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ENVIRONMENTAL PROTECTION

AIR, ENERGY, AND MATERIALS SUSTAINABILITY

DIVISION OF CLIMATE, CLEAN ENERGY, AND RADIATION PROTECTION

COMMISSION ON RADIATION PROTECTION

Radiation Protection Programs

Notice of Repeal, Recodification, and Administrative Changes

N.J.A.C. 7:28-27 and 7:27A

Radon Testing and Mitigation

Effective Date: December 3, 2022.

Take notice that the N.J.A.C. 7:28-27 was repealed operative December 3, 2022, as provided in the notice of adoption of new N.J.A.C. 7:28-27A (54 N.J.R. 1041(a)). As stated in the notice of proposal of the new rules (53 N.J.R. 461(a), 462), the Department of Environmental Protection and the Commission on Radiation Protection (collectively “the Department”) are administratively recodifying N.J.A.C. 7:28-27A as 7:28-27. As part of the recodification, the Department is reserving N.J.A.C. 7:28-27A.1(a) (recodified as N.J.A.C. 7:28-27.1(a)). The subsection referred to interim requirements that were operative on and after June 6, 2022, through December 3, 2022. To avoid confusion, the Department is deleting and reserving the subsection, as it has no legal effect. The Department is also updating cross-references throughout the subchapter.

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Full text of the rules that are no longer effective as of December 3, 2022, can be found in the New Jersey Administrative Code at N.J.A.C. 7:28-27, through the publication of the 02-06-23 Code Update.

Full text of the recodified and changed rules follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER [27A] **27. RADON TESTING AND MITIGATION**

7:28-[27A.1]**27.1** Scope and applicability

(a) [N.J.A.C. 7:28-27A.33 and 27A.34 shall be operative on and after June 6, 2022. The remainder of this subchapter shall be operative on and after December 3, 2022.] **(Reserved.)**

(b)-(d) (No change.)

7:28-[27A.2]**27.2** Definitions

The words and terms defined below, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

...

"Certified individual" means a certified radon measurement technician, certified radon measurement specialist, or certified radon mitigation specialist, as applicable. "Certified individual" also means a certified radon mitigation technician certified in accordance with N.J.A.C. 7:28-[27A.34]**27.34.**

...

"Program administration fee" means the fee charged in accordance with N.J.A.C. 7:28-[27A.27(c)]**27.27(c)** to fund the radon certification program.

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...

7:28-[27A.3]**27.3** General provisions

(a)-(h) (No change.)

(i) If a renewal application is not received by the Department prior to the expiration date, to renew its certification, the business or individual shall submit a renewal application with the proper fee for the expired renewal in accordance with N.J.A.C. 7:28-[27A.27(d)]**27.27(d)**.

(j) To amend the information in the certification at any time during the certification period or after an acknowledgement notice is received, a business or individual shall submit, to the Department, in writing, the information to be changed. The request for amendment shall be signed in accordance with N.J.A.C. 7:28-[27A.4]**27.4**. The amendment is not operative until the Department reviews, approves, and confirms the change, in writing, to the certified business or certified individual. There is no fee to amend a certification.

(k)-(l) (No change.)

7:28-[27A.4]**27.4** Signatories

(a) An individual applying for initial or renewal certification, or amending an existing certification, shall provide and sign the following statement on his or her application, renewal form, or request for an amendment:

"I certify under penalty of law that the information provided in this document is true, accurate, and complete. I am aware that there are significant civil and criminal penalties for submitting false, inaccurate, or incomplete information, including fines and/or imprisonment. I

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am aware that the certification for which I am applying requires compliance with N.J.A.C. 7:28-[27A]**27** at all times when providing radon services under that certification."

(b) A business applying for initial or renewal certification, or amending an existing certification, shall provide and sign the following statement on its application, renewal form, or request for an amendment:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this application and all attached documents. I believe that the submitted information is true, accurate and complete. I am aware that there are significant civil and criminal penalties for submitting false, inaccurate, or incomplete information, including the possibility of fine and/or imprisonment. I am aware that the certification for which this business is applying requires compliance with N.J.A.C. 7:28-[27A]**27** at all times when the business and affiliates are providing radon services under that certification."

(c) (No change.)

7:28-[27A.5]**27.5** Affiliation

(a) A certified business shall ensure that radon services are conducted on its behalf by a certified individual with whom the business is affiliated, or by an individual not subject to certification pursuant to N.J.A.C. 7:28-[27A.1(c)1]**27.1(c)1** and 2.

(b) Prior to affiliation, an individual shall provide to the certified business or business with an acknowledgement notice:

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1. If the individual is not yet initially certified, a copy of the Department's acknowledgement notice as specified at N.J.A.C. 7:28-[27A.18(d), 27A.21(d), or 27A.24(d)]**27.18(d), 27.21(d), or 27.24(d)**;

2. (No change.)

3. If the individual will test or mitigate multifamily buildings or schools and large buildings, proof of an eight-hour training course for multifamily buildings, and/or an eight-hour training course for schools and large buildings, in accordance with N.J.A.C. 7:28-[27A.20(c), 27A.23(b), and 27A.26(c)]**27.20(c), 27.23(b), and 27.26(c)**; and

4. (No change.)

(c) A certified business or business with an acknowledgement notice shall provide the following to each prospective affiliate:

1. A copy of the QA plan, prepared in accordance with N.J.A.C. 7:28-[27A.14]**27.14**;

2. A copy of the radiological safety plan, prepared in accordance with N.J.A.C. 7:28-[27A.15]**27.15**; and

3. Radiation safety training, in accordance with N.J.A.C. 7:28-[27A.9(q) and 27A.13(g)]**27.9(q) and 27.13(g)**.

(d)-(e) (No change.)

