

BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION

The Board for Professional and Occupational Regulation held a public hearing on June 16, 2026, at the Department of Professional and Occupational Regulation, Perimeter Center, Suite 200, Board Room #3, Richmond, VA 23233 to receive public comment regarding a petition for regulation proposing licensure of radon professionals.

Board staff present:
Joseph C. Haughwout, Jr., Regulatory Affairs Manager

Mr. Haughwout began the public hearing at 10:03 a.m. and read an introductory statement regarding the purpose and rules of the hearing.

Commencement of Public Hearing

Public Comment Period – Transcript attached.

Public Comment Period

There being no further comment, the meeting was adjourned at 10:35 a.m.

Adjournment

Sathish Anabathula, Chair

Laura V. McClintock, Director

1 COMMONWEALTH OF VIRGINIA

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3 DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

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6 PUBIC HEARING ON THE PETITION FOR REGULATION OF RADON
7 PROFESSIONALS

8
9 SECOND FLOOR CONFERENCE CENTER

10 9960 MAYLAND DRIVE

11 HENRICO, VIRGINIA 23233

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14 JUNE 16, 2026

15 10:00 AM
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1 PRESENT:

2 Joe Haughwout, Regulatory Affairs Manager

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1 NOTE: Hearing commences at 10:03 AM.

2 MR. HAUGHWOUT: Good Morning, ladies and

3 gentlemen. I am Joe Haughwout, Regulatory Affairs

4 Manager for the Department of Professional and

5 Occupational Regulations. This is a public hearing held

6 on behalf of the Board of Department of Professional and

7 Occupational Regulations, 9960 Mayland Drive, Richmond,

8 Virginia. This hearing is being held for the purpose of

9 receiving public comment on a petition for regulation

10 received by the Board from the Virginia Chapter of the

11 Indoor Environments Association proposing the licensure

12 of radon measurement professionals and radon mitigation

13 specialists. A general notice announcing this public

14 hearing was published in the Virginia Register on

15 June 1, 2026. The staff of the Department of

16 Professional and Occupational Regulation will prepare a

17 report of all public comment received which will be

18 presented to the Board in the course of conducting its

19 study. And before I get into the rules for the public

20 hearing, I want to let you know that we are in Board

21 Room No. 3. In the event of an emergency, you are going

22 to exit out of either of these two doors and head right

23 toward the security desk where you came in and then, out

24 to the parking lot. And there will be security posted

25 out there as a routing point. Okay, I'll present the

1 rules of the public hearing. Comments will be received
2 from any member of the public and initial comments will
3 be limited to a maximum of five minutes depending on the
4 number of individuals who wish to speak. If you have not
5 signed up to speak and you wish to give testimony today,
6 please sign your name on the sign-up sheet at this time.
7 Staff members may ask speakers to clarify statements or
8 ask questions to clarify statements. However, it is not
9 the proper forum for questions to the Board. If you have
10 questions for the Board, please forward them in writing
11 to the Board's office. Any speaker who wishes to provide
12 a written statement in addition to any oral testimony or
13 in lieu of oral testimony may do so until July 16,
14 2026. So, what I'm going to do is go through the sign-up
15 sheet here and ask if you would like to speak. There's a
16 microphone at the table. And to speak into the
17 microphone, just press the little button on the
18 microphone. The light will turn green and then, we'll go
19 ahead and start the timer and get your testimony. So,
20 the first individual I have is Louis Scerbo. All right.
21 I've got the timer on the screen there. It is to keep
22 track of your five minutes. Push the button and you're
23 free to go.

