

Date/Time: November 4, 2021 10:00 AM

Location: UAlbany School of Public Health,
Rensselaer, NY

ATTENDEES

Cindy Costello, NYSDOH, Task Force Liason
Alex Damiani, NYSDOH
Christine Dobert, NYSDOH
David Ohehir, NYSDOH
Gary Ginsburg, NYSDOH Designee
Christiner Westerman, NYSDOH
Selica Grant, NYSDOL Designee
George G. Schambach
Richard "Dick" Kornbluth
John Addario, Secretary of State Designee

AGENDA

10:00 AM Welcome & Introductions

10:15 AM Review/Approval of Minutes

10:30 AM Summary of Interviews with Other States & Discussion on Best Practices for Licensing/Certification

12:00 PM Lunch

12:30 PM Recommendation of the Task Force

1:00 PM Discussion of Points to be included in Legislation

2:15 PM Next Steps

2:30 PM Adjourn

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Notes:

- Meeting started 10:05 AM by Gary G.
- Reviewed meeting minutes from 10.7.21
 - o Minutes approved with clarification of the following:

- HUD funding requires testers to be certified
- Daycare facilities, required testing pass radon zone 1
- Interview of states that have a regulating program presented by David O.
 - Three ways
 - Own training, certification, licensing, and tests
 - Just accept the test results from AARST/NRPP
 - State accepts the AARST/NRSB certification and renews license
 - PA, NJ will be moving from own testing/ certification to AARST/NRPP
 - Florida will be keeping own testing/certification
 - Indiana has a pilot program of inspecting and giving certified completion
 - Inspector are done by a third party (not testers/ mitigators, competition)
 - 8 hour course and test for inspectors
 - Estimated 3-4 inspectors per state
 - Request for pilot program report for next meeting
 - Inspections
 - Follow up on enforcement and complaint
 - NYSERDA Model- requires first # of installations to be inspected and a % following up
 - Require Mitigators to provide homeowners information/ brochure on proper installations
 - Cons: bad contractors won't provide the information to begin with, homeowners are over analyzing the installation. Majority of homeowners will not read the information
 - Cannot rely on just a post mitigation test
 - Enforcement
 - Complaint Driven
 - Majority does not have a strong enforcement
 - Provide a cease and dismiss letter
 - Escalating upon follow up complaints
 - North Carolina
 - Trying to get AARST standard apart of the building code and included upon building code inspection
 - Mitigation needs to be installed according to the AARST standard
 - Uniform code by the State
 - Presented to the Codes council
 - Requiring a permit, triggers inspection by code enforcement or third party
 - Applying to New York State
 - Proposed requiring building permit to install mitigation
 - Includes Appendix F- for new construction
 - Cons: Resistance from construction companies, passive systems not properly installed
 - Indiana pilot program Vs. North Carolina Code Vs. Complaint Driven
 - Current Radon program
 - Complaint
 - Have the homeowner report to Better business bureau and if certified, report the certifying body

- Mitigators if certified is reported to AARST/NRPP
- AARST Inspection
 - Only in conjunction with the Indiana pilot program
 - Kentucky AARST Chapter, looking to conduct same pilot
 - What is the cost of inspection?
 - How are expenses calculated
 - Colorado estimated \$24,000 using EPA SIRG funding to fund the AARST contract
- Can make a recommendation for outside agency to oversee the program
 - Must invite the agency to provide insight
 - Followed by public review
- Enforcement
 - Writing into law of the authorizing agency, fines etc.
 - Not detailed on the regulations of frequency of inspections
- If business is doing for monetary gain, they need to be licensed.
- Homeowners and possible business owners do not need certification/ license for self-testing
- Structure of requiring businesses to be licensed but also the control of technician and specialists to be licensed
 - Currently in NYS if testers have radon monitors have to be ELAP certified, or the radon lab to be ELAP (RTCA for example)
- Pros of Business that is license vs. Business that hires license individual
 - Ideally both entities would be licensed
 - Side note: 8 hour course for tester technician, 16 hours for tester specialist
- If third party or monetary gain, they should be licensed/ certified
- Businesses (daycare, office building) can self test without certification/license
 - Difference is 10times the cost of self testing.
 - Cons: nonprofessional forging recording data, ensuring proper placement and collection
 - Real Estate: realtors deploying test kits improperly, not enough knowledge, home inspectors not deploying correctly etc.
 - By licensing is ensuring the person is trained and educated
- What is the difference between certification vs licensing?
 - Creating a law to require licensing to give authority to the state to enforce fines, removal of license etc.
 - License of individual vs business
 - Individual as a technician cannot work unless under a business
 - Licensed specialist can be individual or a business
 - Issue- if tester is just deploying a canister and sends to ELAP lab.
 - ELAP lab is considered the specialist
 - Question is what does ELAP cover
- Proposal 6851 introduced by Sen. Akshar in 2017-2018
 - Initiated the start of the Radon task force
 - Edited copy from NRPP/ AARST in Red binder
 - By Jane Malone

