



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3645

Introduced 2/9/2024, by Sen. Laura Ellman

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-20.48

105 ILCS 5/34-18.39

Amends the School Code. In provisions concerning radon testing, provides that every school building of a school district that is occupied or will be occupied shall be tested by January 1, 2028 and shall be tested every 5 years thereafter for radon (instead of recommending that every occupied school building of a school district be tested every 5 years for radon). Provides that all new schools of a school district shall be built using radon resistant new construction techniques in accordance with the American National Standards Institute/American Association of Radon Scientists and Technologists CC-1000, Soil Gas Control Systems in New Construction of Multifamily, School, Commercial and Mixed-Use Buildings standard or a successor standard (instead of recommending that new schools of a school district be built using radon resistant new construction techniques, as shown in the United States Environmental Protection Agency document, Radon Prevention in the Design and Construction of Schools and Other Large Buildings). Removes a provision allowing a person to perform radon screening tests without a license. Makes changes concerning the exemption. Provides that if radon is found to exceed specified levels, then the school district shall (instead of may) hire a licensed radon professional to perform confirmatory measurements (instead of to perform measurements before any mitigation decisions are made). Sets forth provisions concerning mitigation. Provides that a school district may use life safety funds, if available, for radon testing and mitigation. Preempts home rule powers.

LRB103 38665 RJT 68802 b

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Sections
5 10-20.48 and 34-18.39 as follows:

6 (105 ILCS 5/10-20.48)

7 Sec. 10-20.48. Radon testing and mitigation.

8 (a) Every ~~It is recommended that every~~ occupied school
9 building of a school district that is occupied or will be
10 occupied shall be tested by January 1, 2028 and shall be tested
11 every 5 years thereafter for radon pursuant to rules
12 established by the Illinois Emergency Management Agency and
13 Office of Homeland Security (IEMA-OHS ~~IEMA~~).

14 (b) All ~~It is recommended that~~ new schools of a school
15 district shall be built using radon resistant new construction
16 techniques in accordance with the American National Standards
17 Institute/American Association of Radon Scientists and
18 Technologists CC-1000, Soil Gas Control Systems in New
19 Construction of Multifamily, School, Commercial and Mixed-Use
20 Buildings standard or a successor standard, as shown in the
21 ~~United States Environmental Protection Agency document, Radon~~
22 ~~Prevention in the Design and Construction of Schools and Other~~
23 ~~Large Buildings.~~

1 (c) Each school district shall ~~may~~ maintain, make
2 available for public review, and notify parents and faculty of
3 all test results under this Section. The district shall report
4 radon test results to the State Board of Education, which
5 shall prepare a report every 2 years of the results from all
6 schools that have performed tests, to be submitted to the
7 General Assembly and the Governor.

8 (d) ~~If IEMA exempts an individual from being required to~~
9 ~~be a licensed radon professional, the individual does not need~~
10 ~~to be a licensed radon professional in order to perform~~
11 ~~screening tests under this Section.~~ A school district may
12 elect to have one or more employees from the district attend an
13 IEMA-OHS-approved ~~IEMA-approved~~, Internet-based training
14 course on school testing in order to receive, from IEMA-OHS,
15 an exemption from being required to be a licensed radon
16 professional to conduct radon screening tests ~~testing~~ in
17 schools in that school district. These school district
18 employees must perform the measurements in accordance with
19 procedures approved by IEMA-OHS ~~IEMA~~. If an exemption from
20 IEMA-OHS ~~IEMA~~ is not received, the school district must use a
21 licensed radon professional to conduct measurements.

22 (e) If the results of a radon screening test under this
23 Section are found to be 4.0 pCi/L or above, the school district
24 shall ~~may~~ hire a licensed radon professional to perform
25 confirmatory measurements ~~before any mitigation decisions are~~
26 ~~made~~. If the confirmatory measurements verify radon levels of

1 4.0 pCi/L or above, the building shall ~~are found, it is~~
2 ~~recommended that affected areas~~ be mitigated within 2 years by
3 a licensed radon mitigation professional ~~with respect to both~~
4 ~~design and installation.~~ IEMA-OHS ~~IEMA~~ may provide the school
5 district with a list of licensed radon mitigation
6 professionals. However, no radon mitigation is required if the
7 school district has decommissioned or plans to decommission
8 the building within 2 years following the radon screening
9 test.

10 (e-5) Upon completion of any mitigation system
11 installation, radon measurements shall be conducted by a
12 licensed radon measurement professional pursuant to rules
13 established by IEMA-OHS to ensure mitigation system
14 performance. If the results of a radon screening test under
15 this Section are found to be 4.0 pCi/L or above, the system
16 shall be modified until the results of a radon screening test
17 under this Section are found to be below 4.0 pCi/L.