(f) A certified business or a business with an acknowledgement notice adds an affiliate to its certification by amending its certification in accordance with N.J.A.C. 7:28-[27A.3(j)]**27.3(j)**.

The business shall submit the completed affiliation form to the Department with the request for amendment and shall provide a copy of the request for amendment to the individual.

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(g) A certified business removes an affiliate from its certification by amending its certification in accordance with N.J.A.C. 7:28-[27A.3(j)]**27.3(j)**. The certified business shall provide a copy of the request for amendment to the individual.

(h) (No change.)

(i) If a certified individual or certified business fails to comply with this subchapter, the Department may investigate and, when necessary, limit the number of affiliations for that business or individual until the Department is satisfied that the business or individual can demonstrate compliance.

1. Notice pursuant to this subsection shall be served by certified mail or by personal service, concisely state the facts that give rise to the order, and advise the violator of the right to request an adjudicatory hearing pursuant to the procedure at N.J.A.C. 7:28-[27A.31]**27.31**.

2. (No change.)

7:28-[27A.6]**27.6** Authorized proficiency testing and calibration for portable devices

(a) – (c) (No change.)

(d) To add a device model or device, a certified radon measurement business or a business with an acknowledgement notice shall amend its certification as set forth at N.J.A.C. 7:28-[27A.3(j)]**27.3(j)** and shall submit the name of the device manufacturer, the device model number, the device serial number, the device owner's name, and the current calibration certificate.

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(e) To remove a device model or device, a certified radon measurement business shall amend its certification as set forth at N.J.A.C. 7:28-[27A.3(j)]**27.3(j)** and shall submit the name of the device manufacturer, the device model number, the device serial number, and the device owner's name.

7:28-[27A.7]**27.7** Radon measurement business--initial certification

(a) (No change.)

(b) A radon measurement business shall submit an application for initial certification in accordance with N.J.A.C. 7:28-[27A.3(e)]**27.3(e)**.

(c) A complete initial application shall include:

1. – 4. (No change.)
5. A list of non-portable devices in accordance with N.J.A.C. 7:28-[27A.9(d)2]**27.9(d)2**;
6. An identification of the building types to be tested and the authorized measurement protocols to be followed for each building type in accordance with N.J.A.C. 7:28-[27A.9(d)]**27.9(d)**;
7. A copy of the QA plan in accordance with N.J.A.C. 7:28-[27A.14]**27.14**;
8. A copy of the radiological safety plan in accordance with N.J.A.C. 7:28-[27A.15]**27.15**;
9. A copy of the chain of custody forms in accordance with N.J.A.C. 7:28-[27A.9(g)]**27.9(g)**;

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10. A copy of the instruction document the business provides to individuals who are not subject to certification [under] **pursuant to** this subchapter, in accordance with N.J.A.C. 7:28-[27A.9(h)]**27.9(h)**;

11. A copy of the confidentiality waiver form in accordance with N.J.A.C. 7:28-[27A.9(o)]**27.9(o)**;

12. A copy of each reporting form used to report results to clients in accordance with N.J.A.C. 7:28-[27A.17(c)]**27.17(c)**; and

13. The proper fee in accordance with N.J.A.C. 7:28-[27A.27(d)]**27.27(d)**.
(d) The Department will issue an acknowledgement notice to an applicant who complies with the requirements of this section. Upon receipt of the acknowledgement notice, the business shall submit amendments in accordance with N.J.A.C. 7:28-[27A.3(j)]**27.3(j)** to provide the affiliation forms in accordance with N.J.A.C. 7:28-[27A.5]**27.5**, a list of affiliates and their training dates in accordance with N.J.A.C. 7:28-[27A.9(d)4]**27.9(d)4**, and the portable device information in accordance with N.J.A.C. 7:28-[27A.6]**27.6**. Upon approval by the Department and affiliation with a certified radon measurement specialist or an individual who has received an acknowledgement notice to become a radon measurement specialist, a certification credential will be issued. The certification shall contain the information provided in the application and any subsequent amendments in accordance with N.J.A.C. 7:28-[27A.3(j)]**27.3(j)**.

7:28-[27A.8]**27.8** Radon measurement business—certification renewal

(a) – (b) (No change.)

(c) A complete renewal application shall contain:

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1. All information required in an application for an initial certification as set forth at N.J.A.C. 7:28-[27A.7]**27.7**, but only to the extent that the information differs from what is contained in the certified business's most recent certification;

2. A copy of the current calibration certificate for each portable device used by the certified business's affiliates in accordance with N.J.A.C. 7:28-[27A.6(b)]**27.6(b)**;

3. Documentation of spike testing, if applicable, in accordance with N.J.A.C. 7:28-[27A.10(f)]**27.10(f)**; and

4. The proper fee in accordance with N.J.A.C. 7:28-[27A.27(d)]**27.27(d)**.

(d) The Department will issue a certification credential to an applicant who complies with the requirements of this section. The certification shall contain the information provided in the application and any subsequent amendments in accordance with N.J.A.C. 7:28-[27A.3(j)]**27.3(j)**.

7:28-[27A.9]**27.9** Responsibilities of a certified radon measurement business

(a) A certified radon measurement business shall maintain its certification by submitting an annual renewal application in accordance with N.J.A.C. 7:28-[27A.8]**27.8** and amending its certification, when necessary, in accordance with N.J.A.C. 7:28-[27A.3(j)]**27.3(j)**.

(b) A certified radon measurement business shall affiliate with at least one certified radon measurement specialist or an individual who has received an acknowledgement notice to become a radon measurement specialist, in accordance with N.J.A.C. 7:28-[27A.5]**27.5**, and submit the affiliation form to the Department.

(c) (No change.)

(d) A certified radon measurement business shall provide to the Department:

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1. The information required at N.J.A.C. 7:28-[27A.6(d)]**27.6(d)**;

2. – 4. (No change.)

