Policy Advocacy
Jane Malone
National Policy Director
Key State Policies

- Radon Resistant New Construction
- Testing of Existing Homes
- Radon Awareness/Notification
- Certification of Radon Professionals
Radon Resistant New Construction (RRNC) “Build Radon Out”

• Best way to prevent elevated levels of radon gas from entering the home or another building
• Required by 8 states (IL MA MD MI MN NJ OR WA) and more than 100 localities in other states
• Integrates scientific knowledge and construction expertise into building codes to equip builders and code officials with standards that work across jurisdictions and companies that build homes
• Lower cost than post-construction radon mitigation
RRNC and Building Codes

- RRNC provisions must be in a building code for consistency
  - To work across jurisdictions and companies that build homes
- Building codes are adopted by local and state legislative bodies
  - Some legislatures delegate details to advisory group/executive branch
  - Others specify the exact provisions or references in law
  - Jurisdictions adopt codes developed by the International Code Council
- International Code Council (ICC) manages family of codes
  - Updates every three years
  - International Residential Code (IRC): One and two-family, townhomes
  - International Building Code (IBC): Multifamily housing, schools, etc.
- Focused on generic safety/health i.e. imminent death
  - Environmental health ≠ priority
Appendix F of the International Residential Code

- RRNC code in 7 of 8 states
- 1- and 2- family homes, townhomes
- Basic, passive system only
  - No fan, no testing
  - $350 average cost* (NAHB 2015)
- Created by builders, code officials, radon industry in the early 1990s
- Updates needed/attempted
RRNC Adoption Choices

• Geographic scope for requiring RRNC
  • All counties (IL and MN)
  • Zone 1 counties only (MA MD MI NJ OR WA)
  • At the county/municipal level

• Standard adopted
  • Appendix F (6); App. F + AARST-ANSI CCAH (MA)
  • State directs locality what to adopt (FL VA ME)

• Type of Home (occupancy classifications)
  • One- and two-family, townhomes (MA MI MN MD)
  • Above plus apartment buildings (OR)
  • Above plus other group occupancies (IL NJ WA)
Testing of Existing Homes

• Testing is the only way to determine a home’s radon level
  • EPA radon zone maps based on 25-year-old projections
    • Updates show more risk
    • e.g. Colorado is 100% high-risk vs 80% +/- per EPA
    • Radon has been found in every zone, all types of homes
• Real estate transaction = opportunity for action
  • Consumers pay closest attention when buying or leasing
• Test kits vs. performance by qualified personnel
• Montgomery County MD Ordinance
  • Seller tests or allows buyer
• Tenant protection (ME); proposed (IL)
Montgomery County (MD) Bill 31-15 As Amended

• A single-family home must be tested for radon before completing a sale of the home
• Test must be performed less than one year before settlement date
• Seller must either perform the test or permit the buyer to do it
• Both seller and buyer must receive a copy of the results of the test
• Took effect October 1, 2016
Radon Awareness / Notification

• Mandatory notification about radon risk and the importance of testing alerts the buyer to act:
  • Real estate agent conveys info to the buyer
  • State Real Estate Commission oversees it per statute / admin. action
• Present in nine states (DE FL IL IA KS MN MT NH RI)
• Three Key Elements
  • Radon Awareness - a standard warning statement, must be signed
  • Pamphlet/brochure - state-specific
  • Disclosure of property-specific radon info (enhance existing law...)
• Two states’ awareness laws have demonstrated success in terms of increased radon testing and mitigation
The Minnesota Department of Health strongly recommends that ALL homebuyers have an indoor radon test performed prior to purchase or taking occupancy, and recommends having the radon levels mitigated if elevated radon concentrations are found. Elevated radon concentrations can easily be reduced by a qualified, certified, or licensed, if applicable, radon mitigator.

