

TITLE 180 - CONTROL OF RADIATION

CHAPTER 11 - REQUIREMENTS FOR RADON AND RADON PROGENY MEASUREMENT AND MITIGATION SERVICES

Effective Date: 9/20/2023

001. SCOPE AND AUTHORITY. This chapter provides for the licensure of radon measurement specialists, radon measurement businesses, radon mitigation specialists, and radon mitigation businesses. The regulations are authorized by and implement the Radiation Control Act, the Uniform Credentialing Act and the Administrative Procedure Act. In addition to the requirements of this chapter, all licensees are subject to 180 NAC 1, 4, and 10.

002. DEFINITIONS. Definitions set out in the Nebraska Radiation Control Act, the Uniform Credentialing Act, the Radon Resistant New Construction Act, American National Standards Institute - American Association of Radon Scientists and Technologists Protocols for Measuring Radon and Radon Decay Products in Homes (MAH-2019), American National Standards Institute - American Association of Radon Scientists and Technologists Soil Gas Mitigation Standards for Existing Homes (SGM-SF-2017), American National Standards Institute - American Association of Radon Scientists and Technologists Protocol for Conducting Measurements of Radon and Radon Decay Products in Multifamily, School, Commercial and Mixed-Use Buildings (MA-MFLB 2023), American National Standards Institute - American Association of Radon Scientists and Technologists Soil Gas Mitigation Standards for existing Multifamily, School, Commercial and Mixed-Use Buildings (SGM-MFLB 2023), and the following apply to this chapter. Copies of all documents, guidelines, and similar items referenced in this chapter are available for viewing at the Nebraska Radon Program, Department of Health and Human Services, 301 Centennial Mall South, Lincoln, Nebraska 68509-5026.

002.01 ATTEST AND ATTESTATION. A declaration that all statements on the application are true and complete.

002.02 COMPLETE APPLICATION. An application that contains all of the information requested on the application, with attestation to its truth and completeness, and that is submitted with the required fees and documentation.

002.03 RADON MEASUREMENT BUSINESS. A person, including a laboratory, who analyzes or tests for and measures radon or radon progeny concentrations and which employs one or more radon measurement specialist.

002.04 RADON MEASUREMENT SPECIALIST. A person who performs radon or radon progeny measurements for a radon measurement business; or provides professional advice on radon or radon progeny measurements, health risks, radon-related exposure, or other radon-related activities.

002.05 RADON MITIGATION BUSINESS. A person who designs or installs systems in existing buildings to mitigate radon or radon progeny and which

employs one or more radon mitigation specialist.

002.06 RADON MITIGATION SPECIALIST. A person who designs mitigation systems, or an individual who performs and evaluates diagnostic tests to determine appropriate radon or radon progeny mitigation

002.07 RADON RESISTANT NEW CONSTRUCTION (RRNC). The established standards and techniques for control of radon by using a passive new construction system, as defined in Nebraska Revised Statute (Neb. Rev. Stat.) § 76-3503.

002.08 RELEVANT POST-SECONDARY EDUCATION. A curriculum in architecture, engineering, building construction, physical sciences, or related disciplines. One year of post-secondary education consists of a minimum of 24 semester hours, of which at least ten hours must be in the above subject areas, or 36 quarter hours, of which at least 15 hours must be in the above subject areas.

002.09 RELEVANT WORK EXPERIENCE. The design, construction and renovation of buildings, or associated heating, ventilation, and air conditioning systems.

003. GENERAL PROVISIONS. The following general provisions must be met.

003.01 LICENSE REQUIRED. No person may provide services for the measurement or mitigation of radon in the State of Nebraska unless such person has been licensed as provided in 180 NAC 11.

003.01(A) EXEMPTIONS. The requirement to have a license does not apply to:

- (i) Individuals measuring or mitigating the premises in which they reside.
- (ii) Federal, state, county and local health departments and their employees who provide professional advice on radon measurement or mitigation activities or perform radon screening services without charge to the recipient of the service in the course of their assigned duties.
- (iii) An individual, business entity or government entity acting in compliance with the requirements of Neb. Rev. Stat. § 76-3506.

004. OPERATING REQUIREMENTS. Licensees under this chapter must meet the requirements of this section.

004.01 LICENSED INDIVIDUAL.

004.01(A) ACTIVITIES. Conduct activities as permitted in the approved license and in accordance with provisions of the Radiation Control Act, all sections of these regulations, and all other related municipal, county, state, and federal laws and regulations.

