

# DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

## Office of the Secretary

[Docket No. FR-4049-N-01]

## Office of Lead-Based Paint Abatement and Poisoning Prevention; NOFA for Lead-Based Paint Hazard Control in Housing, Fiscal Year 1996 and Proposed Collection of Information; Comment Request

**AGENCY:** Office of the Secretary—Office of Lead-Based Paint Abatement and Poisoning Prevention, HUD.

**ACTION:** Notice of funding availability and request for comments on information collection requirements.

**SUMMARY:** This notice announces the competition for two categories of grant funding: Category A for approximately \$50 million for a grant program for State and local governments to undertake lead-based paint hazard control in eligible housing units; and Category B for approximately \$4 million for grants to State and local governments for assistance in undertaking lead-based paint hazard control in eligible housing units on Superfund sites. The NOFA includes statutory changes made to the grant program, including in the definition of the housing for which the Secretary is authorized to provide grants, by the Omnibus Consolidated Rescissions and Appropriations Act of 1996.

Approximately 10–12 grants of \$1 million–\$6 million each will be awarded under Category A and a maximum of 8 grants of \$500,000 to \$2 million each will be awarded under Category B. The grant sum requested by applicants under either category must constitute the total request for the maximum thirty six (36) months for the expected duration of the proposed project. Proposals can be submitted by jurisdictions for both categories of assistance. As part of HUD's reinvention initiative, this Notice of Funding Availability (NOFA) includes changes that HUD believes will make the application for lead-based paint hazard control grant funds simpler and less time-consuming than in past competitions. This NOFA limits a Category A applicant's response to the Rating Factors to a maximum of 25 pages, has specific format instructions, and reduces the number of budget forms required. (There are no page limitations for Category B applicant's responses to the Rating Factors.) The application kit developed for this NOFA provide additional details to further guide and assist those eligible to apply.

This document includes information concerning the following:

(1) The purpose of the NOFA, eligibility, available amounts, and selection criteria;

(2) Application processing, including how to apply and how selections will be made; and

(3) A checklist of steps and exhibits involved in the application process.

Appendices to the NOFA identify relevant regulations and guidelines referenced throughout the NOFA, define "administrative costs", list HUD housing programs eligible to receive assistance under the program, and provide a relevant statutory provision.

**DATES:** An original and two copies of the completed application must be received by HUD no later than 3:00 p.m. (Eastern Time) on July 30, 1996. The application deadline is firm as to date and hour. In the interest of fairness to all competing applicants, the Department will treat as ineligible for consideration any application that is received after its deadline. Applicants should take this factor into account and make early submission of their materials to avoid loss of eligibility brought about by unanticipated delays or other delivery-related problems. Sections 5 and 7 of this NOFA provide further information on what constitutes proper submission of an application for Category A and B respectively.

The deadline for comments on the information collection requirements is July 15, 1996.

**ADDRESSES:** Application kits may be obtained from the Office of Lead-Based Paint Abatement and Poisoning Prevention, Department of Housing and Urban Development, Room B-133, 451 Seventh Street, S.W., Washington, D.C. 20410, or by calling Ms. Phyllis Horace at (202) 755-1785, extension 120 (this is not a toll-free number), or by making an e-mail request to: phyllis\_d.\_horace@hud.gov (use underscore characters). The Department is also planning to make the NOFA and application kit accessible via the Internet World Wide Web. Completed applications should be submitted to the mailing address, and may not be faxed or electronically transmitted.

Comments on the proposed information collection requirements must refer to the NOFA for Lead-Based Paint Hazard Control in Priority Housing, Fiscal Year 1996 (FR-4049), and must be sent to: Reports Liaison Officer, Office of Lead-Based Paint Abatement and Poisoning Prevention, Department of Housing & Urban Development, 451 7th Street, SW, Room B-133, Washington, DC 20410

**FOR FURTHER INFORMATION CONTACT:** For Category A applicants: Ellis G. Goldman, Director, Program Management Division, Office of Lead-Based Paint Abatement and Poisoning Prevention, Room B-133, 451 Seventh Street, S.W., Washington, D.C. 20410, telephone (202) 755-1822, extension 112 (this is not a toll-free number). For Category B applicants: Melissa F. Shapiro, telephone (202) 755-1785, extension 153 (this is not a toll-free number). For hearing- and speech-impaired persons, the telephone number may be accessed via TTY (text telephone) by calling the Federal Information Relay Service at 1-800-877-8339.

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**Section 1. Paperwork Reduction Act Statement**

The information collection requirements contained in this notice have been submitted to the Office of Management and Budget (OMB) for a temporary extension of the control number, in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and 5 CFR 1320.13. A notice requesting public comment on this extension was published in the Federal Register on April 23, 1996 (61 FR 17906). When assigned, the OMB control number will be published by a separate notice in the Federal Register. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

In addition, in today's notice the Department is soliciting comments, as required under 5 CFR 1320.8(d), before submitting the information collection

requirements contained in this NOFA to OMB for regular review in accordance with 5 CFR 1320.10. The Department is seeking comments from members of the public and affected agencies concerning the proposed collection of information to:

- (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information;
- (3) Enhance the quality, utility, and clarity of the information to be collected; and
- (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Interested persons are invited to submit comments regarding the information collection requirements in this proposal. Comments must be

received within 60 days from the date of this proposal. Comments must refer to the proposal by name and docket number (FR-4049) and must be sent to: Reports Liaison Officer, Office of Lead-Based Paint Abatement and Poisoning Prevention, Department of Housing & Urban Development, 451 7th Street SW, Room 4244, Washington, DC 20410.

This Notice also lists the following information:

**Title of Proposal:** NOFA for Lead-Based Paint Hazard Control in Priority Housing, Fiscal Year 1996 (FR-4049)

**Description of the Need for the Information and Proposed Use:** This information collection is required in connection with the issuance of this NOFA, announcing the availability of \$50 million for grants for lead-based paint hazard reduction in private priority housing.

**Form Number:** None

**Members of Affected Public:** State and local governments.

**Estimation of the Total Number of Hours Needed to Prepare the Information Collection including Number of Respondents, Frequency of Response, and Hours of Response:**

	Number of respondents	Frequency of responses	Hours per response	Burden hours
Application Development .....	75	1	120	9,000
Total Estimated Burden Hours: 9,000.				

