

ADVISORY COMMITTEE COMMENT FORM FOR PROPOSED CODE CHANGES

(This form must be submitted electronically)

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Proposed Code Change - Language

- Existing Language in the [2007 Minnesota State Building Code Rule 1322.2103](#) – the code which is currently in effect in Minnesota

“1322.2103 SECTION AF103, REQUIREMENTS.

Appendix F, Section AF103, is amended to read as follows:

AF103.1 General. The following passive construction techniques are intended to resist radon entry and prepare the building for post construction active radon mitigation. (see Figure AF102). “ [Note: Figure AF102 an EPA Map of Radon Zones in every county in the United States was deleted, see MN Rules 1322.2101, Section AF101, Subp. 2].

- Existing Language Proposed in DOLI Chapter 1303 Draft, Ver. 2 dated 9-26-11

“Requirements for passive depressurization systems

The construction techniques in this chapter shall be used to resist radon entry into the building.”

- Existing Language in 2012 IRC Appendix F, Radon Control Methods

“AF103.1 General. The following construction techniques are intended to resist radon entry and prepare the building for post-construction radon mitigation, if necessary (see Figure AF102). These techniques are required in areas where designated by the *jurisdiction*.”

- Proposed Alternate Language

“Requirements for passive depressurization systems

The construction techniques in this section chapter shall be used to resist radon entry and prepare ~~into~~ the building for post-construction active radon mitigation.”

[FYI: double underlining is added where the proposed alternate language varies from the 2012 IRC, Appendix F language. The word “active” exists in the current Minnesota State Building Code language. “Chapter” was replaced with “section” for clarity.]

Proposed Code Change – Need and Reason

This language change is needed to protect residential contractors from unneeded liability.

The existing Minnesota State Building Code states, “The following passive construction techniques are intended to resist radon entry and prepare the building for post construction active radon mitigation.” In the Dept. of Labor and Industry’s proposed code language the last part of this sentence was deleted and reads: “The construction techniques in this chapter shall be used to resist radon entry into the building.” As it is currently written the Minnesota State Building Code would require contractors to build a home with a passive radon system that will “resist radon entry.” Does this mean that any amount of radon detected in any new residence is not built to code because it is not resisting radon entry? Does it mean that a reading of 4.0 pCi/L or higher means that the contractor has not met the intent of the code? If so, is the contractor now liable for exposing the occupants to a health risk? Is the contractor then exposed to a lawsuit claiming that their construction methods did not resist radon adequately? BAM believes that Appendix F of the 2012 IRC intends to prepare a residence to be converted to an active radon system at the owner’s discretion. The reality is that no matter how they are built, the majority of passive radon systems do not adequately vent radon gas in all homes, especially those with high radon levels. Passive radon systems may work well during some seasons in some houses and have a minimal or zero effect on radon levels during the spring, summer and fall months. The language as written ignores these facts and puts a high legal burden on the home builder.

This language change is needed to comply with Minnesota Statute 326B.106 Subdivision 6 which states:

[“MS §326B.106, Subd. 6. Radon code.](#)

The commissioner of labor and industry shall adopt rules for radon control as part of the State Building Code for all new residential buildings. These rules shall incorporate the radon control methods found in the International Residential Code appendix as the model language, with necessary amendments to coordinate with the other adopted construction codes in Minnesota.”

The additional text being proposed, with the exception of the word ‘active’, comes directly from the 2012 IRC’s Appendix F, Radon Control Methods. Leaving “and prepare the building for post-construction radon mitigation” out of the Radon Rules in Chapter 1303 changes the entire intent of what problem the code is attempting to address. If the only purpose of the Radon Rules in the Minnesota State Building Code is to “resist radon entry into the building” then all radon systems should be required to be active systems. However, this blanket requirement for all new residential construction would not benefit the majority of homeowners in Minnesota. Why not? Because the Minnesota Department of Health states that, [“in Minnesota, one in three homes \(1/3\) has radon levels that pose a significant health risk.”](#) That means 2/3 of the homes don’t have high radon levels. However, if a home has a radon reading of 4.0 pCi/L or more EPA recommends that homeowners use radon mitigation methods to reduce the level. Meaning that a passive system can no longer be relied on to protect occupants from ‘action levels’ that present a health risk as defined by EPA. The proposed code language change is required to inform code officials, home builders, and homeowners that a passive system is being installed in order to facilitate a cost effective solution for homeowners to reducing high radon levels.

This language change is reasonable because it mirrors the existing 2007 Minnesota State Building Code

This language change is reasonable because it is taken directly from the 2007 Minnesota Building Code. There is no need to delete this language from the 2012 International Residential Code or the Minnesota State Building Code. The 2012 IRC does not require contractors or homeowners to test their homes for radon levels once construction is completed. It does make sure that a passive radon system is installed in each home that can be cost-effectively converted into an active system, if the homeowner chooses this

level of protection from radon exposure. It also details how an active radon system must be installed if the home builder or home owner requests that level of protection.

Proposed Code Change – Cost/Benefit Analysis

There is no perceived increase or decrease in construction costs because of this code change.

Other Factors to Consider Related to Proposed Code Change

1. Is this proposed code change meant to:

change language contained in a published code book? If so, list section(s).

change language contained in an existing amendment in Minnesota Rule? If so, list Rule part(s).

This language would restore the proposed code language and match it with [MN Rule 1322.2103](#)

delete language contained in a published code book? If so, list section(s).

delete language contained in an existing amendment in Minnesota Rule? If so, list Rule part(s).

neither; this language will be new language, not found in the code book or in Minnesota Rule.

2. Is this proposed code change required by a Minnesota Statute or new legislation? If so, please provide the citation to the Statute or legislation.

Yes, MS §326B.106, Subd. 6 this statute requires the Dept of Labor and Industry to use the IRC's Radon Appendix as model language. DOLI did not prove that deleting this language from the IRC's Appendix F Radon Control Methods chapter is needed or reasonable.

3. Will this proposed code change impact other sections of a published code book or of an amendment in Minnesota Rule? If so, please list the affected sections or rule parts.

No

4. Will this proposed code change impact other parts of the Minnesota State Building Code? If so, please list the affected parts of the Minnesota State Building Code.

No

5. Who are the parties affected or segments of industry affected by this proposed code change?

Residential contractors and their subcontractors, building code officials and homeowners

6. Can you think of other means or methods to achieve the purpose of the proposed code change? If so, please explain what they are and why your proposed change is the preferred method or means to achieve the desired result.

No. This language is the easiest way to explain what the radon provisions of the State Building Code are trying to accomplish and the intent of the radon requirements.

7. Are you aware of any federal requirement or regulation related to this proposed code change? If so, please list the regulation or requirement.

No