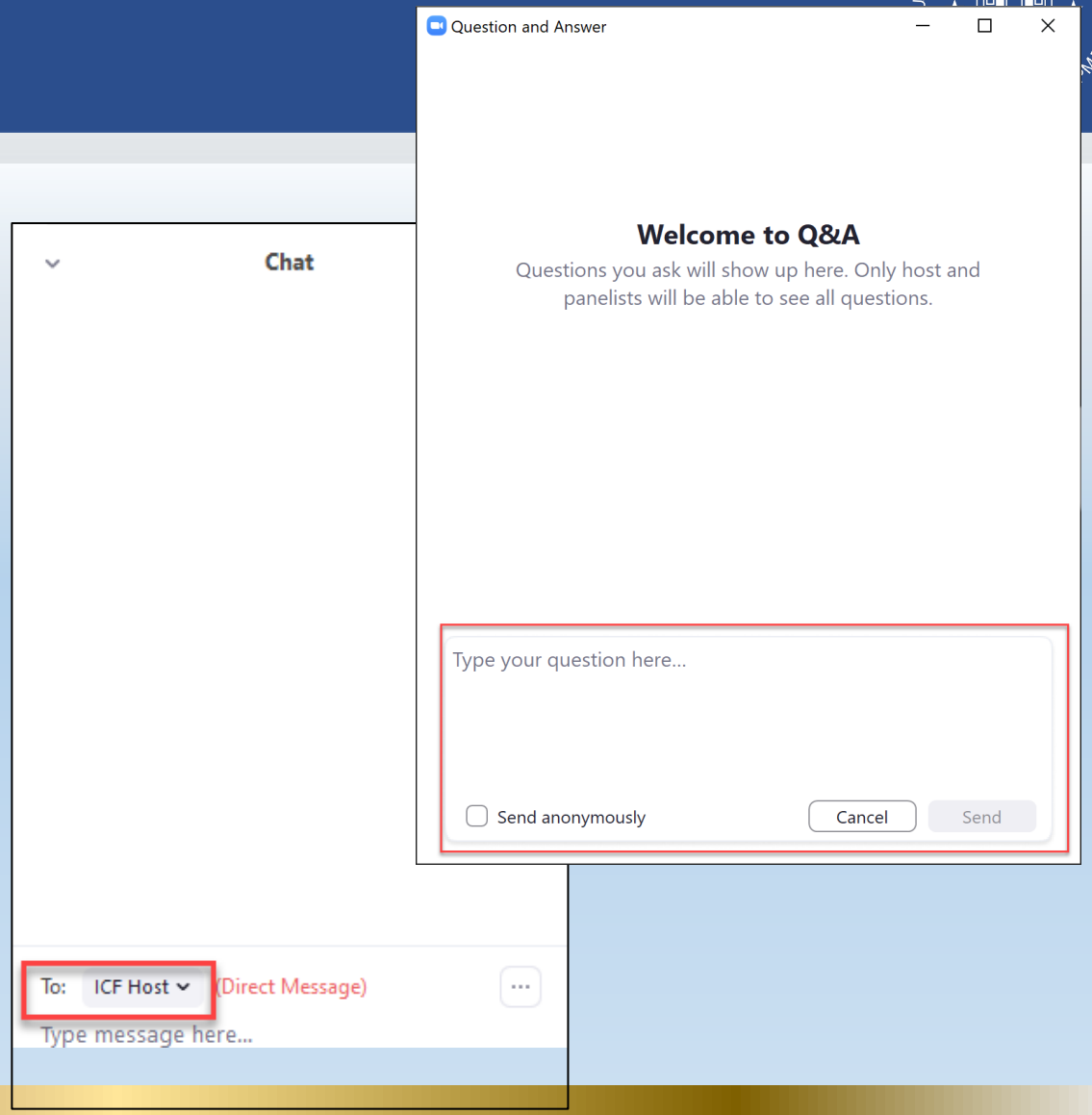
HUD's Departmentwide Radon Policy Notice

Office of Environment and Energy

Questions?