24 MR. SCERBO: Good Morning. My name is Louis
25 Scerbo. I am a native of Northern Virginia. And my

1 profession is I'm a licensed home inspector. And,
2 likewise, have a large radon testing business that I've
3 built over the years. And I'm a little different in that
4 I also partner with other home inspectors to serve as
5 their lab and support resource. And it has been a great
6 business. We have been able to help a lot of people. I
7 was a little surprised to hear about the possibility of
8 licensing for radon testers. Especially since there is
9 and has been a law within the Commonwealth of Virginia
10 requiring certification under one of the two certifying
11 bodies under EPA and NRPP and NRSP. And for most of the
12 years that I have been in business, I have been
13 certified. Once I learned it was a requirement. Through
14 NRSP. I find their program to be top tier. And it goes a
15 long way to not only qualify people initially, but to
16 make sure that they are adhering to standards and
17 gaining additional knowledge as time goes on. And not
18 just take the same course over and over again. My only
19 experience with licensure within the Commonwealth of
20 Virginia has been through the ALHI Board for home
21 inspections. Which has been in place since July of 2017.
22 And I find it productive as well. What I've also seen
23 over time is people in my profession, probably on both
24 the radon testing and the home inspection side, not all
25 are licensed the way they're supposed to be. I have only

1 found the Board's ever policing or imposing penalties
2 against licensed inspectors when there have been issues
3 in following the licensing guidelines and so on and so
4 forth. I have not heard about any issues with other
5 people operating without a license. It's almost like
6 there's no control over what those people can do or any
7 assigned damages or concerns for operating without a
8 proper license. And I have seen that there. And I'm also
9 wondering why the law that governs certification isn't
10 sufficient to cause policing of the process in the
11 Commonwealth of Virginia and what the tangible benefits
12 would be that would make that process better or easier
13 to administer than the way it is now under the current
14 law. Those are my primary questions and concerns. And
15 I'm excited to learn more about this and to keep track
16 over how this will affect my industry.

17 MR. HAUGHWOUT: Thank you, sir. Next up, I
18 have John Davis.

19 MR. DAVIS: I'm John Davis. I'm the
20 president of the Virginia chapter of IEA. We are the
21 ones that brought the potential legislation forward. My
22 intention to speak today was really to answer any other
23 questions after all the rest of the public had spoken.

24 MR. HAUGHWOUT: Mr. Davis, we can postpone
25 you speaking and have others speak first.

1 MR. DAVIS: I think that would probably be
2 better.

3 MR. HAUGHWOUT: That's fine. We can
4 postpone. We'll have you speak later.

5 MR. DAVIS: Okay.

6 MR. HAUGHWOUT: All right. Next, I have
7 Matt Ettinger. You've indicated that you don't wish to
8 speak?

9 MR. ETTINGER: No.

10 MR. HAUGHWOUT: All right. And then, I have
11 Ryan Paris. You also indicated on the sheet that you do
12 not wish to speak either?

13 MR. PARIS: Yeah, I'll go ahead and speak.

14 MR. HAUGHWOUT: Okay. Come on up.

15 MR. PARIS: I'm Ryan Paris. I'm the former
16 radon coordinator for the Virginia Department of Health.
17 I'm retired now. So, I'm kind of an interested observer.
18 I've dealt with all these issues for many, many years as
19 a radon coordinator. As I see it, like Mr. Scerbo
20 brought up, the primary problem is there needs to be
21 some way to go after the people who are out there doing
22 the radon work without being properly certified or
23 licensed. And I think that DPOR does have that problem.
24 They can only go after the people that are licensed, not
25 those that are not. We had that same issue with the

1 certification. There's no enforcement capability to go
2 after and punish the people who are out there doing work
3 illegally without the proper certification. So, I see
4 that as a number one issue. Somebody, either VDH or DPOR
5 has to address that issue. That's the number one
6 problem. The other problem, as I see it, is that the
7 home inspection and professional radon testing industry
8 has changed dramatically since COVID. Mostly due to
9 changes in the real estate market. The net result has
10 been the number of professional radon tests and
11 subsequent radon mitigation jobs has dropped
12 dramatically in the last five or six years. A lot of
13 radon professionals are dropping out of the business.
14 I'm afraid that if we put in a new licensing program
15 with hefty fees, that will accelerate. I would estimate
16 we lose at least 25 percent of our current radon
17 certified professionals if we put in a licensing
18 program. That is more critical on the mitigation side
19 than the tester side. I mean, we could lose all of our
20 professional testers, but we would still need
21 mitigators. The numbers in your packet there show that
22 there are very few certified radon mitigators. I can
23 tell you that, in some parts of the state, they are
24 virtually mitigation wastelands. The Southside, the
25 whole Southside of Virginia. Especially the Southwest

