



2011 ASSEMBLY BILL 743

March 15, 2012 - Introduced by Representatives C. TAYLOR and BERCEAU, cosponsored by Senator C. LARSON. Referred to Committee on Public Health and Public Safety.

- 1 **AN ACT** *to create* 254.345 of the statutes; **relating to:** radon measurement and
2 mitigation and granting rule-making authority.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Health Services (DHS) is required to develop standards of performance for the regional radon centers and distribute funds based on compliance with the standards to provide radon protection information dissemination from the regional radon centers. Radon is a radioactive noble gas. This bill requires that to place a device to measure the amount of radon in a building (radon measurement) for a fee a person must complete instruction in a radon measurement course that is approved by DHS and a radon measurement proficiency examination that is also approved by DHS. DHS may suspend or revoke the approval of a radon measurement course or a radon measurement proficiency examination if the course or examination fails to satisfy DHS standards or operates under conditions other than those in effect at the time of approval. The radon measurement proficiency examination must notify DHS for inclusion on a registry those individuals who successfully complete the examination.

The bill also requires that to evaluate reports of radon amounts to determine mitigation strategies, design mitigation systems, or install or supervise the installation of mitigation systems (radon mitigation) for a fee a person must successfully complete all of the following that are approved by DHS: a radon measurement course, a radon mitigation course, a radon measurement proficiency examination, and a radon mitigation proficiency examination. DHS, under the bill, may suspend or revoke approval of a radon mitigation course or radon mitigation

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proficiency examination under the same conditions as it may suspend or revoke a radon measurement course or radon measurement proficiency examination. The radon mitigation proficiency examination must notify DHS for inclusion on a registry those individuals who successfully complete the examination.

Under the bill, anyone who holds a valid credential to perform radon measurement in another state and who submits proof of that credential to DHS may perform radon measurement in this state, to the extent that credential allows, without completing the course and examination approved by DHS. Similarly, anyone who holds a valid credential to perform radon mitigation in another state and who submits proof of that credential to DHS may perform radon mitigation in this state, to the extent the credential allows, without completing the courses and examinations approved by DHS.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 254.345 of the statutes is created to read:

2 **254.345 Radon measurement and mitigation. (1) DEFINITIONS.** In this
3 section:

4 (a) “Radon” means the radioactive noble gas radon, including short-lived
5 radionuclides formed as a result of the decay of radon.

6 (b) “Radon measurement” means placement of a device to measure the amount
7 of radon in a building.

8 (c) “Radon mitigation” means evaluation of reports of radon amounts to
9 determine mitigation strategies, design of mitigation systems, or installation or
10 supervision of installation of mitigation systems.

11 **(2) REQUIREMENT FOR RADON MEASUREMENT.** No person may perform a radon
12 measurement for a fee without first successfully completing instruction in a radon
13 measurement course that is approved under sub. (4) (a) and successfully completing
14 a radon measurement proficiency examination that is approved under sub. (4) (b).

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1 **(3) REQUIREMENT FOR RADON MITIGATION.** No person may perform a radon
2 mitigation for a fee without first successfully completing instruction in a radon
3 measurement course that is approved under sub. (4) (a) and a radon mitigation
4 course that is approved under sub. (5) (a) and successfully completing a radon
5 measurement proficiency examination under that is approved under sub. (4) (b) and
6 a radon mitigation proficiency examination that is approved under sub. (5) (b).

7 **(4) RADON MEASUREMENT COURSE; PROFICIENCY EXAMINATION.** (a) The department
8 shall review and approve radon measurement courses that satisfy the standards
9 determined by the department. The department may promulgate rules establishing
10 the application process for and standards for approval of radon measurement
11 courses. The department shall review the curriculum of each approved radon
12 measurement course at least once every 24 months following the date of approval to
13 determine whether the program continues to satisfy the standards for approval.
14 Under this paragraph, the department may, after providing notice, suspend or
15 revoke the approval of a radon measurement course if the course fails to satisfy the
16 standards for approval determined by the department or operates under conditions
17 that are other than those in effect at the time of approval of the course.

18 (b) The department shall review and approve radon measurement proficiency
19 examinations that satisfy the standards determined by the department. The
20 department may promulgate rules establishing the application process for and
21 standards for approval of radon measurement proficiency examinations. Under this
22 paragraph, the department may, after providing notice, suspend or revoke the
23 approval of a radon measurement proficiency examination if the examination fails
24 to satisfy the standards for approval determined by the department or operates

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1 under conditions that are other than those in effect at the time of approval of the
2 examination.

3 (c) A radon measurement proficiency examination approved under par. (b)
4 shall notify the department to include an individual on the registry under sub. (6)
5 after the individual has successfully completed the radon measurement proficiency
6 examination.

7 **(5) RADON MITIGATION COURSE; PROFICIENCY EXAMINATION.** (a) The department
8 shall review and approve radon mitigation courses that satisfy the standards
9 determined by the department. The department may promulgate rules establishing
10 the application process for and standards for approval of radon mitigation courses.
11 The department shall review the curriculum of each approved radon mitigation
12 course at least once every 24 months following the date of approval to determine
13 whether the program continues to satisfy the standards for approval. Under this
14 paragraph, the department may, after providing notice, suspend or revoke the
15 approval of a radon mitigation course if the course fails to satisfy the standards for
16 approval determined by the department or operates under conditions that are other
17 than those in effect at the time of approval of the course.

18 (b) The department shall review and approve radon mitigation proficiency
19 examinations that satisfy the standards determined by the department. The
20 department may promulgate rules establishing the application process for and
21 standards for approval of radon mitigation proficiency examinations. Under this
22 paragraph, the department may, after providing notice, suspend or revoke the
23 approval of a radon mitigation proficiency examination if the examination fails to
24 satisfy the standards for approval determined by the department or operates under

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1 conditions that are other than those in effect at the time of approval of the
2 examination.

3 (c) A radon mitigation proficiency examination approved under par. (b) shall
4 notify the department to include an individual on the registry under sub. (6) after the
5 individual has successfully completed the radon mitigation proficiency examination.

6 **(6) REGISTRY.** The department shall establish and maintain a registry that
7 contains all of the following:

8 (a) A listing of all individuals about whom the department is notified under sub.
9 (4) (c).

10 (b) A listing of all individuals about whom the department is notified under sub.
11 (5) (c).

12 (c) A listing of all individuals who submit proof of valid credentials from
13 another state under sub. (7).

14 **(7) CREDENTIAL FROM ANOTHER JURISDICTION.** (a) An individual who holds a valid
15 credential to perform radon measurement in another state and who submits proof
16 of that credential to the department may perform radon measurement to the extent
17 that credential allows in this state without complying with sub. (2).

18 (b) An individual who holds a valid credential to perform radon mitigation in
19 another state and who submits proof of that credential to the department may
20 perform radon mitigation to the extent that credential allows in this state without
21 complying with sub. (3).

22 **SECTION 2. Effective dates.** This act takes effect on the day after publication,
23 except as follows:

