

# HUD Proposed Departmental Radon Policy

Tribal consultation, listening session

Date: October 20 & 26, 2022

**Join WebEx at:**

**<https://ems8.intellor.com/login/845426>**

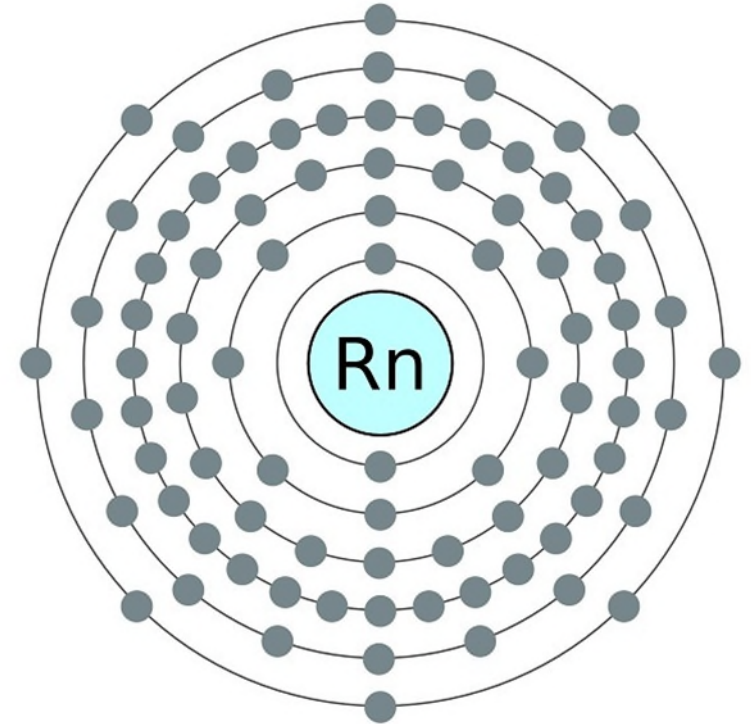
*Webex Support: 888-793-6118*

*Recommend: Google Chrome web browser*

**Draft radon policy posted on [Codetalk](#) and [ONAP Environmental Review Resources](#)**

86: Radon

2,8,18,32,18,8



# Questions and Comments

## **During the meeting:**

Click “Chat” in the lower right-hand corner of the Webex window and type in question and comments.

Raise “hand” to request unmute.

*\*\*Note that the webinar (including spoken comments) will be recorded.*

## **After the meeting:**

Submit all comments, recommendations, and questions electronically to: [EnvironmentalPlanningDivision@hud.gov](mailto:EnvironmentalPlanningDivision@hud.gov)

# Office of Environment and Energy

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# HUD's Office of Inspector General (OIG) 2020 Evaluation of HUD's Program Offices' Radon Policies

The OIG found that HUD does not have a departmentwide radon policy that governs operations for all program offices.

- Individual program office policies are inconsistent
- HUD cannot ensure that residents in HUD-assisted housing receive consistent and sufficient protection from the hazardous health effects of radon exposure
- This approach does not align with HUD's environmental regulations
- HUD does not proactively track data on radon in HUD-assisted housing and has limited access to data on radon testing in its properties

# Evaluation Outcomes

Director of OEE develop and issue a departmentwide policy that,

- Notes that radon is a radioactive substance
- Is designed to ensure that radon testing and mitigation are consistent and sufficient for all HUD programs
- Specifies what data related to testing and mitigation should be documented in HUD's Environmental Online System (HEROS is not mandatory for Part 58 recipients) or the Environmental Review Record (ERR)

\*\* HEROS is not yet mandatory for documenting environmental reviews subject to Part 58 environmental review requirements.