004.01(B) CONTINUING EDUCATION. Complete continuing education requirements specified in this chapter.

004.01(C) AUDIT COMPLIANCE. Allow authorized representatives of the Department to have access to the licensee's facilities, offices and files for inspection and examination of radon-related records and test procedures. The licensee must also allow authorized representatives of the Department to accompany the licensee while performing any radon measurement or mitigation activities for the purpose of inspecting these activities. Failure to cooperate with an audit or inspection is grounds for disciplinary action.

004.01(D) RADON MEASUREMENT SPECIALIST. In addition to following the operating requirements in 004.01(A)-(C), a radon measurement specialist is responsible for:

(i) Conducting all radon testing on behalf of the radon measurement business. This includes the initial placement and final retrieval of all measurement devices, along with verification of measurement results:

(1) Testing of single-family residences must be conducted according to the requirements described in American National Standards Institute - American Association of Radon Scientists and Technologists Protocol for Conducting Measurements of Radon and Radon Decay Products in Homes (MAH-2019) incorporated herein by this reference.

(2) Testing of multifamily, school, commercial, and mixed-use buildings must comply with the requirements described in American National Standards Institute - American Association of Radon Scientists and Technologists Protocol for Conducting Measurements of Radon and Radon Decay Products in Multifamily, School, Commercial and Mixed-Use Buildings (MA-MFLB 2023) incorporated herein by this reference. Measurement Specialists conducting testing in multifamily, school, commercial and mixed-use buildings larger than 2,000 square feet must have completed a training course from an approved training provider for radon measurements in multifamily, school, commercial, and mixed-use buildings.

(3) EXCEPTIONS. The following is an exception to the requirements described in American National Standards Institute - American Association of Radon Scientists and Technologists Protocol for Conducting Measurements of Radon and Radon Decay Products in Homes (MAH-2019) and American National Standards Institute - American Association of Radon Scientists and Technologists Protocol for Conducting Measurements of Radon and Radon Decay Products in Multifamily, School, Commercial and Mixed-Use Buildings (MA-MFLB 2023):

- (a) A signed homeowner noninterference agreement is not required.
- (ii) Ensuring that all radon measurement devices are approved by the National Radon Proficiency Program (NRPP), the National Radon Safety Board (NRSB), or a national proficiency program approved by the Department;
- (iii) Ensuring that all radon measurement devices are calibrated annually. Calibration must be conducted by either the manufacturer, or a chamber approved by the National Radon Proficiency Program (NRPP), the National Radon Safety Board (NRSB), or a national proficiency program approved by the Department;
- (iv) Directing measurement activities for the licensed business to include directing the submission of reports to the Department containing the information specified in 180 NAC 11;
- (v) Informing clients of radon levels in accordance with the provisions of 180 NAC 11;
- (vi) Following quality assurance and quality control measures, and adhering to an approved quality assurance plan, as specified in 180 NAC 11; and
- (vii) Evaluating operating procedures and ensuring compliance with state and federal regulations.

004.01(E) RADON MITIGATION SPECIALIST. In addition to following the operating requirements in 004.01(A)-(C), a radon mitigation specialist is responsible for:

- (i) Directing mitigation activities for the licensed business to include directing the submission of reports to the Department containing the information specified in 180 NAC 11;
- (ii) Evaluating operating procedures and ensuring compliance with state and federal regulations;
- (iii) Supervising radon mitigation installations, assuring systems are installed according to 180 NAC 11-009 MITIGATION SYSTEM INSTALLATION REQUIREMENTS, and adhering to information submitted to the Department as required in 180 NAC 11; and
- (iv) Evaluating diagnostic tests of a building and designing mitigation systems to be in compliance with 180 NAC 11-009 Mitigation System Installation Requirements.

004.02 RADON MEASUREMENT BUSINESS. A radon measurement business must meet the requirements in this section.

004.02(A) ACTIVITIES. Ensure that all employed or contracted Radon Measurement professionals conduct activities as described in the approved license and as required by provisions of the Radiation Control Act, this chapter, and all other related municipal, county, state, and federal laws and regulations.

004.02(B) REQUIRED STAFF. Maintain on staff or retain as a consultant a radon measurement specialist. If a radon measurement business loses

its radon measurement specialist, the radon measurement business must notify the Department in writing within five business days. The radon measurement business must not conduct measurements without a radon measurement specialist.

