

Public Law 100-551
100th Congress

An Act

To amend the Toxic Substances Control Act to assist States in responding to the threat to human health posed by exposure to radon.

Oct. 28, 1988
[S. 744]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INDOOR RADON ABATEMENT.

(a) AMENDMENT OF TOXIC SUBSTANCES CONTROL ACT.—The Toxic Substances Control Act (15 U.S.C. 2601 and following) is amended by adding after title II the following new title:

“TITLE III—INDOOR RADON ABATEMENT

“SEC. 301. NATIONAL GOAL.

15 USC 2661.

“The national long-term goal of the United States with respect to radon levels in buildings is that the air within buildings in the United States should be as free of radon as the ambient air outside of buildings.

“SEC. 302. DEFINITIONS.

15 USC 2662.

“For purposes of this title:

“(1) The term ‘local educational agency’ means—

“(A) any local educational agency as defined in section 198 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3381);

“(B) the owner of any nonprofit elementary or secondary school building; and

“(C) the governing authority of any school operated pursuant to section 6 of the Act of September 30, 1950 (64 Stat. 1107), relating to impact aid for children who reside on Federal property.

“(2) The term ‘nonprofit elementary or secondary school’ has the meaning given such term by section 202(8).

“(3) The term ‘radon’ means the radioactive gaseous element and its short-lived decay products produced by the disintegration of the element radium occurring in air, water, soil, or other media.

“(4) The term ‘school building’ has the meaning given such term by section 202(13).

“SEC. 303. EPA CITIZEN’S GUIDE.

15 USC 2663.

“(a) PUBLICATION.—In order to make continuous progress toward the long-term goal established in section 301 of this title, the Administrator of the Environmental Protection Agency shall, not later than June 1, 1989, publish and make available to the public an updated version of its document titled ‘A Citizen’s Guide to Radon’. The Administrator shall revise and republish the guide as necessary thereafter.

“(b) INFORMATION INCLUDED.—

“(1) ACTION LEVELS.—The updated citizen’s guide published as provided in subsection (a) shall include a description of a series of action levels indicating the health risk associated with different levels of radon exposure.

“(2) OTHER INFORMATION.—The updated citizen’s guide shall also include information with respect to each of the following:

“(A) The increased health risk associated with the exposure of potentially sensitive populations to different levels of radon.

“(B) The increased health risk associated with the exposure to radon of persons engaged in potentially risk-increasing behavior.

“(C) The cost and technological feasibility of reducing radon concentrations within existing and new buildings.

“(D) The relationship between short-term and long-term testing techniques and the relationship between (i) measurements based on both such techniques, and (ii) the actions levels set forth as provided in paragraph (1).

“(E) Outdoor radon levels around the country.

15 USC 2664.

“SEC. 304. MODEL CONSTRUCTION STANDARDS AND TECHNIQUES.

“The Administrator of the Environmental Protection Agency shall develop model construction standards and techniques for controlling radon levels within new buildings. To the maximum extent possible, these standards and techniques should be developed with the assistance of organizations involved in establishing national building construction standards and techniques. The Administrator shall make a draft of the document containing the model standards and techniques available for public review and comment. The model standards and techniques shall provide for geographic differences in construction types and materials, geology, weather, and other variables that may affect radon levels in new buildings. The Administrator shall make final model standards and techniques available to the public by June 1, 1990. The Administrator shall work to ensure that organizations responsible for developing national model building codes, and authorities which regulate building construction within States or political subdivisions within States, adopt the Agency’s model standards and techniques.

15 USC 2665.

“SEC. 305. TECHNICAL ASSISTANCE TO STATES FOR RADON PROGRAMS.

“(a) REQUIRED ACTIVITIES.—The Administrator (or another Federal department or agency designated by the Administrator) shall develop and implement activities designed to assist State radon programs. These activities may include, but are not limited to, the following:

Public
information.

“(1) Establishment of a clearinghouse of radon related information, including mitigation studies, public information materials, surveys of radon levels, and other relevant information.

