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N.J.A.C. 7:28-27A

Radon Testing and Mitigation Statutory Authority: N.J.S.A. 13:1B-1 et seq., 13:1D-1 et seq., and 26:2D-1 et seq.

Date last amended: June 6, 2022

For regulatory history and effective dates, see the New Jersey Administrative Code

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7:28-27A.1 Scope and applicability

(a) N.J.A.C. 7:28-27A.33 and 27A.34 shall be operative on and after June 6, 2022. The remainder of this subchapter shall be operative on and after December 3, 2022.

(b) This subchapter establishes rules, requirements, and procedures with which an individual or business wishing to perform radon testing or mitigation in New Jersey shall comply in order to become, and remain, certified. Except as set forth at (c) below, certification is mandatory in New Jersey for any business or individual performing radon testing or mitigation services in buildings, as required pursuant to N.J.S.A. 26:2D-70 et seq.

(c) The certification program established in this subchapter shall not apply to:

1. An individual performing testing or mitigation on a building he or she owns, as provided at N.J.S.A. 26:2D-72. If the owner of a building is other than an individual, radon testing or mitigation performed on the building shall be performed by a certified business and certified individual;
2. An individual performing radon testing or mitigation without remuneration, as provided at N.J.S.A. 26:2D-72;
3. An individual or business subject to the new construction techniques set forth at N.J.A.C. 5:23-10;
4. A retail outlet that does not provide any services set forth in this subchapter;
5. An individual or business that manufactures or sells radon measurement devices, but does not otherwise test for, or mitigate, radon in New Jersey; and
6. A business that samples and analyzes for radon in water as regulated by N.J.A.C. 7:18.

(d) If any provision of this subchapter, or the application thereof to any individual, business, or circumstance, is adjudicated to be invalid or unenforceable to any extent, the remainder of this subchapter, or its application to any individual, business, or circumstance other than those that are the subject of the adjudication, shall continue to be unaffected by the adjudication.

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7:28-27A.2 Definitions

The words and terms defined below, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

"Acknowledgement notice" means a written statement from the Department to an individual who applies for initial or expired renewal certification as a radon measurement specialist, radon mitigation specialist, or radon measurement technician, or to a business that applies for initial certification as a radon measurement business or radon mitigation business, that documents that all initial certification application requirements have been met. The acknowledgement notice qualifies an individual and a business to enter into an affiliation. The individual or business is not certified when the acknowledgement notice is issued.

"Affiliate" or "affiliated" means, as to a certified radon measurement technician or certified radon measurement specialist, an individual who deploys and retrieves radon measurement devices through an arrangement with a certified radon measurement business as delineated in a completed affiliation form. As to a certified radon mitigation specialist, "affiliate" or "affiliated" means an individual who installs radon mitigation systems through an arrangement with a certified radon mitigation business, as delineated in a completed affiliation form. The affiliate need not be an employee of the certified business.

"Affiliation" means the association of a certified radon measurement technician or certified radon measurement specialist with a certified radon measurement business, or the association of a certified radon mitigation specialist with a certified radon mitigation business. Affiliation is established between the certified business and the affiliate by completing an affiliation form. An individual or business can have multiple affiliations.

"Affiliation form" means a document recognized by the Department and signed by a certified business or a business with an acknowledgement notice and a certified individual or an individual with an acknowledgement notice that details the responsibilities of both the certified radon business and the certified individual in accordance with this subchapter.

"Applicant" means any business or individual who applies for certification.

"Approved radon chamber facility" means a performance test chamber that is certified or approved by a nationally recognized organization to perform testing for the authorized proficiency program and perform instrument calibrations.

"Authorized measurement protocol" means the most current revisions of "Protocol for Conducting Measurements of Radon and Radon Decay Products in Homes," American National Standards Institute (ANSI)/American Association of Radon Scientists and Technologists (AARST) MAH-2019; "Protocol for Conducting Measurements of Radon and Radon Decay Products in Multifamily Buildings," ANSI/AARST MAMF-2017; and "Protocol for Conducting Measurements of Radon and Radon Decay Products in Schools and Large Buildings," ANSI/AARST MALB-2014. ANSI/AARST publications are available at www.aarst.org and www.ansi.org. The Department is incorporating these authorized measurement protocols herein, as supplemented or amended.

"Authorized mitigation protocol" means "Soil Gas Mitigation Standards for Existing Homes," ANSI/AARST SGM-SF-2017; "Radon Mitigation Standards for Multifamily Buildings," ANSI/AARST RMS-MF-2018; and "Radon Mitigation Standards for Schools and Large Buildings," ANSI/AARST RMS-LB-2018. ANSI/AARST publications are available at www.aarst.org and www.ansi.org. The

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Department is incorporating these authorized measurement protocols herein, as supplemented or amended.

"Authorized proficiency test" means a radon measurement device performance test conducted in accordance with the requirements of a nationally recognized organization.

"Blank measurement" means a method of evaluating a detector response from sources other than the radon exposure at a testing location, such as during shipping, storage, and handling.

"Business" means and includes, without limitation, a sole proprietorship, corporation, limited liability company, or partnership, of the United States, any state, and any political subdivision or agency thereof.

"Calibration" means the process of determining the response of an instrument or measurement system to a series of known radon values over the range of the instrument or measurement system, and adjusting the response, if necessary, based on known radon levels.

"Certification credential" means a certificate printed on State of New Jersey stationery, or other official written or electronic documentation of certification issued by the Department, which shows that an applicant meets all certification requirements of this subchapter and is approved and certified for one year. The name of the certified business or individual, certification number, and dates of the certification period are listed on the certification credential. For initial and renewal applications, a certification credential will be issued when the Department approves the application.

"Certified business" means a certified radon measurement business or a certified radon mitigation business, as applicable.

"Certified individual" means a certified radon measurement technician, certified radon measurement specialist, or certified radon mitigation specialist, as applicable. "Certified individual" also means a certified radon mitigation technician certified in accordance with N.J.A.C. 7:28-27A.34.

"Certified radon laboratory" means a radiological laboratory that analyzes samples for the presence of radon and/or radon progeny in a facility separate from the location in which the sample was taken using stationary detection equipment, and that holds a current valid certification issued by the Department pursuant to N.J.A.C. 7:18 for radon analysis.

"Certified radon measurement business" means a business certified pursuant to this subchapter to test for the presence of radon gas in buildings.

"Certified radon measurement specialist" means an individual certified pursuant to this subchapter to perform radon measurement activities and evaluate radon measurements, and to direct the operations of a certified radon measurement business, if agreed upon by the specialist and business.

"Certified radon measurement technician" means an individual certified pursuant to this subchapter to perform radon measurement activities.

"Certified radon mitigation business" means a business certified pursuant to this subchapter to design and install systems in buildings to mitigate and safeguard against radon exposure.

"Certified radon mitigation specialist" means an individual certified pursuant to this subchapter to inspect a building, evaluate diagnostic tests to determine appropriate radon mitigation and safeguard strategies for a building, and to design and install systems in buildings to mitigate and safeguard against radon exposure.

"Client" means the individual or business that owns the building that is tested or mitigated through services regulated pursuant to this subchapter.

"Department" means the New Jersey Department of Environmental Protection.

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"Device" means test equipment that is on a nationally recognized organization's approved list of test equipment that can be used to test for radon.

"Device model" means a unique number or name given to portable test equipment that is made by a device manufacturer.

"Duplicate measurement" means two devices placed side-by-side, approximately four inches apart, during the same time period in order to determine the ability of the measurement to be consistently reproduced.

"Expiration date" means 11:59 P.M. on the date that is one year from the date of the issuance of a certification.

"Individual" means a human being.

"Large building" means a building classified as Group A, Group B, Group F, Group H, Group I, and/or Group M by the International Building Code, incorporated by reference at N.J.A.C. 5:23-3.14; or any other occupancy group included in the Authorized Measurement Protocols.

"Minimum detectable concentration (MDC)" means the lowest concentration that is detectable at an established confidence level (95 percent at a minimum). Refer to "Radon Measurement Systems Quality Assurance" (ANSI/AARST MS-QA), as supplemented or amended, for the method to calculate MDC using the equation for the Lower Limit of Detection Counting Technology (LLD[CT]) Methods for CRMs and the Lower Limit of Detection Non-Counting Technology (LLD[NCT]) Methods for EICs.

"Mitigate" means to apply materials and/or install systems and materials to reduce the radon concentration in the indoor atmosphere or prevent entry of radon into the indoor atmosphere.

"Mitigation system" means a step, or series of steps, employed to actively reduce radon levels in buildings including, but not limited to, sealing techniques, natural and forced air ventilation techniques, soil depressurization techniques, and the installation of a fan to activate radon-resistant elements of new construction.

"Multifamily building" means a residential building having more than one attached dwelling or other occupied unit including, but not limited to, condominium, townhouse, and apartment buildings.

"Nationally recognized organization" means the National Radon Proficiency Program, National Radon Safety Board, or other recognized independent administrative program that provides radon certification, accreditation, chamber approval, standards development, and proficiency services.

"Non-portable device" means a device that requires additional laboratory equipment in order to analyze the sample collected and generate reportable results including, but not limited to, a charcoal canister, charcoal liquid scintillation detector, or alpha track detector. Non-portable devices shall be analyzed by a certified laboratory pursuant to N.J.A.C. 7:18.

"Picocurie per liter (pCi/L)" means 2.2 disintegrations of radioactive decay in one liter. It is used as a measure of the concentration of radon gas in air. One picocurie is equivalent to one trillionth of a Curie.

"Portable device" means a device that does not require additional laboratory equipment in order to analyze the sample collected and generate reportable results, such as, but not limited to, a continuous radon monitor or electret device, including the electret reader. Portable devices do not require the analysis to be conducted by a certified laboratory pursuant to N.J.A.C. 7:18.

"Program administration fee" means the fee charged in accordance with N.J.A.C. 7:28-27A.27(c) to fund the radon certification program.

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"Quality assurance" or "QA" means the activities required to establish confidence that radon test data are of the required precision and accuracy.

"Quality assurance plan" or "QA plan" means a formal document describing in detail the necessary quality assurance policies, quality control procedures, and other technical activities that must be implemented to ensure that the results of the work performed will satisfy the stated performance or acceptance criteria. The quality assurance plan defines objectives to be attained and the responsibilities and authorities of personnel, especially in regard to data quality and corrective action.

"Quality control" or "QC" means the technical activities that measure the attributes and performance of a process against defined standards to verify that they meet established specifications, including documentation.

"Radiation work experience" means the experience an individual obtains from performing work related to radiation including, but not limited to, radiation protection; use of radiation equipment, devices, and instruments; monitoring, testing, and analyzing radiation; reviewing, interpreting, and analyzing radiological data; and radon measurement activities.

"Radon" means the radioactive noble gas radon-222 and the short-lived decay products of radon-222 decay, including polonium-218, lead-214, bismuth-214, and polonium-214.

"Relative percent difference" or "RPD" means a statistic used to evaluate the difference between two measurements. The "RPD" normalizes the difference between two measurements by dividing by the best estimate of the true value, which is the mean of the two results. The difference is compared as a fraction to the mean of the two results as there is no reason to assume that one measurement is more accurate than the other, and over time a set of "RPD" values can be used as an estimate of imprecision.

"Single-family home" means a residential building with one dwelling unit.

"Spike testing" means exposing a device to known radon concentrations in a radon chamber facility to test the accuracy of the device. The concentrations are as recommended by the manufacturer to simulate exposures normally encountered in field measurements.

"Working level" or "WL" means a unit of radon decay product exposure rate. One working level refers to the concentration of short-lived decay products of radon in equilibrium with 100 pCi/L in the air.

"Working level month" or "WLM" means a unit of exposure used to express the accumulated human exposure to radon decay products, where one WLM = one WL exposure for 170 hours.

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7:28-27A.3 General provisions

(a) No business or individual subject to this subchapter shall test for, or mitigate, radon in the State of New Jersey without being certified pursuant to this subchapter.