Every buyer of any interest in residential real property is notified that the property may present exposure to dangerous levels of indoor radon gas that may place the occupants at risk of developing radon-induced lung cancer. Radon, a Class A human carcinogen, is the leading cause of lung cancer in nonsmokers and the second leading cause overall. The seller of any interest in residential real property is required to provide the buyer with any information on radon test results of the dwelling.
Radon Notification Works: IL - 55% of Homes Sold Are Tested
Radon Notification Works: IL Measurements and Mitigations Increased
Radon Notification Works:
MN – 335% Increase in Mitigations
Awareness/Notification
As Alternative to Testing

- More acceptable to realtors
  - Virtually no cost
  - Lower risk to seller
  - Unlikely to impede timing of transaction
- Assures every buyer some level of information
- More protective than seller-provided test result
  - Allows buyer to choose testing professional and method
Awareness/Notification vs Disclosure

• Disclosure involves revealing property-specific knowledge
  • 32 states specify radon tests shall be revealed
    • Implicit duty to reveal any know defects in all states
    • Radon is included on a long form listing multiple disclosures
  • Disclosure is disincentive to property owner getting test
    • “why discover a property defect if you must reveal it?”

• Awareness requirement complements disclosure
  • Level playing field - all buyers are getting some info
  • Corrects false impression when disclosure checkbox marked “no”

• Awareness law can expand what must be disclosed
  • Any radon concentrations, mitigation, or remediation;
  • Radon mitigation system description and documentation, if installed
Adoption of Awareness Messages for RE Transactions: State Laws, National Lending Standards, Realtor Practices

- Congress
- NAR
- NRAP -> HUD

- Congress
- FHFA
- Bankers

FHA Loans (15%)

GSE Loans (60%)

Realtor Practice

Effective State Laws

- NAR
- Educated realtor

- Local advocates
- Local realtors’ org
- Executive branch (SIRG)
Certification of Radon Professionals

• Elements:
  • Licenses (and fees) for activities such as:
    • Screening sampling/testing of air or water
    • Diagnostic sampling/testing of air or water
    • Mitigation and mitigation planning services
    • Training courses
  • Standard methods and ethical requirements
  • Alignment with National Proficiency Programs
    • Certifications, testing, standards
  • Promote testing and inform public
Radon Risk Reduction Advocacy – Overview

• Build alliance with others concerned about radon  
  • radon professionals, cancer survivors, oncologists, lung association
• Identify policy opportunities and key/optimal choices
• Deliver key messages to legislators  
  • Educate them re radon risk and exposure reduction
• Educate builders, code officials about RRNC  
  • Ask them to support RRNC in codes and Appendix F updates
• Add meaningful radon policy to Cancer Control Plans
• Leverage the National Radon Action Plan!
Policy Advocacy

Making State Policy
Reduce Radon Risk across the US:
Stakeholders and Opinion Leaders
Understanding Stakeholders

• Acting alone as our own advocate from just one sector is a waste of time

• Radon leaders – professionals, health leaders, cancer survivors, oncologists, - need to call upon and to work with all other possible advocates and medical community to educate public officials and address public policy
Stakeholder Awareness

• Stakeholders are from all walks of life
  • Politicians
  • Regulators
  • Health Advocates and Medical Professionals
  • Consumers
  • Religious Leaders
  • Educators
  • Unions
  • On and on...
Model 1
Linkage Model
Modified from J. Grunig and T. Hunt, Managing Public Relations, Holt, Rinehart and Winston, 1984, p. 141
Key Allies: Opinion Leaders

- Advocates who are truly influential
  - Are often not elected or in positions of power
  - Speak from an unassailable “I” or personal base of knowledge or experience
    - Doctors
    - Scientists
    - Cancer Survivors
    - Educators
Stakeholder Awareness - Opponents

• Stakeholders are also those opposed to public policy changes
• We must recognize that these stakeholders
  • often have legitimate needs
  • may have more resources
  • may claim their economic interest over the perceived interests of the radon professional
Sustainable and Relevant Advocacy: Potentially Opposing Stakeholders

• Build understanding and alliances
• Cultivate relationships
• Recognize that opponents have their structures:

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<tr>
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<th>Local</th>
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<td>Board; Broker</td>
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<td>Home Builders</td>
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<td>State HBA</td>
<td>Local HBA; Builder</td>
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<td>Code Officials</td>
<td>ICC Hearings</td>
<td>ICC Chapter</td>
<td>Code Official</td>
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Stakeholder Awareness - Allies