# HUD's Contamination Policy, 24 CFR 58.5(i)(2) (1996, as amended in 2003)

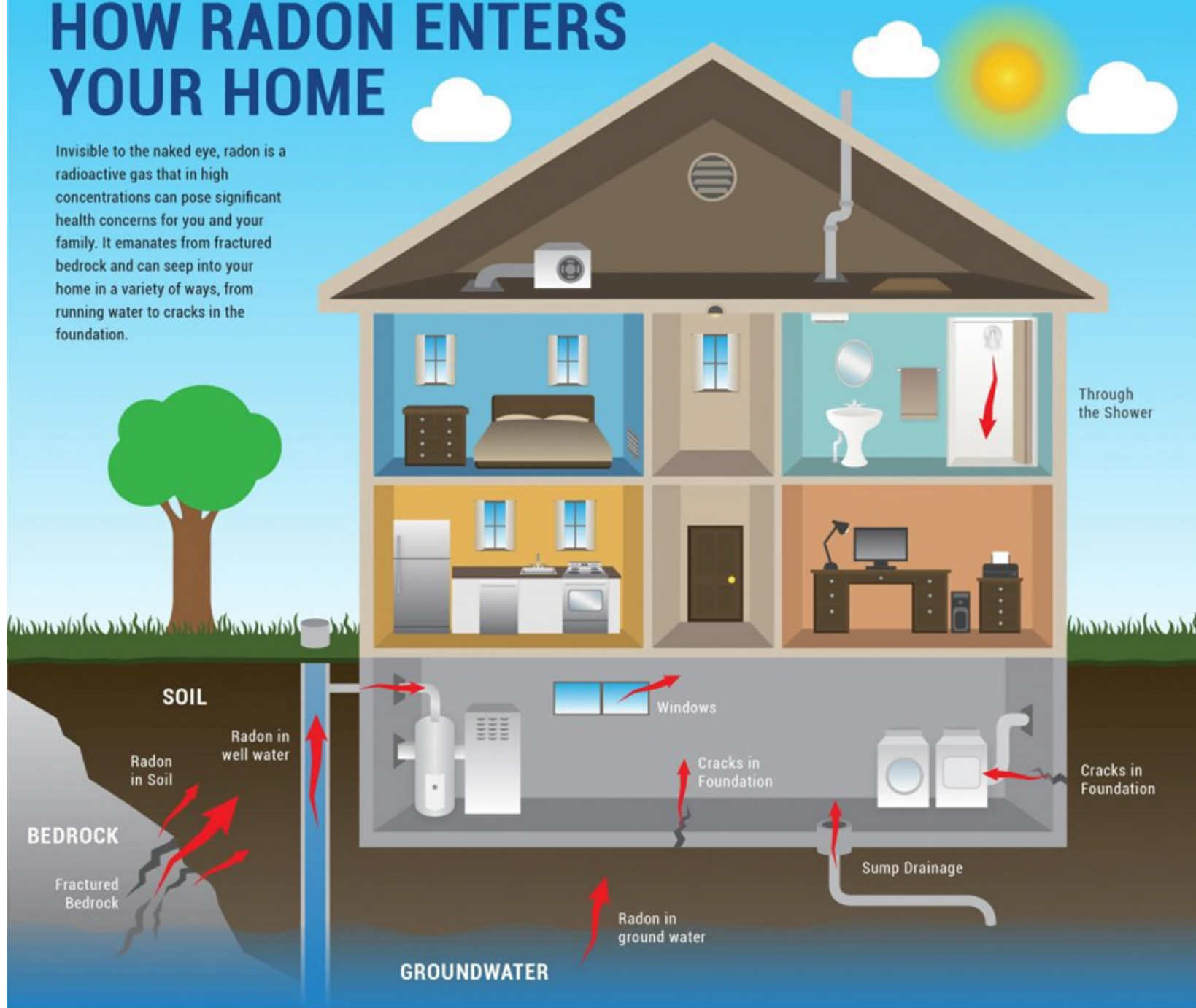
All HUD-assisted properties must be free of hazardous materials, contamination, toxic chemicals and gases, and **radioactive substances** where a hazard could affect the health and safety of occupants or the utilization of the property.

Multifamily housing, leasing **must evaluate** previous uses, **other evidence** of contamination on or near the site.

Responsible Entity **shall use current techniques** to conduct the contamination analysis **and is responsible for determining the investigation necessary** to comply with this policy.

# HOW RADON ENTERS YOUR HOME

Invisible to the naked eye, radon is a radioactive gas that in high concentrations can pose significant health concerns for you and your family. It emanates from fractured bedrock and can seep into your home in a variety of ways, from running water to cracks in the foundation.



