

*HUD's Proposed  
Departmentwide Radon Policy*  
Office of Environment and Energy



# HUD's Departmentwide Radon Policy: How We Got Here

- In 2020, the HUD Office of Inspector General (OIG) conducted an evaluation of HUD program offices' policies and approaches for radon.
  - As a result of the evaluation, the OIG recommended, among other things, that HUD “[d]evelop and issue a departmentwide policy that notes that radon is a radioactive substance and outlines HUD's requirements to test for and mitigate excessive radon levels in accordance with 24 CFR 50.3(i)(1) and 58.5(i)(2)(i).”
- To resolve this recommendation, OEE proposed a two-prong approach with short-term and long-term actions:
  1. OEE will develop a departmentwide policy that identifies radon as a radioactive substance and requires radon to be considered as part of environmental reviews for activities that are Categorically Excluded Subject to 24 CFR 50.4 and 58.5 (CEST), Environmental Assessment (EA), or Environmental Impact Statement (EIS) in accordance with 24 CFR 58.5(i)(2)(i).
  2. Enact radon testing and mitigation requirements through rulemaking.

# Authority for the Policy

- HUD's environmental review regulations: 24 CFR Part 50 and 58
  - HUD's regulations and processes for implementing the National Environmental Policy Act (NEPA)
    - Part 50: when HUD conducts the environmental review; Part 58: When a Responsible Entity conducts it under their delegated authority
  - Apply to *all* HUD programs and projects subject to NEPA (almost everything except FHA single family mortgages)
- HUD's Contamination Regulations: 24 CFR 50.3(i) & 58.5(i)(2):
  - "(i) Also, it is HUD policy that all properties that are being proposed for use in HUD programs be free of hazardous materials, contamination, toxic chemicals and gases, **and radioactive substances**, where a hazard could affect the health and safety of occupants or conflict with the intended utilization of the property."
  - Requires a "contamination analysis" as part of the environmental review for all projects subject to it
    - As a radioactive substance, radon would have to be considered as part of the contamination analysis

# What Would and Wouldn't be Covered by HUD's Radon Policy

- The policy would apply **only** to HUD funded or assisted projects and *only* to HUD projects subject to HUD's contamination regulations
  - This means all projects at the Categorically Excluded subject to ("CEST"), Environmental Assessment (EA), and Environmental Impact Statement (EIS) levels of NEPA review would be subject to the policy\*
- What is not covered or exempted from the policy:
  - Buildings with no enclosed areas having ground contact; buildings that are not residential and will not be occupied for more than 4 hours per day; buildings with existing mitigation systems where radon levels are below 4 pCi/L- exempted
  - \*Projects under the FHA Multifamily Accelerated Processing Guide (MAP Guide) and Healthcare Mortgage Insurance Program Handbook have their own existing, more strict, radon requirements
  - Issuance of FHA-backed single family mortgages- not subject to NEPA
  - Projects from "small public housing agencies" under \$100,000- statutorily exempted from environmental review

# The Draft Proposed Radon Policy

- The draft policy lists four options for considering radon in the contamination analysis:
  - **Preferred, Best Practice:** ANSI/AARST radon testing and mitigation standards
  - **Alternative strategies** that can be used (if testing not otherwise required by law/reg):
    - Do-It-Yourself (DIY) Testing: Use of individual DIY home radon test kits
    - Continuous Radon Monitoring Devices: for use by trained local government staff in remote areas
    - Review of science-based data on radon in the area where the project site is located: state/tribal geologic data, CDC radon test data
- **Note:** Actual testing for radon is *not* required under the draft policy
- If use of any of the above methods determine that indoor radon levels are or may be above 4 pCi/L, then the RE must document and implement a mitigation plan.
  - The mitigation plan must: identify the radon level; describe the radon reduction system that will be installed; establish an ongoing maintenance plan; establish a reasonable timeframe for implementation; and require post-installation testing by a licensed radon professional, where feasible.
- HUD Grantees can use existing HUD funds to cover radon costs

# Next Steps: Getting to A published Final Policy

- The policy is *not in effect yet*
- HUD is working on finalizing the policy, and expects to have it published within the next month or two
  - The final policy will now take effect 90 days after publication
  - An email announcement will be sent out to the HUD Exchange environmental review email list
- HUD-OEE Radon Webinar Series
  - HUD's Office of Environment and Energy is putting on a series of three webinars about residential radon exposure and its radon policy
    - Two of three webinars have occurred, and the third webinar- which will be all about the policy- will occur shortly after the policy is published
    - All webinars are recorded and will be posted on the [OEE webpage on The HUD Exchange](#)
- Technical assistance: for any questions about HUD's environmental review requirements, including addressing radon, you should go to your regional HUD environmental contact

# HUD Resources on Radon

- Find your HUD regional environmental (OEE) staff contact:

[https://www.hud.gov/program\\_offices/comm\\_planning/environment\\_energy/staff](https://www.hud.gov/program_offices/comm_planning/environment_energy/staff)

- HUD Exchange Environmental Review Webpage:

<https://www.hudexchange.info/programs/environmental-review/>

- Multifamily Accelerated Processing (MAP) Guide:

[https://www.hud.gov/program\\_offices/administration/hudclips/guidebooks/hsg-GB4430](https://www.hud.gov/program_offices/administration/hudclips/guidebooks/hsg-GB4430)

- HUD Radon Testing and Mitigation Grant:

[www.grants.gov/web/grants/view-opportunity.html?oppld=349163](http://www.grants.gov/web/grants/view-opportunity.html?oppld=349163)

# Glenn Schroeder

Program Analyst

HUD Office of Environment and Energy

[Glenn.A.Schroeder@hud.gov](mailto:Glenn.A.Schroeder@hud.gov)