- Participants are in listen only mode
- Chat
  - Submit any technical issues via the Chat box
    - Send the message to the Host
- Q&A
  - Submit any content related questions via the Q&A box



HUD Presenters and Staff

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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***
- The policy falls under HUD's contamination regulations at 24 CFR 50.3(i) & 58.5(i)(2), part of the environmental (NEPA) review of proposed HUD-supported projects
  - The Policy requires consideration of radon gas in buildings as part for proposed HUD projects subject to HUD contamination regulations
- 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

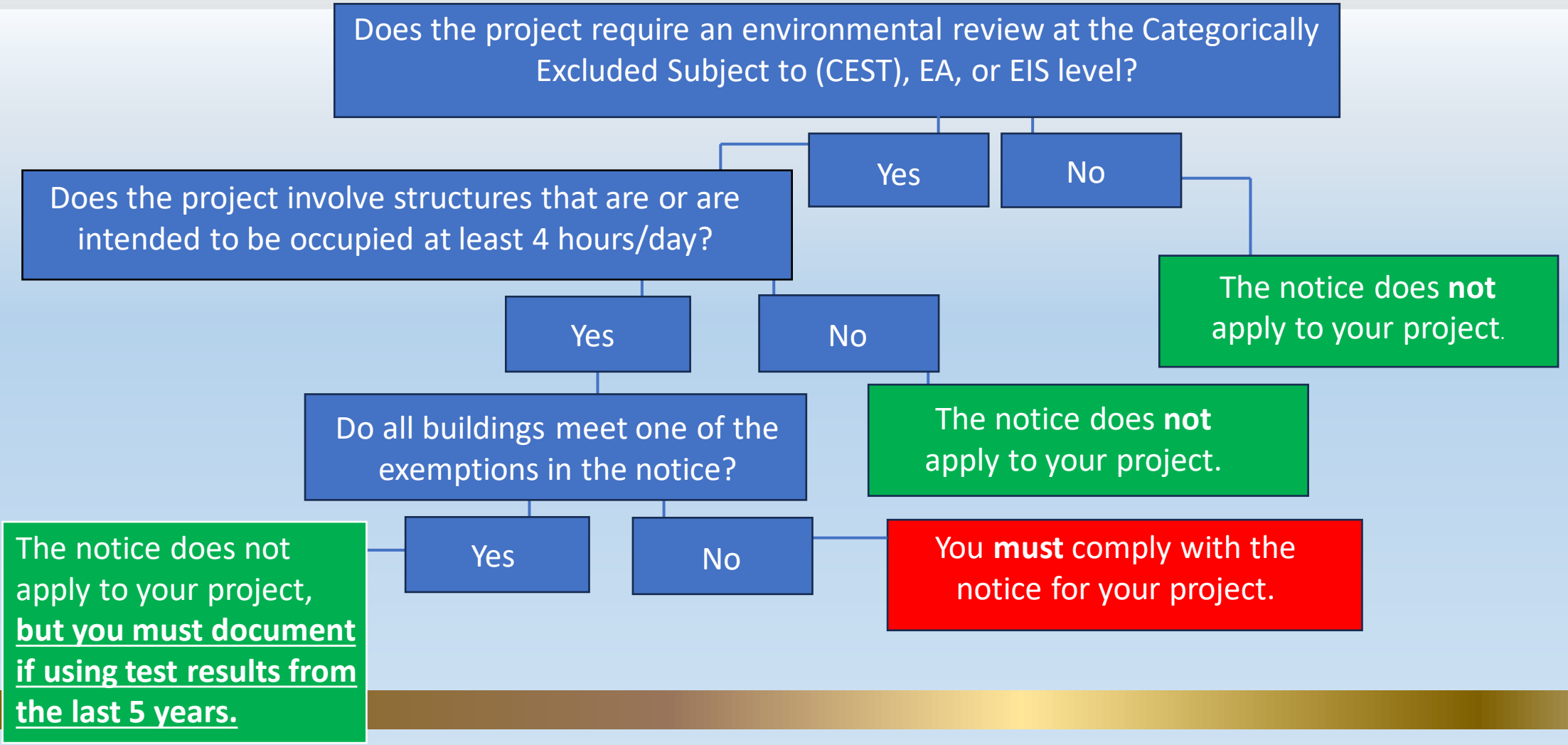
Radon Policy Notice: Implementation Basics

- Final Policy was published as CPD Notice CPD-23-103 on January 11, 2024
- It goes into effect on **April 11, 2024** for all non-tribal and recipients, and 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
- Tiered reviews:
  - For tier 1 and tier 2 reviews completed prior to the effective date: HUD strongly recommends compliance with the policy for any in-progress and new tier 2 reviews, but do not require it
  - For tier 1 reviews in-progress during or started after the effective date: you ***must*** comply with the policy for the tier 1 and all subsequent tier 2 reviews

What is Not Subject to 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, stricter radon requirements

Does the Notice Apply to My HUD Project ?

