

26:2D-70 to 26:2D-80

LEGISLATIVE HISTORY CHECKLIST

NJSA: 26:2D-70 (Radon--confidentiality
to 26:2D-80 of records--certification
of testers)

LAWS OF: 1986

CHAPTER 83

BILL NO: S1797

Sponsor(s): Dorsey and Hurley

Date Introduced: Feb. 27, 1986

Committee: Assembly: Appropriations

Senate: Energy and Environment; Revenue, Finance & Appropriations

Amended during passage: Yes Substituted for A2371 (Assembly
committee statement--attached).
Amendments during passage denoted by
asterisks.

Date of Passage: Assembly: June 26, 1986

Senate: June 2, 1986

Date of Approval: August 14, 1986

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly Yes

Senate Yes 5-19-86 and 3-6-86

Fiscal Note: No

Veto Message: No

Message on Signing: Yes

Following were printed:

Reports: No

Hearings: No

8-14-86

[SECOND OFFICIAL COPY REPRINT]

SENATE, No. 1797

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 27, 1986

By Senators DORSEY and HURLEY

Referred to Committee on Energy and Environment

AN ACT concerning radon gas and radon progeny contamination, supplementing P. L. 1958, c. 116 (C. 26:2D-1 et seq.), and making ****[an appropriation]**** ***appropriations***.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. The Department of Environmental Protection shall within
2 ***[60]*** **180** days of the enactment of this act establish a program
3 for the certification of persons who test for the presence of radon
4 gas and radon progeny in buildings.

1 2. The Department of Environmental Protection shall within
2 ***[60]*** **180** days of the enactment of this act establish a program
3 for the certification of persons who mitigate, and safeguard build-
4 ings from, the presence of radon gas and radon progeny.

1 3. ***[A]*** **Beginning 90 days after the establishment of the certi-*
2 *fication programs by the Department of Environmental Protection*
3 *pursuant to sections 1 and 2 of this act, no* ***[** *other than*
4 *the owner of the building,]* ***** *who is not certified pursuant to* **sec-*
5 *tion 1 or section 2 of this act, as appropriate,** ****[this act,]**** shall
6 ***[not]*** test for, or mitigate or safeguard a building from, the
7 presence of radon gas and radon progeny. **The provisions of this*
8 *section shall not apply to a person performing this testing or*
9 *mitigation on a building which he owns, or to a person performing*
10 *testing or mitigation without remuneration.**

1 4. ***[A]*** **No* ***[** *other than the owner of the building,]* *****
2 shall ***[not]*** disclose to any ***[other]*** person, except to the De-
3 partment of Environmental Protection **or the Department of*

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

***—Senate committee amendments adopted March 6, 1986.**

****—Senate committee amendments adopted May 19, 1986.**

8-14-86

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SENATE, No. 1797

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 27, 1986

By Senators DORSEY and HURLEY

Referred to Committee on Energy and Environment

AN ACT concerning radon gas and radon progeny contamination, supplementing P. L. 1958, c. 116 (C. 26:2D-1 et seq.), and making ****[an appropriation]**** ***appropriations***.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. The Department of Environmental Protection shall within
2 ***[60]*** **180** days of the enactment of this act establish a program
3 for the certification of persons who test for the presence of radon
4 gas and radon progeny in buildings.

1 2. The Department of Environmental Protection shall within
2 ***[60]*** **180** days of the enactment of this act establish a program
3 for the certification of persons who mitigate, and safeguard build-
4 ings from, the presence of radon gas and radon progeny.

1 3. ***[A]*** **Beginning 90 days after the establishment of the certi-*
2 *fication programs by the Department of Environmental Protection*
3 *pursuant to sections 1 and 2 of this act, no* person **[**, other than
4 the owner of the building,**]** *who is not certified pursuant to *sec-*
5 *tion 1 or section 2 of this act, as appropriate,** ****[this act,]**** shall
6 ***[not]*** test for, or mitigate or safeguard a building from, the
7 presence of radon gas and radon progeny. **The provisions of this*
8 *section shall not apply to a person performing this testing or*
9 *mitigation on a building which he owns, or to a person performing*
10 *testing or mitigation without remuneration.**

1 4. ***[A]*** **No* person **[**, other than the owner of the building,**]**
2 shall ***[not]*** disclose to any **[other]** *person, except to the De-*
3 *partment of Environmental Protection* **or the Department of*

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

***—Senate committee amendments adopted March 6, 1986.**

****—Senate committee amendments adopted May 19, 1986.**

4 *Health**, the address or owner of a nonpublic building that the per-
 5 son tested or treated for the presence of radon gas and radon
 6 progeny**, unless the owner of the building waives, in writing, this
 6A right of confidentiality**.

