

BRITISH COLUMBIA LUNG ASSOCIATION



RADON IN REAL ESTATE:

TRANSFORMING BC'S INDOOR
ENVIRONMENTS

Radon in Real Estate: Project Summary

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Radon gas is a naturally occurring radioactive gas that occurs widely in soils, and which can enter, and over time reach high concentrations in buildings. Chronic exposure to elevated concentrations of radon is now the leading cause of lung cancer after smoking in Canada, responsible for approximately 15% of lung cancer deaths. There are clear solutions to the problem, with low cost tests to evaluate whether radon levels exceed Canada's Radon Guideline of 200 Bq/m³, and ready and inexpensive solutions for fixing homes and other buildings.

The Healthy Built Environment program at the British Columbia Lung Association seeks law reform in British Columbia to address radon, and in 2019 conducted research on how radon could be address in real estate transactions.

In conducting this project we

- examined ethical principles and policy reasons for addressing radon in real estate
- reviewed existing academic literature on the topic
- compared BC's current radon practices to other places,
- compared, in the BC context, how radon compares to other environmental contaminants in property.
- Reached out to the Real Estate Council of British Columbia (RECBC), the Office of Superintendent of Real Estate (OSRE), and the British Columbia Real Estate Association (BCREA) to introduce the science, health, and current policy context of radon and gage interest in reform
- conducted an online survey of BC realtors from July to October asking about their knowledge of radon, whether clients raised the issue and how they incorporated radon into their practice (402 participants, using SurveyMonkey)
- held 7 workshops (3 by webinar) with approximately 400 participants in which we guided participants through the science and health of radon, procedures for testing and mitigating and the current legal terrain around radon in BC. We then asked a series of questions and took polls asking views on how realtors' practice could change and potential ways that the Real Estate Council of British Columbia (RECBC), the British Columbia Real Estate Association (BCREA), and the provincial government could improve the situation. We received ample support for this from BCREA and local real estate boards, including permission to grant Continuing Professional Credits for participation.
- visited Calgary, Alberta (June 3 and June 4, 2019) and Halifax, Nova Scotia (October 16 and 17, 2019) where we had informal discussions with regulators, radon mitigators and radon scientists.

We created a lengthy document (86 pages) detailing our investigations, titled *Radon and Real Estate: Legal Analysis, Comparisons, Empirical Findings and Initial Recommendations for British Columbia*, dated January 16, 2020. To summarize a complex area, we found that real estate transactions are an important occasion to address radon, given sellers obligations, buyers interests, and possibility of reducing population level exposure to elevated radon. Radon is a latent defect and sellers of real estate need to disclosure known levels. Real estate licensees have significant legal obligations to proactively raise radon with their clients and to provide them with information on how to address it and include clauses in the Contract for Purchase and Sale. We

found that few real estate professionals in British Columbia were knowledgeable about radon but there was considerable appetite for more knowledge and practice changes. This made clear that considerable inroads could be made through clarifying existing law and professional standards. We also made suggestions for how the provincial government could take further steps to ensure buyers of real estate learnt about radon, and more broadly suggested how real estate transactions could be improved if the province introduced broader radon strategies in line with European precedent. Our programming was delayed in the Spring of 2020 by COVID-19 precautions and our desire to engage in further consultation. Developments from April to July 2020 (as discussed below) suggested we should keep our long review document internal, to remain confidential within our organization and our funders and potential be of use for future academic publications.

After of our June 2019 meetings with RECBC, OSRE, and BCREA these organizations began to take steps.