(e) The daily operation of a certified radon measurement business shall be directed by one or more certified radon measurement specialists affiliated with the business, whose responsibilities are set forth at N.J.A.C. 7:28-[27A.20(j)]**27.20(j)**.

(f) A certified radon measurement business shall develop and comply with a QA plan in accordance with N.J.A.C. 7:28-[27A.14]**27.14** for each device model identified in its certification and to be used by its affiliates in order to ensure the reliability and validity of radon measurements. The plan shall be submitted to the Department for approval as part of the business's application for initial certification, or an amendment to its certification, and shall be provided to each affiliate annually and when the certified business revises the plan to change the procedure affiliates must follow.

(g) A certified radon measurement business shall establish a chain of custody form for each type of portable and non-portable device and each building type. The chain of custody form shall be submitted to the Department for approval as part of the business's application for initial certification or an amendment to its certification and shall include (g)1 through 19 below when the form is completed in its entirety by an affiliate for every device, and (g)1, [3] **(g)3** through 17 below when the form is completed by an individual not subject to certification pursuant to N.J.A.C. 7:28-[27A.1(c)1]**27.1(c)1** and 2. The affiliate shall complete (g)7 and [14] **(g)14** through 17 in the field.

1. – 19. (No change.)

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(h) If the certified radon measurement business provides devices to an individual not subject to certification pursuant to N.J.A.C. 7:28-[27A.1(c)1]**27.1(c)1** or 2, the certified business shall also provide a testing instruction document to the individual. The instruction document shall be submitted to the Department for approval as part of its application for initial or renewal certification or as an amendment to its certification, and shall include:

1. – 3. (No change.)

(i) Neither the certified business nor any of its affiliates shall conduct a test with a device, unless the device is identified on the certified business's certification and has a current calibration certificate. A certified business shall add a device to its certification during initial or renewal certification in accordance with N.J.A.C. 7:28-[27A.7 or 27A.8]**27.7 or 27.8**, or as an amendment in accordance with N.J.A.C. 7:28-[27A.3(j) and 27A.6(d)]**27.3(j) and 27.6(d)**.

(j) (No change.)

(k) A certified radon measurement business shall implement quality control measures in accordance with N.J.A.C. 7:28-[27A.10]**27.10**.

(l) (No change.)

(m) A certified radon measurement business shall report tests performed only by an affiliate, or by an individual not subject to certification pursuant to N.J.A.C. 7:28-[27A.1(c)1]**27.1(c)1** and 2, and reviewed by a measurement specialist, to the Department in accordance with N.J.A.C. 7:28-[27A.17(a)]**27.17(a)**, and in a client report form in accordance with N.J.A.C. 7:28-[27A.17(c)]**27.17(c)**. The client report form shall be submitted to the Department for approval as part of its application for initial certification. If the form is revised, the revised form must be

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submitted to the Department for approval as part of the certified business's application for renewal certification, or as an amendment to its certification.

(n) (No change.)

(o) A certified radon measurement business shall establish a confidentiality waiver form and require affiliates to use the waiver form to obtain written authorization from the owner to provide an address and corresponding radon test result to an individual other than the building owner, or the buyer in the case of a prospective sale. A waiver shall not apply to individuals referenced at N.J.A.C. 7:28-[27A.3(c)]**27.3(c)**. The waiver form shall be submitted to the Department for approval as part of the business's application for initial certification. If the form is revised, the revised form must be submitted to the Department for approval as part of the certified business's application for renewal certification, or as an amendment to its certification. The waiver shall include:

1. A statement in accordance with N.J.A.C. 7:28-[27A.3(b)]**27.3(b)** indicating that the owner or their legal representative agrees to release the information;

2. The name and signature of the owner or their legal representative as provided at N.J.A.C. 7:28-[27A.3(c)]**27.3(c)**;

3. – 4. (No change.)

(p) A certified radon measurement business shall develop and comply with a radiological safety plan in accordance with N.J.A.C. 7:28-[27A.15]**27.15** in order to keep the radon exposure of affiliates as low as reasonably achievable. The plan shall be submitted to the Department for approval as part of the business's application for initial certification, and shall be provided to each affiliate annually, and when the certified business revises the plan to change the procedures

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affiliates must follow. If the plan is revised, the revised plan must be submitted to the Department for approval as part of the certified business's application for renewal certification, or as an amendment to its certification.

(q) (No change.)

7:28-[27A.10]**27.10** Quality control measures

(a) Authorized proficiency testing shall be conducted in accordance with N.J.A.C. 7:28-[27A.6(a)]**27.6(a)**.

(b) Each portable device on the business's certification shall be calibrated in accordance with N.J.A.C. 7:28-[27A.6(b)]**27.6(b)**.

(c) Throughout each month, a certified radon measurement business shall conduct the lesser of 10 percent duplicates or 50, for each portable and non-portable device type and distributed among New Jersey tests conducted by affiliates and individuals not subject to certification pursuant to N.J.A.C. 7:28-[27A.1(c)1]**27.1(c)1** and 2. When a continuous radon monitor is used for testing and there is no other continuous radon monitor available, another type of device shall be used.

1. – 2. (No change.)

(d) Throughout each month, a certified radon measurement business shall conduct the lesser of five percent blanks or 25, distributed among New Jersey tests conducted by affiliates and individuals not subject to certification pursuant to N.J.A.C. 7:28-[27A.1(c)1]**27.1(c)1** and 2.

1. – 2. (No change.)

(e) – (i) (No change.)

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(j) Each calendar quarter, a certified specialist responsible for the daily operations of the certified business shall prepare and submit to the individual who signed the application in accordance with N.J.A.C. 7:28-[27A.4]**27.4**, a written report of the results of duplicate tests, blank tests, authorized proficiency tests, calibrations, and spike tests, voltage drift, zeroing, and reference cell checks, as applicable, and any corrective action.

