

CHAPTER 240. RADON CERTIFICATION

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Authority

The provisions of this Chapter 240 issued under sections 12 and 13 of the Radon Certification Act (63 P. S. §§ 2012 and 2013); section 302 of the Radiation Protection Act (35 P. S. § 7110.302); and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20), unless otherwise noted.

Source

The provisions of this Chapter 240 adopted January 18, 1991, effective January 19, 1991, 21 Pa.B. 317, unless otherwise noted.

Cross References

This chapter cited in 25 Pa. Code § 215.32 (relating to exemption qualifications).

Subchapter A. GENERAL PROVISIONS

GENERAL

- Sec. 240.1. Description of regulatory structure.
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GENERAL

§ 240.1. Description of regulatory structure.

(a) The act directs the Department to establish a Radon Certification Program. This chapter specifies the requirements to certify a person to test for and mitigate radon contamination of occupied buildings and to analyze radon samples. Persons exempt from certification are specified in § 240.2 (relating to scope).

(b) Subchapter B (relating to certification) specifies the requirement that a person shall be certified to conduct radon testing, and the requirements for obtaining certification. Subchapter B also contains the requirements for certification in mitigation and laboratory analysis.

(c) Subchapter C (relating to certification review procedures and standards) provides the standards and procedures for review of applications, renewal and modification of certification.

(d) Subchapter D (relating to operation requirements) contains operation requirements for certified persons who conduct radon-related activities. Subchap-

ter D includes the requirements concerning advertising, notice to clients and disclosure of radon information to the Department. These operation requirements are in addition to specific requirements contained in a certification.

(e) Subchapter E (relating to enforcement and decertification) contains the enforcement provisions, including inspection, decertification and assessment of civil penalties. Other enforcement actions are available under sections 308 and 309 of the Radiation Protection Act (35 P. S. §§ 7110.308 and 7110.309) and section 14 of the act (63 P. S. § 2014).

(f) Subchapter F (relating to interim certification) specifies the requirements for persons certified under the Department's Interim Certification Program.

(g) This section is for descriptive purposes only. This section does not limit the authority of the Department under the acts or this chapter.

§ 240.2. Scope.

(a) This chapter applies to all persons except a person:

(1) Testing for or mitigating against radon contamination in a building that the person owns or occupies.

(2) Using measures designed to prevent radon contamination in newly constructed buildings. This exemption does not apply to radon testing or installation of radon mitigating devices in these buildings following occupancy.

(3) Performing testing or mitigation in the course of the person's normal duties as an employee or contractor of the Department or the Federal government.

(4) Performing scientific research if the person discloses the information obtained to the Department under § 240.303 (relating to reporting of information) and the person informs the owner or occupant of the affected building of the following:

(i) That the person is not certified by the Department to test for or mitigate against radon contamination.

(ii) That the test results are not certified.

(iii) That the mitigation methods are for experimental purposes and may be unsuccessful.

(5) Purveying, but not placing, or retrieving passive radon testing devices, such as charcoal canisters or track etch monitors supplied by a certified laboratory, if radon concentrations determined by the laboratory are reported directly to the owner or occupier of the building tested.

(b) This chapter is in addition to, and not in substitution for, other applicable provisions of this article.

Authority

The provisions of this § 240.2 amended under sections 301 and 302 of the Radiation Protection Act (35 P. S. §§ 7110.301 and 7110.302); and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20).

Source

The provisions of this § 240.2 amended July 16, 2004, effective July 17, 2004, 34 Pa.B. 3823. Immediately preceeding text appears at serial pages (204016).

Cross References

This section cited in 25 Pa. Code § 240.1 (relating to description of regulatory structure).

§ 240.3. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Act—The Radon Certification Act (63 P.S. §§ 2001—2014).

Active radon mitigation system—A radon mitigation system with an electric vent fan.

Acts—The Radon Certification Act and the Radiation Protection Act (35 P.S. §§ 7110.101—7110.703).

Firm—A person, other than an individual.

Laboratory analysis—The act of determining radon concentrations in air, water, soil or passive radon testing devices.

Mitigate—To repair or alter a building or building design for the purpose in whole or in part of reducing the concentration of radon in the indoor atmosphere.

Passive radon mitigation system—A radon mitigation system without an electric vent fan.

Person—An individual, corporation, partnership, association, trust, estate, public or private institution, group, agency or political subdivision of this Commonwealth, another state or political subdivision or agency thereof, and a legal successor, representative, agency or agency of the entities listed in this definition.

Picocurie per liter—2.2 disintegrations per minute of radioactive material per liter of air.

Primary device—Continuous monitors or electrets, or both, read or analyzed, or both, by a primary tester.

Primary tester—A tester who reads or analyzes, or both, the continuous monitors or electrets, or both, that the tester places or retrieves, or both.

Radon—The radioactive noble gas radon-222 and the short-lived radionuclides which are products of radon-222 decay, including polonium-218, lead-214, bismuth-214 and polonium-214.