7 ***[This]*** *The provisions of this* section **[does]*** *shall* not
 8 apply *to a person performing testing or treatment on a building*
 9 *which he owns, or to instances* where disclosure is necessary to
 10 ****[test, mitigate, or safeguard]**** *contract for further testing*
 11 *or to contract for the mitigating and safeguarding of* a building
 12 from the presence of radon gas and radon progeny. *In the case*
 13 *of a prospective sale of a building which has been tested for radon*
 14 *gas and radon progeny, the seller shall provide the buyer, at the*
 15 *time the contract of sale is entered into, with a copy of the results*
 16 *of that test and evidence of any subsequent mitigation or treat-*
 17 *ment, and any prospective buyer who contracts for the testing shall*
 18 *have the right to receive the results of that testing**.*

1 5. A person **[who performs]*** certified *pursuant to section 1*
 2 *or 2 of this act to provide testing or mitigation* services **[pursuant**
 3 **to this act]*** shall, within 30 days *of the provision of these ser-*
 4 *vices**, disclose to the Department of Environmental Protection
 5 **[that these services were performed,]*** the address or location of
 6 the building, **[and]*** the name of the owner of the building where
 7 the services were **[performed]*** *provided, and the results of*
 8 *any tests performed. The Department of Environmental Protection*
 9 *shall provide to the Department of Health this information upon*
 10 *the request of the Department of Health*.*

1 6. The department shall establish a fee schedule **[for certifica-**
 2 **tion]*** to cover the costs of the certification programs *established*
 3 *pursuant to sections 1 and 2 of this act*.*

1 7. The department shall, pursuant to the "Administrative Pro-
 2 cedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.) **[enact]***
 3 *adopt** rules and regulations to implement the provisions of this
 4 act.

1 8. A person who violates the provisions of sections 3, 4, or 5 of
 2 this act, or any rule or regulation adopted pursuant **[thereof]***
 3 *thereto**, is guilty of a crime of the third degree.

1 9. For the purposes of P. L. 1963, c. 73 (C. 47:1A-1 et seq.),
 2 health data relating to individuals and data relating to radon gas
 3 and radon progeny contamination at specific properties, including
 4 residential dwellings, gathered pursuant to *the provisions of this*
 5 *act and the provisions of* P. L. 1985, c. 408 (C. 26:2D-59 et
 6 seq.)**[, and P. L. . . . , c. . . . (C.) (now pending be-**
 7 **fore, the Legislature as this act)]** **[are]*** *shall* not *be* deemed
 8 to be public records. *The Departments of Health and Environ-*

9 *mental Protection shall destroy all information in their possession*
 10 *relating to the names and addresses of persons owning properties*
 11 *on which data were collected relating to radon gas and radon*
 12 *progeny contamination at the end of five years from the date on*
 13 *which the data were collected.***

1 10. The Departments of Environmental Protection and Health
 2 are authorized to employ **[scientists, technicians, and other person-*
 3 *nel]* *persons with specialized scientific training** necessary to
 4 **[carry out the purposes]* *implement the provisions** of P. L.
 5 1985, c. 408 (C. 26:2D-59 et seq.) without regard to the provisions
 6 of Title 11 of the Revised Statutes.

1 ***11. The Department of Community Affairs is authorized to*
 2 *enter into an agreement with a public or private agency to carry*
 3 *out testing for radon gas and radon progeny at the sites of resi-*
 4 *dential dwellings, the construction of which is in progress or com-*
 5 *mences on or after the effective date of this act, and to provide*
 6 *funding for that testing, provided that each \$1.00 of that funding*
 7 *is matched by \$1.00 from other public or private sources.***

1 ***[11.]** **12.*** There is appropriated from the General Fund
 2 to the Department of Environmental Protection the sum of
 3 \$1,000,000.00 to carry out the provisions of ***[*This act and*]***
 4 P. L. 1985, c. 408 (C. 26:2D-59 et seq.) **[and P. L., c.*
 5 (C.) (now pending before the Legislature as this act]*.

1 ***13. There is appropriated from the General Fund to the*
 2 *Department of Community Affairs the sum of \$140,000.00 to carry*
 3 *out the provisions of section 11 of this act.***

1 ***[12.]** **14.*** This act shall take effect immediately **[ex-*
 2 *cept]* *[that sections 3, 4, and 5 shall take effect 60 days]**
 3 **[following the enactment of this act]*.*

HAZARDOUS SUBSTANCE (CONTROL)

Protects the confidentiality of radon health and service records,
 establishes radon tester certification and further State radon
 testing program, and appropriates \$1,140,000.00.

SENATE, No. 1797

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 27, 1986

By Senators DORSEY and HURLEY

Referred to Committee on Energy and Environment

AN ACT concerning radon gas and radon progeny contamination, supplementing P. L. 1958, c. 116 (C. 26:2D-1 et seq.), and making an appropriation.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. The Department of Environmental Protection shall within 60
2 days of the enactment of this act establish a program for the
3 certification of persons who test for the presence of radon gas and
4 radon progeny in buildings.

1 2. The Department of Environmental Protection shall within 60
2 days of the enactment of this act establish a program for the
3 certification of persons who mitigate, and safeguard buildings from,
4 the presence of radon gas and radon progeny.

1 3. A person, other than the owner of the building, who is not
2 certified pursuant to this act, shall not test for, or mitigate or safe-
3 guard a building from, the presence of radon gas and radon progeny.

1 4. A person, other than the owner of the building, shall not dis-
2 close to any other person, except to the Department of Environ-
3 mental Protection, the address or owner of a nonpublic building
4 that the person tested or treated for the presence of radon gas and
5 radon progeny.

