

113TH CONGRESS
1ST SESSION

H. R. 275

To establish a grant program to test and mitigate radon levels in public schools, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 15, 2013

Mr. BRALEY of Iowa introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To establish a grant program to test and mitigate radon levels in public schools, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “End Radon in Schools
5 Act”.

6 **SEC. 2. ESTABLISHMENT OF GRANT PROGRAM.**

7 (a) IN GENERAL.—Subject to the availability of ap-
8 propriations to carry out this Act, not later than 1 year
9 after the date that Federal funds are first appropriated
10 for this Act, the Administrator of the Environmental Pro-

1 tection Agency, in consultation with the Secretary of Edu-
2 cation, shall establish a program under which the Admin-
3 istrator may award grants to States to conduct short-term
4 radon testing to identify and mitigate unsafe radon levels
5 in public schools.

6 (b) GUIDELINES.—Not later than 1 year after the
7 date of enactment of this Act, the Administrator shall re-
8 view, update, revise, and publish the Radon Measurements
9 In Schools Guidelines with current information and guid-
10 ance on radon testing in a public school.

11 **SEC. 3. GRANT AWARDS.**

12 In carrying out the program under this Act, the Ad-
13 ministrator shall—

14 (1) provide a grant award for each State se-
15 lected to receive a grant under this Act to complete
16 the testing under section 5(b);

17 (2) in the case of a State that submits a report
18 and is required to conduct mitigation under section
19 5(c)(1)—

20 (A) provide an additional grant award for
21 the State to conduct such mitigation under such
22 subparagraph (A) of such section; or

23 (B) conduct such mitigation under sub-
24 paragraph (B) of such section; and

1 (3) in the case of a State that submits a report
2 and is required to conduct reevaluation under sec-
3 tion 5(d), provide an additional grant award for the
4 State to complete the reevaluation.

5 **SEC. 4. APPLICATION; PRIORITY.**

6 (a) APPLICATION.—To be eligible to receive a grant
7 under this Act, a State shall submit an application to the
8 Administrator in such manner, at such time, and con-
9 taining such information as the Administrator may re-
10 quire, including a certification that the grant funds will
11 be used to—

12 (1) test the radon levels in public schools pursu-
13 ant to section 5(b); and

14 (2) mitigate the effects of unsafe radon levels in
15 public schools pursuant to section 5(c), determined
16 by the test under paragraph (1).

17 (b) PRIORITY.—In awarding grants to States under
18 this Act, the Administrator shall—

19 (1) determine the priority of grant awards by
20 ranking each State that submits an application in
21 relation to each other such State; and

22 (2) in ranking States under paragraph (1)—

23 (A) assign highest priority to a State with
24 100 percent of such State’s landmass in Radon
25 Zone 1;

1 (B) in a case in which multiple States have
2 100 percent of such States' landmasses in
3 Radon Zone 1, assign priority among such
4 States at the Administrator's discretion;

5 (C) assign second highest priority to a
6 State with at least 50 percent of such State's
7 landmass in Radon Zone 1;

8 (D) in a case in which multiple States have
9 at least 50 percent of such States' landmasses
10 in Radon Zone 1, assign priority among such
11 States at the Administrator's discretion; and

12 (E) in a case in which a State has less
13 than 50 percent of such State's landmass in
14 Radon Zone 1, assign priority to such State at
15 the Administrator's discretion.

16 **SEC. 5. USE OF FUNDS.**

17 (a) IN GENERAL.—A State that receives a grant
18 under this Act shall—

19 (1) follow the Radon Measurements In Schools
20 Guidelines updated pursuant to section 2(b);

21 (2) test radon levels in each public school pur-
22 suant to subsection (b);

23 (3) if necessary, mitigate unsafe radon levels
24 pursuant to subsection (c); and

1 (4) if necessary, reevaluate mitigation pursuant
2 to subsection (d).

3 (b) TESTING.—A State that receives a grant under
4 this Act shall—

5 (1) conduct testing in each public school in
6 such State consistent with the Administrator’s
7 Radon Measurements In Schools Guidelines updated
8 pursuant to section 2(b);

9 (2) submit a report to the Administrator—

10 (A) describing the results of each test con-
11 ducted pursuant to paragraph (1); and

12 (B) if necessary, estimating the funds nec-
13 essary to conduct an additional short-term test
14 under paragraph (3); and

15 (3) in the case of a school that should have ad-
16 ditional testing, according to initial testing con-
17 ducted under paragraph (1), conduct such follow-up
18 testing consistent with the Administrator’s Radon
19 Measurements In Schools Guidelines updated pursu-
20 ant to section 2(b).

21 (c) MITIGATION.—

22 (1) IN GENERAL.—In the case of a public
23 school at which testing conducted under paragraphs
24 (1) and (3) of subsection (b) met the recommenda-
25 tions for mitigation in the Administrator’s Radon

1 Measurements In Schools Guidelines updated pursu-
2 ant to section 2(b)—

3 (A) if the State’s report under paragraph
4 (2) includes the certification described in para-
5 graph (2)(A), the State shall mitigate the radon
6 level at the public school by providing funds to
7 the local educational agency serving such school
8 to enable the agency to carry out the mitigation
9 described in paragraph (3); or

10 (B) if the State’s report under paragraph
11 (2) does not include such certification, the Ad-
12 ministrator shall carry out the mitigation de-
13 scribed in paragraph (3), directly or by contract
14 funded under this grant program.