“(2) Operation of a voluntary proficiency program for rating the effectiveness of radon measurement devices and methods, the effectiveness of radon mitigation devices and methods, and the effectiveness of private firms and individuals offering radon-related architecture, design, engineering, measurement, and mitigation services. The proficiency program under this subparagraph shall be in operation within one year after the date of the enactment of this section.

"(3) Design and implementation of training seminars for State and local officials and private and professional firms dealing with radon and addressing topics such as monitoring, analysis, mitigation, health effects, public information, and program design.

"(4) Publication of public information materials concerning radon health risks and methods of radon mitigation.

"(5) Operation of cooperative projects between the Environmental Protection Agency's Radon Action Program and the State's radon program. Such projects shall include the Home Evaluation Program, in which the Environmental Protection Agency evaluates homes and States demonstrate mitigation methods in these homes. To the maximum extent practicable, consistent with the objectives of the evaluation and demonstration, homes of low-income persons should be selected for evaluation and demonstration.

"(6) Demonstration of radon mitigation methods in various types of structures and in various geographic settings and publication of findings. In the case of demonstration of such methods in homes, the Administrator should select homes of low-income persons, to the maximum extent practicable and consistent with the objectives of the demonstration.

"(7) Establishment of a national data base with data organized by State concerning the location and amounts of radon.

"(8) Development and demonstration of methods of radon measurement and mitigation that take into account unique characteristics, if any, of nonresidential buildings housing child care facilities.

"(b) **DISCRETIONARY ASSISTANCE.**—Upon request of a State, the Administrator (or another Federal department or agency designated by the Administrator) may provide technical assistance to such State in development or implementation of programs addressing radon. Such assistance may include, but is not limited to, the following:

"(1) Design and implementation of surveys of the location and occurrence of radon within a State.

"(2) Design and implementation of public information and education programs.

"(3) Design and implementation of State programs to control radon in existing or new structures.

"(4) Assessment of mitigation alternatives in unusual or unconventional structures.

"(5) Design and implementation of methods for radon measurement and mitigation for nonresidential buildings housing child care facilities.

"(c) **INFORMATION PROVIDED TO PROFESSIONAL ORGANIZATIONS.**—The Administrator, or another Federal department or agency designated by the Administrator, shall provide appropriate information concerning technology and methods of radon assessment and mitigation to professional organizations representing private firms involved in building design, engineering, and construction.

"(d) **PLAN.**—Within 9 months after the date of the enactment of this section and annually thereafter, the Administrator shall submit to Congress a plan identifying assistance to be provided under this section and outlining personnel and financial resources necessary to implement this section. Prior to submission to Congress, this plan shall be reviewed by the advisory groups provided for in section

403(c) of the Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. 7401 note).

"(e) PROFICIENCY RATING PROGRAM AND TRAINING SEMINAR.—

"(1) AUTHORIZATION.—There is authorized to be appropriated not more than \$1,500,000 for the purposes of initially establishing the proficiency rating program under subsection (a)(2) and the training seminars under subsection (a)(3).

"(2) CHARGE IMPOSED.—To cover the operating costs of such proficiency rating program and training seminars, the Administrator shall impose on persons applying for a proficiency rating and on private and professional firms participating in training seminars such charges as may be necessary to defray the costs of the program or seminars. No such charge may be imposed on any State or local government.

"(3) SPECIAL ACCOUNT.—Funds derived from the charges imposed under paragraph (2) shall be deposited in a special account in the Treasury. Amounts in the special account are authorized to be appropriated only for purposes of administering such proficiency rating program or training seminars or for reimbursement of funds appropriated to the Administrator to initially establish such program or seminars.

"(4) REIMBURSEMENT OF GENERAL FUND.—During the first three years of the program and seminars, the Administrator shall make every effort, consistent with the goals and successful operation of the program and seminars, to set charges imposed under paragraph (2) so that an amount in excess of operation costs is collected. Such excess amount shall be used to reimburse the General Fund of the Treasury for the full amount appropriated to initially establish the program and seminars.

"(f) AUTHORIZATION.—(1) There is authorized to be appropriated for the purposes of carrying out sections 303, 304, and this section an amount not to exceed \$3,000,000 for each of fiscal years 1989, 1990, and 1991.