(b) No certified business or certified individual shall disclose to any business or individual, except the owner, the Department of Environmental Protection, or the Department of Health, the address or owner of a nonpublic building that the certified business or certified individual has tested or treated for the presence of radon, unless the owner of the building waives, in writing, this right of confidentiality. In the case of a prospective sale of a building that has been tested for radon gas and radon progeny, the seller shall provide the buyer, at the time the contract of sale is entered into, with a copy of the results of that test and evidence of any subsequent mitigation or treatment. Any prospective buyer who contracts for the testing of a building shall have the right to receive the results of that testing.

(c) A certified radon measurement business may disclose the results of radon testing to the certified individual who performed the test. A certified business may disclose the results of radon testing or mitigation to the owner's legal representative, including an attorney or real estate agent, acting in accordance with a written agreement the attorney or agent has with the owner. A certified individual is not a legal representative. If the owner of the building is other than an individual, a certified business may disclose the results of radon testing or evidence of any subsequent mitigation or treatment to the following:

1. For a corporation:
 - i. A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other individual who performs similar policy or decision-making functions for the corporation; or
 - ii. The manager of the certified business, provided the authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
2. For a limited liability company, an individual who has the authority to bind the limited liability company to the provisions of this subchapter, including without limitation, an officer, member, or manager of the limited liability company;
3. For a sole proprietorship, the proprietor;
4. For a partnership, a general partner;
5. For a municipality, county, state, Federal, or other public agency, either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:
 - i. The chief executive officer of the agency; or
 - ii. A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (such as a Regional Administrator); and
6. A duly authorized representative of any of the above, if the authorization is made in writing by an individual described at (c)1 through 5 above. A duly authorized representative may be either a named individual or any individual occupying a named position.

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- (d)** Each certified business and certified individual shall remain in compliance with and conduct activities in accordance with the approved certification and the provisions of the Act, this subchapter, and all other applicable municipal, county, State, and Federal statutes, rules, regulations, and codes.
- (e)** To become certified to test or mitigate radon in accordance with this subchapter, a business or individual shall submit an application on a form provided by the Department at www.njradon.org, and the appropriate fee to the Department, as directed on the application form.
- (f)** Any business or individual subject to this subchapter who performs radon testing or mitigation without being certified shall be subject to the criminal penalties at N.J.S.A. 26:2D-77.
- (g)** A certification shall expire if it is not timely renewed. For purposes of this subchapter, timely renewal of a certification means the business or individual submits a renewal application in order that the Department receives it 30 days or more before the expiration date of the certification.
- (h)** A renewal application that is received by the Department less than 30 days before the certification expiration date and is not approved by the expiration date, shall continue through the review process after the certification expires. The new certification period shall begin on the date the Department approves the application.
- (i)** If a renewal application is not received by the Department prior to the expiration date, to renew its certification, the business or individual shall submit a renewal application with the proper fee for the expired renewal in accordance with N.J.A.C. 7:28-27A.27(d).
- (j)** To amend the information in the certification at any time during the certification period or after an acknowledgement notice is received, a business or individual shall submit, to the Department, in writing, the information to be changed. The request for amendment shall be signed in accordance with N.J.A.C. 7:28-27A.4. The amendment is not operative until the Department reviews, approves, and confirms the change, in writing, to the certified business or certified individual. There is no fee to amend a certification.
- (k)** To cancel a certification, a certified business or certified individual shall submit a written and signed request to the Department. The cancellation shall be final upon written confirmation by the Department.
- (l)** Any questions concerning the requirements of this subchapter should be directed to the New Jersey Department of Environmental Protection, Bureau of Environmental Radiation, Radon Section, at the address set forth at N.J.A.C. 7:28-1.5(a). Applications and forms are available at www.njradon.org.

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7:28-27A.4 Signatories

(a) An individual applying for initial or renewal certification, or amending an existing certification, shall provide and sign the following statement on his or her application, renewal form, or request for an amendment:

"I certify under penalty of law that the information provided in this document is true, accurate, and complete. I am aware that there are significant civil and criminal penalties for submitting false, inaccurate, or incomplete information, including fines and/or imprisonment. I am aware that the certification for which I am applying requires compliance with N.J.A.C. 7:28-27A at all times when providing radon services under that certification."

(b) A business applying for initial or renewal certification, or amending an existing certification, shall provide and sign the following statement on its application, renewal form, or request for an amendment:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this application and all attached documents. I believe that the submitted information is true, accurate and complete. I am aware that there are significant civil and criminal penalties for submitting false, inaccurate, or incomplete information, including the possibility of fine and/or imprisonment. I am aware that the certification for which this business is applying requires compliance with N.J.A.C. 7:28-27A at all times when the business and affiliates are providing radon services under that certification."

(c) For purposes of (b) above, the following individuals shall sign:

1. For a corporation:

i. A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other individual who performs similar policy or decision-making functions for the corporation; or

ii. The manager of the business applying to be certified, provided the authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

2. For a limited liability company, an individual who has the authority to bind the limited liability company to the provisions of this subchapter, including, without limitation, an officer, member, or manager of the limited liability company;

3. For a sole proprietorship, the proprietor;

4. For a partnership, a general partner;

5. For a municipality, county, state, Federal, or other public agency, either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:

i. The chief executive officer of the agency; or

ii. A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (such as a Regional Administrator);

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6. A duly authorized representative of any of the above, if the authorization is made in writing by an individual described at (c)1 through 5 above. A duly authorized representative may be either a named individual or any individual occupying a named position.

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7:28-27A.5 Affiliation

(a) A certified business shall ensure that radon services are conducted on its behalf by a certified individual with whom the business is affiliated, or by an individual not subject to certification pursuant to N.J.A.C. 7:28-27A.1(c)1 and 2.

(b) Prior to affiliation, an individual shall provide to the certified business or business with an acknowledgement notice:

1. If the individual is not yet initially certified, a copy of the Department's acknowledgement notice as specified at N.J.A.C. 7:28-27A.18(d), 27A.21(d), or 27A.24(d);
2. If the individual is certified, a copy of a valid Department certification credential;
3. If the individual will test or mitigate multifamily buildings or schools and large buildings, proof of an eight-hour training course for multifamily buildings, and/or an eight-hour training course for schools and large buildings, in accordance with N.J.A.C. 7:28-27A.20(c), 27A.23(b), and 27A.26(c); and
4. If the individual will use a portable device, proof of passing the authorized proficiency test for each device model.

(c) A certified business or business with an acknowledgement notice shall provide the following to each prospective affiliate:

1. A copy of the QA plan, prepared in accordance with N.J.A.C. 7:28-27A.14;
2. A copy of the radiological safety plan, prepared in accordance with N.J.A.C. 7:28-27A.15; and
3. Radiation safety training, in accordance with N.J.A.C. 7:28-27A.9(q) and 27A.13(g).

(d) A certified business or a business with an acknowledgement notice and a certified individual or an individual with an acknowledgement notice shall affiliate by completing the affiliation form available on the Department's website at www.njradon.org, and submitting the form to the Department in accordance with (f) below. The completed affiliation form shall include:

1. The business's name and certification number, if the business is already certified;
2. The business representative's name and signature;
3. The affiliate's name, certification number, if the individual is already certified, and signature;
4. The date the affiliation form is signed;
5. A statement that the business has provided to the affiliate the QA plan (if applicable), the radiological safety plan, and radiation safety training; and
6. A statement that the certified business and certified affiliate are both responsible for complying with this subchapter when conducting testing or mitigation.

(e) A certified business or a business with an acknowledgement notice shall add an affiliate or an individual with an acknowledgement notice to its initial application or amend its certification prior to the individual performing radon testing and/or mitigation activities through an arrangement with the certified business.

(f) A certified business or a business with an acknowledgement notice adds an affiliate to its certification by amending its certification in accordance with N.J.A.C. 7:28-27A.3(j). The business shall submit the

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completed affiliation form to the Department with the request for amendment and shall provide a copy of the request for amendment to the individual.

(g) A certified business removes an affiliate from its certification by amending its certification in accordance with N.J.A.C. 7:28-27A.3(j). The certified business shall provide a copy of the request for amendment to the individual.

(h) The amendment to add or remove an affiliate from the business's certification shall be effective on the date of the Department's written confirmation to the business and affiliate that it has amended the business's certification. In the case of a business with an acknowledgement notice, the affiliation shall be effective on the date the business receives its certification credential.

(i) If a certified individual or certified business fails to comply with this subchapter, the Department may investigate and, when necessary, limit the number of affiliations for that business or individual until the Department is satisfied that the business or individual can demonstrate compliance.

- 1.** Notice pursuant to this subsection shall be served by certified mail or by personal service, concisely state the facts that give rise to the order, and advise the violator of the right to request an adjudicatory hearing pursuant to the procedure at N.J.A.C. 7:28-27A.31.
- 2.** Use of any remedy pursuant to this subsection shall not preclude the use of any other remedy available to the Department.

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7:28-27A.6 Authorized proficiency testing and calibration for portable devices

(a) An individual applying for certification or a certified radon measurement specialist or technician shall pass one authorized proficiency test for each portable device model he or she uses, prior to using the device model.

1. The authorized proficiency test shall be conducted at an approved radon chamber facility; and
2. The individual shall submit the results to each certified business with which the individual is affiliated for that device model.

(b) Each portable device must have a current calibration certificate prior to adding it to the business's certification. A portable device shall be calibrated annually.

1. If a certified individual or an individual with an acknowledgement notice owns or leases the device, the individual shall submit the current calibration certificate to each business with which the individual is affiliated for that device;
2. If a certified radon measurement business or a business with an acknowledgement notice owns the device, the business shall have the device calibrated;
3. The calibration shall be completed no more than 12 months prior to the submission of an initial or renewal radon measurement business application;
4. An approved radon chamber facility or the device manufacturer shall be used for calibration; and
5. A certified individual shall ensure that a device has a current calibration certificate prior to using the device, whether the individual or a certified business owns or leases the device.

(c) A certified radon measurement business or a business with an acknowledgement notice adds the device model to the business's certification when an authorized proficiency test has been passed by at least one affiliate who uses the device model and the QA Plan has been approved.

(d) To add a device model or device, a certified radon measurement business or a business with an acknowledgement notice shall amend its certification as set forth at N.J.A.C. 7:28-27A.3(j) and shall submit the name of the device manufacturer, the device model number, the device serial number, the device owner's name, and the current calibration certificate.

(e) To remove a device model or device, a certified radon measurement business shall amend its certification as set forth at N.J.A.C. 7:28-27A.3(j) and shall submit the name of the device manufacturer, the device model number, the device serial number, and the device owner's name.

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7:28-27A.7 Radon measurement business--initial certification

- (a) An initial certification is valid for one year following the date of issuance, unless it is suspended, revoked, or canceled.
- (b) A radon measurement business shall submit an application for initial certification in accordance with N.J.A.C. 7:28-27A.3(e).
- (c) A complete initial application shall include:
 1. The business name, physical location, mailing address; primary and secondary individuals in charge of the business; individual in charge of tracking affiliates and their certification status; contact information for each individual, which may include a telephone number and electronic mail address; and any branch names, addresses, and contact information;
 2. The business's status as a corporation, limited liability company, sole proprietorship, partnership, or municipality, county, state, Federal, or other public agency;
 3. The name and address of each owner, officer, general and limited partner, director, and principal shareholder;
 4. For a corporation, the state of domestic incorporation, and the name and principal place of business of each parent corporation of the applicant;
 5. A list of non-portable devices in accordance with N.J.A.C. 7:28-27A.9(d)2;
 6. An identification of the building types to be tested and the authorized measurement protocols to be followed for each building type in accordance with N.J.A.C. 7:28-27A.9(d);
 7. A copy of the QA plan in accordance with N.J.A.C. 7:28-27A.14;
 8. A copy of the radiological safety plan in accordance with N.J.A.C. 7:28-27A.15;
 9. A copy of the chain of custody forms in accordance with N.J.A.C. 7:28-27A.9(g);
 10. A copy of the instruction document the business provides to individuals who are not subject to certification under this subchapter, in accordance with N.J.A.C. 7:28-27A.9(h);
 11. A copy of the confidentiality waiver form in accordance with N.J.A.C. 7:28-27A.9(o);
 12. A copy of each reporting form used to report results to clients in accordance with N.J.A.C. 7:28-27A.17(c); and
 13. The proper fee in accordance with N.J.A.C. 7:28-27A.27(d).

