

Statement of the American Society of Home Inspectors (ASHI)

Presented by Andrew Kasznay

Public Health Committee

S.B. 1040 – AAC The Department of Public Health’s Recommendations Regarding Reporting of Radon Test Results

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The American Society of Home Inspectors (ASHI) is the oldest and most well respected home inspection professional organization in the country. It was founded in 1976 by a home inspector from Connecticut and others who saw the need for professional standards for how a home inspection should be conducted. It remains today the national home inspection professional organization with the most rigorous standards for membership.

I am here today representing the two Connecticut chapters of ASHI to comment on SB 1040 which as drafted, would require many home inspectors and all laboratories to report information regarding radon testing to the Department of Public Health.

We have a number of concerns regarding this bill:

For What Purpose Is this Information to be Collected?

As anyone who has been in the Radon testing business for any length of time knows, there is no rhyme or reason to where and when a house with elevated levels of radon will be found. You can, and often do, find a house with a very high level and the houses on either side of it have very low levels. Even a house in an area that experience would tell you is not likely to have a high reading, will often surprise you, and need remediation. The long standing advice that every house should be tested is very good advice and should be followed.

If the purpose of collecting this information is to identify areas where there are concentrations of high and low readings, and assuming this information will be available to the public – the real effect might be to convince people that live in or are moving to areas with a relatively low concentration of high readings that there is no need to have their house tested – precisely the wrong result.

If the goal is to provide the Department with guidance as to where it should be concentrating their radon testing efforts, much of that data is already available to them. They have the results from the thousands of free Radon test kits that the Health Departments throughout the state have been handing out for years. In the late 1990's the Department of Environmental Protection was able to produce a map identifying areas of potential radon concentration, based on analysis of local geology and the results of approximately 5000 such radon tests. Since that time many thousands of additional tests have been performed via the local health department test kits and this information should be readily available for analysis and mapping to help the Department focus its efforts, without imposing an additional reporting burden on the radon testing profession.

Why is so Much Information Needed?

If the Department does want to collect information on radon tests – why does it need to collect so much information? You would think that they would need:

- The name of the tester
- The address of the test
- The date of the test
- The test results

That should be more than enough information to help identify areas of concern.

In the bill however, the Department proposes to collect, for each radon test:

- The tester's name, the company name and the company address
- The address of the test location
- The building level where the test was performed
- The purpose of the test
- Date and time the test was started
- Date and time the test was ended
- The date the test results were analyzed
- The test results

- **Such other information as the commissioner may require**

The final provision is of particular concern since it will provide the Department unfettered ability to increase the reporting requirement at will - a somewhat ominous provision from the perspective of those who will be doing the reporting, especially considering the amount of information they are already requesting.

In addition, they are requiring that this information be reported on a monthly basis, which again is an unreasonable burden. The Department will certainly not be compiling and using this information on a monthly basis. A more reasonable reporting interval would be every six months.

There is also no requirement in the proposal that reporting at least be allowed online and in a format that is compatible with commonly used software on most computers. If this data will be required to be entered on a proprietary form on special software issued by the State - rather than letting the information be submitted on an Excel spread sheet – the reporting burden will be increased even further.

Privacy

When a house is tested for radon in a real estate transaction, there is an expectation of privacy between the individual doing the testing, the seller and the buyer. The authorization to enter and collect this information is in the context of that transaction. None of the parties expects or wants that information transmitted to become part of a public record somewhere, and to do so may have a chilling effect on the ability to conduct a test as part of the purchase transaction. This concern is amplified by the provision in the proposed bill that would allow the Commissioner to collect “*such other information as the commissioner may require*” which could open the door to the collection of a variety of other information about the house.

Summary

In summary – it does not appear that the purpose of collecting this information has been effectively defined or communicated, and it is certainly not readily apparent. Significant information on prior radon testing in the State is available and there is no evidence that it has been compiled and analyzed prior to determining there is a need for additional information. The reporting requirements as outlined are excessive, burdensome, and not well thought out, and privacy concerns have not been adequately addressed.

We urge the committee to refer this bill back to the Department for a better and more comprehensive analysis of what it is they are trying to do and hopefully a better approach to getting there. As an association we are certainly willing and able to help the department in this effort in any way that we can.

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