

3701-69-09 Standards of conduct for radon mitigation contractors.

- (A) A licensed radon mitigation contractor shall do all of the following:
- (1) Operate in accordance with his or her approved license application;
 - (2) Request, in writing, the director's approval before implementing any change which would render the following submitted information no longer accurate:
 - (a) The basic quality assurance and quality control procedures as described in appendices A and B to rule 3701-69-07 of the Administrative Code that will be utilized to assure the reliability and validity of radon measurements;
 - (b) The applicant's quality assurance and quality control procedures for radon mitigation containing the elements of the Ohio radon mitigation standards as outlined in rule 3701-69-08 of the Administrative Code;
 - (c) The radiological safety plan designed to keep each employee's exposure to radon as low as reasonably achievable;
 - (d) The type, manufacturer, serial number and model number of all instrumentation to be used in radon measurement. If the applicant will use devices requiring subsequent laboratory analysis, the applicant shall list the name and address of the radon laboratory providing the analysis and its approval number issued under rule 3701-69-12 of the Administrative Code;
 - (e) The frequency and method of calibration of instruments; and
 - (f) The federal tax identification number;
 - (3) The licensee shall notify the director in writing within thirty days of any other changes to the following:
 - (a) Name and address of applicant;
 - (b) Type of business structure and proof that the business name is registered with the Ohio secretary of state;
 - (c) Name of the chief executive officer, partners, or sole proprietor;
 - (d) License numbers and names of licensed radon mitigation specialists and licensed radon testers employed;
 - (e) Names and credentials of persons conducting any worker training;
 - (f) Description of any of the following matters to which the applicant or an affiliated, associated, or related person was a party:
 - (i) Any radon mitigation or radon testing projects which were terminated prior to completion;
 - (ii) Any penalties, citations, or administrative orders or actions pertaining to radon mitigation or radon testing; and

- (iii) Any lawsuits pertaining to radon mitigation or radon testing. Copies of initial pleadings and final orders shall be attached to the application; and
- (g) Any other changes that would render the information in the application for licensure or renewal no longer accurate;
- (4) Use only the services of a radon laboratory that has been approved by the director under rule 3701-69-12 of the Administrative Code to analyze samples for the presence and concentration of radon;
- (5) Maintain radon measurement device calibration records for a minimum of five years. These records shall be made available to the director upon request and shall consist of, but not be limited to:
 - (a) Manufacturer of the calibrated device;
 - (b) Model number of the calibrated device;
 - (c) Serial number of calibrated device;
 - (d) Date of instrument calibration;
 - (e) Name of calibration facility; and
 - (f) Method of instrument calibration;
- (6) Maintain proof of valid license issued in accordance with this chapter at all times while at the project site;
- (7) Accurately, truthfully, and competently perform and complete radon testing and mitigation projects, reports, and site evaluations;
- (8) Afford the director the opportunity to inspect any radon mitigation project or records;
- (9) Maintain records of each test performed and make these records available to the director upon request. These records shall be maintained for at least five years and, at a minimum shall include all the information outlined in appendices A and B to rule 3701-69-07 of the Administrative Code;
- (10) Maintain records of each radon mitigation project performed and make these records available to the director upon request. These records shall be maintained for at least five years and, at a minimum, shall include all the information outlined in the appendix to rule 3701-69-08 of the Administrative Code;
- (11) Provide adequate equipment for worker protection to keep exposures to radon as low as reasonably achievable;
- (12) Provide basic training to all employees on safety and operational policies and the proper use of equipment;
- (13) Ensure that employees directly involved in radon mitigation successfully complete at least eight hours of basic mitigation training prior to working on a mitigation project and annually thereafter. The basic mitigation training shall adequately instruct participants in the safety problems associated with radon,

precautions and procedures to minimize exposure, and any applicable guidelines or requirements for protection of personnel from exposure;

(14) Maintain records of the training provided under paragraphs (A)(12) and (A)(13) of this rule for at least five years; and

(15) Ensure that all radon testers and mitigation specialists whom the contractor uses to perform radon testing or mitigation practice in compliance with this chapter.

(B) No licensed radon mitigation contractor shall do any of the following:

(1) Perform radon mitigation without the direct on-site supervision of a licensed radon mitigation specialist;

(2) Provide radon testing services other than through the employment of a licensed radon tester or mitigation specialist;

(3) Provide advice regarding radon testing, radon exposure, or health risks associated with radon exposure other than through the employment of a licensed radon tester or mitigation specialist; or

(4) Provide advice regarding radon mitigation or radon entry routes other than through the employment of a licensed radon mitigation specialist.

(C) No licensed radon tester, licensed mitigation specialist, or licensed mitigation contractor involved in the testing of a particular building, or in the provision of advice with respect to a particular building, shall be involved in the performance of mitigation on that building unless the contract for mitigation is in writing and clearly and conspicuously states both of the following:

(1) That the radon tester, mitigation specialist, or mitigation contractor was involved in the testing or provision of advice that led to the mitigation contract; and

(2) The advantages of long-term testing and the value of a second opinion as ways to verify test results and to assure that the proposed mitigation is appropriate, especially when the mitigation is to be performed by the business entity or private entity that was involved in the testing or provision of advice that led to the mitigation contract.

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