

Radon Policy Challenge

Presentation to CARST Radon Conference and *AGM - Connect and Educate*

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Kathleen Cooper, Senior Researcher

Canadian Environmental Law Association



Canadian
Environmental Law
Association
EQUITY. JUSTICE. HEALTH.

About CELA

- Non-profit, public interest
 - Ontario Legal Aid Clinic
 - Legal representation for low income
 - Law reform - population health approach
 - Large numbers
 - Serious outcomes
- Radon fits



Outline

- Origin and overview
- Responses received
- Policy approaches/case studies
- Workshop set-up

October, 2015

A Radon Policy Challenge

to Canada's Provincial Premiers and Health Ministers

We call upon each of Canada's provincial and territorial Premiers and their respective Health Ministers to demonstrate leadership with a comprehensive and health-focused response to radon.

Provinces and Territories Need to Act

The opportunity for controlling radon exposure and ensuring public right-to-know exists mainly at the provincial-territorial level in Canada. According to the Canadian Environmental Law Association,* these opportunities arise in several areas, including:

- Building Codes
- Occupational Health and Safety Laws and the Naturally Occurring Radioactive Materials (NORM) Guidelines
- Data-sharing about radon testing and public Right-to-Know
- Government-, utility-, and NGO-sponsored energy efficiency programs
- Laws governing:
 - public health
 - residential tenancies
 - education
 - occupiers' liability
 - real estate transactions and home warranties

Signatory Organizations



THE  LUNG ASSOCIATION™
When you can't breathe, nothing else matters.



Origin of Policy Challenge

Radon in Indoor Air: A Review of Policy and Law in Canada

(November, 2014)

- Canvassed policy and law across Canada
- Focus: building codes and public buildings
- Also reviewed provincial policy and law potentially relevant
- 14 Recommendations



Radon in Indoor Air: A Review of Policy and Law in Canada

Full Report: <http://www.cela.ca/publications/radon-indoor-air-review-policy-and-law-canada>

(English only)

November 25, 2014 Media Release:

<http://www.cela.ca/newsevents/radon-homes-schools-and-workplaces-cela-finds-legal-protections-lacking>

Le radon présent dans les habitations, les écoles et les lieux de travail : L'ACDE constate le manque de protections juridiques (<http://www.cela.ca/node/2966>)

Main Findings

- We need better legal protections
- Patchwork of inconsistent and mostly unenforceable guidance
- Federal Gov't - important leadership; more to do
- Provinces/Territories – primary jurisdiction; multiple laws needing updates or that contain gaps/ambiguity
- Limited/no case law – points to need for law reform
- Data sharing; access to information; address radon in energy efficiency programs

One Year Later – Policy Challenge Issued for Radon Action Month

October, 2015

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To Premiers and Health Ministers

- Radon facts and figures
- Premise: serious public health issue; demands a coordinated policy response
- Sought comprehensive, health-focused response
- Nine recommendations:
 - Building codes and NORM Guidelines (workplaces)
 - Laws regarding:
 - public health, residential tenancies, education(schools), occupiers' liability, real estate sales and home warranties
 - Data-sharing and public right-to-know
 - Energy-efficiency programs

Responses - Overall

- Most ignored basic premise
- Most refer/defer to Health dep'ts (SK – Labour)
 - Despite wide range of policy measures raised
- ON, NL&L, PEI, YK, NWT, NVT – no response at all
- NB partial response re outreach work
 - policy request referred to CMOH (no response yet)

Responses - Details

Prov. / Terr.	Summary of Responses
NS	<ul style="list-style-type: none"> • 2007 – intergovernmental advisory group; within 5 yrs all provincial public buildings tested • Mapping of radon risk across province; public reporting of radon test results • Updated Building Code • Partnerships for outreach: advice to homeowners, training re testing and mitigation
NB	<ul style="list-style-type: none"> • Testing and mitigation in public bldgs and schools • Outreach: fully supports NBLA to raise awareness • Social media and public health radon page with FAQs • Re comprehensive radon strategy – fwd to OCMOH for further consideration
Quebec	<p>Intersectoral Action Plan on Radon</p> <ul style="list-style-type: none"> • Testing all schools • Pilot: radon testing in child care centres; will follow with invitation to test all • Pilot: testing in social housing; intent for full roll out • Sought NBC 2010 radon measures in updated Quebec Construction Code • Pilot: municipal regulations for radon protection (to be mandatory locally) • Public outreach with Quebec Lung Association and Canadian Cancer Society