# Recommendation #1 HUD's Resolution and Approach

**OEE proposed (August 3, 2021), and OIG accepted (August 31, 2021), a two-prong approach:**

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 58.5 (CEST), Environmental Assessment (EA), or Environmental Impact Statement (EIS) in accordance with 24 CFR 58.5(i)(2)(i).
2. OEE will develop radon testing and mitigation requirements through rulemaking.



# Draft Departmental Radon Policy

Implements **Step 1** of OEE's Management Decision in response the OIG's Evaluation recommendation that OEE develop a Departmentwide radon policy and states:

- 24 CFR 58.5(i)(2)(i) includes radioactive gases in the list of contaminants a property must be free of
- As a radioactive gas, radon is part of the contamination analysis
- The contamination analysis applies to CEST/EA/EIS
- Radon must be considered as part of the contamination analysis and that consideration must be documented in CEST/EA/EIS levels of review

The proposed policy does not require using specific radon testing and mitigation requirements.

# Considering Radon in the Contamination Analysis

## 1. Preferred, Best Practice - ANSI/AARST radon testing and mitigation standards

- Intended for use by a radon professional
- Provide detailed instructions on how to conduct and document testing and mitigation

**When testing is not otherwise required by Tribal government:**

## 2. Review science-based data on radon in the area where the project site is located:

- Tribal/State/County generated geological surveys or testing data that identifies high risk areas
- Center for Disease Control radon test data
- EPA radon zone maps

*\*\*Note that maps do not establish the radon level in a particular building.*

# Considering Radon in the Contamination Analysis

- 3. Do-It-Yourself (DIY) Testing** - Radon test devices for single-family housing and tenants to test their individual unit; follow the test device instructions and document the test results in the contamination analysis.
- 4. Continuous Radon Monitoring Devices** - In remote areas where timeframes for shipping radon tests to labs may cause invalid results or there are no radon professionals available, the Tribe/TDHE may purchase a continuous radon monitoring device and train a staff person to use it.

OEE will develop additional guidance on alternative approaches, based on the comments received about other strategies that have been used and research.

# Document the Environmental Review Record

Document the process used to evaluate radon in the ERR prior to signing the environmental review record and prior to submitting the Request for Release of Funds/Certification (RROF/C) to HUD:

- ANSI/AARST copy of the test report/mitigation plan (if applicable) as described in the Standard.
- DIY and other radon monitoring test devices: Document test device, time period of test, test conditions and radon test results.
- Alternative strategies: document sources used for the evaluation include citation, individuals consulted including contact information and credentials/title, and the mitigation plan, if applicable.

