



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

OFFICE OF LEAD HAZARD CONTROL
AND HEALTHY HOMES

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

FROM: Yolanda Brown, Programs Division Director, Office of Lead Hazard Control and Healthy Homes, LM

SUBJECT: Environmental Assessment and Finding of No Significant Impact under the National Environmental Policy Act — Notice of Funding Opportunity for Fiscal Year 2022: **Lead Hazard Reduction Capacity Building Grant Program FR-6600-N-31**

It is the finding of this Office that the publication of the attached Notice of Funding Opportunity (NOFO) for the Lead Hazard Reduction Capacity Building Grant Program, described by the attached funding notice (FR-6600-N-31), 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 Lead Hazard Reduction Capacity Building Grant Program, which is authorized by Section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X of the Housing and Community Development Act of 1992). Funding is provided by The Consolidated Appropriations Act, 2022, Public Law 117-103, approved March 15, 2022.

The Lead Hazard Reduction Capacity Building Grant Program assists certain states; Federally-recognized Native American Tribes that have an U.S. Environmental Protection Agency-authorized lead abatement certification program; cities, and counties/parishes, special district governments, or other units of local government which have not received a HUD lead hazard control grant or been a subrecipient of such a grant since January 1, 2010 in developing the infrastructure necessary to undertake comprehensive programs to identify and control lead-based paint hazards in eligible privately owned rental or owner-occupied housing. Allowable costs and activities for this program include:

- Direct administrative costs that are reasonable, necessary, allocable, and otherwise allowable costs of general management, oversight, and coordination of the grant (i.e., program administration);
- Indirect costs for the general operation of the organization and the conduct of activities;

FONSI: FY 2022 NOFO for Lead-Based Paint Hazard Reduction Capacity Building Grant Program (FR-6600-N-31)

- Lead Direct Costs that support developing the infrastructure necessary to undertake comprehensive programs to identify and control lead-based paint hazards including: marketing and outreach; building local Lead Hazard Control coalitions and partnerships; educating entities on the benefits of program participation and lead-based paint hazards regulations;
- Marketing and (eligible targeted) outreach;
- Building local Lead Hazard Control partnerships;
- Educating entities on the benefits of program participation and lead-based paint hazards regulations;
- Providing meaningful access to Fair Housing Act program benefits and information to Limited English Proficient (LEP) individuals;
- Training/contractor pool development, including Section 3 eligible individuals;
- Establishing and collaborating with key partnerships/subgrantees;
- Integrating strategies to incorporate lead hazard control into existing housing repair programs;
- Targeting program implementation in areas that meet the Justice40 Initiative Executive Order 14008;
- Developing the mechanism or capacity for data sharing and linking eligible families;
- Conducting Lead Inspections and Risk Assessments;
- Completing lead hazard control work in privately owned housing;

FONSI: FY 2022 NOFO for Lead-Based Paint Hazard Reduction Capacity Building Grant Program (FR-6600-N-31)

- Purchasing of equipment and supplies to support completing of lead inspections/risk assessments;
- Purchasing or leasing items having a per-unit cost under \$5,000;
- Developing and implementing procedures/guidelines governing program elements;
- Training and development to build qualified staff and organizational experience;
- Developing appropriate financing mechanisms;
- Obtaining high quality data to target resources where need is greatest, and
- Developing systems for sustaining a viable lead hazard control program after the grant.

Grant awards under this NOFO do not constitute approval of specific sites or projects where activities that are subject to environmental review may be carried out (refer to Appendix D: Environmental Requirements). Recipients of funding under this NOFO that are states, units of general local government, or Native American tribes must carry out environmental review responsibilities as a responsible entity under 24 CFR part 58, “Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities.” For recipients that are not a state, unit of general local government, or Native American tribe, HUD will perform environmental reviews of proposed activities under 24 CFR part 50. Reasonable expenses incurred for compliance with these environmental requirements are eligible expenses under this NOFO.