18 (f) A screening test under this Section may be done with a
19 test kit found in a hardware store, department store, or home
20 improvement store or with a kit ordered through the mail or
21 over the Internet. However, the kit must be provided by a
22 laboratory licensed in accordance with the Radon Industry
23 Licensing Act.

24 (g) A school district may use life safety funds, if
25 available, for radon testing and mitigation.

26 (h) A home rule unit may not regulate school radon issues

1 in a manner that diminishes the school radon protections
2 provided under this Section. This Section is a limitation
3 under subsection (i) of Section 6 of Article VII of the
4 Illinois Constitution on the concurrent exercise by home rule
5 units of powers and functions exercised by the State.

6 (Source: P.A. 96-417, eff. 1-1-10; 96-1000, eff. 7-2-10.)

7 (105 ILCS 5/34-18.39)

8 Sec. 34-18.39. Radon testing and mitigation.

9 (a) Every ~~It is recommended that every occupied school~~
10 ~~building of the school district~~ that is occupied or will be
11 occupied shall be tested by January 1, 2028 and shall be tested
12 every 5 years thereafter for radon pursuant to rules
13 established by the Illinois Emergency Management Agency and
14 Office of Homeland Security (IEMA-OHS ~~IEMA~~).

15 (b) All ~~It is recommended that~~ new schools of the school
16 district shall be built using radon resistant new construction
17 techniques in accordance with the American National Standards
18 Institute/American Association of Radon Scientists and
19 Technologists CC-1000, Soil Gas Control Systems in New
20 Construction of Multifamily, School, Commercial and Mixed-Use
21 Buildings standard or a successor standard, ~~as shown in the~~
22 ~~United States Environmental Protection Agency document, Radon~~
23 ~~Prevention in the Design and Construction of Schools and Other~~
24 ~~Large Buildings.~~

25 (c) The school district shall ~~may~~ maintain, make available

1 for public review, and notify parents and faculty of all test
2 results under this Section. The district shall report radon
3 test results to the State Board of Education, which shall
4 prepare a report every 2 years of the results from all schools
5 that have performed tests, to be submitted to the General
6 Assembly and the Governor.

7 (d) ~~If IEMA exempts an individual from being required to~~
8 ~~be a licensed radon professional, the individual does not need~~
9 ~~to be a licensed radon professional in order to perform~~
10 ~~screening tests under this Section.~~ The school district may
11 elect to have one or more employees from the district attend an
12 IEMA-OHS-approved ~~IEMA-approved~~, Internet-based training
13 course on school testing in order to receive, from IEMA-OHS,
14 an exemption from being required to be a licensed radon
15 professional to conduct radon screening tests ~~testing~~ in
16 schools in the school district. These school district
17 employees must perform the measurements in accordance with
18 procedures approved by IEMA-OHS ~~IEMA~~. If an exemption from
19 IEMA-OHS ~~IEMA~~ is not received, the school district must use a
20 licensed radon professional to conduct measurements.

21 (e) If the results of a radon screening test under this
22 Section are found to be 4.0 pCi/L or above, the school district
23 shall ~~may~~ hire a licensed radon professional to perform
24 confirmatory measurements ~~before any mitigation decisions are~~
25 ~~made~~. If the confirmatory measurements verify radon levels of
26 4.0 pCi/L or above, the building shall ~~are found, it is~~

1 ~~recommended that affected areas~~ be mitigated within 2 years by
2 a licensed radon mitigation professional ~~with respect to both~~
3 ~~design and installation.~~ IEMA-OHS ~~IEMA~~ may provide the school
4 district with a list of licensed radon mitigation
5 professionals. However, no radon mitigation is required if the
6 school district has decommissioned or plans to decommission
7 the building within 2 years following the radon screening
8 test.

9 (e-5) Upon completion of any mitigation system
10 installation, radon measurements shall be conducted by a
11 licensed radon measurement professional pursuant to rules
12 established by IEMA-OHS to ensure mitigation system
13 performance. If the results of a radon screening test under
14 this Section are found to be 4.0 pCi/L or above, the system
15 shall be modified until the results of a radon screening test
16 under this Section are found to be below 4.0 pCi/L.

17 (f) A screening test under this Section may be done with a
18 test kit found in a hardware store, department store, or home
19 improvement store or with a kit ordered through the mail or
20 over the Internet. However, the kit must be provided by a
21 laboratory licensed in accordance with the Radon Industry
22 Licensing Act.

23 (g) The school district may use life safety funds, if
24 available, for radon testing and mitigation.

25 (h) A home rule unit may not regulate school radon issues
26 in a manner that diminishes the school radon protections

1 provided under this Section. This Section is a limitation
2 under subsection (i) of Section 6 of Article VII of the
3 Illinois Constitution on the concurrent exercise by home rule
4 units of powers and functions exercised by the State.

5 (Source: P.A. 96-417, eff. 1-1-10; 96-1000, eff. 7-2-10.)