28-35-600. Definitions. In addition to the terms defined in K.S.A. 48-16a02 and amendments thereto, each of the following terms shall have the meaning assigned in this regulation: (a) "All reasonable times" means normal business hours and other times that radon services are being performed, or at a time convenient for the property owner.

(b) "Mitigation" means any action taken to reduce radon concentrations in the indoor atmosphere or to prevent the entry of radon into the indoor atmosphere. This term shall include application of materials, installation of systems, and any new repair or alteration of a building or design.

(c) "Mitigation system" means any set of devices, controls, or materials installed for reducing radon concentrations in a building.

(d) "Quality assurance and quality control plan" means a plan or design that ensures the authenticity, integrity, reproducibility, and accuracy of radon concentration measurements. Each quality assurance and quality control plan shall include at a minimum procedures for the following:

(1) Chain of custody;

(2) calibration of measurement devices in the field;

(3) checks for background;

(4) duplicates, blanks, and spikes; and

(5) representative sampling.

(e) "Radon certification law" means K.S.A. 48-16a01 through 48-16a12, and amendments thereto.

(f) "Radon measurement technician" means an individual certified by the department who performs radon or radon progeny measurements for a radon measurement business or

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provides professional advice on radon or radon progeny measurements, health risks, radon-related exposure, radon entry routes, or other radon-related activities.

(g) "Radon mitigation technician" means an individual certified by the department who designs or installs radon mitigation systems or who performs and evaluates results of tests to determine appropriate radon mitigation systems. This individual may be employed or contracted by a radon mitigation business.

(h) "Radon progeny" means the short-lived radionuclides formed from the decay of radon-222 or radon-220.

(i) "Radon services" means any activity provided by a person that is subject to the radon certification law. This term shall include radon testing, the analysis of radon, radon testing or mitigation consultation, and radon mitigation.

(j) "Site" means a geographic location comprising leased or owned land, buildings, and other structures where radon services are performed. (Authorized by K.S.A. 2010 Supp. 48-16a03; implementing K.S.A. 2010 Supp. 48-16a03, 48-16a05, 48-16a06, and 48-16a08; effective P-_____.)

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28-35-601. General provisions. Except as otherwise specifically provided by the radon certification law, K.A.R. 28-35-601 through 28-35-609 shall apply to any person that provides radon services.

(a) Any initial, renewal, or reciprocal application to conduct radon services may be denied by the department for any of the following reasons:

(1) Any false statement in the application;

(2) revocation of a prior radon services certification in Kansas or another state; or

(3) violation of any of the requirements of K.A.R. 28-35-601 through 28-35-609 or the radon certification law.

(b) Any certification to conduct radon services may be suspended or revoked or may have requirements or restrictions added by the secretary for any of the following reasons:

(1) Any condition revealed by an application, any statement of fact, or any report, record, or inspection that could result in the denial of any application; or

(2) violation of or failure to observe any of the terms and conditions of the certification, any requirement of the radon certification law and K.A.R. 28-35-601 through 28-35-609, or any order of the secretary.

(c) Initial certification and renewal certification shall be valid for 24 months.

(d) Requirements or restrictions that are necessary to ensure compliance with the radon certification law may be specified by the secretary at the time of initial certification or renewal certification or in connection with any radon services inspection.

(e) Failure to comply with all requirements for certification within 60 days of submittal of an application for initial or renewal certification shall void the application.

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(f) An exemption to any requirement of K.A.R. 28-35-601 through 28-35-609 may be granted by the secretary if both of the following conditions are met:

(1) A person certified to conduct radon services submits a written request, including justification for the exemption and any supporting data or documentation, to the secretary for review and consideration for approval.

(2) The secretary determines that the exemption is protective of public health, safety, and the environment.

(g) Each person certified under the radon certification law and these regulations shall submit the reports required by K.S.A. 48-16a10, and amendments thereto, and any additional relevant information requested by the department in a format specified by the department.

(h) All records required to be kept by each person certified under the radon certification law and these regulations shall be retained for at least three years.

(i) Each radon measurement technician, radon mitigation technician, radon measurement business, radon mitigation business, and radon measurement laboratory shall allow the department access at all reasonable times to that person's or that person's employer's facilities and files for inspection and examination of records of radon services to determine compliance with the radon certification law and K.A.R. 28-35-601 through 28-35-609.

