

# United States Senate

WASHINGTON, DC 20510

December 5, 2019

The Honorable Dr. Ben Carson  
Secretary, Department of Housing and Urban Development  
451 7th Street S.W.  
Washington, DC 20410

Dear Secretary Carson:

We write to express our serious concern that the Department of Housing and Urban Development (HUD) has neglected its legal responsibility to protect occupants of federally subsidized housing from for the cancer-causing, odorless and colorless gas radon. Despite a 1988 law requiring HUD to “develop an effective departmental policy for dealing with radon contamination... to ensure that occupants of [public housing] are not exposed to hazardous levels of radon,<sup>1</sup>” HUD still does not require radon testing in all one million-plus federally subsidized housing units nationally, and has not taken responsibility to test for radon when housing authorities cannot or do not. We believe HUD should shoulder the responsibility to test for radon because tenants’ lives depend on it. The U.S. Environmental Protection Agency (EPA) estimates over 21,000 Americans die from lung cancer caused by radon exposure each year, which makes radon the second leading cause of lung cancer and lung cancer fatalities in the U.S.

Radon was first labeled a “national health problem” more than 30 years ago. It is a gas produced by natural processes underground that can seep through floors and into homes, typically through basements. HUD issued guidance in 2013 encouraging housing authorities to test for radon, recognizing that studies have shown “definitive evidence” that radon is a carcinogen. However, a recent report by the Oregonian published November 22, 2019<sup>2</sup> detailed extensive and concerning allegations that between 2013 and 2018, HUD did not test for radon in a single unit operated by a housing authority directly managed by HUD.

HUD has implemented a few narrow requirements for potentially-lifesaving radon testing, such as during a Rental Assistance Demonstration subsidy transition, which will affect 10 percent of public housing in coming years. Additionally, newly built multifamily rental housing in radon hot zones must be tested. However, HUD is allowing housing authorities across the country to disregard radon testing in the majority of situations where testing is warranted, leaving many homes vulnerable for unaddressed, long-term exposure to radon. In 2013, HUD “strongly encouraged” housing authorities to conduct testing for radon. However, this encouragement has not resulted in further testing or mitigation of high radon levels, and some housing authorities have stated they will not conduct testing until HUD requires it. Some housing authorities cannot afford to pay for radon testing. Notably, HUD did not request additional funding for radon

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<sup>1</sup> PL 100-628-Nov. 7, 1988 §1091(a)

<sup>2</sup> The Oregonian. *Cancer Cloud: The government urges private homeowners to test for cancer-causing radon gas. For low-income tenants of public housing, the government ignores its own advice.* Pub. November 22, 2019.

testing or mitigation in its Fiscal Year 2019 or 2020 budget justifications. Without action, tenants in federally subsidized housing will remain at risk for radon exposure.

Technology exists to address monitoring for and removal of radon in homes. Millions of private homes in America are fitted with specialized ventilation systems that successfully remove radon, but few federally subsidized homes are. Radon testing is recommended by the EPA and the United States Surgeon General as a part of all home inspections and appraisals during real estate transactions, but HUD does not require it in the vast majority of federally subsidized housing, leaving low income Americans at risk. Fewer than one in three of the 64 public housing agencies surveyed by the Oregonian provided proof of radon testing. Some of these public housing agencies did not install radon removal systems after tests showed high radon levels. These inexplicable discrepancies are threatening the health and lives on American families, especially the low income, elderly and disabled who live in federally subsidized housing.

HUD states itself that “testing for radon is the only way to know whether there is a radon problem on a site,<sup>3</sup>” yet HUD still does not mandate testing for radon, and seemingly does not enforce mitigation of high radon levels. HUD must urgently address this public safety concern. To that end, please answer the following questions by no later than January 6, 2020.

1. With whom does HUD believe the ultimate responsibility for compliance with its congressionally mandated responsibility to ensure that those living in public housing “are not exposed to hazardous levels of radon,” lies?
2. If HUD believes they have delegated that entire authority to public housing authorities, what steps has HUD taken to ensure that authority is being carried out?
3. What steps will HUD take to increase that compliance?
4. Does HUD have any current plans to expand the scope of mandatory radon testing in federally subsidized housing beyond its current reach?
5. Does HUD plan to survey the threat of radon exposure in at-risk federally subsidized housing units as reported by the Oregonian?
6. Will HUD commit to mandating implementation of radon mitigation systems immediately upon discovery of a high radon test result?

Thank you for your attention to this important matter. If you have any questions, please contact Madison Moskowitz in Senator Wyden’s office at [madison\\_moskowitz@wyden.senate.gov](mailto:madison_moskowitz@wyden.senate.gov).

Sincerely,



Ron Wyden  
United States Senator



Jeffrey A. Merkley  
United States Senator

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<sup>3</sup> [http://aarst-nrpp.com/wp/wp-content/uploads/2016/01/HUD\\_Multifamily\\_Radon\\_FAQs-Final\\_Primary\\_Market\\_Stakeholders.pdf](http://aarst-nrpp.com/wp/wp-content/uploads/2016/01/HUD_Multifamily_Radon_FAQs-Final_Primary_Market_Stakeholders.pdf)