

**3701-69-02      General prohibitions.**

(A) Except as otherwise provided in this rule:

- (1) No individual shall perform radon testing, or hold himself or herself out as performing radon testing, without a valid radon tester or mitigation specialist license.
- (2) No individual shall provide professional or expert advice on radon testing, radon exposure, or health risks related to radon exposure, or hold himself or herself out as providing such advice, without a radon tester or mitigation specialist license.
- (3) No individual shall provide on-site supervision of radon mitigation or hold himself or herself out as providing such supervision, without a radon mitigation specialist license.
- (4) No individual shall provide professional or expert advice on radon mitigation or radon entry routes, or hold himself or herself out as providing such advice, without a radon mitigation specialist license.
- (5) No business entity or government entity shall perform or authorize any individual employed by it to perform radon mitigation or hold itself out as performing radon mitigation without a valid radon mitigation contractor license.

(B) Paragraph (A) of this rule does not apply to any of the following:

- (1) An individual, business entity, or government entity using radon resistant new construction techniques during new construction;
- (2) An individual, business entity, or government entity performing radon tests or mitigation on a building or real property that the individual, business entity, or government entity owns or leases;
- (3) An individual, business entity, or government entity practicing in accordance with section 3723.03 of the Revised Code and paragraph (D) of this rule as a radon tester, mitigation specialist, or mitigation contractor under a license issued by another state;
- (4) An individual, business entity, or government entity conducting research regarding radon testing or mitigation in accordance with section 3723.04 of the Revised Code; or
- (5) A person who sells or offers for sale at a retail outlet radon measurement devices, such as charcoal canisters.

(C) Paragraph (A)(5) of this rule does not apply to an employee of a licensed radon mitigation contractor, or a general contractor that subcontracts for radon mitigation to be performed by a licensed radon mitigation contractor.

(D) Pursuant to division (B) of section 3723.02 of the Revised Code and paragraph (B)(3) of this rule, an individual, business entity, or government entity that holds a valid license issued by another state authorizing practice as a radon tester,

mitigation specialist, or mitigation contractor under the laws of that state may practice in this state without a license issued under Chapter 3723. of the Revised Code and this chapter for not more than ninety consecutive days in any calendar year as a radon tester, mitigation specialist, or mitigation contractor, if the director finds that the requirements for licensure in that state are comparable to the requirements for licensure under Chapter 3723. of the Revised Code and this chapter and the individual, business entity, or government entity provides notice to the director, in accordance with this paragraph, prior to commencing practice in this state.

- (1) An individual, business entity, or government entity that intends to practice in this state without a license shall file written notice with the director no fewer than thirty days before commencing practice.
  - (2) The notice required by paragraph (D)(1) of this rule shall include the name and address of the individual or entity, whether the individual or entity intends to practice as a radon tester, mitigation specialist, or mitigation contractor and a complete list of all locations for all jobs where the individual or entity intends to perform radon testing or mitigation. The notice shall be accompanied by a copy of the individual's or entity's valid license as a radon tester, mitigation specialist, or mitigation contractor, as applicable, issued by the other state.
- (E) The director may, upon application thereof or upon his own initiative, grant a variance to the requirements of rules in this chapter as he determines is authorized by law, provided that the licensee shows to the satisfaction of the director that there is good cause for the variance, and that the variance will not result in any undue hazard or effect on the public health and safety or environment. The terms, conditions, and expiration of the variance shall be set forth in writing by the director. Failure to comply with the terms of the variance may result in immediate revocation of the variance.
- (F) An individual, business entity, or government entity may hold a radon tester, a radon mitigation specialist, and a radon mitigation contractor license issued under this chapter, but except as provided in paragraph (E) of rule 3701-69-05 of the Administrative Code, a separate application and fee is required for each license.
- (G) No person shall fraudulently or deceptively obtain or attempt to obtain a license under this chapter.

Effective: 01/01/2013

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CERTIFIED ELECTRONICALLY

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Certification

03/22/2012

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Date

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