



OFFICE OF HEALTHY HOMES AND
LEAD HAZARD CONTROL

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-3000

MEMORANDUM FOR: Matthew E. Ammon, Director, Office of Lead Hazard Control and Healthy Homes, L

FROM: Brenda M. Reyes, Acting Director, Policy and Standards Division, LP

SUBJECT: Environmental Assessment and Finding of No Significant Impact under the National Environmental Policy Act – Notice of Funding Opportunity for Fiscal Year 2022:
Radon Testing and Mitigation Demonstration for Public Housing (FR-6600-N-80)

It is the finding of this office that the publication of the attached Notice of Funding Opportunity (NOFO) for the Radon Testing and Mitigation Demonstration for Public Housing (Radon Demonstration Program), described by the attached funding notice (FR-6600-N-80), does not constitute a major federal action having an individual or cumulative significant effect on the human environment, and therefore does not require the preparation of an Environmental Impact Statement.

The notice sets out the guidance to govern the Radon Demonstration Program. The Radon Demonstration Program is authorized and funded under Section 9(d) of the United States Housing Act of 1937 (1937 Act) (42 U.S.C. 1437g(d)) and the Consolidated Appropriations Act, 2022 (Public Law 117-103, approved March 15, 2022).

Applications for the Radon Demonstration Program will be accepted from Public Housing Agencies. Awards will be in the form of grant agreements.

The purpose of the Radon Demonstration Program is to provide funds to public housing agencies (PHAs) to conduct testing and as-needed mitigation of radon in the units that they manage and to support the development of a plan for future testing and mitigation. The work supported through this NOFO will also provide HUD with important information on methods and costs for radon testing and mitigation in public housing.

Eligible Radon Demonstration Program activities are limited to radon testing and/or mitigation in properties located in EPA radon Zones 1 or 2. For properties located in Zone 3, an exception will be given if the applicant can provide information that shows (i) radon testing was conducted by a radon professional in at least 20 units in one or more properties located in EPA

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radon Zone 3 AND elevated radon levels (i.e., at or above the action level of 4pCi/L) were confirmed in 10% or more of the tested units, or (ii) documentation, from the CDC's National Environmental Public Health Tracking Network, demonstrating that the mean pre-mitigation radon testing level (based on data from 2008-2017) for the county in which the property is located is 2pCi/L or greater, or (iii) a radon map created by an agency in your state showing that the radon risk in the geographic area in which your property is located is equivalent or greater than the risk in EPA Zone 2 .

The Radon Demonstration program requirements include:

- a. Radon Testing. Radon testing must be conducted by or under the supervision of a professional who is currently credentialed by the National Radon Proficiency Program (NRPP) or the National Radon Safety Board (NRSB.) The individual must also be licensed/certified in the state in which the work is being conducted if the state has this requirement. All radon testing must be conducted in accordance with the protocols specified in the current ANSI/AARST practice standard for the particular building type (i.e., MAMF-2017 with 2021 revisions or MAH 2019). See: [AARST Radon Standards](#)
- b. Radon Mitigation. If testing identifies a radon level at or above the EPA action level of 4pCi/L, mitigation must be conducted by a professional who is credentialed by the NRPP or NRSB and licensed/certified in the state in which the work is being conducted, if required by the state. Radon testing and mitigation must be conducted according to the current ANSI/AARST consensus standards for the specific housing type (i.e., RMS-MF 2018 or SGM-SF 2017 with 12/2020 revisions). See: [AARST Radon Standards](#).
- c. Radon testing and mitigation conducted using funding from this NOFO are restricted to units in which families with children can reside.

A grant award under this NOFO does not constitute approval of specific sites or projects where activities that are subject to environmental review may be carried out. The provisions of section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994, implemented by HUD regulations at 24 CFR part 58, "Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities," are applicable to properties assisted with Radon Demonstration funds. Therefore, recipients conducting eligible construction and rehabilitation activities must comply with 24 CFR part 58. Recipients that are States or units of general local government must carry out environmental review responsibilities as a responsible entity under part 58. Reasonable expenses incurred for compliance with these environmental requirements are eligible expenses under this NOFO. Under 24 CFR 58.11, if a responsible entity, other than a recipient, objects to performing the environmental review, or the recipient objects to the responsible entity performing the environmental review, HUD may designate another responsible entity to perform the review or may perform the environmental review itself under the provisions of 24 CFR part 50. When HUD performs the review itself, following grant award execution, HUD will be

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responsible for ensuring that any necessary environmental reviews are completed.

For all grant agreements under this NOFO, recipients and other participants in the project are prohibited from undertaking, or committing or expending HUD funds on a project or activities under this NOFO (other than activities listed in 24 CFR 58.34, 58.35(b) or 58.22(f)) until the responsible entity completes an environmental review and the applicant submits and HUD approves a Request for the Release of Funds and the responsible entity's environmental certification (both on Form HUD-7015.15) or, in instances where HUD performs the environmental review under part 50, HUD has completed the review and notified the grantee of its approval. The results of the environmental reviews may require that proposed activities be modified, or proposed sites rejected.

The Office has considered the potential environmental impacts of the (above) listed eligible activities of the notice and determines that they generally fall into one of two categories, either categorically excluded from review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and subject to the related federal laws at 24 CFR §§ 50.4 and 58.5, per §§ 50.20(a)(2) and 58.35(a)(3), or categorically excluded and not subject to the related federal laws, per §§ 50.19(b)(1), (b)(3), (b)(5), and (b)(9) and exempt from environmental review, per § 58.34(a)(1), (a)(3), (a)(5), and (a)(9).

Worker protection shall be accommodated through adherence to applicable Occupational Safety and Health Administration (OSHA) general industry and construction industry worker protection requirements (29 CFR parts 1910 and/or 1926, as applicable), or applicable state and local occupational safety and health regulations, whichever are most stringent.

Publication of the notice does not provide approval of a major Federal action having a significant impact on the human environment, sets forth the Environmental Requirements under applicable HUD environmental review regulations for individual projects, and provides particular methods and standards by which evaluation and hazard reduction work is to be performed. Before actions that could have a physical impact or limit the choice of alternatives may be taken, there will be an environmental review done under 24 CFR part 50 (by HUD) or 24 CFR Part 58 (by a responsible entity) that will assess the potential environmental impacts in a local setting before the impacts or any choice limiting activities may take place. Accordingly, it is the determination of this Office that a Finding of No Significant Impact may be made.

Attachment

Concurrences:

Date

Karen M. Griego
Program Environmental Clearance Officer
Office of Lead Hazard Control and Healthy Homes

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(FR-6600-N-80)

Christopher H. Hartenau
Environmental Clearance Officer
Office of General Counsel

Date

Kristin L. Fontenot
Departmental Environmental Clearance Officer

Date

Approval:

Matthew E. Ammon
Director
Office of Lead Hazard Control and Healthy Homes

Date