"(2) No amount appropriated under this subsection may be used by the Environmental Protection Agency to administer the grant program under section 306.

"(3) No amount appropriated under this subsection may be used to cover the costs of the proficiency rating program under subsection (a)(2).

15 USC 2666.

"SEC. 306. GRANT ASSISTANCE TO STATES FOR RADON PROGRAMS.

"(a) IN GENERAL.—For each fiscal year, upon application of the Governor of a State, the Administrator may make a grant, subject to such terms and conditions as the Administrator considers appropriate, under this section to the State for the purpose of assisting the State in the development and implementation of programs for the assessment and mitigation of radon.

"(b) APPLICATION.—An application for a grant under this section in any fiscal year shall contain such information as the Administrator shall require, including each of the following:

"(1) A description of the seriousness and extent of radon exposure in the State.

"(2) An identification of the State agency which has the primary responsibility for radon programs and which will receive the grant, a description of the roles and responsibilities of the lead State agency and any other State agencies involved in radon programs, and description of the roles and responsibilities

of any municipal, district, or areawide organization involved in radon programs.

"(3) A description of the activities and programs related to radon which the State proposes in such year.

"(4) A budget specifying Federal and State funding of each element of activity of the grant application.

"(5) A 3-year plan which outlines long range program goals and objectives, tasks necessary to achieve them, and resource requirements for the entire 3-year period, including anticipated State funding levels and desired Federal funding levels. This clause shall apply only for the initial year in which a grant application is made.

"(c) **ELIGIBLE ACTIVITIES.**—Activities eligible for grant assistance under this section are the following:

"(1) Survey of radon levels, including special surveys of geographic areas or classes of buildings (such as, among others, public buildings, school buildings, high-risk residential construction types).

"(2) Development of public information and educational materials concerning radon assessment, mitigation, and control programs.

"(3) Implementation of programs to control radon in existing and new structures.

"(4) Purchase by the State of radon measurement equipment or devices.

"(5) Purchase and maintenance of analytical equipment connected to radon measurement and analysis, including costs of calibration of such equipment.

"(6) Payment of costs of Environmental Protection Agency-approved training programs related to radon for permanent State or local employees.

"(7) Payment of general overhead and program administration costs.

"(8) Development of a data storage and management system for information concerning radon occurrence, levels, and programs.

"(9) Payment of costs of demonstration of radon mitigation methods and technologies as approved by the Administrator, including State participation in the Environmental Protection Agency Home Evaluation Program.

"(10) A toll-free radon hotline to provide information and technical assistance.

"(d) **PREFERENCE TO CERTAIN STATES.**—Beginning in fiscal year 1991, the Administrator shall give a preference for grant assistance under this section to States that have made reasonable efforts to ensure the adoption, by the authorities which regulate building construction within that State or political subdivisions within States, of the model construction standards and techniques for new buildings developed under section 304.

"(e) **PRIORITY ACTIVITIES AND PROJECTS.**—The Administrator shall support eligible activities contained in State applications with the full amount of available funds. In the event that State applications for funds exceed the total funds available in a fiscal year, the Administrator shall give priority to activities or projects proposed by States based on each of the following criteria:

"(1) The seriousness and extent of the radon contamination problem to be addressed.

"(2) The potential for the activity or project to bring about reduction in radon levels.

"(3) The potential for development of innovative radon assessment techniques, mitigation measures as approved by the Administrator, or program management approaches which may be of use to other States.

"(4) Any other uniform criteria that the Administrator deems necessary to promote the goals of the grant program and that the Administrator provides to States before the application process.

"(f) **FEDERAL SHARE.**—The Federal share of the cost of radon program activities implemented with Federal assistance under this section in any fiscal year shall not exceed 75 percent of the costs incurred by the State in implementing such program in the first year of a grant to such State, 60 percent in the second year, and 50 percent in the third year. Federal assistance shall be made on the condition that the non-Federal share is provided from non-Federal funds.

"(g) **ASSISTANCE TO LOCAL GOVERNMENTS.**—States may, at the Governor's discretion, use funds from grants under this section to assist local governments in implementation of activities eligible for assistance under paragraphs (2), (3), and (6) of subsection (c).

