

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.

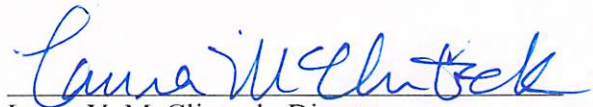
Public Comment Period

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

1 COMMONWEALTH OF VIRGINIA
2 DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

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4 BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION

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7 IN RE: PUBLIC HEARING
8 (Conducted In Person and Remotely)

9 HEARD BEFORE: JOSEPH HAUGHWOUT

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11
12 July 15, 2026
13 SECOND FLOOR CONFERENCE CENTER
14 HENRICO, VIRGINIA 23233
15 10:00 A.M.
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1 APPEARANCES:

2
3 BOARD DESIGNEE: JOSEPH HOUGHWOUT
4

5 ALSO PRESENT:

6 APRIL LESLIE, Radon Measurement Specialist
7

8 JOHN DAVIS, President of the Virginia Chapter of IEA.
9

10 ATTENDING VIRTUALLY
11

12 MYCA BRUNO, involved with radon projects in
13 Multi-family and commercial properties nationally,
14 Including Virginia.
15

16 BRIAN MEYER, licensed for asbestos, lead-based paint,
17 radon measurement, consulting in many states.
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19 DIANE SWECKER, Executive Director of the Indoor
20 Environment Association.

21 JANE MALONE, National Policy Director for the Indoor
22 Environment Association
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1 NOTE: The Conference
2 convened at 10:00 a.m.

3 MR. HAUGHWOUT: Good morning, ladies
4 and gentlemen, I'm Joe Haughwout, Regulatory Affairs
5 Manager for the Department of Professional and
6 Occupational Regulation.

7 This is a Public Hearing on behalf of
8 the Board for Professional and Occupational Regulation,
9 held at the Department of Professional and Occupational
10 Regulation, 9960 Mayland Drive, Richmond, Virginia.

11 This hearing is being held both in
12 person at the Department, and virtually, by way of
13 Microsoft Teams. This hearing is being held for the
14 purpose of receiving public comment on a Petition For
15 Regulation, received by the Board from the Virginia
16 Chapter of the Indoor Environment Association, proposing
17 a licensure of radon measurement professionals and radon
18 mitigation specialists.

19 The general notice announcing this
20 Public Hearing was published in the Virginia Register on
21 June 1, 2026. The staff of the Department of
22 Professional and Occupational Regulation will prepare a
23 report of all public comment received, which will be
24 presented to the Board in the course of conducting the
25 study.

1 So, before I get to the rules of the
2 Public Hearing, I'll just brief you on evacuation
3 procedures. In the event of an emergency, what would
4 happen is, you would exit out either one of these two
5 doors. There's the door on the on the left-side of the
6 room, closest to the wall. You could exit out that
7 door.

8 And there's a door right over here
9 that I'm pointing to on the other side of this meeting
10 curtain. You could exit out of both of those doors.
11 Then you would head up the hallway, toward the direction
12 of the security desk were you came in, and then head out
13 the exit door, past the security desk, and out to a
14 rally stage in the parking lot. So we don't have any
15 anticipated fire drills or evacuation drills this
16 morning so, hopefully, everything will go fine. But
17 that's the instructions for vacating in the event of an
18 emergency.

19 So what I'd like to do now is talk
20 about the rules for the Public Hearing. So comments
21 will be received from any member of the public. And
22 initial comments will be limited to a maximum of five
23 minutes, depending on the number of individuals who wish
24 to speak. If you are here in person and have not signed
25 up to speak and you wish to give testimony today, please

1 please sign your name on the sign-in sheet at the front
2 of the room at this time.

3 If you are participating in this
4 Hearing virtually and wish to give testimony today,
5 please use the "hands up" feature on Microsoft Teams to
6 indicate that you wish to speak.

7 Staff will receive comments first
8 from those speakers who are here in person, and then
9 from speakers those who will be participating virtually.

10 Staff members may ask speakers
11 questions, or to clarify statements; however, this is
12 not the proper forum for questions to the Board. If you
13 have questions for the Board, please forward them in
14 writing to the Board's office.

15 Any speaker who wishes to provide a
16 written statement in addition to oral testimony, or in
17 lieu of oral testimony, may do so until July 16, 2026.
18 In this room, we don't have an overhead microphone
19 speaker system active today. So all of the
20 sound-received transmission, particularly for those that
21 are participating virtually, will be at this little
22 speaker device that I have up in front of my desk here.
23 So, for those that are going to be here in the room
24 individually speaking, just make sure to project so that
25 people on-line, your words can get captured in the

1 speaker and people on-line can receive that.

2 So I'll look at the sign-in sheet.

3 It looks like we have three people who are on the
4 sign-in sheet. We have April Leslie. If you wish to
5 come up and speak? You've indicated that you wish to
6 speak, on the sign-in sheet?

7 MISS LESLIE: Yes.

8 MR. HOUGHWOUT: Okay. Please come on
9 up.

10 MISS LESLIE: I'm April Leslie,
11 L-e-s-l-i-e. And I am here, both as a concerned citizen
12 and a radon measurement specialist.

13 I have been in the field for ten
14 years as a radon measurement specialist. And I'm here
15 to express a desire for there to be more licensure
16 regulation and professional attention drawn towards this
17 profession that I'm in because, when I started, I didn't
18 have any guidance. And I was in the field, and I took
19 my course. And I did everything that I knew to do. But
20 there were some things that I was doing improperly and
21 needed to learn how to do a better job of. I did not
22 have a mentor. I needed further guidance, and there was
23 no one to show me the way.

24 The reason I initially got involved
25 in this field was because we have family members that

1 had become ill with lung cancer and had never smoked.

2 And, after doing further research, realized that there

3 was something called radon gas, that long-term exposure

4 through different individuals' DNA can mutate that into

5 cancer. And the community is unaware that this exists.

6 And, without proper licensure, raising awareness becomes

7 even more difficult, because if you don't have the right

8 education behind promoting the need for a good radon

9 test, then you're going to receive false information.

10 False information can be putting your

11 radon monitors in the wrong place. It can be not

12 putting in the correct amount of monitors. It can be

13 putting them in the areas that are not going to have

14 close conditions. There can be so many different

15 things. But if you don't have the proper licensure for

16 this, there's not anyone that's going to be able to

17 guide in the direction to improve the education behind

18 the field. And we need more of it.

19 We need the community to know that

20 radon gas is the number one cause of lung cancer

21 worldwide in non-smokers. We need the community to know

22 that there is a growing science behind radon gas, where

23 we are learning more and more about other issues that it

24 can cause; such as it being correlated to childhood

25 acute leukemia, and studies that we're finding about

1 that.

2 But if you don't start at the simple
3 basic of having your home tested, then you are missing
4 an opportunity for disease prevention. This is
5 something that can be prevented and help save lives.
6 And we're doing it properly. We're not doing just to
7 our community. And we have to start somewhere, by
8 making sure that individuals that want to get involved
9 in this field know how to do a good job, so that we can
10 serve each other.