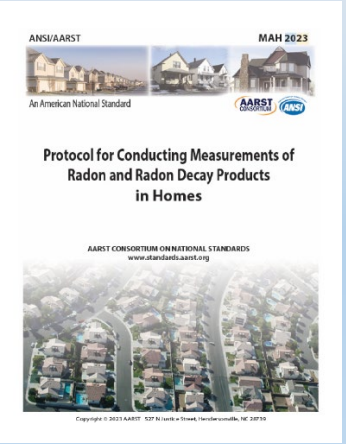


How To Consider Radon under the Policy Notice

- **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 determines 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.

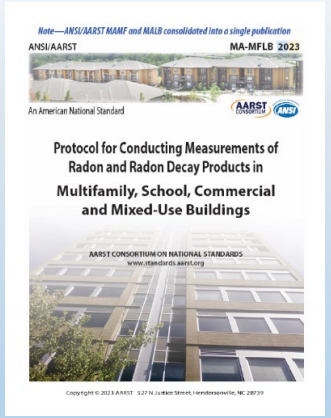
ANSI/AARST Standards

- There is ***no*** national federal radon testing nor mitigation standards of practice
- The American National Standards Institute (ANSI) and American Association of Radon Scientists and Technologists (AARST) have promulgated voluntary consensus standards for both radon testing and mitigation for a variety of situation (ANSI/AARST standards)
- These standards are the "industry standard" standards of practice for radon testing and mitigation in the U.S.
- Use of the relevant ANSI/AARST testing standard is HUD's recommended best practice for consideration of radon



ANSI/AARST Standards

- Using this preferred approach involves complete compliance with the relevant ANSI/AARST testing protocol
- Under the Notice, the must recent, current version of the standards must be used (currently 2023)
- Two current protocols for testing:
  - ANSI/AARST MAH-2023: Protocol for Conducting Measurements of Radon and Radon Decay Products in Homes
  - ANSI/AARST MA-MFLB-2023: Protocol for Conducting Measurements of Radon and Radon Decay Products in Multifamily, School, Commercial and Mixed-Use Buildings
- All standards can be viewed online for free or purchased as PDFs from AARST website



DIY Testing

- Do-it-yourself (DIY) test kits allowed in single-family dwelling units for "single-family" homes, buildings that feature 1-4 dwelling units
  - If testing a building with more than 1 dwelling unit, one test kit must be used for each dwelling unit
- DIY tests can be used by consumers with no prior training
- **All manufacturer instructions should be followed precisely**
- Tests should ideally be approved by the National Radon Safety Board (NRSB) or the National Radon Proficiency Program (NRPP)
  - HUD cannot recommend specific test kits nor brands; contact your state or the National Radon Program Services at KSU for recommendations and assistance
- DIY test kits are either short-term (2-7 days) or long-term (3-12 months) and must then be mailed to a lab to receive results
- Test kits cost anywhere from about $15-$40 dollars, inclusive of any lab fee, and can be purchased online or at hardware stores or obtained for free or at a reduced price from your state's radon control program

Continuous Radon Monitors

- In remote areas where other types of testing is not possible or feasible, the use of continuous radon monitors (CRMs) by the local government is allowed to measure radon levels
- The local government, such as a local health department or environmental department, may decide to purchase CRMs and train staff to use it
- CRMs continuously monitor the radon level and update typically once an hour
- CRMs must be used in accordance with the manufacture's instructions by trained staff and staff should staff should ensure proper quality control and quality assurance for each device
- Devices should also ideally be approved by the NRSB or NRPP
- Contact your state or the National Radon Program Services at KSU for recommendations and assistance