Responses - Details

Prov. / Terr.	Summary of Responses
Man.	<ul style="list-style-type: none">• Will take recommendations into consideration as determine priorities. <p>So far, has:</p> <ul style="list-style-type: none">• Adopted radon provisions of National Building Code• Tested many government buildings, plans to test more• Public disclosure of buildings tested and remediated• Utility-sponsored program for radon abatement loans• Outreach: Part of Manitoba Radon Stakeholders Network, chaired by Manitoba Lung Association
Sask.	<ul style="list-style-type: none">• Adopted radon provisions of National Building Code• Labour ministry uses the NORM Guidelines; actively involved in their revision• Outreach: Actively encouraging radon testing of dwellings• Participates on the FPT Radiation Protection Committee – take suggested changes to the committee for consideration; Committee also shares radiation safety info with all jurisdictions
Alberta	<ul style="list-style-type: none">• Outreach: Engage many partners re public information; Health Canada is key partner• Aligned Alberta Building Code with NBC• Referral to Municipal Affairs re real estate transactions, building code, and new home warranties

Responses - Details

Prov. / Terr.	Summary of Responses
BC	<p>Outreach – via funding to BC Lung Association to run:</p> <ul style="list-style-type: none">• Community projects in Prince George and Castlegar – led to BC Bldg Code changes• On-line learning platform for C-NRPP; Doubled # of certified radon prof'ls in BC• Training sessions for property inspectors• Canada's first Radon Mitigation Manual• With CHBA BC Bldg Code Radon Warning Label – wide distribution• RadonAware website; E-commerce platform for radon test kits• Standardized form to capture data that may impact radon levels in a bldg.• 80 info pkges to all munic. mayor and councils in high radon areas <p>Future plans by BC Lung Assoc:</p> <ul style="list-style-type: none">• Evaluate accuracy of short-term test kits• Work with Northern Real Estate Board to distribute radon info to realtors in northern BC• Promoting Radon Aware on the Fortis website

Responses - Conclusion

- Treated as simple correspondence management
- Such requests easily ignored
- Most basic of first steps
- Sets a broad agenda; on the radar
- Menu of multiple actions – legal/voluntary
- Follow-up:
 - Will depend on energy at regional level
 - Requires multi-step interaction at departmental and political levels

Case Study - Ontario law to ban the cosmetic use of pesticides

Elements of success

- Ten year history of outreach, public engagement
- Political will – election promise
- Multiple and diverse groups engaged
- Clear, strong leadership (time/\$ available)
- Research, research, research
- Clear position, effectively summarized
- Meetings with key insiders (across many months and at multiple stages in process)
- Know when to compromise and when not
- Success achieved after 3 years of work (~23 years)

SWOT ANALYSIS



RADON TAX CREDIT	Helpful (to achieving the objective)	Harmful (to achieving the objective)
Internal origin (attributes of the issue/group)	Strengths	Weaknesses
External origin (attributes of the environment)	Opportunities	Threats

See handout

Conclusion/Lessons Learned

- Huge effort needed in each area – prioritize accordingly
- Take the pulse; seize opportunities
- Research; network; collaborate; coordinate
- SWOT Analysis: “Weaknesses” and “Threats” become a to-do list
- Be a “squeaky wheel”
- Be the “go-to” people on the issue
- Be clear on outcome; flexible on how to get there

Mid-morning Break

Think about:

- If/when policy response is needed
- Your role in your region (leadership, research, support, etc.)
- Your information needs
- Your priorities

Workshop Setup

- Divide up by province/region
- Set priorities (**1/2 hour**)
 - Use – responses to Radon Policy Challenge
 - SWOT tool to organize discussion and prioritize
 - Debate merits; should the approach be revised?
- Mid-point – short list of action steps (**15 minutes**)
- Most of your time – Strategize around chosen priorities (**45 minutes**)
 - Take ownership – who are regional organizers?
 - Write down the obvious; generate to-do list (from “weaknesses” and “threats”)

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Kathleen Cooper, Senior Researcher
kcooper@cela.ca

