

1 AN ACT concerning residential construction.

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

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

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

1 Environmental Protection Agency estimates that more than  
2 20,000 Americans die of radon-related lung cancer each year.

3 Section 10. Primary responsibility with Illinois Emergency  
4 Management Agency.

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

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

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

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

24 "Agency" means the Illinois Emergency Management Agency.

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

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

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

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

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

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

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

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

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

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

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

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

1 incorporated in the ordinance or resolution by reference.

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

4 (420 ILCS 44/28)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20          Section 99. Effective date. This Act takes effect June 1,  
21          2013, except that this Section and Section 97 take effect upon  
22          becoming law.