11 MR. HOUGHWOUT: Thank you.
12 Miss Leslie, do you have a second for some follow-up
13 questions?

14 MISS LESLIE: Yes.

15 MR. HOUGHWOUT: So you, from what I
16 heard, you raised a couple different issues. You raised
17 an issue with knowledge amongst consumers. So I'm
18 trying to get a better idea. How would requiring radon
19 professionals to have a State license to perform their
20 duties, how would that achieve that objective of certain
21 public awareness?

22 MISS LESLIE: That's a good question.
23 It's something I run into quite frequently in a real
24 estate transaction, doing a measurement.

25 A seller may present themselves to me

1 and say: Why are you testing my home for radon gas?
2 This is just a hoax. Do you even have a license for
3 this?

4 So I have a certification, but
5 licensures put something more firm behind being able to
6 show authenticity. And people need that. And the more
7 that -- and if there is a DPOR standard of licensure,
8 than that's more effort that has to go into getting
9 things done properly, which can help awareness

10 MR. HAUGHWOUT: So you're saying now,
11 in your experience that, telling someone you have a
12 credential from one of the private accrediting
13 organizations, that's not good enough, in terms of,
14 like, convincing people that you're qualified to do
15 work? Is that kind of what I'm hearing?

16 MISS LESLIE: That's part of it. I
17 mean, that's one area. So that's one area that I
18 believe that would make a difference, because the more
19 standards there are behind your profession, the more
20 that it's acknowledged and respected.

21 MR. HAUGHWOUT: Okay. So your view
22 then is that State licensure, sort of, adds -- and this
23 is my words -- the imprimatur of the State's approval,
24 or the State's authority, that therefore that's more
25 than private credentialing?

1 MISS LESLIE: Correct.

2 MR. HAUGHWOUT: You also referenced,
3 I think, in our presentation, your testimony, you
4 referenced, sort of, lack of mentorship.

5 So I mean, sort of, in your thought,
6 a licensure scheme would need a, sort of, mentor,
7 mentee, or master apprentice kind-of arrangement, from
8 for your standpoint?

9 How would licensure necessarily
10 accomplish what you're referring to, in terms of, sort
11 of, lack of mentorship?

12 MISS LESLIE: A sense of community.
13 Why you get a -- when a profession has a licensure that
14 is required, then there is a place that you can go to
15 look up who all is involved.

16 And if a licensure is -- there's more
17 dedication than a simple certification. So, there's
18 more work involved in that, in that you have people that
19 sometimes will, or individuals or professionals that
20 will take that career path a little bit more seriously,
21 rather than checking a box.

22 Currently, or when I first signed on,
23 if I could look up if someone was certified, but that
24 certification might have been someone that didn't know
25 anything at all. Maybe it was a home inspector who had

1 two monitors to their company name, and they weren't
2 putting them in the field properly. And they weren't
3 doing a test anyway, and they could offer no guidance,
4 because the only thing that was wanted on their part was
5 to be able to say: Oh, we offer this service. So come
6 and use our company for radon testing and your home
7 inspection.

8 So at that time, there was not an
9 avenue that I would be able to find professionals take
10 the field seriously, that I knew of at the time.

11 Since then, since I've grown, I have
12 been able to really connect with some other
13 professionals. But it's really been in the last two
14 years that the world is kind of opened up, getting to
15 other professionals in the radon community. And that's
16 where we found that, if there were more individuals that
17 were licensed and knew how to do things properly and
18 there was some regulations, we could save more lives
19 with disease prevention.

20 MR. HAUGHWOUT: So I'm sort of
21 picking up on some of your comments. It seems like you
22 may not believe that the standards that the private
23 credentialing organizations have established are
24 sufficient to ensure if someone is competent to engage
25 in the profession.

1 I guess, are you saying that there
2 should actually be something more than what the private
3 credentialing entities, more than what they do, or more
4 than what they have, as far as their minimum standards
5 to achieve that, that there should be more in addition
6 to that, beyond -- for a State licensure program, more
7 beyond than what those folks are requiring as a minimum
8 to become credentialed.

9 Does that make sense?

10 MISS LESLIE: I does, but I want to
11 be careful with how I answer.

12 MR. HAUGHWOUT: Okay.

13 MISS LESLIE: Because the NRSV and
14 the NRPP do a really great job; however, more can be
15 done. Because at this point, I have seen multiple tests
16 being done that were improper, that have been given to
17 me by other individuals; such as: Hey, April, would you
18 please take a look at this, the radon report that we
19 received from so and so. Tell us what you think. And I
20 can say: Well this looks like a great start, but this
21 home needed this amount of monitors, and you only
22 received this amount. And this was placed here, and it
23 really needed to be placed here.

24 So the issue can be because there's
25 not enough regulation for the radon measurement

1 specialist to have to follow. And if they don't have
2 the appropriate regulation to follow, it trickles down
3 to next steps.

4 If a homeowner says to a radon
5 mitigation specialist: I had my home tested. I have a
6 crawl space. I really don't want you to tap into any
7 other foundation types that I have on my home, because
8 only the crawl space is tested, and only the crawl space
9 showed some elevation, and then they only do that.

10 In their mitigation process, they can
11 have a false sense of security, thinking that their
12 whole home has been remediated, and that their whole
13 home is experiencing radon levels below the EPA actual
14 level, or below the World Health Organization level,
15 because they never knew how to start properly.

16 MR. HAUGHWOUT: Thank you.

17 MISS LESLIE: You're welcome.

18 MR. HAUGHWOUT: Next on the list is
19 John Davis. Did you want to come up now and speak?

20 MR. DAVIS: Okay. I'm John Davis.
21 I'm President of the Virginia Chapter of IEA. I just
22 want to talk a little about mitigations that are
23 improperly installed and stuff.

24 There is a whole list of things that
25 were documented, that were attached to the back of our

1 initial petition. So if you all would like to look at
2 that. I don't think you can see the pictures I have
3 here. But this is, basically, a radon room monitor.
4 This is designed to be installed vertically; but, as you
5 can see -- I don't know if you can see this picture, but
6 there's one that's installed horizontally. And what
7 it's going to do is, fill up with water, and make sure
8 the system not work and not function. So this is one,
9 and this has been observed in many places around.

10 A lot of times they'll put in a
11 passive system. The pipe will go up through the attic,
12 and then you find later that it needs to be an active
13 system. But the pipe is about two inches away from the
14 part of a truss. And so you end up having to reroute
15 the piping to make it work.

16 There's been instances of where the
17 borings in the slab, they didn't even bother to clean it
18 out, or create a suction pit. This is all documented in
19 this attachment to the petition.

20 Other examples are installing an
21 electrical device within less than three feet of some
22 kind of a gas source; in this case, it's a propane tank.
23 It could be a gas meter. It could be -- or the vent of
24 a gas meter.

25 And this is a bad one. We see this a

1 lot. I don't know if you can see, but there's a pipe
2 that comes up, and the exhaust is right below the
3 window. So someone opens the window in that house, that
4 radon gas is going to get stuck right back in,
5 re-trained into the home, and just going to recycle that
6 radon.

