



**CABINET FOR HEALTH AND FAMILY SERVICES
DEPARTMENT FOR PUBLIC HEALTH**

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NOTICE OF STATUTORY AMENDMENTS AND PROPOSED RULE MAKING

Dear Radon Measurement and Mitigation Contractor:

As a result of House Bill 420 passed by the 2019 General Assembly, litigation between the International Association of Certified Home Inspectors (InterNACHI) and the Cabinet for Health and Family Services (CHFS) has been dismissed. [House Bill 420](#), effective June 2019, made several amendments to Kentucky Revised Statutes (KRS) 211.9101 through 211.9135.

The main statutory changes in House Bill 420 include the following:

- 1) Radon contractors and business entities will be required to be certified through either the National Radon Proficiency Program or the National Radon Safety Board to perform radon measurement, mitigation and laboratory analysis.
- 2) Radon contractors and business entities will be required to register biennially with CHFS and meet the requirements detailed in KRS 211.9109 (measurement), KRS 211.9111 (mitigation) and KRS 211.9115 (laboratory), which will include payment of a registration fee. This will replace the requirement that the contractor be certified annually by CHFS. Official guidance related to the application procedures for the registration of a radon contractor and/or business entity will be included in update regulations forthcoming.
- 3) Radon contractors and business entities will be required to adopt and follow written standard operating procedures (SOPs) established by a development organization accredited by the American National Standards Institute (ANSI), which describe in detail commonly accepted methods for the performance of radon measurement, mitigation and laboratory analysis. Effective June 2019, all radon measurement, mitigation and laboratory should be performed in accordance with the applicable ANSI SOP.

This letter serves as advance notice that CHFS intends to amend 902 KAR 95:040 to align with HB 420 statutory changes. As CHFS works towards amending this regulation, the cabinet will seek advice from the Radon Advisory Committee in accordance with KRS 211.9105 and will keep the stakeholder community abreast of our progress.

The website links to HB 420 and the Kentucky Radon Program's webpage are below. Updates on the implementation of this statute and a link to the updated regulations (once filed) will be posted on the program's webpage. For those without an internet connection, please contact the Kentucky Radon Program at (502)564-4856 to request the information that has been made available to all regulated entities.

Kentucky Radon Program Webpage: <https://chfs.ky.gov/agencies/dph/dphps/emb/Pages/radon.aspx>

House Bill 420: <https://apps.legislature.ky.gov/RecordDocuments/BillNoCache/19RS/hb420/bill.pdf>