004.02(C) RECORDS. Maintain the following records for six years:

- (i) Records of all radon tests performed, including client name, test date, address, and test results;
- (ii) Records of instrument calibrations and other quality control samples;
- (iii) Records of completing continuing education courses specified in this chapter; and
- (iv) Copies of licenses for radon measurement specialists employed or used as consultants.

004.02(D) CHANGES. Submit any changes in the information provided in the original or renewal application, including changes in licensed personnel or to the quality assurance documents as an amendment request to the Department for approval prior to implementation of such change.

004.02(E) DEVICE APPROVAL. Ensure that all radon measurement devices are approved by the National Radon Proficiency Program (NRPP), the National Radon Safety Board (NRSB), or a national proficiency program approved by the Department.

004.02(F) LICENSE NOT TRANSFERABLE. Each measurement business license issued is nontransferable.

004.03 RADON MITIGATION BUSINESS. A radon mitigation business must meet the requirements of this section.

004.03(A) ACTIVITIES. Ensure that all employed or contracted radon mitigation professionals conduct activities as described in the approved license and as required by provisions of the Radiation Control Act, this chapter, and all other related municipal, county, state, and federal laws and regulations.

004.03(B) REQUIRED STAFF. Maintain on staff or retain as a consultant a radon mitigation specialist. If a radon mitigation business loses its radon mitigation specialist, the radon mitigation business must notify the Department in writing within five business days. The radon mitigation business must not conduct mitigations without a radon mitigation specialist.

004.03(C) RECORDS. Maintain the following records for six years:

- (i) Records of all mitigation work performed, including client name, address, a description of each mitigation system and materials installed, copies of building and electrical permits, pre-mitigation and post-mitigation measurements including method of measurement

and all pertinent dates.

(ii) Records of mitigation plans developed and signed by a radon mitigation specialist.

(iii) Records of all instrument calibrations, contracts, and warranties on equipment installed.

(iv) Records of completing continuing education courses specified in this chapter.

(v) Records of employee exposure to radon during employment.

(vi) Copies of the licenses for radon mitigation specialists employed or used as consultants.

004.03(D) CHANGES. Submit any changes in the information provided in the original or renewal application, including changes in licensed personnel or the quality assurance documents, as an amendment request to the Department for approval prior to implementation of such change.

004.03(E) LICENSE NOT TRANSFERABLE. Each mitigation business license issued is nontransferable.

005. INITIAL QUALIFICATIONS FOR AN INDIVIDUAL LICENSE.

005.01 RADON MEASUREMENT SPECIALIST. To receive a license to perform radon measurement, an individual must submit a complete application meet all statutory requirements, and the following:

005.01(A) EDUCATION. Within two years prior to application, the individual must have successfully completed a training course and passed an examination on radon measurements approved by the Department under the requirements specified in 180 NAC 11 and furnish proof of successful completion.

005.01(B) EXAMINATION. The individual must achieve or exceed the minimum passing score on the national examination provided by the National Radon Proficiency Program (NRPP) or the National Radon Safety Board (NRSB).

005.02 RADON MITIGATION SPECIALIST. To receive a license to perform radon mitigation, an individual must submit a complete application meet all statutory requirements, and the following:

005.02(A) EDUCATION. Within two years prior to application, the individual must have successfully completed a training course and passed an examination on radon mitigation approved by the Department under the requirements specified in 180 NAC 11 and furnish proof of successful completion.

005.02(B) EXPERIENCE. The applicant must possess any combination of two years of relevant post-secondary education or relevant work experience as defined in this chapter.

005.02(C) EXAMINATION. The individual must achieve or exceed the minimum passing score on the national examination provided by the National Radon Proficiency Program (NRPP) or the National Radon Safety Board (NRSB).

005.03 RECIPROCITY. A person who has a valid license or certification from a state which licenses or certifies persons who measure or mitigate radon in a certification or licensing program with requirements determined by the Department as comparable with the provisions of this chapter may be licensed by the Department upon submission of a complete application, and a copy of the certification or license from the other state.

005.04 WITHDRAWN APPLICATIONS. A request to withdraw an application will be granted:

- (A) When the application is incomplete; or
- (B) When the request for withdrawal is received within five business days of the receipt of a complete application. The fee will be returned to the applicant except for a \$25 administrative fee.