Status of the Proposed Information Collection: Emergency processing request pending.

**Section 2. Definitions**

The following definitions apply to this grant program:

**Abatement**—Any set of measures designed to permanently eliminate lead-based paint or lead-based paint hazards. For the purposes of this definition, permanent means at least 20 years effective life. Abatement includes:

- (a) The removal of lead-based paint and lead-contaminated dust, the permanent enclosure or encapsulation of lead-based paint, the replacement of components or fixtures painted with lead-based paint, and the removal or permanent covering of soil; and
- (b) All preparation, cleanup, disposal, and post-abatement clearance testing activities associated with such measures.

**Accredited Laboratory**—A laboratory that is accredited by an EPA-approved lead laboratory accrediting organization and recognized by the National Lead Laboratory Accreditation Program (NLLAP), as being capable of performing

lead analyses of samples of paint, dust wipes, and/or soil. (A list of recognized laboratories and EPA-approved lead laboratory accrediting organizations is available from the National Lead Information Center at (800-424-LEAD [5323]).)

**Administrative Costs**—(See Appendix B of this NOFA for a detailed definition.)

**Applicant**—A State or a unit of general local government with a currently approved Comprehensive Housing Affordability Strategy (CHAS) or Consolidated Plan that applies for funding under this NOFA.

**Certified Contractor**—A contractor, inspector, risk assessor, supervisor or others required to have successfully completed a training program approved by the appropriate Federal agency and who has met any other requirements for certification or licensure established by such agency or who has been certified by any State through a program which has been found by such Federal agency to be at least as rigorous as the training and certification standards and requirements found in Appendix E of this NOFA. All lead-hazard

identification or control work shall be performed by workers and supervisors who have passed a Federal training program or a State training program found by such Federal agency to be at least as rigorous as the Federal program.

**Certified Inspector and Certified Risk Assessor**—Included in the definition of "certified contractor," above.

**Clearance Testing and Examination**—A HUD-required visual examination and collection of environmental samples by a certified inspector or certified risk assessor, and laboratory analysis by an accredited laboratory upon completion of lead-hazard control work. The unit must undergo wipe testing showing that it has lead dust levels below HUD's interim standards. Current standards are: for bare and carpeted floors (100 µg/ft<sup>2</sup> [micrograms/square foot]); interior window sills (500 µg/ft<sup>2</sup>); and window troughs (wells), exterior concrete or other rough surfaces (800 µg/ft<sup>2</sup>). (These interim standards may be revised subject to EPA's issuance of regulations.)

**Eligible Housing**—Target housing that qualifies as eligible housing under section 1011(a) of the Residential Lead-

Based Paint Hazard Reduction Act of 1992, as amended by section 217 of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Pub. L. 104-134; 110 Stat. 1321, approved April 26, 1996) (See Appendix C of this NOFA for criteria for eligible housing units and Appendix D for a list of HUD's programs and their eligibility or ineligibility for receiving assistance under this grant program.) The term does not include any public housing (whether Federal or locally supported), any federally owned housing, or any federally assisted housing.

**Encapsulation**—The application of any covering or coating that acts as a barrier between the lead-based paint and the environment and that relies, for its durability, on adhesion between the encapsulant and the painted surface, and on the integrity of the existing bonds between paint layers, and between the paint and the substrate.

**Enclosure**—The use of rigid, durable construction materials that are mechanically fastened to the substrate to act as a barrier between the lead-based paint and the environment.

**Federally Assisted Housing**—Residential dwellings receiving project-based assistance under programs including:

- (1) Section 221(d)(3) or section 236 of the National Housing Act;
- (2) Section 1 of the Housing and Urban Development Act of 1965;
- (3) Section 8 of the United States Housing Act of 1937; or
- (4) Sections 502(a), 504, 514, 515, 516, and 533 of the Housing Act of 1949.

"Federally Assisted Housing" is not eligible for assistance under the HUD Lead-Based Paint Hazard Control Grant Program. (See Appendix D of this NOFA.)

**Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing (June 1995)**—HUD's manual of lead hazard control practices (commonly referred to as the *Guidelines*) which provide detailed, comprehensive, technical information on how to identify lead-based paint hazards in housing and how to control such hazards safely and efficiently. (The *Guidelines* replace the HUD "Lead-Based Paint: Interim Guidelines for Hazard Identification and Abatement in Public and Indian Housing.")

**Hazardous Waste**—As defined in EPA regulations (40 CFR 261.3). Solid waste, or a combination of solid wastes, that because of its quantity; concentration; or physical, chemical, or infectious characteristics may:

- (1) Cause, or significantly contribute to increases in mortality, serious and

irreversible, or incapacitating but reversible illness; or

- (2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed.

**HEPA Vacuum**—(High Efficiency Particulate Air)—A vacuum cleaner fitted with a filter capable of removing particles of 0.3 microns or larger at 99.97 percent or greater efficiency from the exhaust air stream.

**Interim Controls**—A set of measures designed to temporarily reduce human exposure or possible exposure to lead-based paint hazards. Such measures include specialized cleaning, repairs, maintenance, painting, temporary containment, and management and resident education programs. Interim controls include dust removal; paint film stabilization; treatment of friction and impact surfaces; installation of soil coverings, such as grass or sod; and land-use controls.

**Laboratory Analysis**—As used for paint, dust-wipes or soil, analysis for lead by an accredited laboratory in accordance with the requirements and limitations of its accreditation.

**Lead-Based Paint**—Any paint, varnish, shellac, or other coating that contains lead equal to or greater than 1.0 mg/cm<sup>2</sup> as measured by XRF or laboratory analysis, or 0.5 percent by weight (5,000 µg/g, 5,000 ppm, or 5,000 mg/kg) as measured by laboratory analysis. (Local definitions may vary.)

**Lead-Based Paint Hazard**—A condition in which exposure to lead from lead-contaminated dust, lead-contaminated soil, or deteriorated lead-based paint would have an adverse effect on human health (as established by the EPA Administrator under Title IV of the Toxic Substances Control Act). Lead-based paint hazards include for example, deteriorated lead-based paint, dust levels above applicable standards, and bare leaded soil above applicable standards.

