HAUGHWOUT: Can you tell us again what your affiliation is?

MISS MALONE: Sure. I'm the National Policy Director for the Indoor Environment Association.

MR. HAUGHWOUT: Okay.

MR. HAUGHWOUT: So I think Miss Swecker asked you to kind of weigh in, or supplement a point that she had raised, her response that she had raised.

MISS MALONE: Yes. I think you were both talking about, what's the value add the for a license, in addition to the private certification.

And, going right back to the enforcement issues, there are things that a Government agency can do that a private proficiency program out of the state, cannot do.

MR. HAUGHWOUT: Okay.

MISS MALONE: I was actually going to address this in my remarks next.

MR. HAUGHWOUT: Well, and that's fine. Maybe that can be a good lead-in. So we'll actually give you your five minutes. So if you want to go ahead and start when you're ready.

MISS MALONE: Okay. And I know you had touched on these at the last hearing, but because of some commentary that's come in, I wanted to reinforce these points.

The EPA recognized proficiency programs have no capacity, authority or jurisdiction to address activities; first of all, by persons who are not properly certified. State licensure is necessary to direct cessation of work by uncertified personnel.

And I'm going to double that by saying this: I have learned recently that the Contractor Board, the CCB. Is that's what it's called, of DPOR, has a requirement for --it's, basically, any person who undertakes work without a valid license shall be fined in an amount not to exceed five hundred dollars per day, for each day they're in violation.

So you have in place -- this would be part of the DPOR family of regulatory programs, a statute that says, you know, it's not just a referral to the Department of Justice, like what was discussed at the last hearing, but rather that the Board -- there's

directives already for action, specifically on building contractors.

So I just want to lift that up and say that, if we could, you know, in moving forward with this program, if, for example, radon were regulated under the Board of Asbestos, Lead and Home Inspectors, we would seek that the statute had that same provision. And we hope that DPOR would agree that it is a good idea to have that kind of automatic consequence for a person doing work without a license.

Secondly, the relevant program would license already certified individuals, investigate complaints, monitor compliance and enforce penalties for non-compliance, without replicating the examination, certification and training and device approval activities of the National EPA-recognized proficiency programs.

In other words, the question has been raised: Well is this duplicative? It is not duplicative. There are things that are performed by the proficiency program that -- there would be a sea of things where the regulatory program within the Virginia Government would not have to re-invent the wheel, or perform these activities.

As a result, the program would

require only minor administrative expansion. And minimal licensing fees would offset the associated costs, basically, of the enforcement we've been talking about.

And then again, the national programs can only investigate remotely. And all they can do is suspend, deny or renewal.

The State licensing program can investigate, monitor compliance, enforce penalties for non-compliance and more impactful penalties, such as reprimands, fines legal consequences and civil penalties for violations, in addition to license suspension or revocation.

And then finally, if a private program -- with the requirement for a proficiency program certification, the State can revoke or suspend the license if it discovers that the certification has been revoked or suspended. But you don't have to necessarily have to re-invent the wheel for those cases, you can just no longer license that person; however, without the guardrail of State licensure, a person who is subject to revocation or suspension by one of the two programs can simply migrate to the other one without, and appears to the public to be qualified. You need State oversight to prevent that kind of switching

around.

And then a couple things, like measurement. As we know, public health relies on the professionals for the performance of measuring according to standards. Homeowner's operation of a test, which was discussed at the last hearing, is not reliable. For example, manufacturing instructions don't cover all the requirements of the standard, such as location and conditions. The common problem with radon testing during a home inspection occurs when a radon test is both started and finished the same day, at the home inspection. A minimum of 46 hours of operation is required by the standard. Less time will underestimate the home's radon level. It takes several hours to start to capture an accurate reading.

And an additional point, supplementing what Brian and Myca spoke about, testing 10 percent of a ground contact unit in a multi-family building, creates a 58 percent chance that high radon levels will be missed. Even if you test .5 percent you're still looking at a 38 percent chance that high radon levels will be missed in that inspection.

And then finally, just an analogy. Presently home inspectors are held accountable by the Commonwealth of Virginia for inspection work, the ALHI

Board.

MR. HAUGHWOUT: Miss Malone, you were referring to the Asbestos, Lead and Home Inspector's Board. The acronym is ALHI.

MISS MALONE: Yes.

MR. HOUGHWOUT: Thank you, just so our Court Reporter gets that down.

Go ahead.

MISS MALONE: So it was raised earlier that the Department of Health was prohibited from sending out admonition reminders. So, as a result, measurement professionals, they've had no -- for mitigation, there's been no Government-led of point of accountability for non-compliance with radon standards. We think -- we can tell that the ALHI Board is doing it doing a great job, an to other DPOR programs. And we're just simply asking, without unnecessary duplication of effort, that there be that additional pair of eyes, ears and full attention to problems when things break down, when there are individuals who are not performing appropriately and need consequences in order to, both get back in the performance path, and also tell others in the same industry that non-compliance with standards and providing the follow-up with the protective services that they deserve is just not acceptable in Virginia any

more.

MR. HAUGHWOUT: Thank you. We might have one or two individuals that joined after the meeting had started. If there's anyone on-line who has not yet provided testimony and would like to do so, please use the "hands up" feature in Microsoft Teams to indicate that you wish to speak. And then we'll give you that opportunity. I'll give you a minute.

I'm not see anything.

All right. So we've heard from everybody on-line who wishes to speak. We've heard from all the individuals who are physically present here at DPOR who wish to speak.

I'll offer any opportunity for individuals. Is there anyone here in the room who would like to supplement their initial comments?

I'm seeing none.

Miss Malone, it looks like you have your hand raised. So we'll give you an opportunity to add one.

MISS MALONE: I just wanted to say, everyone is involved in this processed so far, for the important dialog that's under way. And we stand ready to, both the Virginia Chapter and Association, to provide any additional information that might be needed

to help in the decisionmaking.

Thank you so much.

MR. HAUGHWOUT: Sure thing. If there is no one else who wishes to speak, then we will go ahead and we'll proceed to wrap up the Public Hearing for today.

First up, I want to thank everyone; first up, for your patience. We've worked through some technological issues. And I appreciate you being patient with that.

And then Thank for your comments today. The record of this Public Hearing will be kept open until July 16, 2026. And written comments will be accepted through five p.m. that day.

In addition, I want to let you know that the presentation that we saw earlier today will be included with the meeting minutes of this Public Hearing, along with the transcript of the Public Hearing today. So that will be included in the materials.

And, again, if anyone wishes to supplement their testimony today with any written comments, you're welcome to do that.

In addition, I'll let you know that the Board for Professional and Occupational Regulation is next scheduled to meet on August 10th, here in

Richmond. And the we anticipate that, at that meeting, the Board will be reviewing the information from the Public Hearings, the public comments, as well as information gathered during the research of this study, and be presented with that information. And we'll have an opportunity to review that and make any recommendations for the final report that will, ultimately, be adopted by the Board later this fall.

So with that, I appreciate everyone participating today. And we will now close the hearing at this time.

* * * * *

(Whereupon the Public Hearing concluded at 11:15 a.m.)

CERTIFICATE OF COURT REPORTER

I, Dawn Testa, hereby certify that I was the Court Reporter at the Public Hearing, heard in the County of Henrico, Virginia, on July 15, 2026, at the time of the hearing herein.

I further certify that the foregoing transcript is, to the best of my ability, a true and accurate record of the testimony and incidents of the hearing herein.

Given under my hand this 15th day of July, 2026.

Dawn Testa
Dawn Testa
Notary Registration No. 7811201

My Commission Expires:
August 31, 2027

WORD INDEX

< 1 >
1 4:*21*
10 29:*3* 45:*18*
10:00 1:*15* 4:*2*
10th 48:*25*
11:15 49:*13*
12 36:*1*
15 1:*12* 50:*6*
15th 50:*12*
16 6:*17* 48:*13*
19 35:*25*

< 2 >
200-unit 31:*11*
2021 35:*25*
2022 36:*1*
2024 32:*22*
2025 36:*1*
2026 1:*12* 4:*21* 6:*17* 48:*13* 50:*6, 13*
2027 50:*18*
23 36:*1*
23233 1:*14*
26 27:*21*

< 3 >
31 50:*18*
38 45:*21*

< 4 >
46 45:*12*

< 5 >
5 45:*20*
58 45:*19*

< 7 >
7811201 50:*15*

< 9 >
9960 4:*10*

< A >
A.M 1:*15* 4:*2* 49:*13*
ability 50:*9*
able 8:*16* 10:*5* 12:*5, 9, 12* 20:*6* 23:*16* 27:*1, 3* 29:*10* 31:*17* 32:*10* 39:*15, 17*
absolutely 24:*16* 40:*12*
abuse 37:*13*
acceptable 46:*25*
accepted 48:*14*
accomplish 11:*10*
accountability 46:*14*
accountable 45:*24*
accredited 39:*5*
accrediting 10:*12* 24:*9* 39:*10*
accurate 22:*19* 23:*6* 45:*15* 50:*10*
achieve 9:*20* 13:*5*
acknowledged 10:*20*
acronym 46:*4*
action 34:*19* 35:*3, 20* 37:*7* 38:*16* 43:*1*
actions 37:*12, 16* 38:*11*
active 6:*19* 15:*12* 17:*11*
activities 33:*10, 14* 42:*11* 43:*16, 24*
activity 33:*7* 35:*25* 36:*4*
actual 14:*13*
acute 8:*25*
add 40:*22* 41:*17* 47:*20*
added 22:*13*
addition 6:*16* 13:*5* 37:*25* 41:*18* 44:*12* 48:*15, 23*
additional 35:*15* 37:*8* 40:*4* 45:*16* 46:*18* 47:*25*
address 27:*4* 30:*25* 31:*3, 9* 40:*16* 41:*25* 42:*11*
addressing 17:*15* 21:*7*
adds 10:*22* 32:*23*
adhering 39:*12*
administration 32:*15*
administrative 38:*20* 40:*14* 44:*1*
admonition 46:*11*
adopted 34:*23, 24* 49:*8*
advances 40:*21*
adverse 39:*7*
adversely 30:*8*
Affairs 4:*4*
affect 30:*8*
affiliation 41:*8*
agencies 38:*4*
agency 40:*14* 41:*21*
agree 43:*8*
ahead 20:*1, 4* 42:*4* 46:*8* 48:*5*
air 30:*9*
ALHI 45:*25* 46:*4, 15*
alleged 17:*19*
allow 27:*8*
allowed 38:*13*
allows 31:*15* 32:*3*
amount 8:*12* 13:*21, 22* 42:*19*
Amy 36:*18*
analogy 45:*23*
analyzed 32:*3*
announcing 4:*19*
annual 32:*22*
answer 13:*11*
anticipate 49:*1*
anticipated 5:*15*
anyway 12:*3*
apart 16:*9*
apartment 28:*9, 24* 30:*2, 4, 7, 24*
APPEARANCES 2:*1*
appears 44:*24*
application 33:*11, 12*
appreciate 48:*9* 49:*9*
apprentice 11:*7*
appropriate 14:*2* 25:*11* 35:*19*
appropriately 24:*2, 24* 46:*21*
approval 10:*23* 43:*15*
approving 38:*3*
APRIL 2:*6* 7:*4, 10* 13:*17*
area 10:*17*
areas 8:*13* 29:*3*
arrangement 11:*7*
asbestos 2:*16* 19:*3, 8* 20:*12* 22:*10* 24:*20* 25:*1* 27:*20, 21* 43:*6* 46:*3*
aside 40:*9*
asked 41:*13*
asking 32:*24* 46:*17*
assessed 35:*1*
associated 44:*2*
Association 2:*20, 22* 4:*16* 32:*14* 41:*10* 47:*24*
assuming 39:*8*
assurance 33:*10, 13*
attached 14:*25*
attachment 15:*19*
ATTENDING 2:*10*
attention 7:*16* 18:*9* 25:*6* 46:*19*
attic 15:*11* 16:*11*
attics 16:*9*
audit 35:*13*
auditing 24:*5*
audits 23:*21* 33:*13*
August 48:*25* 50:*18*
authenticity 10:*6*
authority 10:*24* 28:*3* 38:*5, 8, 15* 40:*6, 15* 42:*10*
automatic 43:*9*
available 34:*2*
avenue 12:*9* 18:*20*
avenues 33:*16*
aware 20:*14* 40:*1*
awareness 8:*6* 9:*21* 10:*9*
Awesome 20:*10*

< B >
back 14:*25* 16:*4* 18:*3* 22:*23* 29:*23* 41:*19* 46:*22*
bad 15:*25* 29:*10*
base 24:*16*
basic 9:*3* 16:*7*
basically 15:*3* 42:*17* 44:*3*
Bear 26:*16*
began 33:*13*
behalf 4:*7*

believe 10:*18* 12:*22* 32:*23*
believer 24:*17*
benefit 16:*24*
best 50:*9*
better 7:*21* 9:*18*
beyond 13:*6, 7*
bit 11:*20* 25:*18, 19* 31:*20* 37:*21*
blank 31:*17*
BOARD 1:*4* 2:*3* 4:*8, 15, 24* 6:*12, 13* 20:*25* 37:*20* 42:*16, 25* 43:*6* 46:*1, 4, 15* 48:*24* 49:*2, 8*
Board's 6:*14*
bodies 18:*22*
book 25:*5*
borings 15:*17*
bother 15:*17*
box 11:*21*
break 46:*19*
breathing 21:*21*
BRIAN 2:*16* 27:*11, 13, 16* 45:*17*
brief 5:*2*
briefly 36:*20*
bring 34:*13*
brought 17:*7* 18:*9, 12*
BRUNO 2:*12* 20:*4, 5, 7, 10* 23:*11, 13, 19* 24:*15* 25:*22*
building 18:*10* 21:*10, 11, 13, 14* 28:*8, 10, 24* 29:*1, 4* 31:*9* 43:*1* 45:*19*
buildings 23:*5*
burdens 38:*20*
Burgess 19:*13, 15*
business 20:*11*

