

July 10, 2024



HUD's Departmentwide Radon Policy Notice

Office of Environment and Energy



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).”

Why HUD Has Published This Notice

- 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

- 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

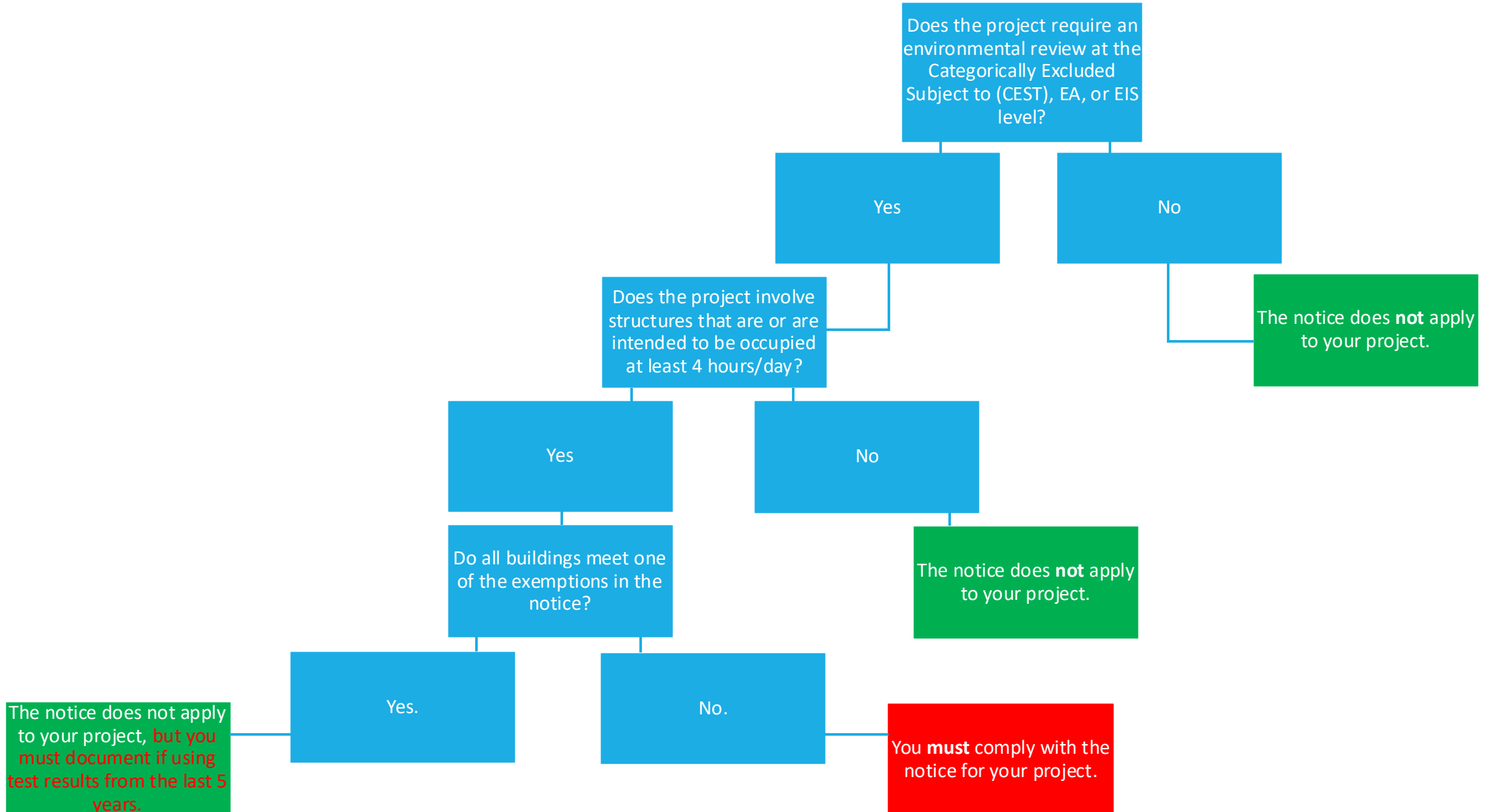
Radon Policy Notice: Implementation Basics

- Final Policy was published as CPD Notice CPD-23-103 on January 11, 2024
- It went into effect on **April 11, 2024** for all non-tribal and recipients, and does on January 11, 2026 for all Tribe, Tribally Designated Housing Entity (TDHE), and Department of Hawaiian Homeland (DHHL) recipients
 - On these dates, REs and HUD staff *must* consider radon as part of any non-tiered environmental review (ER) that is not yet certified, regardless of where they are in the ER process
- HUD projects not subject to HUD's contamination regulations at 24 CFR 50.3(i) and 58.5(i) are *not* subject to the Radon Policy

What is Not Subject to Radon The Policy Notice

- **Non-HUD projects: projects with no HUD nexus**
- HUD projects not subject to HUD's contamination regulations:
 - Projects not subject to NEPA review (ex. issuance of single family FHA mortgages)
 - Those at the "Categorically Excluded Not Subject To" (CENST) level of review
- 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
- **Note:** Projects under the FHA Multifamily Accelerated Processing Guide (MAP Guide) and Healthcare Mortgage Insurance Program Handbook are subject to the Notice, but they have their own existing, more strict radon requirements

Does the Notice Apply to My HUD Project ?



