

# VIRGINIA ACTS OF ASSEMBLY -- 2015 SESSION

## CHAPTER 298

*An Act to amend and reenact §§ 32.1-228.1 and 32.1-229.01 of the Code of Virginia, relating to radon; persons certified as proficient to offer screening, testing, and mitigation.*

[H 1723]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 32.1-228.1 and 32.1-229.01 of the Code of Virginia are amended and reenacted as follows:**

**§ 32.1-228.1. Department designated state radiation control agency; powers and duties.**

A. The Department of Health is hereby designated as the state radiation control agency. The Commissioner of Health may employ, compensate, and prescribe the duties of such individuals as may be necessary to discharge the responsibilities imposed by this article.

B. The Department shall:

1. Collect and disseminate information relating to control of sources of radiation including:
  - a. Establishing and maintaining a file of all applications for, issuances, denials, transfers, renewals, modifications, suspensions and revocations of, and amendments to all licenses;
  - b. Establishing and maintaining a file of registrants possessing sources of radiation requiring registration under the provisions of this article and any administrative or judicial action pertaining thereto; and
  - c. Establishing and maintaining a file of all agency rules and regulations related to regulation of sources of radiation, pending or promulgated, and proceedings thereon.
2. Establish a database of registered and certified X-ray machines, which shall include but not be limited to the name of the owner or operator and the location of the machine.
3. Pursuant to its powers enumerated in § 32.1-25, provide for scheduled and random unannounced inspections of facilities and physicians' offices that provide mammography services to ensure compliance with laws, regulations, or conditions specified by the Board.
4. Establish forms for the periodic Radiation Inspection Report.
5. Develop programs for responding adequately to radiation emergencies and coordinate such programs with the Department of Emergency Management.

6. ~~Maintain, revise as needed, and make~~ *Make* available to the public a list of persons who ~~have been listed are certified as proficient professionals~~ to offer screening, testing, or mitigation for radon by the United States Environmental Protection Agency, the National Radon Measurement Proficiency Program of the National Environmental Health Association, or the National Radon Safety Board Certified Radon Professional Program, or any other proficiency program acceptable to the Board of Health pursuant to § 32.1-229.01.

7. Publish and make available a list of qualified inspectors of X-rays and X-ray machines.

**§ 32.1-229.01. Companies listed as proficient to perform radon screening, testing, or mitigation; compliance.**

A. No person shall conduct or offer to conduct any radon screening, testing, or mitigation in the Commonwealth unless he has ~~been~~ *(i) is* listed as ~~proficient a professional~~ by the United States Environmental Protection Agency, ~~either the National Radon Measurement Proficiency Program of the National Environmental Health Association or the National Radon Safety Board Certified Radon Professional Program~~ or *(ii) meets* any other proficiency ~~program measures deemed~~ acceptable ~~to by the U.S. Environmental Protection Agency or the Board of Health to offer for the purpose of offering~~ such screening, testing, or mitigation.

B. ~~Radon professionals listed as proficient~~ *Any person conducting or offering to conduct radon screening, testing, or mitigation in the Commonwealth* pursuant to subsection A shall comply with *(i) the radon mitigation and testing standards outlined in the U.S. Environmental Protection Agency's publication, EPA 402-R-93-078 402-R-92-003, as revised, or; (ii) the radon mitigation standards outlined in the American Society for Testing and Materials (ASTM International) Standard, E-2121-02 E-2121-13, as revised; or (iii) any other radon testing and mitigation standards accepted deemed acceptable by virtue of reference by the U.S. Environmental Protection Agency and or the Board.*