6 This section does not apply where disclosure is necessary to test,
7 mitigate, or safeguard a building from the presence of radon gas
8 and radon progeny.

1 5. A person who performs certified services pursuant to this act
2 shall, within 30 days, disclose to the Department of Environmental

3 Protection that these services were performed, the address or
4 location of the building, and the name of the owner of the building
5 where the services were performed.

1 6. The department shall establish a fee schedule for certification
2 to cover the costs of the certification programs.

1 7. The department shall, pursuant to the "Administrative Pro-
2 cedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.) enact rules
3 and regulations to implement the provisions of this act.

1 8. A person who violates the provisions of sections 3, 4, or 5 of
2 this act, or any rule or regulation adopted pursuant thereof, is
3 guilty of a crime of the third degree.

1 9. For the purposes of P. L. 1963, c. 73 (C. 47:1A-1 et seq.),
2 health data relating to individuals and data relating to radon gas
3 and radon progeny contamination at specific properties, including
4 residential dwellings, gathered pursuant to P. L. 1985, c. 408 (C.
5 26:2D-59 et seq.), and P. L., c. . . . (C.) (now
6 pending before the Legislature as this act) are not deemed to be
7 public records.

1 10. The Departments of Environmental Protection and Health
2 are authorized to employ scientists, technicians, and other personnel
3 necessary to carry out the purposes of P. L. 1985, c. 408 (C.
4 26:2D-59 et seq.) without regard to the provisions of Title 11 of the
5 Revised Statutes.

1 11. There is appropriated from the General Fund to the Depart-
2 ment of Environmental Protection the sum of \$1,000,000.00 to carry
3 out the provisions of P. L. 1985, c. 408 (C. 26:2D-59 et seq.) and
4 P. L., c. . . . (C.) (now pending before the
5 Legislature as this act).

1 12. This act shall take effect immediately except that sections 3,
2 4, and 5 shall take effect 60 days following the enactment of this act.

STATEMENT

This bill protects the confidentiality of health and other data gathered by the Departments of Environmental Protection and Health pursuant to their radon detection study. This bill also gives the departments flexibility in hiring personnel to conduct the study. The Department of Environmental Protection is required to establish a program for the certification of persons who test for and mitigate the presence of radon gas and radon progeny in buildings. Persons who may be certified include corporations, companies, and other such entities, as well as individuals, as defined in R. S. 1:1-2. Only persons certified will be allowed to perform these services.

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This bill also prohibits the disclosure of information concerning these services in nonpublic buildings, but disclosure is required to be made to the Department of Environmental Protection. Violators of these provisions will be guilty of a crime of the third degree. This bill appropriates \$1,000,000.00 to the Department of Environmental Protection to help fund the department's study and to establish the certification program.

HAZARDOUS SUBSTANCE (CONTROL)

Protects the confidentiality of radon health and service records, exempts certain personnel from Civil Service requirements, establishes a radon tester certification program, and appropriates \$1,000,000.00.

SENATE ENERGY AND ENVIRONMENT COMMITTEE

STATEMENT TO

SENATE, No. 1797

with Senate committee amendments

STATE OF NEW JERSEY

DATED: MARCH 6, 1986

The Senate Energy and Environment Committee favorably reports Senate Bill No. 1797 with Senate committee amendments.

Senate Bill No. 1797 addresses the issue of indoor radon contamination from a number of perspectives. As amended by the committee this bill would provide the following:

(1) The Department of Environmental Protection is required to establish a certification program for persons who test for the presence of indoor radon contamination within 180 days and is authorized to charge a fee for the certification. The purpose of the certification program would be to insure that testers use procedures and equipment which would provide scientifically accurate results;

(2) The Department of Environmental Protection is required to establish a program for the certification of contractors who mitigate or safeguard buildings against indoor radon contamination, within 180 days and is authorized to charge a fee for the certification;

(3) Persons not certified by the department are prohibited from testing for or mitigating indoor radon contamination, except for persons performing testing or mitigation on buildings which they own, or performing testing or mitigation without remuneration;

(4) Radon testers and contractors are required to report the address and owner of buildings in which they have performed services to the Department of Environmental Protection, and are prohibited from disclosing this information to any other person except the Department of Health;

(5) A radon tester or contractor who violates the provisions of this bill would be guilty of a crime of the third degree;

(6) For the purposes of the State law providing for public access to public documents (P. L. 1963, c. 73; C. 47:1A-1 et seq.), information compiled by the State on radon contamination in buildings, or individual health data relating to radon exposure shall not be considered public documents, and would thus be kept confidential;

(7) The Department of Environmental Protection and the Depart-

ment of Health is permitted to hire persons with specialized scientific training to implement the State's radon program without regard to Civil Service regulations.

This bill would appropriate \$1,000,000.00 from the General Fund to the Department of Environmental Protection to implement the provisions of this bill, and the provisions of P. L. 1985, c. 408, which directed the Department of Environmental Protection and the Department of Health to conduct research on indoor radon contamination. P. L. 1985, c. 408 provided an appropriation of \$3.2 million.