Review of Science-Based Data: The Basics

- This alternative option involves the use of available science-based data to determine whether the project site is located in an area that has average documented radon levels at or above 4.0 pCi/L
- This will often be done by examining documented mean average pre-mitigation radon test results from reputable sources, such as state radon test databases, and the Center for Disease Control's (CDC) National Environmental Public Health Tracking Radon Test Data (CDC Data)
- Other sources include State/Tribe-generated radon information, such as surveys of radon levels from collecting radon measurement data or geological studies that identify high risk area
- Data used must correspond to the smallest geographic area for which the minimum amount of documented test results exist
  - Often, data, such as documented test results, will be shown at the county level, which is the largest level one must look at data

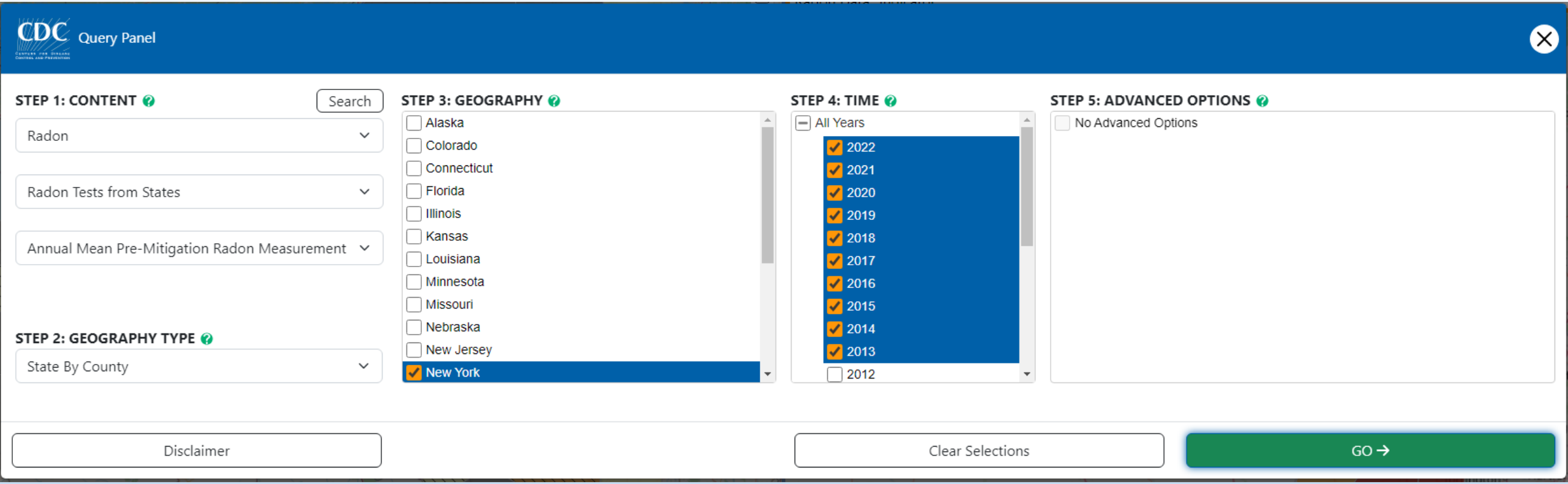
Review of Science-Based Data: The Basics

- Data used must be the best available data must be used, which is the most current data that best indicates the level of radon concentration at a project site and comes from the best source
  - For example, if using CDC data, utilize data from states, rather than labs, whenever possible
  - Additionally, use the latest 10 years of radon testing results for a project area, if using this type of data
- The average radon level ascertained from this review is then assumed to be the level within any particular building(s) that are part of your HUD project, if no testing is done
  - Therefore, if the review shows levels at or above 4.0 pCi/L, then mitigation must be performed
- If there are less than 10 documented test results over the previous 10 years for which data is available in a given county and there is no other available science-based data, then there is a "lack of scientific data"
  - In this case, no further consideration of radon is needed if testing is infeasible or impracticable

Review of Science-Based Data: Examples of Data Sources

- CDC National Environmental Public Health Tracking Network Radon Data
  - Contains data reported to CDC by state governments and national private radon labs; can be viewed as a map or chart
- Data is maintained in these two data sets: data from states (preferable) and data from labs
- When using CDC testing data, always use mean, pre-mitigation radon levels in tested buildings
- Go to CDC Tracking Network Webpage → Select Data → Step 1: Content → Radon → Radon Tests From States → Annual Mean Pre-Mitigation Radon Measurement in Tested Buildings → Step 2: Geography Type → State by County → Step 3: Geography → Select state → Step 4: time → Select Years → Go
- Screenshots of maps from the CDC Tracking Network webpage are sufficient for ER documentation purposes