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(d) The Department will issue an acknowledgement notice to an applicant who complies with the requirements of this section. Upon receipt of the acknowledgement notice, the business shall submit amendments in accordance with N.J.A.C. 7:28-27A.3(j) to provide the affiliation forms in accordance with N.J.A.C. 7:28-27A.5, a list of affiliates and their training dates in accordance with N.J.A.C. 7:28-27A.9(d)4, and the portable device information in accordance with N.J.A.C. 7:28-27A.6. Upon approval by the Department and affiliation with a certified radon measurement specialist or an individual who has received an acknowledgement notice to become a radon measurement specialist, a certification credential will be issued. The certification shall contain the information provided in the application and any subsequent amendments in accordance with N.J.A.C. 7:28-27A.3(j)

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7:28-27A.8 Radon measurement business--certification renewal

- (a) A renewal certification is valid for one year following the date of issuance, unless it is suspended, revoked, or canceled.
- (b) A radon measurement business shall submit, to the Department, an application for renewal on the form that the Department provides in advance of the expiration date.
- (c) A complete renewal application shall contain:

 - 1. All information required in an application for an initial certification as set forth at N.J.A.C. 7:28-27A.7, but only to the extent that the information differs from what is contained in the certified business's most recent certification;
 - 2. A copy of the current calibration certificate for each portable device used by the certified business's affiliates in accordance with N.J.A.C. 7:28-27A.6(b);
 - 3. Documentation of spike testing, if applicable, in accordance with N.J.A.C. 7:28-27A.10(f); and
 - 4. The proper fee in accordance with N.J.A.C. 7:28-27A.27(d).
- (d) The Department will issue a certification credential to an applicant who complies with the requirements of this section. The certification shall contain the information provided in the application and any subsequent amendments in accordance with N.J.A.C. 7:28-27A.3(j).

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7:28-27A.9 Responsibilities of a certified radon measurement business

- (a) A certified radon measurement business shall maintain its certification by submitting an annual renewal application in accordance with N.J.A.C. 7:28-27A.8 and amending its certification, when necessary, in accordance with N.J.A.C. 7:28-27A.3(j).
- (b) A certified radon measurement business shall affiliate with at least one certified radon measurement specialist or an individual who has received an acknowledgement notice to become a radon measurement specialist, in accordance with N.J.A.C. 7:28-27A.5, and submit the affiliation form to the Department.
- (c) A certified radon measurement business shall comply with this subchapter and ensure that its affiliates conduct radon testing in accordance with the authorized measurement protocols for each building type, this subchapter, the certified business's certification, QA plan, and radiological safety plan.
- (d) A certified radon measurement business shall provide to the Department:
1. The information required at N.J.A.C. 7:28-27A.6(d);
 2. A list of the non-portable devices, including the device manufacturer/model and device number, as assigned by a nationally recognized organization, to be used by the business and/or its affiliates and either:
 - i. The name and certification number of the analytical laboratory certified in accordance with N.J.A.C. 7:18 that will analyze each device; or
 - ii. An indication that the certified business will analyze the non-portable devices, in which case the certified business shall provide its certification number pursuant to N.J.A.C. 7:18;
 3. A list of the building types to be tested, including residential, non-residential, or school buildings. If residential, whether single-family, condominium, townhouse, apartment, and/or other residential building types will be tested.
 4. The name of the affiliate or affiliates who will test multifamily buildings, schools and/or large buildings; and the date on which each identified affiliate took the eight-hour multifamily buildings training course and/or the eight-hour schools and large buildings training course, as applicable.
- (e) The daily operation of a certified radon measurement business shall be directed by one or more certified radon measurement specialists affiliated with the business, whose responsibilities are set forth at N.J.A.C. 7:28-27A.20(j).
- (f) A certified radon measurement business shall develop and comply with a QA plan in accordance with N.J.A.C. 7:28-27A.14 for each device model identified in its certification and to be used by its affiliates in order to ensure the reliability and validity of radon measurements. The plan shall be submitted to the Department for approval as part of the business's application for initial certification, or an amendment to its certification, and shall be provided to each affiliate annually and when the certified business revises the plan to change the procedure affiliates must follow.
- (g) A certified radon measurement business shall establish a chain of custody form for each type of portable and non-portable device and each building type. The chain of custody form shall be submitted to the Department for approval as part of the business's application for initial certification or an amendment to its certification and shall include (g)1 through 19 below when the form is completed in its entirety by an affiliate

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for every device, and (g)1, 3 through 17 below when the form is completed by an individual not subject to certification pursuant to N.J.A.C. 7:28-27A.1(c)1 and 2. The affiliate shall complete (g)7 and 14 through 17 in the field.

1. Test location including address, city, State, zip code, incorporated municipality, and county;
2. Client address, city, State, and zip code, if different than test location;
3. Portable or non-portable device type;
4. Device model number for portable devices;
5. Device serial number or reference number;
6. Floor where the test was conducted: zero is the basement, one is the first floor, etc.;
7. Whether closed building conditions, as provided in the applicable authorized measurement protocol, were met;
8. The type of building the test was performed in: residential, non-residential, or school.
 - i. If the building is residential, whether it is a single-family, condominium, townhouse, apartment, or other residential building type; and
 - ii. If the building is a school, the school name, New Jersey Department of Education school code, and room number of the location tested;
9. Structure type: basement, crawlspace, slab on grade, or combination;
10. Test type: standard, blank, or duplicate;
11. Whether the test was conducted at a child care center;
12. Whether the test was conducted as part of a real estate transaction;
13. Whether the test was conducted after mitigation;
14. The certification number of the individual who deployed the device. If the individual is not subject to certification, the signature of the individual;
15. The time and date the device was deployed;
16. The certification number of the individual or the signature of the owner who retrieved the device;
17. The time and date the device was retrieved;
18. If the device is non-portable, the certification number of the radon laboratory analyzing the device; and
19. The calibration expiration date for the CRM, electret reader, or other portable device that the affiliate used for the test.

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(h) If the certified radon measurement business provides devices to an individual not subject to certification pursuant to N.J.A.C. 7:28-27A.1(c)1 or 2, the certified business shall also provide a testing instruction document to the individual. The instruction document shall be submitted to the Department for approval as part of its application for initial or renewal certification or as an amendment to its certification, and shall include:

1. Specific testing requirements in accordance with the authorized measurement protocols;
2. The requirement to complete the chain of custody form in its entirety; and
3. Directions for the return of the device to the business.

(i) Neither the certified business nor any of its affiliates shall conduct a test with a device, unless the device is identified on the certified business's certification and has a current calibration certificate. A certified business shall add a device to its certification during initial or renewal certification in accordance with N.J.A.C. 7:28-27A.7 or 27A.8, or as an amendment in accordance with N.J.A.C. 7:28-27A.3(j) and 27A.6(d).

(j) A certified radon measurement business shall secure the services of a laboratory certified pursuant to N.J.A.C. 7:18, Regulations Governing the Certification of Laboratories and Environmental Measurements, to analyze non-portable devices belonging to the certified business. In the alternative, the certified business may analyze the non-portable devices, provided the business is certified to analyze the devices pursuant to N.J.A.C. 7:18.

(k) A certified radon measurement business shall implement quality control measures in accordance with N.J.A.C. 7:28-27A.10.

(l) A certified radon measurement business shall invalidate a test that does not meet the requirements of the authorized measurement protocols, the QA plan, or this subchapter. If a test is invalidated:

1. The reason for invalidating the test shall be clearly documented on the client report form;
2. The test result shall not be reported on the client report form or otherwise provided to the client; and
3. The test shall not be reported to the Department.

(m) A certified radon measurement business shall report tests performed only by an affiliate, or by an individual not subject to certification pursuant to N.J.A.C. 7:28-27A.1(c)1 and 2, and reviewed by a measurement specialist, to the Department in accordance with N.J.A.C. 7:28-27A.17(a), and in a client report form in accordance with N.J.A.C. 7:28-27A.17(c). The client report form shall be submitted to the Department for approval as part of its application for initial certification. If the form is revised, the revised form must be submitted to the Department for approval as part of the certified business's application for renewal certification, or as an amendment to its certification.

(n) A certified radon measurement business shall include in the client report a reference to the Department's website at www.njradon.org for the most recent version of the testing and mitigation guidance document that is approved by the Department.

(o) A certified radon measurement business shall establish a confidentiality waiver form and require affiliates to use the waiver form to obtain written authorization from the owner to provide an address and corresponding radon test result to an individual other than the building owner, or the buyer in the case of a prospective sale. A waiver shall not apply to individuals referenced at N.J.A.C. 7:28-27A.3(c). The waiver form shall be submitted to the Department for approval as part of the business's application for initial certification. If the

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form is revised, the revised form must be submitted to the Department for approval as part of the certified business's application for renewal certification, or as an amendment to its certification. The waiver shall include:

1. A statement in accordance with N.J.A.C. 7:28-27A.3(b) indicating that the owner or their legal representative agrees to release the information;
2. The name and signature of the owner or their legal representative as provided at N.J.A.C. 7:28-27A.3(c);
3. The name and signature of the affiliate; and
4. The date that the owner or representative signs the document.

(p) A certified radon measurement business shall develop and comply with a radiological safety plan in accordance with N.J.A.C. 7:28-27A.15 in order to keep the radon exposure of affiliates as low as reasonably achievable. The plan shall be submitted to the Department for approval as part of the business's application for initial certification, and shall be provided to each affiliate annually, and when the certified business revises the plan to change the procedures affiliates must follow. If the plan is revised, the revised plan must be submitted to the Department for approval as part of the certified business's application for renewal certification, or as an amendment to its certification.

(q) A certified radon measurement business shall provide radiation safety training to each prospective affiliate, including the following:

1. An overview of radiation and radiation safety;
2. An overview of radon and the risk of developing lung cancer from radon exposure;
3. The radiation safety practices that each affiliate entering a building must follow for radon testing, including:
 - i. Limiting the time spent in areas with potentially high radon concentrations;
 - ii. Responding to questions or concerns of clients in a low radon area;
 - iii. Setting up radon testing devices prior to entering an area with potentially high radon concentrations; and
 - iv. Not smoking in buildings being tested; and
4. A certified radon measurement business shall administer a radiation safety examination to prospective affiliates and shall determine:
 - i. The passing score required on the test; and
 - ii. The measures the business will take if the prospective affiliate does not pass the test, such as additional training or re-administering the test.

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7:28-27A.10 Quality control measures

(a) Authorized proficiency testing shall be conducted in accordance with N.J.A.C. 7:28-27A.6(a).

(b) Each portable device on the business's certification shall be calibrated in accordance with N.J.A.C. 7:28-27A.6(b).

(c) Throughout each month, a certified radon measurement business shall conduct the lesser of 10 percent duplicates or 50, for each portable and non-portable device type and distributed among New Jersey tests conducted by affiliates and individuals not subject to certification pursuant to N.J.A.C. 7:28-27A.1(c)1 and 2. When a continuous radon monitor is used for testing and there is no other continuous radon monitor available, another type of device shall be used.

