

A Brief Update of Federal Radon Policies

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Topics

- US HUD Federal Housing Administration (FHA) Rules Overview
- US HUD Federal Housing Finance Agency (FHFA) Rules Overview – Rescinded 3/26/2025
- US HUD Public Housing Authority (PHA) Rehabilitation Requirements Overview
- Large Building Radon Testing Standards Quick Overview

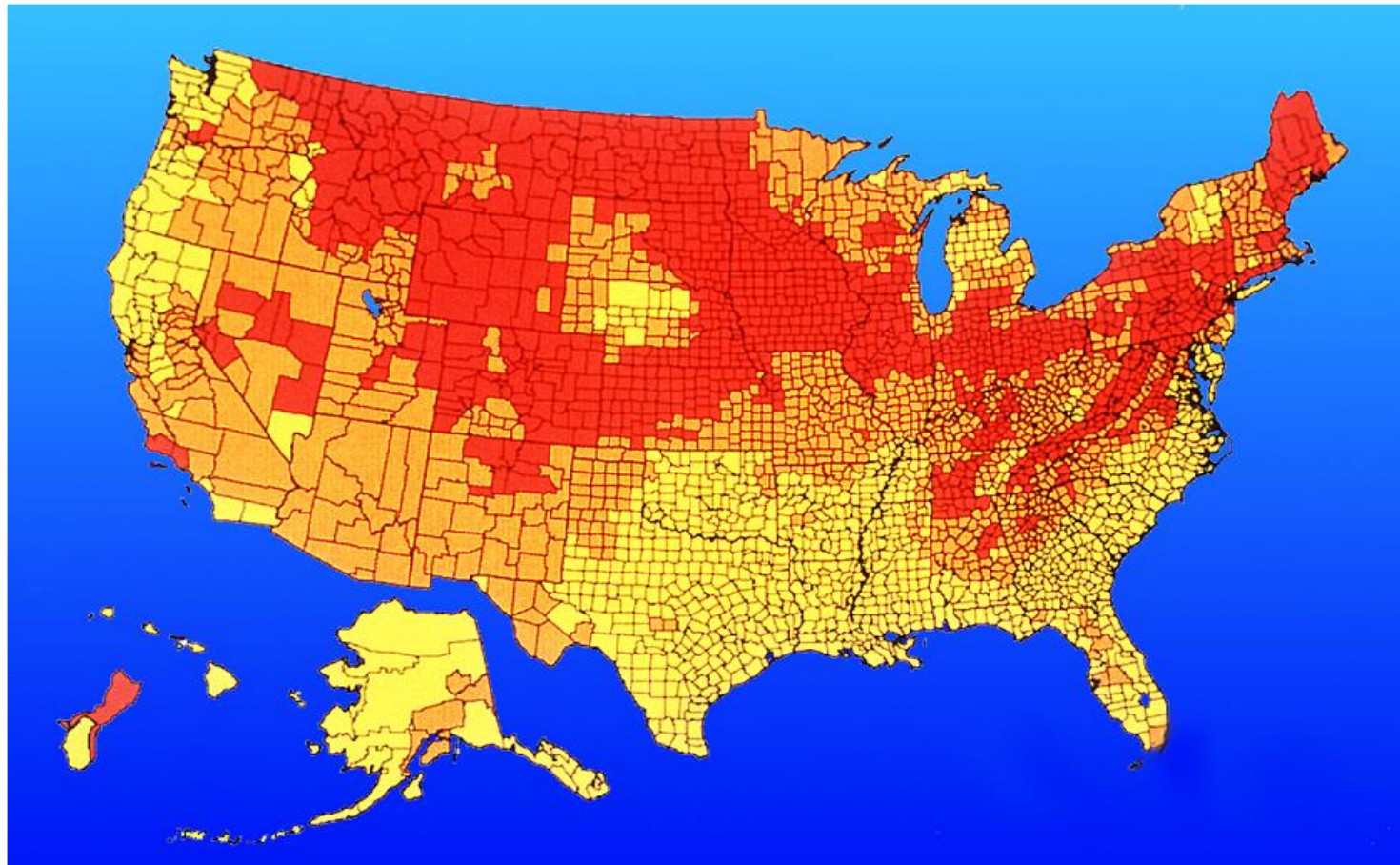
EPA Has Defined Radon Zones

Each of 3100 counties in the U.S. classified as:

- **Zone 1** - expect 4.0 pCi/L or greater
- **Zone 2** - expect 2.0 to 4.0 pCi/L
- **Zone 3** - expect 2.0 pCi/L or less

Zone designations based on five factors: indoor radon measurements, geology, aerial radioactivity, soil parameters, and foundation type.