• Stakeholders – Allies May Not Be Able to Fully Engage With Us
• We must recognize that Allies
  • often have legitimate needs to step back
  • may have other alliances
  • may claim other interests over the perceived interests of the radon professional
How To Resolve Opposition/Reluctance

• Find Common Ground
• Reduce/Overcome Objections
• Data/Information Oriented
• Seek Influencers/Opinion Leaders
• Identify a compromise that everyone can accept
• Take a smaller policy step forward to build support and establish evidence base
Model 2
Stakeholder Typology: One, Two, Three Attributes Present
Grass Tops (Not Grass Roots!)

- activists or members of an organization or geographic area that have a high professional and/or public profile,
- may be part of the “political family” for a decision maker,
- can raise public attention or influence decision makers through established connections.
- recognized individuals (including experts, professionals, etc.) constitute potential grass-tops advocates
- Grass-tops advocates can move an issue into the spotlight, and carry a message between the general public and more powerful targets.
What we must do...

• Build Grassroots Alliance with true advocates
• Identify Stakeholder Organizations who support us
  • ALA, other cancer groups
  • Healthy homes
• Identify Believable Opinion Leaders who Can Communicate Well
• Identify Opinion Leaders to Carry the Facts
• Establish State Support Networks – positive messaging
Some Tools for Organizing

Leadership Development
Strategy Chart
Ideal World, Real World

• Best scenario: decision maker agrees when asked
  • Letter writing, meeting
  • Legislator is responsive to the facts, the moral argument, the people’s needs

• Persuasion may fail - because
  • Decision maker disagrees
  • Another intere$t has been more persuasive
  • Political climate change resistant
Industrial Areas Foundation on Leaders

• Development of strong leaders is central

• Organizations with weak leaders will lack hierarchy, be run by cliques
  • Cliques have no formal authority; there is nothing to hold them accountable.
  • Cliques get in the way of broad-based relationships – the group cannot become attuned to objective interests or open to new leaders

• Natural leaders
  • IAF: A leader is anyone capable of delivering a following
    • Leaders commit in advance to bringing a certain number of people to public actions and accountability nights for politicians
    • Organizers count heads and hold leaders responsible for meeting the quota

• Organizers look for a clear sense of self-interest in getting involved, a willingness to act, and the presence of controlled or “cold” anger.
  • Also: sense of humor, imagination, maturity, risk-taking, responsibility, aggressiveness, integrity, healthy ego.
IAF: Relational Organizing

• 1:1 meetings to build relationships based on personal ties
  • Personal stories
  • Deep listening
  • House meetings

• Evaluation of personal self-interest
  • Encourage a relational rather than personal view of self-interest, within a context of relationships with others

• Developing deep relationships between the leaders of different parts of civil society breeds a willingness to cooperate that makes it much easier to get things done.
Strategy

In organizing terms -

**Strategy is an approach to making a government or corporate official do something in the public interest that he or she does not otherwise wish to do.**

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ORGANIZING FOR SOCIAL CHANGE: *Midwest Academy Manual for Activists*
The Difference between a Strategy and a Plan

• If your objective is anything other than making an official do something, then you don’t need a strategy; you only need a plan.
  • Plan = steps you will need to take for any project
  • Strategy is about the relationship of power between you and the official.
  • The word strategy comes from the Greek strategos, meaning the rank of General in the army

• A strategy is the design of the campaign combined with an analysis of power relationships.
  • Tactics are the individual steps in carrying out a strategy.
Midwest Academy Strategy Chart

• Useful tool for campaign planning
• Works for overall campaign strategy
  • Or planning of specific tactics such as a public hearing or an accountability session with an elected official
• Valuable as the focal point for planning process
  • Poses the necessary questions in one logical order
  • Moves people through the planning process step by step
  • Provides a structure for principled collective action
# The Midwest Academy Strategy Chart