1. The RPD shall be calculated for each duplicate pair and the certified radon measurement business shall use the following minimum criteria for all duplicate analyses:

Average of the two test devices	Warning Limit Triggered	Control Limit Triggered
>/= 4.0 pCi/L	RPD > 28.0%	RPD > 36.0%
2.0-3.9 pCi/L	RPD > 50.0%	RPD > 67.0%
< 2.0 pCi/L	Absolute value of the difference between the two tests is >1 pCi/L if both tests are above the minimum detectable concentration	n/a

2. If more than five percent of the checks fall within the warning limit or more than one percent of the checks fall outside the control limit for a device, the certified business shall investigate, take corrective action, and document the investigation and corrective action. If the limit continues to be exceeded, the business shall take the affected devices out of service until the problem is identified, corrected, and documented.

(d) Throughout each month, a certified radon measurement business shall conduct the lesser of five percent blanks or 25, distributed among New Jersey tests conducted by affiliates and individuals not subject to certification pursuant to N.J.A.C. 7:28-27A.1(c)1 and 2.

1. The minimum control limits for blanks shall be as follows:

Device	Control Limit
Non-portable	>Minimum Detectable Concentration
Electret	>/= 2 volts, or as recommended by the manufacturer for that configuration

2. If blank results fall outside the control limit for a device, the certified business shall investigate, take corrective action, and document the investigation and corrective action. If the limit continues to be exceeded, the business shall take the affected device out of service until the problem is identified, corrected, and documented.

(e) A certified radon measurement business shall provide instructions for deploying devices for blank measurements, and shall distribute devices for blank measurements among all the places where the devices are stored, transported, and deployed, including:

1. Side-by-side with the test;

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2. At the certified business's location;
 3. At the affiliate's office and storage area; and
 4. In the vehicles that transport the devices.
- (f) A certified radon measurement business shall conduct spike testing for electret readers that it owns. If a device is affiliate-owned, the certified individual shall conduct spike testing and shall submit the results to each certified business with which the individual is affiliated for that device.
1. Spike tests shall be conducted at a rate of three per 100 tests, with a minimum of three per year and a maximum of six per month; and
 2. The certified radon measurement business shall monitor the results of spike testing and shall investigate any significant deviation from the known spike concentration.
- (g) From each shipment of electret devices from the manufacturer, the device owner shall set aside the lesser of five percent or 10, which shall be evaluated at least weekly for voltage drift and results documented.
1. If a device is affiliate-owned, the certified individual shall submit the results weekly to each certified business with which the individual is affiliated for that device;
 2. If the voltage loss is more than one volt per week over a three-week test period for short-term electrets, or one volt per month over a three-month test period for long-term electrets, the certified business shall investigate, take corrective action, and document the investigation and corrective action; and
 3. If the limit continues to be exceeded, the certified business shall instruct the owner to take the affected device out of service until the problem is identified, corrected, and documented.
- (h) Following the manufacturer's instructions, the device owner shall zero the electret reader and document results at least weekly.
1. If a device is affiliate-owned, the certified individual shall submit the results weekly to each certified business with which the individual is affiliated for that device; and
 2. If the manufacturer's limits are exceeded, the certified business shall instruct the owner to take the affected device out of service until the problem is identified, corrected, and documented.
- (i) Following the manufacturer's instructions, the device owner shall check the reference cells and document results at least weekly.
1. If a device is affiliate-owned, the certified individual shall submit the results weekly to each certified business with which the individual is affiliated for that device; and
 2. If the manufacturer's limits are exceeded, the certified business shall instruct the owner to take the affected device out of service until the problem is identified, corrected, and documented.
- (j) Each calendar quarter, a certified specialist responsible for the daily operations of the certified business shall prepare and submit to the individual who signed the application in accordance with N.J.A.C. 7:28-27A.4, a written report of the results of duplicate tests, blank tests, authorized proficiency tests, calibrations, and spike tests, voltage drift, zeroing, and reference cell checks, as applicable, and any corrective action.

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7:28-27A.11 Radon mitigation business--initial certification

- (a) An initial certification is valid for one year following the date of issuance, unless the certification is suspended, revoked, or canceled.
- (b) A radon mitigation business shall submit an application for initial certification in accordance with N.J.A.C. 7:28-27A.3(e).
- (c) A complete initial application shall include:
1. The business name, physical location, and mailing address; primary and secondary individuals in charge of the business; individual in charge of tracking affiliates and their certification status; contact information for each individual, which may include telephone number and electronic mail address; and any branch names, addresses, and contact information;
 2. The business's status as a corporation, limited liability company, sole proprietorship, partnership, or government agency;
 3. The name and address of each owner, officer, general and limited partner, director, and principal shareholder;
 4. For a corporation, the state of domestic incorporation, and the name and principal place of business of each parent corporation of the applicant;
 5. An identification of the building types to be mitigated and the authorized mitigation protocols to be followed for each building type, in accordance with N.J.A.C. 7:28-27A.13(d);
 6. A copy of the radiological safety plan in accordance with N.J.A.C. 7:28-27A.15;
 7. A copy of the form contract for a fan installation only and the form contract for a full mitigation system installation in accordance with N.J.A.C. 7:28-27A.13(l); and
 8. The proper fee in accordance with N.J.A.C. 7:28-27A.27(d).
- (d) The Department will issue an acknowledgement notice to an applicant who complies with the requirements of this section. Upon receipt of the acknowledgement notice, the business shall submit amendments in accordance with N.J.A.C. 7:28-27A.3(j) to provide the affiliation forms in accordance with N.J.A.C. 7:28-27A.5, and a list of affiliates and their training dates in accordance with N.J.A.C. 7:28-27A.13(d)2. Upon approval by the Department and affiliation with a certified radon mitigation specialist or an individual who has received an acknowledgement notice to become a radon mitigation specialist, a certification credential will be issued. The certification shall contain the information provided in the application and any subsequent amendments in accordance with N.J.A.C. 7:28-27A.3(j).

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7:28-27A.12 Radon mitigation business--certification renewal

- (a) A renewal certification is valid for one year following the date of issuance, unless the certification is suspended, revoked, or canceled.
- (b) A radon mitigation business shall submit to the Department, an application for renewal on the form that the Department provides in advance of the expiration date.
- (c) A complete renewal application shall contain:
 - 1. All information required in an application for an initial certification as set forth at N.J.A.C. 7:28-27A.11, but only to the extent that the information differs from what is contained in the certified business's most recent certification; and
 - 2. The proper fee in accordance with N.J.A.C. 7:28-27A.27(d).
- (d) The Department will issue a certification credential to an applicant who complies with the requirements of this section. The certification shall contain the information provided in the application and any subsequent amendments in accordance with N.J.A.C. 7:28-27A.3(j).

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7:28-27A.13 Responsibilities of a certified radon mitigation business

- (a) A certified radon mitigation business shall maintain its certification by submitting an annual renewal application in accordance with N.J.A.C. 7:28-27A.12 and amending its certification, when necessary, in accordance with N.J.A.C. 7:28-27A.3(j).
- (b) A certified radon mitigation business shall affiliate with a certified radon mitigation specialist or an individual who has received an acknowledgement notice to become a radon mitigation specialist, in accordance with N.J.A.C. 7:28-27A.5 and submit the affiliation form to the Department.
- (c) A certified radon mitigation business shall comply with this subchapter and ensure that its affiliates conduct radon mitigation in accordance with the authorized mitigation protocols for each building type, this subchapter, the certified business's certification, and radiological safety plan.
- (d) A certified radon mitigation business shall provide to the Department:
1. A list of the building types to be mitigated, including residential, non-residential, or school buildings. If residential, whether single-family, condominium, townhouse, apartment, and/or other residential building types will be mitigated.
 2. The name of the affiliate or affiliates who will mitigate multifamily buildings, schools, and/or large buildings; and the date on which each identified affiliate took the eight-hour multifamily buildings training course and/or the eight-hour schools and large buildings course, as applicable.
- (e) The daily operation of a certified radon mitigation business shall be directed by one or more certified radon mitigation specialists affiliated with the business, whose responsibilities are set forth at N.J.A.C. 7:28-27A.26(k).
- (f) A certified radon mitigation business shall develop and comply with a radiological safety plan in accordance with N.J.A.C. 7:28-27A.15, in order to keep the radon exposure of affiliates as low as reasonably achievable. The plan shall be submitted to the Department for approval as part of the business's application for initial certification, and shall be provided to each affiliate annually, and when the certified business revises the plan to change the procedures affiliates must follow. If the plan is revised, the revised plan must be submitted to the Department for approval as part of the certified business's application for renewal certification, or as an amendment to its certification.
- (g) A certified radon mitigation business shall provide radiation safety training to each prospective affiliate and uncertified individuals as specified at (n) below, including the following:
1. An overview of radiation and radiation safety;
 2. An overview of radon and the risk of developing lung cancer from radon exposure; and
 3. The radiation safety practices that each affiliate entering a building must follow for radon mitigation work, including:
 - i. Knowing the pre-mitigation radon test result;
 - ii. Ventilating building areas where mitigation work is being performed;
 - iii. Limiting the time spent in areas with potentially high radon concentrations;
 - iv. Taking work breaks/lunches away from elevated radon areas;

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- v. Allowing in the building only the number of persons necessary to carry out mitigation work; and
- vi. Not smoking in buildings being mitigated.

(h) A certified radon mitigation business shall administer a radiation safety examination to prospective affiliates and shall determine:

1. The passing score required on the test; and
2. The measures the business will take if the prospective affiliate does not pass the test, such as additional training or re-administering the test.

(i) A certified radon mitigation business shall provide, to the Department, the method by which the business shall track radon exposure for each affiliate, including a description of the following:

1. An explanation of the tracking methods at (j) below, including all calculations;
2. Measures to be taken to ensure exposure does not exceed two working level months per year (WLM per year); and
3. Measures to be taken when exposure exceeds two WLM per year.

(j) A certified radon mitigation business shall annually track its affiliates' exposure to radon by:

1. Requiring its affiliates to wear a passive long-term radon detector while working for at least three consecutive months; or
2. Estimating radon exposure by performing one calculation using the highest pre-mitigation radon test result obtained by any affiliate and the maximum total time spent by any affiliate in buildings while conducting mitigations for the past year, or if a new business, by estimating radon exposure at six months and one year during the first year of certification, using the following calculation:

WLM per year = (exposure (WL) x hours exposed per year) / 170 hours per month (Assumes one month of work = 170 hours)

ER =	$\frac{(WL \times 100)}{pCi/L}$
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For radon mitigation, if the equilibrium ratio (ER) is not given, it is assumed to be 100 percent; which means that the ER = 1.0.

1 =	$\frac{(WL \times 100)}{(pCi/L)}$
WL =	$\frac{(pCi/L)}{100}$

(k) A certified radon mitigation business shall notify an affiliate when the affiliate's actual or estimated exposure exceeds two WLM per year.