< C >
call 16:*11* 18:*1* 35:*7*
called 8:*3* 42:*16*
cancer 8:*1, 5, 20* 21:*21* 23:*8* 29:*15*
capacity 42:*10*
capture 45:*15*
captured 6:*25*
career 11:*20*
careful 13:*11*
case 15:*22* 18:*25* 35:*11*
cases 44:*19*
catch 16:*8*
cause 8:*20, 24* 21:*21* 29:*15*
CCB 42:*16*
CENTER 1:*13*
centralized 31:*6*
certain 9:*20*
CERTIFICATE 50:*1*
certificated 24:*11*
certificates 36:*22*
certificate's 37:*20*
certification 10:*4* 11:*17, 24* 20:*23* 28:*7* 37:*25* 38:*7, 17* 41:*18* 43:*15* 44:*16, 17*
certifications 37:*16*
certified 11:*23* 21:*2* 28:*2* 39:*18* 42:*12* 43:*12*
certify 50:*4, 8*
certifying 38:*2*
cessation 42:*13*
cetera 20:*23* 37:*8*
chance 45:*19, 21*
changing 30:*9*
Chapter 2:*8* 4:*16* 14:*21* 47:*24*
cheaper 29:*11*
checking 11:*21*
checklist 34:*7*
checklists 34:*5*
childhood 8:*24*
citizen 7:*11*
civil 34:*19* 35:*1* 39:*7* 44:*11*
clarify 6:*11*
clarifying 17:*13*
class 24:*21* 25:*5* 36:*25* 37:*2, 6, 10, 18*
clean 15:*17*
clearance 29:*23* 30:*1, 6, 11*
Clearly 39:*24*
client 29:*6* 30:*25*
clientele 28:*12*
climate 33:*8*
close 8:*14* 49:*10*
closest 5:*6*
closets 22:*21*
collected 31:*10, 25*
Column 35:*22*
come 7:*5, 8* 12:*5* 14:*19* 19:*4* 42:*7*
comes 16:*2* 21:*25* 22:*23* 25:*15* 39:*19*
coming 33:*1*
comment 4:*14, 23*
commentary 42:*7*
comments 5:*20, 22* 6:*7* 12:*21* 20:*2* 21:*4* 47:*16* 48:*11, 13, 22* 49:*3*
commercial 2:*13* 20:*17*
Commission 50:*18*
common 29:*3* 36:*12* 45:*9*
COMMONWEALTH 1:*1* 17:*18* 40:*14* 45:*25*
communicate 38:*13, 16*
community 8:*5, 19, 21* 9:*7* 11:*12* 12:*15*
company 12:*1, 6*
competent 12:*24*
complained 40:*16*
complaint 17:*17, 25* 35:*12* 36:*6*
complaints 35:*7, 22, 23* 36:*1, 2, 5, 21* 38:*9* 39:*14, 21* 43:*13*
completed 24:*25* 34:*6, 22*
complex 28:*9* 30:*2, 4*
compliance 33:*1, 3, 23* 36:*7, 18, 21* 38:*10* 43:*13* 44:*9*
compliant 23:*25*
compliment 38:*7* 40:*2*
comprehensive 38:*19*
compromised 37:*5*
concern 21:*8, 19* 35:*9*
concerned 7:*11*
concerns 18:*9* 34:*1*
concluded 49:*13*
conditions 8:*14* 37:*3* 45:*9*
Conducted 1:*8* 34:*4* 35:*2*
conducting 4:*24* 22:*17* 33:*13, 25*
conduction 24:*1*
CONFERENCE 1:*13* 4:*1*
connect 12:*12*
connected 16:*17*
consequence 43:*9*
consequences 44:*11* 46:*21*
consulting 2:*17* 27:*20, 22*
consumer 36:*9*
consumers 9:*17* 32:*19* 38:*19*
contact 18:*21* 21:*12* 28:*23* 29:*2* 30:*11* 45:*18*
continue 39:*20*
contract 37:*14*
Contractor 42:*16*
contractors 43:*2*
control 31:*16* 33:*14*
convened 4:*2*
convincing 10:*14*
cooperate 37:*14*
Coordinator 18:*15*
correct 8:*12* 11:*1* 16:*12, 21* 19:*15* 23:*24* 25:*13* 26:*15* 30:*16* 34:*18* 41:*6*
corrected 35:*3*
correction 37:*7*
correctly 22:*25* 33:*22* 34:*11*
correlated 8:*24*
costs 44:*3*
country 20:*19*
County 50:*6*
couple 9:*16* 26:*2*

45:2
course 4:24 7:19
courses 35:20
Court 30:17 46:7 50:1, 5
cover 45:7
crawl 14:6, 8 16:16
crazy 25:15
create 15:18
creates 45:19
credential 10:12
credentialed 13:8 35:17
credentialing 10:25 12:23 13:3 39:3
current 40:13
Currently 11:22
curtain 5:10
cut 34:8
cycle 34:10

< D >
danger 37:4
Daniel 35:6
data 31:22, 23 33:12
DAVIS 2:8 14:19, 20 17:5, 9, 22, 24 18:11 26:9, 13
Dawn 50:4, 15
day 42:20 45:11 48:14 50:12
decisionmaking 48:1
dedication 11:17
defective 17:4
defects 17:15, 19
deficiencies 35:3
deny 44:7
DEPARTMENT 1:2 4:5, 9, 12, 21 18:12, 16 33:5 35:6, 10 38:13 40:5, 13 42:24 46:10
depending 5:23 24:20 35:12
deserve 46:25
designed 15:4
DESIGNEE 2:3
desire 7:15
desk 5:12, 13 6:22
determination 17:20
device 6:22 15:21 17:6 43:15
devices 22:18, 23, 25 33:9 38:3
dialog 47:23
DIANE 2:19 25:24 26:13 32:12
D-i-a-n-e 25:24
difference 10:18
different 8:4, 14 9:16 20:18 31:19 36:23 37:1
differently 25:8 31:20
difficult 8:7
direct 42:13
direction 5:11 8:17
directives 43:1
directly 26:7
Director 2:19, 21 32:13 36:19 41:10
Director@aarst.org 27:6
disciplinary 37:16 38:11
discovers 44:17
discussed 42:24 45:6
discussion 32:20
disease 9:4 12:19
dishonest 37:13
disparity 29:5
distinguishes 33:22
DNA 8:4
document 34:5
documented 14:25 15:18 25:20 28:21 29:14
doing 7:20 8:2 9:6, 24 12:3 22:4 23:21 25:11 29:11 32:5 34:10 39:21 43:10 46:15, 16
dollars 42:19
door 5:5, 7, 8, 13
doors 5:5, 10
double 42:14
DPOR 10:7 17:25 18:6 19:3, 4, 7 20:13 22:9 38:15 42:17, 22 43:8 46:16 47:13
drawn 7:16
drills 5:15
Drive 4:10
duplicate 31:16
duplication 46:17
duplicative 43:19, 20
duties 9:20

< E >
earlier 46:10 48:16
ears 46:18
easily 31:13
easy 22:14
education 8:8, 17 24:21 38:3
effect 30:8
Effective 32:22
effort 10:8 46:18
either 5:4 18:4, 21
elapsed 30:13
electrical 15:21 37:4
elevation 14:9
e-mail 27:4 32:9 35:8
emergency 5:3, 18
employer 37:20
enforce 16:20 38:5 39:4 43:13 44:9
enforcement 16:8 17:16 18:6, 19 23:4 29:12, 16 32:22 33:1, 9, 16 35:2, 24 38:16 40:6, 15 41:20 44:3
enforcing 22:1 24:6
engage 12:24
ensure 12:24 23:5 24:12 25:10 32:19 34:22 39:11
ensuring 40:2
entities 13:3 24:9
entity 30:16
Environment 2:20, 22 4:16 32:14 33:6 41:10
environmental 29:15
EPA 14:13 42:9
EPA-recognized 32:16 38:1 43:16
especially 21:8 23:2
essential 38:1
established 12:23 36:8
estate 9:24 28:18 35:8
et 20:23 37:8
ethics 37:13
evacuation 5:2, 15
event 5:3, 17
everybody 47:11
evidence 35:18
examination 43:14
example 28:17 43:5 45:7
examples 15:20 16:18
exceed 42:19
Excellent 20:9 23:20 24:16 25:2
excerpts 32:21
Executive 2:19 32:13
exemplar 23:17
exhaust 16:2, 14
existing 33:20
exists 8:5
exit 5:4, 6, 10, 13
expansion 44:1
expecting 29:9
expensive 28:16
experience 10:11 18:8 22:12 24:17 25:4, 10, 20
experiencing 14:13
Expires 50:18
explanation 35:17
exposure 8:3 29:13, 14
express 7:15
extra 28:16
eyes 46:18

< F >
fact 21:7
failure 37:8, 14
faith 29:10
fall 36:22 49:8
falling 16:9
false 8:9, 10 14:11

23:*1*
family 7:*25* 42:*22*
fan 17:*9*
far 13:*4* 18:*7* 24:*8* 47:*22*
faulty 18:*8*
favorite 24:*4*
fear 22:*2*
feature 6:*5* 19:*24* 47:*6*
Federal 30:*19*
feel 25:*18*
fees 44:*2*
feet 15:*21*
fewer 34:*21*
field 7:*13, 18, 25* 8:*18* 9:*9* 12:*2, 10* 34:*25*
fill 15:*7*
final 49:*7*
finally 44:*14* 45:*23*
find 12:*9* 15:*12*
finding 8:*25*
fine 5:*16* 42:*2*
fined 42:*19*
fines 34:*20* 44:*11*
finish 39:*23*
finished 45:*11*
fire 5:*15* 37:*5*
firm 10:*5*
first 6:*7* 11:*22* 20:*3, 20* 28:*3* 41:*5* 42:*11* 48:*7, 8*
five 5:*22* 20:*9* 24:*22* 27:*18* 30:*12* 42:*3, 19* 48:*14*
fix 16:*8* 18:*3*
FLOOR 1:*13* 22:*18*
flows 30:*9*
focus 25:*17* 33:*10*
focused 30:*22*
folks 13:*7* 19:*21*
follow 14:*1, 2* 20:*21* 28:*4, 6, 7* 39:*15*
followed 31:*18*
following 20:*25* 22:*4* 23:*18, 23* 29:*18* 34:*5* 39:*13*
follow-up 9:*12* 23:*12* 35:*1* 38:*24* 40:*5* 46:*24*
foregoing 50:*8*
formal 35:*11*
forth 28:*4*
forum 6:*12*
forward 6:*13* 26:*17* 27:*8* 43:*4*
found 12:*16* 23:*24*
foundation 14:*7* 38:*2*
foundations 30:*10*
framework 16:*19* 32:*18*
Freddie 28:*19, 21* 30:*18, 20*
frequently 9:*23*
front 6:*1, 22*
full 28:*8* 46:*19*
fully 24:*7*
function 15:*8*
further 7:*22* 8:*2* 50:*8*
future 23:*25* 37:*16*

< G >
gas 8:*3, 20, 22* 10:*1* 15:*22, 23, 24* 16:*4*
gathered 49:*4*
general 4:*19*
generally 34:*20*
gentlemen 4:*4*
getting 10:*8* 12:*14*
give 5:*25* 6:*4* 20:*5* 22:*19* 24:*15* 25:*5* 40:*25* 42:*3* 47:*7, 8, 19*
given 13:*16* 36:*3* 50:*12*
gives 22:*25*
giving 21:*13*
go 5:*16* 10:*8* 11:*14* 15:*11* 17:*18, 22* 18:*3, 5* 20:*1, 3, 4* 23:*22* 24:*18* 25:*5, 10, 20* 27:*10* 42:*4* 46:*8* 48:*4*
goal 34:*13, 21*
goes 29:*22* 37:*15*
going 6:*23* 8:*9, 13, 16* 15:*7* 16:*4, 5* 18:*2* 21:*14* 22:*18* 26:*12, 13* 27:*7* 34:*8* 36:*20* 41:*2, 19, 24* 42:*14*
Good 4:*3* 8:*8* 9:*9, 22* 10:*13* 19:*20* 27:*19* 29:*9* 32:*11* 39:*21* 42:*2* 43:*8*
Government 30:*19* 41:*20* 43:*23*
Government-led 46:*13*
granted 40:*6, 15*
great 13:*14, 20* 23:*19* 24:*5* 28:*2* 46:*16*
greatly 40:*2*
grew 22:*8*
ground 21:*12* 28:*23* 29:*2* 30:*11* 45:*18*
ground-level 16:*13*
growing 8:*22*
grown 12:*11*
guardrail 44:*21*
guess 13:*1*
guidance 7:*18, 22* 12:*3*
guide 8:*17*

< H >
half-way 16:*10*
hallway 5:*11*
hand 20:*3* 47:*19* 50:*12*
handful 30:*3*
handle 25:*1* 31:*20*
handling 25:*2*
hands 6:*5* 47:*6*
hands-up 19:*24*
happen 5:*4*
happening 21:*15*
HAUGHWOUT 1:*9* 4:*3, 4* 10:*10, 21* 11:*2* 12:*20* 13:*12* 14:*16, 18* 16:*24* 17:*6, 12, 23* 18:*7* 19:*11, 16* 20:*8* 23:*10, 14* 24:*8* 25:*21, 23* 26:*3, 6, 11, 16* 27:*3, 7, 12, 17* 30:*12, 15, 20* 32:*7* 38:*23* 39:*2, 22* 40:*4, 12* 41:*1, 7, 11, 12, 23* 42:*1* 46:*2* 47:*2* 48:*3*
head 5:*11, 12*
Health 14:*14* 18:*13, 16* 33:*5* 35:*7, 10* 38:*13* 40:*6, 13* 45:*3* 46:*10*
hear 20:*9*
HEARD 1:*9* 9:*16* 21:*3, 5* 47:*10, 11* 50:*5*
HEARING 1:*7* 4:*7, 11, 13, 20* 5:*2, 20* 6:*4* 10:*15* 42:*6, 25* 45:*6* 48:*5, 12, 18* 49:*10, 13* 50:*5, 7, 11*
Hearings 49:*3*
heart 17:*10*
held 4:*9, 11, 13* 20:*12* 45:*24*
help 9:*5* 10:*9* 16:*20* 32:*20* 48:*1*
helpful 19:*25*
helping 23:*23*
HENRICO 1:*14* 50:*6*
Hey 13:*17*
high 45:*20, 22*
highlights 33:*4*
Hill 32:*12*
hoax 10:*2*
holding 17:*1*
home 9:*3* 10:*1* 11:*25* 12:*6* 13:*21* 14:*5, 7, 12, 13* 16:*5* 28:*9* 33:*20* 43:*6* 45:*10, 11, 24* 46:*3*
homeowner 14:*4* 35:*8* 39:*17*
homeowners 33:*17, 19* 34:*7* 37:*3* 39:*25* 40:*3*
homeowner's 34:*1* 45:*5*
homes 21:*6* 23:*7*
home's 45:*14*
hope 43:*8*
hopefully 5:*16* 27:*1*
horizontally 15:*6*

HOUGHWOUT 2:*3* 7:*8* 9:*11, 15* 36:*17* 40:*24* 46:*6*
hours 45:*12, 14*
house 16:*3*
housing 21:*8* 28:*21*
hundred 29:*2* 42:*19*