**Lead-Based Paint Hazard Control**—Activities to control and eliminate lead-based hazards, including interim controls, abatement and complete abatement.

**Lead-Contaminated Dust**—Surface dust in residences that contains an area or mass concentration of lead in excess of the standard established by the EPA Administrator, pursuant to Title IV of the Toxic Substances Control Act. Until the EPA standards are established, the HUD-recommended clearance and risk assessment standards for leaded dust are 100 µg/ft<sup>2</sup> on floors, 500 µg/ft<sup>2</sup> on interior window sills, and 800 µg/ft<sup>2</sup> on window troughs (wells), exterior concrete or other rough surfaces; criteria

for work under this grant shall be at least as stringent as these standards.

**Lead-Contaminated Soil**—Bare soil on residential property that contains lead in excess of the standard established by the EPA Administrator, pursuant to Title IV of the Toxic Substances Control Act. The HUD-recommended standard and interim EPA guidance is 400 µg/g for high-contact play areas and 2,000 µg/g in other bare areas of the yard; criteria for work under this grant shall be at least as stringent as these standards. Soil contaminated with lead at levels greater than or equal to 5,000 µg/g should be abated by removal or paving.

**mg**—milligram; 1/1,000 of a gram; equal to about 35/1,000,000 (35 millionths) of an ounce (an ounce is equal to about 28,400 mg).

**Potentially Responsible Party (PRP)**—Any individual or entity including owners, operators, transporters, or generators who may be liable under CERCLA section 107(a).

**Replacement**—A strategy of abatement that entails the removal of building components coated with lead-based paint (such as windows, doors, and trim) and the installation of new components free of lead-based paint.

**Residential Dwelling**—This term means either:

- (1) A single-family dwelling, including attached structures, such as porches and stoops; or
- (2) A single-family dwelling unit in a structure that contains more than one separate residential dwelling unit and in which each unit is, or is intended to be used or occupied, in whole or in part, as the home or residence of one or more persons.

**Risk Assessment**—An on-site investigation of a residential dwelling to discover any lead-based paint hazards. Risk assessments include an investigation of the age, history, management, maintenance of the dwelling, and the number of children under age 6 and women of child-bearing age who are residents; a visual assessment; limited environmental sampling (i.e., collection of dust wipe samples, soil samples, and deteriorated paint samples); and preparation of a report identifying acceptable abatement and interim control strategies based on specific conditions.

**State Certification Program**—(see Appendix E of this NOFA—Elements of a State Certification Program)

**Substrate**—A surface on which paint, varnish, or other coating has been applied or may be applied. Examples of substrates include wood, plaster, metal, and drywall.

**Target Housing**—Any residential unit constructed before 1978, except dwellings for the elderly or persons with disabilities (unless any child who is less than 6 years of age resides or is expected to reside in such housing for the elderly or persons with disabilities) or any 0-bedroom dwelling.

**Testing**—The measurement of lead in painted surfaces by Federal- or State-certified personnel using a portable X-ray fluorescence analyzer (XRF) operated in accordance with its manufacturer's operating instructions and its Performance Characteristics Sheet (PCS), laboratory analysis by an accredited laboratory of paint samples, or other method(s) approved by HUD.

**Title X**—The Residential Lead-Based Hazard Reduction Act of 1992 (Title X of the Housing and Community Development Act of 1992, Pub. L. 102-550, approved October 28, 1992).

**Trained Worker**—For lead hazard control work, a worker who has successfully met all the requirements of a Federal or State-accredited lead-based paint training course in a particular discipline which meets, at a minimum, the requirements found in Appendix E of this NOFA.

**µg (or ug)**—Micrograms. The prefix micro means 1/1,000,000 (or one-millionth); a microgram is 1/1,000,000 of a gram and 1/1,000 of a milligram; equal to about 35/1,000,000,000 (35 billionths) of an ounce (an ounce is equal to 28,400,000 µg).

**Wipe Sampling for Settled Lead-Contaminated Dust**—The collection of settled dust samples from surfaces to measure for the presence of lead. Samples must be analyzed by an accredited laboratory. For clearance purposes, settled dust sampling shall be performed in accordance with the HUD *Guidelines*. Surfaces sampled must meet the current HUD standards for clearance. All surfaces shall have no more than the maximum allowable standards. (See "Clearance Testing and Examination".)

**XRF Analyzer**—An instrument that determines lead area concentration in painted surfaces in units of milligrams per square centimeter (mg/cm<sup>2</sup>) using the principle of x-ray fluorescence (XRF). For purposes of the grant program, and as used in the *Guidelines*, the term XRF analyzer only refers to portable instruments manufactured to analyze paint, and does not refer to laboratory-grade units or portable instruments designed to analyze soil or dust. XRF analyzers are to be operated in accordance with their manufacturer's operating instructions and their Performance Characteristics Sheet (PCS).

### Section 3. Purpose and Description

#### Section 3.1 Purpose and Authority

Hazard-control grants are to assist State and local governments in undertaking programs for the identification and control of lead-based paint hazards in eligible housing units for rental occupants and owner occupants. (Appendix D of this NOFA lists HUD-associated housing programs that may have dwellings that meet the definition of eligible housing.) Approximately fifty million dollars (\$50 million) is being made available to fund approximately 10–12 Category A grants of \$1 million to \$6 million each to assist State and local governments in undertaking lead-based paint hazard control in eligible housing. A maximum of 20 percent of the funds under Category A of this NOFA shall be available to previous Lead-Based Paint Hazard Control grantees. This limitation is imposed to build capacity in those areas where no previous grant supported work has been done, but still retain the Department's ability to target some funds to areas of greatest need. Approximately four million dollars (\$4 million) will be available to fund a maximum of eight (8) Category B grants of \$500,000 to \$2 million each. Funds available under Category B are intended to promote coordination between Superfund and the HUD Lead-Based Paint Hazard Control Grant Program, to maximize the benefits provided under each program, and to involve the private sector. These funds are to be used to control lead-based paint hazards at Superfund sites where Superfund dollars will be spent to control lead-contaminated soil, and probably housing exteriors, and HUD grant dollars will be used to control lead-based paint hazards in eligible housing units.