"(h) **INFORMATION.**—(1) The Administrator may request such information, data, and reports developed by the State as he considers necessary to make the determination of continuing eligibility under this section.

"(2) Any State receiving funds under this section shall provide to the Administrator all radon-related information generated in its activities, including the results of radon surveys, mitigation demonstration projects, and risk communication studies.

"(3) Any State receiving funds under this section shall maintain, and make available to the public, a list of firms and individuals within the State that have received a passing rating under the Environmental Protection Agency proficiency rating program referred to in section 305(a)(2). The list shall also include the address and phone number of such firms and individuals, together with the proficiency rating received by each. The Administrator shall make such list available to the public at appropriate locations in each State which does not receive funds under this section unless the State assumes such responsibility.

"(i) **LIMITATIONS.**—(1) No grant may be made under this section in any fiscal year to a State which in the preceding fiscal year received a grant under this section unless the Administrator determines that such State satisfactorily implemented the activities funded by the grant in such preceding fiscal year.

"(2) The costs of implementing paragraphs (4) and (9) of subsection (c) shall not in the aggregate exceed 50 percent of the amount of any grant awarded under this section to a State in a fiscal year. In implementing such paragraphs, a State should make every effort, consistent with the goals and successful operation of the State radon program, to give a preference to low-income persons.

"(3) The costs of general overhead and program administration under subsection (c)(7) shall not exceed 25 percent of the amount of any grant awarded under this section to a State in a fiscal year.

"(4) A State may use funds received under this section for financial assistance to persons only to the extent such assistance is

related to demonstration projects or the purchase and analysis of radon measurement devices.

“(j) AUTHORIZATION.—(1) There is authorized to be appropriated for grant assistance under this section an amount not to exceed \$10,000,000 for each of fiscal years 1989, 1990, and 1991.

“(2) There is authorized to be appropriated for the purpose of administering the grant program under this section such sums as may be necessary for each of such fiscal years.

“(3) Notwithstanding any other provision of this section, not more than 10 percent of the amount appropriated to carry out this section may be used to make grants to any one State.

“(4) Funds not obligated to States in the fiscal year for which funds are appropriated under this section shall remain available for obligation during the next fiscal year.

“(5) No amount appropriated under this subsection may be used to cover the costs of the proficiency rating program under section 305(a)(2).

“SEC. 307. RADON IN SCHOOLS.

15 USC 2667.

“(a) STUDY OF RADON IN SCHOOLS.—

“(1) AUTHORITY.—The Administrator shall conduct a study for the purpose of determining the extent of radon contamination in the Nation's school buildings.

“(2) LIST OF HIGH PROBABILITY AREAS.—In carrying out such study, the Administrator shall identify and compile a list of areas within the United States which the Administrator determines have a high probability of including schools which have elevated levels of radon.

“(3) BASIS OF LIST.—In compiling such list, the Administrator shall make such determinations on the basis of, among other things, each of the following:

“(A) Geological data.

“(B) Data on high radon levels in homes and other structures nearby any such school.

“(C) Physical characteristics of the school buildings.

“(4) SURVEY.—In conducting such study the Administrator shall design a survey which when completed allows Congress to characterize the extent of radon contamination in schools in each State. The survey shall include testing from a representative sample of schools in each high-risk area identified in paragraph (1) and shall include additional testing, to the extent resources are available for such testing. The survey also shall include any reliable testing data supplied by States, schools, or other parties.

“(5) ASSISTANCE.—(A) The Administrator shall make available to the appropriate agency of each State, as designated by the Governor of such State, a list of high risk areas within each State, including a delineation of such areas and any other data available to the Administrator for schools in that State. To assist such agencies, the Administrator also shall provide guidance and data detailing the risks associated with high radon levels, technical guidance and related information concerning testing for radon within schools, and methods of reducing radon levels.