< I >
idea 9:*18* 21:*20* 25:*2* 43:*8*
identifies 32:*5*
identify 23:*16* 31:*13*
IEA 2:*8* 14:*21*
ignoring 21:*18*
ill 8:*1*
immediate 37:*7*
immediately 35:*11*
imminent 37:*4*
impactful 44:*10*
implementation 33:*12*
important 23:*3* 35:*21* 36:*8* 47:*23*
impose 38:*10*
imprimatur 10:*23*
improper 13:*16*
improperly 7:*20* 14:*23* 29:*20*
improve 8:*17*
inches 15:*13*
incidents 50:*10*
include 26:*7* 37:*12*
included 31:*16* 48:*17, 19*
includes 31:*8*
Including 2:*14* 17:*2* 20:*17, 19*
increase 36:*23*
incredibly 23:*3*
incurred 37:*17*
indicate 6:*6* 19:*24* 47:*7*
indicated 7:*5* 19:*13*
indicating 17:*4*
individual 19:*12*
individually 6:*24*
individuals 5:*23* 8:*4* 9:*8* 11:*19* 12:*16* 13:*17* 38:*9* 43:*12* 46:*20* 47:*3, 12, 15*
Indoor 2:*19, 21* 4:*16* 32:*14* 41:*10*
industry 19:*10* 22:*1, 7* 27:*20* 46:*23*
inexpensive 29:*21*
in-field 25:*1*
information 8:*9, 10* 23:*6* 32:*25* 33:*25* 35:*11, 15* 47:*25* 49:*2, 4, 5*
initial 5:*22* 15:*1* 19:*22* 47:*16*
initially 7:*24*
initiates 35:*19*
in-person 33:*6* 34:*3*
inspect 17:*19* 35:*13*
inspection 12:*7* 29:*17* 33:*16* 34:*4, 6* 35:*24* 45:*10, 12, 22, 25*
inspections 33:*7, 16, 18, 25* 35:*1*
inspector 11:*25* 18:*4*
Inspectors 43:*6* 45:*24*
Inspector's 46:*3*
install 16:*10* 30:*6*
installed 14:*23* 15:*4, 6* 29:*19, 20* 30:*1, 3, 5* 33:*22* 34:*15* 35:*2*
installer 18:*2*
installing 15:*20* 25:*14*
instances 15:*16*
instructions 5:*17* 45:*7*
integrity 36:*10*
interpreted 25:*8*
in-the-field 25:*9*
introduce 41:*2*
introduction 19:*23*
investigate 38:*8* 43:*12* 44:*6, 9*
investigation 35:*18, 24*
investigations 37:*15*
invitation 26:*18* 32:*9*
involve 37:*3*
involved 2:*12* 7:*24* 9:*8* 11:*15, 18* 20:*16* 47:*22*
involving 37:*12*
issue 9:*17* 13:*24* 29:*22* 30:*25* 35:*16* 39:*19*
issued 34:*25*
issues 8:*23* 9:*16* 18:*8* 27:*24* 33:*24* 40:*16* 41:*20* 48:*9*

< J >
JANE 2:*21* 40:*22* 41:*5*
J-a-n-e 41:*5*
job 7:*21* 9:*9* 13:*14* 25:*7* 39:*21* 46:*16*
Joe 4:*4* 26:*9*
JOHN 2:*8* 14:*19, 20*
joined 47:*3*
JOSEPH 1:*9* 2:*3*
July 1:*12* 6:*17* 48:*13* 50:*6, 13*
June 4:*21*
jurisdiction 42:*10*
Justice 42:*24*

< K >
Kansas 33:*1, 5, 6, 13, 15* 34:*10*
Kentucky 23:*19*
kept 48:*12*
kick 18:*6*
kind 10:*15* 12:*14* 15:*22* 16:*17* 19:*6* 23:*11* 34:*10* 38:*24* 41:*13* 43:*9* 44:*25*
kind-of 11:*7*
knew 7:*19* 12:*10, 17* 14:*15*
know 8:*19, 21* 9:*9* 11:*24* 15:*5* 16:*1* 17:*1* 22:*10, 14* 23:*6* 24:*13* 25:*1* 30:*6* 37:*23* 38:*21* 42:*5, 23* 43:*4* 45:*3* 48:*15, 23*
knowledge 9:*17* 24:*16*

< L >
lab 31:*23*
laboratories 31:*23* 32:*1*
labs 32:*4*
lack 11:*4, 11*
ladies 4:*3*
large 29:*1* 34:*19*
law 20:*21* 22:*4*
laws 34:*23* 38:*5*
lead 19:*8* 43:*6* 46:*3*
lead-based 2:*16* 20:*12* 27:*21*
lead-in 42:*2*
learn 7:*21*
learned 42:*15*
learning 8:*23*
leaves 28:*5*
left-side 5:*5*
legal 16:*14* 34:*19* 38:*8* 44:*11*
lend 28:*20*
lenders 28:*19*
lending 30:*19*
LESLIE 2:*6* 7:*4, 7, 10* 9:*12, 14, 22* 10:*16* 11:*1, 12* 13:*10, 13* 14:*17*
L-e-s-l-i-e 7:*11*
letter 18:*23* 35:*16*
letters 18:*17*
leukemia 8:*25*
level 14:*14* 29:*3, 4* 31:*1* 34:*25* 45:*14*
levels 14:*13* 22:*19* 45:*20, 22*
license 9:*19* 10:*2* 18:*23* 19:*1, 4* 22:*3, 12* 40:*19* 41:*18* 42:*18* 43:*10, 12* 44:*12, 17, 20*
licensed 2:*16* 12:*17* 23:*21* 24:*6, 23* 27:*21*
licenses 20:*13* 22:*7*
licensing 20:*23* 21:*23* 22:*1, 2, 6, 9, 10, 13* 23:*4* 24:*20* 31:*5* 44:*2, 8*

licensure 4:*17* 7:*15* 8:*6, 15* 10:*7, 22* 11:*6, 9, 13, 16* 13:*6* 30:*25* 31:*3* 32:*6* 37:*24* 38:*18* 40:*9* 42:*12* 44:*21*
licensures 10:*5*
lieu 6:*17*
lift 43:*3*
limited 5:*22*
line 22:*3*
lines 40:*7*
list 14:*18, 24*
litigation 39:*8*
little 6:*21* 11:*20* 14:*22* 25:*18, 19* 28:*23* 31:*20* 37:*21*
lives 9:*5* 12:*18*
living 21:*9* 28:*23* 29:*2*
local 18:*10*
location 31:*6* 45:*8*
long 24:*18* 25:*10, 20*
longer 44:*20*
long-term 8:*3*
look 7:*2* 11:*15, 23* 13:*18* 15:*1* 18:*5* 31:*8*
looking 19:*7* 45:*21*
looks 7:*3* 13:*20* 19:*19* 32:*8* 47:*18*
lose 20:*22*
losing 22:*2*
lot 5:*14* 15:*10* 16:*1* 20:*18, 20* 21:*3, 5, 15*
low 36:*6*
lower 28:*13* 31:*2*
lung 8:*1, 20* 21:*21* 23:*8* 29:*15*

< M >
Mac 28:*19* 30:*17, 18, 20*
Mac's 28:*21*
maintaining 36:*9* 38:*3*
maintenance 33:*24*
making 9:*8* 24:*5*
MALONE 2:*21* 26:*11* 40:*25* 41:*1, 6, 9, 16, 24* 42:*5* 46:*2, 5, 9* 47:*18, 21*
M-a-l-o-n-e 41:*5*
management 36:*21*
Manager 4:*5*
mandatory 30:*24* 31:*3* 40:*9*
manufacturing 45:*7*
Mark 33:*5*
master 11:*7*
match 32:*3*
materials 48:*19*
maximum 5:*22*
Mayland 4:*10*
MDHA 35:*12*
mean 10:*17* 11:*5* 22:*6* 24:*3* 39:*9, 11*
meaningful 38:*10*
Measurement 2:*6, 17* 4:*17* 7:*12, 14* 9:*24* 13:*25* 22:*16, 23, 24* 24:*1* 25:*3, 11, 17, 19* 27:*22* 28:*8, 12* 29:*8, 23* 31:*22, 24* 33:*7, 9* 35:*13* 36:*14* 45:*3* 46:*12*
measurements 29:*17*
measuring 45:*4*
mechanisms 39:*10*
meet 48:*25*
meeting 5:*9* 26:*17* 47:*4* 48:*17* 49:*1*
member 5:*21* 35:*9* 39:*7*
members 6:*10* 7:*25* 39:*5, 12*
mentee 11:*7*
mentioned 24:*19* 30:*17*
mentor 7:*22* 11:*6*
mentorship 11:*4, 11*
meter 15:*23, 24*
Methods 32:*23*
MEYER 2:*16* 27:*16, 17, 19* 30:*12, 14, 18* 31:*4*
M-e-y-e-r 27:*13*
microphone 6:*18*
Microsoft 4:*13* 6:*5* 19:*24* 47:*6*
migrate 44:*23*
minimal 44:*2*
minimizing 38:*20*
minimum 13:*4, 7* 45:*12*
Minnesota 23:*20* 24:*4* 33:*2* 35:*5, 6, 10* 36:*3*
minor 44:*1*
minute 17:*13* 47:*8*
minutes 5:*23* 20:*9* 27:*18* 30:*13* 42:*3* 48:*17*
missed 45:*20, 22*
missing 9:*3*
mitigated 23:*8*
mitigating 21:*17*
mitigation 4:*18* 14:*5, 10* 17:*4, 7, 10, 11* 22:*14, 16* 25:*3, 14, 16* 29:*19, 25* 30:*3, 5, 7* 33:*10, 15, 20, 23* 34:*13, 17, 24* 35:*13* 36:*13* 46:*13*
mitigations 14:*22*
monitor 15:*3* 38:*10* 43:*13* 44:*9*
monitors 8:*11, 12* 12:*1* 13:*21*
monthly 31:*21*
morning 4:*3* 5:*16* 27:*19* 32:*11*
move 19:*21* 25:*23* 34:*12* 35:*4* 36:*16* 37:*9*
moving 36:*24* 37:*2* 43:*4*
MTH 35:*19*
Multi-family 2:*13* 20:*16* 21:*3, 8* 23:*2* 28:*9, 18, 20* 29:*1* 30:*23* 31:*12* 45:*19*
multiple 13:*15*
mutate 8:*4*
MYCA 2:*12* 20:*4, 5* 45:*17*

< N >
name 6:*1* 12:*1* 25:*25* 27:*13, 14* 41:*4, 5*
narrow 22:*3*
National 2:*21* 30:*10* 32:*16* 36:*19* 38:*17* 41:*9* 43:*16* 44:*5*
nationally 2:*13* 20:*17* 28:*20*
nationally-accepted 29:*18*
nature 35:*12*
NCR 28:*7* 29:*1*
necessarily 11:*9* 30:*25* 40:*18* 44:*19*
necessary 42:*12*
need 8:*8, 18, 19, 21* 10:*6* 11:*6* 24:*16* 35:*11* 44:*24* 46:*21*
needed 7:*21, 22* 13:*21, 23* 34:*3* 35:*15* 37:*7, 24* 47:*25*
needs 15:*12*
negative 22:*24*
negatively 30:*8*
network 16:*17*
never 8:*1* 14:*15*
new 33:*12*
non-compliance 20:*24* 28:*1* 35:*19* 43:*14* 44:*10* 46:*14, 23*
non-enforcement 27:*25*
non-regulated 27:*24* 28:*22* 30:*2*
non-smokers 8:*21*
Notary 50:*15*
NOTE 4:*1*
notice 4:*19*
Notices 34:*25*
NRPP 13:*14* 18:*21* 19:*2* 28:*2, 4* 32:*17* 36:*18* 38:*18* 39:*3, 15*
NRPP's 33:*2*
NRSV 13:*13* 18:*21* 19:*2* 28:*5* 38:*18*
number 5:*23* 8:*20* 29:*15* 36:*5*

< O >
Oak 32:*12*
objective 9:*20* 34:*23*
observed 15:*9*
observing 33:*8*
obtain 35:*16*
obtaining 25:*13*
obviously 39:*6*
OCCUPATIONAL 1:*2, 4* 4:*6, 8, 9, 22* 40:*19* 48:*24*
occur 38:*11*
occurs 29:*12* 45:*10*
offer 12:*3, 5* 20:*2* 34:*14* 47:*14*
office 6:*14*
offices 29:*3*
officials 18:*10*
offset 44:*2*
Oh 12:*5* 21:*16* 22:*15*
Okay 7:*8* 10:*21* 13:*12* 14:*20* 17:*12, 23* 19:*16* 20:*8, 9* 25:*21* 26:*1, 11* 27:*2* 30:*14* 36:*17* 41:*11, 23* 42:*5*
once 24:*21*
ones 26:*9*
on-line 6:*25* 7:*1* 19:*22* 21:*4* 47:*4, 11*
on-site 33:*25*
open 16:*11* 48:*13*
opened 12:*14*
opens 16:*3* 35:*11*
operating 34:*24* 36:*7*
operation 45:*5, 12*
opinion 23:*15, 17* 24:*9*
opportunity 9:*4* 47:*8, 14, 19* 49:*6*
oral 6:*16, 17*
order 24:*10, 13* 46:*21*
Organization 14:*14* 39:*6*
organizations 10:*13* 12:*23* 39:*3, 12*
outcome 39:*18*
outside 39:*7*
outstanding 39:*19*
overhead 6:*18*
overlooked 25:*18*
oversight 38:*6* 44:*25*
overview 33:*2*

< P >
p.m 48:*14*
pages 17:*1*
paint 2:*16* 19:*8* 20:*13* 27:*22*
pair 46:*18*
parking 5:*14*
Parrish 18:*15*
part 10:*16* 12:*4* 15:*14* 17:*3* 36:*8, 15* 42:*22*
participating 6:*3, 9, 21* 49:*10*
particular 32:*2*
particularly 6:*20*
pass 24:*21* 25:*5*
passionate 22:*8*
passive 15:*11*
path 11:*20* 46:*22*
patience 48:*8*
patient 48:*10*
paying 25:*6*
penalties 34:*19* 43:*13* 44:*9, 10, 11*
penalty 35:*1*
people 6:*25* 7:*1, 3* 10:*6, 14* 11:*18* 20:*21* 21:*9* 22:*17* 24:*12* 25:*11* 28:*2, 4* 29:*10* 32:*4, 5* 34:*21* 39:*4*
percent 28:*23* 29:*2, 3* 45:*18, 19, 21*
perform 9:*19* 33:*6* 43:*24*
performance 45:*4* 46:*22*
performed 43:*20*
performing 34:*21* 46:*20*
Person 1:*8* 4:*12* 5:*24* 6:*8* 19:*1* 25:*24* 42:*18* 43:*9* 44:*20, 21*
personally 20:*24*
personnel 42:*13*
persons 42:*11*
perspective 32:*23*
Petition 4:*14* 15:*1, 19* 17:*2*
photographs 17:*3* 34:*1*
physically 17:*19* 47:*12*
picking 12:*21*
picture 15:*5*
pictures 15:*2*
piece 17:*7*
pipe 15:*11, 13* 16:*1, 10, 16*
pipes 16:*9*
piping 15:*15*
pit 15:*18*
place 8:*11* 11:*14* 21:*9* 22:*16, 18, 21, 24* 37:*3* 39:*17* 42:*21*
placed 13:*22, 23* 25:*13*
places 15:*9* 22:*22* 25:*12*
placing 25:*12*
plan 37:*7*
plans 33:*11*
playing 34:*25*
please 5:*25* 6:*1, 5, 13* 7:*8* 13:*18* 32:*25* 47:*6*
point 13:*15* 23:*24* 41:*14* 45:*16* 46:*13*
pointing 5:*9*
points 42:*8*
Policy 2:*21* 28:*21* 41:*10*
poly 16:*16*
position 20:*15* 32:*10*
possession 33:*20*
potentially 21:*20* 39:*25*
power 18:*13, 19* 19:*4*
practices 17:*20*
practicing 38:*10*
practitioners 32:*19*
prepare 4:*22*
PRESENT 2:*5* 9:*25* 26:*12* 27:*1, 9* 47:*12*
presentation 11:*3* 32:*21* 40:*8* 48:*16*
presented 4:*24* 35:*5* 49:*5*
Presently 45:*24*
President 2:*8* 14:*21*
pretty 16:*22*
prevent 44:*25*
prevented 9:*5* 29:*16*
prevention 9:*4* 12:*19*
previous 34:*16* 36:*13*
previously 20:*13*
price 29:*11*
private 10:*12, 25* 12:*22* 13:*2* 24:*8* 37:*25* 41:*18, 21* 44:*14*
probably 24:*4*
probation 37:*5, 8*
problem 31:*3* 45:*9*
problems 46:*19*
procedures 5:*3*
proceed 48:*5*
process 14:*10* 20:*14* 27:*23* 28:*18, 19* 33:*3, 11* 36:*8* 37:*22* 39:*15*
processed 47:*22*
product 29:*22*
profession 7:*17* 10:*19* 11:*13* 12:*25*
PROFESSIONAL 1:*2, 4* 4:*5, 8, 9, 22* 7:*16* 20:*22* 28:*13* 31:*24* 32:*17* 35:*8, 14, 17* 38:*14* 39:*16, 19* 48:*24*
professionals 4:*17* 9:*19* 11:*19* 12:*9, 13, 15* 29:*8* 31:*22* 34:*24* 36:*7, 22* 38:*2, 7* 40:*19* 45:*4* 46:*12*
Proficiency 32:*16* 36:*19* 38:*1* 41:*21* 42:*9* 43:*16, 21* 44:*15*
program 13:*6* 32:*16* 33:*22* 36:*20, 21* 41:*21* 43:*5, 11, 21, 22, 25* 44:*8, 15, 16*