Test—The act of examining a building, soil, air or water for the presence of radon, including taking air, soil or water samples, or the act of diagnosing the cause of radon contamination in a building.

WL—Working level—One working level is that amount of potential alpha-particle energy dissipated in air by the short-lived daughters in equilibrium with 100 pCi/l of Radon-222. One WL is equal to 130,000 Mev of alpha-particle energy deposited per liter of air.

Authority

The provisions of this § 240.3 amended under sections 301, 302 and 401 of the Radiation Protection Act (35 P.S. §§ 7110.301, 7110.302 and 7110.401); section 1920-A of The Administrative Code of 1929 (71 P.S. § 510-10); and sections 8, 12 and 13 of the Radon Certification Act (63 P.S. §§ 2008, 2012 and 2013).

Source

The provisions of this § 240.3 amended November 14, 2008, effective January 1, 2009, 38 Pa.B. 6275; amended October 20, 2017, effective October 21, 2017, 47 Pa.B. 6482. Immediately preceding text appears at serial page (341751).

Subchapter B. CERTIFICATION**CERTIFICATION FOR RADON TESTING**

- Sec.
240.101. Requirement for radon testing certification.
240.102. Prerequisites for radon testing certification.
240.103. Radon testing application contents.
240.104. Application filing deadline.

CERTIFICATION FOR RADON MITIGATION

- 240.111. Requirement for radon mitigation certification.
240.112. Prerequisites for radon mitigation certification.
240.113. Radon mitigation application contents.
240.114. Application filing deadline.

CERTIFICATION FOR RADON LABORATORY

- 240.121. Requirement for radon laboratory certification.
240.122. Prerequisites for radon laboratory certification.
240.123. Radon laboratory application contents.
240.124. Application filing deadline.

CERTIFICATION FOR PERSONS CERTIFIED IN ANOTHER STATE

- 240.131. States with reciprocal agreements with the Commonwealth.
240.132. Limited radon practice in this Commonwealth.
240.133. Certification application contents.

Cross References

This subchapter cited in 25 Pa. Code § 240.1 (relating to description of regulatory structure).

CERTIFICATION FOR RADON TESTING**§ 240.101. Requirement for radon testing certification.**

A person may not test for radon or represent or advertise that he may so test in a building or building lot in this Commonwealth, unless the person has first applied for and obtained certification to test. For a firm to perform radon testing it shall employ at least one person certified to test, and the firm shall submit an application for certification. Not everyone within the firm is required to be certified to test. An individual performing testing and not working for a certified

radon testing firm shall obtain radon testing certification prior to performing testing. A person using passive radon monitors, such as charcoal canisters, from a certified radon laboratory does not also have to become certified in radon laboratory analysis.

§ 240.102. Prerequisites for radon testing certification.

(a) *Individual certification for radon testing.* An individual will not be certified to test unless the individual has done the following:

(1) Taken a Department-approved course on radon.

(2) Taken and passed a Department-approved written exam on radon testing. The applicant shall forward an official copy of exam results to the Department.

(3) Had 1 year of professional experience in performing radon measurements or equivalent as determined by the Department.

(4) Submitted a complete and accurate application to the Department, including applicable fees.

(b) *Firm certification for radon testing.* If the applicant for testing certification is a firm, it shall employ at least one individual who is certified to test and who is in responsible charge of the firm's testing activities. If the firm loses its certified individual, the certification automatically lapses and is void until the firm has notified the Department of employment of another certified individual. Within 5 days' the firm shall notify the Department in writing when it loses its certified individual. Each testing firm employee, after the first initial testing firm employee, will be charged a fee as set forth in Appendix A (relating to radon certification fee schedule).

(c) *Additional requirements.* If the applicant for testing certification is a firm, or an individual performing testing and not working for a certified radon testing firm, the applicant shall also have a quality assurance program, a health and safety program and a continuing education program as required in §§ 240.304—240.307. In addition, the applicant shall be successfully enrolled in the EPA radon measurement proficiency program or equivalent, as required in §§ 240.304—240.307.

Authority

The provisions of this § 240.102 amended under sections 301, 302 and 401 of the Radiation Protection Act (35 P. S. §§ 7110.301, 7110.302 and 7110.401); and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20).

Source

The provisions of this § 240.102 amended November 14, 2008, effective January 1, 2009, 38 Pa.B. 6275. Immediately preceding text appears at serial pages (204018) and (333959).

Cross References

This section cited in 25 Pa. Code § 240.103 (relating to radon testing application contents).

§ 240.103. Radon testing application contents.

An application for radon testing certification, by both individual and firm, shall be submitted to the Department in writing on forms provided by the Department and must contain:

- (1) Evidence that the applicant has the certification prerequisites in § 240.102 (relating to prerequisites for radon testing certification), including the services offered and experience in each. If the applicant is a firm, the application must also include the duties assigned to the certified individual.
- (2) A nonrefundable fee as set forth in Appendix A (relating to radon certification fee schedule).
- (3) The applicant's name, address and telephone number. It must also indicate if the applicant is an individual, partnership, limited partnership, corporation or other entity. The application must include, when appropriate, the name and address of every officer, general and limited partner, director, principal shareholder, parent corporation and certified person within the applicant's organization.
- (4) Compliance information, including descriptions of notices of violation, administrative orders, civil penalty assessments and actions for violations of the act, this chapter or a term or condition of a certification.
- (5) Copies of reporting forms, information distributed to potential clients and recent advertisements.
- (6) Other information the Department may require related to an applicant's qualifications or technical or administrative information related to radon testing.
- (7) A verification by a responsible official of the applicant that the information contained in the application is correct to the best of the official's information and belief.