The amendments adopted by the committee extended the deadline for establishing the certification programs from 60 to 180 days, provided that noncertified persons could perform testing and mitigation if done without remuneration, provided that the prohibition against noncertified persons performing testing and mitigation would commence 90 days after the establishment of the certification programs by the Department of Environmental Protection, required the Department of Environmental Protection to provide the Department of Health with information on radon testing if the Department of Health so requests, and limits the exemption from Civil Service requirements to persons with specialized scientific training.

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 27, 1986

By Senators DORSEY and HURLEY

Referred to Committee on Energy and Environment

AN ACT concerning radon gas and radon progeny contamination, supplementing P. L. 1958, c. 116 (C. 26:2D-1 et seq.), and making an appropriation.

1 BE IT ENACTED by the Senate and General Assembly of the State
2 of New Jersey:

1 1. The Department of Environmental Protection shall within
2 ***[60]*** **180** days of the enactment of this act establish a program
3 for the certification of persons who test for the presence of radon
4 gas and radon progeny in buildings.

1 2. The Department of Environmental Protection shall within
2 ***[60]*** **180** days of the enactment of this act establish a program
3 for the certification of persons who mitigate, and safeguard build-
4 ings from, the presence of radon gas and radon progeny.

1 3. ***[A]*** **Beginning 90 days after the establishment of the certi-*
2 *fication programs by the Department of Environmental Protection*
3 *pursuant to sections 1 and 2 of this act, no* person ***[, other than**
4 **the owner of the building,]*** who is not certified pursuant to **sec-*
5 *tion 1 or section 2 of this act, as appropriate,** this act, shall ***[not]***
6 test for, or mitigate or safeguard a building from, the presence of
7 radon gas and radon progeny. **The provisions of this section shall*
8 *not apply to a person performing this testing or mitigation on a*
9 *building which he owns or to a person performing testing or miti-*
10 *gation without remuneration.**

1 4. ***[A]*** **No* person ***[, other than the owner of the building,]***
2 shall ***[not]*** disclose to any ***[other]*** person, except to the De-
3 partment of Environmental Protection **or the Department of*

EXPLANATION—Matter enclosed in bold-faced brackets (thus) in the above bill
is not enacted and is intended to be omitted in the law.

Matter printed in italics (thus) is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Senate committee amendments adopted March 6, 1986.

4 *Health*, the address or owner of a nonpublic building that the per-
5 son tested or treated for the presence of radon gas and radon
6 progeny.

7 **•[This]•** *•The provisions of this•* section **•[does]•** *•shall•* not
8 apply *•to a person performing testing or treatment on a building*
9 *which he owns, or to instances•* where disclosure is necessary to
10 test, mitigate, or safeguard a building from the presence of radon
11 gas and radon progeny.

1 5. A person **•[who performs]•** certified *•pursuant to section 1*
2 *or 2 of this act to provide testing or mitigation•* services **•[pursuant**
3 **to this act]•** shall, within 30 days *•of the provision of these ser-*
4 *vices•*, disclose to the Department of Environmental Protection
5 **•[that these services were performed,]•** the address or location of
6 the building, **•[and]•** the name of the owner of the building where
7 the services were **•[performed]•** *•provided, and the results of*
8 *any tests performed. The Department of Environmental Protection*
9 *shall provide to the Department of Health this information upon*
10 *the request of the Department of Health•*.

1 6. The department shall establish a fee schedule **•[for certifica-**
2 **tion]•** to cover the costs of the certification programs *•established*
3 *pursuant to sections 1 and 2 of this act•*.

1 7. The department shall, pursuant to the "Administrative Pro-
2 cedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.) **•[enact]•**
3 *•adopt•* rules and regulations to implement the provisions of this
4 act.

1 8. A person who violates the provisions of sections 3, 4, or 5 of
2 this act, or any rule or regulation adopted pursuant **•[thereof]•**
3 *•thereto•*, is guilty of a crime of the third degree.

1 9. For the purposes of P. L. 1963, c. 73 (C. 47:1A-1 et seq.),
2 health data relating to individuals and data relating to radon gas
3 and radon progeny contamination at specific properties, including
4 residential dwellings, gathered pursuant to *•the provisions of this*
5 *act and the provisions of•* P. L. 1985, c. 408 (C. 26:2D-59 et
6 seq.) **•[and P. L. , c. (C.) (now pending be-**
7 **fore, the Legislature as this act)]•** **•[are]•** *•shall•* not *•be•* deemed
8 to be public records.

1 10. The Departments of Environmental Protection and Health
2 are authorized to employ **•[scientists, technicians, and other person-**
3 **nel]•** *•persons with specialized scientific training•* necessary to
4 **•[carry out the purposes]•** *•implement the provisions•* of P. L.
5 1985, c. 408 (C. 26:2D-59 et seq.) without regard to the provisions
6 of Title 11 of the Revised Statutes.