- BCREA issued a bulletin stating that radon was a latent defect in September 2019.¹ This was one of our key policy recommendations and would prove to have significant knock on effects.
- We applied to BCREA’s provincial Standard Forms Committee to add radon to the Property Disclosure Statement, resulting in changes as of April 2020, again fulfilling one of our key “asks”.²
- BCREA created a Frequently Asked Questions document on radon in April, with contributions from our team. This FAQ document aligned with our analysis of real estate licensee/realtor duties.³
- Based on our previous webinars/workshops, and perceived need to address new concerns BCREA began a series of webinars on radon for Continuing Professional Development credits, in conjunction with the Healthy Indoor Environments program at BCLA. This ran monthly in June, July and August of 2020 (with a last session planned for September) reaching approximately 70 participants per session. BCREA and BCLA will co-create a more permanent online course in the Fall of 2020. In June we created two summary documents to help with the course and posted them to our website: *Radon in Real Estate: Professional Responsibilities and Recommendations for Real Estate Licensees*, and a *Radon in Real Estate: Summary for Policy Makers*
- As of July 2020, RECBC significantly revamped their guidance on radon, replacing the Professional Standards Manual with new Regulatory Standards Information. Along with declaring radon to be a latent defect there are clear directives for licensees to address the issue with clients. There is a web page dedicated to providing information on radon and detailing relevant regulatory standards.⁴ A further web page offers Radon Precautions for Real Estate Professionals, including checklists for buyers’ agents, sellers’ agents and rental property

¹ Van Ert, A. 2019. REALTORS® and Radon: Protecting Buyers and Sellers. British Columbia Real Estate Association. Available at <https://www.bcrea.bc.ca/practice-tips/realtors-and-radon-protecting-buyers-and-sellers/> accessed June 30, 2020.

² Devi, S. 2020. Live Online Course and FAQ Created for REALTOR® Education About Radon Gas.

Jun 10, 2020. British Columbia Real Estate Association. Available at <https://www.bcrea.bc.ca/education/live-online-course-and-faq-created-for-realtor-education-about-radon-gas/> Accessed June 30, 2020.

³ Devi, *ibid*.

⁴ RECBC, 2020. Radon Precautions Regulatory Standards Information available at <https://www.recbc.ca/professionals/knowledge-base/articles/radon-precautions-regulatory-standards-information> accessed August 19, 2020

managers.⁵ This aligned with our analysis and recommendations and ensured consistency of messaging between BCLA, RECBC and BCREA. In consultation with RECBC we have been told that guidance on radon will be included in yearly legal updates that are part of the relicensing process.

In finalizing the project we have updating and posted to our website our two public documents dated August 28, 2020 (*Professional Responsibilities and Recommendations for Real Estate Licensees*, and a *Radon and Real Estate Summary for Policy Makers*) to reflect the full suite of changes from RECBC and BCREA.

In our *Summary for Policy Makers* we stress that while RECBC has worked hard to do what it can within its powers under the *Real Estate Services Act* we remain concerned on two fronts. First, we think caution is needed concerning whether the new guidance will have widespread effects in changing licensee practices. We are particularly worried that a system of voluntary education will be unable to reach most real estate professionals, and that some real estate professionals might resist some changes. We thus recommend follow up studies to ascertain whether the current guidance and education is effective, along with a process of revision if needed. Second, there is only so much that RECBC and BCREA, together with licensees/realtors, can do to drive the process. We think there is a clear role for the provincial government to address radon and real estate transactions specifically, through mandating that buyers in regions prone to high radon receive warning statements from sellers. We also think a broader radon strategy can also play a role in ensuring more homes are tested and mitigated when bought and sold –through widespread public education campaigns, community testing initiatives, creating better radon maps and databases, ensuring radon mitigation work is done by certified professionals, and better specifying that radon is an area of concern across diverse laws that ensure health and safety of the indoor built environment—including residential tenancy, workplace, new home warranty, schools and daycares.

All told, this has been an interesting project which significantly strengthened our connection to the real estate community, strengthened our program, and brought tangible results. We hope it is only the start on creating an effective radon strategy for British Columbia, reducing exposure to elevated radon, and thereby reducing lung cancer and saving lives.

⁵ RECBC, 2020. Radon Precautions for Real Estate Professionals. Available at <https://www.recbc.ca/professionals/knowledge-base/guidelines/radon-precautions-real-estate-professionals> accessed August 19, 2020