Authority

The provisions of this § 240.103 amended under sections 301, 302 and 401 of the Radiation Protection Act (35 P. S. §§ 7110.301 and 7110.302); section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20); and the Radon Certification Act (63 P. S. §§ 2001—2014).

Source

The provisions of this § 240.103 amended May 16, 2008, effective May 17, 2008, 38 Pa.B. 2243; amended November 14, 2008, effective January 1, 2009, 38 Pa.B. 6275. Immediately preceding text appears at serial pages (333959) to (333960).

§ 240.104. Application filing deadline.

A person who expects to conduct radon testing shall file a complete application for certification a minimum of 30 days prior to the anticipated starting date of testing activity and any application postmarked after the certification expiration date will be charged a late application fee as set forth in Appendix A (relating to radon certification fee schedule).

Authority

The provisions of this § 240.104 amended under sections 301, 302 and 401 of the Radiation Protection Act (35 P. S. §§ 7110.301 and 7110.302); section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20); and the Radon Certification Act (63 P. S. §§ 2001—2014).

Source

The provisions of this § 240.104 amended November 14, 2008, effective January 1, 2009, 38 Pa.B. 6275. Immediately preceding text appears at serial page (333960).

CERTIFICATION FOR RADON MITIGATION**§ 240.111. Requirement for radon mitigation certification.**

A person may not mitigate radon contamination in a building or represent or advertise that he may so mitigate in a building or building lot in this Commonwealth, unless the person has first applied for and obtained certification to mitigate. For a firm to perform radon mitigation it shall employ at least one person certified to mitigate, and the firm shall submit an application for certification. Not everyone within the firm is required to be certified to mitigate. An individual performing mitigation and not working for a certified radon mitigation firm shall obtain radon mitigation certification prior to performing mitigation of radon contamination.

§ 240.112. Prerequisites for radon mitigation certification.

(a) *Individual certification for radon mitigation.* An individual will not be certified to mitigate unless he has done the following:

- (1) Taken a Department-approved course on radon mitigation.
- (2) Taken and passed a Department-approved written exam on radon mitigation. The applicant shall forward an official copy of exam results to the Department.
- (3) Had 1 year professional experience or supervised experience in radon mitigation system installation or 3 years experience in architecture, engineering, electrical contracting, plumbing, carpentry, masonry or related trades.
- (4) Submitted a complete and accurate application to the Department including applicable fees.

(b) *Firm certification for radon mitigation.* If the applicant for mitigation certification is a firm, it shall employ at least one individual who is certified to mitigate and who is in responsible charge of the firm's mitigation activities. If the firm loses its certified individual, the certification automatically lapses and is void until the firm has notified the Department of employment of another certified individual. Within 5 days the firm shall notify the Department in writing when it loses its certified individual.

(c) *Additional requirements.* If the applicant for mitigation certification is a firm, or an individual performing mitigation and not working for a certified mitigation firm, he shall also have a health and safety program, and a continuing

education program, as required in §§ 240.305 and 240.306 (relating to health and safety program; and continuing education program).

Cross References

This section cited in 25 Pa. Code § 240.113 (relating to radon mitigation application contents).

§ 240.113. Radon mitigation application contents.

An application for radon mitigation certification, by both individual and firm, shall be submitted to the Department in writing on forms provided by the Department and must contain:

- (1) Evidence that the applicant has the certification prerequisites contained in § 240.112 (relating to prerequisites for radon mitigation certification), including the services offered and experience in each. If the applicant is a firm, the applicant shall also include the duties assigned to the certified individual.
- (2) A nonrefundable fee as set forth in Appendix A (relating to radon certification fee schedule).
- (3) The applicant's name, address and telephone number. It must also indicate if the applicant is an individual, partnership, limited partnership, corporation or other entity. The application must include, when appropriate, the name and address of every officer, general and limited partner, director, principal shareholder, parent corporation and certified person within the applicant's organization.
- (4) Compliance information, including descriptions of notices of violation, administrative orders, civil penalty assessments and actions for violations of the act, this chapter or a term or condition of a certification.
- (5) Other information the Department may require related to an applicant's qualifications or technical or administrative information related to radon mitigation.
- (6) A verification by a responsible official of the applicant that the information contained in the application is correct to the best of the official's information and belief.

Authority

The provisions of this § 240.113 amended under sections 301, 302 and 401 of the Radiation Protection Act (35 P. S. §§ 7110.301 and 7110.302); section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20); and the Radon Certification Act (63 P. S. §§ 2001—2014).