7 These are basic things that -- where
8 enforcement can catch and fix. There's shoddy
9 workmanship, pipes falling apart in attics, things like
10 that. They'll half-way install a system. The pipe will
11 just be open in the attic, and they'll call that a radon
12 system. And it's not correct.

13 And here's one that's a ground-level
14 exhaust. That's not legal. Here's another that's
15 right by a window. And here's one where they just run a
16 pipe, and it's sitting on top of the poly in the crawl
17 space, not connected to any kind of a network.

18 These are just examples. And we see
19 these all over the State, where a regulatory framework
20 with the State would really help enforce these and put
21 some teeth into to them to correct them.

22 That's pretty much what I have to
23 say.

24 MR. HAUGHWOUT: For the benefit of
25 those who will be reviewing the transcript, I'll let

1 them know that what you were holding up were pages from
2 the Petition For Regulation, including several
3 photographs that were submitted as part of that,
4 indicating defective mitigation systems.

5 MR. DAVIS: Right.

6 MR. HAUGHWOUT: And then the device
7 that you brought in, that is a piece of a mitigation
8 system?

9 MR. DAVIS: This is the radon fan,
10 itself. This is the heart of the mitigation system, of
11 an active mitigation system. This is the thing.

12 MR. HAUGHWOUT: Okay. If you have a
13 minute, just some clarifying questions about this.

14 So you have referenced, sort of,
15 addressing the defects in the work. So is, sort of,
16 your, sort of, thought about enforcement would be that,
17 if there's a complaint received, then there would be a
18 representative of the Commonwealth that would go
19 physically inspect the alleged defects, and then make a
20 determination as to whether or not proper practices were
21 used?

22 MR. DAVIS: It could to go to that.

23 MR. HAUGHWOUT: Okay.

24 MR. DAVIS: And maybe just a
25 complaint is made to DPOR. And then the DPOR

1 representative will call the provider, the radon
2 provider, the installer, tell them what's going on.
3 And, most of the time, they will go back and fix it. If
4 they don't then, then that's where either the inspector
5 can go have a look for themselves, or that's when
6 enforcement, actually from DPOR, can kick in.

7 MR. HAUGHWOUT: As far as, in your
8 experience, how are these issues of faulty systems, have
9 any of those concerns ever been brought to the attention
10 of local building officials at all?

11 MR. DAVIS: No. Most of the time,
12 sometimes they were being brought to VDH, Department of
13 Health. But they really don't have any power to do
14 anything.

15 Ryan Parrish, the Radon Coordinator
16 with VDH, Virginia Department of Health. He would write
17 letters for a while. They were told to stand down and
18 not do that any more. So they don't have any
19 enforcement power.

20 The other avenue was to actually
21 contact either NRSV or NRPP, which are the two
22 regulating bodies out there. And they, in turn, can
23 write a letter, or actually even take their license
24 away.

25 But then there is another case that,

1 what about the person who doesn't have a license at all?
2 So NRSV and NRPP really don't have any way to do that,
3 but DPOR does. Say, if you were taking asbestos samples
4 and not have a license, DPOR has the power to come and
5 regulate that if it's reported.

6 So that's the kind of thing we're
7 looking for, that DPOR can stand up on the silo similar
8 to the asbestos regulations and the lead paint
9 regulations. I think that would be well served for our
10 industry.

11 MR. HAUGHWOUT: Thank you.

12 The last individual I have signed is
13 Scooter Burgess. And you've indicated that you do not
14 wish to speak?

15 MR. BURGESS: Correct.

16 MR. HAUGHWOUT: Okay. Thank you,
17 sir.

18 Anyone else here who wishes to speak?

19 It looks like no one else is signed
20 up, so we're good there.

21 I will now move on the folks who are
22 on-line. Again, if you weren't here for my initial
23 introduction, if you wish to speak, if you could use the
24 "hands-up" feature on Microsoft Teams, to indicate that
25 you wish to speak. That would be helpful.

1 And then we'll go ahead and have you
2 offer your comments.

3 The first hand I saw go up was for
4 Myca Bruno. So we'll go ahead and un-mute Myca Bruno,
5 and have Myca Bruno give her testimony at this time.
6 Are you able to speak?

7 MISS BRUNO: Yes.

8 MR. HAUGHWOUT: Okay. And we can
9 hear you. Excellent. Okay. You have five minutes.

10 MISS BRUNO: Awesome. I have been in
11 the radon business, as well as others, for about twenty
12 years now. I have also held asbestos and lead-based
13 paint licenses through the DPOR previously. So I'm well
14 aware of that process.

15 I sit in a unique position, where I
16 actually am involved with radon projects in multi-family
17 and commercial properties nationally, including
18 Virginia. So I get to see a lot of different things
19 across the country, including Virginia.

20 First off, unfortunately, a lot of
21 people do not follow the law unless made to do so, or in
22 a threat that they may lose their professional
23 certification or licensing, et cetera. I have
24 personally witnessed non-compliance in Virginia all
25 across the board, where they're not following the

1 required standards properly. Some are not even
2 certified to do the work in Virginia, which is
3 unfortunate. And in multi-family, I have heard a lot.
4 And I've read the comments on-line.

5 I have heard a lot about
6 single-family residential homes, which I can understand.
7 But no one seems to be addressing the fact that
8 multi-family housing is also a concern, especially when
9 you have so many people living in one place and one
10 building. And if they're not properly being tested, say
11 you're in a building and they should be testing all of
12 the ground contact units and they're only testing one in
13 that building, it's not giving you a proper view of what
14 is actually going on in that building, just that unit.

15 And a lot of times what is happening
16 is that, if they test that one unit and say: Oh,
17 they've got radon. Then they're just mitigating that
18 one unit and ignoring the rest, which there is most
19 likely a concern in the other units. So the tenants in
20 these units have no idea that they're potentially
21 breathing in radon, which will cause lung cancer down
22 the road.

23 I have witnessed the licensing in
24 other states. And what I have been witness to in the
25 most successful states, when it comes to the radon

1 industry, have licensing, and they are enforcing their
2 licensing requirements. And the fear of losing your
3 license will make you walk the straight and narrow line
4 of following the law of what they should be doing.

5 So I'm in support of Virginia having
6 licensing -- I mean, in support of every state having
7 licenses in the radon industry. But Virginia, I'm very
8 passionate about. I grew up in Virginia. I grew up in
9 Richmond. I've had licensing at DPOR.

10 I know that, with asbestos licensing,
11 one of the requirements is that you have to have so much
12 experience to get that license. That could be something
13 added to the radon licensing.

14 And I know mitigation is an easy
15 thing to say: Oh, well, this is terrible this
16 mitigation was put in place. But with measurement, when
17 you're not conducting it properly -- I have seen people
18 place devices on the floor. That's how I'm going to
19 give you an accurate representation of the radon levels
20 in that unit.

21 I've seen them place them in closets.
22 These are places that they should not be putting their
23 radon measurement devices. And then it comes back
24 negative when they did not place these measurement
25 devices correctly, then it gives the tenant, or the

1 resident, a false sense of safety, which is terrible.

2 So, especially with multi-family, I
3 think it is so incredibly important that there is
4 licensing for the purposes of enforcement, so we can
5 ensure that the tenants and residents of buildings in
6 Virginia are receiving accurate information to know if
7 they're being subjected to radon in their homes and
8 mitigated properly, to reduce lung cancer.

