

Approved: 4/2/08

Date

MINUTES OF THE HOUSE COMMERCE AND LABOR COMMITTEE

The meeting was called to order by Chairman Steve Brunk at 9:16 A.M. on March 20, 2008 in Room 784 of the DSOB.

All members were present except:

Brenda Landwehr- excused
Candy Ruff- excused
Charles Roth- excused
Kasha Kelley- excused
Mike Kiegerl- excused
Ronnie Metsker- excused

Committee staff present:

Jerry Ann Donaldson, Kansas Legislative Research Department
Dennis Hodgins, Kansas Legislative Research Department
Jill Wolters, Office of Revisor of Statutes
Rena Jefferies, Office of Revisor of Statutes
Stephen Bainum, Committee Assistant

Conferees appearing before the committee:

Stephen E Albright, Broker, McGrew Real Estate

Others attending: See attached list.

The Chairman opened the hearing on **Sub for SB 577-Radon certification and radon awareness laws.**

Stephen Albright presented his testimony in support of **Sub for SB 577 (Attachment 1).**

Representative Grange had a question for Dr. Barnett. Where does the information come from that radon is the leading cause of lung cancer for those who have never smoked? It comes from the United States Environmental Protection Agency.

Kimberly Steves stepped forward to answer several general questions from yesterdays testimony. The first question was about the number of lung cancer deaths in Kansas. She presented a map of the lung cancer deaths in Kansas between 2002 and 2006. The map is available from the Kansas Department of Health and Environment. During that time frame the deaths from lung cancer were 7,742. The American Lung Association estimates that 12 percent of all new lung cancer patients are caused by radon gas. She said that the Department was focused on where the greatest danger from radon was. That is why they are concentrating on homes rather than apartments or businesses. Finally, Kimberly said that the fines levels were taken from existing statutes. They apply only to the certification part of the law.

Representative Grange asked how KDHE was going to enforce this. Kimberly said they would perform inspections on the mitigation systems that were installed and their records. Representative Grant asked who would be authorized to provide the training. Kimberly said that they plan to adopt the certification programs of the National Environmental Health Association and/or the National Radon Safety Board. There are regional training centers across the nation and the one that applies to Kansas is called the Midwest University and Radon Consortium.

The Chairman reminded the committee that this was a certification program, not a license program. Anyone can become certified.

Representative Quigley asked for an explanation of the zones shown on the map. Bruce Snead with Kansas State University, technical resource for KDHE said that Zone 1 means that if all the homes in that county were tested the average would be 4 or more picocuries per liter, pCi/L. Zone 2 would be 2 to 4 pCi/L and Zone 3 would be less than 2 pCi/L. It is a classification of radon potential. Representative Quigley also asked how successful mitigation was. Kimberly said that typically the levels are lowered to below 2 pCi/L. The goal is to get it below 4 so generally they are very successful.

CONTINUATION SHEET

MINUTES OF THE House Commerce and Labor Committee at 9:16 A.M. on March 20, 2008 in Room 784 of the DSOB.

Representative Tietze asked who sets the guidelines and how often are they reexamined. Kimberly said that the established standards for radon mitigation are by the United States Environment Protection Agency, the American Society of Testing Materials and the American Association of Radon Scientists and Technologists. KDHE has no desire to write it's own standards.

Representative Grange asked about continuing education requirements. Kimberly said they were not a part of the KDHE requirement. They are part of the National Environmental Health Association certification program. The requirement for measurement is 16 hours every two years and for mitigation it is 24 hours every two years.

Representative Brunk asked about the time frame involved in radon causing lung cancer. Kimberly said that it was usually a life time of cumulative exposure.

Representative Garcia asked what environment radon occurs in. Kimberly said that radon is naturally occurring and comes from uranium in the soil which decays to radon. It is a natural occurring element in the soil everywhere.

Due to the house floor time beginning at 10:00 AM the Chairman advised the committee and the audience that the committee would continue the hearing Monday, March 24 at 9:15 AM.

The meeting was adjourned at 9:50 AM

COMMERCE & LABOR COMMITTEE

DATE: 3-20-08

NAME	REPRESENTING
Stephen E. Albright	Self
Bruce SNEAD	KSU-KDHE
Jim [unclear]	KS Sen [unclear]
Kim Steves	KDHE
Brian Hagen	KSU for KDHE
Tom Conley	KDHE
Mary Conley	Self
Susan Kang	KDHE
Kirk West	KSA7
Roger Dahlby	Advanced Environmental Services Inc.
Gusq Holzner	AAIR Professionals, Inc.
Soti Tesch	PmCA of KS
Luke Bell	Ks Assoc. of REALTORS
Janika Jean Smith	K177HA
Shari Amsulo	KDHE
Lindsey M Douglas	Hein Law Firm

March 19, 2008

Testimony on Substitute for Senate Bill #577

An Act enacting the radon awareness law and the radon certification law.

Testimony by:
Stephen E. Albright, Broker
McGrew Real Estate
Lawrence, KS 66049
785-843-2055

Mr. Chairman and members of the House Committee on Commerce and Labor,

Thank you for taking the time to review my testimony in support of SB #577.

I feel compelled to testify in support of this legislation because of my unusual professional background having had successful careers in both the radon and real estate industries.

From 1989 until 1998 I was an EPA qualified radon measurement and mitigation contractor. I have worked on projects for the Midwest Universities Radon Consortium, Kansas State University Engineering Extension, KDHE, and the EPA as well as numerous projects for individuals, corporations, school districts and local governments. In 1999 I switched careers and became a licensed real estate salesperson in Kansas. I am currently a licensed broker in Lawrence and have successfully participated in hundreds of real estate transactions.

I strongly support this proposed legislation for two main reasons:

- 1) There is a wide range of responses to questions from Buyers and Sellers by real estate agents without sufficient information or knowledge of measurement data and mitigation strategies. The results are confusion, frustration and in some cases misjudgments on the part of consumers and agents. Increased awareness and disclosure are long over due
- 2) There are no commonly applied guidelines or protocols for radon measurement interpretation or mitigation standards. Again, the results are additional confusion and frustration by all. The real estate industry and consumers need an informed and proficient body of service providers to shoulder the need for accurate and reliable radon measurement and mitigation installations.

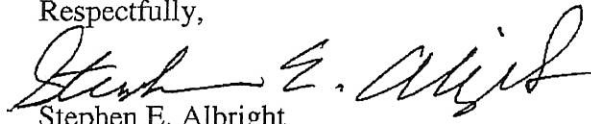
SB # 577 has been carefully crafted and amended by KDHE, KAR and the Senate Committee on State and Governmental affairs and is acceptable to all interests in its current form. In fact, the only significant changes to the original bill are those proposed by KAR and ultimately accepted by KDHE and the Senate Committee. Credit should be given to those participants for their accomplishments.

House Commerce & Labor
Date: 3-20-08
Attachment # 1

I believe anything less than what this legislation call for will be just as costly and far less effective in advancing the cause of reduced health risks at the lowest possible cost to the citizens of Kansas.

It is my observation that Buyers, Sellers and real estate agents will "do the right thing" when shown the pathway. I believe SB #577 will do just that.

Respectfully,


Stephen E. Albright