

AARST Statement:
The U.S. EPA Office of Inspector General's Report
More Action Needed to Protect Public from Indoor Radon Risks

The American Association of Radon Scientists and Technologists (AARST) has reviewed the U.S. Environmental Protection Agency's (EPA) Office of Inspector General's (OIG) report, *More Action Needed to Protect Public from Indoor Radon Risk*¹. Based upon our review, **it is the opinion of AARST that the limitations, conclusions, and recommendations made by the OIG in this report are extremely important to our commitment of achieving our nation's goal of reducing the loss of life caused by indoor radon exposure.**

In regards to limitations of EPA's Radon Program cited by the OIG, **AARST believes it is unacceptable that:**

- 1. Each year more homes have elevated radon than the year before despite available prescriptive building and active soil depressurization (ASD) technology to potentially achieve the long-term Indoor Radon Abatement Act (IRAA) of 1988 goal in all new home construction and that ASD is not more widely applied to provide significant risk reduction in existing homes.**
- 2. EPA has not used the full authority it has been granted under the IRAA including the regulatory authority provided by Section 310, which AARST contends could provide for the promulgation of building code regulations to achieve the potential progress in new home construction noted above. Further, the Agency has not established a Maximum Contaminant Level (MCL) of 4pCi/l for radon in air, opting instead for a less rigorous Action Level as guidance.**
- 3. EPA has used residential radon control performance indicators that lack rigor (e.g. survey response rate of less than 5%) and failed to disclose these limitations or take action to improve the validity of these indicators.**

AARST strongly agrees with the OIG's conclusion, that given EPA's limited progress through its voluntary program over nearly 20 years, it is time for the Agency to seriously consider other means to achieve the intent of the 1988 goal of IRAA.

In regards to the OIG's recommendations, **AARST strongly supports:**

- 1. EPA development of a strategy for achieving the long-term goal of the IRAA that considers using authorities authorized by Section 310 of IRAA. Furthermore, AARST does not believe the long-term goal of IRAA should be abandoned; rather AARST believes it is important for EPA to focus on meaningful targets and strategies that reduce overall indoor radon to as low as practicable with existing approved standards and technology.**
- 2. EPA should "identify limitations in the authorities authorized by Congress as well as other constraints that preclude achieving the long-term IRAA goal, and report these limitations to Congress." AARST believes it is imperative that EPA work with partners to inform Congress with recommendations to ameliorate these limitations.**
- 3. EPA should revise its method of data collection, analysis and reporting to provide accurate and statistically meaningful progress measures. AARST is committed to working with EPA to strengthen program performance monitoring.**

21 July 2008

¹ Our review is found in "AARST Fact Sheet: The U.S. EPA Office of Inspector General's Report *More Action Needed to Protect Public from Indoor Radon Risks*".

AARST Fact Sheet
The U.S. EPA Office of Inspector General's Report
More Action Needed to Protect Public from Indoor Radon Risks

In June 2008, the U.S. Environmental Protection Agency's (EPA) Office of Inspector General (OIG) released its evaluation to determine how EPA measures results from its radon program and whether changes could improve the effectiveness of the program.¹ The report identifies progress and limitations of EPA's program and recommendations as well as conclusions and recommendations and responses from EPA's Office of Air and Radiation (OAR). This fact sheet summarizes the OIG report.

The OIG identified noteworthy achievements in EPA's radon program including public service announcements and finalization of key performance indicators of state radon programs.