9 Thank you.

10 MR. HAUGHWOUT: Thank you.

11 Miss Bruno, I do have, kind of, a
12 follow-up question.

13 MISS BRUNO: Sure.

14 MR. HAUGHWOUT: You've referenced
15 some other states that, in your opinion, were
16 successful. Would you be able to identify maybe one or
17 two that, in your opinion, are, sort of, exemplar in
18 following, in terms of regulation?

19 MISS BRUNO: Kentucky is a great
20 state. Minnesota, Minnesota is excellent. They are
21 actually doing regular audits of their licensed staff,
22 to go through the reporting, to make sure that they are
23 following the standards properly, and then helping them
24 get to the point to correct anything they found that
25 wasn't compliant, so in the future, that all of their

1 radon measurement conduction in that state is done
2 appropriately.

3 I mean, there's quite a few states.
4 Minnesota is probably my favorite, just because they're
5 so great about auditing, making sure that everyone is
6 licensed in the state and enforcing their requirements
7 fully.

8 MR. HAUGHWOUT: As far as the private
9 accrediting entities, in your opinion, are the training
10 and standards that they require in order to be a
11 certificated -- are they sufficient to -- are they,
12 alone, sufficient to ensure that people have the
13 requisite training in order to, you know, provide these
14 services to the public?

15 MISS BRUNO: I think they give you an
16 excellent base of knowledge that you absolutely need;
17 however, I do -- I'm a believer in: Some experience can
18 go a long way.

19 So, like I mentioned with the
20 asbestos licensing, I think it's, like, depending on
21 your education, once you pass the class and do the test,
22 you still have, I think it's like, five to ten projects
23 that you worked on, under someone else who is licensed,
24 that they write off on, saying that you appropriately
25 completed these projects with them, to have the proper

1 in-field training, to know how to handle asbestos
2 handling. I think that's an excellent idea for
3 measurement and mitigation, just so you have that
4 real-world experience. Because anyone can, like, read a
5 book, go through a class, pass a test. And it does give
6 you, and if you're paying attention, you should
7 understand what it is to do that job; however, things
8 can be interpreted differently when you're reading the
9 standards. So having that in-the-field, real-life
10 experience, I think, would go a long way to ensure that
11 people are doing the appropriate measurement techniques,
12 placing them properly in all the places they should be
13 placed, and obtaining proper and correct results, as
14 well as that that they're installing mitigation systems
15 properly. I have seen crazy things, when it comes to
16 mitigation systems.

17 I mostly focus on the measurement,
18 because I feel that gets overlooked a little bit. Like,
19 anyone can do a measurement. But I think a little bit
20 of experience, documented, would go a long way.

21 MR. HAUGHWOUT: Okay. Thank you.

22 MISS BRUNO: You're welcome.

23 MR. HAUGHWOUT: We'll move on to --
24 the next person we have is Diane; that's D-i-a-n-e. The
25 last name is spelled Swecker, S-w-e-c-k-e-r.

1 Miss SWECKER: Would it be okay, I
2 have a couple slides I would like to share?

3 MR. HAUGHWOUT: You can try. Let's
4 see if you can share your screen.

5 MISS SWECKER: No, I cannot.

6 MR. HAUGHWOUT: We may just have to
7 have you submit those to us directly, and we can include
8 it in the record.

9 MR. DAVIS: Joe, those are the ones
10 we sent yesterday.

11 MR. HAUGHWOUT: Okay. Is Miss Malone
12 going to present those slides?

13 MR. DAVIS: I think Diane was going
14 to do those slides.

15 MISS SWECKER: That's correct.

16 MR. HAUGHWOUT: All right. Bear with
17 me one second. I can forward you the meeting
18 invitation.

19

20

21

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25

1 and then, hopefully, you should be able to present.

2 MISS SWECKER: Okay.

3 MR. HAUGHWOUT: Would you be able to
4 provide your e-mail address?

5 MISS SWECKER: Sure.

6 Director@aarst.org.

7 MR. HAUGHWOUT: Thank you. I'm going
8 to forward this to you and see if that will allow you to
9 present.

10 MISS SWECKER: If you want to go on
11 to Brian, while we're waiting?

12 MR. HAUGHWOUT: Sure. So we've got
13 Brian. And the last name is spelled M-e-y-e-r.

14 Sir, can you state your name for the
15 record, sir?

16 MR. MEYER: Brian Meyer.

17 MR. HAUGHWOUT: Thank you, Mr. Meyer.
18 You have five minutes.

19 MR. MEYER: Good morning. I have
20 been in the asbestos and radon consulting industry
21 for 26 years now, licensed for asbestos, lead-based
22 paint, radon measurement, consulting in many states
23 throughout that process.

24 One of the issues with non-regulated
25 states, where there is non-enforcement, is

1 non-compliance with the set standard. So, in Virginia,
2 requiring people to be certified by NRPP is a great
3 first step, but not having any regulatory authority to
4 verify that people follow what is set forth in NRPP or
5 NRSV really leaves the public at risk.

6 So although, if you follow your
7 certification and you follow the NCR standard, you have
8 a full measurement of the building, whether that is a
9 single-family home, multi-family apartment complex or a
10 school building.

11 But what it does not, if you're not
12 regulated, a clientele could push a measurement
13 professional to do a lower scope of work. They may say:
14 I don't want all that sampling. I only want you to do
15 this. I only wanted one sample. I don't want all these
16 extra samples. That's too expensive.

17 So, for example, I work within the
18 multi-family real estate transaction process. And in
19 that process, you have lenders, such as Freddie Mac, who
20 lend nationally, lend nationally on multi-family
21 housing. And Freddie Mac's documented radon policy is
22 that, in non-regulated states, you only sample ten
23 percent of ground contact living units, with as little
24 as one sample per apartment building.

25 Now that is much less than what the

1 NCR standard is for multi-family large building, which
2 is one hundred percent at ground contact; living units,
3 common areas, offices, and 10 percent of upper level
4 units, on each upper level, in each building.

5 You can see the disparity between
6 what a client may ask for and what the standard
7 requires. Now, if the State does not regulatoryly those
8 standards, measurement professionals can be pushed; or
9 again, as you are expecting someone to work in good
10 faith, if people work in bad faith to be able to get
11 more work at a cheaper price, doing less than what is
12 required without enforcement, that occurs, putting the
13 public at risk of radiation exposure. And it is
14 documented that radiation exposure from radon is the
15 number one environmental cause of lung cancer. And
16 that is something can be prevented through enforcement,
17 inspection, to verify that both measurements are
18 following the nationally-accepted standard, and that
19 these mitigation systems that are being installed, are
20 being installed properly and not being done improperly
21 in the most inexpensive, quick way, just to sell a
22 product, and not actually resolving an issue. That goes
23 back to, on the measurement standard for clearance
24 sampling.

