

AN ACT relating to radon certification.

***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

➔Section 1. KRS 211.9107 is amended to read as follows:

No person or business entity shall conduct radon measurement, mitigation, or laboratory analysis in this Commonwealth after January 1, 2013, without the appropriate certification pursuant to KRS 211.9101 to 211.9135. No person or business entity shall advertise or claim to be a "certified measurement contractor," "certified mitigation contractor," or "certified radon laboratory," unless certified pursuant to KRS 211.9101 to 211.9135. Certification requirements under KRS 211.9101 to 211.9135 shall apply to a radon measurement contractor, radon mitigation contractor, or radon laboratory, but shall not apply to:

- (1) A person performing measurement or mitigation on a single-family residential building that he or she owns and occupies;
- (2) A person performing measurement on a residential or commercial building that he or she owns;
- ~~[(3) An apprentice in the process of learning radon measurement, mitigation, or laboratory analysis who assists and is under the general supervision of a measurement or mitigation contractor;]~~
- (3)~~[(4)]~~ An agent of the federal, state, or local government agency acting within an official capacity who shall make payment of certification fees but who shall not otherwise be required to comply with KRS 211.9101 to 211.9135;
- (4)~~[(5)]~~ A person performing measurement or mitigation as part of a scientific research project approved by the cabinet;
- (5)~~[(6)]~~ A retail store or any other organization that sells or distributes radon measurement devices and is not engaged in a relationship with the client for other services, such as home inspection or real estate brokerage, and that does not conduct measurement, mitigation, or laboratory analysis; or

~~(6)~~~~(7)~~ A person performing measurement or mitigation as part of radon training approved by the cabinet.

➔Section 2. KRS 211.9109 is amended to read as follows:

(1) The cabinet shall issue a certification as a radon measurement contractor to any person who:

- (a) Submits a complete and accurate application for certification on a form prescribed by the cabinet through promulgation of an administrative regulation;
- (b) Pays the certification fee established by the cabinet through promulgation of an administrative regulation within the following restrictions:
  1. An initial certification fee shall not exceed two hundred fifty dollars (\$250);
  2. **A biennial**~~An annual~~ renewal fee shall not exceed two hundred fifty dollars (\$250);
  3. A duplicate certificate fee shall not exceed twenty dollars (\$20); and
  4. A late renewal fee shall not exceed one hundred dollars (\$100);
- (c) Provides the cabinet with documentation of successful completion of a cabinet-approved radon measurement course and exam;
- (d) For renewal of certification, provides proof of completion of at least eight (8) hours of continuing education per year;
- (e) Submits a quality control program plan that meets the minimum standard operating procedures requirements as established by the cabinet through promulgation of an administrative regulation; and
- (f) Furnishes evidence of financial responsibility to the cabinet consisting of a liability insurance policy that satisfies the requirements of KRS 211.9113.

(2) A measurement contractor shall:

- (a) Ensure all measurements are conducted in accordance with the measurement

- standard operating procedures established by the cabinet through promulgation of an administrative regulation;
- (b) Maintain a quality control program plan that meets the minimum standard operating procedures requirements established by the cabinet through promulgation of an administrative regulation;
- ~~[(c) Ensure all measurement activities are conducted under the general supervision of an individual certified to conduct radon measurement;]~~
- ~~(c)~~~~[(d)]~~ Use or sell only cabinet-approved devices to conduct radon measurement; and
- ~~(d)~~~~[(e)]~~ Ensure all services procured from a radon laboratory are procured from a radon laboratory certified by the cabinet.

➔Section 3. KRS 211.9111 is amended to read as follows:

- (1) The cabinet shall issue a certification as a mitigation contractor to any person who:
- (a) Submits a complete and accurate application for certification on a form prescribed by the cabinet through promulgation of an administrative regulation;
- (b) Pays the certification fee established by the cabinet through promulgation of an administrative regulation within the following restrictions:
1. An initial certification fee shall not exceed two hundred fifty dollars (\$250);
  2. **A biennial**~~[An annual]~~ renewal fee shall not exceed two hundred fifty dollars (\$250);
  3. A duplicate certificate fee shall not exceed twenty dollars (\$20);~~and~~
  4. A late renewal fee shall not exceed one hundred dollars (\$100); **and**
  5. **A mitigation system registration fee shall not exceed fifty dollars (\$50) per mitigation system;**
- (c) Provides the cabinet with documentation of successful completion of a