Source

The provisions of this § 240.113 amended May 16, 2008, effective May 17, 2008, 38 Pa.B. 2243; amended November 14, 2008, effective January 1, 2009, 38 Pa.B. 6275. Immediately preceding text appears at serial pages (333961) to (333962).

§ 240.114. Application filing deadline.

A person who anticipates conducting radon mitigation services shall file a complete application for certification a minimum of 30 days prior to the anticipated starting date of mitigation activities.

CERTIFICATION FOR RADON LABORATORY**§ 240.121. Requirement for radon laboratory certification.**

A person may not perform laboratory analysis or represent or advertise that he may perform laboratory analysis of radon testing devices supplied to the public or of samples or devices received from the public or from other certified persons, unless that person has obtained radon laboratory analysis certification from the Department.

§ 240.122. Prerequisites for radon laboratory certification.

(a) *Individual certification for laboratory analysis.* A person will not be certified to perform radon laboratory analysis unless the person has done the following:

- (1) Taken a Department-approved course on radon.
- (2) Had 1 year professional experience in performing laboratory analysis of radon measurement devices or samples or is certified in Health Physics by the American Board of Health Physics.
- (3) Received a bachelors degree in the physical sciences or engineering or related fields as approved by the Department, or the education or professional work experience equivalent to a degree, as determined by the Department.
- (4) Submitted a complete and accurate application to the Department, including applicable fees.

(b) *Firm certification for laboratory analysis.* If the applicant for radon laboratory certification is a firm, it shall employ at least one individual who is certified to perform radon laboratory analysis and who is in responsible charge of the laboratory radon analytical activities. If the firm loses its certified individual, the certification automatically lapses and is void until the firm has notified the Department of employment of another certified individual. Within 5 days the firm shall notify the Department in writing when it loses its certified individual.

(c) *Additional requirements.* If the applicant for radon laboratory certification is a firm, or an individual performing laboratory analysis and not working for a certified laboratory, the applicant shall also have a quality assurance program and a continuing education program as required in §§ 240.304—240.307. In addition, the applicant shall be successfully enrolled in the EPA radon measurement proficiency program or equivalent, as required in §§ 240.304—240.307.

Cross References

This section cited in 25 Pa. Code § 240.123 (relating to radon laboratory application contents).

§ 240.123. Radon laboratory application contents.

An application for radon laboratory certification shall be submitted to the Department in writing on forms provided by the Department and must contain:

- (1) Evidence that the applicant has the certification prerequisites contained in § 240.122 (relating to prerequisites for radon laboratory certification),

including the services offered and experience in each. If the applicant is a firm, the applicant shall also include the duties assigned to the certified individual.

(2) A nonrefundable fee as set forth in Appendix A (relating to radon certification fee schedule).

(3) The applicant's name, address and telephone number. It must also indicate if the applicant is an individual, partnership, limited partnership, corporation or other entity. The application must include, when appropriate, the name and address of every officer, general and limited partner, director, principal shareholder, parent corporation and certified person within the applicant's organization.

(4) Compliance information, including descriptions of notices of violation, administrative orders, civil penalty assessments and actions for violations of the act, this chapter or a term or condition of a certification.

(5) Other information the Department may require related to an applicant's qualifications or technical or administrative information related to laboratory analysis of radon samples.

(6) A verification by a responsible official of the applicant that the information contained in the application is correct to the best of the official's information and belief.

Authority

The provisions of this § 240.123 amended under sections 301 and 302 of the Radiation Protection Act (35 P. S. §§ 7110.301 and 7110.302); section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20); and the Radon Certification Act (63 P. S. §§ 2001—2014); amended under sections 301, 302 and 401 of the Radiation Protection Act (35 P. S. §§ 7110.301, 7110.302 and 7110.401).

Source

The provisions of this § 240.123 amended May 16, 2008, effective May 17, 2008, 38 Pa.B. 2243; amended November 14, 2008, effective January 1, 2009, 38 Pa.B. 6275. Immediately preceding text appears at serial page (333963).

§ 240.124. Application filing deadline.

A person who anticipates performing laboratory analysis of samples to determine radon concentrations shall file a complete application for laboratory analysis certification a minimum of 30 days prior to the anticipated starting date of laboratory analysis and any application postmarked after the certification expiration date will be charged a late application fee as set forth in Appendix A (relating to radon certification fee schedule).

Authority

The provisions of this § 240.124 amended under sections 301, 302 and 401 of the Radiation Protection Act (35 P. S. §§ 7110.301 and 7110.302); section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20) and the Radon Certification Act (63 P. S. §§ 2001—2014).

Source

The provisions of this § 240.124 amended November 14, 2008, effective January 1, 2009, 38 Pa.B. 6275. Immediately preceding text appears at serial page (339299).

**CERTIFICATION FOR PERSONS CERTIFIED IN
ANOTHER STATE**

§ 240.131. States with reciprocal agreements with the Commonwealth.