Review of Science-Based Data: Examples of Data Sources



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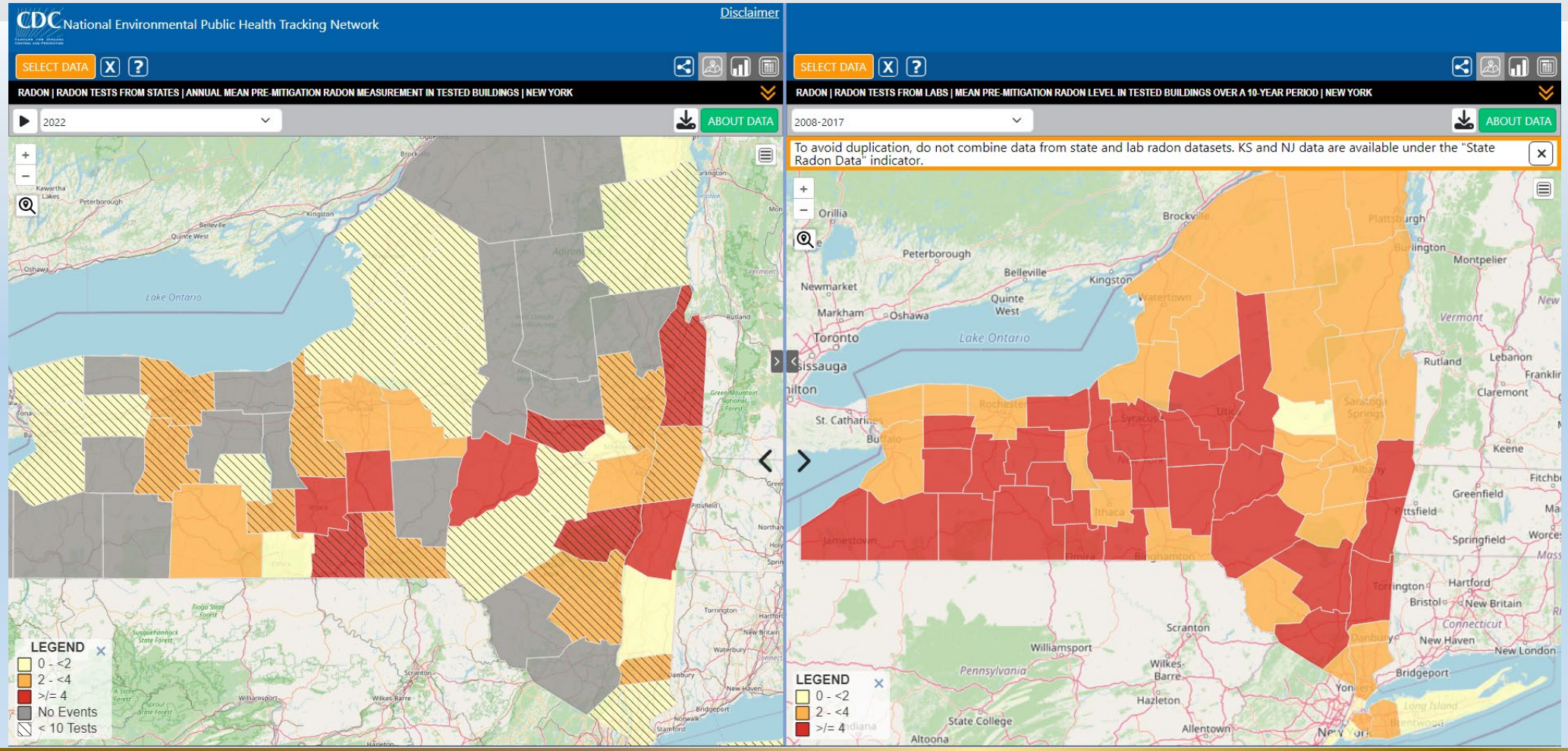
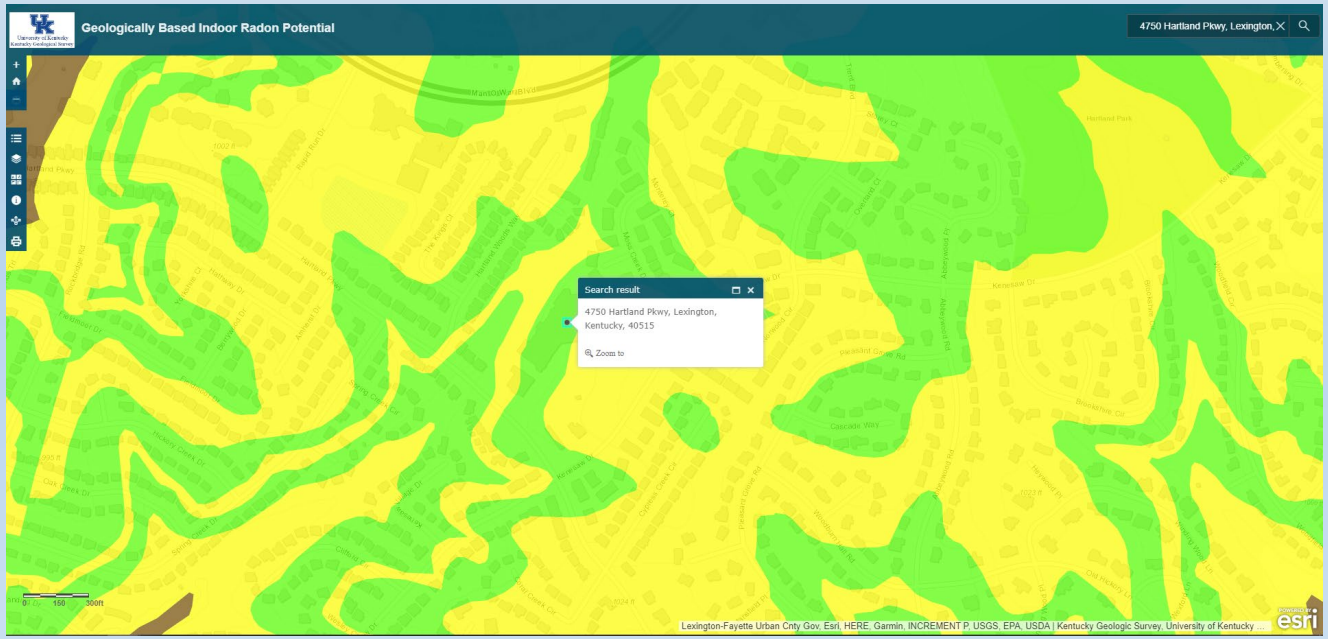