# Document the Environmental Review Record

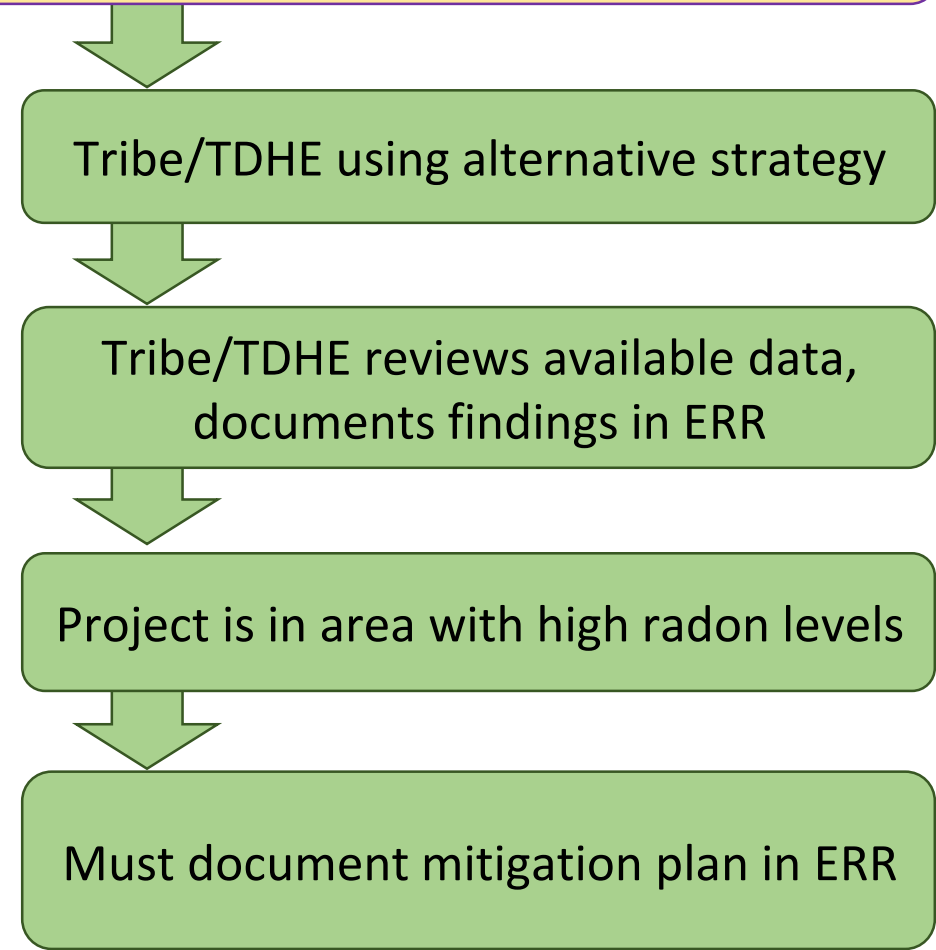
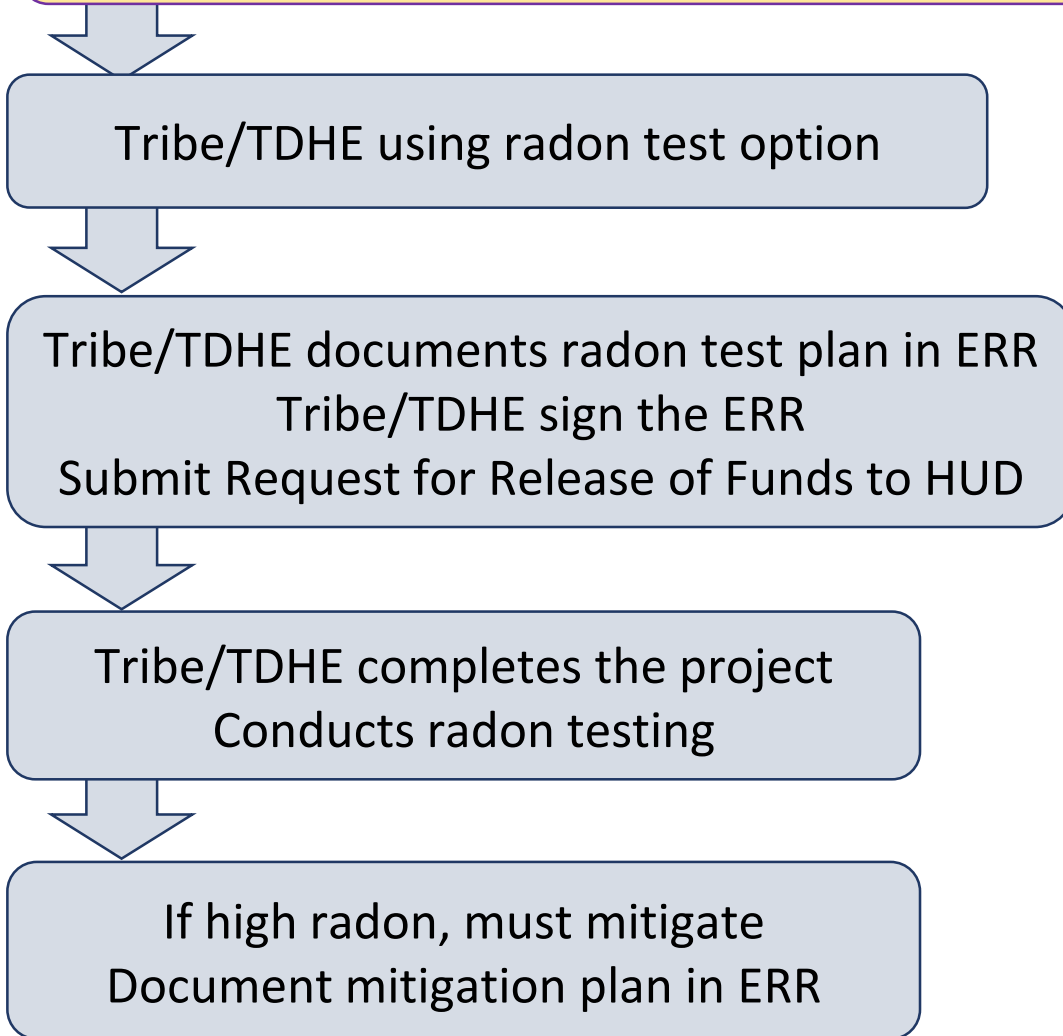
If an alternative strategy determines the project site is located in an area with high radon levels or test results are 4 pCi/L or higher the next step:

The Tribe/TDHE develop a mitigation plan that:

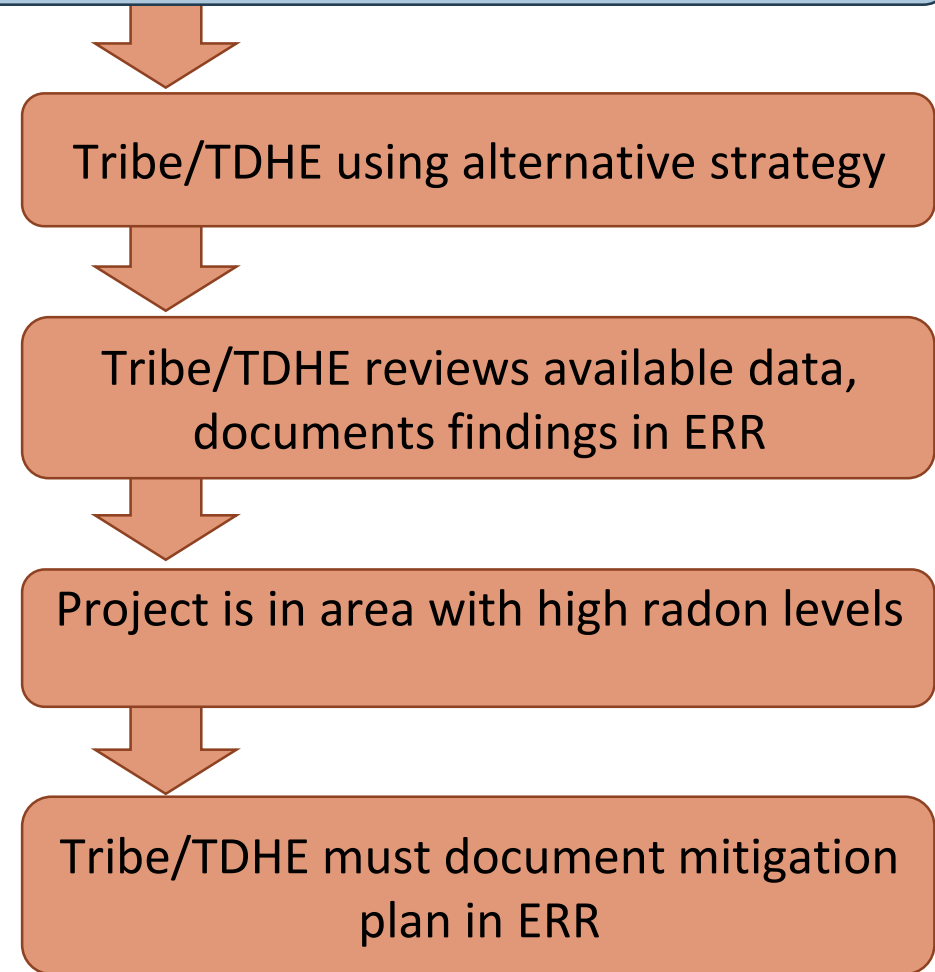
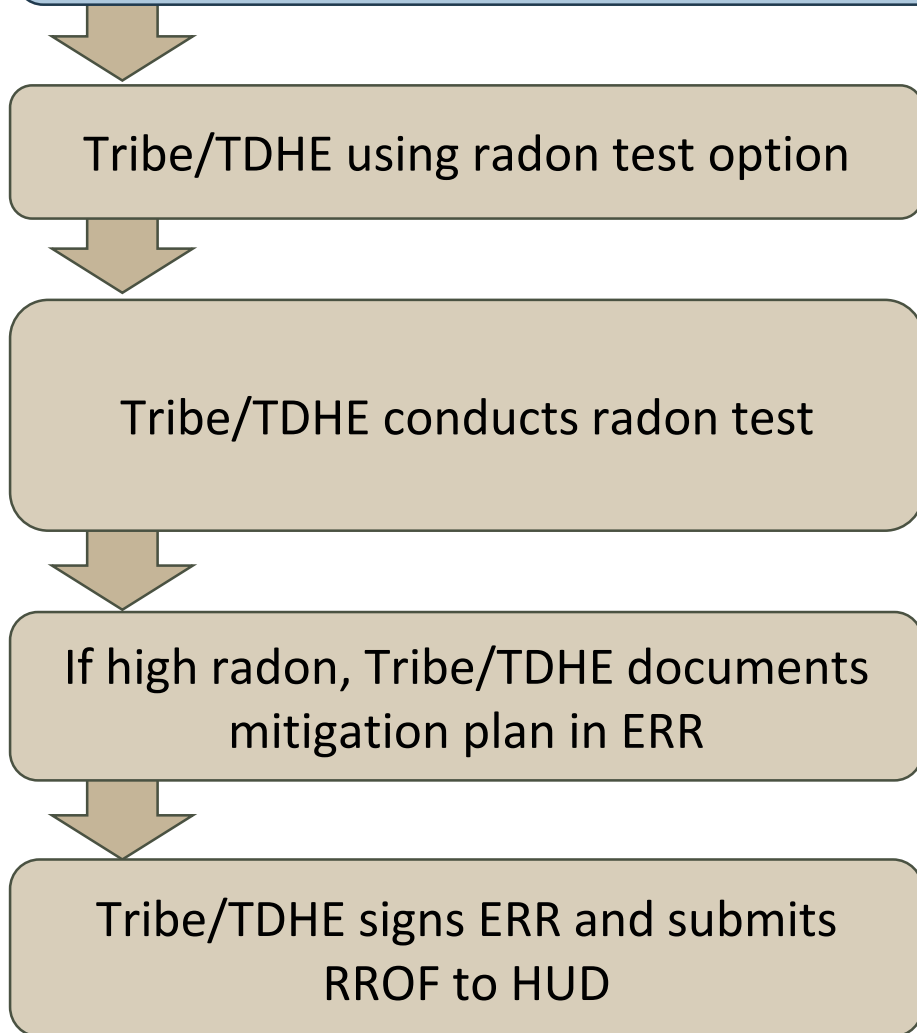
- Establishes a reasonable time frame for implementing the plan and mitigation requirements
- Document the mitigation plan in the ERR prior to signing the environmental review record and prior to submitting the Request for Release of Funds/Certification (RROF/C) to HUD