1 11. There is appropriated from the General Fund to the Depart-

2 ment of Environmental Protection the sum of \$1,000,000.00 to carry
3 out the provisions of **This act and* P. L. 1985, c. 408 (C. 26:2D-59*
4 *et seq.)* **[and P. L. . . . , c. . . . (C.) (new pending before*
5 *the Legislature as this act]*.*

1 12. This act shall take effect immediately **[except]** **[that*
2 *sections 3, 4, and 5 shall take effect 60 days]** **[following the enact-*
3 *ment of this act]*.*

HAZARDOUS SUBSTANCE (CONTROL)

Protects the confidentiality of radon health and service records,
exempts certain personnel from Civil Service requirements,
establishes a radon tester certification program, and appropriates
\$1,000,000.00.

SENATE REVENUE, FINANCE AND APPROPRIATIONS
COMMITTEE

STATEMENT TO

SENATE, No. 1797

[OFFICIAL COPY REPRINT]

with Senate committee amendments

STATE OF NEW JERSEY

DATED: MAY 19, 1986

The Senate Revenue, Finance and Appropriations Committee reported this bill favorably, with amendments.

As amended, this bill addresses various issues concerning radon testing and mitigation. Specifically, the bill:

a. Establishes a certification program for radon testers, and for contractors who treat radon contamination or safeguard buildings against radon contamination;

b. Establishes procedures for reporting radon tests to the Departments of Health and Environmental Protection;

c. Otherwise protects the confidentiality of radon tests, except under limited circumstances, and requires the departments to destroy test results in their possession after five years;

d. Authorizes the Departments of Environmental Protection and Health to waive civil service requirements for the employment of specialized radon testing personnel;

e. Authorizes the Department of Community Affairs to enter into an agreement with a public or private entity for radon tests on housing units which are under construction; and to appropriate funds for those tests if the amount appropriated is matched by other public or private funds; and

f. Appropriates \$1,000,000.00 to the Department of Environmental Protection for radon testing under P. L. 1985, c. 408, and \$140,000.00 to the Department of Community Affairs for the authorized testing agreement.

COMMITTEE AMENDMENTS

The committee amendments:

a. Require the seller of a building which has been tested for radon to disclose the test results, and evidence of subsequent mitigation and treatment, to a prospective buyer, and permit a prospective buyer to receive the results of tests for which he has contracted;

b. Allow the owner of a building which has been tested to waive his right of confidentiality;

c. Require the Departments of Health and Environmental Protection to destroy test results in their possession after five years;

d. Clarify that the \$1 million appropriated to the Department of Environmental Protection shall be used for the radon testing program established under P. L. 985, c. 408;

e. Authorize the Department of Community Affairs to enter into an agreement for radon tests on housing units which are under construction, and to appropriate funds for those tests if the amount appropriated is matched by other public or private funds; and

f. Appropriate \$140,000.00 to the Department of Community Affairs for the purposes of the authorized agreement.

FISCAL IMPACT

This bill appropriates \$1,000,000.00 from the General Fund to the Department of Environmental Protection for radon testing pursuant to P. L. 1985, c. 408. The bill also appropriates \$140,000.00 to the Department of Community Affairs for radon testing in homes under construction.

The total amount appropriated is \$1,140,000.00.

ASSEMBLY APPROPRIATIONS COMMITTEE

Statement to

SENATE BILL NO. 1797 (2nd OCR)

Dated: June 19, 1986

Senate Bill No. 1797 (2nd OCR) establishes various programs and criteria concerning radon contamination testing. Specifically, this bill would provide the following:

- a. The Department of Environmental Protection is required to establish a certification program for persons who test for, mitigate and safeguard buildings from radon contamination. Persons not certified by the department would be prohibited from such activities;
- b. No person would be allowed to disclose the radon tests to any other person, except to the Department of Environmental Protection or Department of Health, unless the owner of the building waives, in writing, this right of confidentiality.
- c. The seller of a building which has been tested for radon is required to disclose the test results, and evidence of subsequent treatment, to a prospective buyer. At the time the contract of sale is entered into, the prospective buyer has the right to receive these test results and evidence of treatment;
- d. Health data related to individuals and data related to radon contamination would not be deemed to be public record. The departments of Health and Environmental Protection would have to destroy all information related to properties on which radon contamination data were collected at the end of five years from the date of collection;
- e. The Department of Community Affairs is authorized to enter into an agreement for radon tests on housing units that are under construction, and to appropriate funds for those tests provide that each dollar is matched by other public and private funds.

Fiscal Impact

This bill appropriates \$1.0 million to the Department of Environmental Protection, to be used for the radon contamination monitoring program established under P.L. 1985, c. 408. In addition, there is an appropriation of \$140,000.00 to the Department of Community Affairs for the purpose of authorizing agreements for radon tests.

training to implement the State's radon program without regard to Civil Service regulations.

This bill would appropriate \$1,000,000.00 from the General Fund to the Department of Environmental Protection to implement the provisions of P. L. 1986, c. 408, which directed the Department of Environmental Protection and the Department of Health to conduct research on indoor radon contamination. P. L. 1985, c. 408 provided an appropriation of \$3.2 million.

This bill would also appropriate \$140,000.00 to the Department of Community Affairs to contract for radon testing itself and would require that monies expended from this appropriation be matched by other public or private funds.