programs 32:*18* 38:*1, 8* 42:*10, 22* 43:*17* 44:*5, 23* 46:*16*
program's 36:*9*
prohibited 46:*10*
project 6:*24*
projects 2:*12* 20:*16* 24:*22, 25*
promoting 8:*8*
propane 15:*22*
proper 6:*12* 8:*6, 15* 17:*20* 21:*13* 24:*25* 25:*13* 32:*5*
properly 9:*6* 10:*9* 12:*2, 17* 14:*15* 21:*1, 10* 22:*17* 23:*8, 23* 25:*12, 15* 29:*20* 31:*14* 42:*12*
properties 2:*13* 20:*17*
proposing 4:*16*
protect 32:*19* 40:*8, 17*
protection 36:*9*
protective 46:*24*
protects 38:*19*
prove 31:*17*
provide 6:*15* 24:*13* 27:*4* 38:*1, 18* 47:*25*
provided 32:*2* 34:*7* 47:*5*
provider 18:*1, 2*
provides 35:*18*
providing 32:*17* 38:*8* 46:*24*
provision 43:*7*
PUBLIC 1:*7* 4:*7, 14, 20, 23* 5:*2, 20, 21* 9:*21* 24:*14* 28:*5* 29:*13* 35:*9, 22, 23* 40:*9, 18* 44:*24* 45:*3* 48:*5, 12, 17, 18* 49:*3, 13* 50:*5*
published 4:*20*
purchased 33:*19*
purpose 4:*14*
purposes 23:*4*
push 28:*12*
pushed 29:*8*
put 10:*5* 15:*10* 16:*20* 22:*16*
putting 8:*10, 12, 13* 12:*2* 22:*22* 29:*12*

< Q >
qualified 10:*14* 32:*19* 38:*2* 44:*24*
quality 31:*16, 18* 33:*10, 13, 14*
quarterly 31:*21*
question 9:*22* 23:*12* 40:*5* 43:*18*
questions 6:*11, 12, 13* 9:*13* 17:*13* 33:*21, 23* 38:*24*
quick 29:*21*
quite 9:*23* 24:*3*

< R >
radiation 29:*13, 14*
Radon 2:*6, 12, 17* 4:*17* 7:*12, 14* 8:*3, 8, 11, 20, 22* 9:*18* 10:*1* 12:*6, 15* 13:*18, 25* 14:*4, 13* 15:*3* 16:*4, 6, 11* 17:*9* 18:*1, 15* 20:*11, 16* 21:*17, 21, 25* 22:*7, 13, 19, 23* 23:*7* 24:*1* 27:*20, 22* 28:*21* 29:*14* 31:*6* 32:*16* 33:*7, 10* 34:*21* 36:*6, 19* 37:*20* 38:*6, 14* 40:*14, 18* 43:*5* 45:*9, 10, 14, 20, 22* 46:*14*
radon-related 36:*4*
raised 9:*16* 40:*7* 41:*14, 15* 43:*19* 46:*9* 47:*19*
raising 8:*6*
rally 5:*14*
read 21:*4* 25:*4*
reading 25:*8* 45:*15*
Ready 30:*17* 42:*4* 47:*23*
real 9:*23* 28:*18* 35:*8*
realized 8:*2*
real-life 25:*9*
really 12:*12, 13* 13:*14, 23* 14:*6* 16:*20* 18:*13* 19:*2* 28:*5* 38:*19*
real-world 25:*4*
reason 7:*24*
receive 6:*7* 7:*1* 8:*9* 39:*15*
received 4:*15, 23* 5:*21* 13:*19, 22* 17:*17* 32:*9* 35:*23*
receiving 4:*14* 23:*6*
recognized 42:*9*
recommendations 49:*7*
recommended 31:*1, 2*
record 26:*8* 27:*15* 41:*3* 48:*12* 50:*10*
records 35:*16*
recycle 16:*5*
reduce 23:*8*
reference 30:*15*
referenced 11:*2, 4* 17:*14* 23:*14*
referral 42:*23*
referring 11:*10* 46:*3*
Register 4:*20*
Registration 50:*15*
regular 23:*21*
regulate 19:*5*
regulated 28:*12* 43:*5*
regulating 18:*22*
REGULATION 1:*2, 4* 4:*6, 8, 10, 15, 22* 7:*16* 13:*25* 14:*2* 17:*2* 23:*18* 31:*5* 48:*24*
regulations 12:*18* 19:*8, 9* 35:*20*
Regulatory 4:*4* 16:*19* 28:*3* 32:*18* 37:*24* 38:*4* 42:*22* 43:*22*
regulatoryly 29:*7*
reinforce 42:*7*
re-invent 43:*23* 44:*19*
related 33:*23*
relatively 36:*5*
relevant 43:*11*
reliable 45:*6*
relies 45:*3*
rely 32:*18*
remains 36:*8*
remarks 41:*25*
remediated 14:*12*
reminders 46:*11*
Remotely 1:*8* 44:*6*
renewal 44:*7*
rental 30:*23*
repair 33:*24*
repeat 40:*11*
replicating 43:*14*
report 4:*23* 13:*18* 32:*1* 49:*7*
reported 19:*5* 37:*19*
Reporter 30:*17* 46:*7* 50:*1, 5*
reporting 23:*22* 31:*6, 19* 33:*12* 36:*15*
representation 22:*19*
representative 17:*18* 18:*1*
represents 35:*22* 36:*5*
reprimands 44:*11*
requested 33:*17, 18* 34:*3*
require 24:*10* 31:*5, 20, 21* 37:*7* 44:*1*
required 11:*14* 21:*1* 29:*12* 30:*1* 45:*13*
requirement 42:*17* 44:*15*
requirements 22:*2, 11* 24:*6* 38:*4* 45:*8*
requires 29:*7* 30:*11* 31:*22*
requiring 9:*18* 13:*7* 28:*2* 40:*18*
requisite 24:*13*
reroute 15:*14*
research 8:*2* 49:*4*
resident 23:*1* 32:*12*
residential 21:*6*
residents 23:*5* 40:*3*
resolve 39:*16*
resolves 39:*19*

resolving 29:*22*
resort 34:*20*
respected 10:*20*
respond 37:*9*
response 40:*23* 41:*14*
rest 21:*18*
restrictions 37:*15*
result 33:*9* 35:*23* 37:*19* 43:*25* 46:*11*
results 25:*13* 31:*6, 10, 18* 32:*2*
re-trained 16:*5*
retrieval 33:*8*
review 34:*1* 35:*24* 49:*6*
reviewed 33:*11*
reviewing 16:*25* 49:*2*
reviews 35:*10*
revocation 44:*13, 22*
revocations 37:*19*
revoke 44:*16*
revoked 44:*18*
RFI 35:*16*
Richmond 4:*10* 22:*9* 49:*1*
right 5:*8* 8:*7* 16:*2, 4, 15* 17:*5* 26:*16* 39:*16* 41:*19* 47:*10*
risk 28:*5* 29:*13*
road 21:*22*
Roedl 36:*19*
room 5:*6* 6:*2, 18, 23* 15:*3* 47:*15*
routine 33:*24*
rules 5:*1, 20* 39:*4, 13*
run 9:*23* 16:*15*
running 36:*12* 37:*23*
Ryan 18:*15*

< S >
safer 39:*17*
safety 23:*1* 40:*2*
sample 28:*15, 22, 24* 31:*9*
sampled 30:*5*
samples 19:*3* 28:*16* 31:*9, 12, 16, 17, 24*
sampling 28:*14* 29:*24* 30:*1*
save 9:*5* 12:*18*
saw 20:*3* 48:*16*
saying 10:*10* 13:*1* 24:*24* 42:*15*
says 14:*4* 42:*23*
scheduled 48:*25*
scheme 11:*6*
school 28:*10*
science 8:*22*
Scooter 19:*13*
scope 28:*13*
screen 26:*4*
sea 43:*21*
SECOND 1:*13* 9:*12* 26:*17* 38:*25* 40:*25*
Secondly 43:*11*
security 5:*12, 13* 14:*11*
see 15:*2, 5, 25* 16:*1, 18* 20:*18* 26:*4* 27:*8* 29:*5* 31:*15* 35:*25* 36:*11, 15* 47:*9*
seeing 47:*17*
seek 43:*7*
seen 13:*15* 22:*17, 21* 25:*15*
sell 29:*21*
seller 9:*25*
sending 46:*11*
sense 11:*12* 13:*9* 14:*11* 23:*1*
sent 26:*10*
serious 37:*11*
seriously 11:*20* 12:*10*
serve 9:*10*
served 19:*9*
service 12:*5* 31:*1, 2*
services 24:*14* 46:*24*
set 28:*1, 4*
settings 30:*23, 24*
severe 37:*1, 9*
severity 36:*24*
share 26:*2, 4* 32:*10, 21*
sheet 6:*1* 7:*2, 4, 6*
shoddy 16:*8*
short 37:*4, 23*
show 7:*23* 10:*6*
showed 14:*9*
shown 37:*10*
shows 34:*10*
side 5:*9* 35:*21* 36:*11, 13* 37:*21*
sign 6:*1*
signed 5:*24* 11:*22* 19:*12, 19*
sign-in 6:*1* 7:*2, 4, 6*
silo 19:*7*
similar 19:*7*
simple 9:*2* 11:*17*
simply 44:*23* 46:*17*
single-family 21:*6* 28:*9*
sir 19:*17* 27:*14, 15*
sit 20:*15*
site 35:*13*
sitting 16:*16*
situations 39:*25*
six 31:*12*
size 36:*3*
slab 15:*17* 30:*10*
slide 32:*25* 34:*12* 35:*4, 5* 36:*16, 25*
slides 26:*2, 12, 14*
small 36:*5*
smoked 8:*1*
sorry 40:*10*
sort 10:*22* 11:*4, 5, 6, 10* 12:*20* 17:*14, 15, 16* 23:*17* 30:*22*
sound-received 6:*20*
sounds 30:*23*
source 15:*22* 30:*19*
space 14:*6, 8* 16:*17*
speak 5:*24, 25* 6:*6* 7:*5, 6* 14:*19* 19:*14, 18, 23, 25* 20:*6* 41:*2* 47:*7, 11, 13* 48:*4*
speaker 6:*15, 19, 22* 7:*1*
speakers 6:*8, 9, 10*
speaking 6:*24*
Specialist 2:*6* 7:*12, 14* 14:*1, 5* 34:*13, 17*
specialists 4:*18*
specific 35:*9*
specifically 43:*1*
spelled 25:*25* 27:*13* 41:*4*
spoke 45:*17*
staff 4:*21* 6:*7, 10* 23:*21*
stage 5:*14*
stand 18:*17* 19:*7* 47:*23*
standard 10:*7* 28:*1, 7* 29:*1, 6, 18, 23* 30:*10* 31:*17* 34:*14* 45:*8, 13*
standardized 34:*4*
standards 10:*19* 12:*22* 13:*4* 21:*1* 23:*23* 24:*10* 25:*9* 29:*8* 33:*24* 39:*13* 45:*5* 46:*14, 23*
standpoint 11:*8*
start 9:*2, 7* 13:*20* 14:*15* 33:*4* 42:*4* 45:*14*
started 7:*17* 45:*11* 47:*4*
State 9:*19* 10:*22* 13:*6* 16:*19, 20* 22:*6* 23:*20* 24:*1, 6* 27:*14* 29:*7* 30:*2, 24* 31:*3, 7, 13, 25* 32:*2* 35:*20* 36:*4* 37:*20* 38:*5, 18* 40:*1, 9* 41:*22* 42:*12* 44:*8, 16, 21, 25*
statement 6:*16* 39:*23*
statements 6:*11*
states 2:*17* 21:*24, 25* 23:*15* 24:*3* 27:*22, 25* 28:*22* 31:*4, 19* 32:*17*
State's 10:*23, 24* 34:*15*
statute 42:*23* 43:*7*
step 28:*3* 34:*19*
steps 14:*3*
stop 38:*9*
straight 22:*3*
strong 40:*21*
stuck 16:*4*
studies 8:*25*
study 4:*25* 49:*4*
stuff 14:*23*
sub 30:*10*

subject 44:*22*
subjected 23:*7*
submission 31:*21*
submit 26:*7* 31:*23*
submitted 17:*3* 31:*12* 32:*4*
Substantiated 37:*18*
Substantiating 37:*6*
successful 21:*25* 23:*16*
suction 15:*18*
sufficient 12:*24* 24:*11, 12* 35:*18* 39:*11* 40:*8*
suggests 36:*6*
summary 34:*6*
supplement 41:*14* 47:*16* 48:*21*
supplementing 45:*17*
support 22:*5, 6* 32:*17*
sure 6:*24* 9:*8* 15:*7* 23:*13, 22* 24:*5* 27:*5, 12* 30:*16* 31:*4* 40:*12* 41:*9* 48:*3*
suspend 44:*7, 16*
suspended 44:*18*
suspension 44:*12, 22*
suspensions 37:*19*
SWECKER 2:*19* 25:*25* 26:*1, 5, 15* 27:*2, 5, 10* 32:*8, 11, 12* 36:*18* 38:*23* 39:*1, 14, 24* 40:*10, 20* 41:*13*
S-w-e-c-k-e-r 25:*25*
switching 44:*25*
symposium 32:*22*
system 6:*19* 15:*8, 11, 13* 16:*10, 12* 17:*8, 10, 11* 29:*25* 30:*5, 7* 33:*21* 34:*2, 14* 38:*19*
systems 17:*4* 18:*8* 25:*14, 16* 29:*19* 30:*3* 34:*15, 18* 35:*2* 39:*10*

