

January 23, 2013

Senator Kathy Campbell, Chair  
Health and Human Services Committee  
State Capitol

RE: LB 13

Dear Senator Campbell and members of the Health and Human Services Committee:

I am writing to share technical comments regarding LB 13, which requires radon resistant construction and radon mitigation for residential construction and creates a building codes task force.

- On line 25 on page 2, the reference to the “Department of Health and Human Services” should be changed to the “Environmental Protection Agency,” which has identified Nebraska as third in the nation for having high levels of radon.
- Line 8 on page 13 defines “radon contractor.” Licensing designations are currently defined for a radon measurement specialist and a radon mitigation specialist. We suggest removing any reference to a radon contractor and refer to “radon mitigation specialist” or “radon measurement specialist” as the context warrants.
- Line 11 on page 13 defines, “Radon resistant construction.” National standards that describe radon resistant new construction contain much more than requirements for piping, including material laid before the foundation slab is poured. The narrow definition in LB 13 would limit the Department’s ability to expand on those other features in the regulations that referenced in Section 4 (2) on page 14.
- Section 5 on page 14 requires new construction to include radon resistant features beginning January 1, 2014. Section 9 on page 16 establishes a task force to make recommendations regarding rules and regulations to require building codes to specify the inclusion of radon resistant construction in new residential construction by December 31, 2014. I recommend the requirements for new construction be required after the task force provides its recommendations.
- LB 13 specifies DHHS as the lead agency to include the writing regulations. It is not clear if DHHS is to have a role in inspection and enforcement. If so, I recommend this be specified in order to determine staffing and funding needs.

I appreciate the opportunity to provide this information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joann Schaefer', written in a cursive style.

Joann Schaefer, M.D.  
Chief Medical Officer  
Director, Division of Public Health  
Department of Health and Human Services

Cc Sen. Bob Krist