

January 9, 2024

The Honorable Julia R. Gordon
Assistant Secretary for Housing – Federal Housing Commissioner
US Department of Housing and Urban Development
451 Seventh St SW
Washington DC 20410

Dear Commissioner Gordon:

The organizations listed below are writing to request a meeting to discuss expanding Federal Housing Administration (FHA) policy to alert homebuyers throughout the US at the time of purchase to the danger of radon in homes and the necessity of testing for radon.

Radon exposure in homes and other buildings is the second leading cause of lung cancer and results in, according to the US Environmental Protection Agency (EPA), about 21,000 deaths each year.ⁱ Radon is one of the most comprehensively investigated human carcinogens: laboratory studies have documented that an alpha particle (e.g., from radon decay products polonium-218 and polonium-214) can cause both single- and double-strand DNA breaks and can indirectly produce damage to genetic material and other effects on both traversed and neighboring non-traversed cells.ⁱⁱ

The Environmental Protection Agencyⁱⁱⁱ and the US Surgeon General^{iv} have recommended that every home be tested. Despite the common misunderstanding that radon is an issue only in some parts of the country, radon has been found in almost every county in the United States. Nationally, one in three radon test results submitted by labs to the Centers for Disease Control and Prevention's Environmental Public Health Tracking Network between 2005 and 2017 have presented a radon level equal to or above four picocuries per liter of air.^v Because two adjacent homes can have different radon levels, as can two apartments in the same building, it is essential that every home be tested to learn if there is a high radon level that should be mitigated.

While many states require disclosure of radon test results (if any) within a long multi-issue disclosure form, several states' laws require a warning statement that must be signed by the buyer about radon that recommends getting the home tested. In two such states where data are available, radon testing (and mitigation as needed) increased significantly after its law was enacted.^{vi}

Presented at the time of contract along with the disclosure and Form HUD-92564, "For Your Protection: Get a Home Inspection," the signed buyer radon warning/notification allows the buyer ample time to get the home tested for radon (or alerts them to accomplish this later). If the buyer has a radon test performed and discovers a high radon level, mitigation can be addressed by the seller before conveyance or by the seller providing a credit against the

purchase price at settlement. There are no known instances of the policy interfering with the completion of a transaction. Like the lead-based paint disclosure for pre-1978 homes,^{vii} the purpose of the radon warning/notification is to ensure that the buyer has the information and opportunity to test and, based on the result, decide what to do.

Over the past decade, there were several discussions between multiple administrations and stakeholders regarding the need and opportunity for HUD to establish a nationwide approach to radon in the FHA Single Family Program, involving a testing requirement or, at the very least, warning homebuyers about radon through a separate signed form. Unfortunately, instead of taking either approach, FHA diluted the previously existing radon message in HUD-92564.

Buyers typically obtain a radon test in conjunction with the home inspection, and so, due to the plummeting number of home inspections during the past few years, radon testing has decreased in multiple markets. These dual trends suggest an additional impetus for a separate radon statement: the radon message needs to get through to buyers who do not hire a home inspector or read the HUD-92564.

We believe that FHA must reopen this subject and move forward with a protective radon policy for Single Family Housing. A home purchase is the opportune event for every homebuyer in the US to consider the health of their family and take protective action. As the national leader in best practices for assisting and protecting homebuyers, FHA is uniquely positioned to establish a national standard to avoid the need to pass laws in the 40 states that do not require notification.

We appreciate your consideration of this matter and our request for a meeting. Please contact Jane Malone, nationalpolicy@aarst.org or 410-708-8963, to schedule the meeting and assist with any questions you may have. Many thanks.

AARST Foundation

American Association of Radon Scientists and Technologists / Indoor Environments Association

American Public Health Association

American Lung Association

Cancer Support Community

Caring Ambassadors Inc.

Conference of Radiation Control Program Directors

Free ME from Lung Cancer

GO2 for Lung Cancer

Lung Cancer Connection

Lung Cancer Circle of Hope

National Center for Healthy Housing

National Environmental Health Association

National Housing Law Project

Respiratory Health Association

Cc Kristin Fontenot, Director, Office of Environment and Energy

Matt Ammon, Director, Office of Lead Hazard Control and Healthy Homes

ⁱ EPA. June 2003. EPA's Assessment of Risks from Radon in Homes. 402-R-03-003, PDF.

<https://www.epa.gov/sites/default/files/2015-05/documents/402-r-03-003.pdf>

ⁱⁱ National Research Council. 1999. Health Effects of Exposure to Radon: BEIR VI. Washington, D.C.: The National Academies Press. <https://www.nap.edu/catalog/5499/health-effects-of-exposure-to-radon-beir-vi>

ⁱⁱⁱ EPA. 2016. A Citizen's Guide to Radon The Guide to Protecting Yourself and Your Family from Radon. EPA402/K-12/002. https://www.epa.gov/sites/default/files/2016-12/documents/2016_a_citizens_guide_to_radon.pdf

^{iv} US Surgeon General. 2005. National Health Advisory on Radon.

http://www.adph.org/radon/assets/surgeon_general_radon.pdf

^v Calculated by the American Association of Radon Scientists and Technologists using data resulting from the query in the listed URL of the Centers for Disease Control and Prevention's Environmental Public Health Tracking Network Data Explorer (for the number of pre-mitigation radon test results submitted by radon labs, national by county, by radon level). <https://ephtracking.cdc.gov/DataExplorer/?query=43f28944-1184-46c2-83f7-6047c79f4d50>

^{vi} American Association of Radon Scientists and Technologists, Awareness Notification Law Outcomes, 2022.

<https://aarst.org/wp-content/uploads/2023/05/Awareness-Notification-Law-Outcomes-1.pdf>

^{vii} HUD Office of Lead Hazard Control and Healthy Homes. Lead Disclosure Rule. 24 CFR 35, subpart A.

<https://www.ecfr.gov/current/title-24/subtitle-A/part-35/subpart-A>