(l) A certified radon mitigation business shall require an affiliate, prior to each mitigation system installation, to provide the client with a copy of a written contract that has been signed by the affiliate and the client. The form contract shall be submitted to the Department for approval as part of the certified business's application for initial certification. If the form is revised, the revised form must be submitted to the Department for approval as part of the certified business's application for renewal certification, or as an amendment to its certification. The form contract shall include:

1. The certified radon mitigation business's name, certification number, address, and telephone number;

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2. The affiliate's printed name, signature, and certification number;
 3. The client's printed name and signature;
 4. The date on which the contract is effective;
 5. The warranty, if any, on the reduction of the radon level, and the warranty shall specify when a fan is installed on pre-existing pipes, whether the entire mitigation system, including the pre-existing piping, is covered and, if it is not, the specific parts of the mitigation system that are covered. The contract shall state when no warranty is provided;
 6. Diagnostic test results, if appropriate;
 7. A written description of the specific radon mitigation system components to be installed;
 8. A short-term radon test in accordance with (o) below;
 9. Written instructions for the operation and maintenance of the mitigation equipment, including a discussion of the possible energy costs associated with operating the system;
 10. An indication of whether there would be additional charges to the client for the certified business to perform further work on the installed system if the system does not meet the standards specified in the warranty;
 11. The estimated service charge, if applicable, for the certified mitigation business to return to the property to address issues with the system while under warranty;
 12. A statement that the signed contract constitutes the client's authorization to a certified radon measurement business to provide to the certified radon mitigation business the results of the post-mitigation testing required at (o) below; and
 13. The statement: "This notice is provided to you by a business certified by the New Jersey Department of Environmental Protection (Department) to perform radon mitigation services. At some time in the near future, a representative of the Department may contact you to ask your permission to visit your building. The purpose of the visit would be to inspect the recently installed radon mitigation system."
- (m) Before performing work on an existing mitigation system, the certified business and specialist shall advise the client, in the contract, whether the mitigation system meets the most recent authorized mitigation protocol, and provide a written estimate of the upgrades needed, the cost to bring the system into compliance, and information regarding the potential health impact if the system is not upgraded.
- (n) A certified radon mitigation business shall ensure that an uncertified individual assisting a certified individual with the mitigation shall not perform any aspect of the system design or installation including, but not limited to, drafting design drawings, installing the pipes, fan, and monitor, and sealing pipe connections. An uncertified individual assisting a certified individual with the mitigation may perform basic construction tasks including, but not limited to, moving supplies and tools, drilling holes in a foundation, clearing gravel and dirt from the suction point, cutting pipes, and cleaning the area after the mitigation system is installed.
- (o) A certified radon mitigation business shall ensure that a short-term radon test is conducted no sooner than 24 hours after a mitigation system is installed and functioning and within 30 days after the installation of the system.

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(p) A certified radon mitigation business shall include in the contract a reference to the Department's website at www.njradon.org for the most recent version of the testing and mitigation guidance document that is approved by the Department.

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7:28-27A.14 Quality assurance (QA) plan

- (a) The QA plan shall contain the following items, presented in order, and clearly identified:
1. A title page that identifies:
 - i. The title of the document;
 - ii. The name and signature of one individual designated in accordance with N.J.A.C. 7:28-27A.9(e);
 - iii. The business's name, address, and certification number; and
 - iv. The date the document was prepared;
 2. A table of contents for the QA plan;
 3. A description of the business's organization, including:
 - i. The title of the individual who signed the application in accordance with N.J.A.C. 7:28-27A.4;
 - ii. An acknowledgment that it is the responsibility of a certified radon measurement specialist to oversee the daily operations of the business in accordance with N.J.A.C. 7:28-27A.9(e), and to perform quality assurance and quality control functions; and
 - iii. A description of the reporting structure between the individuals at (a)3i and ii above and the business's affiliates;
 4. A description of the business's responsibilities and its requirements regarding affiliates and their responsibilities in accordance with N.J.A.C. 7:28-27A.9(c) through (o); and
 5. A description of internal quality control checks conducted by the business and its affiliates for all devices in accordance with N.J.A.C. 7:28-27A.10.
- (b) The business shall provide a copy of the QA plan, and any revision thereto, to each affiliate in accordance with N.J.A.C. 7:28-27A.5.

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7:28-27A.15 Radiological safety plan

- (a) The radiological safety plan shall contain the following items, presented in order, and clearly identified:
1. A title page that identifies:
 - i. The title of the document;
 - ii. The name and signature of one individual designated in accordance with N.J.A.C. 7:28-27A.9(e);
 - iii. The business name, address, and certification number; and
 - iv. The date the document was prepared;
 2. A table of contents for the radiological safety plan; and
 3. A description of the business's and affiliate's responsibilities in accordance with N.J.A.C. 7:28-27A.9 (p) and (q) for a measurement business and N.J.A.C. 7:28-27A.13(f) through (k) for a mitigation business.
- (b) The business shall provide a copy of the radiological safety plan, and any revision thereto, to each affiliate in accordance with N.J.A.C. 7:28-27A.5.

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7:28-27A.16 Recordkeeping

(a) A certified radon measurement business shall maintain the following for five years, in a format that is immediately available to the Department:

1. The affiliation form for each affiliate;
2. Initial radiation safety training records, including the test, for each affiliate;
3. A copy of the annual certification credential for each affiliate;
4. Calibration certificates for portable devices;
5. Quality control records in accordance with N.J.A.C. 7:28-27A.10;
6. A copy of the authorized measurement protocols used by the certified radon measurement business and its affiliates; and
7. Records of all radon tests, including invalidated tests, performed by an individual, whether certified or exempt from certification, using a device on the business's certification, including the chain of custody form, the client report, and information required at N.J.A.C. 7:28-27A.9(g).

(b) A certified radon mitigation business shall maintain the following for five years, in a format that is immediately available to the Department:

1. The affiliation form for each affiliate;
2. Initial radiation safety training records, including the test, for each affiliate and uncertified individuals specified at N.J.A.C. 7:28-27A.9(q);
3. A copy of the annual certification credential for each affiliate;
4. Calibration certificates for portable devices used for diagnostic testing;
5. Radon exposure tracking records;
6. A copy of the authorized mitigation protocols used by the certified radon mitigation business and its affiliates; and
7. Records of all mitigation work conducted, including the executed contract and information required at N.J.A.C. 7:28-27A.17(b).

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7:28-27A.17 Reporting

(a) A certified radon measurement business shall submit, to the Department, on or before the first day of each month:

1. The results of all radon tests performed during the second previous month, and for those tests, the information required to be recorded on the chain of custody form in accordance with N.J.A.C. 7:28-27A.9(g). For example, the results from the May testing shall be submitted by July 1. Data shall be submitted in the format and the media required by the Department. Radon test results shall be reported in picocuries per liter (pCi/L); and
2. A letter signed by a certified measurement specialist that states he or she has reviewed, verified, and approved the report.

(b) A radon mitigation business shall submit to the Department, on or before the first day of each month:

1. A report on all mitigation work performed during the second previous month. For example, the mitigations conducted during May shall be submitted by July 1. Reports shall be submitted in the format and the media required by the Department and shall include:
 - i. Mitigated location including address, city, State, zip code, incorporated municipality, and county;
 - ii. The type of building mitigation was performed in: residential, non-residential, or school;
 - iii. If the building is residential, whether it is a single-family, condominium, townhouse, apartment, or other residential building type;
 - iv. If the building is a school, the school name and New Jersey Department of Education school code;
 - v. Whether the mitigation was conducted at a child care center;
 - vi. Pre-mitigation radon concentration, including the floor where the test was conducted (zero is the basement, one is the first floor, etc.), the date the test was conducted, the device or devices used for the test, and the certified measurement business that conducted the test;
 - vii. Type of mitigation system installed;
 - viii. Date of mitigation;
 - ix. Post-mitigation radon concentration, including the floor where the test was conducted (zero is the basement, one is the first floor, etc.), the date the test was conducted, the device or devices used, and the certified measurement business that conducted the test;
 - x. Structure type (basement, crawlspace, and/or slab on grade); and
 - xi. The certification number of the individual who installed the mitigation system;
2. A letter signed by a certified mitigation specialist that states he or she has reviewed, verified, and approved the report; and
3. Any post-mitigation radon test results that were not included with a previously submitted mitigation system.

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(c) A client report issued by the certified radon measurement business, in accordance with N.J.A.C. 7:28-27A.3(b) and (c), shall include the following:

1. Business name, address, telephone number, and certification number;
2. Device;
3. Device calibration expiration date, for portable devices and electret readers;
4. Laboratory name and certification number, for non-portable devices;
5. Owner's address;
6. Address tested, if different from (c)5 above;
7. Test start date and time;
8. Test stop date and time;
9. Floor tested;
10. Test results in pCi/L;
11. Printed name, signature, and certification number of the measurement specialist who reviewed the report;
12. Report date; and
13. The statement: "This notice is provided to you by a business certified by the New Jersey Department of Environmental Protection to perform radon measurements. N.J.S.A. 26:2D-73 requires that no person shall disclose to any individual, except the Department of Environmental Protection or the Department of Health the address or owner of a nonpublic building that the person has tested or treated for the presence of radon, unless the owner of the building waives, in writing, this right of confidentiality. In the case of a prospective sale of a building which has been tested for radon, the seller shall provide the buyer, at the time the contract of sale is entered into, with a copy of the results of that test and evidence of any subsequent mitigation or treatment, and any prospective buyer who contracts for the testing shall have the right to receive the results of that testing."

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7:28-27A.18 Radon measurement specialist--initial certification

- (a) An initial certification is valid for one year following the date of issuance, unless the certification is suspended, revoked, or canceled.
- (b) An individual shall submit an application for initial certification in accordance with N.J.A.C. 7:28-27A.3(e).
- (c) A complete initial application shall include:
 - 1. The individual's name, Social Security number, home mailing address, home address (no post office box), and other contact information, which may include telephone number and electronic mail address;
 - 2. Documentation showing that the applicant possesses the education and radiation work experience required in accordance with N.J.A.C. 7:28-27A.20(b). Documentation of education shall consist of a certified copy of a transcript from an accredited institution showing the applicant's name and the degree awarded. Documentation of radiation work experience shall consist of a letter from either the employer with whom the applicant obtained the work experience, or an individual other than the applicant who has extensive knowledge of the applicant's work experience, listing all applicable work experience and the dates or range of dates that the applicant performed the work;
 - 3. Documentation showing that the applicant has completed 16 hours of initial training from a nationally recognized organization. The documentation shall consist of the individual's training course certificate, which provides the individual's name, the name of the course, the approved course number, the number of credit hours, and the date of the course;
 - 4. When applicable, documentation of the training required for multifamily buildings and/or schools and large buildings, as required in accordance with N.J.A.C. 7:28-27A.20(c). The documentation shall consist of the individual's training course certificate, which provides the individual's name, the name of the course, the approved course number, the number of credit hours, and the date of the course;
 - 5. Documentation showing that the applicant successfully passed a radon examination for radon measurement specialist, or the equivalent category, administered by the National Radon Proficiency Program or other organization that the Department determines administers a substantively equivalent examination. The Department will provide a list of approved organizations on its website, www.njradon.org. Documentation shall consist of a copy of the individual's examination results;
 - 6. A list of the portable devices the applicant owns, including the manufacturer, model number, and serial number in accordance with N.J.A.C. 7:28-27A.20(h);
 - 7. Documentation showing that the applicant completed an authorized proficiency test for each device model identified at (c)6 above in accordance with N.J.A.C. 7:28-27A.6(a); and
 - 8. The proper fee in accordance with N.J.A.C. 7:28-27A.27(d).
- (d) The Department will issue an acknowledgement notice to an applicant who complies with the requirements of this section. When the Department receives an affiliation form from a certified radon measurement business or a business with an acknowledgement notice in accordance with N.J.A.C. 7:28-27A.5, the Department will issue a certification credential. The certification shall contain the information provided in the application and any subsequent amendments in accordance with N.J.A.C. 7:28-27A.3(j).

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7:28-27A.19 Radon measurement specialist--certification renewal

- (a) A renewal certification is valid for one year following the date of issuance, unless the certification is suspended, revoked, or canceled.
- (b) A certified radon measurement specialist shall submit, to the Department, an application for renewal on the form that the Department provides in advance of the expiration date.
- (c) A complete renewal application shall contain:

 - 1. All of the information required in an application for an initial certification as set forth at N.J.A.C. 7:28-27A.18, but only to the extent that the information differs from what is contained in the certified measurement specialist's most recent certification;
 - 2. Proof of completion of continuing education required in accordance with N.J.A.C. 7:28-27A.20(d). Documentation shall consist of the training course certificate, which provides the individual's name, the name of the course, the approved course number, the number of credit hours, and the date of the course. Documentation from the conference organizer of the individual's attendance for two days at a national radon training conference or documentation from the training course provider showing an individual instructed eight hours of radon continuing education shall also fulfill this requirement; and
 - 3. The proper fee in accordance with N.J.A.C. 7:28-27A.27(d).
- (d) The Department will issue a certification credential to an applicant who complies with the requirements of this section. The certification shall contain the information provided in the application and any subsequent amendments in accordance with N.J.A.C. 7:28-27A.3(j).