7:28-[27A.11]**27.11** Radon mitigation business--initial certification

(a) (No change.)

(b) A radon mitigation business shall submit an application for initial certification in accordance with N.J.A.C. 7:28-[27A.3(e)]**27.3(e)**.

(c) A complete initial application shall include:

1. - 4. (No change.)

5. An identification of the building types to be mitigated and the authorized mitigation protocols to be followed for each building type, in accordance with N.J.A.C. 7:28-[27A.13(d)]**27.13(d)**;

6. A copy of the radiological safety plan in accordance with N.J.A.C. 7:28-[27A.15]**27.15**;

7. A copy of the form contract for a fan installation only and the form contract for a full mitigation system installation in accordance with N.J.A.C. 7:28-[27A.13(l)]**27.13(l)**; and

8. The proper fee in accordance with N.J.A.C. 7:28-[27A.27(d)]**27.27(d)**.

(d) The Department will issue an acknowledgement notice to an applicant who complies with the requirements of this section. Upon receipt of the acknowledgement notice, the business shall

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submit amendments in accordance with N.J.A.C. 7:28-[27A.3(j)]**27.3(j)** to provide the affiliation forms in accordance with N.J.A.C. 7:28-[27A.5]**27.5**, and a list of affiliates and their training dates in accordance with N.J.A.C. 7:28-[27A.13(d)2]**27.13(d)2**. Upon approval by the Department and affiliation with a certified radon mitigation specialist or an individual who has received an acknowledgement notice to become a radon mitigation specialist, a certification credential will be issued. The certification shall contain the information provided in the application and any subsequent amendments in accordance with N.J.A.C. 7:28-[27A.3(j)]**27.3(j)**.

7:28-[27A.12]**27.12** Radon mitigation business--certification renewal

(a) - (b) (No change.)

(c) A complete renewal application shall contain:

1. All information required in an application for an initial certification as set forth at N.J.A.C. 7:28-[27A.11]**27.11**, but only to the extent that the information differs from what is contained in the certified business's most recent certification; and

2. The proper fee in accordance with N.J.A.C. 7:28-[27A.27(d)]**27.27(d)**.

(d) The Department will issue a certification credential to an applicant who complies with the requirements of this section. The certification shall contain the information provided in the application and any subsequent amendments in accordance with N.J.A.C. 7:28-[27A.3(j)]**27.3(j)**.

7:28-[27A.13]**27.13** Responsibilities of a certified radon mitigation business

(a) A certified radon mitigation business shall maintain its certification by submitting an annual renewal application in accordance with N.J.A.C. 7:28-[27A.12]**27.12** and amending its certification, when necessary, in accordance with N.J.A.C. 7:28-[27A.3(j)]**27.3(j)**.

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(b) A certified radon mitigation business shall affiliate with a certified radon mitigation specialist or an individual who has received an acknowledgement notice to become a radon mitigation specialist, in accordance with N.J.A.C. 7:28-[27A.5]**27.5** and submit the affiliation form to the Department.

(c) – (d) (No change.)

(e) The daily operation of a certified radon mitigation business shall be directed by one or more certified radon mitigation specialists affiliated with the business, whose responsibilities are set forth at N.J.A.C. 7:28-[27A.26(k)]**27.26(k)**.

(f) A certified radon mitigation business shall develop and comply with a radiological safety plan in accordance with N.J.A.C. 7:28-[27A.15]**27.15**, in order to keep the radon exposure of affiliates as low as reasonably achievable. The plan shall be submitted to the Department for approval as part of the business's application for initial certification, and shall be provided to each affiliate annually, and when the certified business revises the plan to change the procedures affiliates must follow. If the plan is revised, the revised plan must be submitted to the Department for approval as part of the certified business's application for renewal certification, or as an amendment to its certification.

(g) - (p) (No change.)

7:28-[27A.14]**27.14** Quality assurance (QA) plan

(a) The QA plan shall contain the following items, presented in order, and clearly identified:

1. A title page that identifies:

i. (No change.)

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ii. The name and signature of one individual designated in accordance with N.J.A.C. 7:28-[27A.9(e)]**27.9(e)**;

iii. - iv. (No change.)

2. (No change.)

3. A description of the business's organization, including:

i. The title of the individual who signed the application in accordance with N.J.A.C. 7:28-[27A.4]**27.4**;

ii. An acknowledgment that it is the responsibility of a certified radon measurement specialist to oversee the daily operations of the business in accordance with N.J.A.C. 7:28-[27A.9(e)]**27.9(e)**, and to perform quality assurance and quality control functions; and

iii. (No change.)

4. A description of the business's responsibilities and its requirements regarding affiliates and their responsibilities in accordance with N.J.A.C. 7:28-[27A.9(c)]**27.9(c)** through (o); and

5. A description of internal quality control checks conducted by the business and its affiliates for all devices in accordance with N.J.A.C. 7:28-[27A.10]**27.10**.

(b) The business shall provide a copy of the QA plan, and any revision thereto, to each affiliate in accordance with N.J.A.C. 7:28-[27A.5]**27.5**.

7:28-[27A.15]**27.15** Radiological safety plan

(a) The radiological safety plan shall contain the following items, presented in order, and clearly identified:

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1. A title page that identifies:

i. (No change.)

ii. The name and signature of one individual designated in accordance with

N.J.A.C. 7:28-[27A.9(e)]**27.9(e)**;

iii. – iv. (No change.)

2. (No change.)

3. A description of the business's and affiliate's responsibilities in accordance with

N.J.A.C. 7:28-[27A.9(p)]**27.9(p)** and (q) for a measurement business and N.J.A.C. 7:28-

[27A.13(f)]**27.13(f)** through (k) for a mitigation business.