15 (2) CERTIFICATION; REPORTING.—A State that
16 receives a grant under this Act shall—

17 (A) if necessary, seek certification from
18 each local educational agency that serves each
19 public school described in paragraph (1) that
20 such agency will, if provided funding pursuant
21 to section 3(2)(A), complete the actions de-
22 scribed in paragraph (3); and

23 (B) submit a report to the Administrator
24 that—

1 (i) in the case in which a local edu-
2 cational agency provides certification to the
3 State under subparagraph (A), includes
4 such certification;

5 (ii) describes the results of each test
6 at such public school conducted under sub-
7 section (b); and

8 (iii) if necessary, estimates the funds
9 necessary to conduct mitigation at such
10 public school pursuant to paragraph (3).

11 (3) MITIGATION REQUIREMENTS.—In miti-
12 gating the radon levels at public schools, the Admin-
13 istrator or a local educational agency, as appro-
14 priate, shall—

15 (A) work with a qualified radon mitigation
16 professional to determine the most effective way
17 to mitigate the radon at the public school;

18 (B) create a mitigation plan within 3
19 months after the completion of the testing
20 under subsection (b);

21 (C) designate a mitigation unit and imple-
22 ment the mitigation plan under subparagraph
23 (B) within one year after completion of the
24 testing under subsection (b);

1 (D) conduct a short-term test not less than
2 once every two years; and

3 (E) if necessary, conduct the reevaluation
4 under subsection (d).

5 (d) REEVALUATION.—If the follow-up testing under
6 subsection (c)(3)(D) conducted after the mitigation plan
7 is implemented results in a radon level that is still meeting
8 the recommendations for mitigation in the Administrator’s
9 Radon Measurements In Schools Guidelines updated pur-
10 suant to section 2(b), the local educational agency that
11 serves the school shall—

12 (1) reevaluate the mitigation plan under sub-
13 section (c)(3)(B) in consultation with a qualified
14 radon mitigation professional;

15 (2) create an alternative mitigation plan to re-
16 place the mitigation plan;

17 (3) submit a report to the Administrator—

18 (A) describing the results of such annual
19 test; and

20 (B) estimating the funds necessary to con-
21 duct reevaluation under this subsection; and

22 (4) direct the mitigation unit to implement an
23 alternative mitigation plan under subsection (c)(3)
24 within 6 months after the date of the follow-up test.

1 **SEC. 6. DEFINITIONS.**

2 In this Act:

3 (1) ADMINISTRATOR.—The term “Adminis-
4 trator” means the Administrator of the Environ-
5 mental Protection Agency.

6 (2) LOCAL EDUCATIONAL AGENCY.—The term
7 “local educational agency” has the meaning given
8 that term in section 9101 of the Elementary and
9 Secondary Education Act of 1965 (20 U.S.C. 7801).

10 (3) MITIGATION PLAN.—The term “mitigation
11 plan” means the plan to mitigate radon created by
12 the qualified radon mitigation professional in con-
13 sultation with the local educational agency under
14 section 5(c)(3)(B).

15 (4) MITIGATION UNIT.—The term “mitigation
16 unit” means the individuals designated under section
17 5(c)(3)(C) by the local educational agency to imple-
18 ment the mitigation plan.

19 (5) PUBLIC SCHOOL.—The term “public
20 school” has the meaning given that term in section
21 5145 of the Elementary and Secondary Education
22 Act of 1965 (20 U.S.C. 7217d).

23 (6) QUALIFIED RADON MITIGATION PROFES-
24 SIONAL.—The term “qualified radon mitigation pro-
25 fessional” means an individual—

1 (A) licensed, certified, registered, or quali-
2 fied by a State radon program to mitigate
3 radon;

4 (B) certified by a national radon profes-
5 sional organization; or

6 (C) approved by the Administrator to miti-
7 gate radon.

8 (7) RADON MEASUREMENTS IN SCHOOLS
9 GUIDELINES.—The term “Radon Measurements In
10 Schools Guidelines” means the report entitled
11 “Radon Measurements In Schools” produced by the
12 Administrator in July 1993, describing current in-
13 formation and guidance on radon testing in a public
14 school.

15 (8) RADON ZONE 1.—The term “Radon Zone
16 1” means those areas with a predicted average in-
17 door radon screening level greater than 4 picocuries
18 per liter.

19 (9) SECRETARY.—The term “Secretary” means
20 the Secretary of Education.

21 (10) SHORT-TERM TEST.—The term “short-
22 term test” means a test approved by the Adminis-
23 trator in which a testing device remains in an area
24 for not less than 2 days and not more than 90 days

1 to determine the amount of radon in the air that is
2 acceptable for human inhalation.

3 (11) STATE.—The term “State” means each of
4 the several States of the United States and the Dis-
5 trict of Columbia.

○