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7:28-27A.20 Responsibilities of a certified radon measurement specialist

- (a) A certified radon measurement specialist shall maintain his or her certification by submitting an annual renewal application in accordance with N.J.A.C. 7:28-27A.19, and amending the certification, when necessary, in accordance with N.J.A.C. 7:28-27A.3(j).
- (b) A certified radon measurement specialist shall possess the following:
1. A Bachelor of Science degree in engineering or a natural science, which includes biology, chemistry, physics, geology, or environmental science and one year of radiation work experience;
 2. A Bachelor of Science or Bachelor of Arts degree in any subject other than as identified at (b)1 above and two years of radiation work experience;
 3. An Associate's degree in any subject and four years of radiation work experience;
 4. Five years of radiation work experience; or
 5. A certified health physicist certification accreditation.
- (c) A certified radon measurement specialist shall complete an eight-hour multifamily buildings training course and/or an eight-hour schools and large buildings training course approved by a nationally recognized organization, and shall provide a copy of each of these training certificates to the radon measurement business, in order to test these building types. This training shall be in addition to the initial training required at N.J.A.C. 7:28-27A.18(c)3.
- (d) A certified radon measurement specialist shall annually complete eight hours of continuing education from a nationally recognized organization, completed no more than 12 months prior to the most current certification expiration date or the renewal application submittal date, if the certification is expired.
- (e) A certified radon measurement specialist or an individual seeking certification as a radon measurement specialist who receives an acknowledgement notice from the Department in accordance with N.J.A.C. 7:28-27A.18(d) shall affiliate with at least one business in accordance with N.J.A.C. 7:28-27A.5.
1. For each business, the individual shall:
 - i. Review and comply with the QA plan in accordance with N.J.A.C. 7:28-27A.14;
 - ii. Review and comply with the radiological safety plan in accordance with N.J.A.C. 7:28-27A.15;
 - iii. Take radiation safety training and pass a subsequent examination in accordance with N.J.A.C. 7:28-27A.13(g); and
 - iv. Sign an affiliation form in accordance with N.J.A.C. 7:28-27A.5.
 2. If a certified radon measurement specialist is affiliated with more than one certified business, the certified individual shall follow the QA plan and radiological safety plan for the business through which the radon test is performed.
- (f) A certified radon measurement specialist shall comply with this subchapter, and shall conduct radon testing only while certified and affiliated, and only in accordance with the authorized measurement protocols for each building type, this subchapter, and the certified business's QA plan and radiological safety plan.

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- (g) A certified radon measurement specialist shall pass an authorized proficiency test in accordance with N.J.A.C. 7:28-27A.6(a).
- (h) A certified radon measurement specialist shall provide, to the Department, a list of the portable devices he or she owns, including the manufacturer, model number, and serial number.
- (i) A certified radon measurement specialist when conducting a radon test shall:
1. Enter all information for each radon test on the chain of custody form provided by the certified business in accordance with N.J.A.C. 7:28-27A.9(g);
 2. Perform quality control measures in accordance with N.J.A.C. 7:28-27A.10;
 3. Use a portable device, only if:
 - i. The device is identified on the certification of both the certified measurement business and the certified radon measurement specialist;
 - ii. The device has a current calibration certificate; and
 - iii. The data obtained directly from the device are submitted to the certified measurement business for review and reporting.
 4. If applicable to the test, obtain the signature of the owner or their legal representative on the confidentiality waiver in accordance with N.J.A.C. 7:28-27A.9(o); and
 5. For a non-portable device, submit the device and chain of custody form to the certified radon measurement business from which the device was obtained. For a portable device, submit the collected data and chain of custody form to the radon measurement business with which the individual is affiliated.
- (j) A certified radon measurement specialist who directs the daily operation of a certified business shall:
1. Ensure that the certified radon measurement business and its affiliates are in compliance with the certified business's most recent certification and this subchapter;
 2. Prepare and sign affiliation forms issued by the business;
 3. Review the chain of custody form and client report for all tests and the raw data for continuous radon monitors and the voltage from electret readers;
 4. Approve, verify, and sign the certified business's reports that are specified at N.J.A.C. 7:28-27A.17(a) and (c);
 5. Prepare, sign, implement, and ensure compliance with the certified business's QA plan;
 6. Prepare, sign, implement, and ensure compliance with the certified business's radiological safety plan;
 7. Ensure that the certified business maintains records in accordance with N.J.A.C. 7:28-27A.16; and
 8. Prepare and submit the certified business's annual certification application, and amend the certification, as needed.

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7:28-27A.21 Radon measurement technician--initial certification

- (a) An initial certification is valid for one year following the date of issuance, unless the certification is suspended, revoked, or canceled.
- (b) An individual shall submit an application for initial certification in accordance with N.J.A.C. 7:28-27A.3(e).
- (c) A complete initial application shall include:
1. The individual's name, Social Security number, home mailing address, home address (no post office box), and other contact information, which may include telephone number and electronic mail address;
 2. Documentation showing that the applicant has completed 16 hours of initial training from a nationally recognized organization. Documentation shall consist of the individual's training course certificate, which provides the individual's name, the name of the course, the approved course number, the number of credit hours, and the date of the course;
 3. When applicable, documentation of the training required for multifamily buildings and/or schools and large buildings, as required in accordance with N.J.A.C. 7:28-27A.23(b). Documentation shall consist of the individual's training course certificate, which provides the individual's name, the name of the course, the approved course number, the number of credit hours, and the date of the course;
 4. Documentation showing that the applicant successfully passed a radon examination for radon measurement technician, or the equivalent category, administered by the National Radon Proficiency Program or other organization that the Department determines administers a substantively equivalent examination. The Department will provide a list of approved organizations on its website, www.njradon.org. Documentation shall consist of a copy of the individual's examination results;
 5. A list of the portable devices the applicant owns, including the manufacturer, model number, and serial number in accordance with N.J.A.C. 7:28-27A.23(g);
 6. Documentation showing that the applicant completed an authorized proficiency test for each device model identified at (c)5 above, in accordance with N.J.A.C. 7:28-27A.6(a); and
 7. The proper fee in accordance with N.J.A.C. 7:28-27A.27(d).
- (d) The Department will issue an acknowledgement notice to an applicant who complies with the requirements of this section. When the Department receives an affiliation form from a certified radon measurement business or a business with an acknowledgement notice in accordance with N.J.A.C. 7:28-27A.5, the Department will issue a certification credential. The certification shall contain the information provided in the application and any subsequent amendments in accordance with N.J.A.C. 7:28-27A.3(j).

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7:28-27A.22 Radon measurement technician--certification renewal

- (a) A renewal certification is valid for one year following the date of issuance, unless the certification is suspended, revoked, or canceled.
- (b) A certified radon measurement technician shall submit, to the Department, an application for renewal on the form that the Department provides in advance of the expiration date.
- (c) A complete renewal application shall contain:

 - 1. All information required in an application for an initial certification as set forth at N.J.A.C. 7:28-27A.21, but only to the extent that the information differs from what is contained in the certified radon measurement technician's most recent certification;
 - 2. Proof of completion of continuing education required in accordance with N.J.A.C. 7:28-27A.23(c). Documentation shall consist of the training course certificate, which provides the individual's name, the name of the course, the approved course number, the number of credit hours, and the date of the course. Documentation from the conference organizer of the individual's attendance for one day at a national radon training conference or documentation from the training course provider showing an individual instructed four hours of radon continuing education shall also fulfill this requirement; and
 - 3. The proper fee in accordance with N.J.A.C. 7:28-27A.27(d).
- (d) The Department will issue a certification credential to an applicant who complies with the requirements of this section. The certification shall contain the information provided in the application and any subsequent amendments in accordance with N.J.A.C. 7:28-27A.3(j).

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7:28-27A.23 Responsibilities of a certified radon measurement technician

(a) A certified radon measurement technician shall maintain his or her certification by submitting an annual renewal application in accordance with N.J.A.C. 7:28-27A.22 and amending the certification, when necessary, in accordance with N.J.A.C. 7:28-27A.3(j).

(b) A certified radon measurement technician shall complete an eight-hour multifamily buildings training course and/or an eight-hour schools and large buildings training course approved by a nationally recognized organization, and shall provide a copy of each of these training certificates to the radon measurement business, in order to test these building types. This training shall be, in addition to, the initial training required at N.J.A.C. 7:28-27A.21(c)2.

(c) A certified radon measurement technician shall annually complete four hours of continuing education from a nationally recognized organization, completed no more than 12 months prior to the current certification expiration date or the renewal application submittal date, if the certification is expired.

(d) A certified radon measurement technician or an individual seeking certification as a radon measurement technician who receives an acknowledgement notice from the Department in accordance with N.J.A.C. 7:28-27A.21(d) shall affiliate with at least one business in accordance with N.J.A.C. 7:28-27A.5.

1. For each business the individual shall:

- i. Review and comply with the QA plan in accordance with N.J.A.C. 7:28-27A.14;
- ii. Review and comply with the radiological safety plan in accordance with N.J.A.C. 7:28-27A.15;
- iii. Take radiation safety training and pass a subsequent examination in accordance with N.J.A.C. 7:28-27A.9(q); and
- iv. Sign an affiliation form in accordance with N.J.A.C. 7:28-27A.5; and

2. If a certified radon measurement technician is affiliated with more than one certified business, the certified individual shall follow the QA plan and radiological safety plan for the business through which the radon test is performed.

(e) A certified radon measurement technician shall comply with this subchapter, and shall ensure that he or she conducts radon testing only while certified and affiliated, and only in accordance with the authorized measurement protocols for each building type, this subchapter, and the certified business's QA plan and radiological safety plan.

(f) A certified radon measurement technician shall pass an authorized proficiency test in accordance with N.J.A.C. 7:28-27A.6(a).

(g) A certified radon measurement technician shall provide, to the Department, a list of the portable devices he or she owns, including the manufacturer, model number, and serial number.

(h) A certified radon measurement technician, when conducting a radon test shall:

1. Enter all information for each radon test on the chain of custody form provided by the certified business in accordance with N.J.A.C. 7:28-27A.9(g);
2. Perform quality control measures in accordance with N.J.A.C. 7:28-27A.10;

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3. Use a portable device only if:
 - i. The device is identified on the certification of both the certified measurement business and the certified radon measurement technician;
 - ii. The device has a current calibration certificate; and
 - iii. The data obtained directly from the device are submitted to the certified measurement business for review and reporting;
4. If applicable to the test, obtain the signature of the owner or their legal representative on the confidentiality waiver in accordance with N.J.A.C. 7:28-27A.9(o); and
5. For a non-portable device, submit the device and chain of custody form to the certified radon measurement business from which the device was obtained. For portable devices, submit the collected data and chain of custody form to the radon measurement business with which the individual is affiliated.

