

NJDEP Training Workshop

Questions and Answers

Measurement:

1. Clarify what is required of the tester and business regarding the reporting of results for a radon test that is part of a real estate transaction and when the buyer orders the test.

Only a certified radon measurement business can issue test results.

The Radon Section letter dated March 4, 2011 that was addressed to all certified measurement professionals states:

When radon testing is being performed, only the homeowner, unless it is part of a real estate transaction, then the potential buyer, may receive the test results. No other person can receive a copy of the results. The results are confidential. The exception to this is if the homeowner signs a form that waives confidentiality of the test results. This waiver must be signed by the homeowner only. No other person may sign a waiver.

Results must always be sent to the address tested (addressed by name or to "homeowner" or to "unknown," if home is vacant so mail can be forwarded). For buyer-contracted tests, the report must also be sent to the buyer ("client"). If a copy is sent to someone other than the homeowner and buyer (ex. attorneys and/or real estate agents) the business should obtain a signed confidentiality waiver from the homeowner.

2. Is there a one-day training session for a technician to become a specialist?

A technician is required to attend 16 hours of initial training and a specialist must attend 24 hours. There has never been a need for a one-day course to become a specialist because it is not a frequent occurrence for an individual to upgrade their certification. However, since one additional day is required, an individual may call the course provider and ask whether they can pay to attend the last day of the 24 hour course. We have heard from at least one course provider that this is possible.

3. Discuss duplicates and blanks in regards to school testing.

As addressed previously in the July 30, 2002 letter to all radon professionals, following are the requirements for school testing.

If a certified business is selling test devices to a school, the business is encouraged to discuss the testing requirements with the school, but is responsible only for ensuring that the school has the appropriate number of tests to ensure the Quality Assurance/ Quality Control (QA/QC)

requirements are met. In addition, the business should check to make sure the school official involved has received an identification number from the NJDEP to conduct radon testing in his or her school district. The DEP Radon Section can be contacted at (800) 648-0394 if there are questions on whether a school official has received approval to test.

As recommended by the EPA in its guidance document, school officials will be instructed to use 10% duplicates and 5% blanks in their testing. Similarly, businesses that test in schools must also use 10% duplicates and 5% blanks. This is a requirement which must be conducted for every school that tests and is considered separately from blank and duplicate requirements for residential testing.

Blanks should be taken to the school, and kept in safe storage, unopened, throughout the measurement period. They should be unwrapped or unsealed, but not opened, when the other devices are opened. (Otherwise the laboratory would be able to recognize the blanks' because they had not been unwrapped or unsealed.) They should then be rewrapped or resealed and returned with the other devices to the business or laboratory.

4. Check and see if NJ NACHI and DCA-Home Inspector Advisory Commission can be included in receiving credit for this seminar.

An individual can use the course for NJ NACHI credits. The NJ Home Inspector Advisory Commission, which is under DCA- State Board of Professional Engineers and Land Surveyors, has not responded to us to date. However, we suggest that you submit your certificate to them directly.

5. Are you going to provide the protocol for testing multi-family buildings?

The Radon Section will be reviewing the ANSI-AARST Standard "Protocol for Conducting Radon and Radon Decay Product Measurements in Multifamily Buildings" during the next month. If this document becomes the official protocol to measure radon in multifamily structures in New Jersey, all radon businesses and professionals will be notified and business applications will be amended to include the new standard. In the meantime, businesses are required to follow EPA 402-R-92-004 (revised) *Indoor Radon and Radon Decay Product Measurement Device Protocols* and EPA 520/1-86-014-1 (pgs. 4, 13 & 15) *Interim Protocols for Screening and Follow-up Radon and Radon Decay Product Measurements* for residential testing and, if you are testing non-residential structures, you also need to follow EPA 402-R-92-014 *Radon Measurement in Schools*.

6. Can an individual that is a certified radon professional and also a municipal code official use the RRNC municipal code official training course that will be given in the fall for their radon CEUs?

Yes, we will allow them to use it for the radon certification CEU requirement.

7. Provide a sample copy of a non-interference agreement.

Since this document is not required for radon certification, the Radon Section does not have any suggested wording for non-interference agreements. Any agreements created by businesses are their property and we cannot distribute. You may check the internet for sample documents.

8. Are electronic forms acceptable for chain of custody and log books?

Electronic forms for Chain of Custody (COC) and log books are acceptable.

9. Who is required to sign the QA Plan?

The responsible radon measurement specialist must sign the QA Plan.

10. Is radon testing mandatory in New Jersey?

All New Jersey licensed child care centers must test for the presence of radon and post the results in a prominent location. Testing must be repeated at five-year intervals. A state law, N.J.S.A. 30:5B-5.2, enacted in 1997, requires this testing.

There is no other mandatory radon testing requirement.

11. What is the breathing zone?

The breathing zone means the area of a room in which occupants breathe as they stand, sit, or lie down. A radon test that is hanging should not be more than five or six feet off the ground as the general population has the breathing zone within that height.

12. What is a technician allowed to do during a real estate transaction?

The measurement technician can conduct the radon test. All testing must be conducted in accordance with the required testing protocols.

Mitigation:

1. When a homeowner does not want a fan in the basement switched out to bring it up to current requirements, what does the mitigator do at that point?

The homeowner should be informed that the fan in the basement results in an inherent exposure risk to the occupants. Since this involves a health and safety issue, if the owner does not want the fan moved from the basement the business should refuse to work on the system. Work is still not allowed even if the business documents that the owner does not want the fan moved. Again, the business should refuse to work on the system unless all required changes are made to ensure the safety of the occupants.

In addition, the system would not pass a building and/or home inspection as noted as follows in a letter dated June 27, 2008 which the Radon Section addressed to all radon mitigation businesses:

When a fan is found in a basement because the system was installed prior to current requirements, is a business that is requested to conduct repairs responsible for telling a homeowner that the work cannot be completed unless the fan is moved out of the basement to an acceptable location? The answer is yes. A business must indicate to the homeowner that the system needs to be upgraded to comply with the current requirements for fan installation which means the basement fan cannot just be replaced with a new one. Section X3.4 of ASTM E-2121 states: "It is vital that radon fans in ASD systems be located and configured so as to minimize the potential for leaks, in the radon system piping or the fan itself, which result in radon re-entry or re-entrainment into occupiable spaces of the building. To address this issue, this standard practice limits the location of radon fans in ASD systems to areas outside the building or to non-occupiable spaces, which are above the conditioned space of the building."

2. Why can't a mitigator be required to install RRNC for new construction instead of allowing the builder to install it?

The regulations for Certification of Radon Testers and Mitigators (N.J.A.C. 7:28-27.31(a) 2.) allow an exemption for "those persons incorporating construction techniques outlined in N.J.A.C. 5:23-10." Therefore, New Jersey regulations prohibit us from requiring that certified radon mitigators install RRNC. An owner, a school district, an architect, etc., can require that the RRNC be installed by a certified mitigator; however, this would be done on a case by case basis and as needed.

3. Who can make sure that the RRNC is installed properly?

Municipal code officials are responsible for inspecting the RRNC installation. They are supposed to ensure that the Radon Hazard Subcode is followed and that all of the construction techniques meet the code requirements. The Radon Section is sponsoring training for municipal code officials this fall. Three five-hour sessions will be held in north, central and south Jersey and the training will focus on the correct installation and inspection of RRNC. Any problems with the local code enforcement officials can be directed to the Department of Community Affairs, Division of Codes and Standards, Office of Regulatory Affairs (<http://www.state.nj.us/dca/divisions/codes/offices/regaffairs.html>).

4. Is mitigation mandatory in New Jersey?

No, mitigation is not mandatory in New Jersey.

5. Discuss the documentation requirements that are needed if mitigation businesses are not able to perform testing and mitigation in accordance with the protocols.

The letter dated September 17, 2012, which the Radon Section addressed to all radon mitigation businesses, stated:

We were recently asked to clarify the actions that a mitigation business is required to take when you are hired to fix an existing mitigation system and you find additional problems with other parts of the system. ASTM E-2121-09 Section 7.1.5 is relevant for mitigation work performed on existing systems only. It states, "System components, which are added, or existing system components, which are replaced, repaired, or altered, shall be in compliance with this practice. Existing system components, which are not repaired, replaced, or altered but are observed to be noncompliant with this practice, shall be reported to the client in writing. The report should reference the relevant sections of this practice."

If a radon mitigator is servicing an existing radon mitigation system, any parts that are added to the system or any existing parts that are replaced, repaired or altered must be performed in a manner that complies with ASTM E-2121-09. Any other parts of the existing mitigation system that are not included in the mitigation repair work and that are not in compliance with ASTM E-2121-09 must be documented in writing for the owner. If the owner decides not to make the additional repairs, it must be documented thoroughly on business letterhead and signed by the mitigation specialist. The homeowner must sign this document and receive a copy, and the original document must be placed in the business file for the mitigation.

General:

1. What is the difference between the Office of Quality Assurance regulations and the Radon Section regulations?

The *Regulations Governing the Certification of Laboratories and Environmental Measurements* at N.J.A.C. 7:18 are under the jurisdiction of the Office of Quality Assurance (OQA). OQA is responsible for the certification and regulation of laboratories.

The regulations for *Certification of Radon Testers and Mitigators* at N.J.A.C. 7:28-27 are under the jurisdiction of the Radon Section. The Radon Section is responsible for the certification and regulation of radon measurement and mitigation businesses and individuals.

Each program is responsible for following the standards and protocols specified by their regulations. In some cases, requirements may differ if OQA protocols require something different from the Radon Section protocols. OQA is handling oversight of laboratories and the specific methods employed for laboratory analysis.

2. Why do the applications need to be notarized?

The regulations for *Certification of Radon Testers and Mitigators* at N.J.A.C. 7:28-27 require the notarization of all initial and renewal applications. Because this is a regulatory requirement, it must be followed.