(b) The business shall provide a copy of the radiological safety plan, and any revision thereto, to each affiliate in accordance with N.J.A.C. 7:28-[27A.5]**27.5**.

7:28-[27A.16]**27.16** Recordkeeping

(a) A certified radon measurement business shall maintain the following for five years, in a format that is immediately available to the Department:

1. – 4. (No change.)

5. Quality control records in accordance with N.J.A.C. 7:28-[27A.10]**27.10**;

6. (No change.)

7. Records of all radon tests, including invalidated tests, performed by an individual, whether certified or exempt from certification, using a device on the business's certification, including the chain of custody form, the client report, and information required at N.J.A.C. 7:28-[27A.9(g)]**27.9(g)**.

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(b) A certified radon mitigation business shall maintain the following for five years, in a format that is immediately available to the Department:

1. (No change.)
2. Initial radiation safety training records, including the test, for each affiliate and uncertified individuals specified at N.J.A.C. 7:28-[27A.9(q)]**27.9(q)**;
3. – 6. (No change.)
7. Records of all mitigation work conducted, including the executed contract and information required at N.J.A.C. 7:28-[27A.17(b)]**27.17(b)**.

7:28-[27A.17]**27.17** Reporting

(a) A certified radon measurement business shall submit, to the Department, on or before the first day of each month:

1. The results of all radon tests performed during the second previous month, and for those tests, the information required to be recorded on the chain of custody form in accordance with N.J.A.C. 7:28-[27A.9(g)]**27.9(g)**. For example, the results from the May testing shall be submitted by July 1. Data shall be submitted in the format and the media required by the Department. Radon test results shall be reported in picocuries per liter (pCi/L); and

2. (No change.)

(b) (No change.)

(c) A client report issued by the certified radon measurement business, in accordance with N.J.A.C. 7:28-[27A.3(b)]**27.3(b)** and (c), shall include the following:

1. – 13. (No change.)

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7:28-[27A.18]**27.18** Radon measurement specialist--initial certification

(a) (No change.)

(b) An individual shall submit an application for initial certification in accordance with N.J.A.C.

7:28-[27A.3(e)]**27.3(e)**.

(c) A complete initial application shall include:

1. (No change.)

2. Documentation showing that the applicant possesses the education and radiation work experience required in accordance with N.J.A.C. 7:28-[27A.20(b)]**27.20(b)**. Documentation of education shall consist of a certified copy of a transcript from an accredited institution showing the applicant's name and the degree awarded. Documentation of radiation work experience shall consist of a letter from either the employer with whom the applicant obtained the work experience, or an individual other than the applicant who has extensive knowledge of the applicant's work experience, listing all applicable work experience and the dates or range of dates that the applicant performed the work;

3. (No change.)

4. When applicable, documentation of the training required for multifamily buildings and/or schools and large buildings, as required in accordance with N.J.A.C. 7:28-[27A.20(c)]**27.20(c)**. The documentation shall consist of the individual's training course certificate, which provides the individual's name, the name of the course, the approved course number, the number of credit hours, and the date of the course;

5. (No change.)

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6. A list of the portable devices the applicant owns, including the manufacturer, model number, and serial number in accordance with N.J.A.C. 7:28-[27A.20(h)]**27.20(h)**;

7. Documentation showing that the applicant completed an authorized proficiency test for each device model identified at (c)6 above in accordance with N.J.A.C. 7:28-[27A.6(a)]**27.6(a)**; and

8. The proper fee in accordance with N.J.A.C. 7:28-[27A.27(d)]**27.27(d)**.

(d) The Department will issue an acknowledgement notice to an applicant who complies with the requirements of this section. When the Department receives an affiliation form from a certified radon measurement business or a business with an acknowledgement notice in accordance with N.J.A.C. 7:28-[27A.5]**27.5**, the Department will issue a certification credential. The certification shall contain the information provided in the application and any subsequent amendments in accordance with N.J.A.C. 7:28-[27A.3(j)]**27.3(j)**.

7:28-[27A.19]**27.19** Radon measurement specialist--certification renewal

(a) - (b) (No change.)

(c) A complete renewal application shall contain:

1. All of the information required in an application for an initial certification as set forth at N.J.A.C. 7:28-[27A.18]**27.18**, but only to the extent that the information differs from what is contained in the certified measurement specialist's most recent certification;

2. Proof of completion of continuing education required in accordance with N.J.A.C. 7:28-[27A.20(d)]**27.20(d)**. Documentation shall consist of the training course certificate, which provides the individual's name, the name of the course, the approved course number, the number

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of credit hours, and the date of the course. Documentation from the conference organizer of the individual's attendance for two days at a national radon training conference or documentation from the training course provider showing an individual instructed eight hours of radon continuing education shall also fulfill this requirement; and

3. The proper fee in accordance with N.J.A.C. 7:28-[27A.27(d)]**27.27(d)**.

(d) The Department will issue a certification credential to an applicant who complies with the requirements of this section. The certification shall contain the information provided in the application and any subsequent amendments in accordance with N.J.A.C. 7:28-[27A.3(j)]**27.3(j)**.

7:28-[27A.20]**27.20** Responsibilities of a certified radon measurement specialist

(a) A certified radon measurement specialist shall maintain his or her certification by submitting an annual renewal application in accordance with N.J.A.C. 7:28-[27A.19]**27.19**, and amending the certification, when necessary, in accordance with N.J.A.C. 7:28-[27A.3(j)]**27.3(j)**.

(b) (No change.)