006. INITIAL LICENSE FOR A BUSINESS. The following applies for an initial license for a business.

006.01 RADON MEASUREMENT BUSINESS. To apply for a radon measurement business license, the applicant must submit a complete application.

006.02 RADON MITIGATION BUSINESS. To apply for a radon mitigation business license, the applicant must submit a complete application.

006.03 RADON LABORATORIES. To apply for a business license to operate as a radon laboratory, the applicant must submit a complete Measurement Business application, at least one completed measurement specialist application form as specified in this chapter or verification of an existing Nebraska radon measurement specialist license, and meet the requirements as set out in this chapter for a Radon Measurement Business license.

007. APPROVED RADON TRAINING COURSES. To be approved as a radon training course, the course must meet the following requirements:

007.01 APPROVAL OF RADON MEASUREMENT TRAINING COURSES. To be approved as a radon measurement training course, a course must meet and maintain approval by the National Radon Proficiency Program (NRPP) or National Radon Safety Board (NRSB) as an entry level or initial radon measurement course and must meet for a minimum of 16 hours or apply for approval as an alternative measurement course.

007.01(A) COURSE PROVIDER. The course provider must submit a complete application provided by the Department, documentation of current approval from the National Radon Proficiency Program (NRPP) or the National Radon Safety Board (NRSB) for the level of the course, a

copy of the certificate to be issued to individuals upon completion of the course.

007.01(B) ALTERNATIVE MEASUREMENT COURSE. To apply for approval as an alternative measurement course, a course provider must submit a complete application provided by the Department and meet the following requirements:

(i) DOCUMENTATION. Submit documentation that the course will meet for a minimum of 16 hours with instruction on the following topics:

- (1) radioactivity, radon, and radon's health effects;
- (2) radon entry and behavior;
- (3) radon measurement devices, techniques, and protocols;
- (4) quality assurance and quality control;
- (5) worker health and safety;
- (6) measuring radon in water; and
- (7) an overview of radon mitigation techniques.

(ii) EVALUATION. Submit documentation that course participants had the opportunity to evaluate the course instructor(s) and materials.

(iii) CERTIFICATE. Submit a copy of the certificate issued upon completion of the course.

007.02 APPROVAL OF RADON MITIGATION COURSES. To be approved as a radon mitigation training course, a course must meet and maintain approval by the National Radon Proficiency Program (NRPP) or National Radon Safety Board (NRSB) as an entry level or initial radon mitigation course and must meet for a minimum of 20 hours or apply for approval as an alternative mitigation course.

007.02(A) COURSE PROVIDER. The course provider must submit a complete application provided by the Department, documentation showing approval from the NRPP or NRSB as an entry level or initial radon mitigation course, and a copy of the certificate to be issued upon completion of the course.

007.02(B) ALTERNATIVE MITIGATION COURSE. To apply for approval as an alternative mitigation course, a course provider must submit a complete application provided by the Department and meet the following requirements:

(i) DOCUMENTATION. Submit documentation that the course will meet for a minimum of 20 hours with instruction on the following topics:

- (1) radon mitigation system design, diagnostics, and installation;
- (2) radon in water mitigation; and
- (3) radon-resistant new construction.

(ii) EVALUATION. Submit documentation that course participants had the opportunity to evaluate the course instructor(s) and materials.

(iii) CERTIFICATE. Submit a copy of the certificate issued upon completion of the course.

008. CONTINUING COMPETENCY. Each person holding an active license within the state must, on or before the date of expiration of the license, comply with the continuing competency requirements for their profession, unless the requirements are waived in accordance with 180 NAC 11. Each licensed individual is responsible for maintaining certificates or records of continuing competency activities.

008.01 REQUIREMENTS FOR CONTINUING COMPETENCY. To maintain a license, an individual must meet the following requirements.

008.01(A) CONTINUING EDUCATION. Complete at least six hours of radon courses, seminars, or meetings offered or approved by the Department by the expiration date of the license.

008.01(B) INSTRUCTORS. Instructors of radon-related courses or seminars may apply to the Department for continuing education credit, which will be determined by the Department. To receive continuing education credit for instruction, the person requesting credit must submit the following information:

- (i) Name, address, and telephone number of the instructor;
- (ii) Biography or credentials of instructor;
- (iii) Type of course, frequency of course offerings, total hours of supervised instruction, and an agenda outlining the hours of instruction, describing the subject matter to be included; and
- (iv) A copy of the certificate issued upon completion of the course.

