**Date/Time:** November 4, 2021 10:00 AM  
**Location:** UAlbany School of Public Health, Rensselaer, NY

### ATTENDEES

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Agency</th>
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<tbody>
<tr>
<td>Cindy Costello</td>
<td>NYSDOH, Task Force Liaison</td>
<td>NYSDOH</td>
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<tr>
<td>Alex Damiani</td>
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<td>NYSDOH</td>
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<td>Christine Dobert</td>
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<td>NYSDOH</td>
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<td>David Ohehir</td>
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<td>NYSDOH</td>
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<td>Gary Ginsburg</td>
<td>NYSDOH Designee</td>
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<td>Christiner Westerman</td>
<td>NYSDOH Designee</td>
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<td>Selica Grant</td>
<td>NYSDOL Designee</td>
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<td>George G. Schambach</td>
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<td>Richard “Dick” Kornbluth</td>
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<td>John Addario, Secretary of State</td>
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### AGENDA

10:00 AM Welcome & Introductions

10:15 AM Review/Approval of Minutes

10:30 AM Summary of Interviews with Other States & Discussion on Best Practices for Licensing/Certification

12:00 PM Lunch

12:30 PM Recommendation of the Task Force

1:00 PM Discussion of Points to be included in Legislation

2:15 PM Next Steps

2:30 PM Adjourn

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**Notes:**

- Meeting started 10:05 AM by Gary G.
- Reviewed meeting minutes from 10.7.21
  - Minutes approved with clarification of the following:
HUD funding requires testers to be certified
Daycare facilities, required testing pass radon zone 1
- Interview of states that have a regulating program presented by David O.
  - Three ways
    ▪ Own training, certification, licensing, and tests
    ▪ Just accept the test results from AARST/NRPP
    ▪ State accepts the AARST/NRSB certification and renews license
  - PA, NJ will be moving from own testing/certification to AARST/NRPP
  - Florida will be keeping own testing/certification
  - Indiana has a pilot program of inspecting and giving certified completion
    ▪ Inspector are done by a third party (not testers/mitigators, competition)
    ▪ 8 hour course and test for inspectors
    ▪ Estimated 3-4 inspectors per state
    ▪ Request for pilot program report for next meeting
  - Inspections
    ▪ Follow up on enforcement and complaint
    ▪ NYSERDA Model - requires first # of installations to be inspected and a % following up
    ▪ Require Mitigators to provide homeowners information/brochure on proper installations
      ▪ Cons: bad contractors won’t provide the information to begin with, homeowners are over analyzing the installation. Majority of homeowners will not read the information
      ▪ Cannot rely on just a post mitigation test
  - Enforcement
    ▪ Complaint Driven
    ▪ Majority does not have a strong enforcement
    ▪ Provide a cease and dismiss letter
      ▪ Escalating upon follow up complaints
  - North Carolina
    ▪ Trying to get AARST standard apart of the building code and included upon building code inspection
    ▪ Mitigation needs to be installed according to the AARST standard
    ▪ Uniform code by the State
    ▪ Presented to the Codes council
    ▪ Requiring a permit, triggers inspection by code enforcement or third party
    ▪ Applying to New York State
      ▪ Proposed requiring building permit to install mitigation
      ▪ Includes Appendix F - for new construction
      ▪ Cons: Resistance from construction companies, passive systems not properly installed
  - Indiana pilot program Vs. North Carolina Code Vs. Complaint Driven
  - Current Radon program
    ▪ Complaint
      ▪ Have the homeowner report to Better business bureau and if certified, report the certifying body
• Mitigators if certified is reported to AARST/NRPP

○ AARST Inspection
  ▪ Only in conjunction with the Indiana pilot program
  ▪ Kentucky AARST Chapter, looking to conduct same pilot
  ▪ What is the cost of inspection?
    ▪ How are expenses calculated
    ▪ Colorado estimated $24,000 using EPA SIRG funding to fund the AARST contract

○ Can make a recommendation for outside agency to oversee the program
  ▪ Must invite the agency to provide insight
  ▪ Followed by public review

○ Enforcement
  ▪ Writing into law of the authorizing agency, fines etc.
  ▪ Not detailed on the regulations of frequency of inspections

○ If business is doing for monetary gain, they need to be licensed.