1 panhandle. Very few certified mitigators in those areas.
2 Most of the certified professionals tend to cluster
3 around the big cities. Which is kind of sad, because one
4 of our highest risk radon areas is the Southwest. And
5 we've got very few mitigators out there to deal with it.
6 So, I'm afraid that the licensing program might reduce
7 the number of mitigators in the state when actually we
8 need to do something to encourage more mitigators.
9 Because they are, in my view, more critical than
10 testers. The testing is going to continue. People will
11 test their own homes if they have to. Mitigation is the
12 key. So, those are the only comments I had.

13 MR. HAUGHWOUT: Mr. Paris, I have a couple
14 of follow-up questions, if you don't mind.

15 MR. PARIS: Sure.

16 MR. HAUGHWOUT: So, I think you indicated
17 earlier that, in your experience, there's been a change
18 since COVID that there are fewer people in the industry
19 doing radon testing and mitigation.

20 MR. PARIS: Fewer active people. We've got a
21 lot of people that are certified, but really haven't
22 been working for a year or two. They don't want to spend
23 the money to get recertified, because, at this time,
24 they're not getting enough business to justify it. I
25 mean, your paperwork indicated that we have about 340

1 certified professionals. Really if you look at the ones,
2 I'll say, that have paused their certifications is well
3 over 500. So, that's a problem. Did you have another
4 question?

5 MR. HAUGHWOUT: You referenced lack of
6 enforcement authority. If you were in the position of
7 the Board in making a recommendation, what do you think
8 the optimal solution would be to address the problem?

9 MR. PARIS: Well, you're going to have to
10 change the way you do business in that there needs to be
11 some way to go after the unlicensed people or
12 uncertified people. Right now, that's totally lacking
13 either way you go. And what I used to do is I would get
14 complaints about people who were uncertified. I would
15 document it and back it up with evidence. I'd call them
16 and remind them of the law. Back in the old days, we
17 used to actually send out notice of violation letters.
18 And that got their attention. But our own DOJ told me I
19 couldn't do that anymore, because there's nothing in the
20 code to back it up. So, the other problem at VDH is lack
21 of funding. We get absolutely no general funds to
22 support the radon program. We have no licensing or
23 certification fees coming in. So, we just can't afford
24 to put in an inspection or virtually anything else. We
25 just don't have the money for it. So, that's another

1 issue.

2 MR. HAUGHWOUT: I appreciate it. Thank you.
3 The next person I have on the list is Laura Neuroth. Did
4 you want to hold off until the end?

5 MS. NEUROTH: Sure. Right before John.

6 MR. HAUGHWOUT: All right. Let me see if
7 there's anyone else here. We have several members of
8 DPOR. We won't be hearing from them. Is there anyone
9 else here from the public who wishes to speak? All
10 right. Then, you're up.

11 MS. NEUROTH: My name is Laura Neuroth. I am
12 the vice president of the IEA chapter here in Virginia.
13 Also, I've been practicing industrial hygiene for nearly
14 20 years. And I'm just here to present, like, some of
15 the reasons why regulatory licensing - why we think it's
16 needed, along with certification from an EPA-recognized
17 proficiency program. So, our proposed licensing program
18 would rely on certifications by established nationally
19 recognized proficiency programs presently, NRPP and
20 NRSB. And these programs, you know, are there to approve
21 training courses, provide proctored exams, provide certs
22 to qualified individuals, renew certs based on
23 continuing education credits and quality control
24 assurances and oversee management devices. So, as of,
25 you know, currently, unqualified people can advertise

