

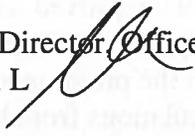


U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-3000

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 2017: **Healthy Homes Production Grant Program for Tribal Housing (FR-6100-N-44)**

It is the finding of this Office that the publication of the attached Notice of Funding Availability (NOFA) for the Healthy Homes Production Grant Program for Tribal Housing, described by the attached funding notice (FR-6100-N-44), does not constitute a major federal action having an individually or cumulatively 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 Healthy Homes Production Grant Program, which is authorized under Section 501 of the Housing and Urban Development Act of 1970 (12 U.S.C. § 1701z-1). Prior-year funds for this program were authorized under the respective appropriation acts.

The FY 2017 Healthy Homes Production Grant Program will assist American Indian and Alaska Native tribal governments to develop comprehensive programs to identify and remediate housing issues that contribute to health and safety hazards in tribal communities. The program purpose is to identify and remediate priority housing-related health and safety hazards in privately owned, low-income rental and/or owner-occupied housing, especially in units and/or buildings where children and/or elderly reside. The program builds upon HUD's successful Lead Hazard Control grant programs, with their Healthy Homes Supplements, to expand the Department's efforts to address a variety of high-priority environmental health and safety hazards in tribal communities. Eligible activities for the 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. Conducting targeted outreach, affirmative marketing, education or outreach programs on housing related health and safety hazards.
3. Identification and remediation of housing-related health and safety hazards to identify and correct hazardous conditions that pose a likelihood of harm to occupant health.

4. Conducting sampling and analysis for lead, allergens, carbon monoxide and/or other housing-related health and safety hazards, following established protocols and procedures. 8105 70 YAM
5. Conducting re-evaluation or clearance of the remediation activities being completed.
6. Purchasing or leasing equipment having a per-unit cost under \$5,000.
7. Supporting data collection, analysis, and evaluation of grant program activities.
8. Providing resources to build capacity for healthy homes interventions, including delivery of HUD-approved training courses, licensing and certification fees.
9. Conducting targeted outreach, affirmative marketing, or education that promotes participation in the program and furthers the goal of protecting children and other vulnerable populations from housing-related health hazards.
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. Purchasing resident supplies, to include environmentally safe or low-toxicity cleaning supplies, integrated pest management kits, or household safety items as required with the identified housing related health hazards and direct intervention activities.

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. Upon award, each 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 approved the Request for Release of Funds and related Environmental Certification from the Responsible Entity under 24 CFR part 58.

The Office has considered the potential environmental impacts of the eligible activities of the notice listed above, and determines that they generally fall into one of two categories, either categorically excluded from review under the National Environmental Policy Act and subject to the related federal laws at 24 CFR part 58.5, per § 58.35(a), or exempt or categorically excluded and not subject to the related federal laws, per § 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 related health and safety hazard evaluation (testing), and control work is to be carried out by trained and/or certified professionals per 24 CFR part 35, subparts B-R (possessing certification as abatement contractors, risk assessors, inspectors, abatement workers, or sampling technicians; or others having been trained in a HUD-approved course in lead-safe work practices through the Environmental Protection Agency (EPA) Renovation, Repair and Painting Rule (RRP), found within 40 CFR part 745). All other investigations and activities must be conducted by licensed or certified professionals and/or firms as required by the

jurisdiction's requirements. Further, lead hazard evaluation and control work must be conducted in compliance with the HUD's Lead Safe Housing Rule (LSHR; 24 CFR part 35, subparts B-R), the current HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing ("HUD Guidelines"), and applicable federal, state, and local regulations and guidance, including firm and supervisor certification under the EPA RRP Rule. Regarding the requirement that certain lead 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 §§ 402 and 404; 15 U.S.C. §§ 2682 and 2684, respectively). The identification and remediation of housing-related health hazards are to be done using HUD's Healthy Homes Rating System.

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, or 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 the HUD Guidelines, as specified in the NOFA. Worker protection shall be accommodated through adherence to the most stringent and protective of the HUD Guidelines, Occupational Health and Safety Administration (OSHA) (29 CFR § 1910.1025, Lead, or § 1926.62, Lead Exposure in Construction), 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:

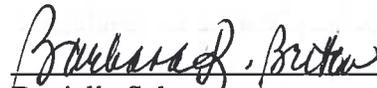
Karen M. Griego
Program Environmental Clearance Officer

Date _____



Christopher H. Hartenau
Environmental Clearance Officer
Office of General Counsel

Date 5/1/18



Danielle Schopp
Director
Office of Environment and Energy

Date 5/4/18

Approval:



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

Date 5/7/2018