



## ENERGY & AIR QUALITY ADVISORY COMMITTEE

November 5, 2014

Montgomery County Executive Isiah Leggett  
Executive Office Building  
101 Monroe Street  
Rockville, MD 20850

**Subject: Recommendations Concerning Prevention of Lung Cancer from Radon Exposure**

Dear Mr. Leggett:

The charter of the Montgomery County Energy and Air Quality Advisory Committee (EAQAC) is to advise you of significant issues concerning energy and air quality. For the past two years, we have been carefully following developments related to county radon policy and, on May 6, 2013, forwarded a letter to you regarding adopting radon mitigation measures in new county development. Today, we are writing to recommend that the Office of Consumer Protection (OCP) address radon testing in real estate transactions for single-family residences, and also condominiums or townhouses that either have a basement or residences on the first three floors of a high-rise building. We recommend that OCP require a short-term radon test be conducted before the transaction is finalized.

### **Background**

Our county was the first jurisdiction in the nation to adopt a passive radon resistant housing code. We did so more than 20 years ago. We can again show leadership in this field, of which the County is justly proud. Over the past two decades, our population has increased by more than 30 percent, with much of this growth occurring in up county areas with elevated radon levels. Research, including internationally recognized seminal work performed at NIH by a County resident, has confirmed direct evidence of the association between residential radon and lung cancer risk, and substantial advances have been made in radon mitigation measures.

Radon remains a very significant health concern for Montgomery County, because geology has caused us to be rated as an EPA radon Zone 1 region (the highest possible radon rating). EPA data indicate that elevated levels of radon are present in over one-third of our homes. Three years ago, the Council and the County Executive recognized this issue by issuing a proclamation declaring January to be Radon Awareness Month in the County. EAQAC has promoted Radon Awareness Month through communications, posters and online outreach to good effect.

Currently, the radon section of our residential building code (called Appendix F) requires radon resistant building practices in new construction. DPS plan reviewers require such practices in new home plans. The current code does not require testing before single family home, condominium or townhouse occupancy for existing structures, but should. This recommendation is in keeping with the U.S. Department of Housing and Urban Development's (HUD) policy for multifamily housing, effective June 4, 2013, that requires radon testing and, if applicable,

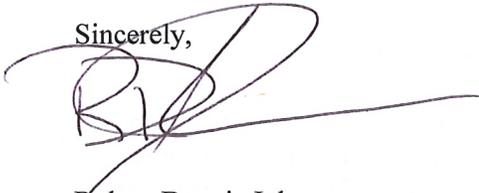
mitigation for most new FHA-insured construction, conversion and substantial rehabilitation projects. The policy also applies to most FHA-insured refinance transactions (see policy at: [http://www.aarst.org/hud\\_mutifamily\\_housing\\_policy.shtml](http://www.aarst.org/hud_mutifamily_housing_policy.shtml)).

**EAQAC Recommendation**

After careful consideration, EAQAC finds that having OCP require testing prior to the closing of a real estate transaction for certain existing homes is appropriate. This recommendation is based on sound science, would not increase costs significantly, and would provide substantive health benefits. We unanimously recommend that OCP mandate radon testing before real estate transactions are finalized for single-family residences, and condominiums or townhouses that either have a basement or residences on the first three floors of a high-rise building.

Thank you for consideration of this recommendation.

Sincerely,



Robert Dennis Johnson  
Chair  
Energy and Air Quality Advisory Committee



Steve Gibb  
Former Chair  
Energy and Air Quality Advisory Committee

cc: Craig Rice, President, Montgomery County Council  
Eric Friedman, Director, Office of Consumer Protection