25 After a mitigation system is

1 installed, clearance sampling is required. And, in a
2 non-regulated state, in an apartment complex, there may
3 have been a handful of mitigation systems installed at
4 an apartment complex. And only those units that had a
5 mitigation system installed are then sampled for
6 clearance, when we know that, if you install a
7 mitigation system in one apartment unit, it may
8 negatively affect, or adversely effect the other unit,
9 because you're changing the way that air flows below the
10 sub slab, the foundations. The national standard
11 requires clearance in all ground contact units.

12 MR. HAUGHWOUT: Mr. Meyer, your five
13 minutes has elapsed.

14 MEYER: Okay.

15 MR. HAUGHWOUT: You did reference an
16 entity. And I want to make sure we have it correct for
17 the Court Reporter. You mentioned Ready Mac?

18 MR. MEYER: Freddie Mac. They're the
19 Federal Government lending source.

20 MR. HAUGHWOUT: Freddie Mac. I got
21 you.

22 So your testimony focused on, sort
23 of, it sounds like multi-family settings, or rental
24 apartment settings. So how would mandatory State
25 licensure necessarily address an issue where a client

1 wants a service that may not be recommended, or level of
2 service lower than what would be recommended? How would
3 mandatory State licensure address that problem?

4 MR. MEYER: Sure. In many states
5 that have regulation and licensing, they require the
6 reporting of all radon results to a centralized location
7 to the State.

8 They look at -- and it includes the
9 address of the building and the samples, and sample
10 results of what was collected there.

11 Now if you have a 200-unit
12 multi-family, and there are only six samples submitted
13 to the State, they can easily identify that this wasn't
14 done properly.

15 It also allows them to see that
16 quality control samples were included, duplicate samples
17 of blank samples, to be able to prove that the standard
18 was followed and that those are quality results.

19 So those reporting, different states
20 handle it a little bit differently. Some require
21 monthly submission, some require quarterly submission of
22 data; but it requires for measurement professionals, as
23 well as the laboratories, to submit all lab data for the
24 samples that you, as a measurement professional,
25 collected in that state.

1 And for laboratories, they report all
2 results that they provided in a particular state. And
3 that allows them also to match up what was analyzed by
4 the labs, versus what was submitted by the people, which
5 identifies people who are doing work without proper
6 licensure.

7 MR. HAUGHWOUT: Thank you.

8 Miss Swecker, it looks like you might
9 have received my invitation e-mail. Are you in a
10 position where you might be able to share?

11 MR. SWECKER: Good morning. I am
12 Diane Swecker. I'm a resident of Oak Hill, Virginia.

13 I'm also the Executive Director of
14 the Indoor Environment Association.

15 Through our administration of the
16 EPA-recognized National Radon Proficiency Program, or
17 NRPP, we support states by providing the professional
18 framework that many regulatory programs rely on to
19 ensure qualified practitioners and protect consumers.

20 To help with today's discussion, I'd
21 like to share a few excerpts from the presentation from
22 the annual symposium in 2024, Effective and Enforcement
23 Methods, which I believe adds valuable perspective to
24 the whole of what we're asking.

25 Next slide please. This information

1 is coming from compliance enforcement in Kansas and
2 Minnesota. And then we'll have an overview of NRPP's
3 compliance process.

4 So I'll start with a few highlights
5 from Mark Unger, from the Kansas Department of Health
6 and Environment. Kansas does not perform in-person
7 inspections of radon measurement activity, such as
8 observing the climate of retrieval and retrieval of
9 measurement devices. As a result, most enforcement
10 activities focus on radon mitigation. Quality assurance
11 plans are reviewed during the application process. With
12 the implementation of new data reporting application,
13 Kansas then began conducting audits of quality assurance
14 and quality control activities.

15 For mitigation, Kansas has several
16 avenues for inspection enforcement. One is inspections
17 requested by homeowners.

18 So what is inspections requested by
19 homeowners? Typically, those who have purchased or
20 taken possession of a home with an existing mitigation
21 system, they may have questions about whether it was
22 installed correctly. The program distinguishes
23 questions related to compliance with mitigation
24 standards and routine maintenance, or repair issues for
25 conducting on-site inspections, information about the

1 homeowner's concerns or review photographs of the
2 system, when available.

3 If needed or requested, an in-person
4 inspection is conducted, using standardized inspection
5 checklists to document any violations following the
6 inspection. A summary and a completed inspection test
7 checklist are provided to the homeowners.

8 I'm going to cut through this,
9 because I don't want to take up too much time. This
10 just kind of shows the cycle of what Kansas is doing
11 correctly.

12 And we'll move to the next slide.
13 The goal is to get the mitigation specialist to bring
14 the system up to standard, and offer to do the same for
15 any systems installed within the state's timeframe.
16 It's typically the previous two to three years.

17 If the mitigation specialist is
18 unresponsive or not willing to correct the systems, the
19 next step is legal action for civil penalties. Large
20 fines are generally used as a last resort, because the
21 goal is not to have fewer people performing radon work,
22 but to ensure that the work is completed in accordance
23 with the adopted laws. The objective is to have all
24 mitigation for professionals adopted and operating on a
25 level playing field. Notices of violation are issued,

1 or a civil penalty is assessed. Follow-up inspections
2 are conducted on systems installed after the enforcement
3 action, to verify that deficiencies have been corrected.

4 Let's move to the next slide. For
5 Minnesota, and the next slide again. This was presented
6 by Daniel Tranter, of the Minnesota Department of
7 Health. So their complaints typically begin with a call
8 or e-mail from a homeowner, real estate professional or
9 other member of the public who has a specific concern.
10 The Minnesota Department of Health reviews the
11 information and immediately need opens a formal case.
12 Then, depending on the nature of the complaint, MDHA may
13 inspect the mitigation on site, or audit the measurement
14 professional.

15 If additional information is needed,
16 they may issue a RFI letter letter to obtain records for
17 an explanation from the credentialed professional. When
18 the investigation provides sufficient evidence of
19 non-compliance, the MTH initiates these appropriate
20 courses of action, in accordance with State regulations.

21 The important here on this next side
22 is the Public Complaints Column, which represents
23 complaints received from the public that may result in a
24 review investigation, inspection and enforcement
25 activity. So you can see, in 2021, we had 19

1 complaints; 2022, 12 complaints. In 2025, we had 23
2 complaints.

3 Given the size of Minnesota, the
4 volume of radon-related activity across the state
5 represents a relatively small number of complaints. And
6 the low complaint volume suggests that most radon
7 professionals are operating in compliance; however,
8 having an established process remains an important part
9 of consumer protection in maintaining the program's
10 integrity.

11 Next slide. And I see that time is
12 running out here. So these are just common violations.

13 Next slide. Previous were mitigation
14 violations. These are measurement violations. You can
15 see, this will be part of the reporting.

16 So we'll move to the next slide.

17 MR. HOUGHWOUT: Okay.

18 MISS SWECKER: NRPP compliance, Amy
19 Roedl is our director of the National Radon Proficiency
20 Program. I'm going to just briefly talk about the
21 compliance management program here. The complaints
22 against professionals for certificates, fall into two
23 different violations. It's A through D. They increase
24 in severity, moving from "A" to "D."

25 Next slide. Class A and B violations

1 are severe. There are different violations.

