

**Date/Time:** April 25, 2022

**Location:** Webex

## ATTENDEES

Cindy Costello, NYSDOH, Task Force Liaison  
Alex Damiani, NYSDOH  
Christine Dobert, NYSDOH  
David Ohehir, NYSDOH  
Gary Ginsburg, NYSDOH Designee  
Chris Chin, NYSDOH DLA  
Christine Westerman, NYSDOH  
Selica Grant, NYSDOL Designee  
George G. Schambach, Mitigation Contractor, President of NYSAARST  
Richard "Dick" Kornbluth, Retired Mitigation Contractor  
John Addario, Secretary of State Designee  
Whitney Clark, Department of State

## AGENDA

10:00 AM	Welcome & Introductions
10:15 AM	Review/Approval of Minutes
10:30 AM	Review Draft Task Force Report (Appendix F, Schools, Daycares, Financial Assistance, Water)
12:00 PM	Lunch
12:30 PM	Review Draft Task Force Report (Tester & Mitigator Licensing)
2:15 PM	Next Steps
2:30 PM	Adjourn

## Notes:

- Meeting Start 10:03 AM
- Welcome & Introductions
- Last minutes Approved by George and second by Gary
  - o Accepted
- Extension of timeline
  - o Currently November 2022

- Appendix F
  - Passive system can potentially reduce radon by 50% in addition to reduce moisture
    - Need reference
  - The 2020 code is based on the 2017 international code
  - Currently the 2021 international code
    - \$463 for a passive system install
    - Test above 4 pci/l will turn a passive system to active
    - 2019 cost \$800 to turn a passive system to active.
  - If Task force requires adoption of Appendix F pend also the NYS code council
  - Through legislation recommend appendix F to become mandatory
  - Include appendix F for al real estate transactions.
    - Assist in widespread cover in addition to the new home builds
  - Varies with house tightness and retaining radon
  - Builders will not approve with additional costs
  - Statewide vs. High radon zones
  - Radon Zone maps are flawed due to lack of testing in certain areas
  - Install passive system or require testing within X years and obligate home builder to mitigate, not give buyer a credit
    - Legal?
  - Is it within code, contract, or legal obligation for a new home warranty?
    - Is there a list of house defects under builders?
    - Is it better business law?
    - Possible under Case-law
      - Up to homeowner to present lawsuit to builder
    - Future research for more details on warranty
  - New Construction
    - No adoption
    - Adopting current appendix F with passive construction and no test requirement
      - Following guide of other states that have already adopted this option
    - Adopt appendix F with passive and test requirement (pending legal options)
      - What is the builder responsible for?
  - Make note of Legislation change vs regulation change
- Review Draft Task force report
  - Schools
    - Biggest deterrent is having capital funding for testing for schools
    - Standards are now available for no additional fees
    - NYS Education Dept, School Building Survey
      - <https://p12.nysed.gov/facplan/documents/2020BuildingConditionSurveyInstrument.pdf>
      - Does not specify required Radon testing
    - OCFS
      - Requires daycares to test in high radon zones

- Radon is part of the environmental hazards guide
- Form starts with No Environmental Hazards option before doing a self-evaluation.
  - Does not require the full filling out of the form
- Proposed to require Radon testing statewide, not just in certain zones
  - Evidence for low radon zones do have high radon testing still

Lunch Break 12:10 PM

Return at 12:40 PM

- Review Draft Task Force Report
  - Testers and Mitigator license
    - Who will have program over-sight?
    - No agency has the funding, staff, training & program to have oversight
      - Find out the cost of database program
      - Cost of standing up licensing program
      - Need Start up money for IT program
    - Dept of State
      - Do not license code enforcement officials
    - Dept of Health
      - do not license any home-entering professionals
      - do not license any trade professionals
    - Dept of Environmental Conservation
      - Police power= clarification if law enforcement (Encon. Officers could be used)
    - Dept of Labor
      - Anything criminal is referred to OSHA or to Attorney General
    - State Education Dept
      - No additional comment
  - Make a requirement for a fact sheet and checklist for proper system to be given to the homeowners
    - Similar to lead notification, required by EPA/ HUD
  - Enforcement
    - Does the taskforce want to recommend it to be complaint driven or inspection?
    - Recommend being complaint driven in addition to inspection component. A certain percentage of mitigation systems to be inspected per year.
- Review of Radon Regulation through Licensing and Certification
  - Ethics provisions into the law and have details in regulation.
    - Needs to recognize the conflict of enforcement.
    - Determined by licensing agency.
  - Standard
    - Use a generic name, do not specify a certain company named standard
  - Under section 4 Renewal

- Remove specific time frame.
  - “Specified by the licensing agency”
- Section 6 Liability Insurance Policy Requirement
  - Proof of insurance
- Section 8 Departments powers- appeals
  - Need ability to suspend without a hearing, spell out clerical issues with license renewal vs behavior issue
  - Part 3- circuit court
    - Replace with administration or to Attorney General or District Attorney
    - Administrative legal proceedings refer to AT or DA
- Section 9
  - Specify that an inspector needs approval to enter a home
- Section 11
  - Record retention
    - (1)(a) Can only provide information to the person who did the testing
- Section 13
  - Language for setting up special revenue fund
- Next Meeting May 31<sup>st</sup>
- Meeting Adjourn 2:34 PM