008.01(C) VALIDITY. Continuing education credit will only be valid for the licensing period in which it was received. Credit will not be granted for attendance of a duplicate course during the licensing period.

008.01(D) EXEMPTION. If an individual holds a measurement license and a mitigation license, a minimum of eleven total hours of continuing education must be completed by the expiration date of the licenses.

008.01(E) MILITARY WAIVERS. The Department may waive continuing competency requirements if a licensee has served in the regular armed forces of the U.S. during part of the credentialing period immediately preceding the renewal date.

008.02 APPROVAL OF CONTINUING COMPETENCY COURSES. The requirements for approval of continuing competency courses are as follows:

008.02(A) DEPARTMENT COURSES. A course, workshop, or seminar about radon offered or sponsored by the Department will be accepted

for the number of credits listed by the Department.

008.02(B) NATIONAL RADON PROFICIENCY PROGRAM OR NATIONAL RADON SAFETY BOARD COURSES. A course, workshop, or seminar about radon offered or approved by the National Radon Proficiency Program or the National Radon Safety Board will be accepted for the number of credits listed by the respective organization.

008.02(C) OTHER COURSES. A course, workshop, or seminar about radon, not meeting the requirements of 180 NAC 11-008.02 (A) or (B), that is attended or taught by the licensee may be accepted as one hour of continuing education per hour of instruction and must apply for credit by submitting the following:

- (i) Name, address, and telephone number of applicant;
- (ii) Biography or credentials of instructor;
- (iii) Type of course, frequency of course offerings, total hours of supervised instruction, and an agenda outlining the hours of instruction, describing the subject matter to be included; and
- (iv) A copy of the certificate issued upon completion of the course.

009. MITIGATION SYSTEM INSTALLATION REQUIREMENTS. Radon mitigation systems must meet the following installation requirements:

009.01 RESPONSIBILITY FOR COMPLIANCE. Radon mitigation specialists are responsible for all radon mitigation systems installed by their firm or its subcontractors to ensure compliance with the requirements of 180 NAC 11.

009.02 SINGLE FAMILY RESIDENCES. All installations of radon mitigation systems in single-family residences must be conducted according to the requirements described in American National Standards Institute - American Association of Radon Scientists and Technologists Soil Gas Mitigation Standards for Existing Homes (SGM-SF 2017) incorporated herein by this reference.

009.03 MULTIFAMILY, SCHOOL, COMMERCIAL, AND MIXED-USE BUILDINGS. All installations of radon mitigation systems in multifamily, school, commercial, and mixed-use buildings must be conducted according to the requirements described in American National Standards Institute - American Association of Radon Scientists and Technologists Soil Gas Mitigation Standards for existing Multifamily, School, Commercial and Mixed-Use Buildings (SGM-MFLB 2023) incorporated herein by this reference. Mitigation Specialists supervising the installation of radon mitigation systems in multifamily, school, commercial, and mixed-use buildings must have completed a training course from an approved training provider for radon mitigation in multifamily, school, commercial, and mixed-use buildings.

009.04 EXCEPTIONS. The following are exceptions to the requirements described in American National Standards Institute - American Association of Radon Scientists and Technologists Soil Gas Mitigation Standards for Existing Homes (SGM-SF 2017), and American National Standards Institute - American Association of Radon Scientists and Technologists Soil Gas

Mitigation Standards for existing Multifamily, School, Commercial and Mixed-Use Buildings (SGM-MFLB 2023):

- (A) INFORMATION PACKAGE. For single family residences, where references to the required information package allow for the informational package to be otherwise provided to the Client, it must instead be securely attached to the system in a visible location or installed in the livable space, as prescribed.
- (B) ACTIVE NOTIFICATION MONITORS. No active notification monitors are required.
- (C) INSULATION. No insulation for duct piping or fans is required.

