

Office of the Revisor of Statutes

Administrative Rules



TITLE: Adopted Permanent Rules Relating to Radon Licensing

AGENCY: Department of Health

REVISOR ID: R-4353

MINNESOTA RULES: Chapters 4620 and 4717

INCORPORATIONS BY REFERENCE: [See attached]

The attached rules are approved for
filing with the Secretary of State

A handwritten signature in cursive script that reads "Sandy Glass-Sirany".

Sandy Glass-Sirany
Senior Assistant Revisor

191096

INCORPORATIONS BY REFERENCE:

Part 4620.7500:

Available from the source listed and for loan or inspection from the Department of Health.

ANSI/AARST Protocol for Conducting Measurements of Radon and Radon Decay Products in Homes (ANSI/AARST MAH-2014) or successor ANSI/AARST standards.

ANSI/AARST Standard: Protocol for Conducting Radon and Radon Decay Product Measurements in Multifamily Buildings (ANSI/AARST MAMF-2012) or successor ANSI/AARST standards.

ANSI/AARST Protocol for Conducting Measurements of Radon and Radon Decay Products in Schools and Large Buildings (ANSI/AARST MALB-2014) or successor ANSI/AARST standards.

Soil Gas Mitigation Standards for Existing Homes (ANSI/AARST SMG-SF-2017) or successor ANSI/AARST standards.

ANSI/AARST Radon Mitigation Standards for Multifamily Buildings (ANSI/AARST RMS-MF-2014) or successor ANSI/AARST standards.

ANSI/AARST Radon Mitigation Standards for Schools and Large Buildings (ANSI/AARST RMS-LB-2014) or successor ANSI/AARST standards.

ANSI/AARST Performance Specifications for Instrumentation Systems Designed to Measure Radon Gas in Air (ANSI/AARST MS-PC-2015) or successor ANSI/AARST standards.

1.1 **Department of Health**

1.2 **Adopted Permanent Rules Relating to Radon Licensing**

1.3 **4620.7000 PURPOSE.**

1.4 The purpose of parts 4620.7000 to 4620.7950 is to protect public health by establishing
1.5 licensing requirements and work practices that ensure radon measurement and radon
1.6 mitigation are performed in a manner that minimizes the public's exposure to radon gas.

1.7 **4620.7050 APPLICABILITY.**

1.8 Parts 4620.7000 to 4620.7950 apply to any person who performs a service for
1.9 compensation to detect the presence of radon in the indoor atmosphere, performs laboratory
1.10 analysis of radon measurement samples, or performs a service to mitigate radon in the indoor
1.11 atmosphere. Parts 4620.7000 to 4620.7950 also apply to radon mitigation systems installed
1.12 on or after January 1, 2019.

1.13 **4620.7100 DEFINITIONS.**

1.14 Subpart 1. **Scope.** For the purposes of parts 4620.7000 to 4620.7950, the terms defined
1.15 in this part have the meanings given them.

1.16 Subp. 2. **Commissioner.** "Commissioner" means the commissioner of health or the
1.17 commissioner's designee.

1.18 Subp. 3. **Continuous monitor.** "Continuous monitor" means a radon measurement
1.19 device that requires an electrical power source and is capable of charting radon concentration
1.20 fluctuations throughout the course of a given measurement period.

1.21 Subp. 4. **Foundation type.** "Foundation type" means basement, crawl space,
1.22 slab-on-grade, or any other construction technique approved by local building code.

1.23 Subp. 5. **Measurement professional.** "Measurement professional" has the meaning
1.24 given in Minnesota Statutes, section 144.4961, subdivision 8, paragraph (a), clause (1).
1.25 Radon testing includes the act of an individual placing and retrieving a radon test device.

2.1 Subp. 6. **Mitigation.** "Mitigation" has the meaning given in Minnesota Statutes, section
2.2 144.4961, subdivision 2, paragraph (b).

2.3 Subp. 7. **Mitigation company.** "Mitigation company" has the meaning given in
2.4 Minnesota Statutes, section 144.4961, subdivision 8, paragraph (a), clause (3).

2.5 Subp. 8. **Mitigation professional.** "Mitigation professional" has the meaning given
2.6 in Minnesota Statutes, section 144.4961, subdivision 8, paragraph (a), clause (2).

2.7 Subp. 9. **Mitigation system tag or system tag.** "Mitigation system tag" or "system
2.8 tag" has the meaning given in Minnesota Statutes, section 144.4961, subdivision 8, paragraph
2.9 (a), clause (5).

2.10 Subp. 10. **Mitigation technician.** "Mitigation technician" means an employee or
2.11 subcontractor who is supervised by a licensed radon professional when installing a radon
2.12 mitigation system.

