

**RADON RELATED AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

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**LONG TITLE****General Description:**

This bill addresses issues related to radon gas.

**Highlighted Provisions:**

This bill:

- ▶ enacts the Radon Gas Act, including:
  - defining terms;
  - outlining the powers and duties of the Division of Waste Management and Radiation Control;
  - requiring rulemaking by the Waste Management and Radiation Control Board; and
  - requiring specified agencies to prepare plans and report on those plans;
- ▶ addresses the Department of Health and Human Services' outreach efforts;
- ▶ requires the Utah Geological Survey to cooperate on radon issues;
- ▶ repeals the study requirement that has been completed; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:****AMENDS:**

**19-1-105**, as last amended by Laws of Utah 2015, Chapter 451

**26-7-7**, as last amended by Laws of Utah 2015, Chapter 451

**79-3-202**, as last amended by Laws of Utah 2022, Chapter 216

**ENACTS:**

**19-6-1301**, Utah Code Annotated 1953

**19-6-1302**, Utah Code Annotated 1953

19-6-1303, Utah Code Annotated 1953

REPEALS:

79-2-405, as enacted by Laws of Utah 2021, Chapter 87

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **19-1-105** is amended to read:

**19-1-105. Divisions of department -- Control by division directors.**

(1) The following divisions are created within the department:

(a) the Division of Air Quality, to administer [~~Title 19, Chapter 2, Air Conservation Act~~] Chapter 2, Air Conservation Act;

(b) the Division of Drinking Water, to administer [~~Title 19, Chapter 4, Safe Drinking Water Act~~] Chapter 4, Safe Drinking Water Act;

(c) the Division of Environmental Response and Remediation, to administer:

(i) [~~Title 19, Chapter 6, Part 3, Hazardous Substances Mitigation Act~~] Chapter 6, Part 3, Hazardous Substances Mitigation Act; and

(ii) [~~Title 19, Chapter 6, Part 4, Underground Storage Tank Act~~] Chapter 6, Part 4, Underground Storage Tank Act;

(d) the Division of Waste Management and Radiation Control, to administer:

(i) [~~Title 19, Chapter 3, Radiation Control Act~~] Chapter 3, Radiation Control Act;

(ii) [~~Title 19, Chapter 6, Part 1, Solid and Hazardous Waste Act~~] Chapter 6, Part 1, Solid and Hazardous Waste Act;

(iii) [~~Title 19, Chapter 6, Part 2, Hazardous Waste Facility Siting Act~~] Chapter 6, Part 2, Hazardous Waste Facility Siting Act;

(iv) [~~Title 19, Chapter 6, Part 5, Solid Waste Management Act~~] Chapter 6, Part 5, Solid Waste Management Act;

(v) [~~Title 19, Chapter 6, Part 6, Lead Acid Battery Disposal~~] Chapter 6, Part 6, Lead Acid Battery Disposal;

(vi) [~~Title 19, Chapter 6, Part 7, Used Oil Management Act~~] Chapter 6, Part 7, Used Oil Management Act;

(vii) [~~Title 19, Chapter 6, Part 8, Waste Tire Recycling Act~~] Chapter 6, Part 8, Waste Tire Recycling Act;

(viii) [~~Title 19, Chapter 6, Part 10, Mercury Switch Removal Act~~] Chapter 6, Part 10, Mercury Switch Removal Act;

(ix) [~~Title 19, Chapter 6, Part 11, Industrial Byproduct Reuse, and~~] Chapter 6, Part 11, Industrial Byproduct Reuse;

(x) [~~Title 19, Chapter 6, Part 12, Disposal of Electronic Waste Program~~] Chapter 6, Part 12, Disposal of Electronic Waste Program; and

(xi) Chapter 6, Part 13, Radon Gas Act; and

(e) the Division of Water Quality, to administer [~~Title 19, Chapter 5, Water Quality Act~~] Chapter 5, Water Quality Act.

(2) Each division is under the immediate direction and control of a division director appointed by the executive director.

(3) (a) A division director shall possess the administrative skills and training necessary to perform the duties of division director.

(b) A division director shall hold one of the following degrees from an accredited college or university:

(i) a four-year degree in physical or biological science or engineering;

(ii) a related degree; or

(iii) a degree in law.

(4) The executive director may remove a division director at will.

(5) A division director shall serve as the executive secretary to the policymaking board, created in Section 19-1-106, that has rulemaking authority over the division director's division.

Section 2. Section **19-6-1301** is enacted to read:

### **Part 13. Radon Gas Act**

#### **19-6-1301. Definitions.**

As used in this section:

(1) "Division" means the Division of Waste Management and Radiation Control created in Section 19-1-105.

(2) "Federal indoor radon gas action limit" mean a level of radon gas greater than or equal to 4.0 pCi/L.

Section 3. Section **19-6-1302** is enacted to read:

#### **19-6-1302. Division duties and powers -- Board rulemaking.**

(1) (a) By no later than July 1, 2023, the division shall publish information on the division's website that describes:

(i) the existence and prevalence of radon gas in residential real property;

(ii) the health risks associated with radon gas;

(iii) options for radon gas testing; and

(iv) options for radon gas remediation.

(b) In preparing the information required by Subsection (1)(a), the division shall consult with the Utah Geological Survey and the Department of Health and Human Services, including coordinating the information with the radon awareness campaign described in Section 26-7-7.

(2) The division may:

(a) develop an online radon gas test database to report radon test data by United States Census block; and

(b) conduct one or more studies, in coordination with the Utah Geological Survey, to:

(i) determine natural, background levels of radon gas statewide; and

(ii) evaluate the federal indoor radon gas action limit and the effectiveness of the federal indoor radon gas action limit.