Proposals may be submitted under both categories of assistance. The amounts constitute the total request for the duration of the project. Grants are authorized under section 1011 (a)–(f) of Title X.

The purposes of this program include:

- (a) Implementation of a national strategy, as defined in Title X, to build the infrastructure necessary to eliminate lead-based paint hazards in all housing, as widely and expeditiously as possible;

- (b) Encouragement of effective action to prevent childhood lead poisoning by establishing a workable framework for lead-based paint hazard identification and control;

- (c) Mobilization of public and private resources, involving cooperation among all levels of government and the private sector, to develop the most promising,

cost-effective methods for identifying and controlling lead-based paint hazards; and

- (d) To the greatest extent feasible, promoting job training, employment, and other economic lift opportunities for low-income residents and businesses which are owned by and/or employ low-income residents as defined in 24 CFR 135.5 (See 59 FR 33881, June 30, 1994).

#### Section 3.2 Background

Lead is a powerful toxicant that attacks the central nervous system and is particularly damaging to the neurological development of young children. Pregnant women can transfer lead through the placenta to the fetus. Lead-based paint (LBP) is one of the major sources of lead in the environment. In addition to paint, lead may be found in dust, soil, drinking water, food, emissions from leaded gasoline combustion, and industrial emissions. Human exposure to lead is found by measuring blood samples for the presence of lead.

Based upon additional analysis in 1995 of the data generated from the national housing survey conducted for HUD (*Report on the National Survey of Lead-Based Paint in Housing*, June 1995.), of all occupied housing units built before Congress banned the use of lead-based paint in 1978, approximately 83 percent or 64.4 million housing units are estimated to have lead-based paint somewhere on the exterior or interior of the building. Approximately 90 percent of the dwellings built prior to 1960 have lead-based paint. Older dwellings are more likely to have higher concentrations of lead on painted surfaces and greater surface area coverage. Although intact lead-based paint poses little immediate risk to occupants, non-intact paint which is chipping, peeling, or otherwise deteriorating may present an immediate risk to occupants. Therefore, of particular concern are the 14.4 million housing units that contain deteriorated lead-based paint and/or lead-contaminated dust and the 3.3 million units that are occupied by young children. Approximately half of these units are occupied by families with incomes lower than the national median.

HUD has been actively engaged in a number of activities relating to lead-based paint as a result of the Lead-Based Paint Poisoning Prevention Act (LBPPPA), 1971, as amended, 42 U.S.C. 4801–4846. Title X provides major initiatives and more detailed requirements for this NOFA. (Appendix A of this NOFA identifies relevant

Federal regulations and guidelines referred to in this NOFA.)

In June 1995, HUD published *Guidelines for the Evaluation and Control of Lead-Based Paint in Housing (Guidelines)* (See Appendix A of this NOFA). These *Guidelines* provide detailed, comprehensive, technical information on how to identify lead-based paint hazards in housing and how to control such hazards safely and efficiently. These *Guidelines* replace the Interim Guidelines developed in 1990.

In July 1995, the Task Force on Lead-Based Paint Hazard Reduction and Financing, which was established pursuant to Section 1015 of Title X, presented its final report to HUD and the Environmental Protection Agency (EPA). The Task Force Report, entitled *Putting the Pieces Together: Controlling Lead Hazards in the Nation's Housing*, (See Appendix A of this NOFA) recommended a number of actions which are needed to develop comprehensive, health-protective, cost-effective, and feasible approaches to solving the most significant environmental health hazard facing America's children. In dealing with the estimated 64.4 million housing units with lead-based paint, the Task Force, using the Title X framework for redefining the problem, moved beyond the mere presence of lead-based paint and focused on the conditions that can expose a child to lead hazards—deteriorating lead-based paint, lead-contaminated dust and bare lead-contaminated soil. The Task Force recommendations therefore focus on addressing lead hazards in the approximately 15 million housing units estimated to contain lead hazards, and preventing new lead hazards in the balance of the housing stock. This NOFA incorporates many of the recommendations outlined in the Task Force Report.

The Environmental Protection Agency (EPA), with assistance from HUD and the Centers for Disease Control and Prevention (CDC), operates the National Lead Information Center which includes an automated consumer information Hotline 1-800-LEADFYI (1-800-532-3394) and a Clearinghouse for lead-based paint resources and assistance 1-800-424-LEAD (1-800-424-5323).

In the Federal Register of September 2, 1994, the EPA published the proposed rule pursuant to sections 402 and 404 of the Toxic Substances Control Act (TSCA), as amended by Title X (see 40 CFR Part 745 *Lead; Requirements for Lead-Based Paint Activities*) for training and certification requirements for lead-based paint contractors, inspectors, risk assessors, designers and workers; and its

requirements for a model state program. Until the proposed rule is final, and State Lead-Based Paint Contractor Certification and Accreditation Programs are authorized by EPA, State programs should be at least as protective as outlined in Appendix E of this NOFA. State Lead-Based Paint Contractor Certification and Accreditation Programs meeting the requirements under Appendix E of this NOFA are considered acceptable to HUD and EPA for purposes of the grant programs announced in this NOFA.

#### Section 3.2.1 Previous Lead-Based Paint Hazard Control Grant Awards

This NOFA is for a fourth round of grants. In Fiscal Years 1992, 1993, and 1994, HUD conducted competitions and approved a total of 64 Lead-Based Paint Hazard Control grants to 56 grantees for approximately \$279 million dollars. There was no competition in FY 1995.

#### Section 3.3 Allocation Amounts

(a) *Amounts.* Approximately \$50 million will be made available for the Category A grant program from the appropriations made for the lead-based paint hazard reduction program in the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Pub. L. 104-134, 110 Stat. 1321, approved April 26, 1996).

(b) *Residual Funds.* In the selection process, once available funds have been allocated to meet the full requested and/or negotiated amounts of the top eligible applicants, HUD reserves the right, in successive order, to offer any residual amount as partial funding to the next eligible applicant. Such applicant(s) shall have not more than 7 calendar days to accept, or to decline and reapply in a future round, provided HUD, in its sole judgment, is satisfied that the residual amount is sufficient to support a viable, though reduced effort, by such applicant(s).