2 Moving to Class C violations, they
3 involve conditions that may place the homeowners in
4 short term imminent danger, such as unsafe electrical
5 work or compromised fire probation.

6 Substantiating Class D violations
7 require immediate correction and action plan, if needed,
8 probation, additional training, et cetera, and failure
9 to respond would move it to a more severe violation,
10 Class D, which is shown here.

11 Those are the most serious
12 violations, that include actions involving anything from
13 dishonest, ethics violations, unsafe or abuse of
14 contract violations, failure to cooperate with
15 investigations. It goes on and on, restrictions on
16 future certifications or other disciplinary actions can
17 be incurred.

18 Substantiated Class D violations may
19 result in suspensions or revocations are reported to the
20 certificate's employer here in the State Radon Board.

21 Next side. We talked a little bit
22 about the process already. So let me wrap this up,
23 because I know I'm running short on time.

24 Why is regulatory licensure needed,
25 in addition to private certification? While

1 EPA-recognized proficiency programs provide an essential
2 foundation by certifying qualified professionals,
3 approving training and devices and maintaining education
4 requirements, they're not regulatory agencies, and have
5 no authority to enforce State laws.

6 The Virginia oversight of radon
7 professionals should compliment these certification
8 programs by providing the legal authority to investigate
9 complaints, stop unqualified individuals from
10 practicing, monitor the compliance and impose meaningful
11 disciplinary actions when violations occur.

12 I understand that the Virginia
13 Department of Health is not allowed to communicate
14 violations in writing to the radon professional. I
15 understand that DPOR has the authority to not only
16 communicate, but take enforcement action.

17 Together, national certification,
18 NRPP, NRSV and state licensure should provide a
19 comprehensive system that really protects the consumers,
20 by also minimizing administrative burdens.

21 So that's my time. I know I went
22 over. Thank you. That's all I have.

23 MR. HAUGHWOUT: Miss Swecker, I do
24 have, kind of, some follow-up questions, if you have a
25 second?

1 MISS SWECKER: Yes.

2 MR. HAUGHWOUT: So I understand that
3 the NRPP, one of the credentialing organizations, they
4 can only enforce their rules against people who are
5 members, who are accredited members of their
6 organization. They can't, obviously, do anything
7 adverse to someone who's not a member, outside of civil
8 litigation, I'm assuming.

9 So, I mean, in terms of your -- does
10 that, the mechanisms within the accrediting systems, I
11 mean, is that sufficient to at least ensure that the
12 members of those organizations are adhering to the
13 standards and following all the rules?

14 MISS SWECKER: For the complaints we
15 receive, we are able to follow the process for that NRPP
16 professional, and to have to resolve to it, right, to be
17 able to have that homeowner be in a safer place. And
18 whatever that outcome is, whether that certified
19 professional comes and resolves that outstanding issue,
20 or other things have to continue. But for those
21 complaints, I think we are doing a good job.

22 MR. HAUGHWOUT: And you had another
23 statement. I'll let you finish.

24 MISS SWECKER: Clearly, there are
25 many situations that potentially homeowners are not

1 aware of. And, again, working with the State, would
2 greatly compliment ensuring the safety of those
3 homeowners, those residents.

4 MR. HAUGHWOUT: My additional
5 follow-up question to you would be: If the Department
6 of Health were granted Enforcement authority, maybe
7 along the lines of what you've raised in some of your
8 presentation today, would that be sufficient to protect
9 the public, aside from mandatory state licensure?

10 MISS SWECKER: I'm sorry, could you
11 repeat that?

12 MR. HAUGHWOUT: Sure. Absolutely.
13 So if the Department of Health, which is the current
14 administrative agency over radon, in the Commonwealth.
15 If they were granted the enforcement authority to
16 address maybe some of these issues that are complained
17 of, would be that be, in your view, enough to protect
18 the public without, necessarily requiring radon
19 professionals to have an occupational license?

20 MISS SWECKER: I think that would
21 make strong advances.

22 Jane, do you want to add to that
23 response?

24 MR. HOUGHWOUT: We'll have to un-mute
25 Miss Malone. Give us one second.

1 MR. HAUGHWOUT: And, Miss Malone,
2 before you speak, I'm going to just introduce you, for
3 the record.

4 So your last name is spelled
5 M-a-l-o-n-e; first name is Jane, that's J-a-n-e.

6 MISS MALONE: Correct.

7 MR. HAUGHWOUT: Can you tell us again
8 what your affiliation is?

9 MISS MALONE: Sure. I'm the National
10 Policy Director for the Indoor Environment Association.

11 MR. HAUGHWOUT: Okay.

12 MR. HAUGHWOUT: So I think
13 Miss Swecker asked you to kind of weigh in, or
14 supplement a point that she had raised, her response
15 that she had raised.

16 MISS MALONE: Yes. I think you were
17 both talking about, what's the value add the for a
18 license, in addition to the private certification.

19 And, going right back to the
20 enforcement issues, there are things that a Government
21 agency can do that a private proficiency program out of
22 the state, cannot do.

23 MR. HAUGHWOUT: Okay.

24 MISS MALONE: I was actually going to
25 address this in my remarks next.

1 MR. HAUGHWOUT: Well, and that's
2 fine. Maybe that can be a good lead-in. So we'll
3 actually give you your five minutes. So if you want to
4 go ahead and start when you're ready.

5 MISS MALONE: Okay. And I know you
6 had touched on these at the last hearing, but because of
7 some commentary that's come in, I wanted to reinforce
8 these points.

9 The EPA recognized proficiency
10 programs have no capacity, authority or jurisdiction to
11 address activities; first of all, by persons who are not
12 properly certified. State licensure is necessary to
13 direct cessation of work by uncertified personnel.

14 And I'm going to double that by
15 saying this: I have learned recently that the
16 Contractor Board, the CCB. Is that's what it's called,
17 of DPOR, has a requirement for --it's, basically, any
18 person who undertakes work without a valid license shall
19 be fined in an amount not to exceed five hundred dollars
20 per day, for each day they're in violation.

21 So you have in place -- this would be
22 part of the DPOR family of regulatory programs, a
23 statute that says, you know, it's not just a referral to
24 the Department of Justice, like what was discussed at
25 the last hearing, but rather that the Board -- there's

1 directives already for action, specifically on building
2 contractors.

3 So I just want to lift that up and
4 say that, if we could, you know, in moving forward with
5 this program, if, for example, radon were regulated
6 under the Board of Asbestos, Lead and Home Inspectors,
7 we would seek that the statute had that same provision.
8 And we hope that DPOR would agree that it is a good idea
9 to have that kind of automatic consequence for a person
10 doing work without a license.

11 Secondly, the relevant program would
12 license already certified individuals, investigate
13 complaints, monitor compliance and enforce penalties for
14 non-compliance, without replicating the examination,
15 certification and training and device approval
16 activities of the National EPA-recognized proficiency
17 programs.

18 In other words, the question has been
19 raised: Well is this duplicative? It is not
20 duplicative. There are things that are performed by the
21 proficiency program that -- there would be a sea of
22 things where the regulatory program within the Virginia
23 Government would not have to re-invent the wheel, or
24 perform these activities.