009.05 CONVERSION OF A PASSIVE RADON MITIGATION SYSTEM TO AN ACTIVE RADON MITIGATION SYSTEM. In order to convert a passive radon mitigation system to an active radon mitigation system, a person must:

- (A) By the 15th day of each month, submit a report of all conversions completed during the previous month. This data is to be entered in the Department's online reporting system. Mitigation reports must include all of the information requested in the required fields on the online reporting form;
- (B) By the 15th day of each month, submit to the Department the mitigation fee per installation for all of the conversions completed during the previous month in accordance with 180 NAC 11 014.03;
- (C) Label each radon mitigation system in accordance with 180 NAC 11 009.05(A), 009.05(D), and in accordance with Section 10.1 Radon Documentation Essential Information from American National Standards Institute - American Association of Radon Scientists and Technologists Soil Gas Mitigation Standards for Existing Homes (SGM-SF 2017);
- (D) Follow electrical requirements in accordance with 180 NAC 11 009.07;
- (E) Install a system monitor in accordance with the following requirements:
 - (i) All active mitigations systems must include a mechanism to monitor system performance and warn of system failure. The mechanism must be simple to read or interpret and be located where it is easily seen or heard by building occupants and protected from damage or destruction; and
 - (ii) Mechanical radon mitigation system monitors, such as manometer type pressure gauges, must be clearly marked to indicate the range or zone of pressure readings that existed when the system was initially activated; and
- (F) Install each radon vent fan in accordance with the following requirements:
 - (i) Fans used in radon mitigation systems must be designed specifically for radon removal applications and must be designed or otherwise sealed to reduce the potential for leakage of soil gas from the fan housing;
 - (ii) Fans must be sized to provide the pressure difference and air flow

characteristics necessary to achieve the radon reduction goals established for the specific mitigation project;

(iii) Fans must not be installed:

- (1) Below grade;
- (2) In the conditioned (heated or cooled) space of a building; or
- (3) In any basement, crawlspace, or other interior location directly beneath the conditioned spaces of a building;

(iv) Acceptable locations for fans include attics not suitable for occupancy (including attics over living spaces and garages) and garages that are not beneath conditioned spaces;

(v) Fans must be installed vertically plumb and level with the outlet pointing up to avoid condensation buildup in the fan housing. Fans must be installed in vertical runs of the vent pipe;

(vi) Fans must be mounted and secured in a manner that minimizes transfer of vibration to the structural framing of the building; and

(vii) To facilitate maintenance and future replacement, fans must be installed in the vent pipe using removable couplings or flexible connections that can be tightly secured to both the fan and the vent pipe.

009.06 ADDITIONAL ELECTRICAL REQUIREMENTS. All electrical work must comply with current Electrical Code as adopted by the State Electrical Division. The following requirements apply to all installations that require the use of electricity.

009.06(A) RATING. If the rated electricity requirements of a radon mitigation system fan exceed 50% of the circuit capacity into which it will be connected, or if the total connected load on the circuit, including the radon vent fan, exceeds 80% of the circuit's rated capacity, a separate, dedicated circuit must be installed to power the fan.

009.06(B) CIRCUIT BREAKER. The circuit breakers controlling the circuits on which the radon vent fan operates must be labeled "Radon Reduction System."

009.06(C) FANS WITH PLUGGED CORDS. Fans with plugged cords must be installed in accordance with the following requirements:

(i) All electrical wiring and electrical components must:

- (1) Be labeled "Radon Fan" every 10 feet, if they are 10 feet or longer.
- (2) If longer than 6 feet, be fastened to a permanent building component at least every 3 feet with cable staples, cable ties, cable clips, or other fasteners that adequately secure the material.
- (3) Be firmly secured in place and supported by the building structure such that they are not damaged by normal building use.
- (4) Not be fastened to other electrical wiring, conduit, or

plumbing components.

(ii) Exposed wiring and live parts operating at 50 volts or more shall be guarded against electrical shock from accidental contact by means of enclosure or by elevation of 8 feet or more above the floor. Converter boxes must only be secured to non-combustible building material.

(iii) Plugged receptacle outlet connections located within habitable space or garages shall be provided a safety cover that inhibits accidental disconnection. Upon completion of installation and maintenance services, safety covers shall be locked or clasped. This safety cover shall be labeled "Radon Fan- Do Not Unplug". For outlet connections not located within habitable space or garages, the outlet shall be labeled "Radon Fan- Do Not Unplug".

(iv) No plugged disconnects are permitted outdoors.

(v) Any plugged cord used to supply power to a 110-volt radon vent fan must be no longer than six feet in total length.

(vi) No plugged flexible cord may penetrate a wall or be concealed within a wall.

