

Departmental Radon Policy Notice: Talking Points and FAQs

Key Messaging

- For **the first time ever**, HUD is addressing the risk of residential radon exposure across the Department through this newly announced policy.
- With publication of the HUD CPD Notice, *Departmental Policy for Addressing Radon in the Environmental Review Process*, radon must now be considered within the contamination analysis required under HUD's contamination regulations, as part of the HUD environmental review process.
- Radon is the number one cause of lung cancer in non-smokers and the second leading cause of lung cancer overall. Radon is responsible for approximately 21,000 lung cancer deaths every year.
- The most common pathway for human exposure to radon is inhalation indoors.
 - Many radon-induced lung cancers can be prevented by testing and reducing radon levels in existing buildings and by using radon resistant construction techniques for all new construction.
- HUD's new policy requires consideration of radon when appropriate and encourages the testing of radon as the most effective means by which site-specific radon can be identified; however, it does not require testing.
 - This policy serves as an initial step toward advancing radon considerations nationwide, with additional requirements likely in the coming years.
- The issuance of this policy will increase awareness of this hazard and help to reduce exposure, better protecting residents of HUD-supported housing from the negative effects of radon.
- HUD is committed to ensuring that our grantees are trained in how to adhere to the policy and consider radon. Over the next several months, HUD will be offering information through webinars and online guidance to assist in the implementation of this policy.
- All non-Tribal HUD recipients and Responsible Entities will have 90 days from the issuance of the Notice before they must begin compliance with it.
- During this 90-day period, HUD will hold a live webinar on the policy for recipients and REs.
 - Recipients and grantees will be able to ask any questions they may have on the policy during the Q&A portions of the webinar. Following the presentation, the recording of the webinar will be posted online.
- HUD regional environmental staff will also be available to answer questions regarding the policy as part of ongoing grantee technical assistance. HUD will ensure that contamination training within appropriate WISER modules is updated to reflect the requirements.

- All Tribal, Tribally Designated Housing Entity (TDHE), and Department of Hawaiian Homeland (DHHL) recipients will have two years before they have to comply with the notice in recognition of their Tribal Sovereignty. These grantees will be encouraged to consider radon as practicable throughout the delayed implementation.
- HUD will also be partnering with CDC in a live webinar during the last week of January to bring more awareness to the threats and mitigation opportunities of radon nationwide. \

FAQs on Departmental Radon Policy

Q: What is in the Notice?

The Notice requires that radon gas must be considered as part of the contamination analysis required under HUD's contamination regulations, 24 CFR 50.3(i) and 58.5(i), which are part of HUD's environmental review (NEPA) regulations. This means all HUD projects subject to HUD's contamination regulations (regardless of program) must comply and consider radon in the contamination analysis. The Notice does *not* require testing for radon. However, if any method of considering radon demonstrates a level at or above 4.0 pCi/L, then radon mitigation must be planned and ultimately put into place.

Q: Why did HUD issue this Notice?

HUD seeks to protect the health and safety of residents of HUD-supported housing through this Notice. HUD issued this Notice as a response to the HUD Office of Inspector General's (OIG) 2020 evaluation of HUD Program Offices' Policies and Approaches for Radon. As a result of the recommendations posed to HUD by the HUD OIG in its report, HUD agreed to develop a departmentwide policy that identifies radon as a radioactive substance and requires radon to be considered as part of environmental reviews for activities subject to HUD's contamination regulations.

Additionally, HUD recognizes that residential radon exposure is a major public health concern that must be addressed. Radon exposure is the second leading cause of lung cancer; radon-induced lung cancer kills approximately 21,000 people each year. People who smoke and are exposed to radon have a *10 times* greater risk of developing lung cancer.

Q: When does the Notice go into effect?

The Notice goes into effect 90 days after publication for all non-tribal recipients. For all Tribe, Tribally Designated Housing Entity (TDHE), and Department of Hawaiian Homeland (DHHL) recipients, the Notice goes into effect two years after publication.

The additional time granted for Tribal recipients is in recognition of their Tribal Sovereignty and the aims of Executive Order 14112 of December 6, 2023, *Reforming Federal Funding and Support for Tribal Nations to Better Embrace Our Trust Responsibilities and Promote the Next Era of Tribal Self-Determination*, providing HUD time to seek out more resources for Tribes to address radon exposure

risk. HUD commits to working with Tribal recipients to understand their needs and advance radon risk awareness.

Q: What entities are subject to the Notice?

HUD, HUD recipients, and responsible entities conducting environmental reviews are subject to the Notice. Any HUD-assisted project subject to HUD's contamination regulations at 24 CFR 50.3(i) and 58.5(i) is subject to the Notice. Multifamily FHA projects subject to the Multifamily Accelerated Processing (MAP) Guide are subject to the Notice, however, the MAP guide contains more stringent radon requirements that must also be followed.

Q: What types of technical assistance will be available?

As part of its Radon and HUD-Assisted Projects Webinar Series, HUD's Office of Environment and Energy (OEE) will be hosting a live, recorded webinar on the Notice during the 90-day period before the Notice goes into effect. REs and recipients will be able to submit questions for a Q&A session in advance, or ask them during the webinar, which will be recorded and posted on the HUD Exchange afterwards. A formal Q&A document will also be posted to the HUD Exchange following the webinar.

Additionally, OEE field staff will be available to answer any project-specific questions regarding the Notice just as they do for all areas of the HUD environmental review. HUD's WISER training modules will also be updated to provide specific radon information where training specific to contamination analysis occurs.

Q: Why didn't HUD require radon testing with this policy?

This policy is intended to be an initial step in additional, intentional progress toward HUD's consideration of radon as a contaminant. The policy will advance the social awareness of radon and the HUD commitment to advancing the health of those persons we serve. In addition, the HUD Strategic Plan has identified the revisions of HUD's environmental regulations, which include provisions specific to contamination analysis, within the next three years. Requirements such as radon testing, which results in additional costs to communities, must be fully vetted, economically analyzed, and memorialized through the Departmental rulemaking process. For that reason, this radon policy does not require testing as the only viable means of "considering" radon (though it remains the only definitive means by which one can identify the contaminant). As a result, flexibility was required as this initial phase of awareness and implementation of requirements.

Q: Why are Tribal entities not subject to this policy for an extended two-year period?

On December 6, 2023, the President signed an Executive Order to usher in the next era of Tribal Self-Determination. This E.O. demonstrates the federal government's respect for Tribal sovereignty and a commitment to a new era of self-determination by ensuring that Tribal Nations have greater autonomy over how they invest federal funding. Today, Tribal Nations face many barriers to fully exercise their inherent sovereignty, especially in Federal funding and support programs that Tribes rely on that are difficult to access, have challenging federal reporting requirements, have unnecessary limitations, and impose requirements on Tribes that deplete Tribal resources and undermine their ability to make their own decisions about where and how to meet the needs of their communities. As a result, HUD will use

the delayed time before implementation to seek needs, resourcing opportunities, and increase awareness of and training regarding radon hazards with Tribes.