

Date/Time: January 6, 2022 10:00AM

Location: UAlbany School of Public Health,
Rensselaer, NY

ATTENDEES

Cindy Costello, NYSDOH, Task Force Liason
Alex Damiani, NYSDOH
Christine Dobert, NYSDOH
David Ohehir, NYSDOH
Gary Ginsburg, NYSDOH Designee.

ChristinerWesterman, NYSDOH
Selica Grant, NYSDOL Designee
George G. Schambach
Richard “Dick” Kombluth, Retired Mitigation
John Addario, Secretary of State Designee
Whitney Clark, Department of State

AGENDA

10:00 AM Welcome & Introductions

10:15 AM Review/Approval of Minutes

10:30 AM Review of Draft Task Force Report (Tester & Mitigator licensing Section)

12:00 PM Lunch

12:30 PM Finalize Recommendations of the Task Force (Tester & Mitigator Licensing)

1:00 PM Review of Draft Legislation

1:45 PM Next Steps

2:00 PM Adjourn

Notes:

- Meeting Start at 10:00 AM
- Review of previous minutes

- No comments, minutes approved
 - Review of this meeting's agenda
 - No comments, no additions
 - Existence of taskforce expired December 2021
 - Request for extension proposed, pending legislation approval
 - Request 1 year. Report will be due November 1, 2022, committee expires December 31, 2022
 - Review of Draft Task Force Report
 - Page 5 last paragraph; review and see if redundant
 - Review of purpose of report:
 - Need for interagency coordination of public education and outreach and prevention programs
 - The need for training, education and possible licensing of radon services providers
 - Any other related information that the commissioner of health may deem necessary or relevant in carrying out such study of radon in indoor settings
 - Outreach and Education
 - Department of state is a resource for outreach and education (O&E) and consumer protection
 - DOH Radon reviewed history and current O&E projects and resources
 - summary of O&E to the report
 - Gaps in funding and resources
 - AARST has program for funding regulated states for O&E
 - Weatherization
 - Required for weatherization professionals to provide radon information.
 - NYSERDA downsized radon program in 1980s.
 - Center of Environmental Health (CEH)
 - Partner with NYSERDA (lead agency)
 - Through BOHIP and Medicaid
 - Program for healthy homes- asthma, fall prevention etc.
 - AARST
 - Radon for physician's guide is available
 - Has grant to send free test kits
 - NYSDOH commissioner's monthly newsletter to physicians does mention radon
 - Newborn Project
 - Many facilities withdrew from program
 - Requires renewal
 - Requirement for Radon testing? Real estate, new construction etc.
 - First task force meeting adding issues will follow
- Testing and Licensing Regulations and Recommendations
 - Should NYS require credentialing of Radon testers and mitigators?
 - What type of credential should be required?
 - Which NYS Agency should regulate the radon testers and mitigators?
 - How should the regulations be enforced?

- Options for credentialling
 - Require certification by an accredited organization
 - Be consistent with federal standards and neighboring states
 - Require a state license through a testing program administered by NYS
 - Require a state license through recognition of certification by an accredited
- Add question- licensing of individual or business?
- Licensing of other states
 - Connecticut requires national certification and regulated by DOH
 - NJ and PA regulated by Department of Environmental program
 - Suggested DEC as possible regulating agency
 - Issue- DEC regulated emission of Radioactive material
 - Many regulations state “except for radon”
- Pros and Cons
 - Option 1
 - Pros
 - Using federal standards and possible change
 - Revenue for fines
 - Double verify for using AARST certified and with the state list
 - EPA requires a list of certified professionals
 - Less administration effort and cost to the state
 - Cons
 - Lack of general oversight. What would happen if federal regulations are not acceptable for the state?
 - State has no control for enforcement
 - Enforcement would be through credentialling body
 - Option 2
 - Requires NYS have complete control of program
 - Pros
 - NYS has complete control program
 - Beneficial if above national standards
 - No stated issue if AARST/NRPP is below NYS standards
 - Cons
 - Example NYS required home inspection own exam and standards
 - Caused confusion and difficulty
 - Over 1 year to implement
 - Cost of delay
 - HUD funding accepts NRPP license, but if NYS license is less strict, may lose funding
 - Currently HUD accepts NRPP/NRSB/AARST, but may not accept all in the future

- State border professionals would need multiple licensing and certifications
 - If stating a specific credential body and they lower their standard, will NYS be able to improve and give decision back to NYS
- Option 3
 - Pros
 - Training and credentialing provided by outside group
 - State has control over licensing which allows enforcement
 - Cheaper/Revenue
 - Cons
 - If NYS wants to be more stringent with regulations, will not be able to add on
- Provide draft legislation, regulation will be by decided lead agency
- Agency Jurisdiction
 - Department of Health
 - Pros
 - Currently has radon program and provide radon testing kits
 - ELAP program
 - O&E
 - Currently collects list of certified inspectors & mitigators
 - Reports to EPA for grant
 - Already reporting to BERP and Wadsworth
 - License medical and radioactive material professionals
 - Has more power than DOS but still limited
 - Not in Sanitation code unless written in
 - Civil process
 - Radon is not immediate health threat
 - Must go through Attorney general for court
 - Has ability to fine due to Sanitation code
 - Cons
 - Would require gather data from other agency for EPA grant
 - Lack expertise to inspect mitigation
 - No licensing for home related professionals
 - Department of state
 - Pros
 - Already have similar licensing programs home inspections, home alarm installers
 - Already have some expertise in other similar topics (ventilation, electrical etc.)
 - Currently of volunteer knowledge of general radon
 - Home inspectors can expand to include radon testers, hesitant for radon mitigation
 - License of non-degree required occupations
 - Cons