The OIG identified a number of limitations of the Agency's radon program:

- **Each year, the problem of indoor radon exposure grows worse** as more new homes with elevated indoor radon are added to the nation's housing stock than are mitigated.
- **The Agency's ability to achieve results with a voluntary program is limited.** The OIG's report notes that two early investigations of EPA's radon program that cited concerns about EPA's voluntary program². The report further notes that in 2004 EPA prepared an internal report outlining actions to increase testing and mitigation in federal housing programs but the Agency choose instead to focus on working with States and others through voluntary as opposed to federal regulatory actions.
- **EPA has not exercised all of its authorities or tools granted to the Agency under the Indoor Radon Abatement Act (IRAA) of 1988 to achieve the Act's goal that indoor radon should be as free of radon as outdoor air.** Specifically, the OIG cites that Section 310 of IRAA authorizes the EPA Administrator to "'issue such regulation as may be necessary to carry out' the provision of IRAA" and, yet, after nearly 20 years, no indoor radon regulations have been proposed.
- **The Agency has not been describing the worsening indoor radon exposure problem in its performance reporting.**

The OIG concluded, that given EPA's limited progress through its voluntary program over the past 19 years, "it is time for the Agency to consider other means to achieve the 1988 goal" and "EPA should assess how it can use the authorities granted in the law to achieve long-term IRAA goals or explain its alternatives.

The OIG recommends:

1. **EPA should develop a strategy for achieving the long-term goal of the IRAA that considers using authorities authorized by Section 310 of IRAA or to explain its alternative strategy.** EPA agrees with this recommendation but it said it can not achieve

¹ To view the full report, go to: <http://www.epa.gov/oig/reports/2008/20080603-08-P-0174.pdf>

² The earlier assessments included a 1997 OIG evaluation and four U.S. General Accounting Office (GAO) investigations in 1988, May and October 1991, and 1992. The 1992 GAO report stated, "Because of the influence of federal housing agencies and federally chartered secondary mortgage institutions have on the housing industry, requiring them to address radon could stimulate radon testing of the nation's homes."

indoor radon concentrations as low as 0.4 pCi/L and before it “can begin to strategize about how the regulatory authority offered by Section 310 might be utilized to meet the statutory goal, EPA must address the technological limitations to achieving the national goal.” The OIG responds to EPA’s position by noting that EPA needs to consider all of the authority IRAA provides in achieving the national goal.

2. **EPA should “identify limitations in the authorities authorized by Congress as well as other constraints that preclude achieving the long-term IRAA goal, and report these limitations to Congress.”** While the Agency agrees that the problem of radon exposure grows worse each year, EPA does not agree to report to Congress that the IRAA goal is unachievable. The OIG responds that the Agency should report its view to Congress “along with the limitations that preclude the Agency from achieving better results.”
3. **EPA should revise “the Agency’s performance measuring reporting data to include metrics that better measure the magnitude of the potential radon problem in relation to the number of homes at risk.”** EPA agrees with this recommendation.
4. **EPA should “revise how the Agency reports the Indoor Radon Program results in EPA’s Annual Performance and Accountability Report.** The Agency agrees with this recommendation.

The OIG noted limitations of its evaluation including that it did not verify the accuracy of EPA’s performance indicators. For example, EPA relies upon a survey conducted by the National Association of Home Builders to estimate the number of new homes with radon control systems. In 2005, this survey had only a 4.5% response rate.

The OIG included EPA’s responses to the draft report and the OIG’s itemized reply to the responses. While the OIG acknowledged that there may be technological and policy limitations to reducing indoor radon concentrations to 0.4 pCi/L:

- **The OIG noted that, in 1992, EPA determined that homes with 4 pCi/L or more could be lowered to 2 pCi/L or less 70% of the time.** The OIG further noted that in its opinion, the Agency needs to seek Congressional approval of any alternative long-term goals. (Note 2)
- **The OIG noted that after 19 years, EPA needs to disclose to Congress and the public that the Agency lacks the capability to achieve the goal that Congress has set and thus, allow Congress to make informed decisions about radon and the nation’s health.** (Note 5)
- **The OIG clarified that it has not stated that EPA should abandoned its voluntary program; rather alternatives should be developed for reaching the IRAA goal and, if that goal is not achievable, informing Congress what is achievable and how the Agency plans to achieve this level.** (Notes 6 and 9)
- **The OIG reaffirmed that “... it is time for the Agency to consider other means to achieve the 1988 IRAA goal”**

EPA has been requested to provide, by September 2, 2008, a written response to the OIG’s report including corrective actions and milestone dates for those actions.

11 July 2008