

# **RADON – THE INVISIBLE RISK**

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Odorless, colorless, tasteless – completely invisible, radon gas may be harmful even at very low concentrations when exposures (dose) are extended for significant amounts of time. Therefore, the presence of radon gas in a residence can potentially be hazardous to the occupants. Many factors affect the presence and concentration of radon gas in a home – or any structure for that matter, and there are also many variables that affect dose to the residents.

## **The Scenario**

Radon gas is a naturally occurring, radioactive decay product that comes from natural deposits of uranium in the ground. When it is out in the open air, it dissipates readily and is of no concern. However, this inert gas can migrate into buildings in two primary ways: through cracks in the ground surface directly into openings in the foundation and structures and, from well water that may contain dissolved radon that is released upon running water in a sink, shower or tub.

If radon gas concentrations are allowed to build up in a residence – especially in circumstances found in modern housing with ever tightening construction materials and techniques in the name of energy conservation, toxic levels can be reached and health affecting doses received by the occupants.

## **The Risk**

Radon gas was recognized by Dr. Richard H. Carmona when he served as the United States Surgeon General and warned the American public, in January 2005, about the risks of breathing indoor radon by issuing a national health advisory. The advisory is meant to urge Americans to prevent this silent radioactive gas from seeping into their homes and building up to dangerous levels.

"Indoor radon is the second-leading cause of lung cancer in the United States and breathing it over prolonged periods can present a significant health risk to families all over the county," Dr. Carmona said. "It's important to know that this threat is completely preventable.

Radon can be detected with a simple test and fixed through well-established venting techniques."

According to U.S. Environmental Protection Agency (EPA) estimates, one in every 15 homes nationwide have a high radon level at or above the recommended radon action level of 4 picoCuries (pCi/L) per liter of air.

Radon gas in the indoor air of America's homes poses a serious health risk. More than 20,000 Americans die of radon-related lung cancer every year. Millions of homes have an elevated radon level. If you also smoke, your risk of lung cancer is much higher.

## **What To Do**

The opportunity for inspection for radon in a home being purchased is provided for in the Maryland Residential Contract of Sale – on page 2, paragraph 12.

Home and/or Environmental Inspection provides:

*Buyer acknowledges, subject to Seller acceptance, that Buyer is afforded the opportunity, at Buyer's sole cost and expense, to condition Buyer's purchase of the Property upon a Home Inspection and/or Environmental*

*Inspection in order to ascertain the physical condition of the Property or the existence of environmental hazards. If Buyer desires Home Inspection and/or Environmental Inspection contingency, such contingency must be included in an addendum to this Contract. Buyer and Seller acknowledge that Brokers, agents or subagents are not responsible for the existence or discovery of property defects.*

The Radon Inspection Contingency Addendum provides the following agreement that needs to be signed by Buyer and Seller:

*The U.S. Environmental Protection Agency (EPA) has found levels of naturally occurring radon gas in some areas, which exceed the EPA suggested guidelines. This contract is contingent upon the subject property being inspected at the Purchaser's expense by an EPA-listed testing firm for the presence of Radon. Purchaser shall receive the results of said inspection within ten (10) calendar days of ratification of this contract.*

*In the event the results of this inspection show radon levels above the EPA suggested guidelines the Purchaser may, within seventy-two (72) hours of receiving the radon inspection results;*

*(1) request in writing that the Seller correct the condition to the Purchaser's satisfaction, or*

*(2) notify Seller in writing that the contract is null and void, in which event the Purchaser shall receive a full refund of the deposit, after releases are signed by both parties. If Purchaser does not request or notify the Seller as described above within this seventy-two (72) hour period, then this contingency shall automatically expire and contract shall remain in full force and effect.*

*If the Purchaser requests that the Seller correct the condition, the*

*Seller shall respond in writing within forty-eight (48) hours of receiving Purchaser's request. If Seller does not respond or agree to correct the condition, Purchaser then shall have forty-eight (48) hours to notify Seller in writing that this contract is null and void, in which event the Purchaser shall*

*receive a full refund of the deposit, after releases are signed by both parties.*

In addition to the above provisions, the Seller has an affirmative responsibility to disclose any knowledge of the presence of radon gas in the property. This disclosure would be made by the Seller on the third page of the Maryland Residential Property Disclosure Statement in question 14:

*Are there any hazardous or regulated materials (including, but not limited to, licensed landfills, asbestos, radon gas, lead-based paint, underground storage tanks, or other contamination) on the property?*

*Yes*       *No*       *Unknown*

#### **DISCLAIMER**

**John P. Hale is a licensed real estate agent in Maryland and Pennsylvania. He is affiliated with Coldwell Banker Residential Brokerage in Westminster, Maryland. John has been licensed since 2000 and also practiced in Tucson, Arizona for many years. Mr. Hale holds the following designations and certifications awarded by the National Association of REALTORS® (NAR) and other authorized institutions: ABR-Accredited Buyers Representative, AHWD-At Home With Diversity, CNE-Certified Negotiation Expert, CRMS-Certified Risk Management Specialist, CRS-Certified Residential Specialist, CTA-Certified Tourism Ambassador, e-PRO-Online Real Estate Practice, GRI-Graduate of Realtor Institute, MRE-Master of Real Estate, MREP-Mortgage Real Estate Professional, and MRP-Military Relocation Professional.**

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