25 As a result, the program would

1 require only minor administrative expansion. And
2 minimal licensing fees would offset the associated
3 costs, basically, of the enforcement we've been talking
4 about.

5 And then again, the national programs
6 can only investigate remotely. And all they can do is
7 suspend, deny or renewal.

8 The State licensing program can
9 investigate, monitor compliance, enforce penalties for
10 non-compliance and more impactful penalties, such as
11 reprimands, fines legal consequences and civil penalties
12 for violations, in addition to license suspension or
13 revocation.

14 And then finally, if a private
15 program -- with the requirement for a proficiency
16 program certification, the State can revoke or suspend
17 the license if it discovers that the certification has
18 been revoked or suspended. But you don't have to
19 necessarily have to re-invent the wheel for those cases,
20 you can just no longer license that person; however,
21 without the guardrail of State licensure, a person who
22 is subject to revocation or suspension by one of the two
23 programs can simply migrate to the other one without,
24 and appears to the public to be qualified. You need
25 State oversight to prevent that kind of switching

1 around.

2 And then a couple things, like
3 measurement. As we know, public health relies on the
4 professionals for the performance of measuring according
5 to standards. Homeowner's operation of a test, which
6 was discussed at the last hearing, is not reliable. For
7 example, manufacturing instructions don't cover all the
8 requirements of the standard, such as location and
9 conditions. The common problem with radon testing
10 during a home inspection occurs when a radon test is
11 both started and finished the same day, at the home
12 inspection. A minimum of 46 hours of operation is
13 required by the standard. Less time will underestimate
14 the home's radon level. It takes several hours to start
15 to capture an accurate reading.

16 And an additional point,
17 supplementing what Brian and Myca spoke about,
18 testing 10 percent of a ground contact unit in a
19 multi-family building, creates a 58 percent chance that
20 high radon levels will be missed. Even if you test .5
21 percent you're still looking at a 38 percent chance that
22 high radon levels will be missed in that inspection.

23 And then finally, just an analogy.
24 Presently home inspectors are held accountable by the
25 Commonwealth of Virginia for inspection work, the ALHI

1 Board.

2 MR. HAUGHWOUT: Miss Malone, you were
3 referring to the Asbestos, Lead and Home Inspector's
4 Board. The acronym is ALHI.

5 MISS MALONE: Yes.

6 MR. HOUGHWOUT: Thank you, just so
7 our Court Reporter gets that down.

8 Go ahead.

9 MISS MALONE: So it was raised
10 earlier that the Department of Health was prohibited
11 from sending out admonition reminders. So, as a result,
12 measurement professionals, they've had no -- for
13 mitigation, there's been no Government-led of point of
14 accountability for non-compliance with radon standards.
15 We think -- we can tell that the ALHI Board is doing it
16 doing a great job, an to other DPOR programs. And we're
17 just simply asking, without unnecessary duplication of
18 effort, that there be that additional pair of eyes, ears
19 and full attention to problems when things break down,
20 when there are individuals who are not performing
21 appropriately and need consequences in order to, both
22 get back in the performance path, and also tell others
23 in the same industry that non-compliance with standards
24 and providing the follow-up with the protective services
25 that they deserve is just not acceptable in Virginia any

1 more.

2 MR. HAUGHWOUT: Thank you. We might
3 have one or two individuals that joined after the
4 meeting had started. If there's anyone on-line who has
5 not yet provided testimony and would like to do so,
6 please use the "hands up" feature in Microsoft Teams to
7 indicate that you wish to speak. And then we'll give
8 you that opportunity. I'll give you a minute.

9 I'm not see anything.

10 All right. So we've heard from
11 everybody on-line who wishes to speak. We've heard from
12 all the individuals who are physically present here at
13 DPOR who wish to speak.

14 I'll offer any opportunity for
15 individuals. Is there anyone here in the room who would
16 like to supplement their initial comments?

17 I'm seeing none.

18 Miss Malone, it looks like you have
19 your hand raised. So we'll give you an opportunity to
20 add one.

21 MISS MALONE: I just wanted to say,
22 everyone is involved in this processed so far, for the
23 important dialog that's under way. And we stand ready
24 to, both the Virginia Chapter and Association, to
25 provide any additional information that might be needed

1 to help in the decisionmaking.

2 Thank you so much.

3 MR. HAUGHWOUT: Sure thing. If there
4 is no one else who wishes to speak, then we will go
5 ahead and we'll proceed to wrap up the Public Hearing
6 for today.

7 First up, I want to thank everyone;
8 first up, for your patience. We've worked through some
9 technological issues. And I appreciate you being
10 patient with that.

11 And then Thank for your comments
12 today. The record of this Public Hearing will be kept
13 open until July 16, 2026. And written comments will be
14 accepted through five p.m. that day.

15 In addition, I want to let you know
16 that the presentation that we saw earlier today will be
17 included with the meeting minutes of this Public
18 Hearing, along with the transcript of the Public Hearing
19 today. So that will be included in the materials.

20 And, again, if anyone wishes to
21 supplement their testimony today with any written
22 comments, you're welcome to do that.

23 In addition, I'll let you know that
24 the Board for Professional and Occupational Regulation
25 is next scheduled to meet on August 10th, here in

1 Richmond. And the we anticipate that, at that meeting,
2 the Board will be reviewing the information from the
3 Public Hearings, the public comments, as well as
4 information gathered during the research of this study,
5 and be presented with that information. And we'll have
6 an opportunity to review that and make any
7 recommendations for the final report that will,
8 ultimately, be adopted by the Board later this fall.

9 So with that, I appreciate everyone
10 participating today. And we will now close the hearing
11 at this time.

12 * * * * *

13 (Whereupon the Public Hearing concluded at 11:15 a.m.)
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1 CERTIFICATE OF COURT REPORTER

2
3
4 I, Dawn Testa, hereby certify that I
5 was the Court Reporter at the Public Hearing, heard in
6 the County of Henrico, Virginia, on July 15, 2026, at
7 the time of the hearing herein.

8 I further certify that the foregoing
9 transcript is, to the best of my ability, a true and
10 accurate record of the testimony and incidents of the
11 hearing herein.

12 Given under my hand this 15th day of
13 July, 2026.

14 *Dawn Testa*
15 Dawn Testa
16 Notary Registration No. 7811201

17
18 My Commission Expires:
19 August 31, 2027
20
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22
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25

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Excerpts from Presentations:
Effective
Compliance/Enforcement
Methods

Radon Regulatory Enforcement in Kansas

Mark Ungerer, *Kansas Department 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