<table>
<thead>
<tr>
<th>Goals</th>
<th>Organizational Considerations</th>
<th>Constituency People Power</th>
<th>Decision-Maker (Target)</th>
<th>Tactics</th>
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<td>Long-Term</td>
<td>What resources can you put in now?</td>
<td>Who cares about the issue?</td>
<td>The person who has the power to give you what you want!</td>
<td>How you will show power to the target so s/he will say yes to the goals.</td>
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<tr>
<td>Intermediate</td>
<td>How will you build your organization?</td>
<td>Opponents?</td>
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<td>1. Show power directly to the Decision-Maker</td>
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<td>Internal problems in the way?</td>
<td></td>
<td></td>
<td>2. Public Education and Organization Building</td>
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<td><em>Goals are always concrete improvements in people’s lives!</em></td>
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Preparation for Making a Strategy Chart

• Already chosen issue – radon risk reduction
• Primary target – decision maker(s) in elected body with influence
• Resources for developing the strategy:
  • Knowledge of how the target’s legislative body is internally organized
  • Understanding of political districts / geographic
  • List of affiliates, allies, other supporters
  • Opponent AND constituent organizations
  • Major institutions that could make a difference
Strategy Chart – Column 1. Goals

• A goal is always something that you win from someone.
• Long-term goals are typically multi-year
• Intermediate goals take specific steps toward the long-term goal, & meet the three major criteria for choosing an issue:
  • Win real improvements in people’s lives?
  • Give people a sense of their own power?
  • Alter the relations of power?
• Short term goals build power and accomplishment w/small victories
  • Endorsements by elected officials, such as committing to plan for RRNC
  • Fulfillment of request to compile information
• Consider what the cost will be if you win. Who will pay?
  • What is it worth to someone to defeat you?
Column 2. Organizational Considerations

• List the available resources
  • Who will anchor the work, ensure communications
    • Organizer/staff time (FTEs paid, volunteer)
  • Available funds for other expenses
    • Printing, travel
  • Acknowledge that there will be expenses

• Understand the potential non-monetized benefits
  • Build a movement, new leaders ready to accomplish more
  • Constituency for preserving the gains
  • Media and public awareness of risk
Column 3. Constituency / People Power

• Who cares about this issue?
• What do they stand to win or lose?
• What power do they have, how are they organized?

• Constituency = people, ideally already organized into groups, whom you can contact and bring into the campaign.
  • You may not deploy but go to them later for additional support

• Constituents are potential members of your organization
  • Allies are not.

• Look for constituencies that are less than obvious.
Column 3. Opponents

- List the groups, individuals, and institutions that stand to lose or be very upset if you win, and the power of each.
  - What will your victory cost your opponents?

- How does the strength of your constituents stack up against the strength of your opponents in the eyes of the people who can give you what you want?

- In most campaigns, your opponents have you outspent and out-staffed; spending time directly challenging them can just divert you from the real targets.
  - Opponents matter, we should be concerned about their strength...
  - Strategic compromise ≠ ineffective challenge
Column 4. Decision-Maker (Target)

• The primary target = the person with the power to give you what you want
  • The person who can make the decision or strongly influence it
  • This does not necessarily imply that the person is evil.
  • It simply means that by virtue of having the power to give you what you want, that person is the focus of the campaign.
  • Some groups prefer to say decision maker.

• The target is always a person, helping to narrow the focus.
  • Personalize the target is a fundamental rule of organizing.

• A campaign to change a person’s mind is much more achievable than one to change the policy of a big institution.

• Individual decision makers have human responses such as fairness, guilt, fear, ambition, vanity, or loyalty, responses that can only come into play if you personalize the target.

• A secondary target is a person who has more power over the primary decision maker than you but over whom you have some power.
Column 5. Tactics

- Tactics are steps in carrying out your overall strategy.
  - specific things that the people in the Constituency column do to the people in Targets column to put pressure on them.

- When you list tactics, write down who will do what and to whom.

- The Tactics column is always filled out last to avoid the common tendency to jump to tactics as soon as the issue is chosen.