2.13 Subp. 11. **National radon proficiency program (NRPP).** "National radon proficiency
2.14 program" or "NRPP" means a radon proficiency listing, accrediting, and certifying program
2.15 for radon measurement and mitigation professionals, radon laboratories, radon measurement
2.16 devices, and radon chambers formerly recognized by the United States Environmental
2.17 Protection Agency (EPA) as being equal to the EPA's National Radon Proficiency Program.

2.18 Subp. 12. **On-site supervision.** "On-site supervision" has the meaning given in
2.19 Minnesota Statutes, section 144.4961, subdivision 8, paragraph (a), clause (2).

2.20 Subp. 13. **Passive device.** "Passive device" means a radon measurement device that
2.21 is analyzed by a radon analysis laboratory.

2.22 Subp. 14. **Quality assurance.** "Quality assurance" means all activities required to
2.23 provide the evidence needed to establish confidence that data provided are of the required
2.24 precision and accuracy.

3.1 Subp. 15. **Quality control.** "Quality control" means the process through which an
3.2 organization measures its performance, compares the performance with standards, and acts
3.3 on any differences.

3.4 Subp. 16. **Radon.** "Radon" has the meaning given in Minnesota Statutes, section
3.5 144.4961, subdivision 2, paragraph (c).

3.6 Subp. 17. **Radon analysis laboratory.** "Radon analysis laboratory" has the meaning
3.7 given in Minnesota Statutes, section 144.4961, subdivision 8, paragraph (a), clause (4).

3.8 Subp. 18. **Radon measurement.** "Radon measurement" means testing to determine
3.9 the presence and concentration of radon in a building.

3.10 Subp. 19. **Radon sample analysis.** "Radon sample analysis" means determining the
3.11 presence and concentration of radon in a passive device.

3.12 Subp. 20. **Responsible individual.** "Responsible individual" means an individual who
3.13 has the authority to represent a radon mitigation company in all matters related to a radon
3.14 mitigation company license.

3.15 **4620.7200 RADON MEASUREMENT PROFESSIONAL LICENSE.**

3.16 Subpart 1. **General requirements.** An individual who performs radon measurement
3.17 work must be licensed by the commissioner as a radon measurement professional under
3.18 this part. A radon measurement professional license is not transferable.

3.19 Subp. 2. **Training requirements; initial license.** To be eligible for an initial license
3.20 as a radon measurement professional, an applicant must:

3.21 A. complete an initial radon measurement training course approved by the
3.22 commissioner under part 4620.7700; and

3.23 B. pass a radon measurement examination approved by the commissioner under
3.24 part 4620.7700.

4.1 Subp. 3. **Initial license application.** An applicant for an initial radon measurement
4.2 professional license must submit to the commissioner:

4.3 A. a completed application on a form provided by the commissioner;

4.4 B. a nonrefundable annual fee according to Minnesota Statutes, section 144.4961,
4.5 subdivision 8, payable to the Department of Health;

4.6 C. documentation that the applicant completed initial radon measurement training
4.7 required under subpart 2;

4.8 D. documentation that the applicant passed a radon measurement training course
4.9 exam as described in subpart 2;

4.10 E. a quality control and quality assurance plan for radon measurement based on
4.11 the United States Environmental Protection Agency National Radon Proficiency Program
4.12 Guidance on Quality Assurance;

4.13 F. the type, manufacturer, and model of all continuous monitors that the applicant
4.14 intends to use to measure radon; and

4.15 G. the type and manufacturer of all passive devices that the applicant intends to
4.16 use to measure radon.

4.17 Subp. 4. **Expiration; renewal; continuing education.**

4.18 A. A radon measurement professional license is valid for one year from the date
4.19 of issuance.

4.20 B. A radon measurement professional may apply to renew a license after
4.21 completing eight hours of continuing education approved by the commissioner under part
4.22 4620.7700.

5.1 ~~C. A radon measurement professional must complete eight hours of continuing~~
5.2 ~~education, approved by the commissioner under part 4620.7700, within 12 months after the~~
5.3 ~~date on the last issued radon measurement professional license.~~

5.4 ~~D. An individual who fails to complete eight hours of approved continuing~~
5.5 ~~education 30 days after the individual's license expires must:~~

5.6 ~~(1) complete the continuing education required under item C; and~~

5.7 ~~(2) pass an examination as specified in subpart 2 to qualify for a license.~~

5.8 C. To renew an expired license, an applicant must submit a renewal application
5.9 by submitting the information required under subpart 5 and must:

5.10 (1) complete eight hours of continuing education approved by the
5.11 commissioner under part 4620.7700 for every year or part of a year that the license has
5.12 lapsed;

5.13 (2) complete an initial radon measurement course approved by the
5.14 commissioner under part 4620.7700; or

5.15 (3) pass a radon measurement examination as approved by the commissioner
5.16 under part 4620.7700.