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 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

HUD's Commitment to Tribes

- HUD and the Office of Environment and Energy remain committed to supporting our Tribal grantees in addressing the risk of residential radon exposure throughout their HUD-supported housing
- We recognize the risk that both lack of safe housing *and* radon exposure pose to Tribal housing residents' health and are working closely with our ONAP counterparts to ensure we address both issues *concurrently*
- Tribal recipients given an extended compliance date because of the unique challenges that Tribes face
 - During this time, OEE will work with its partners to seek out potential means for our Tribal recipients to more easily comply with the Radon Policy Notice as well as technical assistance resources



Resources: How Radon Testing and Mitigation Actions Under the Radon Policy Notice Can be Funded

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

Radon Testing and Mitigation as Eligible HUD Program Costs

- By allowing testing and mitigation as eligible program expenses, grantees and REs can use program funds to cover any needed costs for testing and mitigation within the ER
- This means that grantees and REs may *not* have to pay out of pocket to cover any up-front costs for radon testing or mitigation
- The policy also allows for the use of DIY test kits for single family homes as a cost-effective means for Single family HUD projects

Program or grant name	Is radon testing an eligible expense?	Is radon mitigation an eligible expense?
Community Development Block Grant (CDBG)	Yes	Yes
Community Development Block Grant CARES Act (CDBG-CV)	Yes	Yes
Community Development Block Grant Disaster Recovery (CDBG-DR)	Yes	Yes
Community Development Block Grant Mitigation (CDBG-MIT)	Yes	Yes
Community Project Funding (CPF) Grants	Yes	Yes
Continuum of Care Program (CoC)	Yes	Yes
Emergency Solutions Grants Program	Yes	Yes
FHA-Insured Healthcare Loans	Yes	Yes
FHA-Insured Multifamily Loans	Yes	Yes
Green and Resilient Retrofit Program (GRRP)	Yes	Yes
HOME Investment Partnerships American Rescue Plan Program (HOME-ARP)	Yes	Yes
HOME Investment Partnerships Program (HOME)	Yes	Yes
Housing Opportunities for Persons With AIDS (HOPWA)	Yes	Yes
Housing Trust Fund (HTF)	Yes	Yes
HUD Section 8 renewals with capital repairs	Yes	Yes
HUD Section 8(bb) Transfer of Budget Authority.	Yes	Yes
Indian Community Development Block Grant (ICDBG)	Yes	Yes
Indian Housing Block Grant Program (IHBG)	Yes	Yes
Public Housing Capital and Operating Funds	Yes	Yes
Rental Assistance Demonstration (RAD)	Yes	Yes
Section 108 Loan Guarantee Program	Yes	Yes
Section 202 Supportive Housing for the Elderly Program	Yes	Yes
Section 811 Supportive Housing for Persons with Disabilities Program	Yes	Yes
Self-Help Homeownership Opportunity Program (SHOP)	Yes	Yes
Transfers of Rental Assistance with HUD Held or Insured Debt and/or Use Restrictions ("Section 209 Transfers.")	Yes	Yes



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

Technical Assistance and Other Resources

- HUD Departmental Radon Policy Notice:
 - [https://www.hud.gov/sites/dfiles/CPD/documents/CPD Notice on Addressing Radon in the Environmental Review Process.pdf](https://www.hud.gov/sites/dfiles/CPD/documents/CPD%20Notice%20on%20Addressing%20Radon%20in%20the%20Environmental%20Review%20Process.pdf)
- Radon and HUD-Assisted Projects Webinar Series:
 - <https://www.hudexchange.info/news/radon-and-hud-assisted-projects-webinar-series/>
- For all questions and technical assistance on the policy, please reach out to your regular HUD environmental POC. Find that POC here:
 - https://www.hud.gov/program_offices/comm_planning/environment_energy/staff
- National Radon Program Services at Kansas State University- Get information about selecting a testing device, testing and mitigation standards, and much more:
 - <https://sosradon.org/>
- EPA Radon Mitigation Funding Assistance Webinar:
 - <https://www.youtube.com/watch?v=1HxvwTjl4h4>
- EPA Tribal Indoor Air Funding Directory:
 - <https://tribalindoorairfunding.org/>



Questions?

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