The Department may enter into a reciprocal agreement with another state recognizing each state's radon certification program. The Department will not recognize another state's program unless the program's certification is compatible with the one established under the act and this chapter. The Department will publish a notice in the *Pennsylvania Bulletin* listing the state programs it has recognized.

§ 240.132. Limited radon practice in this Commonwealth.

A person may test, mitigate or perform laboratory analysis without first obtaining certification from the Department if the person does the following:

- (1) The person has obtained certification to do so from a state with which the Department has entered into a reciprocal agreement.
- (2) The person conducts that activity in this Commonwealth less than 90 days each calendar year.

§ 240.133. Certification application contents.

A person who has a certification from a state with which the Department has entered into a reciprocal agreement, and who intends to conduct the radon-related activity in this Commonwealth for at least 90 days a year, shall obtain certification from the Department. The application must be in writing and contain:

- (1) A copy of the certification from foreign state.
- (2) A nonrefundable fee of \$200.
- (3) The applicant's name, address and telephone number. It must also indicate if the applicant is an individual, partnership, limited partnership, corporation or other entity. The application must include, when appropriate, the name and address of every officer, general and limited partner, director, principal shareholder, parent corporation and certified person within the applicant's organization.
- (4) Compliance information, including descriptions of notices of violation, administrative orders, civil penalty assessments and actions for violations of the act, this chapter or a term or condition of a certification.
- (5) Other information the Department may require related to an applicant's qualifications, or technical or administrative information related to radon testing, mitigation of radon contamination or laboratory analysis of radon samples.
- (6) A verification by a responsible official of the applicant that the information contained in the application is correct to the best of the official's information and belief.

Authority

The provisions of this § 240.133 amended under sections 301 and 302 of the Radiation Protection Act (35 P. S. §§ 7110.301 and 7110.302); section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20); and the Radon Certification Act (63 P. S. §§ 2001—2014).

Source

The provisions of this § 240.133 amended May 16, 2008, effective May 17, 2008, 38 Pa.B. 2243. Immediately preceding text appears at serial page (204024).

**Subchapter C. CERTIFICATION REVIEW PROCEDURES
AND STANDARDS****Sec.**

- 240.201. Criteria for certification issuance or denial.
- 240.202. Terms of certification.
- 240.203. Conditions of certification.
- 240.204. Certification renewal.
- 240.205. Certification modification.
- 240.206. Notice of certification.

Cross References

This subchapter cited in 25 Pa. Code § 240.1 (relating to description of regulatory structure).

§ 240.201. Criteria for certification issuance or denial.

(a) A certification application will not be approved unless the applicant affirmatively demonstrates to the Department's satisfaction that the following conditions are met:

(1) Neither the applicant nor a person identified in the application is in violation of the act or this chapter or has been decertified under § 240.403 (relating to decertification).

(2) The application is accurate and complete and the applicant is in compliance with the requirements of the act and this chapter.

(3) The applicant has the qualifications required in this chapter and is capable of performing the activities for which he is seeking certification as required by the act and this chapter.

(b) The Department may deny certification to a person who has shown a lack of ability or intention to comply with the acts or this chapter, as indicated by past or continuous conduct. A certification lapse under § 240.203(b) (relating to conditions of certification) may be considered evidence of a lack of ability or intention to comply with the acts or this chapter.

Cross References

This section cited in 25 Pa. Code § 240.204 (relating to certification renewal).

§ 240.202. Terms of certification.

(a) A certification will be valid for 2 years following issuance.

(b) Testing, mitigating or other radon-related activity may not be conducted after the expiration of the term of certification.

§ 240.203. Conditions of certification.

(a) Persons certified under this chapter shall, at a minimum, comply with the following conditions:

(1) The certified person shall conduct his activities as described in the approved application.

(2) The certified person shall allow the Department, its agents and employes, without advance notice or a search warrant, upon presentation of appropriate credentials, and without delay, to have access to the person's facilities, offices and files for inspection and examination of records. The certified person shall also allow the Department, its agents and employes to accompany him while performing radon-related activities for the purpose of inspection of those activities.

(3) The certified person shall remain in compliance with the acts and this chapter.

(4) For certification of a firm, the certified person shall continue to direct the radon-related activities. The certified person shall have his duties listed in the firm's certification application.

(b) The Department may suspend certification if a condition of certification is violated. The Department will publish notice of the suspension in the *Pennsylvania Bulletin*.

Cross References

This section cited in 25 Pa. Code § 240.201 (relating to criteria for certification issuance or denial).

§ 240.204. Certification renewal.

An application for certification renewal shall contain the contents required in an initial certification application, except that the Department may permit an applicant to rely on information previously submitted if the information remains the same. A certification renewal application shall be issued or denied according to the criteria in § 240.201 (relating to criteria for certification issuance or denial).

§ 240.205. Certification modification.

The terms and conditions of a certification are subject to amendment, revision or modification for a violation of the acts, this chapter or a term or condition of the certification, or for a false statement made to the Department by the certified party, or for a change of condition which would warrant the issuance or denial of a certification on the basis of an original application.

§ 240.206. Notice of certification.

