

ESSENTIAL INFORMATION

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State Radon Laws

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SUMMARY

Radon is a radioactive, colorless, tasteless, and odorless gas found naturally occurring in the environment. Radon is the second-leading cause of lung cancer in the United States after smoking. Elevated indoor air levels in homes and buildings are the primary source for radon exposure. Radon can easily escape from its origins in the rocks and soil where it can further undergo a process that creates compounds that are hazardous to health. To protect the public, many states have developed laws and regulations governing radon disclosure, radon certification and mitigation. Some states have also developed mandatory radon testing provisions in schools and homes in certain contexts.

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This dataset explores the provisions that the states developed in regard to radon and the potential public health impact from elevated radon levels. It includes laws from all 50 states and the District of Columbia in effect December 1, 2016.

ABOUT & THE DATA

Some findings from the dataset include:

- Thirty-seven states require disclosure during real estate transactions: Alaska, California, Colorado, Connecticut, District of Columbia, Delaware, Florida, Hawaii, Iowa, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Maine, Michigan, Minnesota, Montana, Mississippi, North Carolina, Nebraska, New Hampshire, New Jersey, Nevada, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Washington, and Wisconsin. The 37 states require disclosure through specific laws/regulations or through their Real Estate Commission/Board. Also the states' Association of Realtors develop forms as an assurance to disclosure.
- Seven states do not have any type of radon disclosure form, whether it is through legislative means or through Association of Realtors: Alabama, Arkansas, Idaho, North Dakota, Virginia, West Virginia, and Wyoming.
- Four states require tenant disclosure by the landlord for radon: Colorado, Florida, Illinois and Maine
- Twenty-five states have radon certification laws: California, Connecticut, District of Columbia, Florida, Iowa, Illinois, Indiana, Kansas, Kentucky, Maryland, Maine, Montana,

Nebraska, New Hampshire, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Tennessee, Utah, Virginia, and West Virginia.

- Four states require testing in high priority buildings: Illinois, Maine, New Hampshire, Rhode Island
- Nine states require testing in daycare centers: Connecticut, Florida, Iowa, Illinois, Idaho, Michigan, New Hampshire, New Jersey, and Rhode Island
- Thirteen states require testing in schools: Colorado, Connecticut, Florida, Illinois, Maryland, Minnesota, New Jersey, New York, Ohio, Rhode Island, Tennessee, Virginia, and West Virginia.
- Eighteen states have radon mitigation laws: California, Connecticut, Florida, Illinois, Indiana, Kansas, Kentucky, Maryland, Maine, Minnesota, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, and Virginia
- Eleven states require Radon-Resistant New Construction: California, Florida, Illinois, Maine, Minnesota, New Jersey, Oregon, Rhode Island, Texas, Washington and West Virginia.
- Twelve states require a public education program or radon awareness program: California, Florida, Georgia, Illinois, Indiana, Maine, Montana, New Hampshire, New Jersey, Utah, Virginia, and Wisconsin
- Eleven states impose civil penalties for misrepresenting radon readings: California, District of Columbia, Illinois, Indiana, Kansas, Kentucky, Nebraska, Ohio, Pennsylvania, South Carolina, and Tennessee.
- Eleven states impose criminal penalties for misrepresenting radon readings: Florida, Iowa, Illinois, Indiana, Kansas, Michigan, Nebraska, New Hampshire, New Jersey, Ohio, and West Virginia.
- Five states — Illinois, Indiana, Kansas, Nebraska, and Ohio — impose both criminal and civil penalties for misrepresenting radon readings.

NAVIGATING THE DATA

The questions featured on the webpage identify which states have laws or regulations governing radon disclosure, radon certification, and radon mitigation laws. The page allows a visitor to look up applicable state laws about radon and to identify specific components of radon laws, such as penalties for misrepresenting radon readings, provisions on testing, and radon mitigation requirements. Some states have extensive radon provisions regarding certification, mitigation, testing, and disclosure, while other states are more limited in scope, which draw important differences in how states regulate and handle indoor radon levels.

There are two ways to navigate the data using the interactive map:

- (1) By selecting a state from the map; or
- (2) By selecting criteria that detail the characteristics of the laws.

Option 1 – State by state: Using the map, click on the state of interest. A table will appear with details about that state’s law. The first row of the table includes a link to the state fact sheet.

Option 2 – Multiple states: To view the law across multiple states, you may use the questions to filter through various criteria. Clicking on a question will expand the answers/criteria for you to select. In some cases, secondary questions may appear after answering one of the primary

questions — these secondary questions dig deeper into the detail of that specific area of the law. The map will change based on the criteria you select.

The primary questions are:

1. Does the state have a law requiring sellers to disclose known radon levels in the sale of homes?
2. Does the state have radon disclosure through any of the following: state law or regulation, state form drawn up?
3. Does the state require landlords to disclose radon to tenants?
4. Does the state have a law requiring certification of those engaged in the business of radon mitigation?
5. Does the state require radon testing?
 - a. Does the state require radon testing in “public or high priority buildings?”
 - b. In schools?
 - c. Does the state require radon testing in radon testing in day care centers?
6. Does the state have a radon mitigation law?
7. Does the state have a law requiring Radon-Resistant New Construction?
8. Does the state have a law requiring state preparation of a public education/awareness program or document related to radon?
9. Does the state include a penalty provision for misrepresenting radon readings?
 - a. Are there criminal penalties?
 - b. Are there civil penalties?

Along with the responses, there are a few interactive symbols that appear in the columns:



Clicking on a red gavel symbol will display the full text of all statutes and regulations related to the topic within the chosen jurisdiction that have been included in the dataset. These are the legal texts that have been used to answer the questions displayed above.



Clicking on a red statute symbol will display the specific statutory and/or regulatory citations supporting that selected characteristic of the law. Each citation is also clickable, and clicking on the citation text will display the text of the law linked to that citation.



Clicking on a question mark symbol, or “caution note,” will reveal unique features of the statutory and/or regulatory law(s). These “caution notes” alert users to important differences and greater detail about the criteria selected.

ADDITIONAL INFORMATION

Refer to the Research Protocol and the Codebook if you would like to learn how the data was created and subsequently coded. The Codebook provides a list of the questions that were coded and their corresponding variable names. The data itself is also available for download into Microsoft Excel. The Research Protocol, Codebook, and data are available for PDF download on the Radon webpage.

For additional information:

- Radon and Real Estate Resources. United States Environmental Protection Agency website. <https://www.epa.gov/radon/radon-and-real-estate-resources>. Accessed January 17, 2017
- Radon in the Home. Centers for Disease Control and Prevention Website. http://www.cdc.gov/nceh/radiation/brochure/profile_radon.htm. Accessed January 17, 2017
- Anderson N, Brennan M, Brown E, Colby J, Gibson R, Hoenig M, Kelley C, Malczewska-Toth B, Mitchell C, Mitchell J, Monti M, Morrow A, Schwartz K, Sweeny L, Whitcomb R. *Radon Monitoring and Data Collection in the United States*. Radon task force. Published May 2014. <https://ephtracking.cdc.gov/docs/RadonMonitoring-DataCollection-US.pdf>. Accessed January 17, 2017
- Finkel A. Mandatory testing of Radon Levels in For-Sale Homes. Public Health Law Research. <http://www.phlr.org/product/mandatory-testing-radon-levels-sale-homes>. Accessed January 19, 2017. Published April 24, 2012

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