(c) *Goals.* Because lead-based paint is a national problem, these funds are awarded in a manner that:

- Maximizes the number of housing units in which lead-hazard control occurs;
- Stimulates cost-effective State and local approaches that can be replicated in as many settings as possible;
- Disperses the grants as widely as possible across the nation; and
- Builds local capacity.

HUD expects to award approximately 10-12 Category A grants of \$1 million to \$6 million each on a cost-reimbursable basis.

#### Section 3.4 Eligibility

Title X specifies the following eligibility requirements for grants to identify and control lead-based paint hazards in housing:

(a) *Eligible Applicants.* A State or unit of local government that has a currently approved Comprehensive Housing Affordability Strategy (CHAS) under section 105 (42 U.S.C. 12705) of the Cranston-Gonzalez National Affordable Housing Act (NAHA) or a currently approved Consolidated Plan is eligible to apply for a grant. However, applicants are advised that in selecting grantees under this NOFA, the Secretary or his designee is unlikely to select applicants that were previously funded under the FY 1994 NOFA (Round Three), issued April 21, 1994 (59 FR 19080). A maximum of 20 percent of the funds under Category A of this NOFA shall be available to previous Lead-Based Paint Hazard Control grantees. This selection decision will be pursuant to the Secretary's authority to ensure geographic distribution and to ensure that available funds are used effectively to promote the purposes of Title X. (See Section 4.3, *Rating Factors*, for additional discussion of this consideration for selection.)

(b) *Certified Performers.* Funds shall be available only for projects conducted by contractors, risk assessors, inspectors, workers and others engaged in lead-based paint activities who meet the requirements of a State Lead-Based Paint Contractor Certification and Accreditation Program that is at least as protective as the Federal certification program standards outlined in Appendix E to this NOFA or which meets the requirements of a State program authorized by EPA under the requirements of Section 404 of the Toxic Substances Control Act (TSCA).

(c) *Eligible Activities.* The following direct and support activities are eligible under this grant program:

(1) *Direct Project Elements* (whether activities of the grantee or sub-grantees or other sub-recipients):

- Performing risk assessments, inspections and testing of eligible housing constructed prior to 1978 to determine the presence of lead-based paint, lead dust, or leaded soil through the use of acceptable testing procedures.
- Conducting Lead Hazard Control which may include any combination of the following:
  - Interim control of lead-based paint hazards in housing;
  - Hazard abatement for programs that apply a differentiated set of resources to each unit, dependent upon conditions of the unit and the extent of hazards; and

- Complete abatement of lead-based paint and lead-based paint hazards, including soil and dust, by means of removal, enclosure, encapsulation, or replacement methods.

(HUD encourages local innovation in performing work under this grant.)

- Carrying out temporary relocation of families and individuals during the period in which hazard control is conducted and until the time the affected unit receives clearance for reoccupancy.
  - Conducting pre-hazard control blood lead testing of children under the age of six residing in units undergoing risk assessment, inspection or hazard control.
  - Performing blood lead testing and air sampling to protect the health of the hazard-control workers, supervisors, and contractors.
  - Undertaking other housing rehabilitation activities under this program that are specifically required to carry out effective hazard control, and without which, the hazard control could not be effected. Grant funds from this program may also be used for the lead-based paint hazard-control component in conjunction with other housing rehabilitation programs.
  - Conducting pre- and post-hazard control dust-wipe testing and analysis.
  - Carrying out engineering and architectural costs that are necessary to, and in direct support of, lead hazard control.
  - Conducting general or targeted community awareness or education programs on lead hazard control and lead poisoning prevention.
  - Securing liability insurance for lead-hazard control activities.
  - Supporting data collection, analysis, and evaluation of grant program activities. This direct project activity includes compiling and delivering such data as may be required by HUD. For estimating purposes, an applicant should consider devoting 3 percent of the total grant sum for this purpose (This 3 percent does not include the blood lead and environmental testing costs.) Note that this activity is *not* included in administrative costs, for which there is a separate 10 percent limit.
  - Preparing a final report at the conclusion of grant activities.
- (2) *Support Elements:*
- Administrative costs of the grantee (maximum of 10 percent; (see Appendix B of this NOFA for definition).
  - Program planning and management costs of sub-grantees and other sub-recipients.
- (d) *Ineligible Activities.* Grant funds shall not be used:

(1) To purchase real property.

(2) To purchase capital equipment having a per unit cost in excess of \$5,000, except for XRF analyzers. If purchased, capital equipment and the XRF analyzers shall remain the property of the grantee at the conclusion of the project. Funds may be used, however, to lease equipment specifically for the Lead-Based Paint Hazard Control Grant Program. If leased equipment, other than XRF analyzers, becomes the property of the grantee as the result of a lease arrangement, the leased equipment becomes the property of the grantee at the end of the grant period; and

(3) For chelation or other medical treatment costs related to children with elevated blood lead levels. Non-Federal funds used to cover these costs may be counted as part of the required matching contribution.

#### Section 3.5 Limitations on the use of Assistance.

(a) Pursuant to the Coastal Barrier Resources Act (16 U.S.C. 3501), grant funds may not be used for properties located in the Coastal Barrier Resources System.

(b) Under the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001–4128), grant funds may not be used for construction, reconstruction, repair or improvement or lead-based paint hazard control of a building or mobile home which is located in an area identified by the Federal Emergency Management Agency (FEMA) as having special flood hazards unless:

(1) The community in which the area is situated is participating in the National Flood Insurance Program in accordance with the applicable regulations (44 CFR parts 59–79), or less than a year has passed since FEMA notification regarding these hazards; and

(2) Flood insurance on the property is obtained in accordance with section 102(a) of the Flood Disaster Protection Act (42 U.S.C. 4012a(a)). Applicants are responsible for assuring that flood insurance is obtained and maintained for the appropriate amount and term.