009.07 NOTIFICATION TO DEPARTMENT. Before installing a radon mitigation system, radon mitigation businesses must submit to the Department via email at DHHS.HealthHazardsIndoorAir@nebraska.gov, a notification of each upcoming installation, including business name, installation site address, date, and time of scheduled installation. Within 24 hours of installing a radon mitigation system, radon mitigation businesses must submit to the Department via email at DHHS.HealthHazardsIndoorAir@nebraska.gov, a copy of the system design.

009.08 LIMITATIONS. The following limitations apply to this Act.

009.08(A) DISCREPANCIES. Where discrepancies exist between provisions of 180 NAC 11 and local codes or regulations, such as local plumbing, heating and cooling or electrical codes, the stricter code will apply unless there is an adverse impact on the radon reduction function for which the system was originally designed, as determined by the Department. Where conflicts exist between the provisions of this chapter and the documents referenced in this chapter the specific provision of this chapter governs.

009.08(B) PRIOR INSTALLATION. The requirements specified in this chapter will not apply to radon mitigation systems installed prior to April 6, 2003. If a mitigation specialist finds that a radon mitigation system does not comply with current standards, the specialist must recommend in writing to the client that the system be upgraded or altered to meet current standards. The licensee must obtain prior approval from the client before implementing any of the licensee's written recommendations.

010. REPORTING REQUIREMENTS. Licensees must make reports to the Department and to clients.

010.01 MONTHLY REPORT REQUIRED BY RADON MEASUREMENT

BUSINESSES. A radon measurement business or laboratory must submit to the Department, by the 15th day of each month, the results of all radon measurements performed in the State of Nebraska during the previous month. The absence of radon measurements must be reported by the 15th day of each month. Measurement reports must include all of the information in the required fields on the online reporting form.

010.02 WRITTEN REPORTS TO CLIENTS. Radon measurement businesses and radon mitigation businesses must report test results for radon in writing to the client as required in American National Standards Institute - American Association of Radon Scientists and Technologists Protocols for Measuring Radon and Radon Decay Products in Homes (MAH-2019), or American National Standards Institute - American Association of Radon Scientists and Technologists Protocol for Conducting Measurements of Radon and Radon Decay Products in Multifamily, School, Commercial and Mixed-Use Buildings (MA-MFLB 2023), as applicable.

010.03 NOTIFICATION REQUIREMENTS FOR RADON MEASUREMENT

BUSINESSES. Radon measurement businesses must notify the client by telephone and in writing within two business days of any measurement with results equal to or greater than 100 pCi/l or 0.5 working levels (WL) and advise the client to contact the Department at 1-800-334-9491 or at other telephone numbers provided by the Department. The results of this measurement must also be provided to the Department by phone and mailed to Nebraska Radon Program, PO Box 95026, Lincoln, NE 68509-5026 or emailed to DHHS.HealthHazardsIndoorAir@Nebraska.gov within the same two-business day period.

010.04 MONTHLY REPORT REQUIRED BY RADON MITIGATION BUSINESS. By the 15th day of each month, radon mitigation businesses must submit a report on all mitigation work completed during the previous month, and the mitigation fee per installation. The absence of mitigation work must be reported by the 15th day of each month. Mitigation reports must include all of the information in the required fields on the online reporting form.

011. LICENSE RENEWAL. An individual or business wishing to renew a radon measurement or mitigation license must file a complete application for renewal provided by the Department prior to the expiration date of the license. Individuals must demonstrate compliance with continuing competency requirements of this chapter. All radon measurement or mitigation licenses issued by the Department will expire on March 31 of each odd-numbered year, unless renewed as provided below. No radon measurement or mitigation activity may be conducted after the expiration of the term of the license.

012. DISCIPLINARY ACTIONS. Licensees may be subject to discipline.

012.01 UNPROFESSIONAL CONDUCT. Unprofessional conduct includes but is not limited to the acts set out in Neb. Rev. Stat. § 38-179 and the following:

- (A) Failure to exercise technical competence based on the profession for which the individual is licensed;
- (B) Refusal to cooperate or failure to furnish requested information during a licensing or discipline investigation or inspection by the Department; or
- (C) Refusing to provide professional service to a person because of such person's race, creed, color, sex, religion, marital status, familial status, ancestry, or national origin.

012.02 VOLUNTARY SURRENDER. The voluntary surrender of a license may be unrelated to disciplinary matters or may be done to resolve a pending disciplinary matter, in lieu of disciplinary action, or in response to a notice of disciplinary action.