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7:28-27A.24 Radon mitigation specialist--initial certification

- (a) An initial certification is valid for one year following the date of issuance, unless the certification is suspended, revoked, or canceled.
- (b) An individual shall submit an application for initial certification in accordance with N.J.A.C. 7:28-27A.3(e).
- (c) A complete initial application shall include:
1. The individual's name, Social Security number, home mailing address, home address (no post office box), and other contact information, which may include telephone number and electronic mail address;
 2. Documentation showing that the applicant possesses the education and work experience required at N.J.A.C. 7:28-27A.26(b). Documentation of education shall consist of a certified copy of a transcript from an accredited institution or course agenda, a certificate from a heating, ventilation, and air conditioning training provider, and/or documentation from the radon mitigation specialist from whom the individual received mitigation instruction through observing radon mitigation system installation. Documentation of work experience shall consist of a letter from the employer with whom the individual obtained the work experience, or from a reference that has extensive knowledge of the individual's work experience. In either case, the letter must outline all applicable responsibilities and specific dates performed;
 3. Documentation showing that the applicant has completed 24 hours of initial training from a nationally recognized organization. Documentation shall consist of the individual's training course certificate, which provides the individual's name, the name of the course, the approved course number, the number of credit hours, and the date of the course;
 4. When applicable, documentation of the training required for multifamily buildings and/or schools and large buildings, as required at N.J.A.C. 7:28-27A.26(c). Documentation shall consist of the individual's training course certificate, which provides the individual's name, the name of the course, the approved course number, the number of credit hours, and the date of the course;
 5. Documentation showing that the applicant successfully passed a radon examination for radon mitigation specialist, or the equivalent category, administered by the National Radon Proficiency Program or other organization that the Department determines administers a substantively equivalent examination. The Department will provide a list of approved organizations on its website, www.njradon.org. Documentation shall consist of a copy of the individual's examination results; and
 6. The proper fee in accordance with N.J.A.C. 7:28-27A.27(d).
- (d) The Department will issue an acknowledgement notice to an applicant who complies with the requirements of this section. When the Department receives an affiliation form from a certified radon mitigation business or a business with an acknowledgement notice in accordance with N.J.A.C. 7:28-27A.5, the Department will issue a certification credential. The certification shall contain the information provided in the application and any subsequent amendments in accordance with N.J.A.C. 7:28-27A.3(j).

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7:28-27A.25 Radon mitigation specialist--certification renewal

- (a) A renewal certification is valid for one year following the date of issuance, unless the certification is suspended, revoked, or canceled.
- (b) A certified radon measurement specialist shall submit to the Department an application for renewal on the form that the Department provides in advance of the expiration date.
- (c) A complete renewal application shall contain:

 - 1. All information required in an application for an initial certification as set forth at N.J.A.C. 7:28-27A.24, but only to the extent that the information differs from what is contained in the certified radon mitigation specialist's most recent certification;
 - 2. Proof of completion of continuing education required at N.J.A.C. 7:28-27A.26(d). Documentation shall consist of the training course certificate, which provides the individual's name, the name of the course, the approved course number, the number of credit hours, and the date of the course. Documentation from the conference organizer of the individual's attendance for two days at a national radon training conference or documentation from the training course provider showing an individual instructed eight hours of radon continuing education shall also fulfill this requirement; and
 - 3. The proper fee in accordance with N.J.A.C. 7:28-27A.27(d).
- (d) The Department will issue a certification credential to an applicant who complies with the requirements of this section. The certification shall contain the information provided in the application and any subsequent amendments in accordance with N.J.A.C. 7:28-27A.3(j).

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7:28-27A.26 Responsibilities of a certified radon mitigation specialist

(a) A certified radon mitigation specialist shall maintain his or her certification by submitting an annual renewal application in accordance with N.J.A.C. 7:28-27A.25 and amending the certification, when necessary, in accordance with N.J.A.C. 7:28-27A.3(j).

(b) A certified radon mitigation specialist shall possess any combination of three years of relevant education and work experience. For purposes of this section, relevant education means college level studies in architecture or engineering, technical school education in heating, ventilation, and air conditioning, and/or mitigation instruction through observing radon mitigation system installation under the direction of a radon mitigation specialist; and relevant work experience means the design, construction, and renovation of buildings and/or the design and installation of mitigation systems if he or she has obtained mitigation experience by being licensed, certified, or accredited by another state or a nationally recognized organization. The education and work experience requirements shall not apply to an individual who provides documentation that he or she holds a valid license in New Jersey as a professional engineer.

(c) A certified radon mitigation specialist shall complete an eight-hour multifamily buildings training course and/or an eight-hour schools and large buildings training course approved by a nationally recognized organization, and shall provide a copy of each of these training certificates to the radon mitigation business, in order to mitigate these building types. This training shall be, in addition to, the initial training required at N.J.A.C. 7:28-27A.24(c)3.

(d) A certified radon mitigation specialist shall annually complete eight hours of continuing education from a nationally recognized organization, completed no more than 12 months prior to the current certification expiration date or no more than 12 months prior to the renewal application submittal date, if the certification is expired.

(e) A certified radon mitigation specialist or an individual seeking certification as a radon mitigation specialist who received an acknowledgement notice from the Department in accordance with N.J.A.C. 7:28-27A.24(d), shall affiliate with at least one business in accordance with N.J.A.C. 7:28-27A.5.

1. For each business, the individual shall:

- i. Review and comply with the radiological safety plan in accordance with N.J.A.C. 7:28-27A.15;
- ii. Take radiation safety training and pass a subsequent examination in accordance with N.J.A.C. 7:28-27A.13(g); and
- iii. Sign an affiliation form in accordance with N.J.A.C. 7:28-27A.5; and

2. If a certified radon mitigation specialist is affiliated with more than one certified business, the certified individual shall follow the radiological safety plan for the business through which the radon mitigation is performed.

(f) A certified radon mitigation specialist shall conduct radon mitigation only while certified and affiliated, and only in accordance with the authorized mitigation protocols for each building type, this subchapter, and the certified business's radiological safety plan, and shall otherwise comply with this subchapter.

(g) Prior to the installation of a mitigation system, a certified radon mitigation specialist shall provide the client with a copy of a written contract that has been signed by the affiliate and the owner or their legal

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representative. The contract shall be supplied on behalf of the certified business as provided at N.J.A.C. 7:28-27A.13(l).

(h) Prior to performing work on an existing mitigation system, a certified radon mitigation specialist on behalf of the certified business shall advise the client, in writing, whether the mitigation system meets the most recent authorized mitigation protocol, and provide a written estimate of the upgrades needed, and the cost to bring the system into compliance.

(i) A certified radon mitigation specialist on behalf of the certified business shall, as provided at N.J.A.C. 7:28-27A.13(n), allow an uncertified individual to assist with only basic construction tasks during the installation of the radon mitigation system.

(j) A certified radon mitigation specialist shall ensure that a short-term radon test is conducted no sooner than 24 hours after a mitigation system is installed and functioning, and within 30 days after the installation of the system.

(k) A certified radon mitigation specialist that directs the daily operation of the certified business shall:

1. Ensure that the certified radon mitigation business and its affiliates are in compliance with the business's most recent certification and this subchapter;
2. Prepare and sign affiliation letters issued by the business;
3. Review, approve, verify, and sign the certified business's reports that are specified at N.J.A.C. 7:28-27A.17(b);
4. Prepare, sign, implement, and ensure compliance with the radiological safety plan;
5. Ensure that a contract is provided for each mitigation system in accordance with (g) above;
6. Ensure that the certified business maintains records in accordance with N.J.A.C. 7:28-27A.16; and
7. Prepare and submit the business's annual certification application.

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7:28-27A.27 Fees

- (a) An individual or business seeking initial or renewal certification shall submit, to the Department, a non-refundable application fee in accordance with Fee Schedule A below.
- (b) A business shall submit to the Department an inspection fee in accordance with Fee Schedule A below.
- (c) In addition to the fees in Fee Schedule A, a program administration fee shall be submitted semi-annually to the Department:
 - 1. By a certified radon measurement business in accordance with Fee Schedule B below; and
 - 2. By a certified radon mitigation business in accordance with Fee Schedule C below.
- (d) Each year, beginning on July 1, the semi-annual fees specified at (c) above shall be adjusted by the previous 12-month inflation factor, rounded down to the next whole dollar. The inflation factor is calculated from the Annual Average Consumer Price Index, for All Urban Consumers (CPI-U) for the U.S. City Average, not seasonally adjusted, published annually by the U.S. Department of Labor, Bureau of Labor Statistics.
 - 1. If the inflation factor for a 12-month period is negative, the fees will remain unchanged from the previous year; and
 - 2. The adjusted fees shall be reflected through a notice of administrative change, published in the New Jersey Register.

FEE SCHEDULE A			
	Initial Application and Expired Renewal Application Fee (\$)	Annual Renewal Certification Fee (\$)	Inspection Fee (\$)
Radon Measurement Business	400	200	400
Radon Measurement Specialist	150	75	N/A
Radon Measurement Technician	75	50	N/A
Radon Mitigation Business	400	200	400
Radon Mitigation Specialist	150	75	N/A

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FEE SCHEDULE B Program Administration Fees- Radon Measurement Business			
Number of Radon Tests Conducted by Affiliates and Owners and Reported by the Measurement Business Each Semi-Annual Period*	Program Fee (\$)	Activity Fee (\$)	Total Fee (\$)
-0-	508	200	400
1-49	508	57	565
50-99	508	177	685
100-199	508	351	859
200-299	508	585	1,093
300-499	508	935	1,443
500-999	508	1,765	2,264
1000-1999	508	3,509	4,017
2000-5000	508	8,188	8,696
Greater than 5000	508	11,702	12,210

*First Calendar Period: July 1 through December 31
Second Calendar Period: January 1 through June 30

FEE SCHEDULE C Program Administration Fees- Radon Mitigation Business			
Number of Radon Mitigation Systems Installed by Affiliates Each Semi-Annual Period*	Program Fee (\$)	Activity Fee (\$)	Total Fee (\$)
0	796	0	796
1-10	796	122	918
11-24	796	445	1,241
25-49	796	909	1,705
50-74	796	1,524	2,320
75-99	796	2,139	2,935
100-124	796	2,738	3,534
125-149	796	3,369	4,165
150-174	796	3,987	4,783
175-200	796	4,601	5,397

*First Calendar Period: July 1 through December 31
Second Calendar Period: January 1 through June 30

(e) If the Department conducts an inspection of a certified business located out-of-State, the business shall be responsible for payment of the costs incurred by the inspector including, but not limited to, motor vehicle mileage reimbursement, motor vehicle rental and insurance, airfare, hotels, parking, transportation, and allowances for meals, incidental expenses, and per diem. The costs paid by the certified business shall be only those incurred by the inspector in accordance with State and Federal travel policies. The certified business shall pay the inspector's hotel and transportation expenses directly to the hotel and transportation provider in advance of the inspection. The certified business shall reimburse the Department within 30 calendar days after the date of the Department's statement to the certified business setting forth the remaining costs.

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7:28-27A.28 Inspections

(a) The Department and its representatives may enter, and inspect, any site, building, or equipment, or any portion thereof, owned or operated by an applicant or by the certified radon measurement or mitigation individual or business, at any time, in order to ascertain compliance with the Radiation Protection Act, N.J.S.A. 26:2D-1 et seq., this subchapter, any certification, or any other agreement or order issued or entered into pursuant thereto. Such right shall include, but not be limited to, the right to test any equipment at the facility, to sketch or photograph any portion of the site, building, or equipment, to copy, or photograph any document or records necessary to determine such compliance, and to interview any employees, affiliates, or representatives of the owner, operator, or applicant. Such right shall be absolute and shall not be conditioned upon any action by the Department, except the presentation of appropriate credentials, as requested, and compliance with appropriate standard safety procedures.

(b) Certified businesses or applicants, and any employees, affiliates, or representatives thereof, shall assist and shall not hinder or delay the Department and its representatives in the performance of all aspects of any inspection. This assistance shall include allowing the Department and its representatives to accompany an affiliate at a particular building or property for the purpose of inspecting the affiliate's activities, while the affiliate is performing any measurement, mitigation, or safeguard activity. During an inspection in which the Department is accompanying an affiliate, the affiliate shall use all sampling and measurement equipment under normal routine operating conditions or under such other conditions as may be requested by the Department. This assistance shall also include deploying Department sampling devices alongside the business's device and returning the Department sampling devices to a designated location. The affiliate shall, upon request, make sampling and measurement equipment available to the Department for the purpose of making comparative measurements.

(c) Upon request, a certified business shall make known to the Department's representatives, the owners, residents, and addresses of properties or buildings where radon measurement, mitigation, or safeguard activities are scheduled, in progress, or completed for the purpose of possible inspection by the Department.