(c) The National Historic Preservation Act of 1966 (16 U.S.C. 470) (NHPA) and the regulations at 36 CFR part 800 apply to the lead-based paint hazard control activities that are undertaken pursuant to this NOFA. HUD and the Advisory Council for Historic Preservation have developed an optional Model Agreement for use by grantees and State Historic Preservation Officers in carrying out activities under this NOFA. (See Section 3.6, *Environmental Review*

and Section 8, *Other Matters*, in this NOFA.)

(d) The applicant shall comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) (42 U.S.C. 4201–4655). These policies are described in HUD Handbook 1378, Tenant Assistance, Relocation and Real Property Acquisition. No displacement (a permanent, involuntary move) is anticipated. However, to preclude avoidable claims for relocation assistance, all occupants (owner and tenants) shall, as soon as feasible, be notified in writing that they will not be displaced by the lead-based paint hazard-control program. In most cases, tenants and owner-occupants will be required to relocate *temporarily* to permit lead-based paint hazard-control activities to be carried out. All conditions of the temporary relocation must be reasonable. The policy regarding temporary relocation costs for owner-occupants who elect to participate in hazard-control is a matter of grantee discretion. With respect to tenants who will be required to relocate temporarily, at a minimum the tenant shall be provided:

(1) Reimbursement for all reasonable out-of-pocket expenses incurred in connection with the temporary relocation, including the cost of moving to and from the temporarily occupied housing and any increase in monthly rent/utility costs at that housing; and

(2) Appropriate advisory services, including reasonable advance written notice of the date and approximate duration of the temporary relocation; the address of the suitable, decent, safe, and sanitary dwelling to be made available for the temporary period; the reimbursement provisions of paragraph (e) of this section; and information on a resident's rights under the Fair Housing Act.

(e) Abatement waste disposal will be handled according to the requirements of the appropriate State or Federal regulatory agency. (See HUD *Guidelines* for the disposal of hazard control waste that contains lead-based paint but is not classified as hazardous.)

(f) The applicant shall observe the procedures for worker protection established in the HUD *Guidelines*, as well as the requirements of the Occupational Safety and Health Administration (OSHA) (29 CFR 1926.62—*Lead Exposure in Construction*) (See Appendix A of this NOFA). If other OSHA requirements published prior to the start of actual abatement included as part of lead hazard control work at any individual project site are more stringent than the

*Guidelines*, those more stringent OSHA standards shall govern.

(g) Lead hazard control methods that will not be allowed are: open-flame burning, dry scraping (except immediately around electrical circuits and plumbing fixtures), uncontrolled abrasive blasting, machine sanding without HEPA attachments or use of chemicals containing methylene chloride. The applicant is cautioned that methods that generate high levels of lead dust, such as abrasive sanding, shall be undertaken only with requisite worker protection, containment of dust and debris, suitable clean-up, and clearance.

### Section 3.6 Environmental Review

In accordance with the Multifamily Housing Property Disposition Reform Act of 1994, HUD regulations in 24 CFR Part 58 provide that recipients of lead-based paint hazard control grants will assume Federal environmental review responsibilities. Recipients of a grant under this NOFA will be given guidance in carrying out these responsibilities.

### Section 3.7 Objectives and Requirements

(a) *Generally*. Grantees will be afforded considerable latitude in designing and implementing the methods of lead-based paint hazard control to be employed in their jurisdictions. HUD is interested in promoting lead hazard control approaches that result in the reduction of this health threat for the maximum number of low-income residents, and that demonstrate replicable techniques that are cost-effective and efficient. Flexibility will be allowed within the parameters established below. *It is critical that written policies and procedures for all phases of lead hazard control, including risk assessment, inspection, pre-hazard control blood lead testing, financing, relocation and clearance testing be clearly established in writing and adhered to by all applicants, subcontractors, sub-grantees, sub-recipients, and their contractors.* The Department has found that the establishment of written procedures clearly assigning duties to participating agencies and individuals helps to protect children, families, and workers during lead hazard control work.

Proposed methods requiring a variance from the standards or procedures cited below will be considered on their merits in a separate HUD review and approval process after the grant award is made and a specific justification has been presented. If a grant application is dependent on a

variation from the procedures cited below, but otherwise is of award quality, it will be made as a conditional grant, subject to approval of the request for variation. When such a request is made, either in the application or during the planning phase, HUD intends to consult with experts from both the public and private sector as part of its final determinations and will document its findings in an environmental impact assessment. Approval of any proposed modifications will not involve a lowering of standards that would have a potential to adversely affect the health of residents, contractors or workers.

(b) *Data collection*. Grantees will be required to collect the data necessary to document the various lead hazard control methods employed in order to determine the relative cost and effectiveness of these methods in reducing or eliminating lead-based paint hazards. Pre- and post-lead hazard control environmental dust-wipe sampling is a requirement.

(c) *Lead Hazard Control Testing—Schedule*. In developing the application cost proposal, applicants shall include costs for the pre- and post-hazard control testing for each dwelling that will undergo either a lead-based paint risk assessment and/or inspection and hazard control according to HUD *Guidelines*, as follows:

(1) *XRF on-site (or supplementary laboratory) testing*: Conducted according to HUD *Guidelines*. Pretest every room or area in each dwelling unit planned for hazard control, using each XRF analyzer in accordance with its manufacturer's operating instructions and its Performance Characteristics Sheet (PCS);

(2) *Blood lead testing*: Before lead hazard control work begins, the testing of each occupant who is a child under six years old according to the recommendations contained in *Preventing Lead Poisoning in Young Children, 1991* Centers for Disease Control and Prevention (CDC). (See Appendix A of this NOFA.)

(3) *Dust testing*: Conducted according to the HUD *Guidelines*.

(A) Pretest before lead hazard control work begins;

(B) Clearance testing before reoccupying a unit or area; and

(C) Test at 12-months after the unit is reoccupied.

(d) *Testing—guidance*. (1) *Generally*. All testing and sampling shall conform to the HUD *Guidelines*. Note that it is particularly important to provide this full cycle of testing for hazard control, including interim controls, even though the testing itself may become a substantial part of the cost per unit.