(j) Upon request by the department, each person certified under K.A.R. 28-35-601 through 28-35-609 or the radon certification law shall submit a list of scheduled measurement or mitigation activities to the department within two business days of receipt of the request.

(Authorized by K.S.A. 2010 Supp. 48-16a03 and 48-16a04; implementing K.S.A. 2010 Supp 48-16a03 and 48-16a10; effective P-_____.)

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28-35-602. Fees. (a) Application fees for 24-month certification:

(1) Radon measurement technician:

(A) Initial certification $100.00

(B) Renewal certification $100.00

(C) Reciprocal certification $100.00

(2) Radon mitigation technician:

(A) Initial certification $100.00

(B) Renewal certification $100.00

(C) Reciprocal certification $100.00

(3) Radon measurement laboratory:

(A) Initial certification $250.00

(B) Renewal certification $250.00

(C) Reciprocal certification $250.00

(b) Fee for returned check . . . . . $ 50.00

(c) Fee for late certification renewal, for each month or part of a month . . . . . $ 25.00

Each fee specified in this regulation shall be nonrefundable. (Authorized by and implementing K.S.A. 2010 Supp. 48-16a03 and 48-16a04; effective P-_____.)

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28-35-603. Requirements for radon measurement technician. (a) Each applicant for initial certification as a radon measurement technician shall meet the requirements of K.S.A. 48-16a05, and amendments thereto, and the following additional requirements:

(1) Be at least 18 years of age;

(2) complete and show proof of completion to the department of a radon measurement training course with at least 16 hours of classroom instruction approved by the department pursuant to K.S.A. 48-16a05, and amendments thereto;

(3) pass an examination on radon measurement approved by the department pursuant to K.S.A. 48-16a05, and amendments thereto, with a score of at least 70 percent; and

(4) provide any additional relevant information requested by the department.

(b) Each radon measurement technician shall meet the following requirements:

(1) Conduct radon measurement activities in accordance with the requirements of the following:

(A) K.S.A. 48-16a05, and amendments thereto;

(B) "protocols for radon and radon decay product measurements in homes," EPA 402-R-92-003, including appendices, published by the environmental protection agency and dated June 1993, which is hereby adopted by reference;

(C) "indoor radon and radon decay product measurement device protocols," EPA 402-R-92-004, published by the environmental protection agency and dated July 1992, which is hereby adopted by reference; and

(D) all applicable municipal, county, state, and federal laws and regulations;

(2) upon request from the department, provide documentation of proficiency including continuing education requirements specified in K.A.R. 28-35-605;

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(3) notify the department of any name or address changes within 30 days; and

(4) maintain and adhere to a quality assurance and quality control plan. (Authorized by K.S.A. 2010 Supp. 48-16a03; implementing K.S.A. 2010 Supp. 48-16a03 and 48-16a05; effective P-_____.)

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28-35-604. Requirements for radon mitigation technician. (a) Each applicant for initial certification as a radon mitigation technician shall meet the requirements of K.S.A. 48-16a06, and amendments thereto, and the following additional requirements:

(1) Be at least 18 years of age;

(2) complete and submit proof of completion to the department of a radon mitigation training course with at least 24 hours of classroom instruction that includes active participation in radon mitigation techniques approved by the department pursuant to K.S.A. 48-16a06, and amendments thereto;

(3) pass an examination on radon mitigation approved by the department pursuant to K.S.A. 48-16a06, and amendments thereto, with a score of at least 70 percent; and

(4) provide any additional relevant information requested by the department.

(b) Each radon mitigation technician shall meet the following requirements:

(1) Conduct radon mitigation activities in accordance with the requirements of the following:

(A) K.S.A. 48-16a06, and amendments thereto;

(B) "protocols for radon and radon decay product measurements in homes," which is adopted by reference in K.A.R. 28-35-603;

(C) "indoor radon and radon decay product measurement device protocols," which is adopted by reference in K.A.R. 28-35-603;

(D) "radon mitigation standards," EPA 402-R-93-078, including the appendix, published by the environmental protection agency, dated October 1993, and revised April 1994, which is adopted by reference; and

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(E) municipal, county, state, and federal laws and regulations;

(2) upon request from the department, provide documentation of proficiency including continuing education requirements specified in K.A.R. 28-35-605; and

(3) notify the department of any name or address changes within 30 days. (Authorized by K.S.A. 2010 Supp. 48-16a03; implementing K.S.A. 2010 Supp. 48-16a03 and 48-16a06; effective P-_____.)

