

Resolution No. 3

Date: May 29, 2009

City: Washington, D.C.

NAHB Resolution

Title: Policy on Radon
Original Sponsor: Construction, Codes and Standards Committee

WHEREAS, the Indoor Radon Abatement Act passed by Congress in 1988 sets a long-term goal of making the air within buildings in the United States as free of radon as the ambient air outside of buildings;

WHEREAS, studies indicate that levels in excess of the United States Environmental Protection Agency (EPA) action level (4pCi/l) may not result in a higher risk of lung cancer or respiratory disease;

WHEREAS, additional studies undertaken in China, Canada and Missouri have found no connection between radon and lung cancer at low exposure levels, and Swedish and Finnish studies have not found a connection at higher exposure levels;

WHEREAS, these studies call into question the validity of EPA's extrapolations of the incidence of lung cancer among hard rock uranium miners to make the assumption that even very low residential radon exposure levels will increase lung cancer incidence;

WHEREAS, to achieve its legislative goal, Congress directed the EPA to publish a set of model construction standards and techniques and to further incorporate them into the "Model Standards and Techniques for Control of Radon in New Residential Buildings" building codes with the initial standards to be technically and economically feasible and based on work done in conjunction with the NAHB National Research Center;

WHEREAS, Congress directed the EPA to provide the public with periodic updates on the health risks associated with radon exposure and available methods to measure and reduce radon levels in buildings;

WHEREAS, the EPA has responded to these mandates by:

1. Developing proposed maps, utilizing analysis by the U.S. Geological Survey, that identify counties (25 percent to 30 percent of all counties in the United States) as areas with potential annual average residential radon readings above 4pCi/l, the current target action level;
2. Developing active and passive construction standards for use in radon priority areas that would add mechanical methods for creating air pressure differentials;

3. Studying construction techniques to show that the passive and active measures would add respectively an estimated \$350 and \$750 per house; and
4. Continuing to examine additional indoor sources of possible radon contamination such as drinking water and building materials;

WHEREAS, legislation was proposed that would increase the regulations regarding radon;

WHEREAS, the EPA's "Model Standards and Techniques for Control of Radon in New Residential Buildings" have been adopted for inclusion into the appendixes of both International Residential Code and the International Building Code as a voluntary set of building code requirements;

WHEREAS, the action level set by the EPA is based on technically achievable and economically feasible criteria, not on the established safe level of radon exposure;

WHEREAS, the National Association of Home Builders established a member working group to review current analyses in the areas of health effects, construction techniques, liability and consumer information, which reported its conclusions to the membership, and

WHEREAS, NAHB's existing policy, is based upon an earlier 1987 member radon working group analysis and a resolution from the Florida Home Builders Association (FLHBA) that takes the following positions:

1. Supports target action levels established by the EPA that are supported by health studies of potential risk,
2. Supports prescriptive construction standards and techniques that are well researched and justified in terms of health risk and technical soundness;
3. Supports a government response that is targeted to those areas where radon poses a health risk; and
4. Opposes the inclusion of radon test results as a condition of sale in real estate transactions;

WHEREAS, the FLHBA has successfully resisted attempts to impose mandatory residential radon standards in Florida, where adoption of passive standards is allowed in counties where a majority of the affected municipalities and the county government has agreed to do so; and

WHEREAS, these limitations have severely restricted the ability of those who would profit from the radon scare to impose more costly and unnecessary regulation on the home building industry in Florida; and FHBA is deeply concerned that such scare tactics might be successful regionally or nationally;

NOW, THEREFORE, BE IT RESOLVED that the National Association of Home Builders support:

1. A response that is narrowly tailored to priority areas designated by the Environmental Protection Agency (EPA) that exceed the current indoor action level of 4pCi/l (as measured in living areas) and that passive building techniques be used for new construction in those areas;
2. Radon mitigation techniques that are prescriptive in nature, provided they are also well researched and justified in terms of health risks in the home environment;
3. The EPA's "Model Standards for Control of Radon in New Residential Buildings" should be modified to result in prescriptive construction techniques that are technically and economically feasible and generally affordable;
4. Flexible EPA mapping guidelines that can be adjusted to reflect local conditions (to include areas smaller than counties) and provide local government entities the opportunity to challenge the EPA's assessment and designation of a radon priority area; as well as giving the EPA the latitude to modify its designation; and
5. Research efforts to find cost-effective site testing techniques that can be correlated with future indoor radon levels that will aid in predicting when specific construction techniques should be employed; and

BE IT FURTHER RESOLVED that NAHB support legislative initiatives that would:

1. Establish priority radon areas where the predicted average indoor level exceeds 4pCi/l and only in those areas employing rules that require builders to use passive building techniques for new construction for federally insured or guaranteed housing;
2. Exempt builders from all liability regarding radon if the construction complies or complied at the time of construction with federally mandated or state adopted or recognized requirements;
3. Support educational and training programs for builders and others on the proper installation of radon mitigation construction techniques;
4. Provide funding for local governments to survey homes in the area to allow more precise mapping of sub-county areas, and to provide educational programs for the public informing them of the risks of radon exposure and actions they might take to mitigate these risks;
5. Eliminate the statutory directive to achieve radon levels equivalent to ambient air radon levels; and

6. Advise EPA not to propose or implement additional restrictive actions relative to radon abatement; and

BE IT FURTHER RESOLVED that NAHB maintain a working relationship with the EPA, both on a research and policy level, to assure that any changes in its radon policy and guidance are technically and economically feasible.

Approved by the Board of Directors