



**NYSAHI RESPONSE TO MOST RECENT PROPOSAL  
FOR RADON SERVICE PROVIDER REGULATION  
IN NEW YORK STATE  
FEBRUARY 2026**

**NYSAHI agrees that all professional radon testing in NYS should be regulated such that providers of the service are well trained to perform the service that they offer and are subject to regulatory oversight, so that their service is recognized as reliable and valued by consumers.**

But, NYSAHI advises that imposition of Mitigator developed regulation, designed for control and oversight of radon companies that are employers and operating their own analytical laboratories, is not right-sized or appropriate for regulation of the very many owner-operator Home Inspector businesses that employ “simple devices” in dove-tail partnership with regulated manufacturers/laboratories that both manufacture the devices and analyze test samples. These Inspectors only place and collect samples to be analyzed by the laboratory and report lab results to their clients. Imposing Mitigator level regulation on them would substantially reduce the number of professional radon testers and raise costs for the remaining providing that service, both resulting in unnecessary increased costs to consumers.

To solve these issues and achieve trustworthy professional radon testing services in NYS, we propose in general the following be incorporated into NYS radon service provider regulation:

**General Consumer Protection**

**First and foremost: A clear and enforceable separation between radon testing and radon mitigation must be part of any regulation of radon service providers.** For protection of consumers against environmental service provider conflict of interest, both state and federal governments have always regulated environmental service providers to functionally separate testing and mitigation.

**Requirement that ANY referral by a radon tester for Mitigation be made ONLY to NYSDOH list of Approved Radon Mitigators** - To further avoid conflict of interest, no person involved in professional radon testing, or any New York State licensed professional (Real Estate Agent Engineer, etc.) should be allowed to make a referral to any particular mitigation business or list of businesses. ALL referrals should be made ONLY to the current NYSDOH list of approved mitigators.

**Revise the proposed "Direct Supervision" Provisions for Radon Testing** - The radon regulation program should ensure that every person involved in radon testing is fully trained and certified for their role. The currently proposed provisions that would allow a radon business "Direct Supervision" of uncertified radon testing personnel appears to be contrary to that objective.

**Creation of Special Class Regulation** (Outline on next page)



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**NYS Radon Regulation Proposal**  
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- **Special Class of Testers** (would not be not subject to conflicting radon licensing provisions): **Owner/operator** (no employees or statutory employees), **Licensed Home Inspector, Only Short-term testing of “Homes” of 1-4 residential units, using “Simple Devices”** (Radon in air or water).
- **Implementation of Special Class law/regulation must be simultaneous with Licensing Law.**
- **Creation of an optional Radon Tester Certification for licensed Home Inspectors under their Home Inspection (HI) license.**

**Requirements:**

- ▶ **8 hour qualification course developed by NYSDOH & NYS AHI targeted to testing by Special Class.** (In-person or live distance learning by NYS AHI, and by other schools approved by NYSDOH/NYS DOS)
- ▶ **Written qualification exam developed by NYSDOH & NYS AHI, administered by NYSDOS** (with added fee).
- ▶ **Radon Tester Certification fee** added to NYS HI license fee
- ▶ **Biennial Certification renewal** synchronized with HI license renewal.
- ▶ **Renewal would require 4 hours of NYSDOH/NYS DOS approved dedicated radon testing CE targeted to Special Class testing, IN ADDITION to the CE required for HI License renewal.** (No radon related CE may apply to HI license renewal requirements.)
- **State Agencies shall recognize Certified HI Radon Testers as equivalent to Licensed Radon Testers** and treat them the same with regard to being a stakeholder in planning and development related to radon, and promotion and public listings of them as radon testing service providers.
- **Radon testing within the scope of the Special Class Certified Testers would be added to the scope of a regulated Home Inspection only for those Home Inspectors that are certified for such.**
- **Right-sized QA/QC Management and Reporting requirements for Special Class** developed in cooperation between NYSDOH/NYS AHI.
- **Stiff penalties for testing without certification or violations/ethics lapses**