(c) A certified radon measurement specialist shall complete an eight-hour multifamily buildings training course and/or an eight-hour schools and large buildings training course approved by a nationally recognized organization, and shall provide a copy of each of these training certificates to the radon measurement business, in order to test these building types. This training shall be in addition to the initial training required at N.J.A.C. 7:28-[27A.18(c)3]**27.18(c)3**.

(d) (No change.)

(e) A certified radon measurement specialist or an individual seeking certification as a radon measurement specialist who receives an acknowledgement notice from the Department in

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accordance with N.J.A.C. 7:28-[27A.18(d)]**27.18(d)** shall affiliate with at least one business in accordance with N.J.A.C. 7:28-[27A.5]**27.5**.

1. For each business, the individual shall:

i. Review and comply with the QA plan in accordance with N.J.A.C. 7:28-[27A.14]**27.14**;

ii. Review and comply with the radiological safety plan in accordance with N.J.A.C. 7:28-[27A.15]**27.15**;

iii. Take radiation safety training and pass a subsequent examination in accordance with N.J.A.C. 7:28-[27A.13(g)]**27.13(g)**; and

iv. Sign an affiliation form in accordance with N.J.A.C. 7:28-[27A.5]**27.5**.

2. (No change.)

(f) (No change.)

(g) A certified radon measurement specialist shall pass an authorized proficiency test in accordance with N.J.A.C. 7:28-[27A.6(a)]**27.6(a)**.

(h) (No change.)

(i) A certified radon measurement specialist when conducting a radon test shall:

1. Enter all information for each radon test on the chain of custody form provided by the certified business in accordance with N.J.A.C. 7:28-[27A.9(g)]**27.9(g)**;

2. Perform quality control measures in accordance with N.J.A.C. 7:28-[27A.10]**27.10**;

3. (No change.)

4. If applicable to the test, obtain the signature of the owner or their legal representative on the confidentiality waiver in accordance with N.J.A.C. 7:28-[27A.9(o)]**27.9(o)**; and

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5. (No change.)

(j) A certified radon measurement specialist who directs the daily operation of a certified business shall:

1. – 3. (No change.)

4. Approve, verify, and sign the certified business's reports that are specified at N.J.A.C. 7:28-[27A.17(a)]**27.17(a)** and (c);

5. – 6. (No change.)

7. Ensure that the certified business maintains records in accordance with N.J.A.C. 7:28-[27A.16]**27.16**; and

8. (No change.)

7:28-[27A.21]**27.21** Radon measurement technician--initial certification

(a) (No change.)

(b) An individual shall submit an application for initial certification in accordance with N.J.A.C. 7:28-[27A.3(e)]**27.3(e)**.

(c) A complete initial application shall include:

1.-2. (No change.)

3. When applicable, documentation of the training required for multifamily buildings and/or schools and large buildings, as required in accordance with N.J.A.C. 7:28-[27A.23(b)]**27.23(b)**. Documentation shall consist of the individual's training course certificate, which provides the individual's name, the name of the course, the approved course number, the number of credit hours, and the date of the course;

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4. (No change.)

5. A list of the portable devices the applicant owns, including the manufacturer, model number, and serial number in accordance with N.J.A.C. 7:28-[27A.23(g)]**27.23(g)**;

6. Documentation showing that the applicant completed an authorized proficiency test for each device model identified at (c)5 above, in accordance with N.J.A.C. 7:28-[27A.6(a)]**27.6(a)**; and

7. The proper fee in accordance with N.J.A.C. 7:28-[27A.27(d)]**27.27(d)**.

(d) The Department will issue an acknowledgement notice to an applicant who complies with the requirements of this section. When the Department receives an affiliation form from a certified radon measurement business or a business with an acknowledgement notice in accordance with N.J.A.C. 7:28-[27A.5]**27.5**, the Department will issue a certification credential. The certification shall contain the information provided in the application and any subsequent amendments in accordance with N.J.A.C. 7:28-[27A.3(j)]**27.3(j)**.

7:28-[27A.22]**27.22** Radon measurement technician--certification renewal

(a) – (b) (No change.)

(c) A complete renewal application shall contain:

1. All information required in an application for an initial certification as set forth at N.J.A.C. 7:28-[27A.21]**27.21**, but only to the extent that the information differs from what is contained in the certified radon measurement technician's most recent certification;

2. Proof of completion of continuing education required in accordance with N.J.A.C. 7:28-[27A.23(c)]**27.23(c)**. Documentation shall consist of the training course certificate, which

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provides the individual's name, the name of the course, the approved course number, the number of credit hours, and the date of the course. Documentation from the conference organizer of the individual's attendance for one day at a national radon training conference or documentation from the training course provider showing an individual instructed four hours of radon continuing education shall also fulfill this requirement; and

3. The proper fee in accordance with N.J.A.C. 7:28-[27A.27(d)]**27.27(d)**.

(d) The Department will issue a certification credential to an applicant who complies with the requirements of this section. The certification shall contain the information provided in the application and any subsequent amendments in accordance with N.J.A.C. 7:28-[27A.3(j)]**27.3(j)**.

7:28-[27A.23]**27.23** Responsibilities of a certified radon measurement technician

(a) A certified radon measurement technician shall maintain his or her certification by submitting an annual renewal application in accordance with N.J.A.C. 7:28-[27A.22]**27.22** and amending the certification, when necessary, in accordance with N.J.A.C. 7:28-[27A.3(j)]**27.3(j)**.

(b) A certified radon measurement technician shall complete an eight-hour multifamily buildings training course and/or an eight-hour schools and large buildings training course approved by a nationally recognized organization, and shall provide a copy of each of these training certificates to the radon measurement business, in order to test these building types. This training shall be, in addition to, the initial training required at N.J.A.C. 7:28-[27A.21(c)2]**27.21(c)2**.

(c) (No change.)