< T >
take 11:*20* 12:*9* 13:*18* 18:*23* 34:*9* 38:*16*
taken 33:*20*
takes 45:*14*
talk 5:*19* 14:*22* 36:*20*
talked 37:*21*
talking 41:*17* 44:*3*
tank 15:*22*
tap 14:*6*
Teams 4:*13* 6:*5* 19:*24* 47:*6*
techniques 25:*11*
technological 48:*9*
teeth 16:*21*
Tell 13:*19* 18:*2* 41:*7* 46:*15, 22*
telling 10:*11*
ten 7:*13* 24:*22* 28:*22*
tenant 22:*25*
tenants 21:*19* 23:*5*
term 37:*4*
terms 10:*13* 11:*10* 23:*18* 39:*9*
terrible 22:*15* 23:*1*
test 8:*9* 12:*3* 21:*16* 24:*21* 25:*5* 34:*6* 45:*5, 10, 20*
Testa 50:*4, 15*
tested 9:*3* 14:*5, 8* 21:*10*
testimony 5:*25* 6:*4, 16, 17* 11:*3* 20:*5* 30:*22* 47:*5* 48:*21* 50:*10*
testing 10:*1* 12:*6* 21:*11, 12* 45:*9, 18*
tests 13:*15*
Thank 9:*11* 14:*16* 19:*11, 16* 23:*9, 10* 25:*21* 27:*7, 17* 32:*7* 38:*22* 46:*6* 47:*2* 48:*2, 7, 11*
thing 12:*4* 17:*11* 19:*6* 22:*15* 48:*3*
things 7:*20* 8:*15* 10:*9* 12:*17* 14:*24* 16:*7, 9* 20:*18* 25:*7, 15* 39:*20* 41:*20* 43:*20, 22* 45:*2* 46:*19*
think 11:*3* 13:*19* 15:*2* 19:*9* 23:*3* 24:*15, 20, 22* 25:*2, 10, 19* 26:*13* 39:*21* 40:*20* 41:*12, 16* 46:*15*
thinking 14:*11*
thought 11:*5* 17:*16*
threat 20:*22*
three 7:*3* 15:*21* 34:*16*
time 6:*2* 12:*8, 10* 18:*3, 11* 20:*5* 34:*9* 36:*11* 37:*23* 38:*21* 45:*13* 49:*11* 50:*7*
timeframe 34:*15*
times 15:*10* 21:*15*
today 5:*25* 6:*4, 19* 40:*8* 48:*6, 12, 16, 19, 21* 49:*10*
today's 32:*20*
told 18:*17*
top 16:*16*
touched 42:*6*
training 24:*9, 13* 25:*1* 37:*8* 38:*3* 43:*15*
transaction 9:*24* 28:*18*
transcript 16:*25* 48:*18* 50:*9*
transmission 6:*20*
Tranter 35:*6*
trickles 14:*2*
true 50:*9*
truss 15:*14*
try 26:*3*
trying 9:*18*
turn 18:*22*
twenty 20:*11*
two 5:*4* 12:*1, 13* 15:*13* 18:*21* 23:*17* 34:*16* 36:*22* 44:*22* 47:*3*
types 14:*7*
Typically 33:*19* 34:*16* 35:*7*

< U >
ultimately 49:*8*
unaware 8:*5*
uncertified 42:*13*
underestimate 45:*13*
understand 21:*6* 25:*7* 38:*12, 15* 39:*2*
undertakes 42:*18*
unfortunate 21:*3*
unfortunately 20:*20*
Unger 33:*5*
unique 20:*15*
unit 21:*14, 16, 18* 22:*20* 30:*7, 8* 45:*18*
units 21:*12, 19, 20* 28:*23* 29:*2, 4* 30:*4, 11*
un-mute 20:*4* 40:*24*
unnecessary 46:*17*
unqualified 38:*9*
unresponsive 34:*18*
unsafe 37:*4, 13*
upper 29:*3, 4*
use 6:*5* 12:*6* 19:*23* 47:*6*

< V >
vacating 5:*17*
valid 42:*18*
valuable 32:*23*
value 41:*17*
VDH 18:*12, 16*
vent 15:*23*
verify 28:*4* 29:*17* 35:*3*
versus 32:*4*
vertically 15:*4*
view 10:*21* 21:*13* 40:*17*
violation 34:*25* 37:*9* 42:*20*
violations 34:*5* 36:*12, 14, 23, 25* 37:*1, 2, 6, 12, 13, 14, 18* 38:*11, 14* 44:*12*
VIRGINIA 1:*1, 14* 2:*8, 14* 4:*10, 15, 20* 14:*21* 18:*16* 20:*18, 19, 24* 21:*2* 22:*5, 7, 8* 23:*6* 28:*1* 32:*12*

38:*6*, *12* 43:*22* 45:*25* 46:*25* 47:*24* 50:*6*
VIRTUALLY 2:*10* 4:*12* 6:*4*, *9*, *21*
volume 36:*4*, *6*

< W >
waiting 27:*11*
walk 22:*3*
wall 5:*6*
want 9:*8* 13:*10* 14:*6*, *19*, *22* 27:*10* 28:*14*, *15* 30:*16* 34:*9* 40:*22* 42:*3* 43:*3* 48:*7*, *15*
wanted 12:*4* 28:*15* 42:*7* 47:*21*
wants 31:*1*
water 15:*7*
way 4:*12* 7:*23* 19:*2* 24:*18* 25:*10*, *20* 29:*21* 30:*9* 47:*23*
weigh 41:*13*
welcome 14:*17* 25:*22* 48:*22*
Well 13:*20* 19:*9* 20:*11*, *13* 22:*15* 25:*14* 31:*23* 42:*1* 43:*19* 49:*3*
went 38:*21*
we're 8:*25* 9:*6* 19:*6*, *20* 27:*11* 32:*24* 46:*16*
we've 27:*12* 44:*3* 47:*10*, *11* 48:*8*
wheel 43:*23* 44:*19*
willing 34:*18*
window 16:*3*, *15*
wish 5:*23*, *25* 6:*4*, *6* 7:*4*, *5* 19:*14*, *23*, *25* 47:*7*, *13*
wishes 6:*15* 19:*18* 47:*11* 48:*4*, *20*
witness 21:*24*
witnessed 20:*24* 21:*23*
Word 14:*14*
words 6:*25* 10:*23* 43:*18*
work 10:*15* 11:*18* 15:*8*, *15* 17:*15* 21:*2* 28:*13*, *17* 29:*9*, *10*, *11* 32:*5* 34:*21*, *22* 37:*5* 42:*13*, *18* 43:*10* 45:*25*
worked 24:*23* 48:*8*
working 40:*1*
workmanship 16:*9*
world 12:*14*
worldwide 8:*21*
wrap 37:*22* 48:*5*
write 18:*16*, *23* 24:*24*
writing 6:*14* 38:*14*
written 6:*16* 48:*13*, *21*
wrong 8:*11*

< Y >
years 7:*14* 12:*14* 20:*12* 27:*21* 34:*16*
yesterday 26:*10*

Excerpts from Presentations:
Effective Compliance/Enforcement Methods

Radon Regulatory Enforcement in Kansas

Mark Ungerer, *Kansas Depart of Health and Environment*

Radon Licensing Enforcement

Daniel Tranter, *Minnesota Department of Health*

NRPP Compliance Management

Amy Roedl, *National Radon Proficiency Program*



Radon Regulatory Enforcement in Kansas

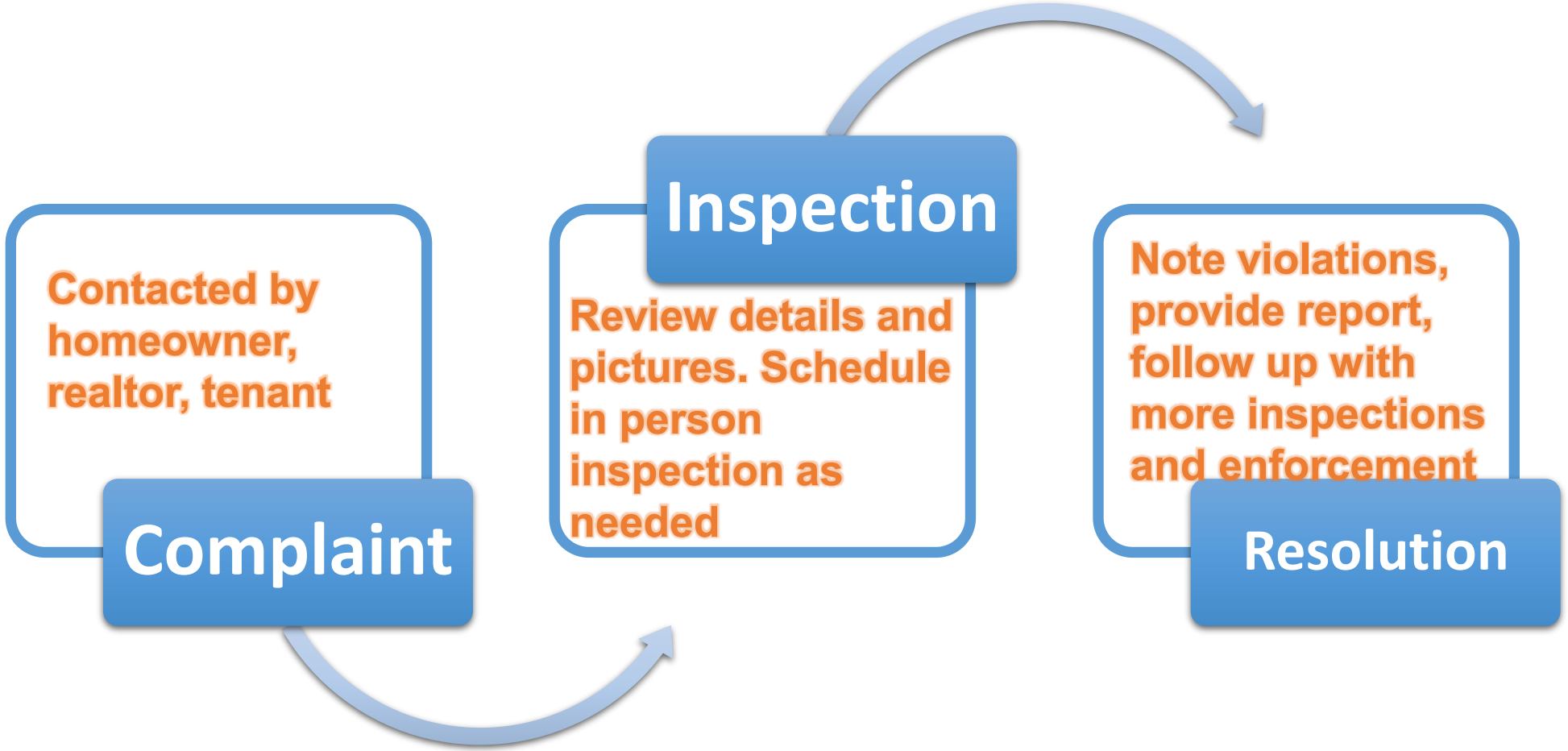
Mark Ungerer | September 16, 2024

Kansas Department of Health and Environment
Division of Public Health

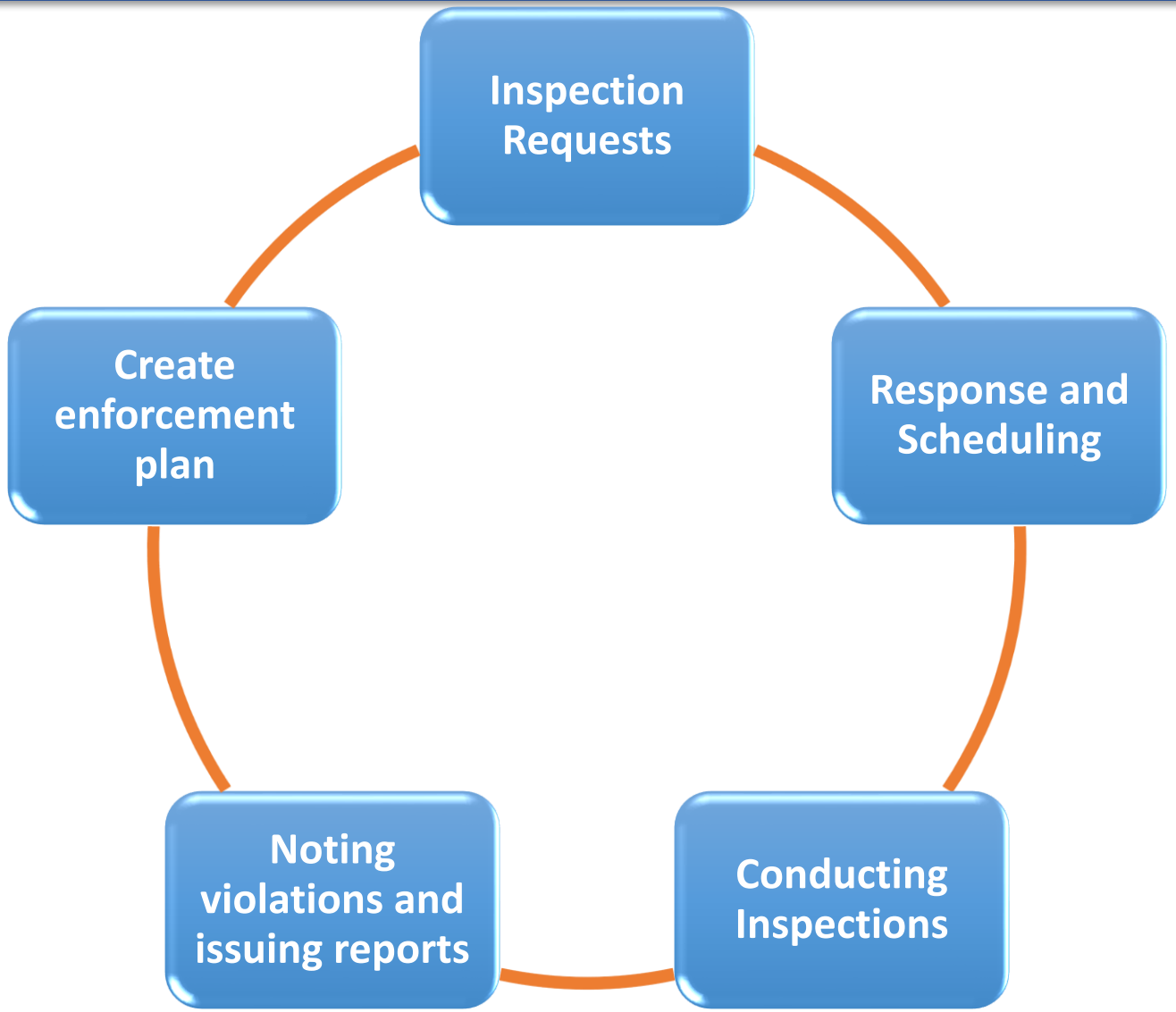
Radon Regulatory Enforcement in Kansas

What We Regulate		
Enforce Adopted Measurement and Mitigation Standards	Standards must be a dated version, no rolling adoption as standards are updated	Do NOT regulate RRNC – No state-wide building code in Kansas

