

Radon Mitigation Waivers

There are several instances in Chapter 44, where a signed waiver from the building owner for specific acts may be required. Copies of these signed waivers must be maintained for 5 years under the record keeping requirements of IAC 641--44.6, 4. through 6.

A. Confidentiality Waiver.

IAC 44.3(5) states that a credential person shall:

c. Not disclose to any other person, except to the department or its agents, the addressee or owner of a nonpublic building, the radon levels present in the building or abatement measures needed or performed, unless the building owner waives this right of confidentiality in writing.

B. Pre and/or Post-mitigation Testing Waiver.

IAC 44.3(5) states that a credentialed person shall:

d. Ensure that each building is tested for radon levels before and after mitigation work is performed. Such tests shall be of sufficient type, duration and consistency and shall be performed at such times and under such ventilation conditions as to allow for comparison of before and after mitigation radon levels. Premitigation and postmitigation radon tests shall be performed independently by a measurement specialist or technician who is not employed by the same firm as the mitigation specialist performing the mitigation. Postmitigation radon tests shall be started no sooner than one day after mitigation is completed. This requirement is not binding if the building owner waives the procedure, on a form prescribed by the department, before the mitigation process has started.

Therefore a waiver would be needed to be signed by the building owner for any of the following scenarios and before the mitigation process has started for 2-4:

1. Releasing any of the information outlined in item A above to anyone but the building owner.
2. Owner agrees to not having a premitigation test done by a certified measurement specialist (i.e.: has done their own passive test).
3. Leaving a test kit for the owner or the owner obtaining his own test kit to perform the postmitigation test.
4. When you or other member of your staff have performed the premitigation test or will perform the postmitigation test. **(Reminder: you have to be certified as an Iowa Radon Measurement Specialist to perform pre or post mitigation testing)**

It is important that any waiver clearly states which of the above rights or procedures the building owner is waiving.

An example waiver can be obtained here: <https://www.idph.iowa.gov/radon/get-certified>

New Credential Applicants

Examples of the waiver(s) you will use must be provided with your application and the use of any waiver(s) must be referenced in your mitigation QA\QC plan outlined in section 2.6 of the "Application Guide for Obtaining a Credential as a Radon Mitigation Specialist". A copy of the guide can be obtained here: <https://www.idph.iowa.gov/radon/get-certified>

Currently Credentialed Individuals

It is recommended that your mitigation QA\QC plans be amended if necessary to reflect current business practices relating to the use of the above mentioned waivers and compliance with Chapter 44 section 44.3(5).