- Development of IT, structure, and focused program
 - Cost and delay of implementation
 - Does not have enforcement
 - No court, cease and desist
 - Current investigators are not trained or specialist in area
 - Code enforcement do not have training or expertise in radon
 - No mandatory appendix F
 - Department of environmental conservation
 - May have more stringent enforcement program
 - What is DEC involvement in VOC indoor air testing
 - Pros
 - Have police power
 - Expertise, permits
 - Expertise in subsurface air
 - Consistent with other regulatory state NJ and PA
 - Site remediation oversight
 - BEI and BTSA involvement
 - DEC does permits (pharmacy, landfill etc), not sure license
 - Closest license is pesticide application
 - Reporting requirement
 - DEC already have engineers
 - Cons
 - Lack of resource (only 2 people staff currently)
 - Not sure if other states have testers/ mitigators is split
- State Education
 - Pros
 - Already have license system in place
 - Cons
 - Tends to requirement degree education
- Department of Labor
 - Pros
 - License for elevator professionals (status?)
 - Provide some license (asbestos, mold)
 - Enforcement through AG
 - Possible involvement in training pending which option
 - Cons
 - Lack of expertise or experience in radon
 - Would require a development of radon program
- Any agency
 - If inspection of mitigation will need training and expertise of topic
 - State Ed licenses majority of professionals
 - Development of MOU (Memorandum of Understanding)
- Indiana Model
 - Contract

- Rely on third party (ex. AARST)
 - DOS uses contract for appraisers
 - Michigan and Kentucky will be starting program
 - Indiana has this program for 3 years
 - Apparent decrease in violations
 - Had 90% of failure
 - Good portion was clerical error not technical/ethical
 - Required mitigators to go back and correct according to AARST standards
 - If they did not, license was suspended
 - AARST does not de-licensed repeat offenders
 - Proposed budget draft
 - In regulation state the cost recovery
 - Number of testers/ mitigators
 - Estimated home inspectors = testers
 - Estimated to fan manufacturer= 700 mitigators
 - Excludes personal home
 - Unlicensed authority
 - Will need ability for enforcement and police action
 - O&E for consumer to verify certification
 - Complaint system
 - Expand Excelsior pass to include licensing for field professionals
- Meeting paused for lunch 12:05PM
- Meeting Returned 12:40 PM
- Enforcement and Regulation
 - How should the regulations be enforced?
 - Indiana model
 - Agency resolve enforcement themselves
 - Investigation, complaint system, completely inhouse without outside agency
 - AGs office
 - Possible MOU model
 - Who will be in charge?
 - Legislation review agencies abilities to choose lead agency
 - Chosen agency will give further regulation writing
 - Regulation for requiring insurance or bond
 - Protection for unfinished work
 - Check for Radon tester regulation
 - How to inspect and make sure if tester is testing properly?
 - Most done by homeowner or through home inspection for real estate
 - Low complaints for faulty testing
 - Is there a conflict of interest if tester and mitigator is same person?
 - PA state- regulation required to give homeowner a test kit to verify mitigator work
 - Is the business willing to lose license, falsifying ELAP test results etc.

- Asbestos program- separates testers and mitigators
 - Shows the need for consumer education
 - Statement/statutory for ethical claims
- Report to include issues and need for radon testing and mitigation regulation
- Licensing of individuals and/or businesses
 - Business require to carry the insurance
 - Individual under carry the certification/licensed
 - Currently there are Supervisor license and technician license (issued by PA)
 - Business owner needs to have supervisor license
 - License the business to ensure the ethic and culture to operate under standards
 - Certify individuals underneath a business
 - What is Sole proprietors?
 - Possible 3 tier system
 - Business license
 - Certain requirements including supervisor training
 - Supervisor license/ certification
 - Technician license/ certification
 - 2 tier system
 - Every technician to be licensed
 - Technician reports to supervisor
 - Recommendation for individual and business license?
- Recommendations for Report
 - Should NYS require credentialling of radon testers and mitigators?
 - Recommendation credentialling by national bodies and state bodies option 3
 - What type of credential should be required?
 - Training and credentialling provided by outside body
 - Recommendations for agency
 - DOH- issue would be oversight for mitigation and inspecting mitigation. Does not license occupations for home related activity. We do have oversight and involvement with Radon.
 - DOS- already license occupations for home related activity. Does not see role due to no expertise or knowledge related to radon. Would need hiring and creating radon program. No infrastructure and will be a long term implication. Can propose language for home inspectors.
 - DOL- already does lead and asbestos testers and mitigators. Enforcement unit related to asbestos. No infrastructure related to radon.
 - Overall- no agency has expertise on radon mitigation inspection. Can be contracted out, but need inhouse expertise.
 - Need insight from DEC before proposal.
 - Proposed for legislation to make final choice.
 - Theoretical licensing fees, fines will cover resource cost
- Next Time
 - Theoretical budget

- Licensing layout
 - Initial start up funding
 - Further updated Draft
 - Next meeting February 3rd, 2022 Snow date February 10th, 2022
- Meeting Adjourn at 1:57 PM