Review of Science-Based Data: Examples of Data Sources

- Interactive radon potential map for Kentucky from The Kentucky Geological Survey and UK College of Nursing BREATHE program: https://www.uky.edu/KGS/radon/



Mitigation

- Mitigation under the Notice functions just as other mitigation under 50.3(i) and 58.5(i) does
- If radon testing or a review of science-based data shows a radon level for a building at or above 4 pCi/L, then the ERR must include a mitigation plan
- If using a review of science-based data, however, radon testing can be done prior to initiation of mitigation to determine if mitigation is truly necessary for a building
  - If a review of science-based data shows levels at or above 4.0 pCi/L but subsequent testing shows levels in the building below 4.0, no mitigation is needed
  - By electing to test, ER preparers and recipients may ultimately save funds by avoiding unnecessary radon mitigation
- Mitigation plans must: identify the radon level; consider the risk to occupants' health; describe the radon reduction system that will be installed; whenever possible, establish an ongoing maintenance plan to ensure the system is operating as intended; establish a reasonable timeframe for implementation; and **require post-installation testing**.
  - Where feasible, post-installation testing should be conducted by a licensed radon professional.

Documenting the ERR and HEROS

- The Environmental Review Record (ERR) must document compliance with the Notice
  - Including documentation of any test results or test value gained from a scientific data review, and, if needed, any mitigation plan
- Documentation may include ANSI/AARST testing reports, mitigation reports or plans, emails of test results from DIY test kits, emails from state radon control program staff, and more
  - Certain documentation (such as when using CDC-maintained testing data) can be completed using screenshots, like when using NEPAssist for other types of contamination
- If there is a lack of scientific data for a particular project, and an RE chooses not to conduct testing because it would be infeasible or impracticable, then the RE **must** document the lack of scientific data and "a basis for the conclusion that testing would be infeasible or impracticable"
  - To document the latter, REs must show that they assessed what it would take to test the building(s) within the property and whether that was feasible or practicable under the circumstances
    - For example, an RE may state that the cost of having a credentialed radon tester test the building was infeasible when compared with the cost of a low dollar amount project
    - No specific documents are needed to document that testing would be infeasible or impracticable

Documenting the ERR and HEROS

- For reviews done in HEROS, all compliance with the Notice will be done within the contamination screen, including uploads of documents and screenshots
  - The HEROS contamination screen will be updated to include radon-specific fields to document compliance with the Notice
- The contamination screen is ***not*** yet updated to include fields for the Radon Policy but is expected to be in the next 2-6 months
  - **Note:** Compliance with the Notice is **still required** regardless of whether HEROS provides radon-specific fields
  - Until HEROS is updated all documentation, including any testing reports, screenshots, evidence of radon levels, mitigation plans, and more must be uploaded manually into the existing fields in the contamination screen

Other Radon Requirements- Federal, State and Local

- The HUD Radon Policy Notice ***does not*** preempt or override any existing federal, state, or local requirements regarding residential radon testing and mitigation that may be more strict or comprehensive than the policy notice
- For HUD projects subject to the Multifamily Accelerated Processing (MAP) Guide, the Healthcare Mortgage Insurance Program Handbook 4232.1 Rev-1, the RAD Program Notice and Supplemental Notice 4B, or other current HUD radon requirement that is more prescriptive, REs must comply with both that particular document ***and*** the Radon Policy Notice
- Additionally, many states and local jurisdictions have radon testing and/or mitigation requirements that may apply to a particular HUD project
  - If unsure, check with your state's radon control program

Radon Testing and Mitigation as Eligible HUD Program Costs

- For all major HUD programs, both radon testing and mitigation are eligible program expenses, allowing grantees and REs to 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
  - Barriers to fund testing and/or mitigation: a high cost when compared to the project's budget and a need to spend funds elsewhere
- Bottom line: ***Recipients can use existing HUD funds to cover radon costs for an ER***

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

Frequently Asked Questions

Q: My state requires the building be tested by a credentialed radon tested, but the HUD Notice doesn't require that. Does that mean I don't have to have the building tested by a credentialed tester?

A: No. You must still follow your state's requirements. In this case, following the state testing requirements would satisfy that portion of the HUD Notice.

Q: My property has a residential building, but I am using HUD funding for non-interior work, such as replacement of a sidewalk; does that mean I don't have to comply with the Notice?

A: No. 24 CFR 50.3(i) and 58.5(i) require that a contamination analysis be done for the "property" being proposed for use in HUD programs, so even though the work being done is not to a residential building, radon must be considered for all buildings covered by the notice on the property.

Q: I am a PHA. Is there any way I can avoid having to consider radon for *all* buildings in my public housing portfolio?

A: Yes! By using tiered reviews, PHAs and other grantees with multiple buildings can set their environmental reviews up so that radon must be considered only at buildings where HUD funds are being expended.

Frequently Asked Questions

Q: My HUD project involves new construction of a residential building. How do I comply with the Policy Notice when there is no building to test yet?

A: For new construction, radon testing must be done after construction and after the ER is certified. The ERR must include a condition for post-construction radon testing followed by mitigation if needed. The ERR must then be updated with the radon evaluation and proof of any required mitigation when complete.

Q: Are there other opportunities to help me pay for radon testing and/or mitigation?

A: Yes! In addition to using existing HUD funds to pay for testing or mitigation as part of an ER, there are other potential opportunities to assist with testing and mitigation. HUD's Radon Testing & Mitigation Demonstration Grant Program provides funds to eligible PHAs to plan for, test, and mitigate against radon. Additional competitive grant funding may be available through the EPA for radon mitigation. Other funding may exist for Tribes and other types of grantees as well. Some states also offer mitigation assistance to low-income homeowners.

Frequently Asked Questions

Q: Will there be exceptions to requiring radon testing/mitigation in older homes, historic homes/buildings, and/or buildings in very rural areas where testing and mitigation systems may be very expensive or unavailable?