U.S. Radon Zone Map



Legend
■ Zone 1
■ Zone 2
■ Zone 3

History of Radon Standards

- The U.S. EPA **RECOMMENDS** no longer using their now very dated standards
 - **RECOMMENDS** using the AARST-ANSI consensus standards

US HUD FHA & FHFA Multi-family Rules Overview

US HUD FHA Multifamily Housing Radon Notice

- HUD Radon Announcement 2/4/2013
 - Requires radon testing be included in environmental reports for FHA-insured multi-family housing mortgages
 - Elevated levels will have to be mitigated
- HUD MAP 2020 Listed Projects
 - Requires use of **ANSI/AARST MAMF-2017 with 1/2021 REVISIONS**
 - 100% ground-contact unit testing, 10%/minimum 1 unit off ground contact
 - Requires national certification for measurement activities
 - Requires state-issued certification/license for measurement activities in states with adopted requirements
 - **Can be required to have dual-certification**

US HUD FHA Multifamily Housing Radon Notice

- **Dual credentialing issue in Licensure States**
 - State-issued radon license; &
 - Either
 - National Radon Proficiency Program (NRPP) credential
 - National Radon Safety Board (NRSB) credential
- **National credentialing requirements**
 - Approved coursework for the credential
 - Passage of the appropriate exam(s)
 - Submission of paperwork and fees
 - Completion of a device performance test (DPT) for measurement credentials

US HUD FHFA Multifamily Housing Radon Requirements

POLICY RESCINDED MARCH 26, 2025

- Federal Housing Finance Agency (FHFA) radon requirements to Fannie Mae and Freddie Mac
- In effect June 30, 2023
- Required radon elements
 - Radon testing at multifamily Enterprise-backed properties
 - Minimum of 25% of ground contact units tested in all buildings associated with the properties
 - Certification States: Radon testing **SHALL** follow current adopted radon measurement standards
 - Allow an environmental professional to manage radon testing procedure (national policy)
 - Certification States: testing **MAY ONLY** be conducted by a state-certified measurement professional

US HUD FHFA Multifamily Housing Radon Requirements

POLICY RESCINDED MARCH 26, 2025

- Required radon elements, cont.
 - Requires following state statutes regarding radon
 - Requires provision of tenant notifications of radon testing on Enterprise-backed multifamily properties
 - Provides additional guidance on Enterprise's radon standards

US HUD PHA Housing Rehabilitation Requirements

Following slides courtesy of Glenn Schroeder, US HUD

HUD Departmental Radon Policy Notice

- On January 11, 2024 HUD published its departmentwide Radon Policy Notice, *Departmental Policy for Addressing Radon in the Environmental Review Process*
- With this Notice, HUD is addressing the risk of residential radon exposure across the entire Department ***for the first time ever***
- 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).”

Authority for the Policy

- The authority for this policy comes from 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.”
- These regulations require a “contamination analysis” to analyze for the potential or known presence of contamination at or near a site proposed for HUD support
 - As a radioactive substance, radon must be considered as part of the contamination analysis
 - **Note:** Radon testing is not required, but mitigation is required if the method used to consider radon shows levels at 4.0 pCi/L or greater

How To Consider Radon under the Policy Notice

- The policy provides one recommended best practice and three alternative 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 policy

How to consider Radon under Notice?



Testing is the only way to know if building has excessive radon (4 pCi/L or higher)



Preferred, Best Practice: ANSI/AARST radon testing and mitigation standards



Other ways to Test: DIY + Continuous Monitoring Devices

Some Exceptions



Projects that don't involve structures that are occupied or are intended to be occupied less than 4 hours a day



Buildings with no enclosed areas having ground contact



Buildings with existing mitigation systems where radon levels are below 4 pci/L

How to Address High Test Results

- If use of any of the previous 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
- Note: Mitigation under the Notice functions just as other mitigation under HUD's contamination regulations does

Radon Testing and Mitigation as Eligible HUD Program Costs

- The policy does not come with any of its own dedicated funding
- **However**, for all major HUD programs, reasonable expenses incurred for compliance HUD's environmental review requirements are eligible program expenses
 - This includes radon testing and mitigation *conducted under the Radon Policy Notice as part of a HUD environmental review*
 - This does *not, however*, mean that testing or mitigation on its own can always be paid for using HUD funds
 - Consult with HUD program office staff for specific program funding questions

Funding Testing and Mitigation For HUD Projects

- Bottom line: ***HUD Recipients can generally use existing HUD funds to cover radon costs as part of a HUD environmental review of a project***
- Funding for testing or mitigation for specific projects may also be available through other federal, or state sources as well
- HUD additionally is committed to supporting the strategies and aims of the National Radon Action Plan, including expanding the availability of credentialed radon practitioners, making it easier for HUD stakeholders to access and utilize practitioners

HUD Contamination Policy - Tribal Implications



After Tribal consultation and public comment, HUD published its department-wide radon policy notice, *Departmental Policy for Addressing Radon in the Environmental Review Process*



With this Notice, HUD is addressing the risk of residential radon exposure across the entire Department **for the first time ever**

When is mitigation required?



Tribe will need to mitigate anytime a radon test is at or above 4.0 pCi/L **OR** if a review of science-based data shows the project is located in an area with an average result of 4.0 pCi/L or greater and you choose not to test



Mitigation must be done for the Tribe to use HUD funding. However, radon mitigation does *not* need to be installed before a Tribe may use HUD funding on a building needing mitigation.

US HUD PHA Radon Contractor Implications

- Dual credentialing
 - **NOT necessary** if the work is outside of a US HUD FHA multifamily mortgage issue

Questions?

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