(3) The Waste Management and Radiation Control Board shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to create a process whereby radon mitigation contractors and laboratories may voluntarily report the results of radon testing to the division.

Section 4. Section **19-6-1303** is enacted to read:

**19-6-1303. Public building radon plans -- Reports.**

(1) This section applies to:

(a) the State Board of Education in relation to public schools within the state;

(b) the Department of Corrections in relation to secure correctional facilities, as defined in Section 64-13-1; and

(c) the Division of Facilities Construction and Management in relation to public buildings owned or operated by the state.

(2) (a) An entity listed in Subsection (1) shall prepare a plan to test public buildings for and mitigate radon levels in public buildings that are above the federal indoor gas action limit.

(b) An entity listed in Subsection (1) shall report the agency's plan under this Subsection (2) to the Natural Resources, Agriculture, and Environment Interim Committee by no later than the 2023 November interim meeting of the Natural Resources, Agriculture, and Environment Interim Committee.

(3) The division may coordinate efforts to test public buildings for and mitigate radon levels in public buildings that are above the federal indoor gas action limit.

Section 5. Section **26-7-7** is amended to read:

**26-7-7. Radon awareness campaign.**

(1) The department shall~~[; in consultation with the Division of Waste Management and Radiation Control;];~~

(a) develop a statewide electronic awareness campaign to educate the public regarding:

~~[(1)]~~ (i) the existence and prevalence of radon gas in buildings and structures;

~~[(2)]~~ (ii) the health risks associated with radon gas;

~~[(3)]~~ (iii) options for radon gas testing; and

~~[(4)]~~ (iv) options for radon gas remediation~~[;];~~ and

(b) seek opportunities to sponsor outreach at preparedness or community fairs.

(2) The department shall consult with the following entities in developing information related to activities under this section:

(a) the Division of Waste Management and Radiation Control; and

(b) the Utah Geological Survey.

Section 6. Section **79-3-202** is amended to read:

**79-3-202. Powers and duties of survey.**

(1) The survey shall:

(a) assist and advise state and local agencies and state educational institutions on geologic, paleontologic, and mineralogic subjects;

(b) collect and distribute reliable information regarding the mineral industry and mineral resources, topography, paleontology, and geology of the state;

(c) survey the geology of the state, including mineral occurrences and the ores of metals, energy resources, industrial minerals and rocks, mineral-bearing waters, and surface and ground water resources, with special reference to their economic contents, values, uses, kind, and availability in order to facilitate their economic use;

(d) investigate the kind, amount, and availability of mineral substances contained in lands owned and controlled by the state, to contribute to the most effective and beneficial administration of these lands for the state;

(e) determine and investigate areas of geologic and topographic hazards that could affect the safety of, or cause economic loss to, the citizens of the state;

(f) assist local and state agencies in their planning, zoning, and building regulation functions by publishing maps, delineating appropriately wide special earthquake risk areas, and, at the request of state agencies or other governmental agencies, review the siting of critical facilities;

(g) cooperate with state agencies, political subdivisions of the state, quasi-governmental agencies, federal agencies, schools of higher education, and others in fields of mutual concern, which may include field investigations and preparation, publication, and distribution of reports and maps;

(h) collect and preserve data pertaining to mineral resource exploration and development programs and construction activities, such as claim maps, location of drill holes, location of surface and underground workings, geologic plans and sections, drill logs, and assay and sample maps, including the maintenance of a sample library of cores and cuttings;

(i) study and analyze other scientific, economic, or aesthetic problems as, in the judgment of the board, should be undertaken by the survey to serve the needs of the state and to support the development of natural resources and utilization of lands within the state;

(j) prepare, publish, distribute, and sell maps, reports, and bulletins, embodying the work accomplished by the survey, directly or in collaboration with others, and collect and prepare exhibits of the geological and mineral resources of this state and interpret their significance;

(k) collect, maintain, and preserve data and information in order to accomplish the purposes of this section and act as a repository for information concerning the geology of this state;

(l) stimulate research, study, and activities in the field of paleontology;

(m) mark, protect, and preserve critical paleontological sites;

(n) collect, preserve, and administer critical paleontological specimens until the specimens are placed in a repository or curation facility;

(o) administer critical paleontological site excavation records;

(p) edit and publish critical paleontological records and reports;

(q) by following the procedures and requirements of Title 63J, Chapter 5, Federal Funds Procedures Act, seek federal grants, loans, or participation in federal programs, and, in accordance with applicable federal program guidelines, administer federally funded state programs regarding:

(i) renewable energy;

(ii) energy efficiency; and

(iii) energy conservation; ~~[and]~~

(r) collect the land use permits described in Sections 10-9a-521 and 17-27a-520[-]; and

(s) cooperate with the Division of Waste Management and Radiation Control and the Department of Health and Human Services with regard to radon gas.

(2) (a) The survey may maintain as confidential, and not as a public record, information provided to the survey by any source.

(b) The board shall adopt rules in order to determine whether to accept the information described in Subsection (2)(a) and to maintain the confidentiality of the accepted information.

(c) The survey shall maintain information received from any source at the level of confidentiality assigned to it by the source.

(3) Upon approval of the board, the survey shall undertake other activities consistent with Subsection (1).

(4) (a) Subject to the authority granted to the department, the survey may enter into cooperative agreements with the entities specified in Subsection (1)(g), if approved by the board, and may accept or commit allocated or budgeted funds in connection with those agreements.

(b) The survey may undertake joint projects with private entities if:

(i) the action is approved by the board;

(ii) the projects are not inconsistent with the state's objectives; and

(iii) the results of the projects are available to the public.

#### Section 7. **Repealer.**

This bill repeals:

Section **79-2-405, Radon study.**

