



**BUREAU OF ENVIRONMENTAL HEALTH
RADON PROGRAM**

**GENERAL STATEMENT OF POLICIES AND PROCEDURES
FOR RADON ENFORCEMENT ACTIONS**

January 1993

DISCIPLINARY GUIDELINES

The department shall consider the following in determining the appropriate disciplinary action to be imposed:

- (a) The severity of the violation;
- (b) The danger to the public;
- (c) The number of repetitions of the violation; and
- (d) The deterrent effect of the penalty imposed.

A certificateholder whose certificate has been revoked or suspended may apply for reinstatement after the time of revocation or suspension has passed. Such application shall include documentation that all terms and conditions established at the time of revocation or suspension have been met.

ADMINISTRATIVE FINES

Administrative fines shall be set at the following levels based on the criteria stated above and shall increase if the violation is repeated within the indicated time period. Level I violations are considered the most severe. Multiple violations within the same level identified at the same time shall be considered one occurrence and fined as one violation. Multiple violations at different levels identified at the same time shall be considered as one occurrence for each level in which a violation occurred and fines shall be assessed for each level in which a violation occurred. The fine for each level shall be determined by the number of previous violations identified for that level within the specified time periods. The department may impose administrative fines on both businesses and individuals.

LEVEL I

The penalty for the first Level I violation is an administrative fine of \$250 and denial or revocation of the certification for 6 months. The penalty for a second Level I violation within 5 years of the first is an administrative fine of \$500 and revocation of the certification for 1 year. The penalty for each subsequent Level I violation within 5 years of the first is \$1,000 and revocation of the certification for 2 years.

Level I Examples

- (a) Falsifying records or reports concerning radon measurements or mitigation installations, worker health and safety, or quality control and quality assurance information.
- (b) Providing false or misleading information on an application for certification.
- (c) Engaging in fraud, misrepresentation, or deceit in taking the certification examination.
- (d) Refusal to allow an inspection or interfering with or obstructing an inspection by the department.

LEVEL II

The penalty for the first Level II violation is an administrative fine of \$250. The penalty for a second Level II violation within 3 years of the first is an administrative fine of \$500. The penalty for each subsequent Level II violation within 3 years of the first is \$500 and suspension of the certification for 6 months. If corrective action is not taken within 120 days of the initial notification of a violation or inspection, a Level II violation will escalate to a Level I violation.

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Level II Examples

- (a) Failure to use a proficient device, instrument or analysis laboratory for measurements reported to clients.
 - (b) Performing measurements or mitigations after the certification expiration date.
 - (c) Performing measurements or mitigations when not employed by a certified business.
 - (d) Providing incomplete or improper reports to clients.
 - (e) Making false or improper advertising claims.
 - (f) Failure to notify the department within 2 business days of radon levels equal to or above 100 pCi/l or 0.5 WL.
 - (g) Operating without a certified specialist or failure to perform the required specialist visits.
 - (h) Allowing a non-certified individual or an individual with an expired certificate to perform measurements.
 - (i) Failure to comply with the requirements of 9B-53, F.A.C., Florida Standard for Mitigation of Radon in Existing Buildings.
- (c) Failure to submit monthly reports within 60 days of the due date.
 - (d) Failure to correct a noncompliance item within 45 days of a business inspection.
 - (e) Failure to perform the required specialist visits and reviews.
 - (f) Failure to follow or maintain proper records for a quality assurance program for radon measurements which are reported to clients.

NOTIFICATIONS AND ACTIONS

Deficiencies or violations are identified by business inspections, review of department records, or through other information obtained by the department. Deficiencies found at a business inspection will be noted on the inspection report and the business must notify the department in writing of the corrective action taken within the time specified in the inspection report. A letter of reprimand, intent to fine or suspend or revoke a certificate will be issued to the violator if appropriate.

The department may terminate the administrative procedure prior to issuing a fine or administrative complaint if it receives information mitigating the violation.

LEVEL III

The penalty for the first Level III violation is a letter of reprimand. The penalty for a second Level III violation within 3 years of the first is an administrative fine of \$125. The penalty for each subsequent Level III violation within 3 years of the first is an administrative fine of \$250. If corrective action is not taken for a Level III violation or noncompliance within 120 days of the initial notification or inspection, a Level III violation will escalate to a Level I violation.

Level III Examples

- (a) Failure to follow approved measurement protocols.
- (b) Failure to complete the required pre and post mitigation measurements.