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(d) A certified radon measurement technician or an individual seeking certification as a radon measurement technician who receives an acknowledgement notice from the Department in accordance with N.J.A.C. 7:28-[27A.21(d)]**27.21(d)** shall affiliate with at least one business in accordance with N.J.A.C. 7:28-[27A.5]**27.5**.

1. For each business the individual shall:

i. Review and comply with the QA plan in accordance with N.J.A.C. 7:28-[27A.14]**27.14**;

ii. Review and comply with the radiological safety plan in accordance with N.J.A.C. 7:28-[27A.15]**27.15**;

iii. Take radiation safety training and pass a subsequent examination in accordance with N.J.A.C. 7:28-[27A.9(q)]**27.9(q)**; and

iv. Sign an affiliation form in accordance with N.J.A.C. 7:28-[27A.5]**27.5**; and

2. (No change.)

(e) (No change.)

(f) A certified radon measurement technician shall pass an authorized proficiency test in accordance with N.J.A.C. 7:28-[27A.6(a)]**27.6(a)**.

(g) (No change.)

(h) A certified radon measurement technician, when conducting a radon test shall:

1. Enter all information for each radon test on the chain of custody form provided by the certified business in accordance with N.J.A.C. 7:28-[27A.9(g)]**27.9(g)**;

2. Perform quality control measures in accordance with N.J.A.C. 7:28-[27A.10]**27.10**;

3. (No change.)

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4. If applicable to the test, obtain the signature of the owner or their legal representative on the confidentiality waiver in accordance with N.J.A.C. 7:28-[27A.9(o)]**27.9(o)**; and
5. (No change.)

7:28-[27A.24]**27.24** Radon mitigation specialist--initial certification

- (a) (No change.)
- (b) An individual shall submit an application for initial certification in accordance with N.J.A.C. 7:28-[27A.3(e)]**27.3(e)**.
- (c) A complete initial application shall include:

1. (No change.)
2. Documentation showing that the applicant possesses the education and work experience required at N.J.A.C. 7:28-[27A.26(b)]**27.26(b)**. Documentation of education shall consist of a certified copy of a transcript from an accredited institution or course agenda, a certificate from a heating, ventilation, and air conditioning training provider, and/or documentation from the radon mitigation specialist from whom the individual received mitigation instruction through observing radon mitigation system installation. Documentation of work experience shall consist of a letter from the employer with whom the individual obtained the work experience, or from a reference that has extensive knowledge of the individual's work experience. In either case, the letter must outline all applicable responsibilities and specific dates performed;
3. (No change.)

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4. When applicable, documentation of the training required for multifamily buildings and/or schools and large buildings, as required at N.J.A.C. 7:28-[27A.26(c)]**27.26(c)**.

Documentation shall consist of the individual's training course certificate, which provides the individual's name, the name of the course, the approved course number, the number of credit hours, and the date of the course;

5. (No change.)

6. The proper fee in accordance with N.J.A.C. 7:28-[27A.27(d)]**27.27(d)**.

(d) The Department will issue an acknowledgement notice to an applicant who complies with the requirements of this section. When the Department receives an affiliation form from a certified radon mitigation business or a business with an acknowledgement notice in accordance with N.J.A.C. 7:28-[27A.5]**27.5**, the Department will issue a certification credential. The certification shall contain the information provided in the application and any subsequent amendments in accordance with N.J.A.C. 7:28-[27A.3(j)]**27.3(j)**.

7:28-[27A.25]**27.25** Radon mitigation specialist--certification renewal

(a) – (b) (No change.)

(c) A complete renewal application shall contain:

1. All information required in an application for an initial certification as set forth at N.J.A.C. 7:28-[27A.24]**27.24**, but only to the extent that the information differs from what is contained in the certified radon mitigation specialist's most recent certification;

2. Proof of completion of continuing education required at N.J.A.C. 7:28-[27A.26(d)]**27.26(d)**. Documentation shall consist of the training course certificate, which

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provides the individual's name, the name of the course, the approved course number, the number of credit hours, and the date of the course. Documentation from the conference organizer of the individual's attendance for two days at a national radon training conference or documentation from the training course provider showing an individual instructed eight hours of radon continuing education shall also fulfill this requirement; and

3. The proper fee in accordance with N.J.A.C. 7:28-[27A.27(d)]**27.27(d)**.

(d) The Department will issue a certification credential to an applicant who complies with the requirements of this section. The certification shall contain the information provided in the application and any subsequent amendments in accordance with N.J.A.C. 7:28-[27A.3(j)]**27.3(j)**.

7:28-[27A.26]**27.26** Responsibilities of a certified radon mitigation specialist

(a) A certified radon mitigation specialist shall maintain his or her certification by submitting an annual renewal application in accordance with N.J.A.C. 7:28-[27A.25]**27.25** and amending the certification, when necessary, in accordance with N.J.A.C. 7:28-[27A.3(j)]**27.3(j)**.

(b) (No change.)

(c) A certified radon mitigation specialist shall complete an eight-hour multifamily buildings training course and/or an eight-hour schools and large buildings training course approved by a nationally recognized organization, and shall provide a copy of each of these training certificates to the radon mitigation business, in order to mitigate these building types. This training shall be, in addition to, the initial training required at N.J.A.C. 7:28-[27A.24(c)3]**27.24(c)3**.

(d) (No change.)

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(e) A certified radon mitigation specialist or an individual seeking certification as a radon mitigation specialist who received an acknowledgement notice from the Department in accordance with N.J.A.C. 7:28-[27A.24(d)]**27.24(d)**, shall affiliate with at least one business in accordance with N.J.A.C. 7:28-[27A.5]**27.5**.

