**EOHLC Radon and Environmental Review Requirements and Procedures Guide (CPD Notice 23-103)**

HUD published CPD Notice 23-103 on January 11, 2024, announcing its Policy for Addressing Radon in the Environmental Review Process.

**What is required:**

* Radon must be considered in the contamination analysis at 24 CFR 58.5(i)(2)(i) which states, “…*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.* Radon is a radioactive substance.
* Note that the policy applies to “properties” and not specifically buildings. If there are buildings on the property receiving HUD assistance, the buildings are subject to environmental review for radon even if the assistance is not for the buildings.
* Testing is not required (though strongly encouraged) but mitigation is required if radon is shown to exceed a certain level established by the EPA.
* Other methods of analysis are available (discussed below) if testing is not the chosen method of analysis.
* Radon consideration is not required for Exempt projects or Categorically Excluded Not Subject to review at 58.5 (CENST).
* If a project requires Statutory Review (statutory checklist) or an Environmental Assessment, radon must be considered under the contamination element of the statutory checklist.
* Other exemptions include 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 the EPA standard documented within two years of the assistance; buildings tested within 5 years of the assistance with documented test results below the EPA action level.

**The timeline and when it will affect projects:**

* Notice 23-103 provided 90 days before the policy would take effect which is April 11, 2024.
* On this date, radon must be considered for any non-tiered ER that is not yet certified (received Release of Funds from EOHLC).
* For tiered reviews: Tier 1 reviews that are in-progress or started after April 11, compliance is required for the tier 1 and subsequent tier 2 reviews. For tier 1 reviews completed prior to April 11, subsequent tier 2 reviews that are in-progress or started after April 11, compliance is strongly recommended but not required.

**How to consider radon in the environmental review:**

The EPA recommends homes be fixed if the radon level is 4.0 or higher pCi/L (picocuries per liter). The HUD policy requires mitigation if the 4.0 level is demonstrated using any of the following methods. Further, it is recommended that if the level is between 2.0 and 4.0 that addressing radon be considered.

HUD has provided a recommended “best practice” for the consideration of radon and three alternatives. Preparers may implement any of the four options.

* Recommended Best Practice – Testing following ANSI/AARST[[1]](#footnote-2) industry standards for single-family and multi-family buildings, schools, and large buildings. There is no national federal radon testing or mitigation standards of practice. This standard[[2]](#footnote-3) describes how to conduct testing, interpret test results and document the process. It is intended to be implemented by licensed radon professionals[[3]](#footnote-4).
* Alternative #1 Do-it-yourself (DIY) testing – May be used for single-family (1-4 units) dwellings with one test kit required for each unit. Tests should be approved by the National Radon Safety Board (NRSB) or the National Radon Proficiency Program (NRPP). DIY test kits are short-term (2-7 days) or long-term (3-12 months) and must be mailed to a lab for results. The EPA’s Citizen’s Guide to Radon[[4]](#footnote-5)
* Alternative #2 Radon monitoring equipment such as Continuous Radon Monitors – HUD suggests this for areas where there may not be certified professionals or DIY kits cannot be shipped to a lab in a timely manner. The expectation is that a local government can purchase the equipment and train staff to use it.
* Alternative #3 Scientific data review – Science based information may be used to determine whether the project site is located in an area that has average radon levels at or above the EPA threshold. Science-based data includes but is not limited to:
  + State generated radon information such as surveys and geological studies identifying high risk areas.
  + HHS, CDC National Environmental Public Health Tracking, Radon Testing Map – provides test data from radon testing laboratories at the state and county levels.

Using the scientific data review alternative requires a minimum of 10 documented test results over the previous 10 years for which data is available in a given county.

Additionally, test data should be used from the smallest geographic area for which the minimum amount of test results exist, up to the county size.

Note: the EPA Map of Radon Zones nor EPA State Maps of Radon Zones may be used for considering radon levels.

**Mitigating Radon:**

* If testing shows that radon levels exceed the EPA threshold, a mitigation plan must be developed.
* If scientific data review indicates radon levels exceed the EPA threshold, HUD recommends radon testing, if feasible, to determine the actual level of the site. If the level is below the threshold then it should be documented in the record. Otherwise, a mitigation plan is required.
* A mitigation plan must identify the radon level; consider the risks to occupant’s health, describe the radon reduction plan that will be installed; establish an on-going maintenance plan; establish a reasonable timeframe for implementation; and require post-installation testing.

**Documenting the environmental review record:**

* Radon is reviewed under the Contamination and Toxic Substances element of the Statutory Checklist. Documentation should be specific to the method used.
  + Best practice testing – copy of the test report and mitigation plan (if applicable).
  + DIY testing – document the test device, time period of test, test conditions, test results, other conditions relevant to test conditions.
  + Scientific data review – describe and cite maps and data used, include copies of supporting documents.

1. American National Standard Institute (ANSI); American Association of Radon Scientists (AARST) [↑](#footnote-ref-2)
2. Standards are available for viewing or purchase of a PDF on AARST website [AARST Radon Standards](https://standards.aarst.org/) [↑](#footnote-ref-3)
3. Search for professionals at NRPP [Find a Radon Mitigation or Measurement Professional - NRPP](https://nrpp.info/pro-search/) or NRSB [Find A Pro - National Radon Safety Board (nrsb.org)](https://nrsb.org/find-a-pro/) [↑](#footnote-ref-4)
4. A Citizen’s Guide to Radon [2016\_a\_citizens\_guide\_to\_radon.pdf (epa.gov)](https://www.epa.gov/sites/default/files/2016-12/documents/2016_a_citizens_guide_to_radon.pdf) [↑](#footnote-ref-5)