- cabinet-approved radon mitigation course and exam;
- (d) For renewal of certification, provides proof of completion of at least eight (8) hours of continuing education credit per year;
  - (e) Submits a quality control program plan that meets the minimum standard operating procedures requirements established by the cabinet through promulgation of an administrative regulation; and
  - (f) Furnishes evidence of financial responsibility to the cabinet consisting of a liability insurance policy that satisfies the requirements of KRS 211.9113.
- (2) A mitigation contractor shall:
- (a) Ensure all mitigations are conducted in accordance with mitigation standard operating procedures established by an administrative regulation promulgated by the cabinet;
  - (b) Maintain a quality control program plan that meets the minimum standard operating procedures requirements established by the cabinet through promulgation of an administrative regulation;
  - (c) ~~Ensure all mitigation activities are conducted under the general supervision of an individual certified to conduct radon mitigation;~~
  - ~~(d)~~ Ensure post-mitigation measurement is conducted by a person certified to conduct measurement; and
  - ~~(d)~~(d)~~(e)~~ Ensure all radon mitigation systems repaired or altered on or after January 1, 2013, meet the mitigation standard operating procedures established by an administrative regulation promulgated by the cabinet.

➔Section 4. KRS 211.9115 is amended to read as follows:

- (1) The cabinet shall issue a certification as a radon laboratory to any person or entity that:
  - (a) Submits a complete and accurate application for certification on a form prescribed by the cabinet through promulgation of an administrative

- regulation that includes the name of at least one (1) measurement contractor who is responsible for analytical activities;
- (b) Pays the certification fee as established by the cabinet through promulgation of an administrative regulation within the following restrictions:
    - 1. An initial certification fee shall not exceed two hundred fifty dollars (\$250);
    - 2. **A biennial**~~[An annual]~~ renewal fee shall not exceed two hundred fifty dollars (\$250);
    - 3. A duplicate certificate fee shall not exceed twenty dollars (\$20); and
    - 4. A late renewal fee shall not exceed one hundred dollars (\$100);
  - (c) Submits a quality control program plan that meets the minimum standard operating procedures requirements established by the cabinet through promulgation of an administrative regulation;
  - (d) Utilizes only cabinet-approved measurement devices and analytical services, and submits a description of each type of measurement device and analytical service utilized; and
  - (e) Provides documentation of enrollment and good standing within a cabinet-approved independent laboratory accreditation program for each type of measurement device and analytical service utilized.
- (2) A radon laboratory shall:
- (a) Employ as a staff member at least one (1) measurement contractor who shall direct the analytical activities of the laboratory;
  - (b) Ensure all laboratory analysis activities are conducted in accordance with the minimum standard operating procedures requirements established by the cabinet through promulgation of an administrative regulation for each type of measurement device and analytical service utilized; and
  - (c) Ensure all radon laboratory analyses are conducted in compliance with

applicable state and federal regulations.

→Section 5. KRS 211.9121 is amended to read as follows:

- (1) A person seeking biennial~~annual~~ renewal of certification shall pay the renewal fee not to exceed two hundred fifty dollars (\$250) as promulgated by the cabinet in an administrative regulation and shall submit an application for renewal on a form prescribed by the cabinet. An application for renewal is deemed filed on the date that it is received by the cabinet.
- (2) Certificates not renewed within thirty (30) days after the renewal date shall pay a late renewal fee not to exceed one hundred dollars (\$100) as promulgated by the cabinet in administrative regulation.
- (3) Certificates not renewed within ninety (90) days of the renewal date shall lapse and may only be reinstated upon payment of a late renewal fee and initial certificate fee as promulgated by the cabinet in an administrative regulation and providing proof of insurance as required under KRS 211.9113.
- (4) A certified person shall report any change of information submitted in applying for certification in writing to the cabinet within ten (10) days of such change taking place. The cabinet shall not be responsible for a certified person not receiving notices, communications, and other correspondence caused by failure of the certified person to report changes.
- (5) The cabinet shall promulgate administrative regulations for establishing an inactive certification status.