

Radon regulation varies widely from state to state

Roseann Keegan, Lake Tahoe Tribune, 7-25-11

Californians are required to disclose the radon level in their home, if known, before transferring it to a new owner.

Nevadans are not.

In both states, renters are particularly vulnerable.

“There are no regulations to protect renters from radon in Nevada,” said Susan Howe, radon education program director for the University of Nevada Cooperative Extension. “There are no regulations dealing with radon in Nevada, period. There are no laws to protect people when they buy or build homes.”

More people die each year from radon exposure than from drunk driving accidents, falls in the home, drownings and home fires, according to the Environmental Protection Agency.

The known carcinogen — undetectable by sight, smell or taste — is the leading cause of lung cancer among nonsmokers and the second-leading cause of lung cancer for smokers. Radon exposure causes an estimated 21,000 deaths per year in the United States.

California homesellers must complete a disclosure form indicating the presence of all known environmental hazards, including radon gas, formaldehyde and mold. There are no radon regulations on the books in Nevada, where an estimated one in four homes is said to have dangerous levels of the naturally occurring gas.

Only the Nevada Legislature could pass statewide regulations for real estate transactions regulating radon mitigation and testing. Alternately, individual municipalities or cities could create regulations to require new homes to be built with radon systems. There are no current bills pending.

“Other states have laws, so it is possible to regulate or protect people,” Howe said. “There could be regulations to enforce code for homes being mitigated, too.”

In the absence of radon regulations for landlords in both California and Nevada, tenants must be proactive.

“Renters are at the mercy of their landlords, but there are things they can do,” Howe said.

In most states, property owners are required to keep their properties “habitable” — safe and fit for people to live in. If a tenant tests with the help of a kit and determines the radon levels are in an unsafe zone — higher than 4 picocuries per liter — the tenant can give the results to the landlord and discuss steps to correct the problem.

Despite the health risks, radon levels are not a pressing concern for most homebuyers.

In her 30 years as a real estate industry veteran, Deb Howard, a licensed real estate broker in California and Nevada, said only one client was concerned about radon. That was about 15 years ago, when radon was a hot topic in the news.

“It's not really high on the list of concerns in the marketplace,” said Howard, owner of Deb Howard and Co., “but that's not to diminish its importance as something to be concerned about.”

In that case, the prospective buyers had the home's crawlspace tested, with the result very near or at the danger zone of 4 picocuries per liter. The fix was simple: Open the vents in the sub area, then retest. The second test showed the radon level had lowered.

“Radon is quite manageable and can be mitigated easily,” Howard said.

If similar legislation was introduced in Nevada, Howard said she would be supportive as long as it wasn't “extreme.”

“If Nevada took on the same level of regulations (as California), that there is an educational element to the hazards, I don't think it would be a hindrance,” she said. “Education is good. It's how it's implemented: education and not extreme legislative measures.”

Radon on both sides of Tahoe

With high amounts of decomposing granite in the Sierra Nevada — which leads to the creation of radon gas — many homes on the California and Nevada sides of Lake Tahoe test within the danger zone.

In South Lake Tahoe, 40 percent of homes have elevated levels of radon. The highest levels in California are found homes in Santa Barbara and Ventura counties.

But experts are cautious about designating a state as “high risk” for radon exposure.

“Because the presence of radon is influenced by geology, it is not reasonable to provide an overall risk level for the state,” said Willy Jenkins, radon program environmental scientist for the California Department of Public Health. “Radon levels can vary from house to house, which is why it is so important for property owners to test their homes for radon.”

Current El Dorado, Placer and Plumas County screening surveys are underway, Jenkins said. Residents within specific areas of these counties have been contacted and encouraged to participate by having their homes tested by the homeowner or tenant for radon gas. More than 5,900 free test kits were distributed to those who have volunteered to participate.

The California radon potential zone map can be viewed at <http://www.epa.gov/radon/states/california.html>. For the free EPA booklet, “A Radon Guide for Tenants,” visit <http://www.epa.gov/radon/pubs/tenants.html>.

Low-cost testing kits are available in California and Nevada for about \$7. In California, visit www.cdph.ca.gov/HealthInfo/environhealth/Pages/RadonTes//tKits.aspx.

Keeping renters safe from radon

Fixing a radon problem usually involves repairs to the building. Therefore, it is generally the building owner — and not the tenant — who is authorized to have this work done. However, if your home has high radon levels, you can take steps to see that the problem is fixed.

◆ If your radon testing shows high radon levels, inform the building owner in writing. Give the owner a copy of the test results and discuss what steps the owner plans to take to fix the problem. The owner will probably need to do more radon testing in the building. Ask for copies of those test results.

◆ If you live in an apartment building, share your radon information with other residents. Other residents may wish to test their own units or to discuss the matter with the owner. Even if your radon test showed low radon levels, there may be high levels in other parts of the building.

◆ If you are concerned that a radon problem in your building is not being fixed, you may want to get more information and advice. The state radon office can provide tenants and the owners with specific information about testing for and fixing radon problems. For legal advice, contact your local bar association for help in finding a lawyer. Or, limited income tenants can contact the nearest legal services office to find out if free legal assistance is available.

*Excerpted from the Environmental Protection Agency's "A Radon Guide for Tenants"