

112TH CONGRESS
2D SESSION

H. R. 6396

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

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 13, 2012

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 180 days
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 180 days 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 an initial grant award for each
15 State selected to receive a grant under this Act to
16 complete the testing under section 5(b)(1);

17 (2) in the case of a State that submits a report
18 and is required to conduct an additional test under
19 section 5(b)(3), provide an additional grant award
20 for the State to complete such test;

21 (3) in the case of a State that submits a report
22 and is required to conduct mitigation under section
23 5(c)(1)—

1 (A) provide an additional grant award for
2 the State to conduct such mitigation under such
3 subparagraph (A) of such section; or

4 (B) conduct such mitigation under sub-
5 paragraph (B) of such section; and

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

10 **SEC. 4. APPLICATION; PRIORITY.**

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

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

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

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

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

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

5 (A) assign highest priority to a State with
6 100 percent of such State’s landmass in Radon
7 Zone 1;

8 (B) in a case in which multiple States have
9 100 percent of such States’ landmasses in
10 Radon Zone 1, assign priority among such
11 States at the Secretary’s discretion; and

12 (C) in a case in which a State has less
13 than 100 percent of such State’s landmass in
14 Radon Zone 1, assign priority to such State at
15 the Secretary’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 a short-term test in each public
6 school in such State;

7 (2) submit a report to the Administrator—

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

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

13 (3) in the case of a school that has, according
14 to a test conducted under paragraph (1), a radon
15 level at or above 4 picocuries per liter at a public
16 school, conduct an additional short-term test at such
17 public school at a time and manner consistent with
18 the Administrator’s Radon Measurements In Schools
19 Guidelines updated pursuant to section 2(b).

20 (c) MITIGATION.—

21 (1) IN GENERAL.—In the case of a public
22 school at which tests conducted under paragraphs
23 (1) and (3) of subsection (b) average at least 4
24 picocuries per liter—

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

9 (B) if the State's report under paragraph
10 (2) does not include such certification, the Ad-
11 ministrator shall carry out the mitigation de-
12 scribed in paragraph (3), directly or by con-
13 tract.

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

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

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

24 (i) in the case in which a local edu-
25 cational agency provides certification to the

1 State under subparagraph (A), includes
2 such certification;

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

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

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

13 (A) work with a licensed radon mitigation
14 professional to determine the most effective way
15 to mitigate the radon at the public school;

16 (B) create a mitigation plan within 3
17 months after the date of the second short-term
18 test under subsection (b)(3);

19 (C) designate a mitigation unit and imple-
20 ment the mitigation plan under subparagraph
21 (B) within 6 months after the date of the sec-
22 ond short-term test under subsection (b)(3);

23 (D) conduct a short-term test not less than
24 once per year; and

1 (E) if necessary, conduct the reevaluation
2 under subsection (d).

3 (d) REEVALUATION.—If the first annual test under
4 subsection (c)(3)(D) conducted after the mitigation plan
5 is implemented results in a radon level at or above 4
6 picocuries per liter at a public school, the local educational
7 agency that serves the school shall—

8 (1) reevaluate the mitigation plan under sub-
9 section (c)(3)(B) in consultation with a licensed
10 radon mitigation professional;

11 (2) create an alternative mitigation plan to re-
12 place the mitigation plan;

13 (3) submit a report to the Administrator—

14 (A) describing the results of such annual
15 test; and

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

18 (4) direct the mitigation unit to implement an
19 alternative mitigation plan under subsection (c)(3)
20 within 6 months after the date of such annual test.

21 **SEC. 6. DEFINITIONS.**

22 In this Act:

23 (1) ADMINISTRATOR.—The term “Adminis-
24 trator” means the Administrator of the Environ-
25 mental Protection Agency.

1 (2) LICENSED RADON MITIGATION PROFES-
2 SIONAL.—The term “licensed radon mitigation pro-
3 fessional” means an individual—

4 (A) licensed, registered, or qualified by a
5 State radon program to mitigate radon; or

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

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

12 (4) MITIGATION PLAN.—The term “mitigation
13 plan” means the plan to mitigate radon created by
14 the licensed radon mitigation professional in con-
15 sultation with the local educational agency under
16 subsection (c)(3)(B).

17 (5) MITIGATION UNIT.—The term “mitigation
18 unit” means the individuals designated under sub-
19 section (c)(3)(C) by the local educational agency to
20 implement the mitigation plan.

21 (6) PUBLIC SCHOOL.—The term “public
22 school” has the meaning given that term in section
23 5145 of the Elementary and Secondary Education
24 Act of 1965 (20 U.S.C. 7217d).

1 (7) RADON MEASUREMENTS IN SCHOOLS
2 GUIDELINES.—The term “Radon Measurements In
3 Schools Guidelines” means the report entitled
4 “Radon Measurements In Schools” produced by the
5 Administrator in July 1993, describing current in-
6 formation and guidance on radon testing in a public
7 school.

8 (8) RADON ZONE 1.—The term “Radon Zone
9 1” means those areas with a predicted average in-
10 door radon screening level greater than 4 picocuries
11 per liter.

12 (9) SECRETARY.—The term “Secretary” means
13 the Secretary of Education.

14 (10) SHORT-TERM TEST.—The term “short-
15 term test” means a test approved by the Adminis-
16 trator in which a testing device remains in an area
17 for not less than 2 days and not more than 90 days
18 to determine the amount of radon in the air that is
19 acceptable for human inhalation.

20 (11) STATE.—The term “State” means each of
21 the several States of the United States and the Dis-
22 trict of Columbia.

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