

**CHAPTER 40**  
**CERTIFICATION OF RADON AND OTHER VAPORS LEVELS IN CERTAIN**  
**BASEMENT AND CELLAR APARTMENTS**

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**§ 40-01. Scope and applicability.**

This chapter applies to the certification for permissible maximum radon and other vapor levels in basement or cellar apartment units as required by section 28-507.4.5.2 of the Administrative Code and sections U202.9 and U202.10 of Appendix U of the New York City Building Code (Chapter 8 of Title 28 of the Administrative Code).

**§ 40-02. Definitions.**

Terms used in this chapter have the same meanings as the terms defined in section 28-507.1 of the Administrative Code and in Appendix BC U102 of Appendix U of the New York City Building Code. In addition, the following definitions shall apply:

“*Certification*” means the certification described in sections U202.9 or U202.10 of Appendix U of the New York City Building Code.

“*Certified Industrial Hygienist*” means an individual certified as such by the Board for Global EHS Credentialing.

“*Department*” means the Department of Health and Mental Hygiene.

“*Qualified Environmental Professional*” has the same meaning as such term is defined in 6 NYCRR 375-1.2(ak).

“*Qualified radon tester*” means an individual or firm certified as such by the American Association of Radon Scientists and Technologists, the National Radon Safety Board, the State of New Jersey, or the Commonwealth of Pennsylvania.

**§ 40-03. Methods of indoor air testing.**

All indoor air samples must be tested and reported by a laboratory certified by the New York State Environmental Laboratory Approval Program to analyze air samples for radon and volatile organic compounds using the appropriate sampling method:

**(a) Radon.**

Testing of indoor air for radon must be conducted by a qualified radon tester using a testing device approved by the National Radon Proficiency Program, the National Radon Safety Board, or an equivalent program that verifies device compliance with the latest publication of

ANSI/AARST (Performance Specification for Instrumentation Systems Designed to Measure Radon Gas in Air).

(b) Volatile Organic Compounds.

Testing of indoor air for the volatile organic compounds listed in section 40-06 must be conducted by a Certified Industrial Hygienist or Qualified Environmental Professional using the process described in United States Environmental Protection Agency, Method TO-15A: Determination of Volatile Organic Compounds (VOCs) in Air Collected in Specially Prepared Canisters and Analyzed by Gas Chromatography–Mass Spectrometry (GC-MS), Sept. 2019.

**§ 40-04. Radon level certification.**

The radon level in any eligible basement or cellar apartment or ancillary dwelling unit must be less than two picocuries per liter of air based upon laboratory results as certified by a qualified radon tester.

**§ 40-05. Volatile organic compound vapor level certification.**

The indoor air levels for the following volatile organic compounds must be less than the limit for each such compound set in the table below, as certified by a Qualified Environmental Professional:

Compound	Limit (µg/m <sup>3</sup> )
Tetrachloroethene	30
Trichloroethene	2
Methylene chloride	60
Vinyl chloride	0.2
Carbon tetrachloride	1
1,1-dichloroethene	1
1,1,1-trichloroethane	10
Cis-1,2-dichloroethene	1
Benzene	10
Toluene	50
Ethylbenzene	10
o-Xylene	10
m,p-Xylene	20
Naphthalene	10
Cyclohexane	10
2,2,4-Trimethylpentane	10
1,2,4-Trimethylbenzene	10
1,3,5-Trimethylbenzene	10
Heptane	20
Hexane	20

**§ 40-06. Submission of certification.**

The certifications of the qualified radon tester and the qualified environmental professional who conducted or reviewed the indoor air testing pursuant to this chapter must be submitted on the forms provided by the Department to, and as required by, the Department of Buildings.