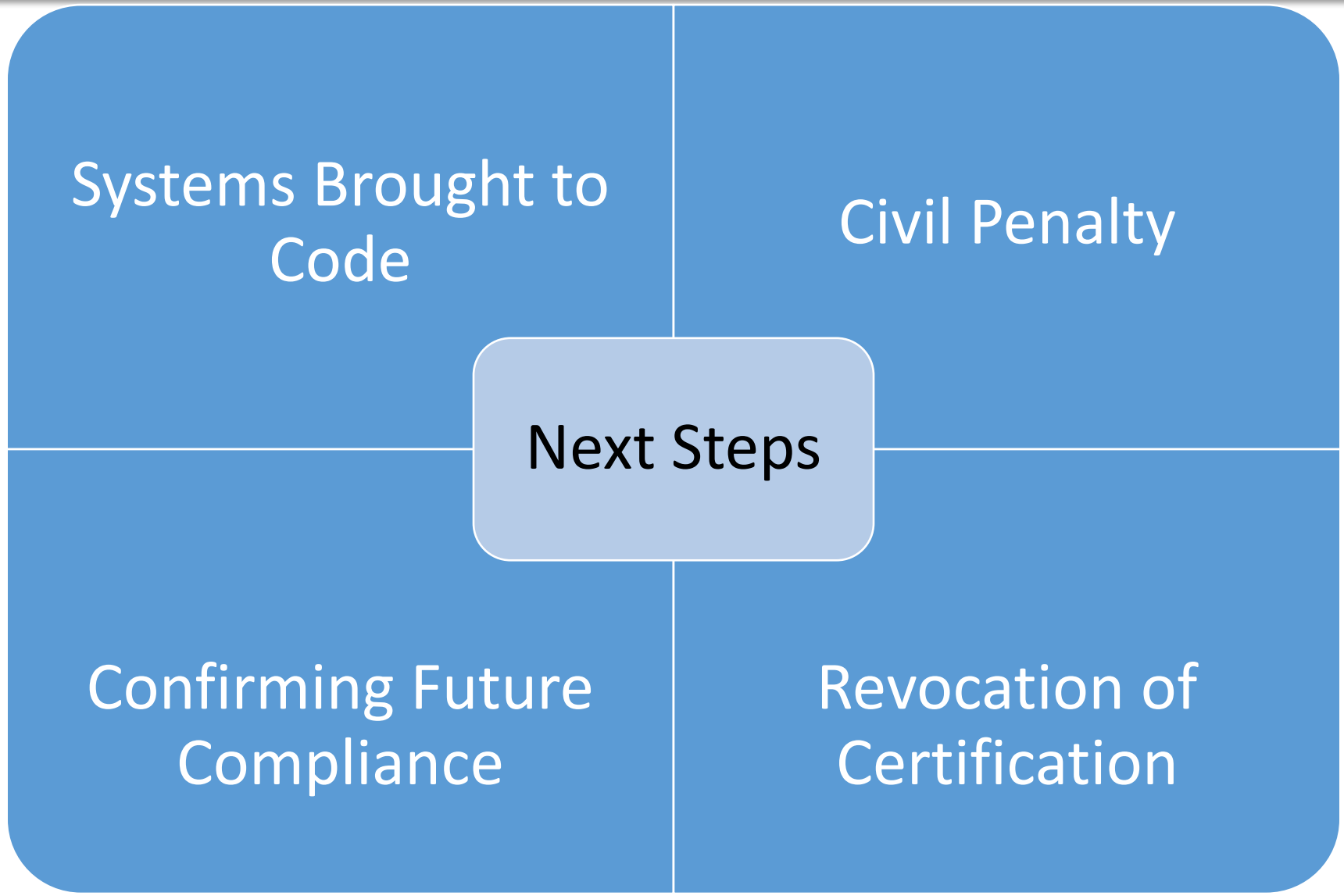
Radon Regulatory Enforcement in Kansas



Radon Regulatory Enforcement in Kansas



Radon Regulatory Enforcement in Kansas



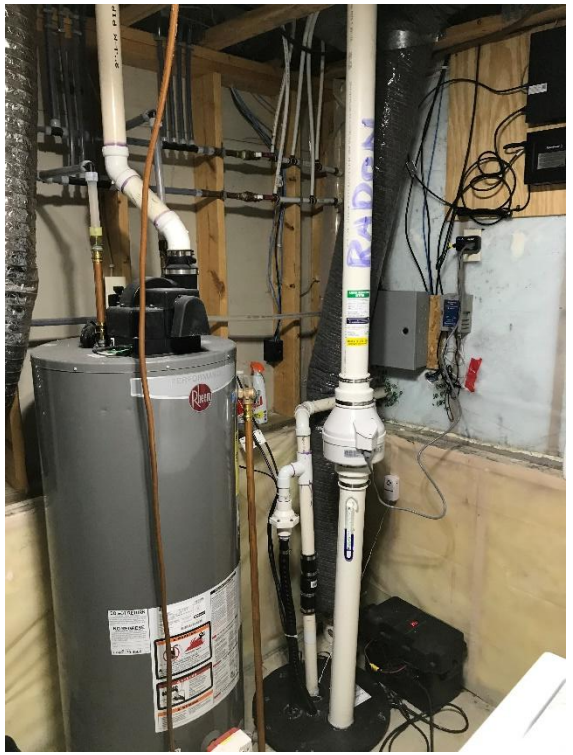
Minnesota Department of Health
Radon Licensing Enforcement

Daniel Tranter | Indoor Air Supervisor

Complaint Investigations

- Public calls/emails with specific concerns
- MDH opens cases
  - Inspect mitigation system
  - Audit measurement pro (or request information)
  - May send a ‘Request For Information’ letter
  - If sufficient evidence, initiate enforcement





MDH Initiated Investigations

- MDH staff finds possible radon work not in compliance (such as unlicensed person)
  - Company website promoting radon work
  - Social media, review sites
  - Federal government reports of testing (public records)
  - MN codes website: electrical permits
- Contact homeowner (to inspect) and/or contractor



Inspections and Enforcement (annual numbers)

Fed Year	Total Businesses Evaluated	Routine Measurement Pros Audited	Routine Mitigation Pros Inspected	Public Complaints	MDH Initiated Investigations	Enforcement Actions
21	307	151	81	19	56	96
22	307	83	120	12	92	164
23	260	128	68	25	39	194

Most Common Mitigation Violations

- Labeling (primary label, electrical disconnect, sump, pipe, membrane)
- Operation Maintenance Monitoring Plan
- Electrical permit (obtained, closed)
- Tags affixed, reporting to MDH
- Active notification monitor (‘alarm’)
- Water heater back drafting
- Sealing (floor-wall joint, sump cover)









Most Common Measurement Violations Examples

- Notification
  - Notify property owners, radon test in progress sign
- Testing
  - Duplicates every 10%, test each foundation type
- Timing
  - Closed house (delay test 12 hrs if building open), wait 24 hrs after mitigation, at least 46-hour test
- Test reports
  - Documenting conditions: ventilation, property vacant, deviations, weather
  - Standard ‘Advisories’ (actions if > 4 or <4)





Real Estate is Critical Sector to Support Licensure

- About half of all the MN testing and mitigation in homes is real estate
- Real estate agents help their clients:
  - Complete disclosure and notification (MN specific law)
  - Recommend testing
  - Pick licensed pros
  - Facilitate testing notification form reviewed and signed
  - Ensure closed house conditions
  - Suggest homeowner requests MDH inspection



MDH Real Estate Education

- Detailed MDH website: home buyers, sellers, agents
- Maintain 2-page real estate publication (MN law)
- Free continuing education (in-person, statewide)
- Partner with real estate offices (custom trainings)
- Direct mailer (34,000+)
- Social media
- Newsletter articles



Conclusions

- Radon licensing helps improve measurement and mitigation
  - Uncredentialed people became licensed, fewer violations, less significant problems
- Robust program (with fees/funding) needed:
  - staff, IT, legal, over-head, other costs
  - offer continuing education
  - routinely inspect and audit licensees
  - investigate complaints and initiate MDH investigations
  - conduct enforcement

NRPP Compliance Management

Complaints Against Certified Individuals

1. About the work: Violation of ANSI/AARST Standards
2. About conduct: Violation of NRPP Code of Ethics/Certification Terms Agreement

Classes of Violations:

A, B, C & D

Not responding or not cooperating = Class D

Goal: correction, education, prevention

Class A & Class B Violations

Class A: least severe, 1-2 smaller issues

Compliance Office action:

- Notice of requirement to resolve within 30 days
- Probation until resolved

Class B: multiple Class As, 3+ standards violated

Compliance Office action:

- Notice of requirement to resolve within 30 days
- Probation until resolved
- PLUS additional 4 CEs

Class A and Class B violations noted in certificant's NRPP account and state radon office is notified

Class C Violations

Class C: place the homeowner in short term imminent danger

Compliance Office action:

- Notice of requirement to immediately return and correct issue
- Action plan with deadlines; status reporting to Compliance Office
- Probation until resolved
- PLUS additional 4 CEs
- May be assessed a daily fine if deadlines not met
- May require third-party inspection, cost paid by certificant

Class C violations noted in certificant's NRPP account and state radon office is notified

Suspensions and revocations will be reported to the certificant's employer and state radon office and will be posted in their NRPP public profile.

Class D Violations

Class D: the most serious class of violations

Compliance Office action(s):

- Suspension of a single, related certification – length to be determined by Disciplinary Panel.
- Permanent revocation of a single, related certification.
- Suspension of all NRPP credentials - length to be determined by Disciplinary Panel.
- Permanent revocation of all NRPP credentials.
- Ban from becoming certified with NRPP - length to be determined by Disciplinary Panel.
- Ban from testing with NRPP - length to be determined by Disciplinary Panel.
- Invalidation of test scores and required retesting.
- Suspension or revocation of approved course, device, laboratory, or chamber.

The following will also occur with a substantiated Class D infraction:

- Posting of the infraction and discipline on the NRPP website
- Reporting of the violation and revocation to certificant's employer and state radon program.

Process

- Submit *Complaint Form* and supporting evidence
- Confidentiality
- Disciplinary Panel of NRPP's Certification Council
  - May request additional info from complainant
- Notifications
- Disciplinary Panel review & determination
- Discipline depends on class of violation
- ~ 30 days to complete

Appendix N

Potential Legislation

Potential Legislation

Virginia Consumer Protection Act (Chapter 17 of Title 39.1 of the Code of Virginia)

§ 59.1-200. (Effective October 1, 2026, until November 1, 2026) Prohibited practices.

A. The following fraudulent acts or practices committed by a supplier in connection with a consumer transaction are hereby declared unlawful:

…..

95. Violating any provision of § 32.1-229.01 of the Code of Virginia.

B. Nothing in this section shall be construed to invalidate or make unenforceable any contract or lease solely by reason of the failure of such contract or lease to comply with any other law of the Commonwealth or any federal statute or regulation, to the extent such other law, statute, or regulation provides that a violation of such law, statute, or regulation shall not invalidate or make unenforceable such contract or lease.

Department of Professional and Occupational Regulation

Board for Professional and Occupational Regulation

Guidance Document: Guidance on Deferred Disposition of Disciplinary Cases by DPOR Regulatory Boards

Adopted October 19, 2026

DRAFT

I. Background

During the 2026 General Assembly session, the General Assembly passed, and the Governor approved Chapter 772 of the 2026 Acts of Assembly. The legislation amended § 54.1-201 of the Code of Virginia, which provides for general powers and duties of regulatory boards within DPOR, including power to discipline regulants for violations of regulations. As amended, § 54.1-201(A)(7) provides "…[a] regulatory board may take a disciplinary case against a licensee under advisement, defer a finding in such case, and dismiss such action upon terms and conditions set by the Board for Professional and Occupational Regulation. Conditions of…dismissal may include the successful completion of remedial education or examination."

II. Issue

The legislation provides that the Board for Professional and Occupational Regulation ("the Board") must set the terms and conditions upon which a regulatory board may take disciplinary cases under advisement. In order for DPOR regulatory boards to comply with statute, the Board must provide for minimum guidance for the terms and conditions for regulatory boards to take cases under advisement as permitted by the statute.

III. Board Guidance

Before it may take a disciplinary case under advisement, a regulatory board must adopt a guidance document that is consistent the substance of the guidance adopted by the Board in this guidance document.

Procedural Requirements

1. Regulatory boards may consider a deferred disposition only in cases where there has been a completed informal fact-finding (IFF) proceeding or formal hearing under the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia) and a recommendation from the presiding officer to the regulatory board regarding the disposition of the charged violations against the regulant.
2. The regulatory board must, based on the agency record, make a finding as to whether the regulant has committed the violations charged and must determine the appropriate sanction. Prior to voting to impose any sanction and concluding the case, the regulatory board may elect to consider taking the case under advisement to defer a finding and dismiss the case. Staff on behalf of the regulatory board must provide information to the regulatory board regarding the regulant's prior history of complaints and regulatory discipline. As permitted under § 2.2-3711(A)(27) of the Code of Virginia, the regulatory board may deliberate such decision in closed session.
3. If the regulatory board decides to take a case under advisement, the regulatory board must clearly specify the finding to be deferred and any terms and conditions upon which the action will be dismissed. The regulant must (i) agree to such terms and conditions; (ii) agree to waive the regulant's right for a decision granted under § 2.2-4021(B) of the Code of Virginia; (iii) agree to waive the regulant's right to any additional proceeding under §§ 2.2-4019 and 2.2-4020 of the Code of Virginia related to the matter; and (iv) acknowledge that failure to comply with the terms and conditions will result in imposition of the sanction determined by the regulatory board to be appropriate to the violations. Any charged violation in the case for which the regulatory board has determined there is no violation may be closed with a finding of no violation. Such agreement must be executed in writing by the regulant and the secretary of the regulatory board, or designee of the secretary. If the regulant does not agree, then the regulatory board must impose a sanction for any violation that regulatory board found and conclude the case.
4. The regulatory board by vote must accept any agreement for deferred disposition. Upon agreement between the regulatory board and regulant for deferred disposition of a case, the regulatory board must notify the regulant of the next meeting of the regulatory board where the regulatory board will review the case to determine whether there is compliance with the terms and conditions of the deferred disposition.
5. Following adoption of an agreement for deferred disposition, staff on behalf of the regulatory board must monitor compliance with the terms and conditions of the deferred disposition. Prior to the scheduled regulatory board meeting where the case will be reviewed for compliance with the terms and conditions of the deferred disposition, staff will prepare a report for the regulatory board regarding the regulant's compliance with the terms and conditions. Staff will provide a copy of the

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report to the regulant along with timely notice of the regulatory board's intent to consider the report.

6. At the scheduled meeting of the regulatory board where the case will be reviewed for compliance with the terms and conditions of the deferred disposition, the regulant will be provided with an opportunity to respond to the staff report. The regulatory board will review the case and make a determination as to whether the regulant has complied with the terms and conditions of the deferred disposition. As permitted under § 2.2-3711(A)(27) of the Code of Virginia, the regulatory board may deliberate such decision in closed session.
7. If the regulatory board determines that the regulant has complied with the terms and conditions of the deferred disposition, the regulatory board must by vote dismiss the action. If the regulatory board determines the regulant did not comply with the terms and conditions of the deferred disposition, then the regulatory board must impose a sanction for any violation that regulatory board had found and conclude the case.
8. Any action dismissed by a regulatory board as a result of deferred disposition is to be administratively closed with no further action.

