

Radon in Indoor Air: Policy and Law Across Canada



**Videoconference presentation to Commons Standing
Committee on Health, Review of Lung Cancer in Canada
Toronto, ON**

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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 organization
- Ontario Legal Aid Clinic
- Legal representation of low income individuals and vulnerable communities
- Within strategic law reform priorities - Environment and Human Health
- Population health approach
 - Large numbers affected
 - Serious outcomes
 - Radon fits squarely within this approach



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

- Canvassed policy and law - current to June, 2014; interviews across Canada
- Analysis of jurisdiction/roles
- Focused on public buildings and building codes
- Also reviewed other provincial policy and law potentially relevant; associated common law
- 14 Recommendations and detailed appendices
 - Focus today: federal 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>

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

- Canadians need better legal protection
- 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

Federal Action on Radon

National Radon Program

- Research, testing, mapping
- Updated guideline (200 Bq/m³)
- Updated National Building Code
- Certification program (CNRPP)
- Urge testing of all homes

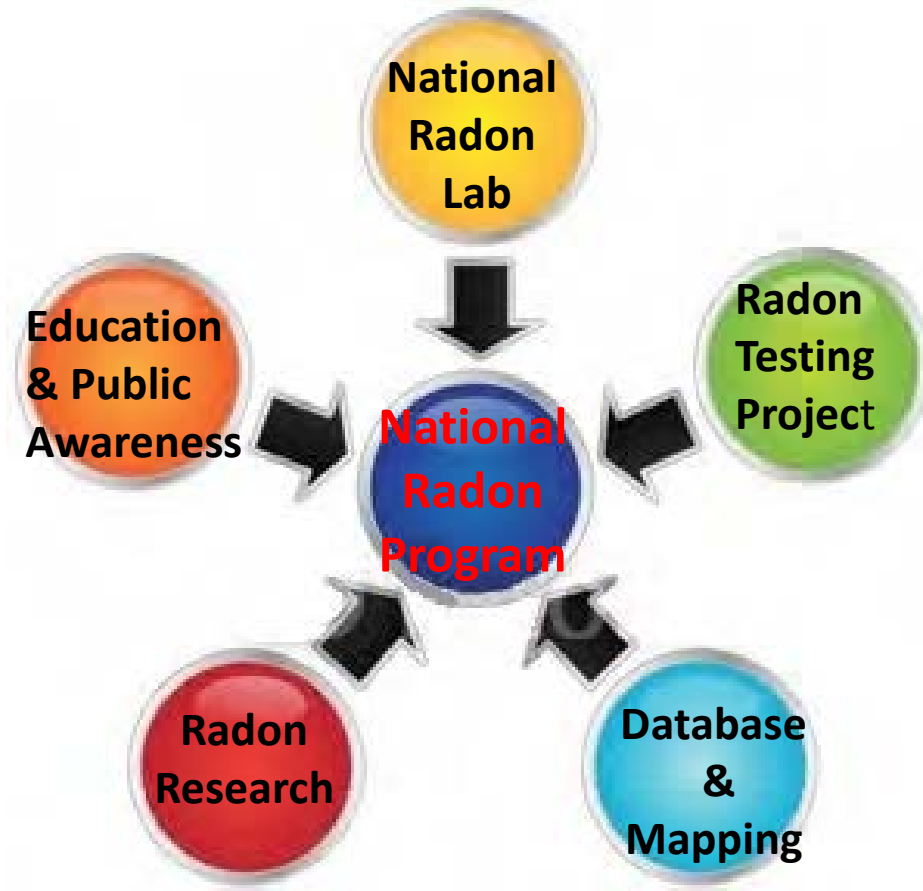


Image Source: Kelley Bush, Health Canada

Recommendations for Federal Action

- To support educational work and urging that all homes be tested:

- Logical next step? Tax credit for radon remediation
- See Green Budget Coalition Recommendations for 2015

<http://www.cela.ca/sites/cela.ca/files/GBC-2015.pdf>

Recommandations relatives au Budget de 2015

(<http://www.cela.ca/node/2968>)

- “radiation” and “radioactivity” : clearer messaging
- Data sharing nationwide; ensure publicly available

Recommendations for Federal Action, cont'd

- Lower guideline to 100 Bq/m³ in line with WHO
 - See Suzuki Foundation report: Revisiting Canada's Radon Guideline
<http://davidsuzuki.org/publications/reports/2015/revisiting-canadas-radon-guideline/>
- Update *Canada Labour Code* – outdated level and slow timeline to revise
- Improve uptake of *Naturally Occurring Radioactive Materials* (NORM) guidelines



Canada Labour Code and **NORM Guidelines**

- CLC only legally enforceable limit for occupational exposure - remains at outdated level of 800 Bq/m³
- Confusion and uncertainty about workplace radon rules or whether NORM Guidelines apply (**applies to any indoor workplace space**)
 - Few/no complaints; thus, little to no enforcement action taken
 - Some apply NORM, others deny radon is an occupational health issue and state enforcement action unlikely as only agreed upon levels are regulations for radiation-exposed workers (**not accurate**)

Canada Labour Code and **NORM Guidelines**

Recommendations:

- Update CLC limit to federal ref'ce level (currently sits at 200 Bq/m³; 100 Bq/m³ is more up to date)
- FPT Radiation Protection Committee - convene FPT task force for inspectors on application of NORM Guidelines to radon
- Amend prov'l labour codes
 - include federal level, require testing and mitigation as needed, clarify inspection and enforcement duties
- CAREX, with CNRPP, research, dosimetry monitoring, for radon mitigators

Recap of Report Findings

- Need for legal requirements vs. guidance:
 - Underscore seriousness of problem and support outreach messages
 - Require testing in public buildings and public access to information
 - To correct inconsistent response among inspectors and provide them with tools for action
- Limited/no case law – under statutes or common law
 - Law reform is best remedy vs. costly and situation-specific litigation
- Additional Federal Gov't action needed in key areas:
 - Update federal radon guidance level to 100 Bq/m³
 - Lack of tax credit in 2015 Budget disappointing; remains worthwhile to complement Nat'l Radon Program.
 - Update Canada Labour Code and facilitate clear application of NORM Guidelines
- Health care savings and prevented lung cancer deaths

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Kathleen Cooper, Senior Researcher
kcooper@cela.ca

