

Radon Stakeholders Consensus Building Dialogue
March 12, 2009 Revised Meeting Summary
Manchester, NH

Participants Present: Bill Angel, Dale Dorschner, Clark Eldredge, Peter Hendrick, Dave Hill, Gary Hodgden, Phil Jalbert, Phil Jenkins, Chrystine Kelley, Tom Kelly, Laraine Koehler, Bill Long, Jim McNeese, Sara Morgan, Angel Price, Mike Pyles, Bruce Snead
By phone: Josh Kerber, Francesca Provenzano, Heidi Shaw

Action Items:

- Continue efforts to communicate and coordinate with each other, and speak as leaders to dispel rumors and channel conversation to appropriate forums.
- EPA to look into options for automating update emails for RadonLeaders.org Portal
- Group participants to make an effort to visit and post to portal
- Peter to follow up with Jim McNeese to ensure that AARST has affiliate advisors for all appropriate CRCPD committees
- EPA to set up community conversation (webinar? Portal discussion?) on the impacts of the economic situation on radon risk reduction
- Phil Jalbert agreed to set up a working group on including radon in HSA rules, which would include Mike Pyles, Peter Hendrick, and Dave Hill (to participate or recruit another private sector participant).
- Josh to set a first meeting date for the Q/A work group by April 1
- Peter committed to posting the draft chamber policy on the portal by April 1, and sending an e-mail to AARST list to direct them to the portal to comment.
- Phil Jalbert and Phil Jenkins agreed to connect around the chamber uncertainty statements for the Las Vegas lab.
- Dale and Sara committed to sharing the group's concerns about the blind testing project with the E-25 committee and to seeking an opportunity for further input from the group on a Statement of Purpose.
- Stacie to develop a draft Statement of Support from the group of the Lab becoming a National Reference Chamber.
- Stacie agreed to send around the link to the draft Stakeholder page on RL.org for input and agreement before taking it live.
- Bill Long agreed to develop next steps for input on EPA's long-term plan for OIG.
- Chrys agreed to send around information on NIH Challenge Grants
- The group agreed to hold Saturday September 19th for a Stakeholder meeting or EPA long-term strategy meeting.

Welcome and Overview of Agenda

Check-in on communication, coordination, and conflict resolution

SIRG List Serve

A concern was raised about postings on the SIRG List Serve that may contain inaccurate or inflammatory information about parties that are not members of the List Serve (i.e., AARST or specific private sector parties). Industry voiced support for a private state list serve for privileged discussions that do not concern private sector stakeholders, such as use of SIRG funds, but raised concerns that when rumors about AARST or industry are posted there, they have no ability to respond with accurate information.

The group re-committed to their previous agreement to act as leaders in their communities to speak out when rumors or inappropriate postings are made on the SIRG list serve, by taking one or more of the following actions:

- Suggesting publically that the conversation should move to the portal where state concerns can be responded to by appropriate parties
- Clarifying the facts or lack of substantiation of allegations as a response on the list serve
- Bringing the issue to attention of the appropriate party (i.e., AARST leadership)

RadonLeaders.org Portal

The group had a general discussion about the value of the RLSL portal, and made the following comments:

- Members have no way of knowing when something new is there without visiting the site or subscribing to alerts on every thread
- Participants appreciated the recent “News briefings” email that was sent to all members. It encouraged folks to visit the site, and was helpful to know what is happening. EPA clarified that it could not justify regularly paying contractor to send the news briefings. The group asked whether this could be automated.
- Participants noted that sites like the portal have a “tipping point”, where there needs to be enough going on to draw people to visit. They noted that currently there were several dozen discussions, and some blogs.
- A question was asked whether the portal could be used for on-line input for standard-setting processes. The response included that, for the harmonization project on radon mitigation standards, ASTM rules require security that is currently beyond that offered by the portal. In addition, there exists uncertainty if all parties would desire this work to be located on the portal. It would take some work but could be done if the group desires. Regardless, the portal could be used to link people to opportunities for comments on standards, as well as to recruit committee members for standard setting processes.
- Concerns were raised about a recent incident of advertising a specific vendor/product on the portal. EPA responded that they would change the rules on the posting of news items to avoid this in the future.

- It was noted that the portal has been operational for only six months, and many felt that it was on the right track to offer a valuable resource to the radon community.

