

2017 Bill 209

Third Session, 29th Legislature, 66 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 209

RADON AWARENESS AND TESTING ACT

MS LUFF

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 209

2017

RADON AWARENESS AND TESTING ACT

(Assented to _____, 2017)

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of Alberta, enacts as follows:

Definitions

1 In this Act,

- (a) “Bq/m³” means the units measured in becquerels per cubic metre;
- (b) “homeowner” includes a lessee, a person in charge, a person who has care and control and a person who exercises or purports to exercise the powers and authority of ownership of a residential dwelling;
- (c) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (d) “normal occupancy area” means any part of a residential dwelling where a person is likely to spend more than 4 hours per day;
- (e) “radon level” means the concentration of radon in the air measured in units of becquerels per cubic metre;
- (f) “radon measurement specialist” means a person who measures radon levels and meets the qualifications set out in the regulations;

- (g) “real estate broker” has the meaning given to it in the *Real Estate Act*;
- (h) “residential real estate transaction” means the purchase, exchange, option, lease or any other acquisition of an interest in real estate, including real property, leasehold property or a portable dwelling, other than a holiday trailer or recreational vehicle, that is designed for use as and is used as a residential dwelling.

Educational materials

2(1) Within one year of the coming into force of this Act, the Minister shall develop educational materials explaining the health risks associated with exposure to radon for

- (a) the public, and
- (b) purchasers in residential real estate transactions.

(2) The materials developed under subsection (1)(a) shall

- (a) be developed in consultation with not-for-profit organizations, other levels of government and other stakeholders as the Minister considers appropriate,
- (b) identify methods of testing for radon and ways to reduce the risks of exposure to radon, and
- (c) encourage homeowners to
 - (i) measure the radon level in the normal occupancy area of their dwelling using a radon test kit or the services of a radon measurement specialist, and
 - (ii) take action to reduce the radon level in the homeowner’s dwelling, unless otherwise specified by the regulations,
 - (A) within 2 years if the level exceeds 200 Bq/m³ on average per year but is not higher than 600 Bq/m³ on average per year, or
 - (B) within 12 months if the level exceeds 600 Bq/m³ on average per year.

(3) The materials developed under subsection (1)(b) shall identify

- (a) methods of testing for radon, and
 - (b) appropriate standards for radon levels in normal occupancy areas of dwellings as set out in subsection (2)(c)(ii).
- (4) Upon the completion of the educational materials prepared under this section, the Minister shall
- (a) in the case of the materials prepared under subsection (1)(a), make those materials public in a manner the Minister considers appropriate, and
 - (b) in the case of the materials prepared under subsection (1)(b), make those materials available to purchasers in a real estate transaction, including through real estate brokers, in a manner the Minister considers appropriate.
- (5) The Minister may, from time to time, update the educational materials developed under this section.
- (6) In addition to the preparation of educational materials under this section, the Minister may engage in any of the following activities for the purposes of increasing public awareness about the health risks of exposure to radon:
- (a) communicate with the public using any type of media;
 - (b) implement a public awareness campaign;
 - (c) partner with not-for-profit organizations to distribute educational materials;
 - (d) provide educational materials for use in schools;
 - (e) any other thing the Minister considers appropriate.

Radon testing for child care programs

3(1) Prior to a licence being issued or renewed for a child care program under section 4 of the *Child Care Licensing Act*, the director under that Act shall require an applicant to provide the director with the results of a radon test completed within one year immediately preceding the submission of the application within the premises where the child care program will be provided.

(2) If the results of the radon test completed under subsection (1) exceed the acceptable radon level prescribed by the regulations, the director shall require the applicant to provide a plan to reduce the radon level in accordance with the prescribed standards.

Regulations

- 4** The Lieutenant Governor in Council may make regulations
- (a) prescribing qualifications for the purposes of the definition of “radon measurement specialist”;
 - (b) prescribing the acceptable radon level in a residential dwelling for the purposes of section 2(2)(c)(ii);
 - (c) establishing standards for radon testing and reduction and prescribing acceptable radon levels under section 3;
 - (d) defining any word or expression used but not defined in this Act;
 - (e) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary for carrying out the intent of this Act.

Related Amendments and Coming Into Force

Amends SA 2007 cC-10.5

5(1) The *Child Care Licensing Act* is amended by this section.

(2) Section 5 is amended by adding the following after subsection (1):

(1.1) On considering an application under section 4, the director may refuse to issue or renew a licence if the director has not received the results of a radon test or a radon reduction plan in accordance with section 3 of the *Radon Awareness and Testing Act*.

Coming into force

6 This Act comes into force upon Proclamation.

EXPLANATORY NOTES

5(1) Amends chapter C-10.5 of the Statutes of Alberta, 2007.

(2) Section 5(1) presently reads:

Licence

5(1) On considering an application under section 4, the director may

- (a) issue or renew a licence, with or without conditions, or*
- (b) refuse to issue or to renew a licence if the director*
 - (i) is not satisfied that the applicant is capable of providing a child care program in accordance with this Act or the regulations*
 - (ii) is satisfied that the applicant has made a false statement in the application or in any information provided to the director in support of the application, or*
 - (iii) has reasonable and probable grounds to believe that any individual associated with the provision of the proposed child care program is not suitable to provide child care.*

6 Coming into force.

