



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

OFFICE OF LEAD HAZARD CONTROL  
AND HEALTHY HOMES

DEC 22 2016

MEMORANDUM FOR: Jon L. Gant, Director, Office of Lead Hazard Control and Healthy Homes, L

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

SUBJECT: Finding of No Significant Impact under the National Environmental Policy Act – Notice of Funding Availability for Fiscal Year 2017:  
**Lead-Based Paint Hazard Control Grant Program FR-6100-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 Control Grant Program, described by the attached funding notice (FR-6100-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 Control 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). Funds supporting this program are pending passage of an appropriation act. Prior-year funds for these programs are authorized under the respective appropriation acts.

The Lead-Based Paint Hazard Control Grant Program assists states, Federally recognized Native American tribal governments, cities or townships, counties/parishes, 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. Eligible activities for this program include:

1. Performing lead dust, soil and paint-chip testing, lead-based paint inspections, risk assessments, clearance examination, and engineering and architectural activities.
2. Controlling or eliminating all identified lead-based paint hazards (in dust, paint and/or soil) through either interim controls or lead-based paint abatement strategies or a combination thereof.

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3. Undertaking minimal housing rehabilitation (intervention) activities specifically required in order to carry out effective hazard control, and without which the hazard control could not be completed, maintained, and sustained.
4. Carrying out temporary relocation of families and individuals during hazard control work and until clearance for re-occupancy is achieved.
5. Performing related lead hazard control-specific soft project costs, i.e., staff costs for intake, review and approval of applications and preparation of documents to be signed by applicants for lead remediation work; staff costs for arranging for temporary relocation; staff costs associated with reimbursement and providing assistance 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.
6. Purchasing or leasing equipment having a per-unit cost under \$5,000.
7. Performing blood lead testing and air sampling of the hazard control workers, supervisors, and contractors.
8. Conducting pre-hazard control blood lead testing of persons residing in or frequently visiting units undergoing hazard control work.
9. Conducting target area outreach, affirmative marketing, education or outreach programs.
10. Providing resources to build capacity for lead-safe housing and lead hazard control, including free delivery of HUD-approved lead-safe work practices training courses for housing rehabilitation contractors, rehabilitation workers, renovators, remodelers, homeowners, renters, painters, maintenance staff, and others conducting renovation, rehabilitation, maintenance, hazard control, or other work in private housing; free delivery of lead based paint inspector and risk assessor, lead-based paint abatement worker or contractor certification training; subsidies for licensing or certification fees to low-income persons seeking credentials as lead-based paint abatement workers or contractors, or certified renovators to be used by property managers and owners; and completion of other HUD-approved courses that further the effectiveness of lead hazard control interventions or promote the integration of this grant program with housing rehabilitation, property maintenance, weatherization, healthy homes initiatives, and housing-related health hazard interventions, such as the Essentials for Healthy Homes Practitioners Course.
11. Conducting planning, coordination, and training activities to comply HUD's Lead Safe Housing Rule, which will support the expansion of a workforce properly trained in lead-safe work practices that is available to conduct interim controls on HUD-assisted housing.
12. Securing liability insurance for housing-related environmental health and safety hazard evaluation and control activities.
13. Securing and maintaining certification and licenses for identification, remediation, and clearance of lead and other housing-related health and safety hazards.
14. Participating in technical studies, or developing information systems to enhance the delivery, analysis, or conduct of lead hazard control activities; or to facilitate targeting and consolidating resources to further childhood lead poisoning prevention efforts. For this program, we do not expect research that could affect human subjects to be conducted.
15. Carrying out all program and project administrative activities.

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The notice also provides optional Healthy Homes Supplemental funds for Lead-Based Paint Hazard Control grant applicants. The supplemental funds will assist in the identification, remediation and re-evaluation of completed housing-related health and safety hazards work. 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.

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 no commitment or expenditure for physical or choice-limiting activities may be made until HUD has either successfully completed the environmental review under Part 50, or approved the Request for Release of Funds and related Environmental Certification 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 and subject to the related federal laws at 24 CFR part 50.4, per §50.20(a)(2), or categorically excluded and not subject to the related federal laws, per §50.19(a). The NOFA 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).

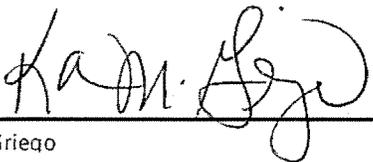
Lead and other housing related health and safety hazard evaluation (testing), interim controls and hazard control or abatement work are to be carried out by trained and/or certified professionals per 24 CFR part 35, subparts B-R (possessing certification as abatement contractors, risk assessors, inspectors, abatement workers, or sampling technicians; or others having been trained in a HUD-approved course in lead-safe work practices through the EPA Renovation, Repair and Painting Rule, found within 40 CFR Part 745). Further, lead hazard evaluation and control work must be conducted in compliance with HUD's Lead Safe Housing Rule (LSHR; 24 CFR part 35, subparts B-R), the 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 U.S. Environmental Protection Agency’s (EPA) Renovation Repair and Painting (RRP) Rule. The identification and remediation of housing related health hazards are to be done using the Healthy Homes Rating System (HHRS). 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 HUD Guidelines. 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 or the current HUD Guidelines per Section III.E.w of the NOFA. Worker protection shall be accommodated through adherence of the most stringent and protective of the 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, whichever are more protective.

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:

X  12/22/2016

Karen M. Griego  
Program Environmental Clearance Officer

  
Christopher H. Hartenau  
Environmental Clearance Officer  
Office of General Counsel

Date 12/23/16

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JAMES  
PORTER for

  
\_\_\_\_\_  
Danielle Schopp  
Director  
Office of Environment and Energy

Date 12/23/2016

Approval:

  
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for Jon L. Gant  
Director, Office of Lead Hazard Control and Healthy Homes

Date 12/23/2016