<u>Guidelines for Eligibility for Deferred Disposition</u>

1. The regulatory board must establish parameters, based on pertinent statute or regulation, of the types of cases eligible for deferred disposition.
    a. Consideration should be given to cases involving statutory or regulatory violations where:
        i. The violations were solely technical and there was no or minimal public harm;
        ii. The violations involved a reportable criminal conviction or regulatory discipline where the regulant appropriately self-reported the adverse action and the circumstances of the adverse action do not indicate the regulant is unfit or unsuited to continue engaging in the occupation;
        iii. The circumstances of the violations indicate there was no material impact to a transaction and the level of public harm was low. This may include violations that were incidental to the complaint made to the regulatory board; or
        iv. The regulant has, to the satisfaction of the regulatory board, remediated any public harm resulting from the violations and the circumstances of the violations do not indicate the regulant is unfit or unsuited to continue engaging in the occupation.
2. Cases involving a regulant who has been previously disciplined by the regulatory board for the same statutory or regulatory violation, or for a substantially similar violation, are not appropriate for deferred disposition.
3. Cases involving a regulant who, in the determination of the regulatory

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board, has a significant history of discipline before the regulatory board or significant history of substantiated complaints made to the regulatory board are not appropriate for deferred disposition. For the purposes of this section, substantiated complaint means cases that were closed by the agency for reasons other than insufficient evidence or lack of jurisdiction.

4. Cases involving a regulant who previously failed to comply with the terms and conditions of a deferred disposition agreement with the regulatory board are not appropriate for deferred disposition.

<u>Guidelines for Terms and Conditions of Deferred Disposition</u>

1. The regulatory board must establish terms and conditions for deferred disposition that are appropriate to address the level of public harm resulting from the statutory or regulatory violations in the case and facilitate compliance by the regulant in the future.
    a. Consideration should be given to the following remedial actions:
        i. Completion of remedial or continuing education or additional training appropriate to the violations in the case;
        ii. Mandatory reporting to the regulatory board to include any pertinent information required by the regulatory board;
        iii. Restitution to, or other remedial action for, a harmed consumer; or
        iv. Requirement for the regulant to re-take and pass a qualifying or other examination related to the credential held by the regulant.
2. Terms and conditions for deferred disposition must provide that if the regulant fails to comply with the terms and conditions of the deferred disposition, then the sanction determined previously by the regulatory board as appropriate to the violations will be imposed.
3. Terms and conditions for deferred disposition that are contingent upon action of a third party, such as a complainant, are not appropriate for deferred disposition.
4. Terms and conditions for deferred disposition must include a compliance period that in the determination of the regulatory board is sufficient for the regulant to satisfy any remedial requirements, but not more than 12 months from the date of the agreement for deferred disposition.

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CHAPTER 772

An Act to amend and reenact §§ 54.1-201, 54.1-516, 54.1-602, 54.1-902, 54.1-1110, 54.1-1134, 54.1-2208.4, and 54.1-2314 of the Code of Virginia, relating to professions and occupations; powers and duties of regulatory boards; disciplinary action; dismissal.

[H 1305]

Approved April 13, 2026

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-201, 54.1-516, 54.1-602, 54.1-902, 54.1-1110, 54.1-1134, 54.1-2208.4, and 54.1-2314 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-201. Powers and duties of regulatory boards.

A. The powers and duties of regulatory boards shall be as follows:

1. To establish the qualifications of applicants for certification or licensure by any such *regulatory* board, provided that all qualifications shall be necessary to ensure either competence or integrity to engage in such profession or occupation.

2. To examine, or cause to be examined, the qualifications of each applicant for certification or licensure within its particular regulatory system, including when necessary the preparation, administration, and grading of examinations.

3. To certify or license qualified applicants as practitioners of the particular profession or occupation regulated by such *regulatory* board.

4. To levy and collect fees for certification or licensure and renewal that are sufficient to cover all expenses for the administration and operation of the regulatory board and a proportionate share of the expenses of the Department of Professional and Occupational Regulation and the Board for Professional and Occupational Regulation.

5. To promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) necessary to assure continued competency, to prevent deceptive or misleading practices by practitioners, and to effectively administer the regulatory system administered by the regulatory board. The regulations shall not be in conflict with the purposes and intent of this chapter or of Chapters 1 (§ 54.1-100 et seq.) and 3 (§ 54.1-300 et seq.).

6. To ensure that inspections are conducted relating to the practice of each practitioner certified or licensed by the regulatory board to ensure that the practitioner is conducting his practice in a competent manner and within the lawful regulations promulgated by the *regulatory* board.

7. To place a regulant on probation or revoke, suspend, or fail to renew a certificate or license for just causes as enumerated in regulations of the *regulatory* board. *A regulatory board may take a disciplinary case against a licensee under advisement, defer a finding in such case, and dismiss such action upon terms and conditions set by the Board for Professional and Occupational Regulation.* Conditions of probation *or dismissal* may include~~, but not be limited to~~ the successful completion of remedial education or examination.

8. To receive complaints concerning the conduct of any regulant and to take appropriate disciplinary action if warranted.

9. To provide a regulant subject to a disciplinary action with a notice advising the regulant of his right to be heard at an informal fact-finding conference pursuant to § 2.2-4019 of the Administrative Process Act *(§2.2-4000 et seq.)*. The notice shall state that if the regulant does not request an informal fact-finding conference within 30 days of receipt of the notice, the *regulatory* board may issue a case decision as defined in § 2.2-4001, with judicial review of the case decision in accordance with § 2.2-4026. If the regulant asserts his right to be heard prior to the *regulatory* board issuing its case decision, the *regulatory* board shall remand the case to an informal fact-finding conference. The notice required by this subdivision shall be sent in a manner that allows for confirmation of delivery or, if agreed to by the parties, through electronic means, provided that the *regulatory* board retains sufficient proof of the electronic delivery, which may be an electronic receipt of delivery, a confirmation that the notice was sent by facsimile, or a certificate of service prepared by the sender confirming the electronic delivery.

10. To promulgate canons of ethics under which the professional activities of regulants shall be conducted.

B. A regulant shall furnish, upon the request of a person to whom the regulant is providing or offering to provide service, satisfactory proof that the regulant (i) is duly licensed, certified, or registered under this subtitle and (ii) has obtained any required bond or insurance to engage in his profession or occupation.

C. As used in this section, "regulant" means any person, firm, corporation, association, partnership, joint venture, or any other legal entity required by this subtitle to be licensed, certified, or registered.

§ 54.1-516. Disciplinary actions.

A. ~~The~~ *In addition to the applicable provisions of §§ 54.1-201 and 54.1-202, the* Board may reprimand, fine, suspend or revoke (i) the license of a lead contractor, lead inspector, lead risk assessor, lead project designer, lead supervisor, lead worker, asbestos contractor, asbestos supervisor, asbestos inspector, asbestos analytical laboratory, asbestos management planner, asbestos project designer, asbestos project monitor, asbestos worker, or home inspector or (ii) the approval of an accredited asbestos training program, accredited lead training program, training manager or principal instructor, if the licensee or approved person or program:

1. Fraudulently or deceptively obtains or attempts to obtain a license or approval;

2. Fails at any time to meet the qualifications for a license or approval or to comply with the requirements of this chapter or any regulation adopted by the Board; or

3. Fails to meet any applicable federal or state standard when performing an asbestos project or service or performing lead-based paint activities.

B. ~~The~~ *In addition to the applicable provisions of §§ 54.1-201 and 54.1-202, the* Board may reprimand, fine, suspend or revoke the license of (i) any asbestos contractor who employs or permits an individual without an asbestos supervisor's or worker's license to work on an asbestos project or (ii) any lead contractor who employs or permits an individual without a lead supervisor's or lead worker's license to work on a lead abatement project.

C. ~~The~~ *In addition to the applicable provisions of §§ 54.1-201 and 54.1-202, the* Board may reprimand, fine, suspend or revoke the license of a home inspector.

§ 54.1-602. Auctioneers Board; membership, meetings and powers.

A. The Auctioneers Board shall be composed of five members as follows: three shall be Virginia licensed auctioneers and two shall be citizen members. Board members shall serve four-year terms.

The Board shall meet at least once each year for the purpose of transacting business. Special meetings of the Board may be held at the discretion of the Director.

B. ~~The~~ *In addition to the applicable provisions of §§ 54.1-201 and 54.1-202, the* Board shall have the following authority and responsibilities:

1. Establish regulations to obtain and retain licensure of auctioneers.

2. Make all case decisions regarding eligibility for initial licensure and renewal thereof.

3. To fine, suspend, deny renewal or revoke for cause, as defined in regulation, any license.

4. To examine auctioneers for licensure.

§ 54.1-902. Regulations; suspension or revocation of license; penalty for violation.

A. ~~The~~ *In addition to the applicable provisions of §§ 54.1-201 and 54.1-202, the* Board is authorized to promulgate regulations necessary for the proper government and regulation of pilots and to prescribe penalties for the violation of regulations in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.). Regulations may include the right to suspend or revoke the branch of any pilot. Such suspension or revocation may be in addition to any other penalty imposed by law for the violation.

Reasonable notice and an opportunity to be heard in accordance with the Administrative Process Act shall be given before the Board shall take any action to revoke or suspend the license of any licensee.

B. The Board may suspend a license of any person without a hearing, simultaneously with the institution of proceedings for a hearing, if it finds that there is substantial danger to the public health or safety which warrants such action. The Board may meet by telephone conference call when summarily suspending a license, if a good faith effort to assemble a quorum of the Board has failed and in the judgment of a majority of the members of the Board, the continued practice of the licensee constitutes a substantial danger to the public health or safety. Institution of proceeding for a hearing shall be provided simultaneously with the summary suspension. The hearing shall be scheduled within a reasonable time of the date of the summary suspension.

C. Before any penalty for violation of the regulations may be imposed, a printed copy of the regulations shall be furnished to each pilot.

§ 54.1-1110. Grounds for denial or revocation of license or certificate.

~~The~~ *In addition to the applicable provisions of §§ 54.1-201 and 54.1-202, the* Board shall have the power to require remedial education, suspend, revoke, or deny renewal of the license or certificate of any contractor who is found to be in violation of the statutes or regulations governing the practice of licensed or certified contractors in the Commonwealth.

The Board may suspend, revoke, or deny renewal of an existing license or certificate, or refuse to issue a license or certificate, to any contractor who is shown to have a substantial identity of interest with a contractor whose license or certificate has been revoked or not renewed by the Board. A substantial identity of interest includes but is not limited to (i) a controlling financial interest by the individual or corporate principals of the contractor whose license or certificate has been revoked or nonrenewed, (ii) substantially identical principals or officers, or (iii) the same designated employee as the contractor whose license or certificate has been revoked or not renewed by the Board.

Additionally, the Board may suspend, revoke or deny renewal of an existing license or certificate, or refuse to issue a license or certificate to any contractor who violates the provisions of Chapter 5 (§ 60.2-500 et seq.) of Title 60.2 and Chapter 8 (§ 65.2-800 et seq.) of Title 65.2.

Any person whose license is suspended or revoked by the Board shall not be eligible for a license or certificate under any circumstances or under any name, except as provided by regulations of the Board pursuant to § 54.1-1102.

§ 54.1-1134. Grounds for denial or revocation of certification or license; reports of building officials and others.

~~The~~ *In addition to the applicable provisions of §§ 54.1-201 and 54.1-202, the* Board shall have the power to require remedial education and to suspend, revoke, or deny renewal of the certification or license of any individual who is found to be in violation of the statutes or regulations governing the practice of licensed tradesmen, liquefied petroleum gas fitters or natural gas fitter providers, or certified backflow prevention device workers in the Commonwealth.

Any building official who finds that an individual is practicing as a tradesman, elevator mechanic, liquefied petroleum gas fitter or natural gas fitter provider without a license as required by this article shall file a report to such effect with the Board. Any water purveyor or building official who finds that an individual is practicing as a backflow prevention device worker without a certificate, if a certificate is required by the locality in which an individual is engaging in backflow prevention device worker activities, shall file a report to such effect with the Board.

Any building official who has reason to believe that (i) a tradesman, liquefied petroleum gas fitter or natural gas fitter provider is performing incompetently as demonstrated by an egregious or repeated violation of the Uniform Statewide Building Code (§ 36-97 et seq.) or (ii) a certified backflow prevention device worker is performing incompetently as demonstrated by an egregious or repeated violation of the standards adopted by the American Society of Sanitary Engineering referenced in the plumbing code adopted by the Virginia Uniform Statewide Building Code shall file a report to such effect with the Board. Any water purveyor who has reason to believe that a certified backflow prevention device worker is performing incompetently as demonstrated by an egregious or repeated violation of the standards adopted by the American Society of Sanitary Engineering referenced in the plumbing code adopted by the Virginia Uniform Statewide Building Code shall file a report to such effect with the Board and local building official.

§ 54.1-2208.4. Professional ethics and conduct.

A. The Board, in coordination with an ad hoc panel of licensed professional geologists convened by the Board and representing various geological interests in Virginia, shall have prepared and adopted a Code of Professional Ethics and Conduct that shall be published and made known in writing to every Virginia licensed professional geologist and applicant for licensure under this article. The Board may revise and amend this code as needed and shall forthwith notify each licensed professional geologist in writing of such revisions or amendments.

B. ~~The full~~ *In addition to the applicable provisions of §§ 54.1-201 and 54.1-202, the* Board, by majority vote, shall have the power to suspend, revoke, or refuse to renew the license of any professional geologist who, after an appropriate formal hearing, is found to have been involved in:

1. Any fraud or deceit in obtaining licensure;

2. Any violation of the Code of Professional Ethics and Conduct or other regulations of the Board;

3. Demonstrated gross negligence, incompetence, or misconduct in the practice of geology as a professional geologist; or

4. Any conviction of a felony which, in the opinion of the Board, would adversely affect the practice of geology.

C. The Board, by majority vote of the quorum, may reinstate a revoked or suspended license to any professional geologist who makes written application to the Board showing good cause for such action.

§ 54.1-2314. Refusal, suspension, or revocation of license or registration.

~~The~~ *In addition to the applicable provisions of §§ 54.1-201 and 54.1-202, the* Board may refuse to license or register any applicant, suspend a license or registration for a stated period or indefinitely, revoke any license or registration, censure or reprimand any person licensed or registered by the Board or place such person on probation for such time as it may designate for any of the following causes related to the sale or offering to the public of cemetery vaults, grave liners, urns, memorials, markers, or monuments:

1. Conviction of any felony or any crime involving moral turpitude;

2. Unprofessional conduct which is likely to defraud or to deceive the public or clients;

3. Misrepresentation or fraud in the conduct of the cemetery company or its sales personnel, or in obtaining or renewing a license or registration;

4. False or misleading advertising;

5. Solicitation in violation of subsection B of § 54.1-2327;

6. Direct or indirect payment or offer of payment of a commission to others by the licensee, his sales representatives, agents, or employees for the purpose of securing business;

7. Use of alcohol or drugs to the extent that such use renders him unsafe to practice his licensed or registered activity;

8. Aiding or abetting an unlicensed person to engage in the business of a cemetery company;

9. Using profane, indecent or obscene language within the immediate hearing of the family or relatives of

a deceased, whose body has been interred or otherwise disposed of;

10. Violation of any statute, ordinance, or regulation affecting the handling, custody, care or transportation of dead human bodies;

11. Failure to comply with subsection A of § 54.1-2327 and to keep on file an itemized statement of all retail prices and fees charged related to the sale of property or services as required by Board regulations and this chapter;

12. Charging third-party handling fees, which shall not include installation fees; and

13. Refusing to honor the transfer of preneed contract arrangements to another party. However the licensee shall not be responsible for paying additional costs associated with any actual transfer.