1. For each business, the individual shall:

i. Review and comply with the radiological safety plan in accordance with N.J.A.C. 7:28-[27A.15]**27.15**;

ii. Take radiation safety training and pass a subsequent examination in accordance with N.J.A.C. 7:28-[27A.13(g)]**27.13(g)**; and

iii. Sign an affiliation form in accordance with N.J.A.C. 7:28-[27A.5]**27.5**; and

2. (No change.)

(f) (No change.)

(g) Prior to the installation of a mitigation system, a certified radon mitigation specialist shall provide the client with a copy of a written contract that has been signed by the affiliate and the owner or their legal representative. The contract shall be supplied on behalf of the certified business as provided at N.J.A.C. 7:28-[27A.13(l)]**27.13(l)**.

(h) (No change.)

(i) A certified radon mitigation specialist on behalf of the certified business shall, as provided at N.J.A.C. 7:28-[27A.13(n)]**27.13(n)**, allow an uncertified individual to assist with only basic construction tasks during the installation of the radon mitigation system.

(j) (No change.)

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(k) A certified radon mitigation specialist that directs the daily operation of the certified business shall:

1. – 2. (No change.)
3. Review, approve, verify, and sign the certified business's reports that are specified at N.J.A.C. 7:28-[27A.17(b)]**27.17(b)**;
4. – 5. (No change.)
6. Ensure that the certified business maintains records in accordance with N.J.A.C. 7:28-[27A.16]**27.16**; and
7. (No change.)

Recodify existing 7:28-27A.27 and 27A.28 as **7:28-27.27 and 27.28** (No change in text.)

7:28-[27A.29]**27.29** Denial, suspension, or revocation of a certification; affiliation limitation

(a) – (d) (No change.)

(e) A notice of denial, suspension, or revocation or a notice to limit the number of affiliations of a certified individual or business shall be issued to the violator.

1. (No change.)
2. A notice under this section shall:
 - i. – iii. (No change.)
 - iv. Advise the violator of the right to request an adjudicatory hearing pursuant to the procedure at N.J.A.C. 7:28-[27A.31]**27.31**; and

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v. Become final if a request for adjudicatory hearing is not submitted to the Department in accordance with N.J.A.C. 7:28-[27A.31]**27.31** or when a submitted request for adjudicatory hearing, in accordance with N.J.A.C. 7:28-[27A.31]**27.31** has been adjudicated and upheld.

(f) – (k) (No change.)

7:28-[27A.30]**27.30** (No change in text.)

7:28-[27A.31]**27.31** Request for adjudicatory hearing

(a) Within 20 calendar days from receipt of a notice limiting the number of affiliations pursuant to N.J.A.C. 7:28-[27A.5(i)]**27.5(i)**, or a certification denial, or a suspension or revocation issued by the Department pursuant to N.J.A.C. 7:28-[27A.29]**27.29**, the individual or business may request an adjudicatory hearing to contest such action by submitting a written request to the Department to the following two addresses:

1. - 2. (No change.)

(b) – (e) (No change.)

7:28-[27A.32]**27.32** (No change in text.)

7:28-[27A.33]**27.33** One-time certification application requirements for a certified radon measurement business, specialist, and technician and certified radon mitigation business and specialist

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(a) Notwithstanding the expiration date of its certification, a business or individual that is a certified radon measurement business, specialist, or technician or a certified radon mitigation business or specialist as of June 6, 2022, shall submit a complete initial application to the Department in accordance with N.J.A.C. 7:28-[27A.7, 27A.11, 27A.18, 27A.21, or 27A.24]**27.7, 27.11, 27.18, 27.21, or 27.24**, such that the Department receives the application on or before October 4, 2022.

(b) – (g) (No change.)

7:28-[27A.34]**27.34** Radon mitigation technician

(a) Notwithstanding the expiration date of his or her certification, an individual who is certified as a radon mitigation technician as of June 6, 2022, shall submit to the Department a complete renewal application as specified at (d) and (e) below or, if the individual meets the requirements of a certified radon mitigation specialist, a complete initial application in accordance with N.J.A.C. 7:28-[27A.24]**27.24**, such that the Department receives the application on or before October 4, 2022.

(b) – (g) (No change.)

(h) A certified radon mitigation technician may submit an application to be certified as a radon mitigation specialist when he or she meets the requirements at N.J.A.C. 7:28-[27A.24]**27.24**, Radon mitigation specialist--initial application.

(i) (No change.)

(j) A certified radon mitigation technician shall affiliate with at least one business in accordance with N.J.A.C. 7:28-[27A.5]**27.5**.

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1. For each business, the certified individual shall:

i. Review and comply with the radiological safety plan in accordance with

N.J.A.C. 7:28-[27A.15]**27.15**;

ii. Take radiation safety training and pass a subsequent examination in

accordance with N.J.A.C. 7:28-[27A.13(g)]**27.13(g)**; and

iii. Sign an affiliation form in accordance with N.J.A.C. 7:28-[27A.5]**27.5**; and

2. (No change.)

(k) (No change.)

(l) Prior to the installation of a mitigation system, a certified radon mitigation technician shall provide the client with a copy of a written contract that has been signed by the affiliate and the client. The contract shall be supplied on behalf of the certified business, as provided at N.J.A.C. 7:28-[27A.13(l)]**27.13(l)**.

(m) Prior to performing work on an existing mitigation system, a certified radon mitigation technician on behalf of the certified business shall, as provided at N.J.A.C. 7:28-[27A.26(h)]**27.26(h)**, advise the client in writing whether the mitigation system meets the most recent authorized mitigation protocol, and provide a written estimate of the upgrades needed, and the cost to bring the system into compliance.

(n) A certified radon mitigation technician shall, on behalf of the certified business, as provided at N.J.A.C. 7:28-[27A.13(n)]**27.13(n)**, allow an uncertified individual to assist with only basic construction tasks during the installation of the radon mitigation system.

(o) (No change.)