(2) *Required Thresholds for Hazard control*. While the Department's *Guidelines* (see Appendix A of this NOFA) employ two hazard-control thresholds, one milligram per square centimeter (1.0 mg/cm<sup>2</sup>) or 0.5 percent by weight, applicants may utilize other thresholds, provided that the alternative threshold is justified adequately and is accepted by HUD. The justification must state why the applicant believes the proposed threshold will provide satisfactory health protection for occupants, and must discuss cost savings and benefits expected to result from using the proposed approach.

(3) *Surfaces which require lead hazard control*. HUD's *Guidelines* identify hazards considered to be of greatest immediate concern to young children and which require hazard control to be undertaken. Children are most frequently exposed to the following hazards: Lead-contaminated dust, deteriorated lead-based paint; and bare, accessible lead contaminated soil. Friction, chewable, and impact surfaces with intact lead-based paint are also of concern, but do not necessarily need to be treated, depending on dust testing results. Friction surfaces are subject to abrasion and may generate lead-contaminated dust in the dwelling; chewable surfaces are protruding surfaces that are easily chewed on by young children; and impact surfaces may become deteriorated through forceful contact. The applicant may choose to treat fewer surfaces or apply other hazard control techniques, provided that an adequate rationale, including periodic monitoring, is presented to and accepted by HUD. The rationale must state why the applicant believes the proposed approach will provide satisfactory health protection for occupants and at the same time, provide cost savings or other benefits.

(4) Grantees shall be required to meet the post-hazard control wipe-test clearance thresholds contained in the HUD *Guidelines* (See Appendix A of this NOFA). Wipe tests shall be conducted by a certified inspector who is independent of the lead hazard control contractor. Dust-wipe samples must be analyzed by an accredited laboratory (see Definitions). Units shall not be reoccupied until clearance levels are achieved.

### Section 4. Grant Application Process for Category A

#### Section 4.1 Submitting Applications for Grants

To be considered for Category A funding, an original and two copies of the application must be physically



received in the Office of Lead-Based Paint Abatement and Poisoning Prevention (OLBPAPP), Department of Housing and Urban Development, Room B-133, 451 Seventh Street SW., Washington, D.C. 20410, no later than 3:00 P.M. (Eastern Time) on July 30, 1996. Electronic (FAX or equivalent) transmittal of the application is *not* an acceptable transmittal mode.

Separate proposals may be submitted by a jurisdiction for each category of assistance.

For Category A, the application must have clearly numbered pages, a complete table of contents and appendices. The applicant narrative response to the Rating Factors is limited to a maximum of 25 pages. Responses must be typewritten on one (1) side only on 8½" x 11" paper using a 12-point font.

The above-stated application deadline is firm as to date and hour. In the interest of fairness to all competing applicants, the Department will treat as ineligible for consideration any application that is received after the deadline. Applicants should take this factor into account and make early submission of their materials to avoid any risk of loss of eligibility brought about by unanticipated delays, equipment breakdown, or delivery-related problems.

HUD will review each application to determine whether it meets all of the threshold criteria established for Category A under Section 4.2 of this NOFA. Nonresponsive applications will be declared ineligible for further consideration. Applications that meet all of the threshold criteria will be eligible to be scored and ranked, based on the total number of points allocated for each of the rating factors for Category A in Section 4.3 of this NOFA.

HUD intends to fund the highest ranked applications within the limits of funding availability, but reserves the right to advance other eligible applicants in funding rank, if necessary, to assure geographic diversity, to promote the purposes of Title X, to broaden the range of hazard control alternatives to be tested, or to enhance data reliability.

#### Section 4.2 Threshold Requirements for Category A Grants

(a) *Purpose.* The application must be for funds to identify and control lead hazards in eligible housing (see Appendix D of this NOFA for program-by-program listing of eligible HUD-associated housing programs).

(b) *Eligible Applicants.* An applicant must be a State or unit of local government that has a currently

approved Comprehensive Housing Affordability Strategy (CHAS) or a currently approved Consolidated Plan. Applicants under this NOFA are permitted to submit documentation that HUD approved their current program year CHAS or Consolidated Plan. Applicants are to submit, as an appendix, a copy of the lead-based paint element included in the approved CHAS or Consolidated Plan. Applicants that do not have a currently approved CHAS or Consolidated Plan, but are otherwise eligible for this grant program, must include their abbreviated Consolidated Plan which includes a lead-based paint hazard control strategy developed and submitted in accordance with 24 CFR 91.235.

(c) *Matching Contribution.* Each applicant shall provide a matching contribution of at least 10 percent of the requested grant sum. This may be in the form of a cash or in-kind contribution or a combination of both.

(d) *Contractor Certification Program Requirement.* Each applicant must carry out its hazard control program under an operational State program that is at least as protective as the training and certification program requirements cited in Appendix E of this NOFA. Applicants should indicate which of the following situations, (1) or (2) applies with respect to contractor certification.

(1) A State applicant shall furnish copies of the existing statutes, regulations or other appropriate documentation regarding the State's Lead-Based Paint Contractor Certification and Accreditation Program which meet the standards set forth in (d) above.

(2) Other applicants may be approved for a conditional grant with funding subject to the following provisions:

(A) A State applicant which has existing legislation acceptable to HUD, but which has not implemented an acceptable lead-based paint contractor certification program, shall furnish at the time of the application, written assurances from the Governor that an acceptable certification program will be implemented within 1 year from the date of the application deadline date and that the designated agency implementing the certification program shall offer training sessions leading to certification within six (6) months of the effective date of implementing regulations. If legislative approval of proposed regulations is also required, a similar written assurance must be provided by the chairs of committees having jurisdiction.

With the exception of costs incurred for planning purposes, HUD will not release any funds for the lead hazard

control phase of the grant program until the State has implemented an acceptable lead-based paint contractor certification and accreditation program and has submitted and secured HUD approval of the grantee Request for Release of Funds (HUD Form 7015.15) which certifies that the grantee has fulfilled the environmental review requirements of the grant.

(B) Local government applicants in States which have not implemented an acceptable contractor certification program must provide assurances that only certified contractors and trained workers from other State certification programs acceptable to HUD will be used in conducting lead hazard control work.

Applicants are advised that if the commitment to implement a certification/training program or use certified contractors is not fulfilled within the stated time, the conditional grant agreement may be immediately terminated.

