

# Radon Awareness in Real Estate

## Summary

Radon is the second-leading cause of lung cancer after smoking, and Minnesota ranks among the states with the highest percentage of homes at or above federal action levels for radon. The Radon Awareness in Real Estate Initiative will help protect Minnesota home owners and their families by informing buyers about radon during most residential real estate transactions. At the time a purchase agreement is signed, the seller would be required to provide the buyer with:

- A disclosure statement describing any history of radon testing and mitigation in the property, as well as general information on radon testing and the health effects of radon
- A more detailed radon publication written by MDH.

The proposal does not mandate radon testing or mitigation.

## Background

Radon is a naturally occurring, colorless, odorless and radioactive gas that can enter homes from the ground. Every county in Minnesota has naturally occurring radon. Any home can have elevated radon concentrations regardless of levels in neighboring homes.

Radon is the second leading cause of lung cancer after smoking. The U.S. Environmental Protection Agency (EPA) estimates that about 21,000 lung cancer deaths in the U.S. each year are due to radon

exposure, including hundreds of deaths in Minnesota. Minnesota ranks near the top among all states for the rate of homes above the EPA Action Level of 4.0 pCi/L. An estimated 42 percent of all Minnesota homes tested are above this EPA action level, compared to 6 percent nationwide.

Radon is the primary cause of lung cancer among people who have never smoked. Early studies found increased lung cancer risk in miners, while many recent studies assessing residential exposure to radon have found an increased incidence of lung cancer in homes with higher radon concentrations. Radon is much more likely to cause lung cancer in people who smoke or who have smoked in the past.

There is no known threshold at which radon exposure presents no risk. Even low concentrations of radon can result in a small increase in the risk of lung cancer. The majority of radon-induced lung cancers are caused by low and moderate radon concentrations.

Major medical and public authorities have stated the dangers of radon exposure, including the American Medical Association, U.S. Surgeon General, the Centers for Disease Control and Prevention, the National Academy of Sciences, the World Health Organization and the EPA.

## For More Information:

Matthew Collie, Legislative Liaison, 651-201-5808  
Dan Tranter, Indoor Air Unit Supervisor, 651-201-4618

### Rationale

The Minnesota Department of Health (MDH) has been educating the public about radon, encouraging testing and, where levels are elevated, recommending installation of radon mitigation systems. Radon is not regulated in Minnesota, with the exception of radon-resistant construction requirements for new homes built since 2009. While these code changes have helped lead to the installation of 1,000 -1,400 radon mitigation systems per year, MDH estimates about 2,000 new homes built every year have elevated radon.

The general real estate disclosure requirements (Minnesota Statutes 513.55) currently state the seller must disclose all material facts of which the seller is aware that could adversely and significantly affect an ordinary buyer's use and enjoyment of the property. Some disclosure forms list radon with a long list of environmental concerns for which the seller can check "yes" or "no." However, a seller can in good faith check "no radon environmental concern" if they have never tested for radon.

Considering any home has about a 40 percent chance of elevated radon concentration and there are approximately 100,000 home sales per year in Minnesota, increasing radon testing during real estate transactions has the potential to decrease radon exposure significantly.

### Proposal

This proposal improves the health and safety of Minnesotans by informing home buyers about the harmful effects of radon gas. Potential buyers will be educated on radon and can choose to request that a radon test be performed on the property in a similar manner as home inspections are requested

and conducted. Once buyers are aware of radon problems, many will elect to install a radon reduction system. In addition to the health benefits, this proposed legislation may reduce liability concerns of real estate professionals and minimize misinformation about radon.

An example of the proposed disclosure statement is attached. The disclosure provides general information on radon, and then requires the seller to provide property-specific information about radon. The disclosure must be signed by the seller, the seller's agent, the buyer, and the buyer's agent.

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## DISCLOSURE OF INFORMATION ON RADON (For Residential Real Property Sales or Purchases)

### Radon Warning Statement

Every buyer of any interest in residential real property is notified that the property may present exposure to dangerous levels of indoor radon gas that may place the occupants at risk of developing radon-induced lung cancer. Radon, a Class-A human carcinogen, is the leading cause of lung cancer in non-smokers and the second leading cause overall. The seller of any interest in residential real property is required to provide the buyer with any information on radon test and mitigation results of the dwelling.

The Minnesota Department of Health (MDH) strongly recommends ALL homebuyers have an indoor radon test performed prior to purchase or taking occupancy, and mitigated if elevated levels are found. Elevated radon concentrations can easily be reduced by a qualified, certified (or licensed if applicable) radon mitigator.

Physical Address of Property:

Street Address: \_\_\_\_\_ City \_\_\_\_\_: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Disclosure (initial each of the following which applies)

	Seller's Initial	Buyer's Initial
Seller has no knowledge of radon concentrations in the dwelling.		N/A
A radon test has been conducted in the dwelling		N/A
Seller has provided the purchaser with the most current records and reports pertaining to radon concentrations within the dwelling.		N/A
Radon concentrations above the U.S. Environmental Protection Agency Radon Action Level are known to be present within the dwelling.		N/A
Radon concentrations have been mitigated or remediated to concentrations below the U.S. Environmental Protection Agency Radon Action Level.		N/A
Seller has provided the purchaser with information regarding the radon mitigation system installed in the dwelling including system description and documentation.		N/A
Seller has no records or reports pertaining to radon concentrations within the dwelling.		N/A
Purchaser has received copies of all information listed above.	N/A	
Purchaser has received the Department approved "Radon Testing Guidelines for Real Estate Transactions"	N/A	

### Certification of Accuracy

The following parties have reviewed the information above and each party certifies, to the best of his or her knowledge, that the information he or she provided is true and accurate.

Seller \_\_\_\_\_ Date \_\_\_\_\_ Purchaser \_\_\_\_\_ Date \_\_\_\_\_  
 Seller \_\_\_\_\_ Date \_\_\_\_\_ Purchaser \_\_\_\_\_ Date \_\_\_\_\_  
 Seller's Agent \_\_\_\_\_ Date \_\_\_\_\_ Purchaser's Agent \_\_\_\_\_ Date \_\_\_\_\_

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