- Tactics should never be planned in isolation from the larger strategy

- For every tactic, there must be
  - Someone who does it.
  - Someone to whom it is done.
  - Some reason why the person to whom it is done doesn’t want it done and will make a concession to you if you stop doing it.
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<td><strong>Long-Term</strong>&lt;br&gt;What you really want. Example: Affordable housing for all.</td>
<td><strong>What resources can you put in now?</strong>&lt;br&gt;• Number of people?&lt;br&gt;• Social media lists?&lt;br&gt;• How much time?&lt;br&gt;• Meeting space, copiers, etc.&lt;br&gt;• Money?&lt;br&gt; <em>Be Specific!</em></td>
<td><strong>Who cares about the issue?</strong>&lt;br&gt;• Whose problem is it most directly?&lt;br&gt;• Who else will be an ally on this issue?&lt;br&gt;• What power do they have over the Decision Maker?&lt;br&gt;• What do they gain if they win?&lt;br&gt;• What risks are they taking?&lt;br&gt;• How are they organized; where can you find them?&lt;br&gt; <em>How many? Be specific!</em></td>
<td><strong>The person who has the power to give you what you want!</strong>&lt;br&gt;• Elected or appointed or corporate?&lt;br&gt;• Do you have electoral or consumer power?&lt;br&gt;• Analyze your potential power over them very concretely so that you can use it strategically!</td>
<td><strong>How you will show power to the target so s/he will say yes to the goals.</strong>&lt;br&gt;1. Show power directly to the Decision-Maker&lt;br&gt;• Letter writing&lt;br&gt;• Petitions&lt;br&gt;• Phone calling&lt;br&gt;• Social Media Tactics&lt;br&gt;• Group Visits to Decision Makers&lt;br&gt;• Media Events&lt;br&gt;• Rallies&lt;br&gt;• Actions&lt;br&gt;• Public Forums&lt;br&gt;• Etc, etc.</td>
</tr>
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<td><strong>Intermediate</strong>&lt;br&gt;What you are trying to win now. Example: State low-income housing trust fund.</td>
<td><strong>How will you build your organization?</strong>&lt;br&gt;• New members.&lt;br&gt;• Money to raise?&lt;br&gt;• New Leaders.&lt;br&gt;• Public recognition&lt;br&gt; <em>How much? How many? Be specific!</em></td>
<td><strong>Opponents?</strong>&lt;br&gt;Can you neutralize or divide any opponents?</td>
<td><strong>Secondary Target</strong>&lt;br&gt;Someone over whom you have power, who has power over the Decision-Maker (not used in most campaigns)</td>
<td><strong>Public Education and Organization Building</strong>&lt;br&gt;• Rallies/Banners&lt;br&gt;• Social Media&lt;br&gt;• Strategic Civil Disobedience&lt;br&gt;• Media events, etc.</td>
</tr>
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<td><strong>Short-Term</strong>&lt;br&gt;A step to the Intermediate Goal. Example: Get Rep. Smith to vote yes on bill.</td>
<td><strong>Internal problems in the way?</strong>&lt;br&gt;• How to solve.</td>
<td></td>
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*Goals are always concrete improvements in people’s lives!*
Legislation
Legislative Advocacy
Organizing for Advocacy
Relationships with Legislators
Where do Bills Come From?

- General public, local governments, state agencies, businesses, interest groups, professional associations, non-profits, individual requests
- Special reports, audits
- Ideas from previous legislative sessions, legislative research committees
- Executive branch
- Individual members of Assembly / House / Senate
Transforming Your Radon Policy Idea to a Bill

- Meet with legislator to discuss idea for legislation
- Go in with other stakeholders
- Ask legislator to sponsor and invite co-sponsors. Then ---
  - Legislative Services agency will likely draft the bill
  - Often a packet containing bill and cover sheet for sponsors to sign starts the process of formal bill introduction
  - Introduced bill will be assigned to a committee
    - committee chair controls which bills get a hearing and on the agenda
    - many bills are never heard in committee and die in committee
    - finding a sponsor on the correct committee is important
  - Committee passage prerequisite for state-wide enactment
Lobbying – Legal? Ethical?

• Citizen-based lobbying, where you attempt to persuade largely on the merits of your position.