The committee amended the bill to provide for this additional appropriation as well as to:

(1) Require the seller of a building which has been tested for radon to disclose the test results, and evidence of subsequent mitigation and treatment, to a prospective buyer, and permit a prospective buyer to receive the results of tests for which he has contracted;

(2) Allow the owner of a building which has been tested to waive his right of confidentiality;

(3) Require the Departments of Health and Environmental Protection to destroy test results in their possession after five years;

(4) Clarify that the \$1 million appropriated to the Department of Environmental Protection be used for the radon testing program established under P. L. 1985, c. 408.

These amendments were adopted to make the bill identical to Senate Bill No. 1797 (OCR) as amended by the Senate Revenue, Finance and Appropriations Committee.

ASSEMBLY, No. 2371

STATE OF NEW JERSEY

INTRODUCED MAY 5, 1986

By Assemblyman ZIMMER, Assemblywoman CRECCO, Assemblymen Weidel, Kavanaugh, Bennett, Frelinghuysen, Albohn, Haytaian, Littell, Penn, Kern, Villane, Martin and Felice

AN ACT concerning radon gas and radon progeny contamination, supplementing P. L. 1958, c. 116 (C. 26:2D-1 et seq.), and making an appropriation.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. The Department of Environmental Protection shall within
2 180 days of the enactment of this act establish a program for the
3 certification of persons who test for the presence of radon gas and
4 radon progeny in buildings.

1 2. The Department of Environmental Protection shall within
2 180 days of the enactment of this act establish a program for the
3 certification of persons who mitigate, and safeguard buildings from,
4 the presence of radon gas and radon progeny.

1 3. Beginning 90 days after the establishment of the certification
2 programs by the Department of Environmental Protection pur-
3 suant to sections 1 and 2 of this act, no person who is not certified
4 pursuant to section 1 or section 2 of this act, as appropriate, shall
5 test for, or mitigate or safeguard a building from, the presence of
6 radon gas and radon progeny. The provisions of this section shall
7 not apply to a person performing this testing or mitigation on a
8 building which he owns, or to a person performing testing or miti-
9 gation without remuneration.

1 4. No person shall disclose to any person, except to the Depart-
2 ment of Environmental Protection or the Department of Health,

3 the address or owner of a nonpublic building that the person tested
4 or treated for the presence of radon gas and radon progeny.

5 The provisions of this section shall not apply to a person per-
6 forming testing or treatment on a building which he owns, or to in-
7 stances where disclosure is necessary to test, mitigate, or safeguard
8 a building from the presence of radon gas and radon progeny.

1 5. A person certified pursuant to section 1 or 2 of this act to
2 provide testing or mitigation shall, within 30 days of the provision
3 of these services, disclose to the Department of Environmental
4 Protection the address or location of the building, the name of the
5 owner of the building where the services were provided, and the
6 results of any tests performed. The Department of Environmental
7 Protection shall provide to the Department of Health this informa-
8 tion upon the request of the Department of Health.

1 6. The department shall establish a fee schedule to cover the
2 costs of the certification programs established pursuant to sections
3 1 and 2 of this act.

1 7. The department shall, pursuant to the "Administrative Pro-
2 cedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.) adopt rules
3 and regulations to implement the provisions of this act.

1 8. A person who violates the provisions of sections 3, 4, or 5 of
2 this act, or any rule or regulation adopted pursuant thereto, is
3 guilty of a crime in the third degree.

1 9. For the purposes of P. L. 1963, c. 73 (C. 47:1A-1 et seq.),
2 health data relating to individuals and data relating to radon gas
3 and radon progeny contamination at specific properties, including
4 residential dwellings, gathered pursuant to the provisions of this
5 act and the provisions of P. L. 1985, c. 408 (C. 26:2D-59 et seq.)
6 shall not be deemed to be public records.

1 10. The Departments of Environmental Protection and Health
2 are authorized to employ persons with specialized scientific train-
3 ing necessary to implement the provisions of P. L. 1985, c. 408 (C.
4 26:2D-59 et seq.) without regard to the provisions of Title 11 of
5 the Revised Statutes.

1 11. There is appropriated from the General Fund to the Depart-
2 ment of Environmental Protection the sum of \$1,000,000.00 to carry
3 out the provisions of this act and P. L. 1985, c. 408 (C. 26:2D-59
4 et seq.).

1 12. This act shall take effect immediately.

STATEMENT

This bill addresses the issue of indoor radon contamination from a number of perspectives. Specifically, this bill would provide the following:

(1) The Department of Environmental Protection is required to establish a certification program for persons who test for the presence of indoor radon contamination within 180 days and is authorized to charge a fee for the certification. The purpose of the certification program would be to insure that testers use procedures and equipment which would provide scientifically accurate results;

(2) The Department of Environmental Protection is required to establish a program for the certification of contractors who mitigate or safeguard buildings against indoor radon contamination, within 180 days and is authorized to charge a fee for the certification;

(3) Persons not certified by the department are prohibited from testing for or mitigating indoor radon contamination, except for persons performing testing or mitigation on buildings which they own, or performing testing or mitigation without remuneration;

(4) Radon testers and contractors are required to report the address and owner of buildings in which they have performed services to the Department of Environmental Protection, and are prohibited from disclosing this information to any other person except the Department of Health;

(5) A radon tester or contractor who violates the provisions of this bill would be guilty of a crime of the third degree;

(6) For the purposes of the State law providing for public access to public documents (P. L. 1963, c. 73; C. 47:1A-1 et seq.), information compiled by the State on radon contamination in buildings, or individual health data relating to radon exposure shall not be considered public documents and would thus be kept confidential;

(7) The Department of Environmental Protection and the Department of Health are permitted to hire persons with specialized scientific training to implement the State's radon program without regard to Civil Service regulations.