The group made a number of suggestions to increase the traffic and the value of the portal, including:

- Adding information from the Stakeholder Dialogue process
- Auto-generate a weekly update via email
- Emphasize use of list serves to advertise what is on Portal (eg, post a message on the list serve to direct people to the portal to see your comment).
- Links to opportunities for involvement in ASTM and Consortium standard-setting processes
- Make a commitment to post on the Portal

CRCPD Suggested State Regulations Process

CRCPD reviewed the process involved in developing Suggested State Regulations:

- CRCPD has a committee that develops Suggested State Regulations on Radon
- AARST has the opportunity to name a peer reviewer for SR-R
 - They write comments which the Board can approve or override.
- Then Fed concordance or comments
- Then Part-R comes out

It was noted that FDA administers the money for developing suggested State Rules, though the money comes from a range of agencies.

In the most recent case, AARST gave comments but didn't see response. They just saw a re-draft.

- It was clarified that AARST does not currently have an advisor to SR-R, which meets once a month by conference call and one annual meeting in May

E-25 members clarified that there are 3 committees of CRCPD that interface with AARST, for which AARST should have affiliate and advisor roles filled.

- AARST (Peter) will follow up with Jim

E-25 members committed to putting information about the 3 Radon committees on the Portal. AARST suggested putting out invitations to their Board meetings.

Economic Situation

The group had a broad and open discussion about the current economic situation and how it is impacting AARST members, State budgets, and opportunities for meeting the campaign goals. Comments included the following:

- Frustration within AARST membership about economic situation – losing members going out of business, while others face economic hardship
- Concerns about the limited progress we've made in risk reduction, less progress based on reduction of real estate transactions
- Limitations of purely voluntary opportunities for action
- State programs stressed by unfunded mandates unrelated to radon - Nuclear tracking requirements, sales tax and ad valorem taxes down, budgets down

- EPA focus on Regional Offices for Stimulus money – not enough attention to voluntary programs
- Why can consumers get a tax credit for new windows but not for a radon system?

How do we maintain the credibility of the campaign given the economic changes?

- Thinking about jobs created/jobs lost
- Counting risk savings on RRNC
- Doubling transactions outside of real estate

The radon community needs to come together to discuss this further.

Workgroup on Changing Health Savings Account Rules

The group had a discussion about the need for changes to the IRS rules for HSAs that would allow people to use HSA money toward radon mitigation systems preventatively (rather than only after a diagnosis of cancer). There was a suggestion to put together a working group on this. Volunteers included Phil Jalbert, Mike Pyles, Peter Hendrick, and Dave Hill (to participate or find someone else). There was also a suggestion to reach out to Bill Field, who may have managed to get some HSA support for preventative radon mitigation, and to doctors. There was also an agreement to put out a notice on list serve and portal looking for more volunteers.

Other Ideas for responding to the current economic situation

Since Real Estate had been the driving force for radon testing, but now is insufficient to generate the work and results needed to keep the industry alive and the goals on track, the group agreed that there was a need for some new approaches. The discussion included the following ideas

- Focus on the Healthy Home concept
 - AARST will publish soon on a new certification program—Healthy Homes Specialist
- Market to the construction industry – they are doing less work, and looking for ways to market themselves. Also, doing more renovations. Find champions, provide added value.
 - Home Builders Shows
 - Partner to make model home RRNC with big sign
 - Home and garden shows—no mitigators/testers there!
 - AARST chapters should try to attend these shows, especially where there are codes. But, it is hard to find the volunteers with time.
 - EPA is working on a web tool builder directory and code directory that might help with this approach
- Market to Environmental Justice and Green Jobs
 - Energy people getting money
 - Could include addressing environmental hazards
 - Get directed toward radon?
- Schools can address radon with school construction money
- Get radon more prominently featured in green building programs?
- List of testing/mitigating contractors—send them information about trainings, health fairs, etc.

