

Comprehensive Revisions to Chapter 240, Radon Regulations

Aside from minor regulatory changes in 2008, which included fee adjustments, Chapter 240 has not undergone a major revision since it was promulgated in 1991. Many of the proposed provisions in this 2014 update represent current industry practice; therefore, the actual impact to the certified community will not be extensive.

A summary of the major changes follows:

1. § 240.2. Scope –Added provisions for schools or local government officials to pass exam, have a DEP-approved course, use only a secondary device, and not charge a fee, in order to test the buildings the school district or local government owns or occupies. Previously the school or local government officials were allowed to test as part of the exemption that allowed occupants to test a building they occupy.
2. § 240.102 – A testing firm may list a maximum of five testing firm employees at a time. Currently there is no limitation on the number of testing firm employees per company.
3. § 240.112 – A mitigation firm may list a maximum of five mitigation firm employees at a time. Currently there is no limitation on the number of mitigation firm employees per company.
4. §§ 240.113, 240.123 , 240.133 -- Added new subsection requiring a written, signed notification to DEP within 10 days of any change to the applicant's information. This represents current industry practice.
5. § 240.143 – The entire section is new and pertains to adding and removing devices in writing to DEP. This represents current industry practice.
6. § 240.305 – Deleted exposure tracking for the tester.
7. § 240.308 – Radon Mitigation Standards – Several key mitigation standards are added to reflect current industry practice.
8. § 240.309 –Testing Protocols – Added this new section containing EPA protocols that are consistent with industry practice. The section includes the addition of the ANSI/ARRST Multifamily Testing Protocol in § 240.309(a)(7) and the EPA School Testing Protocol in § 240.309(a)(8). In § 240.309(a)(10)(v), a postmitigation test may not be performed by the mitigator or any of his/her employees.
9. Subchapter G is new and pertains to Quality Assurance requirements for using primary and secondary devices and for laboratories. These are EPA protocols that reflect industry practice since the 1990s. Two parts of the protocols that DEP previously enforced are not being incorporated. One is cross-check requirements, which are difficult for small businesses. Intercomparison requirements suffice in this instance. The other one not being incorporated is minimum-spike requirements in instances when no testing is done.