1 radon services and perform them for a fee anywhere in
2 Virginia without consequence. Even though, you know, as
3 a couple of people mentioned, credentials are required
4 and compliance with the standards are required. But
5 there is no current enforcement of those requirements.
6 The EPA-recognized proficiency programs have no
7 capacity, authority or jurisdiction to address the
8 activities of people that are not currently certified.
9 State licensure is necessary to direct the cessation of
10 work by uncertified personnel. So, this program, this
11 DPOR program, our board would license already certified
12 individuals, investigate complaints, monitor compliance
13 and enforce penalties for noncompliance without
14 replicating examination, certification and training,
15 and device approval activities of the nationally
16 EPA-recognized proficiency programs. And the proposed
17 program would cause minor administrative expansion.
18 Minimal licensing fees would offset associated costs.
19 Also, the proficiency programs currently have no
20 capacity to conduct prior to inspections or investigate
21 complaints in person. The national EPA-recognized
22 proficiency programs can only investigate complaints
23 remotely and can revoke, suspend or deny renewal of
24 certification if the remote communications warrant
25 corrective action. Potential penalties available to

1 EPA-recognized proficiency programs are limited to
2 certification, revocation and suspension. A state
3 licensing program would have a capacity, where needed,
4 to impose impactful penalties such as reprimands, fines,
5 legal consequences and civil penalties for willful
6 violations in addition to license suspension or
7 revocation. So, without the guardrails of licensure,
8 persons subject to revocation or suspension of their
9 certification by one of the EPA-recognized proficiency
10 programs can migrate to another EPA-recognized
11 proficiency program appearing to be qualified. That's
12 pretty much all I had to say.

13 MR. HAUGHWOUT: All right. Thank you.

14 Mr. Davis?

15 MR. DAVIS: Well, I guess to address one of
16 the first complaints that was talked about is the
17 non-licensure work and going after people. Right now,
18 the certified bodies can only go after the people who
19 are certified and take their certification away if they
20 do something that is, you know, not up to standard or
21 whatever. Can I turn this around? Just like you do in
22 the asbestos program. If somebody goes out and does
23 asbestos testing and they're not licensed, can DPOR go
24 after those folks? That's a question for you. Wouldn't
25 this be in the same vein that we're trying to set this

1 up? Sort of in the same. Radon has a silo. Asbestos has
2 got a silo. Lead-based paint, you know, on and on,
3 within the DPOR structure. Wouldn't there be some
4 regulatory breach to folks who are trying to operate
5 without a license through the DPOR because of the
6 licensure requirement?

7 MR. HAUGHWOUT: So, the purpose of the
8 public hearing is to receive comments. I will, just
9 briefly, to address your question about DPOR generally.
10 DPOR is authorized to investigate claims regarding
11 unlicensed activity. So, if someone is required to have
12 a credential. And if DPOR gets a complaint about that,
13 we can investigate the license activity. The process for
14 holding anybody accountable for that is not in the hands
15 of DPOR. That's a matter that would be addressed
16 criminally by the Commonwealth's Attorney of the
17 jurisdiction where the offense occurred. So, the DPOR
18 regulatory boards only have the authority over their
19 regulants in terms of sanctioning someone for a
20 regulatory violation, a violation of standards of
21 practice.

22 MR. DAVIS: Okay. All right. And another one
23 of the things is there is a great decline in testers, as
24 Ryan was talking about, since post-COVID. A whole lot of
25 that can be contributed to these home self-testing

