2017 HOUSE POLITICAL SUBDIVISIONS

HB 1188

2017 HOUSE STANDING COMMITTEE MINUTES

Political Subdivisions Committee
Prairie Room, State Capitol

HB 1188
1/20/2017
Job # 27187

☐ Subcommittee
☐ Conference Committee

Carmen Hickle

Explanation or reason for introduction of bill/resolution:

Relating to disclosure of known radon hazards

Minutes: 1,2,3,4

Chairman Klemin: Opened HB 1188

Rep. Delmore: Introduced HB 1188. It asks that new construction use radon resistant construction practices. Radon is odorless, colorless, naturally occurring radioactive gas. It can damage DNA, potential increasing cancer risks. Radon gas can slip through cracks in the floors and walls of your home. It is the second leading cause of lung cancer. Radon resistant construction includes gravel in the foundation, plastic sheeting or vapor retardant, a bent pipe, sealing and caulking cracks and crevices, and a junction box outlet in the attic with a vent fan. There is a cost for this but an increased cost if you don't do it in the original construction.

Rep. Maragos: Who would develop the procedures or parameters for radon resistant construction practices?

Rep. Delmore: Our builders would know what would be the best practices to make a house safer in making it radon resistant. It may vary with climate restrictions.

Rep. Zubke: The last mitigation that I did on a house was $750, some are $1500. Do you know approximately on a typical house what the radon resistant construction practices would cost?

Rep. Delmore: I do not.

Yvonne Jukn: (Handout #1) I am a member of the Grand Force Best Health Task Group. I want to address where you would get the radon resistant codes. There is an International Residential Code Appendix F that has model language. We would be working with the Builder Association, we have had conversations of what would be required, it is more cost effective doing it in the initial construction than remediating an existing structure. My understanding is it might cost $400 to $500 to put in the passive venting systems. It is inexpensive compared

to the health care costs endured by patients with cancer. Since we can't see, taste or smell radon gas and that all counties in ND have homes testing above the action level. The radon resistant construction is a simple and ethically solution to this public health threat.

Mark Dougherty: (Testimony #2, handout #3) (Time 8:54 to 12:45). We don't have a problem as a Building Code group dealing with the radon concentration issue. We have a problem with this bill going into statute and the biggest problem we just got done with the code cycle, which takes approximately a year to complete. We do it every 3 years, because the international codes are updated every three years. We will start a code cycle in January 2018. We are against putting this into Legislation and I am not sure how the bill was meant to happen. Normal bills when passes has to happen by August 1, if we started a code cycle when this got passes and signed we wouldn't be done with it until after January of 2018. We have asked for an opinion from the AG opinion but have not gotten an answer yet. We are against the bill because of the timeline and we don't think we can meet.

Rep. Guggisberg: I'm wondering if the problem is the timing with the codes, If we amended this bill to say within the next code cycle would you be good with that?

Mr. Dougherty: Yes, I would. I can't speak for the committee group and we did not talk about that.

Rep. Maragos: In your Associated General Contractors position, you would still be opposed to the bill?

Mr. Dougherty: Yes, we would. The Code Advisory committee thinks it should be in the builder's hands. If they would have taken the time to come to a local code official or come to the committee themselves, we would have gladly done this before. There is no code in the IBC that would deal with the big apartment buildings. There is Appendix F in the residential code, we talked about what to do with the building code for ND. There has been a lot of research done on Appendix F and it does not work in our northern climates, because of the differences in the pressures in our houses. We would have to do research to see what would work here as there is no numbers on it. In ND at least 50% of the homes have more than 4 PicoCuries of residential properties.

Rep. Simons: What is the average cost going to be on a home for this? And what is the procedure?

Mr. Dougherty: At the AGC we don't deal with the costs. I can't speak to that.

Eric Brenden, **President of ND Association of Builders**: I have spoken to builders that use the active system with the drain tile and an active fan, and the cost is about $900 for that. It would vary to what the procedures would be and what is adopted.

(Handout #4 was distributed)

Chairman Klemin: Closed the hearing on HB 1188.

2017 HOUSE STANDING COMMITTEE MINUTES

Political Subdivision Committee
Prairie Room, State Capitol

HB 1188
2/2/2017
Job # 27839

☐ Subcommittee
☐ Conference Committee

Carmen Hickle

Explanation or reason for introduction of bill/resolution:

Relating to disclosure of known radon hazards

Minutes:

Vice Chairman Hatlestad: Reopened HB 1188.

Mark Dougherty: We are in opposition to this bill. I would like to clarify what Rep. Maragos asked me last time. If the AGC advisory committee would change the bill to allow to go through the next code cycle. We came to the conclusion if we do that it would happen in the next code cycle anyway so we would prefer that the bill be voted down.