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28-35-605. Continuing education. (a) Before certification renewal, each radon measurement technician shall meet the following continuing education requirements:

(1) Complete and submit proof of completion to the department of at least 16 hours of department-approved continuing education; and

(2) maintain documentation, pursuant to K.A.R. 28-35-601(h), that the continuing education was successfully completed within the prior 24-month certification period.

(b) Before certification renewal, each radon mitigation technician shall meet the following continuing education requirements:

(1) Complete and submit proof of completion to the department of at least 24 hours of department-approved continuing education;

(2) maintain documentation, pursuant to K.A.R. 28-35-601(h), that the continuing education was successfully completed within the prior 24-month certification period.

(c) If a person is certified as both a radon measurement technician and a radon mitigation technician, continuing education credit shall be granted for both certifications if the person completes at least 24 hours of department-approved continuing education credits for radon services during the 24-month period that the certificates are valid.

(d) Continuing education credit shall be accepted only for the completion of each different continuing education training course during a current certification period. Training courses for continuing education credit that are repeated shall be accepted only for the initial successful completion of the course during a current certification period. (Authorized by K.S.A. 2010 Supp. 48-16a03; implementing K.S.A. 2010 Supp. 48-16a03, 48-16a05, and 48-16a06; effective P-_____.)

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28-35-606. Radon measurement business. (a) Each radon measurement business shall maintain for inspection a list of the name and credentials of each radon measurement technician employed or retained as a consultant by the radon measurement business.

(b) A radon measurement technician shall be present on-site to directly supervise all measurement activities performed by each radon measurement business.

(c) A radon measurement technician shall perform all testing and consultation about radon or radon progeny measurements, health risks, radon-related exposure, radon entry routes, and other radon-related activities for each radon measurement business. (Authorized by K.S.A. 2010 Supp. 48-16a03; implementing K.S.A. 2010 Supp. 48-16a03 and 48-16a07; effective P-_____.)

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28-35-607. Radon mitigation business. (a) Each radon mitigation business shall maintain for inspection a list of the name and credentials of each radon mitigation technician employed or retained as a consultant by the radon mitigation business.

(b) All radon mitigation activities and consultations about radon or radon progeny measurements, health risks, radon-related exposure, radon entry routes, or other radon-related activities for a radon mitigation business shall be directly supervised or performed on-site by a radon mitigation technician.

(c) Each person subject to K.A.R. 28-35-601 through 28-35-609, when performing radon mitigation, shall comply with the protocols in the document adopted by reference in K.A.R. 28-35-604(b)(1)(D) regarding the design and construction of mitigation systems. (Authorized by K.S.A. 2010 Supp. 48-16a03; implementing K.S.A. 2010 Supp. 48-16a03 and 48-16a08; effective P-_____.)

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28-35-608. Reciprocity. (a) Reciprocal certification for a person providing radon services may be granted to an applicant that holds a valid certification from another state if the secretary determines that the other state program is equivalent to or more stringent than the radon certification law.

(b) Each applicant for reciprocal certification as a radon measurement technician or a radon mitigation technician shall submit a completed application to the department on a form provided by the department and shall provide any additional relevant information requested by the department.

(c) Each applicant for reciprocal certification shall submit payment to the department for the applicable fee specified in K.A.R. 28-35-602. (Authorized by and implementing K.S.A. 2010 Supp. 48-16a03; effective P-_____.)

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28-35-609. Renewal of certification. (a) Each certification renewal application for a radon measurement technician, radon mitigation technician, or radon measurement laboratory shall be submitted at least 60 days before expiration of the certificate.

(b) Each applicant for renewal of certification shall meet the following requirements:

(1) Submit a completed application to the department on a form provided by the department;

(2) provide any additional relevant information requested by the department documenting that all applicable continuing education requirements for certification renewal have been completed; and

(3) submit payment to the department for the applicable fee specified in K.A.R. 28-35-602.

(c) An applicant's failure to renew a certification within six months after certification has expired shall require that applicant's compliance with all requirements for initial certification.

(d) Each renewal application submitted after certification has expired shall require the payment of a late fee specified in K.A.R. 28-35-602. (Authorized by and implementing K.S.A. 2010 Supp. 48-16a03; effective P-_____.)

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