

RE: Proposed Rulemaking Notice: 25 PA. Code CHS 218 & 240 Radiological Health and Radon Certification Fees; PA Radon Mitigation System Tag and Fee. 46 Pa.B. 3509 Saturday, July 2, 2016

Often, legislation directing regulatory oversight results from public outcry. The proposed rulemaking claims that radon is the largest controllable source of unnecessary radiation exposure in this commonwealth. Unfortunately there is no public outcry in regard to radon exposure. The consumer has little knowledge in regard to radon or is ill informed. Schools and daycares refuse to test for radon. There are numerous occupations where radon is a hazard yet employers do not test work spaces and employees are not informed of the hazard. Even the nuclear power plant industry does not include radon exposure in a radworkers annual exposure because the exposure is not due to licensable material. There is no federal or state regulatory limit for radon in air or water and no requirement to test except for HUD Multifamily mortgages yet the PA DEP BRP chooses to overregulate radon professionals. I understand there are some individuals who are not ethical, do not follow required QA/QC programs or any regulations; that is unfortunate for the entire regulated community. I challenge the department to focus their efforts on ways to expand their program or simply run more efficiently; that is what we try to do to stay in the black.

The mitigation system tags are an excellent idea because they inform the consumer that the state is involved however the tags should be provided free to the mitigators upon certification. After all what do they get for their certification fee other than the right to have a small business in this state?

Offering radon tests is not a standalone business; it is an add-on service. The majority of radon testing is performed in conjunction with a real estate transaction. Unfortunately the person paying for the test is not in charge of the building or the testing conditions. Radon professionals are forced to cater to this industry. The *majority* of radon professionals have not been able to raise their prices in the last 10 years if they do they lose the referrals. Many costs have increased but yet they still offer the service if not for anything else to simply provide peace of mind. There is evidence of tampering, a lack of concern for complying with closed house conditions and uncertified people other than the homeowners/occupants are placing and retrieving devices. Enforcement is not taken against these other parties.

Builders are exempt from radon regulations. If additional revenue is needed please consider tagging all builder installed systems both passive and active. A quick search of “new home source” indicated that there were 5,836 homes and 817 communities to choose a new house from. At 50\$ per tag that’s quite a revenue to be had. Additionally **please** consider mandating training for all installers of these passive systems as most are not correct and often leave the occupant in an elevated radon environment. They are told the house has a system so they do not test and are left with a false sense of safety.

New home construction radon resistant features are not mandated. The state should consider mandating this technique otherwise municipalities have to individually elect this. Consumers and municipalities do not know that this option exists. If installed at time of construction it is only a few hundred dollars and provides other benefits in addition to reducing radon entry.

In reviewing all the documents that this proposed rulemaking is authorized under I understand that based on specific laws and regulations, governmental agencies attempt to protect the public – as consumers, citizens, and employees primarily by means of certification and inspection. The radon department claims to play a major role in protecting the public against risks to their health, safety, and welfare however the radon protection act clearly states that it was enacted to protect the public from unscrupulous radon professionals. I do not believe that the purpose of the program or the manner in which the program has been administered effectively fulfills their claim.

Additionally, radioactive material labs do not pay a different fee simply because they have an employee; their lab can have one or more employees and just be referred to as a lab. If a radon lab (provides analysis of passive devices) has someone else other than the certified individual performs the analysis they are considered a firm and are charged more. Radon firms also charged a fee for each employee beyond one. It seems unreasonable to have the radon certification act grouped with the radiation protection act. If the cost of a laboratory is increased along with the cost for each employee beyond one these small businesses in PA will suffer. There are 7 radon labs in PA.

Business expenses may include: Tools and personal protective equipment, testing, lab or mitigation equipment and system components, initial proficiency testing, certification and recertification, proposed inclusion of ANSI/AARST standards that we would have to pay for. Our QA & QC program maintenance may include device calibrations, spikes, blanks, duplicates or crosschecks, correction factor calibrations for passive devices, vehicle and vehicle expenses, office space, phones, computers etc., website, marketing, insurance - health, life, E&O, liability, register as a contractor, employees and employee expenses, workman's comp, payroll fees, taxes, OSHA, register with secretaries of states, our time performing our job, our time communicating, possible regulatory enforcement - fines, travel, attorney fees and missed work.

Here is an example of how much people are trying to curb their expenses: When I purchased this lab I tried to raise the cost of a charcoal can from \$10 to just \$12 so that I could hire a part time employee. I was told by all the customers that I would lose their business to a larger out of state company. It is very difficult to get a homeowner - one that is just living in their house and not buying or selling to test their house for radon gas. It is difficult to get a perspective buyer to opt for a radon test when they have so many other expenses and issues to deal with. Have the members of the Environmental Quality Board tested their homes, work places or children's school?

If we cannot cover our expenses we will simply no longer offer these services and the department will have to perform public outreach on their own. Thank you for your time, Celia Rajkovich