



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

ROY COOPER • Governor

KODY H. KINSLEY • Secretary

MARK PAYNE • Director, Division of Health Service Regulation

REPORT OF PUBLIC HEARING
September 25, 2024
2:00 P.M.

Division Staff Present:

Shanah Black, Rule-review Manager
Diana Barbry, DHSR, Rule Assistant
Catherine Rosfjord, NC Radiation Protection (Via Conference Call)
James Albright, NC Radiation Protection

Others Present:

Abe Mendez, IEA Chapter NC
Duke Hunt, IEA Chapter NC
Cameron Butler, IEA Chapter NC
Myca Bruno, NC Chapter of IEA
Eric Roberts, IEA Chapter NC
Gleen Steers, IEA Chapter NC/Raleigh/Wake Radon

Purpose of Hearing

This is the public hearing for the proposed adoption of rule and fiscal note for the Requirements for Registration of Radon Proficiency Programs 10A NCAC 15.1801.

The purpose of this meeting is not to discuss or debate the rules and fiscal note but rather, to accept comments from the public on these proposed rules and fiscal note that was prepared for these rules.

The Department/Division will receive public comments through close of business on September 30, 2024. All comments, including those from this public hearing, are considered prior to the <Department> adopting the proposed rules and submitting them to the Rule Review Commission for approval.

Hearing Summary

The Public Hearing was opened by Shana Black at 2:00 p.m. Attending were six members of the public as listed above. A total of six oral comment were recorded for the rule(s) as follows:

Myca Bruno, NC Chapter of IEA - Good afternoon and thank you in advance for your time today. My name is Myca Bruno and I am the president of the North Carolina chapter of the

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF HEALTH SERVICE REGULATION

OFFICE OF THE DIRECTOR

LOCATION: 809 Ruggles Drive, Edgerton Building, Raleigh, NC 27603
MAILING ADDRESS: 2701 Mail Service Center, Raleigh, NC 27699-2701
<https://info.ncdhhs.gov/dhsr/> • TEL: 919-855-3750 • FAX: 919-733-2757

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

Indoor Environment Association. I am here with fellow members and colleagues to represent the radon industry. I have over 18 years of experience with radon in some form or capacity, as well as being an environmental professional specialized in federal and state regulatory environmental compliance for low-income housing funded by the US Department of Housing and Urban Development and various other agencies. My expertise includes regulations related to the national environmental policy act (NEPA), asbestos, lead based paint, and radon. My experience and expertise are extensive related to environmental regulatory compliance in all SO states including radon. Due to my experience, I have the benefit of a unique perspective. In my daily tasks, I wear the metaphorical hat of both regulator and salesperson. I'm responsible for ensuring we can make money as a business, as well as ensuring we are meeting compliance with all applicable regulations, which there are a great many.

All states have requirements for certification or licensing, as well as an established set of standards related to testing for and abatement of asbestos and lead based paint, including the state of North Carolina. Asbestos and lead-based paint are both considered health and safety hazards for humans if not tested for and handled properly by a qualified professional in that field. Radon is no different. I have personally been witness to an outrageous number of projects in NC where measurement was not completed properly or radon mitigation systems were installed improperly to the point of causing higher concern for the affected tenants. This is not only a hazard to tenant health but also a liability for property owners. We need regulation through certification in North Carolina, much like 20 other states that regulate radon services. I love this state and the people in it and believe our state should protect its residents from hazard and liabilities just as much or better as any other state in this country.

The EPA recognizes the ANSI-AARST standards as the standards for radon measurement and mitigation, which set forth a certain set of standards including criteria for national certification by programs like NRPP or NRSB to ensure qualified professionals are conducting radon related work. National certification programs determine what or who meet objective qualifications for measurement, mitigation, laboratories, as well as devices used for measurement.

I am asking that anyone claiming to be a professional in the radon field be held to the same standards and qualifications set forth by national certification. If any program wants to be listed by NC as equivalent to the national certifications, then they should also be held to the same standards put forth by these national certifications, to ensure that North Carolina residents are properly protected from health hazards and associated liabilities as property and business owners. I implore you to be a part of setting a higher standard for our residents and helping us to push forward with regulation through certification in our state.

Thank you for your time and consideration.

Cameron Butler, IEA Chapter NC - Hi, I am Cameron Butler, secretary of the IEA NC Chapter and an employee of a company that measures radon in people's homes.

Today, I stand before you to address a silent but serious threat to public health: radon exposure. This colorless, odorless gas is the second leading cause of lung cancer in the United States, claiming more than 20,000 lives each year. It seeps into homes and buildings, often unnoticed until it's too late. I am submitting data from an accredited measurement lab based here in North Carolina showing some of the extent of the known radon problem in our state.

To combat this invisible danger, I urge the State to consider requiring certification by a national EPA-recognized certification program for radon testing and mitigation to ensure that professionals in our state are equipped with the most up to date knowledge and skills needed to accurately assess radon levels and implement effective mitigation strategies. By standardizing training and certification, we can foster a culture of safety and accountability.

There are two national EPA-recognized certification groups, the NRPP (National Radon Proficiency Program) and the NRSB (National Radon Safety Board). There is no evidence that any other certification bodies are equivalent to these programs. For example, both the NRPP and NRSB require annual CE courses to maintain certification. This is but one example of what DHHS should require of any certification programs that it approves and posts on its website.

Once EPA announces new criteria for its certification program approvals, NC should defer to EPA and no longer replicate the federal role. We cannot afford to leave public health to chance; the State of North Carolina must provide clear guidelines for who performs radon measurement and mitigation work and how it is performed. Investing in national radon certifications is not just about compliance -it's about safeguarding lives.