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7:28-27A.29 Denial, suspension, or revocation of a certification; affiliation limitation

- (a) The Department may deny a certification to an individual or a business or limit the number of affiliations of a certified individual or business when the individual or business is not in compliance with all provisions of the Act or this subchapter.
- (b) The Department may suspend a certification if the certified individual or business:
1. Violates any requirements of the certification or provisions of this subchapter;
 2. Violates a statute, rule, or order of the Department;
 3. Falsifies, or makes false representations to the Department on, any report, record, application requirement, or other certification requirement;
 4. Records faulty measurements or installs malfunctioning or ineffective mitigation systems; or
 5. Makes false or misleading claims about tests and/or services offered.
- (c) The Department may revoke a certification if the certified individual or business:
1. Violates any requirements of the certification or provisions of this subchapter;
 2. Violates any requirements of the certification or provisions of this subchapter for which there was a previous suspension, as listed at (b) above;
 3. Violates any requirements of the certification or provisions of this subchapter while a certification is suspended as listed at (b) above;
 4. Endangers the public health, safety, and welfare;
 5. Operates in such a manner, so as to cause harm, injury, or damage to persons, property, or the environment or poses a significant risk of harm, injury, or damage; or
 6. Aids, abets, combines with, or conspires with any person for any purpose that will evade, or be a violation of, the provisions of the Act, this subchapter, or the certification.
- (d) The Department may limit the number of affiliations that a certified individual or business may have if the certified individual or business:
1. Violates any requirements of the certification or provisions of this subchapter;
 2. Violates a statute, rule, or order of the Department;
 3. Falsifies, or makes false representations to the Department, on any report, record, application requirement, or other certification requirement;
 4. Records faulty measurements or installs malfunctioning or ineffective mitigation systems; or
 5. Makes false or misleading claims about tests and/or services offered.
- (e) A notice of denial, suspension, or revocation or a notice to limit the number of affiliations of a certified individual or business shall be issued to the violator.
1. Notices under this section shall be served by way of certified mail or by personal service.
 2. A notice under this section shall:

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7:28-27A.30 Criminal penalties

- (a) Any business or individual that violates N.J.S.A. 26:2D-72, 73, or 74 or any rule or regulation adopted pursuant to N.J.S.A. 26:2D-72, 73, or 74 shall be guilty of a crime of the third degree.
- (b) Use of any remedy under this section shall not preclude the use of any other remedy available to the Department.

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7:28-27A.31 Request for adjudicatory hearing

(a) Within 20 calendar days from receipt of a notice limiting the number of affiliations pursuant to N.J.A.C. 7:28-27A.5(i), or a certification denial, or a suspension or revocation issued by the Department pursuant to N.J.A.C. 7:28-27A.29, the individual or business may request an adjudicatory hearing to contest such action by submitting a written request to the Department to the following two addresses:

1. Office of Legal Affairs

ATTENTION: Adjudicatory Hearing Requests

Department of Environmental Protection

Mail Code 401-04L

PO Box 402

401 East State Street, 7th Floor

Trenton, New Jersey 08625-0402; and

2. The address at N.J.A.C. 7:28-1.5(a).

(b) The individual or business requesting a hearing shall include with the completed Adjudicatory Hearing Request Checklist the following information:

1. The name, address, telephone number, and electronic mail address of:

i. The person the Department named in the notice limiting the number of affiliations, or certification denial or the suspension or revocation for which the hearing is sought;

ii. A contact person or authorized representative, if the person the Department named in the notice limiting the number of affiliations, or certification denial or the suspension or revocation is other than an individual; and

iii. The person's attorney, if any;

2. The date the person received the notice limiting the number of affiliations, or certification denial or the suspension or revocation for which a hearing is sought;

3. A copy of the notice limiting the number of affiliations, or certification denial or the suspension or revocation for which a hearing is sought, pursuant to (a) above;

4. A list of all factual and legal issues that the person is contesting, with each defense position stated in short and plain terms, and in accordance with (c) below;

5. Documents or information supporting the request for a hearing, and specific reference to, or copies of other written documents relied on, to support the request;

6. An estimate of the time required for the hearing (in days and/or hours); and

7. A request, if necessary, for a barrier-free hearing location for physically disabled persons.

(c) The individual or business requesting the hearing shall include an admission, a denial, or an averment of insufficient knowledge or information of the findings listed in the document being contested, as follows:

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1. If the individual or business is without knowledge or information sufficient to form a belief as to the truth of a specific finding, the individual or business shall so state and this shall have the effect of a denial;
 2. If the response to the Department allegation of noncompliance is that the individual or business has complied with some or all of the applicable requirements, a description of all such compliance, including specific citation to each applicable requirement with which the person alleges it has complied; the facts and circumstances of the compliance; and evidence of compliance and the date of compliance;
 3. If an individual or business intends to deny any finding or portion of the finding in the document:
 - i. The individual or business shall identify the finding or portion of the finding that is denied. A general denial of some or all of the findings shall have the effect of an admission of each finding generally denied;
 - ii. For each finding or portion of a finding the individual or business denies, the individual or business shall explain the factual and legal basis of the denial. Any failure to provide a factual and legal basis for a denial shall have the effect of an admission of the finding; and
 - iii. The individual or business shall ensure that each denial fairly meets the substance of the finding or portion of the finding denied. A denial that does not meet the substance of the finding denied shall have the effect of an admission of the finding; and
 4. If an individual or business fails to either admit or deny any specific finding or portion of a finding, this shall have the effect of an admission of that finding.
- (d)** The Department shall deny a request for a hearing, if:
1. The Department does not timely receive a complete request for a hearing pursuant to (a) above; or
 2. The individual or business fails to include in the request for a hearing, all the information required at (b) and (c) above.
- (e)** An adjudicatory hearing shall be conducted in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and 52:14F-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

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**7:28-27A.32 Liability of certified radon measurement or radon mitigation business
for actions of affiliates**

(a) Notwithstanding the responsibility of any other individual or business or the exemption from the provisions of any other section of this subchapter, any certified business shall be responsible for any violation of the Act or rules committed by an affiliate of the certified business in the scope of the affiliate's testing or mitigation services if the violation was within the certified business's reasonable ability to control, as delineated in the affiliation form with that certified business.

(b) The liability of the certified business and the affiliate shall be joint and several.

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7:28-27A.33 One-time certification application requirements for a certified radon measurement business, specialist, and technician and certified radon mitigation business and specialist

- (a) Notwithstanding the expiration date of its certification, a business or individual that is a certified radon measurement business, specialist, or technician or a certified radon mitigation business or specialist as of June 6, 2022, shall submit a complete initial application to the Department in accordance with N.J.A.C. 7:28-27A.7, 27A.11, 27A.18, 27A.21, or 27A.24, such that the Department receives the application on or before October 4, 2022.
- (b) If the certified business or individual's certification has an expiration date that is on or after June 6, 2022, and on or before December 2, 2022, the certified business or individual shall not submit a renewal application, but shall submit an initial application as provided at (a) above.
- (c) The Department will consider a certified business or individual that submits an application in accordance with this section to be certified from June 6, 2022, until the Department notifies the business or individual that its initial application has been approved or rejected.
- (d) If a certified business or individual submits an application for initial certification pursuant to this section such that the Department receives it after October 4, 2022 and on or before December 2, 2022, the certification shall be valid on the later of December 3, 2022 or the date the Department approves the initial application.
- (e) An individual's certification credential that is valid on June 6, 2022, shall serve as proof of certification for purposes of affiliation with a certified business.
- (f) Upon Department approval of the initial application submitted in accordance with (a) above, the certification for the business or individual shall be valid until the date that is one year from the day and month after the expiration date of the business's or individual's certification in effect as of June 6, 2022.
- (g) Except as provided at (d) above, an individual or business that does not timely submit an application for certification, in accordance with this section shall not be certified as of December 3, 2022. To become certified, the business or individual shall submit an application for renewal of an expired certification.

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7:28-27A.34 Radon mitigation technician

- (a) Notwithstanding the expiration date of his or her certification, an individual who is certified as a radon mitigation technician as of June 6, 2022, shall submit to the Department a complete renewal application as specified at (d) and (e) below or, if the individual meets the requirements of a certified radon mitigation specialist, a complete initial application in accordance with N.J.A.C. 7:28-27A.24, such that the Department receives the application on or before October 4, 2022.
- (b) If an individual certified as a radon mitigation technician as of June 6, 2022 submits an application for certification pursuant to this section such that the Department receives it after October 4, 2022, and on or before December 2, 2022, the certification shall be valid on the later of December 3, 2022, or the date the Department approves the initial application.
- (c) The Department will consider a certified radon mitigation technician that submits an application in accordance with (a) above to be certified from June 6, 2022, until the Department notifies the individual that the application has been approved or rejected. An individual that does not timely submit an application for certification in accordance with this section shall not be certified as of December 3, 2022. To become certified, the individual shall submit an application for renewal of an expired certification.
- (d) A certified radon mitigation technician shall submit, to the Department, an application for renewal on the form that the Department sends to the individual in advance of June 6, 2022.
- (e) The certified mitigation technician shall update the information contained on the form provided at (d) above, and shall provide documentation showing completion of four hours of continuing education from a nationally recognized organization, completed no more than 12 months prior to the renewal application submittal. Documentation shall consist of the training course certificate, which provides the individual's name, the name of the course, the approved course number, the number of credit hours, and the date of the course. Documentation from the conference organizer of the individual's attendance for one day at a national radon training conference or documentation from the training course provider showing an individual instructed four hours of radon continuing education also fulfills this requirement.
- (f) A certified radon mitigation technician shall complete an eight-hour multifamily buildings training course and/or an eight-hour schools and large buildings training course approved by a nationally recognized organization, and shall provide a copy of each of these training certificates to the radon mitigation business, in order to mitigate these building types.
- (g) Upon Department approval of the renewal application, the radon mitigation technician's certification shall, unless suspended, revoked, or canceled, be valid until December 3, 2023, and cannot thereafter be renewed.
- (h) A certified radon mitigation technician may submit an application to be certified as a radon mitigation specialist when he or she meets the requirements at N.J.A.C. 7:28-27A.24, Radon mitigation specialist--initial application.
- (i) On and after December 3, 2022, a certified radon mitigation technician shall comply with (j) through (o) below.
- (j) A certified radon mitigation technician shall affiliate with at least one business in accordance with N.J.A.C. 7:28-27A.5.

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1. For each business, the certified individual shall:
 - i. Review and comply with the radiological safety plan in accordance with N.J.A.C. 7:28-27A.15;
 - ii. Take radiation safety training and pass a subsequent examination in accordance with N.J.A.C. 7:28-27A.13(g); and
 - iii. Sign an affiliation form in accordance with N.J.A.C. 7:28-27A.5; and
 2. If a certified radon mitigation technician is affiliated with more than one certified business, the certified individual shall follow the radiological safety plan for the business through which the radon mitigation is performed.
- (k)** A certified radon mitigation technician shall conduct radon mitigation only while certified and affiliated, and only in accordance with the authorized mitigation protocols for each building type, this subchapter, and the certified business's radiological safety plan, and shall otherwise comply with this subchapter.
- (l)** Prior to the installation of a mitigation system, a certified radon mitigation technician shall provide the client with a copy of a written contract that has been signed by the affiliate and the client. The contract shall be supplied on behalf of the certified business, as provided at N.J.A.C. 7:28-27A.13(l).
- (m)** Prior to performing work on an existing mitigation system, a certified radon mitigation technician on behalf of the certified business shall, as provided at N.J.A.C. 7:28-27A.26(h), advise the client in writing whether the mitigation system meets the most recent authorized mitigation protocol, and provide a written estimate of the upgrades needed, and the cost to bring the system into compliance.
- (n)** A certified radon mitigation technician shall, on behalf of the certified business, as provided at N.J.A.C. 7:28-27A.13(n), allow an uncertified individual to assist with only basic construction tasks during the installation of the radon mitigation system.
- (o)** A certified radon mitigation technician shall ensure that a short-term radon test is conducted no sooner than 24 hours after a mitigation system is installed and functioning, and within 30 days after the installation of the system.