

# STATES OF JERSEY



## **RADON (S.R.11/2014): RESPONSE OF THE MINISTER FOR SOCIAL SECURITY**

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**Presented to the States on 17th November 2014  
by the Minister for Social Security**

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**STATES GREFFE**

**RADON (S.R.11/2014): RESPONSE OF THE MINISTER FOR  
SOCIAL SECURITY**

**Ministerial Response to:** S.R.11/2014

**Review title:** Radon

**Scrutiny Panel:** Environment

**INTRODUCTION**

I welcome the Environment Scrutiny Panel's report on Radon and would thank the Panel for the opportunity to respond to its findings and recommendations.

In line with the Panel's terms of reference, this review primarily focused on the policies of the Ministers for Planning and Environment (P&E) and Health and Social Services (HSS) for dealing with radon gas in Jersey, with particular consideration given to the measures for controlling the risks of exposure to radon gas within the home.

Radon in workplaces was considered, to a limited degree, by the Panel, which falls within the scope of health and safety at work legislation administered by the Health and Safety Inspectorate (HSI) of the Social Security Department. My comments to the report are therefore limited to the findings and recommendations which would fall within the scope of health and safety at work legislation, and do not extend to the wider issues which would more properly fall within the remit of P&E and HSS.

As the Panel has acknowledged, the regulatory approach taken by the HSI in respect of radon in the workplace in Jersey (set out in the 'Work with Ionising Radiation: Approved Code of Practice') currently mirrors that adopted by the Health and Safety Executive (HSE) in the UK. The UK standards and approach continue to be monitored, and any changes would be considered within the local context and regulatory framework.

**FINDINGS**

	<b>Findings</b>	<b>Comments</b>
1	Responsibility for radon in Jersey is shared between several departments, with none taking a lead on radon matters.  Perhaps partly as a result, very little effort has been put into investigating radon levels, following up survey findings or making information on radon more widely available.	It is acknowledged that several States Departments have specific responsibilities and/or obligations in respect of minimising the potential exposure to radon gas in Jersey . The extent of these obligations depends on the legislation administered by the different Departments, which means there is no single lead with the powers and ability to address all radon-related matters. Information and advice on radon in Jersey is available on the States

	<b>Findings</b>	<b>Comments</b>
		website – <a href="http://www.gov.je/Environment/ProtectingEnvironment/Land/Contamination/Pages/Radon.aspx">http://www.gov.je/Environment/ProtectingEnvironment/Land/Contamination/Pages/Radon.aspx</a>
2	Despite consistent results showing that many homes in Jersey are likely to exceed guideline Target and Action levels for radon this information has not been fully explained to the general public.	No specific comment as this falls outside the remit of health and safety at work legislation, however, relevant information and advice is available on the States website <a href="http://www.gov.je/Environment/ProtectingEnvironment/Land/Contamination/Pages/Radon.aspx">http://www.gov.je/Environment/ProtectingEnvironment/Land/Contamination/Pages/Radon.aspx</a>
3	There appears to be no consistent message to encourage all householders to have their properties tested for radon, despite this being amongst the recommendations of the 2012 report.	No specific comment as this falls outside the remit of health and safety at work legislation, however reference to the States website does recommend that all buildings in Jersey are tested for radon.
4	Surveys carried out since 1987 have been limited in scope and number. Too few homes have been tested to enable conclusive results and the types of property tested have been limited.	No specific comment as this falls outside the remit of health and safety at work legislation, however, it is understood that all previous surveys have identified that the whole Island should be considered a radon affected area.
5	Measures for protecting new homes against radon since 1997 have not been followed up with testing to ensure that they are effective.	No comment as this falls outside the remit of health and safety at work legislation.
6	New workplaces are not required to be protected against radon, which is inconsistent with bye-laws for dwellings and would appear to be a worthwhile precaution.	Whilst the standard of protection required for new workplace buildings (and the inconsistency with bye-laws for private dwellings) falls outside the remit of health and safety at work legislation, being a matter for the Planning Department, it is noted that the level of radon in the workplace at which the IR ACoP comes into effect and employers are required to take measures to restrict resulting exposures (i.e. 400 Bqm <sup>-3</sup> ) is considered comparable to the action limit of 200 Bqm <sup>-3</sup> in homes. This is on the basis that most people spend more time in the home than at work.

	<b>Findings</b>	<b>Comments</b>
7	No action appears to have been taken to advise homeowners about the possible presence of radon in private water supplies, or to carry out any testing to ascertain whether or not this may be a problem in specific areas.	No comment as this falls outside the remit of health and safety at work legislation.
8	Potentially increased risks of developing lung cancer associated with prolonged exposure to high levels of radon have not been communicated adequately to homeowners, particularly those who smoke and ex-smokers.	No comment as this falls outside the remit of health and safety at work legislation.

### RECOMMENDATIONS

	<b>Recommendations</b>	<b>To</b>	<b>Accept/Reject</b>	<b>Comments</b>	<b>Target date of action/ completion</b>
1	Information about radon measurements in Jersey should be brought together in a consistent format (ideally representing the annual average radon concentration) to enable analyses and comparisons to be made.	P&E H&SS SocSec	Reject	The results of radon testing are the property of the property owner concerned and there is no obligation to report these to any Public Authority. Information on any workplace measurements obtained by an Inspector exercising their powers would be subject to the restrictions on disclosure of information under Article 20 of the Health and Safety at Work (Jersey) Law 1989.	
2	Formal advice should be published recommending that all ground floor (or lower) dwellings on Jersey should be tested for radon and that premises with annual average indoor radon concentrations above the appropriate Action Level should be remediated.	P&E H&SS	Accept	No specific comment as this falls outside the remit of health and safety at work legislation, however it is noted that this advice is already provided on the States website.	