1 units, these, like consumer-grade testing devices. I've
2 seen a huge decline in testing, because of those kind of
3 things. But those are not certified to base a mitigation
4 upon. So, we still need licensed testers to, you know,
5 to verify these things if somebody finds a reading.
6 They're more like a screening device versus, you know,
7 an absolute, something to make a decision on for the
8 mitigation. We absolutely need to test. And encourage
9 more of those testers. But in the mitigation world,
10 there are so many violations of people doing stuff. Even
11 if they're licensed, they're doing it in a non-standard
12 way. It's incredible. We see it all the time. It's in
13 the complaint and everybody has read them. At the end of
14 the petition, there's a series of photographs with a
15 narrative about how inadequate testing has been done.
16 Fans being hung upside down or sideways in the attics.
17 You know, not even drilling out for the slabs
18 completely. It just goes on and on and on and on. So,
19 that's one of the real reasons that we need the
20 licensure. We need an agency with some teeth that can
21 regulate this industry. And it's for the health of all
22 Virginians. That's pretty much all I have to say. Do you
23 have any questions?

24 MR. HAUGHWOUT: Actually I do, Mr. Davis.

25 All right. You mentioned the presence or the prevalence

1 of the home testing devices and kits. So, if I
2 understand what you're saying is in the industry now or
3 in the world now, there's less business for radon
4 testers because other options are available?

5 MR. DAVIS: It is contributing to the
6 decline of testing. Yes.

7 MR. HAUGHWOUT: Okay. Do you feel that
8 mandatory licensure of radon testers would solve that
9 problem? Would make it more likely that individuals
10 would -

11 MR. DAVIS: No, I don't think that really is
12 going to have an effect at all. No. It's a corollary
13 kind of thing.

14 MR. HAUGHWOUT: I have kind of gotten from
15 your comments and I think from Ms. Neuroth, the comments
16 about sort of the enforcement mechanism. So, sort of you
17 all's view is the ideal mechanism for a state official
18 to go out and inspect a mitigation system and determine
19 if there is noncompliance with EPA standards, based on a
20 complaint they get. Is that kind of how you all are
21 envisioning it?

22 MR. DAVIS: Yeah, if the complaint warrants
23 it, then it should be inspected either by the state
24 official or someone, a proxy. There is a certification
25 program for inspectors to go out there. So, there's a

1 lot of inspectors that are more or less happy to
2 volunteer and assist in that. But the answer to your
3 question is yes.

4 MR. HAUGHWOUT: Okay. As far as interaction
5 with local building inspectors, what's y'all's
6 experience with those folks in terms of addressing any
7 sort of improper installation?

8 MR. DAVIS: Well, right now, there's no
9 interaction, because it's not regulated. The inspectors
10 don't have any anything to do with it. If it were
11 regulated, that could be another piece of it. And if
12 they could go in and inspect the electrical system, the
13 plumbing system or whatever, they could inspect the
14 rough-in for a radon system just as well.

15 MR. HAUGHWOUT: Okay, thank you.

16 MR. DAVIS: Thank you.

17 MR. HAUGHWOUT: Sir?

18 MR. SCERBO: I could offer a little bit more
19 clarification.

20 MR. HAUGHWOUT: You can come back up so we
21 can get you to speak into the mic.

22 MR. SCERBO: Yes, it's Louis Scerbo again.
23 As a home inspector, you know, while radon testing is
24 not a requirement under our licensing law, it's an
25 optional service. If it is provided, you know, you do

1 have to be certified so on and so forth. But the
2 comments regarding the opportunities to do testing is
3 the same condition that has affected home inspectors
4 with home inspections. Our market for home inspections
5 typically has declined by just about 50 percent over the
6 years. And it isn't just related to COVID. What it's
7 related to is the lack of inventory for homes that are
8 for sale. That was, in part, created by the crash that
9 we had in 2008. And a lot of properties being acquired
10 and pulled out of the resale market by institutional
11 investors who are looking to turn those into rentals.
12 So, a lot of volume has gone away for that. It hasn't
13 fully restored. We still have an inventory shortage. And
14 because there's so many people competing for a smaller
15 based homes available for sale. They're waiving their
16 rights to a home inspection or a radon test, because
17 that would be viewed as something that would muck up the
18 deal and lessen their chances for an acceptance of their
19 offer. I don't see a change in that. It's amazing that
20 prices have sustained the way they are. I don't have an
21 answer for that. But most of the people that if they
22 didn't do a radon test during the inspection, they'll do
23 it after they purchase. And the way they do it is they
24 have acquired a test kit. Which is probably a good
25 indicator to discern whether or not you really need a

