



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

OFFICE OF LEAD HAZARD CONTROL  
AND HEALTHY HOMES

MAY 07 2018

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

FROM: Michelle M. Miller, Deputy Director, Office of Lead Hazard Control and Healthy Homes, L

SUBJECT: Finding of No Significant Impact under the National Environmental Policy Act – Notice of Funding Availability for Fiscal Year 2018: **Lead-Based Paint Hazard Reduction Grant Program (FR-6200-N-12)**

It is the finding of this Office that the publication of the attached Notice of Funding Availability (NOFA) for the Lead-Based Paint Hazard Reduction Grant Program, described by the attached funding notice (FR-6200-N-12), 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-Based Paint Hazard Reduction 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, 42 U.S.C. 4852). The Healthy Homes supplemental funding is authorized under Section 502 of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z-2).

The Lead-Based Paint Hazard Reduction Grant Program assists states, cities, counties/parishes, Native American Tribes or other units of local government in undertaking comprehensive programs to identify and control lead-based paint hazards in eligible privately-owned rental or owner-occupied housing populations. Allowable costs and activities for this program include:

1. Carrying out all reasonable, necessary, allocable, and otherwise allowable costs of general management, oversight, and coordination of the grant (i.e., program administration).
2. Performing lead dust, soil and paint-chip testing, XRF testing, lead-based paint inspections, risk assessments, clearance examination, and engineering and architectural activities
3. Controlling or eliminating all lead-based paint hazards identified in housing units and in common areas of multi-family housing through either interim controls or lead-based paint abatement, or a combination of both.

4. Undertaking minimal housing intervention activities that are specifically required in order to carry out effective hazard control, and without which the hazard control could not be completed, maintained, and sustained.
5. Carrying out temporary relocation for families and individuals while the remediation is conducted and until the time the affected unit receives clearance for re-occupancy.
6. Conducting activities that directly support the undertaking of lead hazard control, i.e., staff costs for intake, review and approval of applications and preparation of documents to be signed by applicants for lead remediation work; arranging for temporary relocation; providing assistants to residents in relation to lead hazard control; on-site monitoring of lead hazard control activities; and travel and transportation for staff that perform lead hazard control.
7. Conducting targeted outreach, affirmative marketing, education or outreach programs on lead hazard control and lead poisoning prevention.
8. Purchasing or leasing equipment having a per-unit cost under \$5,000.
9. Supporting data collection, analysis, and evaluation of grant program activities.
10. Evaluating the effectiveness of hazard remediation conducted under this grant to assess how healthy homes interventions affect the health of the population being served relative to the population at large.
11. Securing liability insurance for housing-related environmental health and safety hazard evaluation and control activities.
12. Conducting pre-hazard control blood lead testing of persons residing in or frequently visiting units enrolled for or undergoing lead hazard control work.
13. Participating in technical studies, or developing information systems to enhance the delivery, analysis, or conduct of lead hazard control activities; or to facilitate testing and consolidating resources to further childhood lead poisoning prevention efforts. We do not expect research that could affect human subjects to be conducted.

The notice also provides optional Healthy Homes Supplemental funds for Lead-Based Paint Hazard Reduction grant applicants. The supplemental funds will assist in the identification and remediation of the housing related health and safety hazards identified and documented in each individual eligible unit. Healthy Homes Supplemental funding, if applied for and awarded, must be used in units also receiving lead-based paint hazard control work funded under this grant. Eligible costs and activities include:

1. Completing a Healthy Homes Assessment of each individual unit to identify housing hazards that affect health.
2. Developing a scope of work of the identified hazards for each unit.
3. Conducting remediation of identified and documented health and safety hazards that are individualized for each of the housing units selected to receive this funding.

Grant awards under this NOFA do not constitute approval of specific sites or projects where activities that are subject to environmental review may be carried out. Grants awarded under this notice are subject to compliance with 24 CFR part 58, Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities, and the grantees must carry out environmental review responsibilities of proposed projects. Grants awarded to entities that are not a State, unit of general local government, federally recognized Native American

tribal government, or a consortium with such a government as principal applicant, are subject to 24 CFR part 50, Protection and Enhancement of Environmental Quality, and HUD will perform environmental reviews of proposed projects. Upon award, each responsible entity or recipient will execute a grant agreement with HUD. The terms and conditions of each grant agreement will incorporate the Environmental Review requirements, including the provision that 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 NOFA until HUD has either successfully completed the environmental review under Part 50, or approved the Request for Release of Funds and related Environmental Certification from the Responsible Entity under Part 58.

Grantees who will conduct lead hazard control work on eligible units located outside of the recipient's jurisdiction will be required to submit an executed contract, Memorandum of Understanding (MOU), Memorandum of Agreement (MOA) or comparable documentation of agreement with and between each jurisdiction of the target area. The grant recipient will be considered the lead agency; the other jurisdiction(s) will be required to provide resources, information, and documentation, including for environmental reviews under Part 58, pertaining to work in the area of the particular jurisdiction. The contract, MOU, MOA or comparable agreement is akin to a consortium agreement as described in the definition of consortium in the HOME regulations at 24 CFR part 92.101.

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 under the National Environmental Policy Act and subject to the related federal laws at 24 CFR §50.4 or § 58.5, per §50.20(a)(2) or §58.35(a), or exempt or categorically excluded and not subject to the related federal laws, per §50.19(a), §58.34, or §58.35(b). The NOFA does not permit new construction, substantial rehabilitation, changes in (land) use or unit density, or demolition of housing units or detached buildings.

Lead and other housing related health and safety 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 certified or licensed abatement firms, certified abatement supervisors, 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. 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. Given the nature of the listed permissible activities, disposal of lead-containing

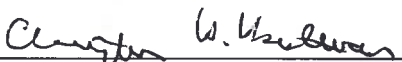
waste is anticipated. The notice specifies that waste disposal must be carried out according to the requirements of the appropriate local, state, and federal regulatory agencies, and the current HUD Guidelines. Disposal of wastes from residential hazard control activities that contain lead-based paint must also be appropriately handled in accordance with state or local law or the current HUD Guidelines per Section III.E.u. of the NOFA. Worker protection shall be accommodated through adherence to 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), and/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. Accordingly, it is the determination of this office that a Finding of No Significant Impact may be made.

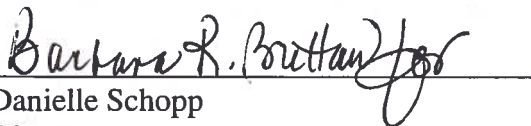
Concurrences:

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Program Environmental Clearance Officer

  
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Christopher H. Hartenau  
Environmental Clearance Officer  
Office of General Counsel

Date 5/1/18

  
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Danielle Schopp  
Director  
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Date 5/4/18

Approval:

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

Date 5/7/2018