The costs for radon testing and mitigation are eligible program costs that can be included in the project budget.

# New Construction, Reconstruction



# Rehabilitation



# Radon Resources

- EPA Map of Radon Zones, Regional, State, and Tribal Radon Programs, <https://www.epa.gov/radon/epa-map-radon-zones-and-supplemental-information>
- ANSI/AARST Radon testing and mitigation standards, <https://www.epa.gov/radon/radon-standards-practice>
- National Radon Program Services, <https://sosradon.org/>
- National Radon Proficiency Program, <https://nrpp.info/> (approved test device list)
- Center for Disease Control, *Radon Testing*, <https://www.cdc.gov/nceh/tracking/topics/RadonTesting.htm>
- HUD 3-part radon webinar series, <https://www.hudexchange.info/programs/radon/>
- Radon Leaders Saving Lives, <http://www.radonleaders.org/>



## HUD is interested in the following information

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What concerns do you have about implementing the proposed radon policy?

What specific guidance would help you successfully identify and mitigate radon?

What are or have been the roadblocks to successfully evaluating radon risk?

Any other concerns, ideas, comments you have regarding the policy.

Written comments can be sent to [EnvironmentalPlanningDivision@hud.gov](mailto:EnvironmentalPlanningDivision@hud.gov) and are requested by **December 3, 2022**.

## Next steps

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October 26 - Thursday, second virtual listening session (4-5 pm)

December 3 - comment period ends

December 4 - OEE revises draft based on comments

Publish notice - announcement, FAQs, grantee training webinar

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