“(B) In addition to the assistance authorized by subparagraph (A), the Administrator is authorized to make available to the appropriate agency of each State, as designated by the Governor

of such State, devices suitable for use by such agencies in conducting tests for radon within the schools under the jurisdiction of any such State agency. The Administrator is authorized to make available to such agencies the use of laboratories of the Environmental Protection Agency, or to recommend laboratories, to evaluate any such devices for the presence of radon levels.

“(6) **DIAGNOSTIC AND REMEDIAL EFFORTS.**—The Administrator is authorized to select, from high-risk areas identified in paragraph (2), school buildings for purposes of enabling the Administrator to undertake diagnostic and remedial efforts to reduce the levels of radon in such school buildings. Such diagnostic and remedial efforts shall be carried out with a view to developing technology and expertise for the purpose of making such technology and expertise available to any local educational agency and the several States.

“(7) **STATUS REPORT.**—On or before October 1, 1989, the Administrator shall submit to the Congress a status report with respect to action taken by the Administrator in conducting the study required by this section, including the results of the Administrator's diagnostic and remedial work. On or before October 1, 1989, the Administrator shall submit a final report setting forth the results of the study conducted pursuant to this section, including the results of the Administrator's diagnostic and remedial work, and the recommendations of the Administrator.

“(b) **AUTHORIZATION.**—For the purpose of carrying out the provisions of paragraph (6) of subsection (a), there are authorized to be appropriated such sums, not to exceed \$500,000, as may be necessary. For the purpose of carrying out the provisions of this section other than such paragraph (6), there are authorized to be appropriated such sums, not to exceed \$1,000,000, as may be necessary.

15 USC 2668.

Schools and
colleges.
Grants.

“**SEC. 308. REGIONAL RADON TRAINING CENTERS.**

“(a) **FUNDING PROGRAM.**—Upon application of colleges, universities, institutions of higher learning, or consortia of such institutions, the Administrator may make a grant or cooperative agreement, subject to such terms and conditions as the Administrator considers appropriate, under this section to the applicant for the purpose of establishing and operating a regional radon training center.

“(b) **PURPOSE OF THE CENTERS.**—The purpose of a regional radon training center is to develop information and provide training to Federal and State officials, professional and private firms, and the public regarding the health risks posed by radon and demonstrated methods of radon measurement and mitigation.

Schools and
colleges.

“(c) **APPLICATIONS.**—Any colleges, universities, institutions of higher learning or consortia of such institutions may submit an application for funding under this section. Such applications shall be submitted to the Administrator in such form and containing such information as the Administrator may require.

“(d) **SELECTION CRITERIA.**—The Administrator shall support at least 3 eligible applications with the full amount of available funds. The Administrator shall select recipients of funding under this section to ensure that funds are equitably allocated among regions of the United States, and on the basis of each of the following criteria:

"(1) The extent to which the applicant's program will promote the purpose described in subsection (b).

"(2) The demonstrated expertise of the applicant regarding radon measurement and mitigation methods and other radon-related issues.

"(3) The demonstrated expertise of the applicant in radon training and in activities relating to information development and dissemination.

"(4) The seriousness of the radon problem in the region.

"(5) The geographical coverage of the proposed center.

"(6) Any other uniform criteria that the Administrator deems necessary to promote the purpose described in subsection (b) and that the Administrator provides to potential applicants prior to the application process.

"(e) **TERMINATION OF FUNDING.**—No funding may be given under this section in any fiscal year to an applicant which in the preceding fiscal year received funding under this section unless the Administrator determines that the recipient satisfactorily implemented the activities that were funded in the preceding year.

"(f) **AUTHORIZATION.**—There is authorized to be appropriated to carry out the program under this section not to exceed \$1,000,000 for each of fiscal years 1989, 1990, and 1991.

"SEC. 309. STUDY OF RADON IN FEDERAL BUILDINGS.

15 USC 2669.

"(a) **STUDY REQUIREMENT.**—The head of each Federal department or agency that owns a Federal building shall conduct a study for the purpose of determining the extent of radon contamination in such buildings. Such study shall include, in the case of a Federal building using a nonpublic water source (such as a well or other groundwater), radon contamination of the water.

Water.