013. REINSTATEMENT. This section applies to businesses previously licensed in Nebraska which seek the authority to return to practice. Businesses may apply for reinstatement as follows:

- (A) A business license which has expired, been placed on inactive status, voluntarily surrendered for an indefinite period of time, or suspended or limited for disciplinary reasons, may apply for reinstatement at any time.
- (B) A business license which has been voluntarily surrendered for a definite period of time may apply for reinstatement after that period of time has elapsed.

014. FEES. Fees are nonrefundable, except as provided by law.

014.01 INDIVIDUAL LICENSES. Initial and renewal fees for individual licenses are:

- (A) Radon Measurement Specialist \$46.00 (annually)
- (B) Radon Mitigation Specialist \$46.00 (annually)

014.02 BUSINESS LICENSES. Initial and renewal fees for business licenses are:

- (A) Radon Measurement Business \$100.00 (annually)
- (B) Radon Mitigation Business \$250.00 (annually)

014.03 MITIGATION SYSTEM INSTALLATION. The fee is:

- (A) Mitigation System \$50.00 (per installation).
- (B) For fee calculation purposes, one mitigation system installation is considered to be the installation of an interconnected system that contains one or more fans installed on a single riser, one or more suction points, and one or more exhausts. Systems with single or multiple fans installed on separate risers and installed in separate locations, each riser constitutes a separate installation.

014.04 PRORATED FEE SCHEDULE. Fees may be prorated according to a schedule.

014.04(A) When a Specialist license will expire within 180 days after its initial issuance date and the initial licensing fee is \$25 or more, the Department will collect \$25 or one-fourth of the initial licensing fee, whichever is greater, for the initial license, and the license will be valid until the next subsequent renewal date. Fees below are for a license issued for a two year period.

Year One (odd-numbered year)

Jan	Feb	March	April	May	June	July	August	Sept	Oct	Nov	Dec
\$25	\$25	\$25	\$92	\$92	\$92	\$92	\$92	\$92	\$92	\$92	\$92

YearTwo (even-numbered year)

Jan	Feb	March	April	May	June	July	August	Sept	Oct	Nov	Dec
\$92	\$92	\$92	\$92	\$92	\$92	\$92	\$92	\$92	\$25	\$25	\$25

014.04(B) When a Radon Measurement Business license will expire within 180 days after its initial issuance date, the Department will collect a fee of \$50. Fees below are for a license issued for a two year period.

Year One (odd-numbered year)

Jan	Feb	March	April	May	June	July	August	Sept	Oct	Nov	Dec
\$50	\$50	\$50	\$200	\$200	\$200	\$200	\$200	\$200	\$200	\$200	\$200

YearTwo (even-numbered year)

Jan	Feb	March	April	May	June	July	August	Sept	Oct	Nov	Dec
\$200	\$200	\$200	\$200	\$200	\$200	\$200	\$200	\$200	\$50	\$50	\$50

014.04(C) When a Radon Mitigation Business license will expire within 180 days after its initial issuance date, the Department will collect a fee of \$125.00. Fees below are for a license issued for a two year period.

Year One (odd-numbered year)

Jan	Feb	March	April	May	June	July	August	Sept	Oct	Nov	Dec
\$125	\$125	\$125	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500

YearTwo (even-numbered year)

Jan	Feb	March	April	May	June	July	August	Sept	Oct	Nov	Dec
\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$125	\$125	\$125

014.05 OTHER FEES. Fees charged to businesses for other services are:

014.05(A) CERTIFICATION OF LICENSE. The fee is \$25 for certifying the issuance of a license. The certification includes information regarding the basis on which a license was issued, the date of issuance, whether disciplinary action has been taken against the license, and the current

status of the license.

014.05(B) VERIFICATION. The fee is \$5 for verification of a license. The verification includes written confirmation as to whether a license was valid.

014.05(C) DUPLICATE LICENSE. The fee is \$10 for a duplicate of original license document or reissued license.

014.05(D) ADMINISTRATIVE. An administrative fee of \$25 will be retained by the Department for a denied license or a withdrawn application.

014.05(E) REINSTATEMENT. For a reinstated license the fee is \$35 in addition to the renewal fee specified in 180 NAC 11-014.

These amended rules and regulations replace Title 180 NAC 11 Requirements for Radon and Radon Progeny Measurement and Mitigation Services, effective July 5, 2015.