5.17 **Subp. 5. Renewal application.**

5.18 **A. An individual choosing to renew a radon measurement professional license**
5.19 **must submit to the commissioner at least 30 days before the license expires:**

5.20 **(1) a completed renewal application on a form provided by the commissioner;**

5.21 **(2) a nonrefundable annual fee according to Minnesota Statutes, section**
5.22 **144.4961, subdivision 8, payable to the Department of Health;**

6.1 (3) documentation of completed continuing education required under subpart
6.2 4; and

6.3 (4) documentation required under subpart 3, items E, F, and G.

6.4 B. A radon measurement professional must complete eight hours of continuing
6.5 education approved by the commissioner under part 4620.7700 within 11 months after the
6.6 date the radon measurement professional license first expires. Continuing education hours
6.7 may be accrued beginning in the month immediately after they are reported and must be
6.8 reported annually with the license application thereafter.

6.9 ~~B.~~ C. If a license expires while a renewal application is pending approval, the
6.10 radon measurement professional may continue to perform regulated radon measurement
6.11 activities under the expired license until the commissioner issues a new license or denies
6.12 the renewal application.

6.13 **Subp. 6. Denial of license application.**

6.14 A. The commissioner shall deny an application for a radon measurement
6.15 professional license according to Minnesota Statutes, section 144.99, subdivision 8, or if
6.16 the applicant fails to comply with the requirements of subpart 2, 3, 4, or 5.

6.17 B. If the commissioner denies an application, the commissioner:

6.18 (1) must notify the applicant in writing and provide the reasons for the denial;
6.19 and

6.20 (2) must not require the applicant to pay an additional fee if the applicant
6.21 submits a second application according to this part within 30 days of the receipt of a notice
6.22 that the license application has been denied. An applicant must apply for an initial license
6.23 under subpart 3 or a renewal under subpart 5 for subsequent applications; and

7.1 (3) must provide notice of the opportunity to appeal a denial as required by
7.2 Minnesota Statutes, section 144.99, subdivision 10.

7.3 **4620.7250 RADON MITIGATION COMPANY LICENSE.**

7.4 **Subpart 1. General requirements.**

7.5 A. A business or government entity that employs individuals to perform regulated
7.6 radon mitigation work must be licensed by the commissioner as a radon mitigation company.

7.7 B. A radon mitigation company must employ or contract with a responsible
7.8 individual who is licensed as a radon mitigation professional.

7.9 C. A radon mitigation company license is not transferable.

7.10 **Subp. 2. License application.** An applicant for a radon mitigation company license
7.11 must submit to the commissioner:

7.12 A. a completed application on a form provided by the commissioner;

7.13 B. a nonrefundable annual fee according to Minnesota Statutes, section 144.4961,
7.14 subdivision 8, payable to the Department of Health;

7.15 C. evidence of workers' compensation insurance as required by Minnesota Statutes,
7.16 section 176.182, unless the applicant is exempt from the requirements under Minnesota
7.17 Statutes, chapter 176. If the applicant is exempt from the requirements under Minnesota
7.18 Statutes, chapter 176, the applicant must submit a letter that is signed and dated stating why
7.19 the applicant is exempt;

7.20 D. the name and license number of the responsible individual; and

7.21 E. the names and license numbers of all licensed mitigation professionals employed
7.22 or subcontracted by the radon mitigation company.

8.1 **Subp. 3. License expiration and renewal.**

8.2 A. A license issued under this part is valid for one year from the date of issuance.

8.3 B. A licensed radon mitigation company may renew its license annually by
8.4 submitting the information and fee required under subpart 2.

8.5 C. The renewal application must be received by the commissioner at least 30 days
8.6 before the expiration date on the current license.

8.7 D. If a license expires while a renewal application is pending approval, the radon
8.8 mitigation company may continue to employ individuals to perform regulated radon
8.9 mitigation activities under the expired license until the commissioner issues a new license
8.10 or denies the renewal application.

8.11 **Subp. 4. Denial of license application.**

8.12 A. The commissioner shall deny an application for a radon mitigation company
8.13 license according to Minnesota Statutes, section 144.99, subdivision 8, or if the applicant
8.14 fails to comply with the requirements of subpart 2 or 3.

8.15 B. If the commissioner denies an application, the commissioner:

8.16 (1) must notify the applicant in writing and provide the reasons for the denial;

8.17 and

8.18 (2) must not require the applicant to pay an additional fee if the applicant
8.19 submits a second application according to this part within 30 days of the receipt of a notice
8.20 that the license application has been denied. An applicant must apply for an initial license
8.21 under subpart 2 for subsequent applications; and

8.22 (3) must provide notice of the opportunity to appeal a denial as required by
8.23 Minnesota Statutes, section 144.99, subdivision 10.

