

AN ACT concerning residential construction.

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

Section 1. Short title. This Act may be cited as the Radon Resistant Construction Act.

Section 5. Findings. Radon is a radioactive element that is part of the radioactive decay chain of naturally occurring uranium in soil. Radon is the leading cause of lung cancer among non-smokers and the number one risk in homes according to the Harvard School of Public Health, Center for Risk Analysis. The 2008-2009 Annual Report from the President's Cancer Panel stated: "Comparative risk assessments by the Environmental Protection Agency and its Science Advisory Board have consistently ranked radon among the top 4 environmental risks to the public.". The World Health Organization's Handbook on Radon Key Messages include: "There is no known threshold concentration below which radon exposure presents no risk. The majority of radon-induced lung cancers are caused by low and moderate radon concentrations rather than by high radon concentrations, because in general less people are exposed to high indoor radon concentrations.". The Surgeon General of the United States urged Americans to test their homes to find out how much radon they might be breathing. The United States

Environmental Protection Agency estimates that more than 20,000 Americans die of radon-related lung cancer each year.

Section 10. Primary responsibility with Illinois Emergency Management Agency.

(a) The Illinois Emergency Management Agency shall have primary responsibility for coordination, oversight, and implementation of all State functions in matters concerning the presence, effects, measurement, and mitigation of risks of radon and radon progeny in dwellings and other buildings. The Department of Natural Resources, the Environmental Protection Agency, the Department of Public Health, and other State agencies shall consult and cooperate with the Agency as requested and as necessary to fulfill the purposes of this Act.

(b) The Agency shall promulgate rules necessary for the administration and implementation of this Act.

Section 15. Definitions. As used in this Act, unless the context requires otherwise:

"Active mitigation system", also known as "active soil depressurization" or "ASD", means a family of radon mitigation systems involving mechanically driven soil depressurization, including sub-slab depressurization (SSD), drain tile depressurization (DTD), block wall depressurization (BWD), and sub-membrane depressurization (SMD).

"Agency" means the Illinois Emergency Management Agency.

"New residential construction" means any original construction of a single-family home or a dwelling containing 2 or fewer apartments, condominiums, or town houses.

"Passive new construction pipe" means a pipe installed in new construction that relies solely on the convective flow of air upward for soil gas depressurization and may consist of multiple pipes routed through conditioned space from below the foundation to above the roof.

"Radon" means a gaseous radioactive decay product of uranium or thorium.

"Radon contractor" means a person licensed in accordance with the Radon Industry Licensing Act to perform radon or radon progeny mitigation or to perform measurements of radon or radon progeny in an indoor atmosphere.

"Radon resistant construction" means the installation of passive new construction pipe during new residential construction.

"Residential building code" means an ordinance, resolution, or law that establishes standards applicable to new residential construction.

"Residential building contractor" means any individual, corporation, or partnership that constructs new residential construction.

"Task Force on Radon-Resistant Building Codes" means the Task Force on Radon-Resistant Building Codes as authorized by the Radon Industry Licensing Act.

Section 20. Adoption of passive radon resistant construction. All new residential construction in this State shall include passive radon resistant construction.

Section 25. Installation of active mitigation systems. The installation of an active mitigation system shall only be performed by a radon contractor. The installation of radon resistant construction may be performed by a residential building contractor or his or her subcontractors or a radon contractor during new residential construction. Only a radon contractor may install a radon vent fan or upgrade a passive new construction pipe to an active mitigation system.

Section 30. Local administration and enforcement. A local governmental unit that has adopted any ordinance, resolution, or law regulating radon resistant construction may provide for its administration and enforcement.

Section 35. Local standards. Governmental units may adopt, pursuant to local ordinance, regulations at least as stringent as the rules promulgated by the Agency or may, by ordinance or resolution, adopt the rules promulgated by the Agency for radon resistant construction and the fixtures, materials, and design and installation methods of radon resistant construction systems. The rules promulgated by the Agency may be

incorporated in the ordinance or resolution by reference.

Section 97. The Radon Industry Licensing Act is amended by changing Section 28 as follows:

(420 ILCS 44/28)

Sec. 28. Task Force on Radon-Resistant Building Codes.

(a) The Radon-Resistant Building Codes Task Force is created. The Task Force consists of the following members:

(1) the Director, ex officio, or his or her representative, who is the chair of the Task Force;

(2) a representative, designated by the Director, of a home builders' association in Illinois;

(3) a representative, designated by the Director, of a home inspectors' association in Illinois;

(4) a representative, designated by the Director, of an international building code organization;

(5) a representative, designated by the Director, of an Illinois realtors' organization;

(6) two representatives, designated by the Director, of respiratory disease organizations, each from a different organization;

(7) a representative, designated by the Director, of a cancer research and prevention organization;

(8) a representative, designated by the Director, of a municipal organization in Illinois;

(9) one person appointed by the Speaker of the House of Representatives;

(10) one person appointed by the Minority Leader of the House of Representatives;

(11) one person appointed by the President of the Senate; and

(12) one person appointed by the Minority Leader of the Senate.

(b) The Task Force shall meet at the call of the chair. Members shall serve without compensation, but may be reimbursed for their reasonable expenses from moneys appropriated for that purpose. The Agency shall provide staff and support for the operation of the Task Force.

(c) The Task Force shall make recommendations to the Governor and, the Agency, ~~the Environmental Protection Agency,~~ ~~and the Pollution Control Board~~ concerning the adoption of rules for building codes and, by January 1, 2013, for radon resistant construction in new residential construction.

(Source: P.A. 96-195, eff. 8-10-09.)

Section 99. Effective date. This Act takes effect June 1, 2013, except that this Section and Section 97 take effect upon becoming law.