To: APELSCIDLA Board

From: Kate Nosbisch, Executive Director

Subject: Executive Director Update

Date: July 1, 2026

Data for the last five years of the Board's activities has been provided.

Application Statistics

The table below provides the number of applications approved for the APELSCIDLA Board per calendar year (January 1 – December 31) since 2021.

Applications Approved						
Year	2026*	2025	2024	2023	2022	2021
App Numbers	1,921	3,445	3,953	3,631	3,353	3,540

*As of 7/1/2026, Includes SIT, EIT, and Exam Eligible Applicants

Applications Approved by Profession 2026*										
Profession	Arch	PE	LS	LS-B	SP	CID	LA	Main Offices	EIT	SIT
App Numbers	238	995	26	2	1	14	33	194	385	19

*As of 7/1/2026

Applications Approved by ULR*	
Profession	CID
App Numbers	14

*As of 07/1/2026

Call Center Statistics

**** The Call Center Statistics consists of APELSCIDLA, PSSWPG, Auctioneers, and Branch Pilots**

The Board's call center answered a total of **5,901** phone calls between January 1, 2026, to June 30, 2026.

**Reduced call center hours began April 16, 2025, with the call center opening at 8:30 am and closing at 5:00 pm, Monday, Tuesday, Thursday, and Friday. Wednesdays the call center opens from 12:00 pm to 2:00 pm. The reduction in call center hours allows our staff to process applications more effectively. On June 24, 2025, call center hours on Tuesdays and Wednesdays open from 12:00 pm to 2:00 pm. Abandoned calls reflect calls that came in outside of the reduced call center hours.

Email Statistics

The table below outlines the number of emails received through the Board's email address per calendar year (Jan 1-Dec 31)

Email Count						
Year	2026*	2025	2024	2023	2022	2021
# of Emails	17,311	34,830	28,364	24,429	16,318	15,317

*As of 7/1/2026

Board Case Statistics

Case Statistics						
Year	2026*	2025	2024	2023	2022	2021
# of Cases	5	2	9	3	3	9

*As of 7/1/2026 (Disciplinary Actions)

Case Statistics by Profession 2020-2026						
Profession	Arch	PE	LS	CID	LA	Businesses
App Numbers	5	24	7	0	0	2

*As of **January 1, 2020** until July 1, 2026

Since 2018, The Board has adjudicated 131 cases: 51 Disciplinary and 80 Licensing.

Disciplinary	
Cases	51
Final Orders	16
Consent Orders	35
Revocations	12
Suspensions	1

*As of 7/1/2026

Stakeholder Engagement & Outreach

N/A

Department of Professional and Occupational Regulation

TO: Board for Barbers and Cosmetology

FROM: Ashley Reed, Executive Director

SUBJECT: Executive Director Update

DATE: July 19, 2026

Application Statistics

The table below outlines the number of various application types opened per calendar year (Jan. 1 – Dec. 31) since 2019 for Barbers and Cosmetology.

2026[1]	2025	2024	2023	2022	2021	2020	2019
15,970	68,126	60,763	60,137	60,163	58,994	50,949	58,080

Call Center Telephone Statistics

The table below outlines the number of telephone calls received through BCHOP's call center per fiscal year (July 1 – June 30).

2026[2]	2025	2024	2023	2022	2021	2020
43,493	31,750	19,778	33,894	43,063	36,074	41,837

[1] As of 07/08/2026

[2] As of 06/30/2026

Call Center Summary June 1-30, 2026

	Average Wait Time	Average Speed of Answer	Average Abandonment Time	Average Staff	Number of Calls	Call Duration
BCHOP	00:00:00	00:00:00	00:00:00	1.53	807	
BCHOP-B	00:01:18	00:01:29	00:03:06	1.53	3238	
SUMMARY/TOTAL	00:01:18	00:01:29	00:03:06	3.07	4045	00:05:49

Call Center Summary May 1-31, 2026

	Average Wait Time	Average Speed of Answer	Average Abandonment Time	Average Staff	Number of Calls	Call Duration
BCHOP	00:00:00	00:00:00	00:01:44	2.43	673	
BCHOP-B	00:01:20	00:01:31	00:03:16	2.43	3285	
SUMMARY/TOTAL	00:01:20	00:01:31	00:03:13	4.86	3958	00:05:38

Email Statistics

The table below outlines the number of emails received through BCHOP's email addresses per calendar year (Jan 1 – Dec 31) since 2019 for Barbers and Cosmetology.

2026	2025	2024	2023	2022	2021	2020	2019
16,638[3]	26,485	21,319	22,638	28,441	18,164	14,580	11,071

[3] As of 07/08/2026

Board Case Statistics

Since 2020, the Board has adjudicated 572 cases: 384 Disciplinary and 188 Licensing

Disciplinary

Cases - 384: Final Orders - 262; Consent Orders – 122

384 disciplinary cases resulted in the sanctions below:

- Revocations - 36
- Suspensions - 1
- Probation - 6
- Fines - $1,410,000
- Board cost - $21,050

Licensing

- Cases – 188
- Denied – 25
- Conditional approvals – 1

Department of Professional and Occupational Regulation

TO: Board for Contractors

FROM: Jeannette Galanis, Executive Director

SUBJECT: Executive Director Update

DATE: August 25, 2026

Application Statistics

The table below outlines the number of applications received per calendar year (Jan. 1 – Dec. 31) since 2002.

As of July 31, 2026, the Board has received 7,761 (4,795 contractor, 2,966 individual) applications, for the 2026 calendar year. During the 2025 calendar year, the Board received 13,116 (8,041 contractor, 5,075 individual) applications.

2026*	2025	2024	2023	2022	2021	2020	2019	2018	2017
7,761	13,116	12,944	10,939	9,499	9,273	8,112	8,833	8,661	8,216

*As of 07/31/2026

2016	2015	2014	2013	2012	2011	2010	2009	2008	2007
7,585	7,405	7,527	7,750	11,071	10,776	10,531	11,484	12,349	12,663

2006	2005	2004	2003	2002
12,726	14,350	12,707	10,655	9,839

Below is a breakdown of the 7.761 applications received during the 2026 calendar year.

Initial Class A	851		Initial Residential Tradesman – Exam eligibility	28
Temp. Class A	12		Initial Residential Tradesman - Reciprocity	13
Expedite Class A	776		Initial Tradesman – Exam eligibility	1232
Initial Class B	302		Initial Tradesman – Reciprocity	483
Temp. Class B	2		Initial Tradesman – Apprentice/Exam Waiver	403
Initial Class C	1183		Initial Tradesman - Swap	3
Temp Class C	3		Add Specialty Tradesman	60
Upgrade to Class A	218		Upgrade Tradesman	268
Upgrade to Class B	63		Initial Temporary Elevator Mechanic	13
Downgrade to Class B	0		Initial Backflow – Exam, Reciprocity, Swap	268
Downgrade to Class C	2		Initial Elevator	84
Add Specialty	576		Initial Water Well	36
Change RM	204		Upgrade Water Well	6
Change QI	403		Initial Accessibility	13
Change DE	199		Add LULA to Accessibility – Exam, Waiver	3
RBEA Firm	1		Initial RBEA Individual	3
RBEA Change RM	0		Initial Fire Sprinkler	50
RBEA Change QI	0			
TOTAL Contractor	4,795		**TOTAL Individual**	2,966

Below is a breakdown of the 13,116 applications received during the 2025 calendar year.

Initial Class A	1,622		Initial Residential Tradesman – Exam eligibility	32
Temp. Class A	49		Initial Residential Tradesman - Reciprocity	2
Expedite Class A	976		Initial Tradesman – Exam eligibility	2,051
Initial Class B	543		Initial Tradesman – Reciprocity	804
Temp. Class B	10		Initial Tradesman – Apprentice/Exam Waiver	668
Initial Class C	1,675		Initial Tradesman - Swap	4
Temp Class C	6		Add Specialty Tradesman	161
Upgrade to Class A	393		Upgrade Tradesman	691
Upgrade to Class B	113		Initial Temporary Elevator Mechanic	13
Downgrade to Class B	1		Initial Backflow – Exam, Reciprocity, Swap	293
Downgrade to Class C	2		Initial Elevator	205
Add Specialty	1,035		Initial Water Well	47
Change RM	630		Upgrade Water Well	5
Change QI	626		Initial Accessibility	18
Change DE	350		Initial RBEA Individual	16
RBEA Firm	8		Initial Fire Sprinkler	65
RBEA Change RM	2			
RBEA Change QI	0			
TOTAL Contractor	8,041		**TOTAL Individual**	5,075

Call Center Telephone Statistics

The table below outlines the number of telephone calls received through the Board's call center January 1, 2026 through July 31, 2026.

2026*	2025	2024	2023	2022	2021	2020	2019	2018	*2017
83,711	81,624	88,698	75,846	63,743	66,384	65,965	72,354	85,354	105,280

*As of 1/01/2026 – 06/03/2026 *Average

2016	2015	2014	2013
91,123	86,237	87,482	105,409

Temporary Call Center Hours: Monday through Friday, 8:30 a.m. to 5:00 p.m., except Tuesday and Wednesday. On Tuesday and Wednesday, Call Center hours are limited to 12:00 p.m. to 2:00 p.m. to provide staff with additional time to review and process applications.

Email Statistics

The table below outlines the number of emails received through the Board's email address per calendar year (Jan 1 – Dec 31).

2026	2025	2024	2023	2022	2021	2020	2019	2018	2017	2016
30,856	33,867	32,058	28,119	19,820	18,843	15,678	13,974	14,660	11,314	10,001

*As of 5/25/2026

2015	2014	2013
8,644	7,003	6,037

Licensing Statistics

As of April 1, 2026, the Board for Contractors has a regulant population of 89,004.

DPOR's total regulant population is 325,982.

2026 Board Licensing Statistics

	1/1/2026	2/1/2026	3/1/2026	4/1/2026	5/1/2026	6/1/2026
Temporary Contractor	1	1	1	4	2	1
Class A contractors	34,360	34,365	34,399	34,461	34,428	34,392
Class B Contractors	8,754	8,752	8,740	8,725	8,687	8,638
Class C Contractors	11,642	11,636	11,600	11,571	11,501	11,446
RBEA Firms	54	53	54	53	52	50
Residential Tradesman	5	6	8	9	10	10
Individual Tradesman	29,880	29,905	30,056	30,226	30,178	30,305
Backflow Prevention Device Worker	2,010	2,013	2,014	2,028	2,029	2,036
Temporary Elevator Mechanic	5	5	7	8	6	6
Elevator Mechanic	1,022	1,032	1,024	1,033	1,027	1,029
Water Well Systems Provider	402	402	401	404	405	405
Accessibility Mechanic	30	31	33	33	33	34
RBEA Individual	94	93	95	89	86	83
Automatic Fire Sprinkler Inspectors	363	356	363	360	368	355
Total Regulants	88,622	88,650	89,795	89,004	88,812	88,310

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	7/1/2026	8/1/2026				
Temporary Contractor	1	2				
Class A contractors	34,367	34,422				
Class B Contractors	8,591	8,536				
Class C Contractors	11,433	11,426				
RBEA Firms	50	49				
Residential Tradesman	12	13				
Individual Tradesman	30,497	30,468				
Backflow Prevention Device Worker	2,039	2,049				
Temporary Elevator Mechanic	5	6				
Elevator Mechanic	1,026	1,027				
Water Well Systems Provider	401	403				
Accessibility Mechanic	34	33				
RBEA Individual	80	80				
Automatic Fire Sprinkler Inspectors	356	345				
Total Regulants	88,892	88,859				

2024 Board Licensing Statistics

	1/1/2024	4/1/2024	7/1/2024	10/1/2024
Class A contractors	32,562	32,968	33,340	33,545
Class B Contractors	9,358	9,319	9,236	9,121
Class C Contractors	12,292	12,339	12,121	11,993
RBEA Firms	59	59	59	56
Individual Tradesman	28,062	28,783	29,284	29,854
Backflow Prevention Device Worker	1,732	1,808	1,859	1,895
Elevator Mechanic	929	980	980	1,003
Water Well Systems Provider	388	395	395	400
Accessibility Mechanic	25	25	28	28
RBEA Individual	86	92	93	92
Automatic Fire Sprinkler Inspectors	297	332	355	363
Total Regulants	85,790	87,100	87,750	88,350

2025 Board Licensing Statistics

	1/1/2025	4/1/2025	7/1/2025	10/1/2025
Temporary Contractor	5	4	9	4
Class A contractors	33,798	34,110	34,186	34,299
Class B Contractors	9,051	9,053	8,951	8,852
Class C Contractors	11,916	11,944	11,820	11,734
RBEA Firms	56	60	60	57
Residential Tradesman	0	0	0	5
Individual Tradesman	30,135	30,051	29,672	29,761
Backflow Prevention Device Worker	1,929	1,978	2,002	1,993
Elevator Mechanic	1,028	1,041	1,014	1,008
Water Well Systems Provider	406	406	409	409
Accessibility Mechanic	27	27	25	30
RBEA Individual	100	105	108	95
Automatic Fire Sprinkler Inspectors	366	367	372	369
Total Regulants	88,817	89,146	88,628	88,616

Universal Licensing Recognition Statistics as of July 31, 2026

Tradesman – 566
Backflow Prevention Device Worker - 25
Certified Water Well Systems Provider - 20
Certified Elevator Mechanic - 6
Certified Accessibility Mechanic – 2

Contractors has issued a total of 619 licenses through ULR as of July 31, 2026.

Remedial Education

Remedial Education continues to be well received by participants. Outlined below are the number of participants in each monthly class. *Board staff continue to research the possibility of holding Remedial Education every other month, providing each individual two opportunities to attend.

2026 - Month	Number of Attendees
January 22, 2026	13
March 12, 2026	18
April 16, 2026	30
May 21, 2026	14
July 30, 2026	22
August 13, 2026	9
October 1, 2026	
November 19, 2026	

Year	Number of Attendees
2026*	106
2025	216
2024	203
2023	259
2022	250

*As of August 2026

Stakeholder Engagement & Out of Office Events

During the 2026 calendar year, Board staff has the opportunity to engage with various stakeholders and participate in out-of-office events that include consumer outreach, conferences, and course instruction. Below is a snapshot of our engagements throughout the year.

January 2026
1. No out-of-office events

February 2026
1. February 18-19 – VA Water Well Association Conference
2. February 20 – Hopewell Subpoena

March 2026
1. March 2-6 – NASCLA Mid-year meeting & Annual Mission
2. March 11 – DHCD Permit Technician Course – Fairfax County
3. March 18 – Norfolk Housing Infrastructure Symposium
4. March 24 – Dinwiddie County Subpoena

April 2026
1. No out-of-office events scheduled

May 2026
1. May 5-7 – NASCLA Budget Meeting

June 2026
1. June 16 – VBCOA Region VI Meeting – Meeting canceled
2. June 24 – DHCD Permit Technician Course – Christiansburg

July 2026
1. July 28 – GMU Town Hall

August 2026
1. No out-of-office events scheduled

September 2026
1. September 14 – 17 – NASCLA Conference

2. September 23 – DHCD Permit Technician Course – Richmond

October 2026

1. October 15 - VBCOA Region VI Meeting

November 2026

1. No out-of-office events scheduled

December 2026

1. December 1 – 4 – NASCLA Strategic Planning