This bill would appropriate \$1,000,000.00 from the General Fund to the Department of Environmental Protection to implement the provisions of this bill, and the provisions of P. L. 1986, c. 408, which directed the Department of Environmental Protection and the Department of Health to conduct research on indoor radon contamination. P. L. 1986, c. 408 provided an appropriation of \$3.2 million.

HAZARDOUS SUBSTANCE (Control)

Protects the confidentiality of radon health and service records, exempts certain personnel from Civil Service requirements, establishes a radon tester certification program, and appropriates \$1,000,000.00.

ASSEMBLY COMMITTEE ON ENVIRONMENTAL QUALITY

STATEMENT TO

ASSEMBLY, No. 2371

STATE OF NEW JERSEY

DATED: JUNE 6, 1986

The committee favorably reported Assembly Bill No. 2371 as amended.

This bill addresses the issue of indoor radon contamination from a number of perspectives. Specifically, this bill would provide the following:

(1) The Department of Environmental Protection is required to establish a certification program for persons who test for the presence of indoor radon contamination within 180 days and is authorized to charge a fee for the certification. The purpose of the certification program would be to insure that testers use procedures and equipment which would provide scientifically accurate results;

(2) The Department of Environmental Protection is required to establish a program for the certification of contractors who mitigate or safeguard buildings against indoor radon contamination within 180 days and is authorized to charge a fee for the certification;

(3) Persons not certified by the department are prohibited from testing for or mitigating indoor radon contamination, except for persons performing testing or mitigation on buildings which they own, or performing testing or mitigation without remuneration.

(4) Radon testers and contractors are required to report the addresses and owners of buildings in which they have performed services to the Department of Environmental Protection, and are prohibited from disclosing this information to any person except the Department of Health.

(5) A radon tester or contractor who violates the provisions of this bill would be guilty of a crime of the third degree.

(6) For the purposes of the State law providing for public access to public documents (P. L. 1963, c. 73; C. 47:1A-1 et seq.), information compiled by the State on radon contamination in buildings, or individual health data relating to radon exposure, shall not be considered public documents, and would thus be kept confidential;

(7) The Department of Environmental Protection and the Department of Health are permitted to hire persons with specialized scientific

training to implement the State's radon program without regard to Civil Service regulations.

This bill would appropriate \$1,000,000.00 from the General Fund to the Department of Environmental Protection to implement the provisions of P. L. 1986, c. 408, which directed the Department of Environmental Protection and the Department of Health to conduct research on indoor radon contamination. P. L. 1985, c. 408 provided an appropriation of \$3.2 million.

This bill would also appropriate \$140,000.00 to the Department of Community Affairs to contract for radon testing itself and would require that monies expended from this appropriation be matched by other public or private funds.

The committee amended the bill to provide for this additional appropriation as well as to:

(1) Require the seller of a building which has been tested for radon to disclose the test results, and evidence of subsequent mitigation and treatment, to a prospective buyer, and permit a prospective buyer to receive the results of tests for which he has contracted;

(2) Allow the owner of a building which has been tested to waive his right of confidentiality;

(3) Require the Departments of Health and Environmental Protection to destroy test results in their possession after five years;

(4) Clarify that the \$1 million appropriated to the Department of Environmental Protection be used for the radon testing program established under P. L. 1985, c. 408.

These amendments were adopted to make the bill identical to Senate Bill No. 1797 (OCR) as amended by the Senate Revenue, Finance and Appropriations Committee.

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EA 0074
SR EA 0050
TR EA 0050

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ASSEMBLY COMMITTEE ON ENVIRONMENTAL QUALITY

Statement to

ASSEMBLY BILL NO. 2371

Dated: June 6, 1986

The Committee favorably reported Assembly Bill No. 2371 as amended.

This bill addresses the issue of indoor radon contamination from a number of perspectives. Specifically, this bill would provide the following:

1) The Department of Environmental Protection is required to establish a certification program for persons who test for the presence of indoor radon contamination within 180 days and is authorized to charge a fee for the certification. The purpose of the certification program would be to insure that testers use procedures and equipment which would provide scientifically accurate results;

2) The Department of Environmental Protection is required to establish a program for the certification of contractors who mitigate or safeguard buildings against indoor radon contamination within 180 days and is authorized to charge a fee for the certification;

3) Persons not certified by the department are prohibited from testing for or mitigating indoor radon contamination, except for persons performing testing or mitigation on buildings which they own, or performing testing or mitigation without remuneration.