Vice Chairman Hatlestad: Closed the hearing on 1188.

Rep. Longmuir: Made a do not pass on HB 1188.

Rep. Beadle: Seconded the motion.

No discussion.

Do not pass carried 11 yes, 3 no, 1 absent.

Rep. Beadle: Will carry the bill.

Date: 2-2-17
Roll Call Vote: 1

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1188

House Political Subdivisions Committee

☐ Subcommittee

Amendment LC# or Description:

Recommendation: ☐ Adopt Amendment
☐ Do Pass ☑ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐

Motion Made By Rep. Longmuir Seconded By Rep. Beadle

Representatives	Yes	No	Representatives	Yes	No
Chairman Klemin	—		Rep. Guggisberg		✓
Vice Chairman Hatlestad	✓		Rep. Hanson		✓
Rep. Beadle	✓				
Rep. Becker	✓				
Rep. Ertelt	✓				
Rep. Johnson	✓				
Rep. Koppelman	✓				
Rep. Longmuir	✓				
Rep. Maragos		✓			
Rep. Pyle	✓				
Rep. Simons	✓				
Rep. Toman	✓				
Rep. Zubke	✓				

Total (Yes) 11 No 3

Absent 1

Floor Assignment Rep. Beadle

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1188: Political Subdivisions Committee (Rep. Klemin, Chairman) recommends **DO NOT PASS** (11 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1188 was placed on the Eleventh order on the calendar.

2017 TESTIMONY

HB 1188

HB 1188 1-20-17 #1
Yvonne Jonk

Increasing Radon Awareness in North Dakota

This initiative was supported by a planning grant from the Robert Wood Johnson (RWJ) Foundation.

- Through *RWJ's Invest Health Initiative*, Grand Forks' task force is one of 50 teams selected nationwide to address a pressing public health issue – In our case, high levels of radon gas.
- Our team of community stakeholders is working to raise awareness of the environmental health hazards associated with radon gas in homes.

Radon Facts

- *Radon is an odorless, tasteless, invisible gas that comes from the radioactive decay of natural radioactive elements like uranium in rocks and soil.*
- Radon is the leading cause of lung cancer among non-smokers.
- It is the second leading cause of lung cancer (after smoking), causing > 21,000 deaths per year. This is more than the number of deaths from drunk driving!
- If radon-induced lung cancer were its own form of cancer, it would be the 8th largest cause of cancer. Radon also may contribute to the risk of developing other cancers, e.g. leukemia.
- *Due to the northern plains' geologic history, ND radon levels are among the highest in the U.S.*
- The Environmental Protection Agency (EPA) recommends fixing radon levels if a home has more than 4 PicoCuries/Liter of radon gas.
- *Although only about 4% of homes in the U.S. meet this action level, 61% of homes in North Dakota do, and in many cities, e.g., Grand Forks, 90% of homes exceed this threshold.*

Legislation

- HB 1188 proposes to update the state's building codes and require that all new residential construction use ***radon resistant construction*** practices.
  - Installing mitigation systems is generally more cost effective during initial construction than remediating an existing structure. Options include:
    - Passive venting systems where a fan can be added to further reduce radon levels
    - Active depressurizing systems with the fan installed in the attic

Public Health Goal

- From a public health standpoint, following radon resistant construction practices is relatively inexpensive compared to the personal and health care costs endured by cancer patients and their families. In exchange for a few hundred dollars per home in up front construction costs, preventing even one cancer diagnosis could save society $30-50,000 in health care costs.
- Given the fact that we cannot see, taste, or smell radon gas, and that all counties in ND have homes testing above the action level, radon resistant construction represents a relatively simple and ethical solution to an otherwise evasive public health threat.

Resources

- Radon Fact Sheet. Radon Program. Available at ND Department of Health's website: http://www.ndhealth.gov/aq/iaq/radon/radon%20fact%20sheet.pdf
- Radon Home Survey in North Dakota - 1988. Available at ND Department of Health's website: https://www.ndhealth.gov/aq/iaq/radon/Home88.htm
- Policies to Prevent Radon Exposure, the #1 Leading Cause of Death in Homes: http://aarst-nrpp.com/wp/wp-content/uploads/2015/11/AARST-State-Policy-Briefing-Paper-2016.pdf
- State Radon Policies. Available at: http://aarst-nrpp.com/wp/wp-content/uploads/2016/11/StatePoliciesListMaps.pdff
- Home Buyer's and Seller's Guide to Radon. Available at https://www.epa.gov/sites/production/files/2015-05/documents/hmbuygud.pdf

HB 1188 #2

1-20-17

Testimony HB 1188
House Political Subdivisions Committee
January 20, 2017

Mr. Chairman and members of the House Political Subdivisions committee, my name is Mark Dougherty I work for the Associated General Contractors of North Dakota. I am also the Chair of the State Building Code Advisory Committee (Committee) and my testimony will be in that capacity. I am here in opposition to House Bill 1188.

