



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-7000

OFFICE OF COMMUNITY PLANNING
AND DEVELOPMENT

October 04, 2022

SUBJECT: HUD's Draft Departmental Policy for Addressing Radon in the Environmental Review Process Notice

Dear Tribal Leader:

The U.S. Department of Housing and Urban Development (HUD) is in the process of developing a departmentwide radon policy to fully realize HUD's mission to create strong, sustainable, inclusive communities and quality affordable homes that provide a healthy place to live and thrive. HUD's FY 2022-2026 Strategic Plan recognizes housing's essential role in the health of residents and identifies minimizing residential radon exposure as one of the strategies for improving health outcomes for residents of HUD-assisted housing.

Background

HUD's contamination policy at 24 CFR 58.5(i)(2)¹ states, "it is HUD policy that all properties that are being proposed for use in HUD programs be free of . . . radioactive gases . . . where a hazard could affect the health and safety of occupants or conflict with the intended utilization of the property."

HUD's Office of Inspector General (OIG) began an Evaluation of HUD's program offices' policies for radon in 2020. As a result of that Evaluation, one of the OIG's formal recommendations is that HUD develop a departmentwide policy that notes radon is a radioactive substance, outlines radon testing and mitigation requirements that are consistent and sufficient for all HUD programs and that align with 58.5(i)(2) and identifies the data related to testing and mitigation that should be retained in the environmental review record. The OIG accepted HUD's proposal to implement these recommendations in two steps:

Step 1. Draft a Departmental Radon Policy clarifying that, as a radioactive substance, radon is included within the definition of the substances described at 58.5(i)(2) and must be considered in the contamination analysis. A copy of the draft Notice implementing this policy is included with this letter.

Step 2. Implement radon testing and mitigation requirements as part of the revised 24 CFR Parts 50 and 58 rulemaking. That rulemaking process will follow public notice and comment procedures and includes Tribal consultation.

¹ The Departmental radon policy will also apply to HUD staff when completing an environmental review under 24 CFR 50. HUD's contamination policy at §50.3(i) implements the same policy with slightly different text.

Proposed Notice

The proposed Notice implements Step 1 of HUD's Departmental radon policy that radon must be considered in the contamination analysis and that consideration must be documented in the environmental review record. The Notice also provides interim guidance on current best practices for testing and mitigating radon, describes other strategies for considering the radon risk at a proposed project site, and provides guidance on how to document that radon was considered in the environmental review record. HUD also proposes to develop a fact sheet to accompany the Notice that provides additional strategies for considering radon.

Consultation Request

HUD recognizes that each Tribe has its own unique circumstances and that they have utilized a variety of actions to address radon. HUD welcomes discussion on those activities and comments on the potential impacts (positive and negative) of HUD's radon policy on, whether the proposed strategies for considering radon are implementable, what are roadblocks to success, and any other concerns related to radon in Indian country that can inform and help develop a radon policy that can be successfully implemented under a variety of circumstances. HUD is specifically interested in:

- What concerns do you have about implementing the proposed radon policy?
- What specific guidance would help you successfully identify and mitigate radon?

In accordance with HUD's Tribal Consultation Policy, that sets forth guidelines to establish regular and meaningful consultation and collaboration with Indian tribal officials in the development of Federal policies that have Tribal implications, HUD is seeking Tribal consultation on the development of the range of processes that can be utilized for considering radon in the contamination analysis. With this input, HUD intends to ensure that successful implementation is possible for both Steps 1 and 2 as described above.

We also welcome your suggestions for improving this process based on your experience from prior consultations.

Please submit your feedback electronically to: EnvironmentalPlanningDivision@hud.gov. We ask that you provide your feedback by December 3, 2022.

HUD will host two virtual Tribal consultation sessions via webinars.

Consultation session 1 is scheduled for Thursday, October 20, 2022. You may join the conference 10 minutes prior.

The conference begins at 3:00 PM Eastern Time on October 20, 2022

To join the meeting, click: <https://ems8.intellor.com/login/845425>

*When prompted, choose from computer or telephone audio, then opt to **Join Meeting**. You will wait in the lobby until the Host admits attendees, at which time your audio will be enabled.*

Webex Support: 888-793-6118

Consultation session 2 is scheduled for Wednesday, October 26, 2022. You may join the conference 10 minutes prior.

The conference begins at 4:00 PM Eastern Time on October 26, 2022

To join the meeting, click: <https://ems8.intellor.com/login/845426>

*When prompted, choose from computer or telephone audio, then opt to **Join Meeting**. You will wait in the lobby until the Host admits attendees, at which time your audio will be enabled.*

Webex Support: 888-793-6118

We understand that some people may have difficulty logging into Webex. We recommend that you use the Google Chrome web browser to log in to the meeting.

Thank you for your continued partnership and collaboration in the effective delivery of HUD's programs in Indian Country.

Sincerely,

Kristin L. Fontenot
Director, Office of Environment and Energy

Enclosure