The Department will publish as a notice in the *Pennsylvania Bulletin* the name and address of each person certified under this chapter.

Subchapter D. OPERATION REQUIREMENTS

- Sec.
 240.301. Advertising.
 240.302. Notice to clients.
 240.303. Reporting of information.
 240.304. Quality assurance program.
 240.305. Health and safety program.
 240.306. Continuing education program.
 240.307. EPA Radon Measurement Proficiency Program.
 240.308. Testing and mitigation protocols.
 240.309. Radon mitigation system fee.

Cross References

This subchapter cited in 25 Pa. Code § 240.1 (relating to description of regulatory structure).

§ 240.301. Advertising.

A person may not advertise a radon-related service or product with false or misleading statements regarding the offered service or product, or the risks to health or property value. A person required to obtain certification may not advertise a service or product, unless the person has previously obtained a valid certification from the Department to perform that service or provide that product.

§ 240.302. Notice to clients.

(a) A person may not test, mitigate against radon or provide a radon-related service or product without first offering the potential client a price list of services offered, and providing evidence of certification and a notice that only persons certified under the act and this chapter may provide the services or products. For a person who mitigates against radon, a written estimate for services shall constitute a price list. The notice shall read substantially as follows:

NOTICE

The Radon Certification Act requires that anyone who provides any radon-related service or product to the general public must be certified by the Pennsylvania Department of Environmental Protection. You are entitled to evidence of certification from any person who provides such services or products. You are also entitled to a price list for services or products offered. All radon measurement data will be sent to the Department as required in the Act and will be kept confidential. If you have any questions, comments or complaints concerning persons who provide radon-related services, please contact the Department at the Bureau of Radiation Protection, Department of Environmental Protection, P. O. Box 8469, Harrisburg, Pa. 17105-8469, (717) 783-3594.

(b) For a person performing mitigation, warranty information and information on the proper method of checking and servicing of mitigation equipment to maintain its function shall be provided in writing to the client.

§ 240.303. Reporting of information.

(a) Within 45 days after testing, mitigation or other radon-related service is provided, the person providing the service shall submit to the Department in a format approved by the Department the results of testing, including screening measurements, follow-up measurements, premitigation measurements, postmitigation measurements and the method used to mitigate against radon contamination. If no testing, mitigation or radon-related service has been provided during this 45-day period, that person shall inform the Department of same in writing. Anyone required to provide this 45-day reporting who does not report within 90 days of the completion of the activity will be subject to the Late 45-Day Report-

ing Fee as set forth in Appendix A (relating to radon certification fee schedule). At a minimum, these results will be retained for 2 years. The information must include:

- (1) The name of the person providing the service.
- (2) The name and address of the owner or occupant of the building involved.
- (3) The address and location of the building involved, including street and number, post office, full zip code and county.
- (4) The date each measurement was taken, or the mitigation performed.
- (5) The type of house or building, the types of measurements, location within the building of specific measurements, and the results in picocuries per liter or in working levels.
- (6) The type and price of mitigation system installed.

(b) Within 45 days after testing, mitigation or other radon-related service is provided, the person providing radon-related services shall report in writing to the owner or occupier of the building the results in picocuries per liter and when appropriate in working levels of radon measurements taken in the building. If a person provides the service through a certified intermediary, it is the responsibility of the intermediary to report the results.

(c) For a person performing mitigation, each building shall be tested for radon levels before and after the mitigation is performed. Each test must be at least 48 hours in duration and follow EPA- or DEP-approved protocols. The postmitigation test shall be conducted no sooner than 24 hours after completion of the mitigation. The results of radon testing shall be reported in accordance with this section.

Authority

The provisions of this § 240.303 amended under sections 301, 302 and 401 of the Radiation Protection Act (35 P. S. §§ 7110.301 and 7110.302); section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20); and the Radon Certification Act (63 P. S. §§ 2001—2014).

Source

The provisions of this § 240.303 amended May 16, 2008, effective May 17, 2008, 38 Pa.B. 2243; amended November 14, 2008, effective January 1, 2009, 38 Pa.B. 6275. Immediately preceding text appears at serial pages (333968) to (333969).

Cross References

This section cited in 25 Pa. Code § 240.2 (relating to scope).

§ 240.304. Quality assurance program.

A person conducting radon testing or radon laboratory analysis activities shall have a quality assurance program to assure that measurements are accurate and errors are controlled. The program shall insure that testing devices are routinely and properly calibrated. The program shall provide the information related to the following activities:

- (1) Organization and responsibilities.
- (2) Sampling procedures.
- (3) Detector custody.
- (4) Analytical procedures.
- (5) Data reduction, validation and reporting.
- (6) Corrective action.

- (7) Quality assurance reports to management.

Cross References

This section cited in 25 Pa. Code § 240.102 (relating to prerequisites for radon testing certification); 25 Pa. Code § 240.122 (relating to prerequisites for radon laboratory certification).

§ 240.305. Health and safety program.