○ Homeowners and possible business owners do not need certification/license for self-testing

○ Structure of requiring businesses to be licensed but also the control of technician and specialists to be licensed
  ▪ Currently in NYS if testers have radon monitors have to be ELAP certified, or the radon lab to be ELAP (RTCA for example)

○ Pros of Business that is license vs. Business that hires license individual
  ▪ Ideally both entities would be licensed
  ▪ Side note: 8 hour course for tester technician, 16 hours for tester specialist

○ If third party or monetary gain, they should be licensed/certified

○ Businesses (daycare, office building) can self test without certification/license
  ▪ Difference is 10 times the cost of self testing.
  ▪ Cons: nonprofessional forging recording data, ensuring proper placement and collection
  ▪ Real Estate: realtors deploying test kits improperly, not enough knowledge, home inspectors not deploying correctly etc.
  ▪ By licensing is ensuring the person is trained and educated

○ What is the difference between certification vs licensing?
  ▪ Creating a law to require licensing to give authority to the state to enforce fines, removal of license etc.
  ▪ License of individual vs business
    ▪ Individual as a technician cannot work unless under a business
    ▪ Licensed specialist can be individual or a business
    ▪ Issue- if tester is just deploying a canister and sends to ELAP lab.
      ▪ ELAP lab is considered the specialist
      ▪ Question is what does ELAP cover

○ Proposal 6851 introduced by Sen. Akshar in 2017-2018
  ▪ Initiated the start of the Radon task force
  ▪ Edited copy from NRPP/AARST in Red binder
    ▪ By Jane Malone
- No modification of proposed bill
  - Reference 447G1 part A- “Violated provisions of subdivision 4 of section 447-g of this article”
    - No subdivision 4 is not found
  - Under the Department of State- further modification
    - Currently setting up a regulatory advisory council
  - Covers testers and mitigators
  - Proposed
    o Licensing is tied to the program
      - What is the overseeing agency?
      - Who does the paperwork, who does the enforcement?
      - Frequency of renewing- Ideally ever 2 years
    o Further compare to the asbestos, electrical licensing programs
    o PA requires a description of placement
    o Added note: the Indiana pilot program AARST charges the state
      - $400 per mitigation inspections
      - $350 desk audit (paperwork inspection)
    - Similar to ELAP inspection
  - What does department of State oversee
    o Is it possible to split the program over multiple agencies?
- Lunch 12:15
- Returned at 12:58
- Out- of state license working in NYS
  o Reciprocal agreements
    - Used in short term or within specific regulations
    - If show proof of other states licensing, to what degree to recognize the license
  o A temporary license procedure
  o AARST standard- Certified person needs to be on site
- Fees
  o Under regulation
  o $100-500 on average
  o Currently 175 testers, and 75 mitigators that are AARST/NRSB certified in New York
  o How large is the home inspector population?
    - 1300-1400 home inspectors- George S.
  o What is the ratio of FTE/ professional?
    - 1 person Handling the paperwork/ 2000 professionals? What is the formula
  o 5,000 mitigations per year reported by certified professionals to NYS
  o Estimated $200,000 pending the fee structure
  o In the report an ideal budget to be included
    - Includes reference to other states fees
  o Include cost of infrastructure
  o PA has a greenport system
    - Records every test/ mitigation and results
- Is greenport a PA specific program or outside program?
- Includes tracking payments
  - Home reporting system
    - What is the burden of the infrastructure to report into the system?
  - NYS has a semi-annual reporting
    - # of tests per county
    - Data is sent to EPA for SIRG grant money, pending results
    - No enforcement for certified people to report
  - Performance and enforcement overseen by DOH, Licensing overseen by DOS-proposed
  - In some form the field professionals will report violators
    - Generic test kits sold in hardware stores; the lab should be ELAP certified.
      - Lab may report any NYS associated kits to the state
      - If an individual has more than set #, Red flags the person is not certified/license in NYS
        - Weeds out the average homeowner
      - Report to both agencies in some form process
    - DOS provide regulation education
      - Introductory information for what is required for license individuals
      - Include home inspector application for radon testing a check yes/no question
  - Home inspectors
    - If not radon license, would it jeopardize the home inspectors license?
  - Question: Do other states have labs requiring reporting to the state?
  - Finding Violators
    - Media blasts to get the general population to comply, followed by complaints (competitors, clients etc), finding through general advertisements
  - Next Steps
    - Outlining the proposals, information collected
    - What to focus on
      - DOS has the structure for licensing but no expertise in Radon
        - volleying back and forth of which agency will oversee the enforcement, inspection.
        - Should have a close relationship with AARST/ NRPP
        - Code enforcement not knowledgeable
          - No building code = no enforcement
      - Mitigators normally HVAC (license by local) or by mitigation companies
        - Electrical component
        - Local licensing
      - No license of VOC contractors
      - DEC- has Pes and only concern is outside of the building
      - Issue: No agency covers the health, license, technical expertise
        - No home for the mitigators
      - Testers can be matched with the DOS home inspection list
      - Mitigators need further deliberation
      - Proposed the elements for legislation, task force is not experienced to write the legislation
Next meeting January 6, 2022
   ▪ Snow Date January 13, 2022
- Meeting Adjourn 2:20 PM