"(b) **HIGH-RISK FEDERAL BUILDINGS.**—(1) The Administrator shall identify and compile a list of areas within the United States which the Administrator, in consultation with Federal departments and agencies, determines have a high probability of including Federal buildings which have elevated levels of radon.

"(2) In compiling such list, the Administrator shall make such determinations on the basis of, among other things, the following:

"(A) Geological data.

"(B) Data on high radon levels in homes and other structures near any such Federal building.

"(C) Physical characteristics of the Federal buildings.

"(c) **STUDY DESIGNS.**—Studies required under subsection (a) shall be based on design criteria specified by the Administrator. The head of each Federal department or agency conducting such a study shall submit, not later than July 1, 1989, a study design to the Administrator for approval. The study design shall follow the most recent Environmental Protection Agency guidance documents, including 'A Citizen's Guide to Radon'; the 'Interim Protocol for Screening and Follow Up: Radon and Radon Decay Products Measurements'; the 'Interim Indoor Radon & Radon Decay Product Measurement Protocol'; and any other recent guidance documents. The study design shall include testing data from a representative sample of Federal buildings in each high-risk area identified in subsection (b). The study design also shall include additional testing data to the extent resources are available, including any reliable data supplied by Federal agencies, States, or other parties.

"(d) **INFORMATION ON RISKS AND TESTING.**—(1) The Administrator shall provide to the departments or agencies conducting studies under subsection (a) the following:

"(A) Guidance and data detailing the risks associated with high radon levels.

"(B) Technical guidance and related information concerning testing for radon within Federal buildings and water supplies.

"(C) Technical guidance and related information concerning methods for reducing radon levels.

"(2) In addition to the assistance required by paragraph (1), the Administrator is authorized to make available, on a cost reimbursable basis, to the departments or agencies conducting studies under subsection (a) devices suitable for use by such departments or agencies in conducting tests for radon within Federal buildings. For the purpose of assisting such departments or agencies in evaluating any such devices for the presence of radon levels, the Administrator is authorized to recommend laboratories or to make available to such departments or agencies, on a cost reimbursable basis, the use of laboratories of the Environmental Protection Agency.

"(e) **STUDY DEADLINE.**—Not later than June 1, 1990, the head of each Federal department or agency conducting a study under subsection (a) shall complete the study and provide the study to the Administrator.

"(f) **REPORT TO CONGRESS.**—Not later than October 1, 1990, the Administrator shall submit a report to the Congress describing the results of the studies conducted pursuant to subsection (a).

15 USC 2670.

"SEC. 310. REGULATIONS.

"The Administrator is authorized to issue such regulations as may be necessary to carry out the provisions of this title.

15 USC 2671.

"SEC. 311. ADDITIONAL AUTHORIZATIONS.

"Amounts authorized to be appropriated in this title for purposes of carrying out the provisions of this title are in addition to amounts authorized to be appropriated under other provisions of law for radon-related activities."

(b) **TECHNICAL AMENDMENTS.**—The Toxic Substances Control Act (15 U.S.C. 2601 and following) is amended by adding at the end of the table of contents in section 1 the following:

"TITLE III—INDOOR RADON ABATEMENT

"Sec. 301. National goal.

"Sec. 302. Definitions.

"Sec. 303. EPA Citizen's guide.

"Sec. 304. Model construction standards and techniques.

"Sec. 305. Technical assistance to States for radon programs.

"Sec. 306. Grant assistance to States for radon programs.

"Sec. 307. Radon in schools.

"Sec. 308. Regional radon training centers.

"Sec. 309. Study of radon in Federal buildings.

"Sec. 310. Regulations.

"Sec. 311. Additional authorizations."

Approved October 28, 1988.

LEGISLATIVE HISTORY—S. 744 (H.R. 2837):

HOUSE REPORTS: No. 100-1047 accompanying H.R. 2837 (Comm. on Energy and Commerce).

SENATE REPORTS: No. 100-91 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD:

Vol. 133 (1987): July 8, considered and passed Senate.

Vol. 134 (1988): Oct. 5, H.R. 2837 considered and passed House; proceedings vacated and S. 744, amended, passed in lieu.

Oct. 7, Senate concurred in House amendments.