• For example, your position, A, has more value than an opposing position, B, or other positions, C, D, and E
  • and if A is chosen, the overall benefits for the community (and perhaps for the decision maker, too) will be the greatest.

• Lobbying is fair persuasion

• Lobbying is responsible, desirable, and even necessary.
When to Lobby

• The issue at hand is controversial.
• There are others with opposing views.
• The opposition is engaging in lobbying efforts of its own.
• The decision is highly important for you or your group.
• The decision makers, in your view, have not made up their minds.
• You know specific facts about the issue, unknown to the decision makers.
• If the decision maker knew your opinions, you think they would have a significant effect on the decision makers' opinion.
When Not to Lobby

• When the decision maker already has all the relevant information.
• When the decision maker has heard from you frequently or recently.
• When the decision maker gives you signals that he or she has heard enough, and doesn't need to hear anymore. At some point, lobbying can become counterproductive, and no longer helps your cause. Be attentive to cues that tell you when to stop.
• When you are firmly convinced that no matter when you do, you will lose (or, possibly, that you will win.) In those slam-dunk type cases, you might want to save your lobbying efforts for another issue, or for another day.

You don't want to overdo it, or wear out your welcome.
Allies – Strength in Numbers

• Any legislators who are already in favor of your position
• Actual or potential beneficiaries of the policy you're advocating for
• People who work in organizations offering services aimed at the issue or the population in question (Rn, oncologists, therapists)
• Recognized "experts" in the field. Academics, former legislators who've dealt with the issue, long-time service providers
• Supportive opinion leaders who understand the issue and are able to influence many others because of their standing
• People who have the time and inclination to work on the campaign, stuff envelopes, deal w/ email and phones, be go-fers when needed. Such people are often the heart of a grassroots advocacy campaign.
• Credible celebrities who are sympathetic to the issue
• Professional, labor, other organizations that engage in advocacy and are concerned with the issue or with the population affected.
Legislature – Need to Know

• State legislature representation structure
• State legislative staffs (personal, committee)
• The structure of your particular state legislature
• Which committees are important to your issue and to all issues, and who their chairs, important members, and staffers are.
• What legislative aides do.
• Which legislators and aides have power or influence over your issue.
Ongoing Relationships with Legislators and their Aides
Why are relationships with legislators and aides important?

Relationships, at the most fundamental level, provide access to decision makers. If they know you, know whom and what you represent, and respect you, they'll listen to what you have to say.
Who needs you?

• Your own federal or state legislators
• Legislators who represent many of your participants or beneficiaries
• Legislators to whom your issue is crucial
• Legislators or aides with a personal passion for your issue
• Aides, particularly committee staff, who need the information you have at your fingertips
Whom do you need?

• Chairs or vice-chairs or members of key committees, and/or their aides

• Individual legislators and staffs and chairs of committees or that are important to any issue

• Aides of your legislative champions or of legislators who are particularly powerful
What exactly do we mean by developing a relationship?

• The legislator's staff should recognize your name
• You have the opportunity to speak to the legislator in person
• You are the first person the legislator's office thinks of to call when she needs information about your issue.
• The legislator is willing to support your issue
• The legislator / staff people should call you to alert you to crisis points
• The legislator is willing to visit your organization or community
• You are willing to help the legislator and her staff when they need it
• You have a personal relationship with at least one person in the office
How do you meet legislators and their aides?

- Make a formal appointment, either in the district or at the state capital
- Invite legislators or aides to visit your organization or town
- Bring participants to meet with the legislator for the first time
- Start with a phone conversation
- Testify at a legislative hearing or public comment session
- Hold a state legislative briefing on your issue
- Get an introduction from a mutual acquaintance
- Attend events where legislators and aides are likely to be present
How do you establish and maintain relationships?

- Keep contact after the initial meeting
- Attend events honoring the legislator
- Have real conversations
- Ask legislators' and aides' advice - and follow it when you can
- Establish yourself as an absolutely reliable source of information
- Thank legislators for their help, publicly and privately, formally and informally, at every opportunity
- Respect a legislator's or aide's limitations and priorities
- Don't abuse the relationship