- New construction—EPA don't have that many tools to persuade builders to adopt RRNC
 - Tools EPA might generate as gateway to builders
 - Focus on market advantage
 - Some kind of EPA certification?
 - EPA is going to begin offering “Indoor Air Plus” - like Energy Star label, includes RRNC and active system in zone 1
 - Recognition from States
 - Need to make sure they are doing it; inspect them
- EPA pilot builder's directory
 - Builders say they do it, but can't verify
 - Can EPA have states do it?
 - Outreach to inspectors on Radon RRNC
 - Verifying RRNC—test them once built! If pass Appendix F
 - Certificate of occupancy
 - Require radon test
 - Go look at new homes, market to them

Participants spoke about existing efforts and initiatives:

- Minnesota gives a gold seal for activating RRNC
 - “How can I market my house differently?”
 - Suggests making it a positive, not a negative. Fear of a negative reduces testing—if test and find radon, it's a negative on the house value.
 - Market as an “Indoor Air Quality System”
- AARST needs to say, “we need stimulus package, saves lives and lowers healthcare costs”
 - Trying to push legislation now
 - AARST has no Washington presence (trying to raise money for this)
 - The bill is looking for components—appropriations, other parts too
 - Will circulate draft to group for input.
- Booth at International Cove Council Conference
 - Interest quadrupled
 - Doug Klalter is getting ICC to move radon from appendix to general, next revision 2012
- City and county of Boulder adopted Appendix F. Now 8 in Colorado
- In Pennsylvania 8 out of 18 municipalities adopted Appendix F

Next Steps:

- Start discussion thread on this topic on the Portal
- Set-up a Webinar on this topic.

Updates on Action Items and Arising Issues

Q/A for Professionals Working Group: Josh Kerber clarified that this working group hadn't really launched yet, but that he was engaged in on-going informal discussions on

the topic. One of the questions is who this initiative applies to. Does it include kit users? Everybody who hands out and sells kits? How the kits are stored?

Josh mentioned a concern that Q/A can be cut in tough times. One idea was to require reporting / proof to certifying bodies. He also mentioned that Ohio is drafting a Q/A template for testing schools, which he wants to get out to the group for review.

Josh committed to get an invite feeler to workgroup and set date for conference call by April 1. The working group currently consists of Sean Price, Phil Jenkins, Gary Hodgden, Angel Price and Heidi Shaw, Josh Kerber, and Mary Beth Rich. EPA still needs to name someone to this workgroup.

Interim Consensus Standard for Radon Chambers: Peter Hendrick presented on a proposal to post information and request input on the PA draft Chamber policy. The goal would be to get a informal sense of how the radon community feels this draft policy works, and make it available to standards organizations and proficiency programs to adopt as an interim consensus standard.

Peter will also post a list of needed consensus standards to get input from members of the radon community on how these should be ranked in terms of priority for development. The goal would be to share this summary with the community, share it with standards organizations for their consideration of next steps, and to recruit people to serve on committees to get the highest priority work underway.

Peter committed to posting this by April 1, and sending an e-mail to 2100 people to direct them to the portal to comment.

Phil Jenkins gave an update on documents he is involved with on Chambers and calibration. A draft guidance document on calibration is underway, which will come out for comment somehow soon.

Phil also mentioned a technical issue regarding chambers and calibration – that they should have required calculation of total uncertainty, which hasn't been done even by his lab in the past. In conversations with the Las Vegas lab, Phil Jalbert clarified that they agreed that they need to do it, and would be seeking resources for this in next year's budget. Phil Jenkins and Phil Jalbert agreed to connect on this.

Reconciliation of ASTM E-2121 and AARST's RMS: Gary Hodgden gave an update on the harmonization process for the above standards. He reported that the process was moving along. He expected that they would address 40-50 items, and had eliminated 3-4 so far. There were currently 5 items up at ASTM for 30 day vote, and the process would be ongoing over next year or so. The revised standard wouldn't come into force until late in year. The current process includes active conference calls monthly, which people have to request to participate in. The initial announcement to join the working group was posted on the portal. Still, it was mentioned that sometimes people still don't know how to get in.

Gary clarified that his role was to help facilitate the process from the consortium perspective, so that they could address the concerns of the consortium to the point that the consortium felt comfortable withdrawing their RMS standard.

Chair of the committee is Bill Brodhead, and committee members include Dave Kapturowski, Josh Miller, Bob Lewis, David Grammer, Jack Hughes, Gene Fisher, and others. The chair seems committed to balanced representation. More information is available online.

On the Multi-family standard, Gary reported that they had gotten through first comments, and were now trying to tackle final hard questions. He expected that by mid-year it would be back for ANSI review.

Gary also reported that the Executive Stakeholder Committee of Consortium was putting in a request to the AARST board to establish the Consortium as independent 501(c)3. They were looking into the legal issues of this. The consortium has also hired a part-time coordinator.