1 professional test done just to confirm it. But there's
2 no quick answer to affording people the opportunity to
3 do the inspections or radon testing unless something
4 would happen within the Commonwealth of Virginia that
5 would allow home inspections and radon testing to be a
6 right of a purchaser and not something that's negotiated
7 as part of their deal.

8 MR. HAUGHWOUT: Thank you. Yes?

9 MS. NEUROTH: Laura Neuroth again. I just
10 wanted to clarify one thing. This proposed legislature
11 wasn't just targeted for the residential sector. It was
12 also targeted for commercial. My company does a lot of
13 radon testing. And we sub out a lot of commercial
14 mitigation. So, I just wanted to make that distinction
15 there. That this would be over all of that.

16 MR. HAUGHWOUT: Thank you.

17 MR. PARIS: I have a followup too.

18 MR. HAUGHWOUT: Sure.

19 MR. PARIS: Ryan Paris again. There might be
20 a proposed solution to the whole inspection compliance
21 question. Because we looked at establishing an
22 inspection program at VDH. And it would be tremendously
23 expensive to cover the whole Commonwealth with in-person
24 inspections. That's probably unrealistic. Even if DPOR
25 wanted to do that, the fees that you would have to

1 charge to cover that program would be prohibitive. I
2 mean, the whole industry would drop out. What I would
3 propose instead - this is something that I used to do.
4 When I got a complaint about a mitigation job, and I got
5 several, you get the people to take photos of the
6 questionable areas. And this could be done by a radon
7 professional or done by the homeowner. The photos can
8 usually indicate very quickly where the problems are. I
9 would interview both sides. I would talk to the
10 mitigator once he's established and he did some
11 non-standard things. And probably 90-95 percent of the
12 time that mitigator would voluntarily come in and
13 correct the problem. So, that's probably where you are
14 headed if you want the program to work and be affordable
15 is to do a lot of these things online or on the phone
16 rather than travel to the site. Because, I mean, to
17 cover the Southwest, you would almost have to have a
18 regional person up there. And that just adds
19 tremendously to expense. So, to make this practical and
20 affordable - I think it's possible to do a lot of this
21 work over the phone and remotely.

22 MR. HAUGHWOUT: Thank you. All right. I
23 don't see anyone else signed up to speak. So, I think
24 we're at the place where we can conclude our public
25 hearing. I want thank everyone for their comments today.

1 The record of the public hearing will be kept open until
2 July 16, 2026. And written comments will be accepted
3 through 5:00 PM of that day. With that, this hearing is
4 now closed. Thank you, everyone, for coming in today.

5 NOTE: Hearing concluded at 10:35 AM.

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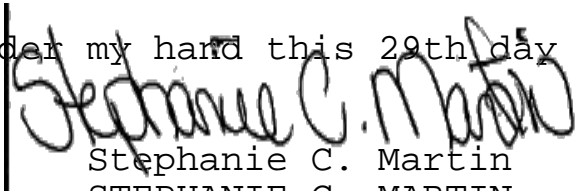
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1 CERTIFICATE OF COURT REPORTER

2 I, Stephanie C. Martin, hereby certify that I was
3 the Court Reporter at the Public Hearing held in Henrico
4 County, Virginia on June 16, 2026, at the time of the
5 hearing herein.

6 I further certify that the foregoing transcript
7 is, to the best of my ability, a true and accurate
8 record of the testimony and incidents of the hearing
9 herein.

10 Given under my hand this 29th day of June 2026.

11 
12 Stephanie C. Martin
STEPHANIE C. MARTIN

13 Notary Registration No. 7984503

14 My Commission expires:
15 April 30, 2030
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