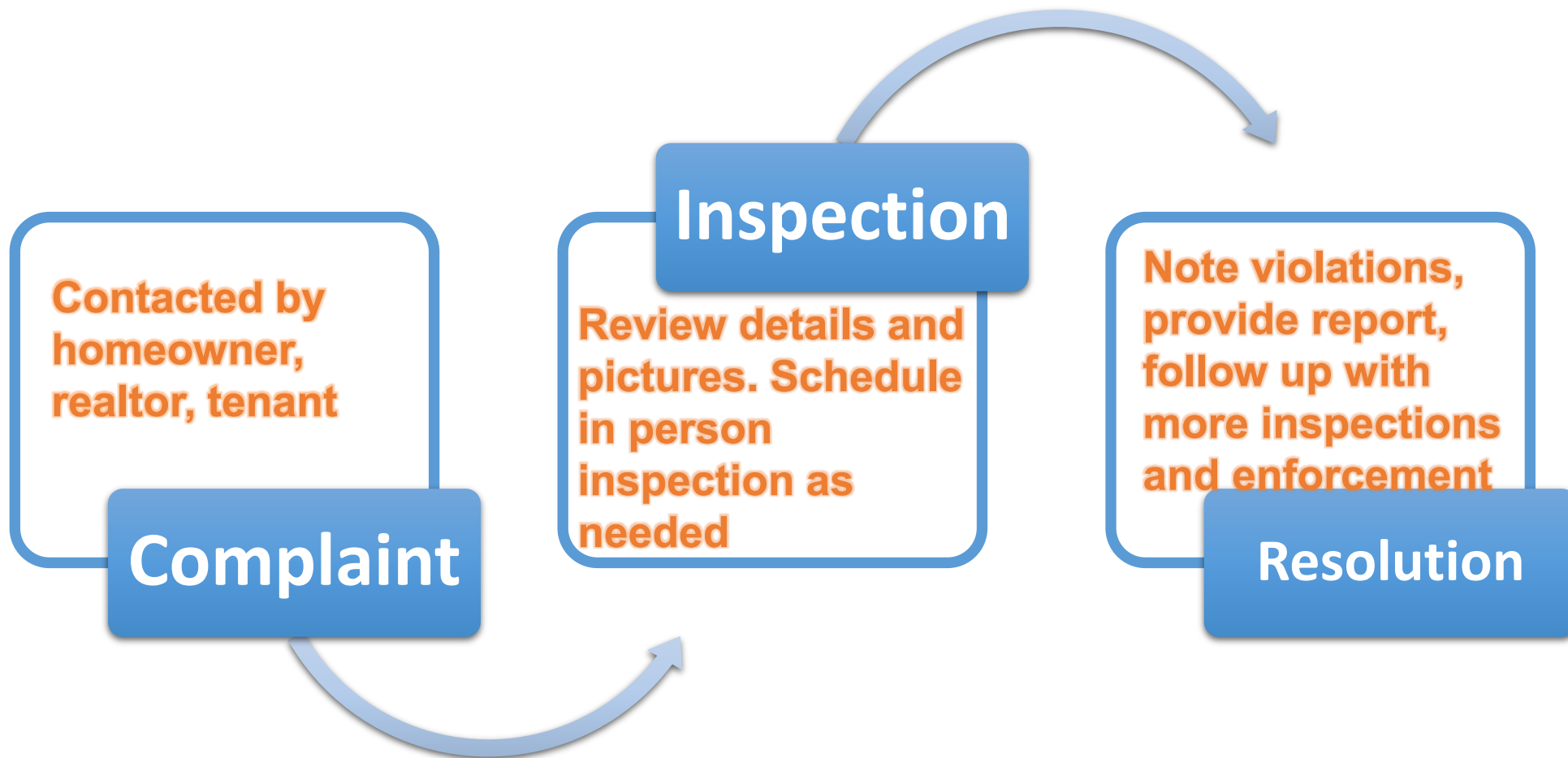
What We Regulate

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

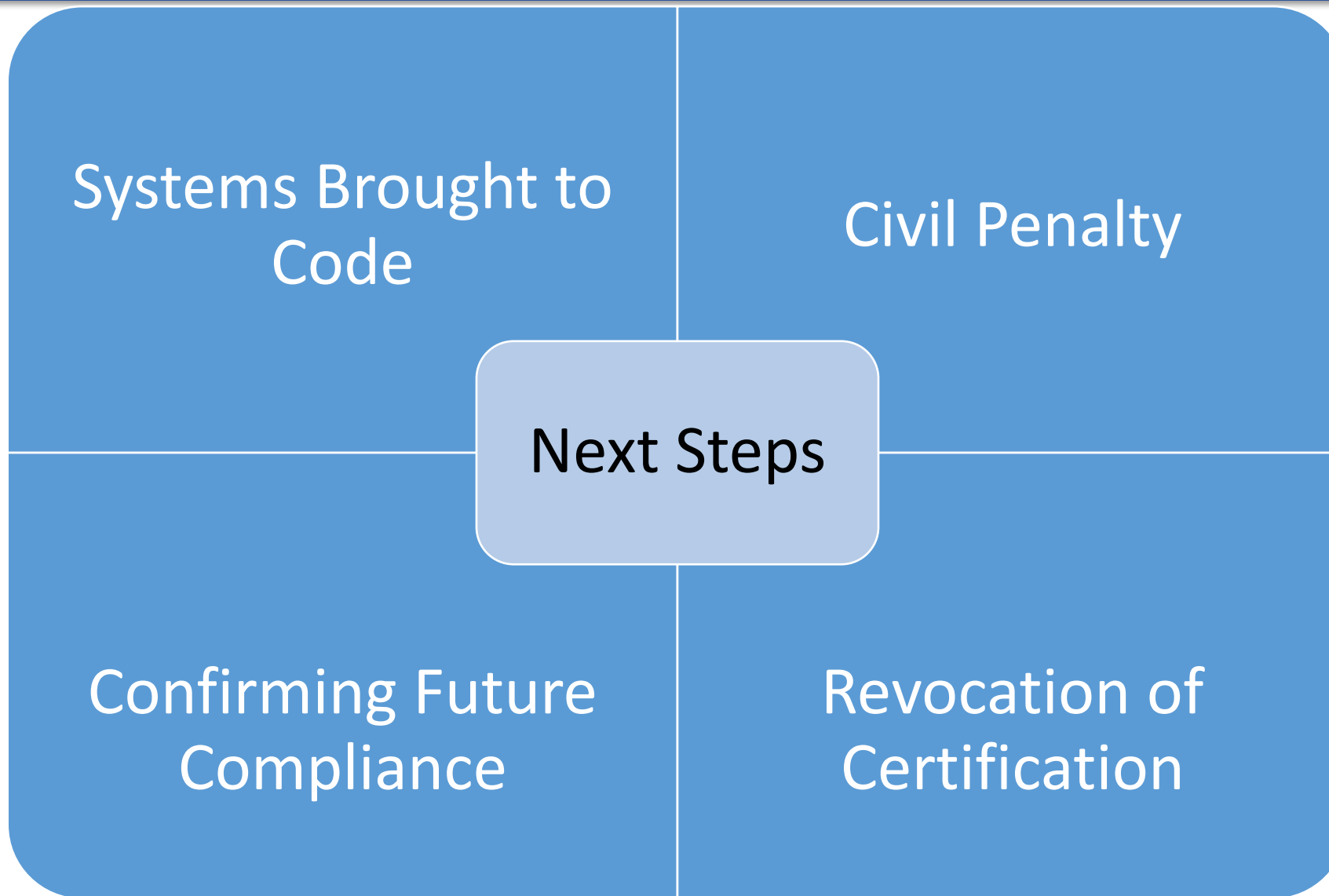
Radon Regulatory Enforcement in Kansas



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