Phil Jenkins reported that the IEEE group had completed a first draft of the Radon Decay Products Standard (ANSI N42-50). It seems to cover primarily occupational settings, and Phil suggested to them that they put that in their scope. Meanwhile, he reported that the Radon Gas Standard, ANSI N42-51, under the Standards Consortium, had not begun committee deliberations. All committee delegates have not been fully identified yet, and Phil may seek a co-chair. They would use draft from N42-50 as a starting point, and there was tons of material already written.

Blind Testing Project: The group engaged in a discussion about the CRCPD Blind Testing project funded by EPA. CRCPD clarified that the purpose was to get at the validity of tests currently being used in the way people are currently using them. The committee was working on a proposal for a contractor now. Jim McNees named some of the criticisms he had heard, and responded to those criticisms:

- There were criticisms that 5 devices were too few for a sample, but this is the number used for device approval with the proficiency programs, and CRCPD does not have the funds to do more than that
- Concerns were raised that the devices should be tracked when sent, but the NSC doesn't track devices, so this replicates how they are currently used
- Concerns were raised that kits bought off the shelves might be old, but since they don't have expiration dates, this too is how they are being used.

Jim also clarified that CRCPD was doing this project because there was a clear need for it, and that it wasn't being done systematically, though similar studies had been done by states like Florida and Pennsylvania.

Participants still had concerns about the protocol. One commented that if you don't track the devices, then you can't learn whether the problem is in the devices, or in the tracking.

State participants asked about how the results were going to be reported. Are states going to get the names of the companies that do well or poorly in the study? The CRCPD team clarified that it was unlikely that they would publish the names of companies or specific products, as the purpose was really to determine the scope of the issue and whether there was a need for next steps. They acknowledged that they would need to be careful about the conclusions that they could draw, as there might not be enough scientific certainty to draw overreaching conclusions.

Other participants agreed with this, and strongly suggested that CRCPD develop a clear Statement of purpose for the study that included a description of the study's purpose, why it was being designed as it was, and what would be done with the results. They suggested that this statement should be included in the RFR for contractors, and should also be shared with the entire radon community.

E-25 members agreed to suggest such a change to the E-25 chairperson, and sent an email accordingly.

Additional comments, concerns and questions about the project were raised, including:

- What was the accuracy range that would be used? Would the acceptability of this range be part of the investigation? Perhaps it should be, since the U.S. currently uses +/- 25% while Canada uses +50/-30.
- What kind of conclusions do you expect to draw? There were concerns that poor performance of one or more devices could send a public message that devices really aren't effective, that we can't really know levels, and that testing is ineffective or not useful. Even though device performance isn't perfect, we know that when mitigations occur due to high test levels, post-mitigation readings are lower. We need to be careful not to be so critical and demanding of accuracy in tests that testing becomes more accurate but too expensive for anyone to conduct voluntarily.
- A current draft report by the Inspector General names the fact that EPA provides no oversight of testing and device accuracy, yet makes the statement that reliable testing is available at an affordable price. EPA has fears about asking the accuracy questions, but agrees it needs to be done.
- I urge you to find someone who has expertise in experimental design, starts with objectives, then designs the study to meet those objectives. The current RFR framework offers a study design without clear objectives or clear statement of what conclusions can be drawn from these.
- As a community, we have to decide: how good is good enough? What we determine will impact the use of testing in the country.
- Should we really be focusing our energy on passive devices only, vs. continuous ones?
- The study hypothesis is that devices are, for the most part, accurate, and that by raising issues, we are raising solutions.
- A suggestion by E-25 participants that the details of study objectives and design can be set in collaboration with the study contractor once they are selected, but before the study begins. Participants responded that if the RFR is not clear about

the study objectives and conclusions to be made, on what criteria will E-25 evaluate the proposals, since they might be getting vastly different options from contractors.

- A suggestion and request was made to put the study methodology out in advance for the radon community to see and offer suggestions
- A suggestion to have a really good editor look at RFR before it is released
- A recommendation was made to look for old blind testing protocols from EPA, to use as a reference for this study.