9.1 Subp. 5. **Change in responsible individual.** If the responsible individual no longer
9.2 serves in that capacity, the company must provide a written notice to the commissioner
9.3 within 30 days of a change in the responsible individual that:

9.4 A. identifies the new responsible individual by name and radon mitigation
9.5 professional license number;

9.6 B. is signed by the new responsible individual; and

9.7 C. provides the date when the new responsible individual assumed the duties of
9.8 the position.

9.9 **4620.7300 RADON MITIGATION PROFESSIONAL LICENSE.**

9.10 Subpart 1. **General requirements.** An individual who performs radon mitigation
9.11 work must be licensed by the commissioner as a radon mitigation professional under this
9.12 part. A radon mitigation professional license is not transferable.

9.13 Subp. 2. **Training requirements; initial license.** To be eligible for an initial license
9.14 as a radon mitigation professional, an applicant must:

9.15 A. complete an initial radon measurement course approved by the commissioner
9.16 under part 4620.7700;

9.17 B. pass a radon measurement examination approved by the commissioner under
9.18 part 4620.7700;

9.19 C. complete an initial radon mitigation course approved by the commissioner
9.20 under part 4620.7700; and

9.21 D. pass a radon mitigation examination approved by the commissioner under part
9.22 4620.7700.

9.23 Subp. 3. **Initial license application.** An applicant for an initial radon mitigation
9.24 professional license must submit to the commissioner:

- 10.1 A. a completed application on a form provided by the commissioner;
- 10.2 B. a nonrefundable annual fee according to Minnesota Statutes, section 144.4961,
10.3 subdivision 8, payable to the Department of Health;
- 10.4 C. documentation that the applicant completed radon training courses under subpart
10.5 2;
- 10.6 D. documentation that the applicant passed radon training course examinations
10.7 under subpart 2;
- 10.8 E. a quality control and quality assurance plan for radon measurement based on
10.9 the United States Environmental Protection Agency National Radon Proficiency Program
10.10 Guidance on Quality Assurance;
- 10.11 F. the type, manufacturer, and model of all continuous monitors that the applicant
10.12 intends to use to measure radon; and
- 10.13 G. the type and manufacturer of all passive devices that the applicant intends to
10.14 use to measure radon.

10.15 **Subp. 4. Expiration; renewal; continuing education.**

- 10.16 A. A radon mitigation professional license is valid for one year from the date of
10.17 issuance.
- 10.18 B. A licensed radon mitigation professional may apply to renew a license after
10.19 completing 12 hours of continuing education approved by the commissioner under part
10.20 4620.7700.
- 10.21 C. To renew an expired license, an individual who fails to complete 12 hours of
10.22 approved continuing education 30 days after a license expires applicant must submit a
10.23 renewal application by submitting the information required under subpart 5 and:

11.1 (1) ~~complete the 12 hours of continuing education under item B~~ approved by
11.2 the commissioner under part 4620.7700 for every year or part of a year the license has
11.3 lapsed; and

11.4 (2) ~~pass the examinations in subpart 2.~~ complete an initial radon measurement
11.5 course and an initial radon mitigation course approved by the commissioner under part
11.6 4620.7700; or

11.7 (3) pass a radon measurement examination and a radon mitigation examination
11.8 approved by the commissioner under part 4620.7700.

11.9 **Subp. 5. Renewal application.**

11.10 A. An individual choosing to renew a radon mitigation professional license must
11.11 submit to the commissioner at least 30 days before the license expires:

11.12 (1) a completed renewal application on a form provided by the commissioner;

11.13 (2) a nonrefundable annual fee according to Minnesota Statutes, section
11.14 144.4961, subdivision 8, payable to the Department of Health;

11.15 (3) documentation of continuing education credits required under subpart 4;
11.16 and

11.17 (4) documentation required under subpart 3, items E, F, and G.

11.18 B. A radon mitigation professional must complete 12 hours of continuing education
11.19 approved by the commissioner under part 4620.7700 within 11 months after the date the
11.20 radon mitigation professional license first expires. Continuing education hours may be
11.21 accrued beginning in the month immediately after they are reported and must be reported
11.22 annually with the license application thereafter.

11.23 B. C. If a license expires while a renewal application is pending approval, the
11.24 radon mitigation professional may continue to perform regulated radon mitigation activities

12.1 under the expired license until the commissioner issues a new license or denies the renewal
12.2 application.

12.3 **Subp. 6. Denial of license application.**

12.4 A. The commissioner shall deny an application for a radon mitigation professional
12.5 license according to Minnesota Statutes, section 144.99, subdivision 8, or if the applicant
12.6 fails to comply with the requirements of subpart 2, 3, 4, or 5.

12.7 B. If the commissioner denies an application, the commissioner:

12.8 (1) must notify the applicant in writing and provide the reasons for the denial;
12.9 and

12.10 (2) must not require the applicant to pay an additional fee if the applicant
12.11 submits a second application according to this part within 30 days of the receipt of a notice
12.12 that the license application has been denied. An applicant must apply for an initial license
12.13 under subpart 3 or a renewal under subpart 5 for subsequent applications; and

12.14 (3) must provide notice of the opportunity to appeal a denial as required by
12.15 Minnesota Statutes, section 144.99, subdivision 10.

