

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1328 Session of
2024

INTRODUCED BY ROBINSON, LAUGHLIN, HAYWOOD, BREWSTER, KANE,
SCHWANK, MILLER, MUTH AND BROWN, SEPTEMBER 27, 2024

REFERRED TO EDUCATION, SEPTEMBER 27, 2024

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," in grounds and buildings, providing
6 for radon testing.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. The act of March 10, 1949 (P.L.30, No.14), known
10 as the Public School Code of 1949, is amended by adding a
11 section to read:

12 Section 743. Radon Testing.--(a) Notwithstanding any other
13 provision of law, beginning in the 2025-2026 school year and
14 thereafter as provided under this section:

15 (1) Each existing school building shall be tested for radon
16 gas.

17 (2) If the test result is at least four (4) picocuries per
18 liter of air (pCi/L), the school building shall be mitigated and
19 retested until the radon levels are less than four (4)
20 picocuries per liter of air (pCi/L).

1 (b) The following shall apply to the initial testing of a
2 school building's radon gas levels:

3 (1) The initial testing of a school building's radon gas
4 levels shall occur within one (1) year of the effective date of
5 this clause or within one year of completion of the building's
6 construction, whichever is later.

7 (2) If the testing of a school building's radon gas levels
8 does not identify any radon gas levels at or above four (4)
9 picocuries per liter of air (pCi/L), the school building must be
10 retested every five (5) years or when the school building
11 receives major structural, foundational or HVAC renovations or
12 repairs, whichever is sooner.

13 (3) If the testing of a school building's radon gas levels
14 identifies any radon gas levels at or above four (4) picocuries
15 per liter, the school building must be retested every two (2)
16 years.

17 (c) Radon gas testing shall be performed in accordance with
18 the version of ANSI-AARST MA-MFLB Protocol for Conducting
19 Measurements of Radon and Radon Decay Products in Multifamily,
20 School, Commercial and Mixed-Use Buildings in effect on the
21 effective date of this subsection.

22 (d) Radon gas testing shall be performed by an individual
23 who is certified under the act of July 9, 1987 (P.L.238, No.43),
24 known as the "Radon Certification Act."

25 (e) The following shall apply to radon gas mitigation:

26 (1) If radon gas testing results for a room or occupied area
27 in a school building indicate that the radon level is at least
28 four (4) picocuries per liter of air (pCi/L), the school
29 building shall be mitigated and retested until the radon levels
30 are less than four (4) picocuries per liter of air (pCi/L).

1 (2) Radon gas mitigation shall be performed by an individual
2 who is certified under the "Radon Certification Act" by the
3 Department of Environmental Protection. Retesting of mitigated
4 buildings shall be performed as provided under clause (1) and
5 every two (2) years thereafter by an individual who is certified
6 under the "Radon Certification Act" by the Department of
7 Environmental Protection.

8 (3) The following shall apply:

9 (i) Operation, maintenance and monitoring of the radon gas
10 mitigation system shall comply with the radon mitigation
11 standards provided under the current version of the ANSI-AARST
12 SGM-MFLB Soil Gas Mitigation Standards for Existing Multifamily,
13 School, Commercial and Mixed-Use Buildings in effect on the
14 effective date of this subclause.

15 (ii) Radon gas mitigation system installations shall be
16 completed within six (6) months of confirmatory radon gas
17 testing.

18 (f) Initial radon testing results, mitigation plans and
19 radon testing results conducted after radon mitigation shall be
20 reported within sixty (60) days after the information has been
21 received by the school entity as follows:

22 (1) By presentation to the governing body of a school entity
23 at a public meeting of the governing body of a school entity.

24 (2) By communication by the governing body of a school
25 entity to the parents' organization, if one exists.

26 (3) By communication by the governing body of a school
27 entity to the teachers' union or other employe organization.

28 (4) By posting on the school district's publicly accessible
29 Internet website and social media.

30 (5) By submitting a report to the Radon Division of the

1 Bureau of Radiation Protection of the Department of
2 Environmental Protection, the State Board of Education, the
3 Department of Education and the county health department.

4 (g) Each new school building shall be built using radon-
5 resistant new construction techniques according to the version
6 of the ANSI-AARST CC-1000: Soil Gas Control Systems in New
7 Construction of Buildings in effect on the effective date of
8 this subsection.

9 (h) As used in this section, the following words and phrases
10 shall have the meanings given to them in this subsection unless
11 the context clearly indicates otherwise:

12 "Employe organization." As defined in section 1101-A.

13 "Governing body of a school entity." The board of school
14 directors of a school district or any other governing entity of
15 a school entity.

16 "HVAC." Heating, ventilation and air conditioning system.

17 "Parents' organization." An organized group, collective or
18 agency of parents and legal guardians of the students in a
19 school building or school entity.

20 "Radon." The radioactive noble gas radon 222.

21 "Radon contractor." A person as defined by the Department of
22 Environmental Protection, Bureau of Radiation Protection
23 requirements.

24 "School entity." A school district, charter school, cyber
25 charter school, regional charter school, intermediate unit, area
26 career and technical school, private school or nonpublic school.

27 Section 2. This act shall take effect in 120 days.