A: Under the Notice, testing is not required, and radon consideration can be completed using a review of science-based data. For mitigation, there are **no** exceptions for these types of situations. Additionally, compliance with Sec. 106 of the National Historic Preservation Act may be required for installation of mitigation systems. Contact your HUD OEE regional POC or State Historic Preservation Office for guidance.

Q: What if radon mitigation is required, but the cost is too high for my small dollar project?

A: If radon mitigation is required, then it must be performed, or the project must be rejected.

Q: How do we apply this policy to demolition projects?

A: The Notice would not apply to buildings being demolished, as they will not be intended to be occupied at least 4 hours/day.

Getting Technical Assistance and Useful Resources

- For all questions and technical assistance on the Policy Notice, please reach out to your regular HUD environmental POC. Find that person here:
  - https://www.hud.gov/program_offices/comm_planning/environment_energy/staff
- For assistance with selecting a test or monitoring device, industry standards, and becoming certified in testing or mitigation, and other educational information, check out the National Radon Program Services at Kansas State University:
  - https://sosradon.org/
- To find contacts for your state radon control program:
  - https://sosradon.org/state%20program%20contacts
- To view the ANSI/AARST standards online for free:
  - https://standards.aarst.org/
- HUD Radon Testing & Mitigation Demonstration Grant Program:
  - www.grants.gov/web/grants/view-opportunity.html?oppId=349163
- EPA Tribal Indoor Air Funding Directory:
  - https://tribalindoorairfunding.org/

Questions?

Radon Professional Certification Model

In brief.

Radon Measurement Certification Model

- State-Required Radon Credentials

State	Certification/License Required (Y/N)	Disclosure Required (Y/N)	MF Meas Standards Adopted (Y/N)	MF Mit Standards Adopted (Y/N)
CA	Y	Y	N	N
CO	Y	Y	N	N
CT	Y	Y	N	N
FL	Y	Y	N	N
IL	Y	Y	N	N
IN	Y	Y	N	N
IA	Y	Y	N	N
KS	Y	Y	Y	Y
KY	Y	Y	N	N
ME	N	Y	N	Y
MN	Y	Y	N	Y
NE	Y	Y	N	Y
NH	Y	Y	N	N
NJ	Y	Y	N	N
OH	Y	Y	N	N
PA	Y	Y	N	N
RI	Y	Y	Y	Y
UT	Y (Mit Only)	N	N	Y
VA	Y	Y	Y	Y
WV	Y	Y	N	N

Radon Measurement Certification Model

- State Level Credentialing Model
  - Completion of a state-approved 16-hour introductory radon measurement course
  - Successful passage of either a state or national certification exam
    - Two commonly accepted national certification Exams
      - National Radon Proficiency Program (NRPPS) Radon Measurement Professional Exam
      - National Radon Safety Board (NRSB) Radon Measurement Specialist Exam
  - Submission of required paperwork and fee payment

Radon Measurement Certification Model

- Voluntary Credentialing Model
  - Two current USEPA-recognized voluntary credentialing programs
    - National Radon Proficiency Program (NRPP)
      - https://nrpp.info/
    - National Radon Safety Board (NRSB)
      - https://nrsb.org/
  - State radon programs in non-credentialing states ONLY recommend working with radon measurement professionals certified through one or both of these organizations

Radon Measurement Certification Model

- Voluntary Credentialing Model
  - Completion of a program-approved 16-hour introductory radon measurement course
  - Successful passage of the program's national certification exam
  - Submission of required paperwork and fee payment

Radon Mitigation Certification Model

- State Level Credentialing Model
  - Completion of a state-approved 24-hour introductory radon mitigation course
    - Some states have mandatory field training requirements in additional to the course work
  - Successful passage of either a state or national certification exam
    - Two commonly accepted national certification Exams
      - National Radon Proficiency Program (NRPPS) Radon Mitigation Specialist Exam
      - National Radon Safety Board (NRSB) Radon Mitigation Specialist Exam
  - Submission of required paperwork and fee payment

Radon Mitigation Certification Model

- Voluntary Credentialing Model
  - Completion of a program-approved 24-hour introductory radon measurement course
    - May require field experience as part of the certification process
  - Successful passage of the program's national certification exam
  - Submission of required paperwork and fee payment