- No modification of proposed bill
 - Reference 447G1 part A- “Violated provisions of subdivision 4 of section 447-g of this article”
 - No subdivision 4 is not found
 - Under the Department of State- further modification
 - Currently setting up a regulatory advisory council
 - Covers testers and mitigators
 - Proposed
 - Licensing is tied to the program
 - What is the overseeing agency?
 - Who does the paperwork, who does the enforcement?
 - Frequency of renewing- Ideally ever 2 years
 - Further compare to the asbestos, electrical licensing programs
 - PA requires a description of placement
 - Added note: the Indiana pilot program AARST charges the state
 - \$400 per mitigation inspections
 - \$350 desk audit (paperwork inspection)
 - Similar to ELAP inspection
- What does department of State oversee
 - Is it possible to split the program over multiple agencies?
- Lunch 12:15
- Returned at 12:58
- Out- of state license working in NYS
 - Reciprocal agreements
 - Used in short term or within specific regulations
 - If show proof of other states licensing, to what degree to recognize the license
 - A temporary license procedure
 - AARST standard- Certified person needs to be on site
- Fees
 - Under regulation
 - \$100-500 on average
 - Currently 175 testers, and 75 mitigators that are AARST/NRSB certified in New York
 - How large is the home inspector population?
 - 1300-1400 home inspectors- George S.
 - What is the ratio of FTE/ professional?
 - 1 person Handling the paperwork/ 2000 professionals? What is the formula
 - 5,000 mitigations per year reported by certified professionals to NYS
 - Estimated \$200,000 pending the fee structure
 - In the report an ideal budget to be included
 - Includes reference to other states fees
 - Include cost of infrastructure
 - PA has a greenport system
 - Records every test/ mitigation and results

- Is greenport a PA specific program or outside program?
 - Includes tracking payments
 - Home reporting system
 - What is the burden of the infrastructure to report into the system?
 - NYS has a semi-annual reporting
 - # of tests per county
 - Data is sent to EPA for SIRG grant money, pending results
 - No enforcement for certified people to report
 - Performance and enforcement overseen by DOH, Licensing overseen by DOS-proposed
- In some form the field professionals will report violators
- Generic test kits sold in hardware stores; the lab should be ELAP certified.
 - Lab may report any NYS associated kits to the state
 - If an individual has more than set #, Red flags the person is not certified/license in NYS
 - Weeds out the average homeowner
 - Report to both agencies in some form process
- DOS provide regulation education
 - Introductory information for what is required for license individuals
 - Include home inspector application for radon testing a check yes/no question
- Home inspectors
 - If not radon license, would it jeopardize the home inspectors license?
- Question: Do other states have labs requiring reporting to the state?
- Finding Violators
 - Media blasts to get the general population to comply, followed by complaints (competitors, clients etc), finding through general advertisements
- Next Steps
 - Outlining the proposals, information collected
 - What to focus on
 - DOS has the structure for licensing but no expertise in Radon
 - Volleying back and forth of which agency will oversee the enforcement, inspection.
 - Should have a close relationship with AARST/ NRPP
 - Code enforcement not knowledgeable
 - No building code = no enforcement
 - Mitigators normally HVAC (license by local) or by mitigation companies
 - Electrical component
 - Local licensing
 - No license of VOC contractors
 - DEC- has Pes and only concern is outside of the building
 - Issue: No agency covers the health, license, technical expertise
 - No home for the mitigators
 - Testers can be matched with the DOS home inspection list
 - Mitigators need further deliberation
 - Proposed the elements for legislation, task force is not experienced to write the legislation

- Next meeting January 6, 2022
 - Snow Date January 13, 2022
- Meeting Adjourn 2:20 PM