



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

OFFICE OF HEALTHY HOMES
AND LEAD HAZARD CONTROL

November 29, 2012

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

FROM: Michelle Miller, Director, Programs Division, LM 

SUBJECT: Finding of No Significant Impact under the National Environmental
Policy Act – Notice of Funding Availability for Fiscal Year 2013:
**Lead-Based Paint Hazard Control Grant Program and Lead
Hazard Reduction Demonstration Grant Program (FR-5700-
N-04)**

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 and Lead Hazard Reduction Demonstration Grant Program, described by the attached funding notice (FR-5700-N-04), 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 and Lead Hazard Reduction Demonstration Grant Programs, which are authorized for Fiscal Year 2013 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, Public Law 102-550). Funds supporting these programs are pending enactment of the FY2013 HUD appropriations. Prior-year funds for these programs are authorized under the respective appropriation acts.

The Lead-Based Paint Hazard Control Grant Program assists states, Native American Tribes, cities, 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. The Lead Hazard Reduction Demonstration Grant Program is the same with the distinction that it targets urban jurisdictions with the greatest lead-based paint hazard control needs, and must have at least 3,500 pre-1940 occupied rental housing units as listed in the Census. Eligible activities for each 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 hazard abatement strategies or a combination thereof. Complete lead-based paint abatement is generally authorized only in States or localities that require abatement by law; written approval by HUD is required prior to undertaking full abatement activities.

3. Undertaking minimal housing rehabilitation (intervention) activities specifically required to carry out effective, sustainable and maintainable hazard control work.
4. Carrying out temporary relocation of families and individuals during hazard control work and until clearance is achieved.
5. Performing related lead hazard control-specific soft project costs, i.e., staff costs for project intake, arranging for temporary relocation, assisting residents in the application process to receive lead hazard control services, travel for staff who perform lead testing and/or lead hazard control work.
6. Purchasing or leasing equipment having a per-unit cost under \$5,000.
7. Performing blood lead testing and air sampling.
8. Conducting target area outreach, affirmative marketing, education or outreach programs, and skills/capacity building training programs.
9. Conducting planning, coordination, and training activities to support the expansion of a properly trained workforce.
10. Carrying out all program and project administrative activities.

The notice also provides optional Healthy Homes Supplemental funds for Lead-Based Paint Hazard Control applicants. The supplemental funds will assist in the identification and remediation of multiple housing-related health hazards with lead hazard control intervention work. The purpose of the funding is to reduce significant health and safety hazards in the home through hazard evaluation and control work done in conjunction with lead hazard control 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, and each grantee must carry out environmental review responsibilities as a responsible entity under part 58. Upon award, each responsible entity 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 approved the Request for Release of Funds and related Environmental Certification.

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), (b)(1), (b)(3), (b)(5), (b)(7), (b)(8), (b)(9), and (b)(13). The listed activities are excluded from the NEPA requirements but not necessarily from individual compliance requirements of other environmental statutes, Executive Orders and HUD standards cited in §50.4. 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).

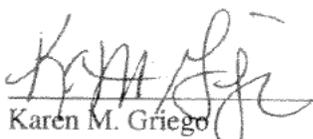
Lead and other housing related health and safety hazard evaluation (testing), interim controls and hazard control or abatement work are to be carried out by trained and/or certified professionals per 24 CFR part 35, subparts B-R (possessing certification as abatement contractors, risk assessors, inspectors, 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 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. 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. Disposal of wastes from residential hazard control activities that contain lead-based paint are 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 the HUD Guidelines, as specified in 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 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:

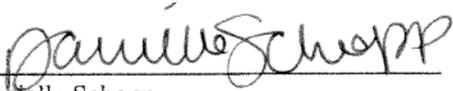

 Karen M. Griego
 Program Environmental Clearance Officer
 Office of Healthy Homes and Lead Hazard Control

Date 11-29-12



Christopher H. Hartenau
Environmental Clearance Officer
Office of General Counsel

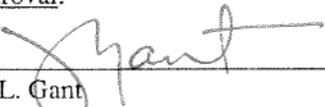
Date 11/30/12



Danielle Schopp
Director
Office of Environment and Energy

Date 12/3/12

Approval:



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

Date 11/30/12