

# Home-Buyers Should Determine Environmental Risks

Identifying certain potential environmental risks or concerns before purchasing a home can alleviate future stress and expense. Two of the more common concerns for home-buyers have to do with radon gas and gases emanating from fuel storage tanks.

## **Q: What exactly is radon and why is it a potential problem?**

**A:** Radon is a colorless, odorless, radioactive gas. U.S. EPA and the Surgeon General's Office have determined that radon increases the risk of lung cancer, particularly for smokers. Radon is naturally occurring and is produced by the decay of uranium in soil, rock and water. It finds its way into a home through cracks and other openings in the foundation. Newer homes are constructed to conserve energy. These warmer, "tighter" buildings have reduced air exchanges, increasing the potential for radon to build up inside the home.

## **Q: What level of radon gas is considered hazardous?**

**A:** The level of radioactive decay is measured in picocuries per liter (pCi/l). According to the EPA, any house with a level of 4 pCi/l or higher should be remediated.

## **Q: What is involved in radon remediation and how much does it cost?**

**A:** Remediation usually involves sealing cracks, installing subfloor or subslab ventilation, or increasing air movement in the house through a fan system. Costs can range from a few hundred to thousands of dollars.

## **Q: How can I find out if the home I wish to buy has a radon problem?**

**A:** You should ask the seller if and when a radon test has been conducted. If the home has not recently been tested for radon, and time allows, request a test as part of your purchase offer and make the deal contingent on an acceptable test. A professional firm can conduct the test or kits are available in hardware stores for about \$20 (although results from these tests may take a couple of weeks). Radon remediation costs can be negotiated as any other repair issue would be negotiated.

## **Q: Are there any home construction guidelines designed to keep radon levels low?**

**A:** Yes. For new housing, the National Association of Homebuilders has established guidelines for radon-resistant construction. One of these guidelines proscribes spreading gravel under the slab and running a pipe from the gravel to the top of the house. If you are buying a new home, find out if the builder followed the radon-resistant construction standards. You can also check the library or USEPA's website ([www.epa.gov/](http://www.epa.gov/)) to find out if your house is in an area considered to be a "hot-spot."

## **Q: I'm considering the purchase of an older home that used to be heated by oil. What should I know before I buy?**

**A:** Many homes that were once heated with oil have been switched to natural gas heating. However, sometimes these oil tanks are still left in the home, even if they are not being used. If the home

contains oil tanks that are no longer used, incorporate a condition in your offer that the seller remove the tank before closing the deal. These tanks usually contain some residual fuel and pose a fire and fume/odor risk. In addition, unless properly affixed to the floor, an old tank may fall over, posing a risk especially for small children.

Sometimes it may be obvious that the home had once been heated with oil, but there is no evidence of a tank. The oil tank may have already been removed or could be underground. A seller should disclose the known presence of an underground storage tank. Look for old vent stacks or other evidence of a tank, and ask the owners about these signs. Fuel storage tanks must be removed when they leak. Even if there is no evidence of tank leakage at the time of purchase, there is potential for future leaks due to tank corrosion or rusting, it is advisable that tanks be removed to eliminate possible future problems. Costs of tank removal can be negotiated with the seller, and usually range from \$1,000 to \$3,000.

4/24/2014

*This "Law You Can Use" consumer legal information column was provided by the Ohio State Bar Association. It was originally prepared by Cincinnati attorney Bill Hayes, and updated by Cincinnati attorney Chris Kahn of Frost Brown Todd LLC.*

*Articles appearing in this column are intended to provide broad, general information about the law. Before applying this information to a specific legal problem, readers are urged to seek advice from an attorney.*