State of EPA Lab as Reference Chamber: EPA reported that the request made by this group to the EPA Lab to become a national reference chamber has already led to some investment from EPA. Significant investment and actions are needed for this to occur, because the lab was designed as a production lab supporting EPA's programs, it was never a National Reference Chamber. The Lab has taken a first cut at detailing what would be involved, including updating the quantity of uncertainty (as mentioned earlier), and offering an open calibration period for labs. The next step is to bring this to the attention of EPA supervisors, get more input, and then bring it back to the group for updates. Also need to ensure it doesn't create tension with NIST.

There was a suggestion to develop a Statement of strong support from this group for the lab moving in direction of reference lab. CBI agreed to draft language and send it to the group.

Radon in Granite: There have been pieces of activity on this. AARST asked Dan Stack to serve as lead technical advisor on this to the Board. There will be a presentation at the National Conference. There have also been on-going conference calls on this. People at EPA are acting as resources to E-41, looking for updates from Mike Gilley. There is currently a draft on the first of two charges. It is moving slowly. Also, MIA put out on protocol—EPA is submitting comments.

Dialogue Group Web Page on Radonleaders.org

Due to lack of time, the group did not review the draft Radon Stakeholder Dialogue page on Radonleaders.org at the meeting. Instead, Stacie agreed to send a link to the draft site to the group to respond to.

Outstanding Topics for Discussion

Testing and Mitigation for Low-Income Households: A few participants shared on-going actions related to radon and Environmental Justice. Clark drafted a paper on testing in low-income communities, which he offered to share. Dale working on that too? Bill Long said that he was in conversation with CDC about this topic, and Lorraine told the group that HUD and USDA had resources available on the "Resource" page on Radonleaders.org.

Kick-off discussion of process for input on EPA long-term strategic plan

The group ended the meeting with a conversation about the development of the EPA long-term strategic plan that was requested by the OIG. They clarified that OIG was looking for an alternative long-term goal for 10, 15, 20 years down the road.

EPA stated that they were interested in getting input from stakeholders individually, without developing a FACA committee, which would require extensive resources and time and take away from the agency's on-going work. The report is due by November, and needs to be short and simple.

EPA views this as an opportunity to inform Congress about the federal radon program's limitations/constraints, and would like to get thoughts from the radon community about the creation of a regulatory program, including what this might look like, and what it might cost.

EPA can't ask for consensus advice of the Stakeholder Dialogue group, but they want input and ideas, on the process and substance of the plan.

Participant suggestions on process included:

- Have a public input session at the National Meeting—either the day before or day after. Start with a draft of something that people can react to.
- Get input from other regulatory programs (lead, asbestos, etc.) on how to do regulations and how well they work
- First talk about what is a good alternative goal?
 - Continuing to close the gap?
 - Eliminate percentage of risk
 - Lives saved
 - All homes lower action level
 - Focus on new homes
- Have a Webinar.
- Examine existing state regulatory programs
 - Figure out what they cover, bring them together
 - Any analysis of effectiveness of state regulatory programs? Not really
- Brainstorm legislature strategy (webinar?)
- Develop an inventory of where we are (info we have/don't have):
 - Data on risk reduction from mitigations (on resources we have/don't have)
 - What technical and human resources exist in public and private sector?
Documenting number of certified mitigators
 - Update of numbers of people at risk

(EPA clarified that there was not time or resources to do an inventory)

- Outreach to other constituents to engage them in process

Participant comments on substance included:

- Require active RRNC in zone 1. But how justify zones? First create a more reliable MAP.
- Require testing with certain mortgages (those with Federal authority)

- We've focused too much on supply, not enough on demand
 - Easier to ensure quality of supply if stimulate demand

One suggestion included thinking about the strategy consisting of a Process, a Structure/set of topics, and an Action Plan, as follows:

- Process strategy
 - A few webinars
 - Larger meeting in SL
 - Sharing of documents
 - Questions on portal
- Structure of topics for the strategy
 - Mitigation
 - New Construction
 - Testing
 - I. Goal
 - First, just us
- Content and Action Plan
 - Who?
 - How?

Bill Long agreed that the next step would probably be a webinar for the group.

Other Updates and Topics for Discussion

Chrys told the group that there was an opportunity to apply for NIH Challenge Grants, and agreed to forward this to the group

It was suggested that the group keep open the Saturday before National Meeting, either for a meeting focused on the EPA strategy or for the next Stakeholder Dialogue meeting.

The meeting adjourned at about 4:30.