12.16 **4620.7350 RADON ANALYSIS LABORATORY LICENSE.**

12.17 Subpart 1. **General requirements.** A business or government entity that performs
12.18 radon sample analysis must be licensed by the commissioner as a radon analysis laboratory
12.19 under this part. A radon analysis laboratory license is not transferable.

12.20 Subp. 2. **Application for license.** An applicant for a radon analysis laboratory license
12.21 must submit to the commissioner:

12.22 A. a completed application on a form provided by the commissioner;

12.23 B. a nonrefundable annual fee according to Minnesota Statutes, section 144.4961,
12.24 subdivision 8, payable to the Department of Health;

13.1 C. evidence of workers' compensation insurance as required by Minnesota Statutes,
13.2 section 176.182, or if the applicant is exempt from the requirements under Minnesota
13.3 Statutes, chapter 176, the applicant must submit a letter that is signed and dated stating why
13.4 the applicant is exempt;

13.5 D. the applicant's current national radon proficiency program approval numbers
13.6 and expiration dates;

13.7 E. the name, model, and NRPP approval number of all passive devices analyzed;

13.8 F. all analysis data from the previous year related to radon measurement samples
13.9 taken from buildings located in Minnesota;

13.10 G. a radon sample analysis quality assurance and quality control plan; and

13.11 H. proof of:

13.12 (1) a quality assurance program that meets ISO/IEC 17025, General
13.13 Requirements for the Competence of Testing and Calibration Laboratories Compliance
13.14 published June 29, 2005, and subsequent amendments or editions; or

13.15 (2) enrollment in an independent third-party accreditation/certification
13.16 program that meets national laboratory accreditation and certification standards, or an
13.17 equivalent program approved by the commissioner for the devices listed in item E.

13.18 **Subp. 3. License expiration and renewal.**

13.19 A. A license issued under this part is valid for one year from the date of issuance.

13.20 B. A licensed radon analysis laboratory may renew its license annually by
13.21 submitting the information required under subpart 2.

13.22 C. The renewal application must be received by the commissioner at least 30 days
13.23 before the expiration date on the existing license.

14.1 D. If a license expires while a renewal application is pending approval, the radon
14.2 analysis laboratory may continue to perform regulated radon sample analysis activities
14.3 under the expired license until the commissioner issues a new license or denies the renewal
14.4 application.

14.5 Subp. 4. **Denial of license application.**

14.6 A. The commissioner shall deny an application for a radon analysis laboratory
14.7 license according to Minnesota Statutes, section 144.99, subdivision 8, or if the applicant
14.8 fails to comply with the requirements of subpart 2.

14.9 B. If the commissioner denies an application, the commissioner must:

14.10 (1) notify the applicant in writing and provide the reasons for the denial; ~~and~~

14.11 (2) not require the applicant to pay an additional fee if the applicant submits
14.12 a second application according to this part within 30 days of the receipt of a notice that the
14.13 license application has been denied. An applicant must apply for an initial license under
14.14 subpart 2 for subsequent applications; and

14.15 (3) provide notice of the opportunity to appeal a denial as required by
14.16 Minnesota Statutes, section 144.99, subdivision 10.

14.17 Subp. 5. **Quality assurance manager.**

14.18 A. A licensed radon analysis laboratory must at all times employ or contract with
14.19 a quality assurance manager who represents the radon analysis laboratory.

14.20 B. If the quality assurance manager identified on the current radon analysis
14.21 laboratory license no longer serves in that capacity, the laboratory must provide a written
14.22 notice to the commissioner within 30 days of the change in the quality assurance manager
14.23 that:

14.24 (1) identifies the new quality assurance manager;

15.1 (2) is signed by the new quality assurance manager; and

15.2 (3) provides the date when the new quality assurance manager assumed the
15.3 duties of the position.

15.4 **4620.7400 STANDARDS OF CONDUCT.**

15.5 Subpart 1. **Radon measurement and radon mitigation professional standards.** A
15.6 radon measurement professional and a radon mitigation professional must:

15.7 A. operate according to a quality assurance and quality control plan submitted to
15.8 the commissioner under parts 4620.7200 and 4620.7300;

15.9 B. use a continuous monitor or passive device approved by a national radon
15.10 proficiency program;

15.11 C. notify the commissioner in writing within 30 days of any change to the license
15.12 application information provided under parts 4620.7200 and 4620.7300;

15.13 D. maintain proof of a valid license issued under this chapter at all times while at
15.14 a project site;

15.15 E. use the services of a radon laboratory licensed by the commissioner under part
15.16 4620.7350 to analyze radon samples;

15.17 F. maintain records for three years of each radon test performed;

15.18 G. maintain radon measurement device calibration records for three years. Device
15.19 calibration records include the:

15.20 (1) manufacturer of a calibrated device;

15.21 (2) model number of a calibrated device;

15.22 (3) serial number of a calibrated device;

15.23 (4) date of instrument calibration; and

16.1 (5) name of the calibration facility; and

16.2 H. not interfere with the commissioner's inspection or audit of any radon
16.3 measurement or mitigation project.

16.4 Subp. 2. **Radon mitigation company and sole proprietor radon mitigation**
16.5 **professional standards.** A radon mitigation company and a radon professional engaged
16.6 as a sole proprietor with no employees and no subcontractors who are licensed radon
16.7 mitigation professionals must:

16.8 A. verify that employees directly involved in radon mitigation complete an
16.9 NRPP-approved training course or a minimum of eight hours of basic mitigation training
16.10 provided by a licensed radon mitigation professional. The training must be:

16.11 (1) provided before working on a mitigation project;

16.12 (2) performed annually; and

16.13 (3) documented by having trainees acknowledge with their written signature
16.14 that they have received training meeting the requirements of this part;

16.15 B. maintain a record of training required under item A for three years;

16.16 C. verify that all of its mitigation professionals, employees, and subcontractors
16.17 comply with ~~this chapter~~ parts 4620.7000 to 4620.7950;

16.18 D. verify that radon mitigation is performed with on-site supervision of a licensed
16.19 mitigation professional;

16.20 E. maintain records for three years of each radon mitigation performed, including
16.21 records required under parts 4620.7500 and 4620.7600, subpart 2;

16.22 F. notify the commissioner in writing within 30 days of any change to the license
16.23 application information provided under part 4620.7250; and

17.1 G. obtain a permit from the local unit of government when the installation of a
17.2 radon mitigation system alters any structural component of the building framing system. A
17.3 permit is not required when only the rim joist area is penetrated.

17.4 Subp. 3. **Radon analysis laboratory standards.** An approved radon analysis laboratory
17.5 must:

17.6 A. maintain current documentation required under part 4620.7350;

17.7 B. maintain the certification status of a national radon proficiency program;

17.8 C. notify the commissioner in writing within 30 days of any change to the license
17.9 application information provided under part 4620.7350; and

17.10 D. maintain the status requirement of part 4620.7350, subpart 2, item H. If status
17.11 is no longer current, the commissioner shall suspend the radon laboratory license under
17.12 Minnesota Statutes, section 144.99, subdivision 9.

17.13 **4620.7500 INCORPORATION BY REFERENCE; REQUIRED WORK PRACTICES**
17.14 **FOR RADON MEASUREMENT AND MITIGATION AND MEASUREMENT**
17.15 **DEVICES.**

17.16 A. This part indicates documents, specifications, methods, and standards that are
17.17 incorporated by reference in parts 4620.7000 to 4620.7900. This material is amended from
17.18 time to time and is available from the source listed and for loan or inspection from the
17.19 Department of Health. The requirements of the standards or the successor requirements of
17.20 the standards in this section must be followed for all radon-related work conducted in
17.21 Minnesota.

17.22 B. Radon measurement professionals and radon mitigation professionals measuring
17.23 radon in single-family residences must:

18.1 (1) comply with ANSI/AARST Protocol for Conducting Measurements of
18.2 Radon and Radon Decay Products in Homes (ANSI/AARST MAH-2014) or successor
18.3 ANSI/AARST standards; and

18.4 (2) test each unique foundation type.

18.5 C. Radon measurement professionals and radon mitigation professionals measuring
18.6 radon in multifamily buildings must comply with ANSI/AARST Standard: Protocol for
18.7 Conducting Radon and Radon Decay Product Measurements in Multifamily Buildings
18.8 (ANSI/AARST MAMF-2012 2017) or successor ANSI/AARST standards.

18.9 D. Radon measurement professionals and radon mitigation professionals measuring
18.10 radon in schools and large buildings must comply with ANSI/AARST Protocol for
18.11 Conducting Measurements of Radon and Radon Decay Products in Schools and Large
18.12 Buildings (ANSI/AARST MALB-2014) or successor ANSI/AARST standards.

18.13 E. Radon mitigation professionals performing radon mitigation in houses must
18.14 comply with Soil Gas Mitigation Standards for Existing Homes (ANSI/AARST SMG
18.15 SGM-SF-2017) or successor ANSI/AARST standards.

18.16 F. Radon mitigation professionals performing radon mitigation in multifamily
18.17 buildings must comply with ANSI/AARST Radon Mitigation Standards for Multifamily
18.18 Buildings (ANSI/AARST RMS-MF-2014 2018) or successor ANSI/AARST standards.

18.19 G. Radon mitigation professionals performing radon mitigation in schools and
18.20 large buildings must comply with ANSI/AARST Radon Mitigation Standards for Schools
18.21 and Large Buildings (ANSI/AARST RMS-LB-2014 2018) or successor ANSI/AARST
18.22 standards.