4) Radon testers and contractors are required to report the address^{es} and owner^s of buildings in which they have performed services to the Department of Environmental Protection, and are prohibited from disclosing this information to any person except the Department of Health.

5) A radon tester or contractor who violates the provisions of this bill would be guilty of a crime of the third degree.

6) For the purposes of the State law providing for public access to public documents (P.L. 1963, c. 73; C. 47: 1A-1 et seq.), information compiled by the State on radon contamination in buildings, or individual health data relating to radon exposure, shall not be considered public documents, and would thus be kept confidential;

7) The Department of Environmental Protection and the Department of Health ^{are} is permitted to hire persons with specialized scientific training to implement the State's radon program without regard to Civil Service regulations.

This bill would appropriate \$1,000,000.00 from the General Fund to the Department of Environmental Protection to implement the provisions of P.L. 1986, c. 408, which directed the Department of Environmental Protection and the Department of Health to conduct research on indoor radon contamination. P.L. 1985, c. 408 provided an appropriation of \$3.2 million.

This bill would also appropriate \$140,000.00 to the Department of Community Affairs to contract for radon testing itself and would require that monies expended from this appropriation be matched by other public or private funds.

The Committee amended the bill to provide for this additional appropriation as well as to:

1) Require the seller of a building which has been tested for radon to disclose the test results, and evidence of subsequent mitigation and treatment, to a prospective buyer, and permit a prospective buyer to receive the results of tests for which he has contracted;

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3) Require the Departments of Health and Environmental Protection to destroy test results in their possession after five years;

4) Clarify that the \$1 million appropriated to the Department of Environmental Protection be used for the radon testing program established under P.L. 1985, c. 408.

These amendments were adopted to make the bill identical to Senate Bill No. 1797 (OCR) as amended by the Senate Revenue, Finance and Appropriations Committee.

[OFFICIAL COPY REPRINT]
ASSEMBLY, No. 2371

STATE OF NEW JERSEY

INTRODUCED MAY 5, 1986

By Assemblyman ZIMMER, Assemblywoman CRECCO, Assemblymen Weidel, Kavanaugh, Bennett, Frelinghuysen, Albohn, Haytaian, Littell, Penn, Kern, Villane, Martin and Felice

AN ACT concerning radon gas and radon progeny contamination, supplementing P. L. 1958, c. 116 (C. 26:2D-1 et seq.), and making *~~[an appropriation]~~* *appropriations*.

1 BE IT ENACTED by the Senate and General Assembly of the State
2 of New Jersey:

1 1. The Department of Environmental Protection shall within
2 180 days of the enactment of this act establish a program for the
3 certification of persons who test for the presence of radon gas and
4 radon progeny in buildings.

1 2. The Department of Environmental Protection shall within
2 180 days of the enactment of this act establish a program for the
3 certification of persons who mitigate, and safeguard buildings from,
4 the presence of radon gas and radon progeny.

1 3. Beginning 90 days after the establishment of the certification
2 programs by the Department of Environmental Protection pur-
3 suant to sections 1 and 2 of this act, no person who is not certified
4 pursuant to section 1 or section 2 of this act, as appropriate, shall
5 test for, or mitigate or safeguard a building from, the presence of
6 radon gas and radon progeny. The provisions of this section shall
7 not apply to a person performing this testing or mitigation on a
8 building which he owns, or to a person performing testing or miti-
9 gation without remuneration.

1 4. No person shall disclose to any person, except to the Depart-
2 ment of Environmental Protection or the Department of Health,

EXPLANATION—Matter enclosed in bold-faced brackets [] in the above bill is not enacted and is intended to be omitted in the law.

Matter printed in italics in this bill is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*Assembly committee amendments adopted June 9, 1986.

AUG 4 1986



OFFICE OF THE GOVERNOR
NEWS RELEASE

85 State Street
Trenton, N. J.

CN-001

Contact: JOHN SAMERJAN
609-292-8956 OR 292-6000 EXT. 207

TRENTON, N.J. 08625

Release: FRI., AUG. 15, 1986

Governor Thomas H. Kean today signed legislation that establishes a radon tester/mitigator certification program, provides for the confidentiality of radon health and service records and appropriates \$1 million to the Department of Environmental Protection and \$140,000 to the Department of Community Affairs.

S-1797, sponsored by Senator John H. Dorsey, R-Morris, Assemblyman Richard Zimmer, R-Hunterdon, and Assemblywoman Marion Crecco, R-Essex, directs the Department of Environmental Protection (DEP) to establish certification programs for persons who test for and treat or safeguard buildings against radon contamination.

DEP has 180 days to establish the guidelines. Exempted from certification would be those who test for radon on buildings which they own or persons who provide such services without remuneration.

Over 70 firms currently provide radon testing or mitigation services in New Jersey.

This legislation also appropriates an additional \$1 million to DEP for the funding of a State program to address the problem of naturally occurring radon. \$3.2 million was already appropriated for this purpose.

This legislation also appropriates \$140,000 to the Department of Community Affairs (DCA). These funds will be used for a pilot project to build radon-free homes. This project is also being funded with Federal and private monies. Each dollar spent by DCA will be matched by funds from other public or private sources.

The legislation is effective immediately.

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