



OFFICE OF COMMUNITY PLANNING
AND DEVELOPMENT

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

February 23, 2023

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

Dear Tribal Leader:

On December 3, 2022, the U.S. Department of Housing and Urban Development (HUD) completed [Tribal consultation](#) on a Draft Policy for Addressing Radon in the Environmental Review Process. As a result of comments received, HUD recently published its draft Policy for Addressing Radon in the Environmental Review Process in the [Federal Register](#) and is inviting the public to comment on the policy on or before April 14, 2023.

Background

The purpose of CPD-21-136, *Departmental Policy for Addressing Radon in the Environmental Review Process*, ("CPD notice") is to clarify that radon must be considered in the contamination analysis for [24 CFR parts 50](#) or [58](#); to provide guidance on recommended best practices for considering radon; and to identify the HUD programs that have established specific radon guidance. According to the EPA, radon is the leading cause of lung cancer in non-smokers and kills an estimated 21,000 Americans each year. HUD seeks to protect resident lives by considering radon as part of the contamination analysis. The policy would apply to projects that:

- Require an environmental review at the level of *Categorically Excluded Subject to 50.4 or 58.5* ("CEST"), *Environmental Assessment*, or *Environmental Impact Statement*; and
- Involve structures that are occupied or are intended to be occupied at least four (4) hours a day.

The Policy would allow flexibility in how radon can be considered in the environmental review record. Radon testing and mitigation costs are eligible program activities for HUD programs and can be financed with most program funds. HUD's contamination policy does not apply to projects that are *Categorically Excluded Not Subject to 24 CFR 50.4 or 58.5* ("CENST") or *Exempt (24 CFR 58.34)*, unless specifically required by HUD program office requirements.

Request for Public Comment

HUD invites the public to review the CPD notice at the following link: https://www.hud.gov/program_offices/comm_planning/environment_energy/notices. HUD is interested in any comments you have regarding the proposed departmental radon policy and is specifically interested in:

- What concerns do you have about implementation of the proposed radon policy?
- What specific guidance would a HUD grantee or interested member of the public need to successfully identify and mitigate radon?

HUD will review comments received and will consider rulemaking or other administrative actions to establish radon testing and mitigation requirements for HUD-assisted projects.

Interested persons are encouraged to submit comments electronically through the Federal eRulemaking Portal at www.regulations.gov. The public can enter the Portal by clicking Submit a Formal Comment on the [Federal Register Notice, Addressing Radon in the Environmental Review Process](#). Comments are due on or before April 14, 2023.

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