18.23 H. Radon measurement device performance requirements are the ANSI/AARST
18.24 Performance Specifications for Instrumentation Systems Designed to Measure Radon Gas
18.25 in Air (ANSI/AARST MS-PC-2015) or successor ANSI/AARST standards.

19.1 **4620.7600 RADON SYSTEM TAG REQUIREMENTS.**

19.2 Subpart 1. **Purchasing tags.** A radon mitigation company must purchase radon system
19.3 tags by:

19.4 A. completing and submitting an application on a form provided by the
19.5 commissioner; and

19.6 B. submitting the nonrefundable fees according to Minnesota Statutes, section
19.7 144.4961, subdivision 8, paragraph (a), clause (5), for the number of tags to be purchased
19.8 and payable to the Department of Health.

19.9 C. A radon mitigation professional engaged as a sole proprietor with no employees
19.10 and no subcontractors who are licensed radon mitigation professionals may purchase radon
19.11 system tags as required in this subpart, without becoming a licensed radon mitigation
19.12 company.

19.13 Subp. 2. **Postmitigation checklist.** A radon mitigation professional must complete a
19.14 postmitigation checklist, on a form provided by the commissioner, before attaching a radon
19.15 system tag.

19.16 Subp. 3. **Attaching tags.** A radon mitigation professional must attach a radon system
19.17 tag to a radon system:

19.18 A. in a location:

19.19 (1) in the interior of the building that is being mitigated;

19.20 (2) next to the system pressure gauge; and

19.21 (3) that is visible without having to move or remove items, furnishings, or
19.22 building materials; and

19.23 B. on the date of project completion.

20.1 **4620.7700 APPROVAL OF INITIAL TRAINING AND CONTINUING EDUCATION**
20.2 **COURSES.**

20.3 Subpart 1. **Initial training.** The commissioner shall approve an initial radon:

20.4 A. measurement training course approved by a national radon proficiency program;

20.5 B. measurement course exam approved by a national radon proficiency program;

20.6 C. mitigation training course approved by a national radon proficiency program;

20.7 and

20.8 D. mitigation course exam approved by a national radon proficiency program.

20.9 Subp. 2. **Preapproved continuing education courses.**

20.10 A. Any continuing education course currently approved by a national radon
20.11 proficiency program meets the continuing education requirements of parts 4620.7200 and
20.12 4620.7300.

20.13 B. A licensed measurement professional or mitigation professional shall receive
20.14 continuing education credit for the number of hours that the professional attends an initial
20.15 training course approved by the commissioner.

20.16 Subp. 3. **Other continuing education credit.** To receive continuing education credit
20.17 for a course, seminar, or professional organization meeting that is not an approved training
20.18 course under this part, the person requesting credit must complete and submit a request on
20.19 a form provided by the commissioner.

20.20 A. A person requesting credit must submit a request for credit according to this
20.21 subpart within 30 days after a course, seminar, or meeting ends.

20.22 B. To obtain advance approval of continuing education credit for a course, seminar,
20.23 or meeting of a professional organization, a person requesting credit must submit a request
20.24 under this subpart at least 30 days before the course, seminar, or meeting begins.

21.1 C. The commissioner shall grant continuing education credit to an instructor of a
21.2 course approved by the commissioner under this part if the instructor requesting credit
21.3 submits to the commissioner a request on a form provided by the commissioner within 30
21.4 days after a course, seminar, or meeting ends.

21.5 D. The commissioner shall determine the number of continuing education credit
21.6 hours that are approved to meet the requirements of this part based on the course's, seminar's,
21.7 or meeting's relevance to the activities of a measurement professional or mitigation
21.8 professional.

21.9 **4620.7800 REPORTING REQUIREMENTS.**

21.10 Subpart 1. **Radon test reports.** A radon measurement professional or radon mitigation
21.11 professional must submit an electronic report, in the form and manner provided by the
21.12 commissioner, listing all the radon tests completed and provide the following information
21.13 for each project:

21.14 A. street address, city, county, and zip code where work was performed;

21.15 B. test start date and completion date;

21.16 C. test device used;

21.17 D. identification of test as initial, follow-up, or postmitigation test;

21.18 E. if the test was done for a real estate transaction;

21.19 F. reported radon concentration;

21.20 G. age of the building tested;

21.21 H. type of building tested;

21.22 I. if there is a radon mitigation system present; and

21.23 J. system tag number, if present.

22.1 Subp. 2. **Mitigation project reports.** A mitigation company or radon mitigation
22.2 professional engaged as a sole proprietor with no employees and no subcontractors who are
22.3 licensed radon professionals must submit an electronic report, in the form and manner
22.4 provided by the commissioner, listing all mitigation projects completed and provide the
22.5 following information for each project:

- 22.6 A. name and contact information of the property owner or occupant, if available;
- 22.7 B. street address, city, county, and zip code where the work was performed;
- 22.8 C. start date and completion dates;
- 22.9 D. type of radon mitigation systems installed;
- 22.10 E. type of building mitigated;
- 22.11 F. premitigation and postmitigation radon concentrations, if available; and
- 22.12 G. MDH mitigation system tag identification number.