	<b>Recommendations</b>	<b>To</b>	<b>Accept/ Reject</b>	<b>Comments</b>	<b>Target date of action/ completion</b>
3	Discussions should be held with the Jersey Law Society regarding the possibility of including questions about radon in the conveyancing process associated with the sale and purchase of all buildings in Jersey.	P&E H&SS	Neither accept nor reject	No comment as this falls outside the remit of health and safety at work legislation.	
4	Consideration should be given to the benefits of applying in Jersey, relevant aspects of the radon related requirements contained in the 2014 EU Basic Safety Standards.	P&E H&SS SocSec	Accept	All EU member states have until February 2018 to achieve the required standards. From the HSI perspective, it is understood that the main impact of the 2014 Standards on the UK HSE will be an expectation for increased enforcement of workplace radon testing. The value of targeting radon in the workplace in Jersey will be considered and prioritised in line with the normal business planning processes.	2015
5	The States should consider if workplaces with high public occupancy (2,000 or more hours per year) and schools should use the protection standards developed for homes.	P&E H&SS SocSec	Reject	Current HSE advice does not indicate this as being necessary, however this stance will continue to be monitored.	
6	Consideration should be given to including radon protection to all new buildings and extensions, refurbishments and conversions.	P&E		No specific comment as this falls outside the remit of health and safety at work legislation, but would appear to be a logical step.	
7	Consideration should be given to amending the Building Bye-Laws (Technical Document Part 4) to clarify the level of protection required.	P&E		No specific comment as this falls outside the remit of health and safety at work legislation, but would appear to be a logical step.	

	<b>Recommendations</b>	<b>To</b>	<b>Accept/ Reject</b>	<b>Comments</b>	<b>Target date of action/ completion</b>
8	Consideration should be given (depending on the outcome of recommendation 6) to updating the reference in Technical Document Part 4 to the latest version of the Building Research Establishment's Report BR211 2007 Edition.	P&E		No specific comment as this falls outside the remit of health and safety at work legislation, but would appear to be a logical step.	
9	The States should consider a pilot programme to determine if radon in water is a significant source of exposure in homes and workplaces.	P&E H&SS SocSec	Reject	The potential health benefit to employees from such a programme is not considered a proportionate or effective use of the limited resource of the HIS.	
10	The States should publish a summary policy document on radon that would bring together all aspects of radon and the control of exposures to the population of Jersey in one document. The document should be made easily available for distribution to all stakeholders.	P&E H&SS SocSec	Accept	The States website on Radon addresses this recommendation in respect of householders to a large extent. Following liaison with the Environmental Health Dept. HSI has agreed to provide guidance on workplace exposures to add to the website.	End 2014
11	Detailed radon remedy information should be made available to all households with test results above Target levels, or on request. A list of qualified builders and/or some form of accreditation scheme may also be advisable to guide those needing remedial work.	P&E H&SS	Accept first sentence Reject second	No specific comment as this falls outside the remit of health and safety at work legislation, however information on the first part of this recommendation is available on the States website on radon.  Neither the HSI or I are not aware of any accreditation scheme for contractors carrying out radon remedial work.	
12	The Minister for Health and Social Services should assume overall responsibility for radon protection measures in the Island, assisting householders with advice and support through the Environmental	P&E H&SS SocSec	Reject	Whilst it is believed that HSS should continue to take the lead on the public health risks of radon, and provide advice and support for householders, new requirements relating to	

	<b>Recommendations</b>	<b>To</b>	<b>Accept/ Reject</b>	<b>Comments</b>	<b>Target date of action/ completion</b>
	Health Department and coordinating any requirements for new or amended building bye-laws with the Department of the Environment.			matters falling within the jurisdiction of either the Planning and Environment Department or Social Security should remain the responsibility of those Departments.	
13	The Minister for Health and Social Services should produce a plan to carry out a major new programme for the detection and remediation of radon in homes. Such plan to produce a significant increase in the number of homes tested, particularly dwellings which may be likely to have increased radon levels, support for householders where radon Action or Target Levels are exceeded and assistance to householders to undertake remediation measures. The plan to include an appropriate level of public funding to be determined in consultation with the Minister for Treasury and Resources, and a scheme of financial support for grants and loans to householders in appropriate circumstances.	H&SS		This is primarily a matter for the Minister of HSS to consider, however, the limitations of applying the results from one property to another have been highlighted and acknowledged in the Scrutiny report.	

## CONCLUSION

This report is welcomed and has raised a number of issues which impact across the Health and Social Services, Planning and Environment and Social Security Departments.

Discussions have already taken place between the Departments to help ensure a more co-ordinated approach to addressing the relevant issues is adopted. This includes a commitment for my Department to contribute guidance on workplace exposures to be included on the States Radon website. Whilst the key focus of this report was on the public health aspects of exposure to radon gas in dwellings, the HSI will continue to monitor and review the Regulatory approach taken in the UK and Europe when considering the controls required within workplaces.