For all grants awarded under this NOFO, recipients and other participants in the project are prohibited from undertaking or committing or expending HUD or non-HUD funds on a project or activities under this NOFO (other than activities listed at 24 CFR 58.34, 58.35(b) or 58.22(f), e.g., lead-based paint inspections and risk assessments), until

- (1) the recipient completes a tiered environmental review (see 24 CFR 58.15 Tiering) using the HUD Environmental Review Online System (HEROS), including the submission, and HUD approval, of a Request for Release of Funds and the recipient's Environmental Certification (both on Form HUD 7015.15), through HEROS, following the completion of the Tier 1 broad-level review, and completion of a project-specific review at the particular site; or
- (2) in the case where the recipient is not a state, unit of general government or Native

FONSI: FY 2022 NOFO for Lead-Based Paint Hazard Reduction Capacity Building Grant Program (FR-6600-N-31)

American tribe and HUD performs the review under Part 50, HUD has completed the review and notified the recipient of its approval.

The results of a Tier 2, project specific environmental review or a HUD review under part 50 may require that proposed activities be modified, or proposed projects rejected. For applicants that are not a state, unit of general local government, or Native American Tribe, then, in accordance with 24 CFR 50.3(h), the applicant will comply with this prohibition until HUD approval of the property is received, and that the applicant will assist HUD in complying with part 50; will provide all available, relevant information necessary for HUD to perform for each property any required environmental review; and will carry out mitigation measures required by HUD or select an alternate eligible property.

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 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 exempt or categorically excluded and not subject to the related federal laws, per §§ 50.19(b)(1), (5), (7), and (9), 58.34(a)(1), (5), (7), and (9), and 58.35(b). The NOFO does not permit new construction, substantial rehabilitation, changes in (land) use or unit density, demolition of housing units or detached buildings; thus, justifying the determination of categorical exclusion at §§ 50.20(a)(2)(i) -(ii) and 58.35(a)(3)(i)-(ii).

Lead hazard evaluation (testing), interim controls and hazard control or abatement work must be conducted by firms certified or licensed for, and persons certified for the activities according to the Lead Safe Housing Rule at 24 CFR part 35, subparts B-R (possessing certification as risk assessors, inspectors, abatement supervisors, abatement workers, or sampling technicians (clearance inspections); or certified renovator (for workers and supervisors performing non-abatement work). Lead abatement activities conducted under the grant by a certified or licensed abatement firm, a certified abatement supervisor, and certified abatement workers are to be carried out in accordance with the Lead Safe Housing Rule and current HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, applicable OLHCHH Program Policies, and applicable federal, state and local regulations and guidance, including but not limited to the EPA's Renovation, Repair, and Painting (RRP) Rule (found within 40 CFR part 745). Regarding the requirement that certain activities be carried out by appropriately trained and/or certified professionals, the Office notes that the EPA and EPA-authorized States regulate training and certification programs for lead-based paint inspectors, risk assessors, abatement contractors, remodelers, renovators and painters (ref. Toxic Substances Control Act sections 402 and 404; 15 U.S.C. §§ 2682 and 2684, respectively).

Additionally, the Office included in its analysis provisions for waste disposal and worker protection (see Section III.F. Program-Specific Requirements of the NOFO). Given the nature of the listed permissible activities, disposal of lead-containing waste is anticipated. The notice specifies that waste disposal must be carried out according to the requirements of the appropriate local, state, and federal regulatory agencies, and the current HUD Guidelines.

FONSI: FY 2022 NOFO for Lead-Based Paint Hazard Reduction Capacity Building Grant Program (FR-6600-N-31)

Disposal of wastes from residential hazard control activities that contain lead-based paint is not classified as hazardous by the EPA; even if they are not classified as hazardous in accordance with state or local law, they must also be appropriately handled in accordance with state or local law and the current HUD Guidelines. Worker protection shall be accommodated through adherence of the most stringent and protective of the current HUD Guidelines, Occupational Health and Safety Administration (OSHA) (29 CFR 1910.1025, Lead and/or 1926.62, Lead Exposure in Construction, as applicable), or the state or local occupational safety and health regulations.

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

_____ Date _____
Christopher H. Hartenau
Environmental Clearance Officer
Office of General Counsel

_____ Date _____
Kristin L. Fontenot
Director
Office of Environment and Energy
Departmental Environmental Clearance Officer

FONSI: FY 2022 NOFO for Lead-Based Paint Hazard Reduction Capacity Building Grant
Program (FR-6600-N-31)

Approval:

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