Together, let's take a proactive step towards a healthier future, ensuring that every citizen has a safe place to call home
Thank you

Eric Roberts, IEA NC - Yes I'm Eric Roberts I've been doing radon detection and mitigation in the Charlotte Gastonia area Western North Carolina nearby South Carolina 435 some odd years and I've seen it all over the years on September 17th 2010 a radon working group meant for the first time here in Raleigh for the purpose of enacting legislation which would require training and certification of radon measurement and radon mitigation providers and require radon resistant new construction features in new construction and after 7 years and three governors the committee disbanded, unable to influence the general assembly to take action.

Since that date approximately 6,100 North Carolinians have died of radon induced lung cancer and we're still building homes with radon problems faster than we're fixing the existing homes with radon problems. I feel it's time to get serious about improving the quality of radon work increase the public awareness of the seriousness of the radon problem and begin reducing the number of radon induced lung cancer deaths requiring that all persons providing radon related services in North Carolina be credentialed by a nationally EPA recognized certification program such as the national radon proficiency program or the national radon safety board and NRPP NRSP doing this would be a good first step. Other programs should not be recognized unless they include measures of competence requiring compliance with EPA recognized voluntary consensus standards like the NRPP and NRSP do.

There are many devices used for measuring the rate on level and homes and other buildings some are better than others and most North Carolinians have no way of knowing which are reliable, but requiring all radon monitors used in North Carolina to meet appropriate EPA recognized voluntary consensus standards and requiring all radon service providers to be qualified through the effective credentialing programs will help improve the quality of radon

testing. These measuring devices need to be approved and calibrated annually by a third-party performance tests annual training and continuing ad with examinations provided by someone other than the training provider must be included, Thank you.

Glenn Steers, IEA Chapter NC/Raleigh/Wake Radon - I don't have any prepared notes so I'm Glenn steers we started Wake Radon 6 years ago and with an eye to become dominant in the market and 3 years ago we purchased our competitor Raleigh Radon, so now we have a staff of about 10 people, seven which field technicians that are all certified and I can say pretty confident that we're probably the largest measurement company in the state but for sure in the triangle.

We are aware of the Gregory's they do great work for home inspectors, and I'm also a licensed home inspector, and all our technicians are also licensed home inspectors as well. That's got more to do with access for MLS but and the Gregory's do great work for home inspectors, but they're primarily a home inspector training company, but in terms of becoming a an arbiter of radon standards there's a conflict of interest, because they sell a product that test for radon as Eric mentioned not only does the authorizing body or the certifying body need to oversee the mitigation and the measurement. Now we only do measurements some people here do only mitigation and some do both, there's also the factor of having to be able to have to a credit labs so that labs can either take in actual charcoal test or oversee the calibration process of CRMs, which are continuous rate on monitors a disposable type of a deal that goes to a lab and or there's an actual machine.

I think we had a discussion at lunch, and we think we all use different machines, so my concern is that as much as I like the Gregory's they don't have the same breadth to offer the calibration, the lab certification oversight over mitigation and measurement. But also, I feel there's a conflict of interest in the fact that they sell a device and they don't really offer an alternative to that device.

But also they don't have the as much as it as they do with the education and NRPP and NRSP have annual functions where their membership comes together to meet learn new standards of practice, which we just got some new ones this year and even though we're not a certified state yet our company has been voluntarily following the national standards we would like all of our competitors and all of our fellow home inspectors to voluntarily or mandatorily follow the standards that have been set up by this organization in concert with the EPA.

Duke Hunt, IEA NC - Good Afternoon I am with Amerisafe water and air and Rowan wheel drilling, just here to speak and bring and share with you to copy the NCR multifamily school commercial buildings and mixed use buildings appendix d. Which I have some to give to you guys to look at and Cameron already shared with you the numbers of the testing new data here's 149,000 tests with an average of 3.1 picks just about every that average is just 9 away from you know real estate transaction numbers, but the four critical thing here is we need credited license you know through a standard to make sure that these companies adhere to that for the protection of the public just like you would with a plumber or an electrician.

You know we're members of the water well association everyone has rules you have to be licensed and credentialed just like doctors and lawyers and it's just as important and that's why it is chapter is here to come together and make sure that things are done correctly, and machines are calibrated correctly.

You can't just do what you want to do kind of thing you know everyone else follows standards so it should also be done in the radon industry as well. It took me a year of studying to get certified and I just got certified, so you know it takes time, but it is important and we're just here to represent.

Abe Mendez – IEA NC – I have been doing this for going over 22 years, and I've been in a radon industry and started before NRPP existed, when it used to be any HA and then it transferred over to NRPP.

I'm a dual certified through NRPP as well as an NRSP, I will say this there because North Carolina doesn't have any regulations, there are a lot of companies out there that are installing systems that are not working, they're putting it in not guaranteeing the work and they're not getting the rent on levels where they're supposed to be, and we're having a come in and rip out those systems and start over in order to fix them.

The problem is the homeowners are out money because they've already paid the company to fix it and they can't because the lack of knowledge and training and ability to do so and we're having to come in and charge them our prices to fix them because they've already spent you know maybe \$1,000 \$2,000 to fix it, and they're just out the money.

The problem having these companies out there are they just ripping citizens off, and they're not fixing a problem, and the people are thinking it gets fixed and a lot of the times a lack of education as far as a radon system goes, they think just because the fan is working that the system is functioning correctly and that's not the case.

So, I'm here just to advocate that there is some kind of governing body or regulatory something put in process where people are getting ripped off from all these companies that are just coming in slapping stickers on their vehicles and calling themselves mitigators or testers.

Adjournment

These comments will be taken into consideration by the Agency. The hearing was adjourned at 2:19 p.m.

Respectfully Submitted,

Shanah Black, Rule-review Manager
September 25, 2024

Attachments