A person conducting radon-related activities shall have a radon health and safety program to protect himself and employes from exposure to radon during the course of their employment. The program shall include records of each individual's exposure to radon. Persons conducting radon-related activities shall maintain exposure to radon as low as reasonably achievable.

Cross References

This section cited in 25 Pa. Code § 240.102 (relating to prerequisites for radon testing certification); 25 Pa. Code § 240.112 (relating to prerequisites for radon mitigation certification); and 25 Pa. Code § 240.122 (relating to prerequisites for radon laboratory certification).

§ 240.306. Continuing education program.

A person conducting radon-related activities shall have a radon education program to assure that the applicant and all employees have a minimum of 4 hours initial training, and the certified person shall participate in a continuing education program consisting of a minimum of 8 hours of Department-approved courses or seminars on radon testing or mitigation each year. Course providers are required to submit course information as requested by the Department and the Course Provider Fee as set forth in Appendix A (relating to radon certification fee schedule) prior to Department approval of any course.

Authority

The provisions of this § 240.306 amended under sections 301, 302 and 401 of the Radiation Protection Act (35 P. S. §§ 7110.301 and 7110.302); section 1920-A of The Administration Code of 1929 (71 P. S. § 510-20); and the Radon Certification Act (63 P. S. §§ 2001—2014).

Source

The provisions of this § 240.306 amended March 30, 2001, effective March 31, 2001, 31 Pa.B. 1742; amended November 14, 2008, effective January 1, 2009, 38 Pa.B. 6275. Immediately preceding text appears at serial page (333969).

Cross References

This section cited in 25 Pa. Code § 240.102 (relating to prerequisites for radon testing certification); 25 Pa. Code § 240.112 (relating to prerequisites for radon mitigation certification); 25 Pa. Code § 240.122 (relating to prerequisites for radon laboratory certification).

§ 240.307. EPA Radon Measurement Proficiency Program.

A person conducting radon testing or radon laboratory activities shall provide written evidence of successful participation in the most recent EPA Radon/Radon Progeny Measurement Proficiency Program or an alternative program approved by the Department for each radon measurement utilized.

Cross References

This section cited in 25 Pa. Code § 240.102 (relating to prerequisites for radon testing certification); 25 Pa. Code § 240.122 (relating to prerequisites for radon laboratory certification).

§ 240.308. Testing and mitigation protocols.

A person conducting radon testing or mitigation for radon contamination shall conduct the testing and mitigation in accordance with EPA- or DEP-approved protocols and shall comply with applicable statutes, regulations, ordinances and building codes. The following protocols, “Protocols for Radon and Radon Decay Product Measurements in Homes,” “Indoor Radon and Radon Decay Product Measurement Device Protocols” and “Pennsylvania Radon Mitigation Standards” are available upon request from the following sources:

Environmental Protection Agency
Office of Radiation Programs
Washington, D.C. 20460

Department of Environmental Protection
Bureau of Radiation Protection
Rachel Carson State Office Building, 13th Floor
400 Market Street
Post Office Box 8469
Harrisburg, Pennsylvania 17105-8469

Authority

The provisions of this § 240.308 amended under sections 301 and 302 of the Radiation Protection Act (35 P.S. §§ 7110.301 and 7110.302); section 1920-A of The Administrative Code of 1929 (71 P.S. § 510-20); and the Radon Certification Act (63 P.S. §§ 2001—2014).

Source

The provisions of this § 240.308 amended May 16, 2008, effective May 17, 2008, 38 Pa.B. 2243. Immediately preceding text appears at serial page (282457).

§ 240.309. Radon mitigation system fee.

(a) The radon mitigation system fee in Appendix A with a Department-approved radon mitigation system fee form shall be submitted to the Department by:

- (1) A person who installs or is in responsible charge of employees who install an active radon mitigation system in this Commonwealth.
- (2) A person who converts or is in responsible charge of employees who convert a passive radon mitigation system to an active radon mitigation system in this Commonwealth.

(b) The fee for each radon mitigation system installed or activated must be received by the Department no later than 10 business days after the end of the quarter in which the installation or activation was performed.

Authority

The provisions of this § 240.309 issued under sections 301, 302 and 401 of the Radiation Protection Act (35 P.S. §§ 7110.301, 7110.302 and 7110.401); section 1920-A of The Administrative Code of 1929 (71 P.S. § 510-20); and sections 8, 12 and 13 of the Radon Certification Act (63 P.S. §§ 2008, 2012 and 2013).

Source

The provisions of this § 240.309 adopted October 20, 2017, effective October 21, 2017, 47 Pa.B. 6482.

**Subchapter E. ENFORCEMENT AND
DECERTIFICATION**

Sec.
240.401. Inspection.
240.402. Civil penalties.
240.403. Decertification.

Cross References

This subchapter cited in 25 Pa. Code § 240.1 (relating to description of regulatory structure).

§ 240.401. Inspection.

- (a) The Department and its agents and employees will:
- (1) At all reasonable times, have access to, and require the production of, books and papers, documents and physical evidence pertinent to a matter under investigation related to radon testing, mitigation of radon contamination or radon laboratory analysis.
 - (2) At all reasonable times, enter a building, property, premises or place of a person who conducts radon-related activities for the purpose of making an investigation or inspection necessary to ascertain the compliance or noncompliance with the act and this chapter.
- (b) The Department, its agents and employees may conduct inspections of a building, property, premises or place of business of a person who conducts radon-related activities if a person presents information to the Department or the Department has access to information which gives it reason to believe that one of the following exists:
- (1) A person may have violated the act or this chapter.
 - (2) A person is not in compliance with the terms or conditions of the person's certification.
 - (3) A condition or practice exists which may pose a threat to public health, safety, welfare or the environment.
- (c) An agent or employe of the Department may not enter a private residence for the purpose of conducting an inspection under this section without a search warrant or without the consent of the occupant.
- (d) Inspections made under this section are subject to Chapter 220 (relating to notices, instructions and reports to workers; inspections and investigations).

§ 240.402. Civil penalties.

- (a) The Department may assess a civil penalty for a violation of the acts or this chapter.
- (b) A civil penalty may be assessed or increased, based upon:
- (1) The seriousness of the violation.
 - (2) The monetary loss of an owner or occupier, including the cost to the owner or occupier to remedy the violation.
 - (3) The risks to health and safety.
 - (4) The cost to the Commonwealth in administration, inspection and enforcement, to remedy the violation.
 - (5) The costs avoided by the violator by the violation.

- (6) The culpability of the violator.
- (7) The frequency of the violation.
- (c) Each day of a continuing violation is considered a separate violation for purposes of this chapter.

§ 240.403. Decertification.

- (a) The Department may decertify a person who has violated the acts, this chapter or a term or condition of certification.
- (b) The Department may hold a public hearing or informal conference prior to decertifying a person.
- (c) The Department will publish in the *Pennsylvania Bulletin* a notice of decertification.

Cross References

This section cited in 25 Pa. Code § 240.201 (relating to criteria for certification issuance or denial).

Subchapter F. INTERIM CERTIFICATION

Sec.

240.501. Scope.

240.502. Reapplication when this chapter is adopted as final.

Cross References

This subchapter cited in 25 Pa. Code § 240.1 (relating to description of regulatory structure).

§ 240.501. Scope.

This subchapter applies to persons certified in accordance with the Department's interim certification program as required under section 11 of the act (63 P. S. § 2011).

§ 240.502. Reapplication when this chapter is adopted as final.

A person granted interim certification by the Department shall reapply for certification under this chapter. If a person fails to apply for certification within 60 days of Departmental notification, the interim certification automatically lapses and is void.

APPENDIX A**Radon Certification Fee Schedule**

Testing Individual	\$525 every 2 years
Testing Employee	\$150 every 2 years
Testing Firm	\$1,050 every 2 years
Mitigation Individual	\$450 every 2 years
Mitigation Firm	\$1,050 every 2 years
Laboratory Individual	\$600 every 2 years
Laboratory Firm	\$1,125 every 2 years
Primary Testing Device Listing	\$150 every 2 years (1)
Course Provider	\$565 every 2 years (2)
Late Application Renewal	\$150
Late 45-Day Reporting	\$150 (3)
Radon Mitigation System Fee	\$50 for each radon mitigation system installed or activated (4)

The Department will review the adequacy of the fees established in this schedule at least once every 3 years and provide a written report to the EQB. The report must identify any disparity between the amount of program income generated by the fees and the costs to administer these programs, and must contain recommendations to increase fees to eliminate the disparity, including recommendations for regulatory amendments to increase program fees.

(1) Primary radon testers shall submit the Primary Testing Device Fee as specified in the Radon Certification Fee Schedule for each device they read or analyze, or both.

(2) A person approved by the Department to provide initial or continuing, or both, education courses shall submit the Course Provider Fee as specified in this appendix.

(3) Anyone not submitting the required 45-day testing or mitigation, or both, reporting within 90 days of the completion of the testing or mitigation, or both, activity (or if no activities have been performed during this period of informing the Department of same in writing) will be subject to the Late 45-Day Reporting Fee as specified in this appendix.

(4) The Department will waive the radon mitigation system fee for a local government employee or school employee who installs an active radon mitigation system in a school or local government building or activates a passive radon mitigation system in a school or local government building if the employee installs or activates the system pursuant to the employee's official duties and the employee is not compensated for this service except through the employee's salary.

Authority

The provisions of this Appendix A amended under sections 301, 302 and 401 of the Radiation Protection Act (35 P.S. §§ 7110.301, 7110.302 and 7110.401); section 1920-A of The Administrative Code of 1929 (71 P.S. § 510-20); and sections 8, 12 and 13 of the Radon Certification Act (63 P.S. §§ 2008, 2012 and 2013).

Source

The provisions of this Appendix A amended October 20, 2017, effective October 21, 2017, 47 Pa.B. 6482. Immediately preceding text appears at serial page (344628).

Cross References

This appendix cited in 25 Pa. Code § 240.309 (relating to radon mitigation system fee).

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