The State Building Code Advisory Committee is not opposed to the bills requirement for dealing with radon gas concentrations but is opposed to the requirement being in legislation with the usual implementation requirements of August 1st. The Committee believes they would be unable to meet that deadline for the updating of the State Building Code (code) as required in HB 1188.

The Committee's code amendment process (code cycle), as laid out in statute and administrative rules, is fairly well defined and it takes very close to a year to fully complete a regular code cycle (see the attached 2015 code cycle timeline). Our most recent code cycle was completed in September of 2016 and the next code cycle would normally start in October 2018 after the completion of the updating of the International Codes. This bill will add additional cost in time away from their jurisdictions and regular jobs for all involved in a code cycle. The additional time and travel for this special code cycle will then add unforeseen expense to all the code department budgets across the state. As you can see on the attached code cycle timeline our regular code cycles leave a good amount of time between notices of action required of our committee members and voting jurisdictions. This time is provided to allow for close review of the newly released International Codes to determine what amendments need to be made and write the necessary amendments there by allowing for a well vetted code amendment cycle. I believe, based on review of the statute and administrative rules that we could shorten the time frame but I'm fearful of not getting the best outcome from a shortened code cycle and at best I would estimate the process to take until January 2018 at the very earliest. Should you allow

the Committee to do its job, we will commit to delivering radon concentration controls suitable for our northern climate during our next code cycle.

For the reasons stated above the State Building Code Advisory Committee asks the House Political Subdivisions Committee to give House Bill 1188 a Do Not Pass recommendation.

Thank you for the opportunity to testify and I will be happy to answer any questions.

mark Dougherty HB1188 #3

1-20-17

North Dakota Building Code Advisory Committee
2015 Code Adoption Cycle

- October 2015
  - Committee provided 2015 ICC Publications and Internet Versions.

- March 28, 2016
  - Committee reviews New ICC Code, and
  - Calls for amendments to the ND Building Code to be received no later than May 10, 2016.

- May 17-18, 2016
  - Committee reviews amendment submittals received, and
  - moves amendments it feels are necessary into the adoption process.
  - Following this meeting DCS will publish the amendments on the State Building Code website and mail copies to all Local Code Enforcing Jurisdictions.

- July 7-8, 2016
  - Committee meets to receive public comments on each amendment in the adoption process, and
  - then votes on a committee recommendation motion on each amendment.
  - Following this meeting DCS will publish the results to the State Building Code website and mail copies to all Local Code Enforcing Jurisdictions.

- September 7-8, 2016
  - Committee holds a voting meeting with the Local Code Enforcing Jurisdictions as set forth in Article 54-21.3-03 of the North Dakota Century Code and Article 108-01-01 of the Department of Commerce Administrative Rule.
  - Following this meeting DCS will publish the amendments and update the ND State Building Code book as necessary.
  - This amended version will become effective on January 2017.
  - This meeting takes the place of the General Meeting for the year.

- January 1, 2017
  - North Dakota Building updated and in effect.

NOTE: All meetings of the ND State Building Code Committee fall under the North Dakota Open Meetings law and the DCS will be responsible for the required publishing of all meeting dates.

HB1188 #4

1-20-17

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Testimony HB 1188
House Political Subdivisions Committee
January 19, 2017

Mr. Chairman and members of the House Political Subdivisions committee, my name is Kim Schneider with the North Dakota Association of Builders (NDAB). At NDAB we represent over 2,000 members across North Dakota including 6 local associations in Fargo, Grand Forks, Minot, Bismarck, Dickinson and Williston.

NDAB submits this written testimony in Opposition of HB 1188 since we strongly feel this type of code belongs in the State Building Code and not in the Century Code. NDAB supports education and construction practices that reduce and eliminate radon in homes.

Mr. John Gunkleman, a home builder and member of NDAB out of Fargo is also a member of the State Building Code Advisory Committee. Mr. Gunkleman has expressed that a main priority for the upcoming October 2018 code cycle will be about radon and getting it properly placed in the State Building Codes if given the chance to do so. This provides NDAB an opportunity to work closely with our members, the Department of Health, the State Building Code Advisory Committee and other organizations to do proper research in finding the best solution for our northern climate.

Many of our members are already taking steps to help reduce radon levels in new construction homes and believe in the safety of all in our communities.

NDAB respectfully requests a Do Not Pass recommendation on HB 1188 giving the State Building Code Advisory Committee the necessary time to get this properly placed in the State Building Code.

Thank you for the opportunity, and I am available to be reached at the contact information below if you should have any further questions.

Sincerely,

Kim Schneider
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