22.13 Subp. 3. **Reporting deadlines.** The reports required by this part must be submitted
22.14 quarterly by:

- 22.15 A. April 30 for the period of January 1 through March 31;
- 22.16 B. July 30 for the period of April 1 through June 30;
- 22.17 C. October 30 for the period of July 1 through September 30; and
- 22.18 D. January 30 for the period of October 1 through December 31 of the previous
22.19 year.

23.1 **4620.7900 INSPECTIONS AND ENFORCEMENT.**

23.2 Subpart 1. **Compliance inspections.**

23.3 A. Upon request, a measurement professional, mitigation professional, mitigation
23.4 company, or operator of a radon laboratory must make available to the commissioner:

23.5 (1) records or equipment of activities regulated under this chapter;

23.6 (2) addresses of properties or buildings where radon is being tested or
23.7 mitigation work is scheduled, in progress, or completed; and

23.8 (3) names of the owners and residents of properties or buildings where radon
23.9 is being or has been tested or where mitigation work is scheduled, in progress, or completed.

23.10 B. After providing identification, an agent of the commissioner may:

23.11 (1) examine any equipment used for radon testing or mitigation;

23.12 (2) sketch or photograph any portion of a site or building where radon is
23.13 being measured or mitigated; and

23.14 (3) interview employees or representatives of a licensee or a license applicant
23.15 under this chapter.

23.16 Subp. 2. **Enforcement.** Violations of the requirements of parts 4620.7050 to 4620.7900
23.17 constitute grounds for the commissioner to take one or more of the enforcement actions
23.18 under Minnesota Statutes, sections 144.989 to 144.993, subject to the notice and appeal
23.19 provisions in applicable law.

23.20 **4620.7950 VARIANCE TO RADON LICENSING RULES.**

23.21 The commissioner may grant a variance to parts 4620.7000 to 46200.7900 according
23.22 to the procedures and criteria in parts 4717.7000 to 4717.7050.

24.1 **4717.7000 VARIANCE REQUEST.**

24.2 Subpart 1. **Request.** A party may ask the commissioner of health to grant a variance
24.3 from the following items:

24.4 A. clean indoor air, parts 4620.0100 to 4620.1450;

24.5 *[For text of items B to F, see M.R.]*

24.6 G. enclosed sports arenas, parts 4620.3900 to 4620.4800, except part 4620.3950;

24.7 H. public swimming pools, parts 4717.0150 to 4717.3975;

24.8 I. [Repealed, L 2007 c 140 art 13 s 3]

24.9 J. general requirements for construction of surface water and groundwater under
24.10 the direct influence of surface water treatment facilities, parts 4720.3920 to 4720.3965;

24.11 K. water haulers, parts 4720.4000 to 4720.4600;

24.12 L. wellhead protection, parts 4720.5200 to 4720.5570;

24.13 M. wells and borings, parts 4725.0100 to 4725.7450;

24.14 N. explorers and exploratory borings, parts 4727.0100 to 4727.1250;

24.15 O. explorers and exploratory borings, parts 4727.0100 to 4727.1250;

24.16 P. ionizing radiation, parts 4732.0100 to 4732.1130, except parts 4732.0200 and
24.17 4732.0210;

24.18 Q. lead poisoning prevention, parts 4761.2000 to 4761.2700, except parts
24.19 4761.2000, 4761.2100, 4761.2200, 4761.2220, and 4761.2510; and

24.20 R. radon licensing, parts 4620.7000 to 4620.7900.

24.21 *[For text of subps 2 and 3, see M.R.]*

November 16, 2018

VIA EMAIL ONLY

Nancy Breems
Secretary of State, Elections Division
180 State Office Building
100 Rev Dr Martin Luther King Jr Blvd
St. Paul, Minnesota 55155-1299
official.documents@state.mn.us

**Re: *In the Matter of the Proposed Permanent Rules Relating to Radon
Licensing***
OAH 80-9000-35236; Revisor R-4353

Dear Ms. Breems:

Enclosed for filing is an electronic copy of the above-entitled adopted rules.

Please send the agency copy of the rules to:

John D. Olson
Minnesota Department of Health
625 Robert St N
PO Box 64975
Saint Paul, MN 55164
john.d.olson@state.mn.us

If you have any questions regarding this matter, please contact Katie Lin at (651) 361-7900, denise.collins@state.mn.us or facsimile at (651) 539-0310.

Sincerely,

/s/ Lisa Armstrong

LISA ARMSTRONG
Legal Assistant

Enclosures

cc: John D. Olson (via email)