(e) *Continued Availability of Lead Safe Housing to Low-Income Families.* Units in which lead hazards have been controlled under this program shall be occupied by and/or continue to be available to low-income residents as required by the statute (see Appendix C of this NOFA). Grantees are encouraged to maintain a listing of units in which lead hazards have been controlled for distribution and marketing to agencies and families as suitable housing for children under six.

(f) *Cooperation With Related Research and Evaluation.* Applicants shall cooperate fully with any research or evaluation sponsored by HUD and associated with this grant program, including preservation of the data and records of the project and compiling requested information in formats provided by the researchers, evaluators or HUD. This cooperation may also include the compiling of certain relevant local demographic, dwelling unit, and participant data not contemplated in the applicant's original proposal. Participant data shall be subject to Privacy Act protection. For estimating purposes, an applicant shall devote three percent of the total grant sum for data collection and evaluation purposes, as discussed in Section 3.4, *Eligibility*, of this NOFA.

#### Section 4.3 Rating Factors

HUD will use the following technical and financial criteria to rate and rank applications received in response to Category A of this NOFA. The Request for Grant Applications (RFGA) will provide guidance in responding to all the Rating Factors. The technical quality



of an application will be rated, and then the strength, quality, and completeness of the financial and resources plan will be used to assess the likelihood that the technical plan can be carried out using the available resources. The maximum score possible under the rating factors is 100 points.

Applicants are advised, however, that in selecting grantees under this NOFA, the Secretary or his designee is unlikely to select applicants who were previously funded under the FY 1994 NOFA (Round Three), issued April 21, 1994 (59 FR 19080). A maximum of 20 percent of the funds under Category A of this NOFA shall be available to previous Lead-Based Paint Hazard Control grantees. This selection prerogative will be exercised under the Secretary's authority to ensure that available funds are used effectively and to promote the purposes of Title X. See section 1011(d)(5) of Title X (42 U.S.C. 4852(d)(5)).

(a) *Need. (10 Points)*—The scope and magnitude of the applicant's current lead-based paint problem for which grant program funds can be expected to have an impact. The applicant should document its unmet need for assistance. Examples should be the number and proportion of children with elevated blood lead levels; the number and proportion of housing units with deteriorating interior or exterior lead-based paint, lead-contaminated dust or bare lead-contaminated soil. The applicant should include:

(1) A description of the applicant's current level of effort to deal with lead hazards in housing and lead-related health problems; and

(2) Provide and/or summarize any available data from these previous efforts.

It is desirable to include:

(1) The age and condition of housing;  
(2) The number and percentage of low income families whose incomes do not exceed 80 percent of the median income for the area as determined by HUD, with adjustments for smaller and larger families;

(3) The number and proportion of children at risk of lead poisoning; and

(4) Other socioeconomic or environmental factors that document a need to establish or continue lead hazard control work in the applicant's jurisdiction.

(These data may be available in the applicant jurisdiction's currently approved CHAS or Consolidated Plan, or derived from 1990 Census Data)

(b) *Work Plan and Budget (50 points)*—The quality and cost-effectiveness of the applicant's proposed lead-based paint hazard control

program. The work plan and budget should include the following elements:

(1) *Program Management (10 points)*—A description of the way in which the project will be carried out during the period of performance (up to 36 months), including the participation of sub-grantees, contractors, sub-recipients, and others assisting in implementing the project. Specific, time phased and measurable objectives should be identified and described for carrying out the program plan.

(2) *Lead Hazard Control Strategy (35 Points)*—

- The total number of owner occupied and rental units in which lead hazard control interventions will be undertaken.

- The degree to which the work plan focuses on eligible housing units with children under the age of 6 years. Description of the planned approach to control lead hazards before children are poisoned and/or to control lead hazards in units where children have already been identified with an elevated blood lead level, including the referral of children with elevated blood lead levels for medical case management.

- The degree to which lead hazard control work will be done in conjunction with other housing rehabilitation, weatherization, code violation or other work.

- The process for the selection, prioritization, risk assessment and/or inspection, and enrollment of units of eligible housing in which lead hazard control will be undertaken. (Housing having a risk assessment or inspection performed in accordance with the HUD *Guidelines* within 12 months of a grant award and identified with lead-based paint may be included in the already inspected inventory.)

- The testing methods, schedule, and costs for performing blood lead testing, risk assessments and/or inspections. (Identify the lead-based paint threshold for undertaking lead hazard control—e.g. 0.5 percent, 1.0 mg/cm<sup>2</sup> or other threshold established by statute, regulation or local ordinance.)

- The lead hazard control methods to be undertaken and the number of units for each method (Interim Controls, hazard abatement, and complete abatement). Provide an estimate of the per unit costs for lead hazard control and the time frames to initiate and complete lead hazard control work in units selected. Efforts to incorporate cost-effective recommendations of the HUD Task Force Report: *Putting the Pieces Together: Controlling Lead Hazards in the Nation's Housing* (see Appendix A of this NOFA) should be included.

- A description of the financing mechanism to be employed in carrying out lead hazard control activities and the way in which these funds will be administered (e.g. use of grants, deferred loans, forgivable loans, other resources, private sector financing, etc.).

- The applicant's plan for *temporary* relocation of occupants of units selected for lead hazard control work. (Use of safe houses and other housing arrangements, storage of household goods, stipends, incentives, etc.)

- Proposed community awareness, education and outreach programs in support of the applicant's work plan and objectives. General and/or targeted efforts undertaken to assist the program in reducing lead poisoning. To the extent possible, programs should be culturally sensitive, developmentally appropriate, and linguistically specific.

(3) *Program Evaluation and Data Collection (5 points)*—The applicant must identify the specific methods to be used to measure progress and evaluate the program's effectiveness. The applicant should describe how the information will be obtained, documented and reported.

(4) *Budget (Not Scored)*—The applicant's proposed budget (for the maximum 36-month period of performance) will be evaluated for the extent to which it is reasonable, clearly justified, and consistent with the intended use of grant funds. HUD is not required to approve or fund all proposed activities. Applicants may devote up to 24 months for the planning and completion of lead hazard control activities and up to an additional 12 months for post-hazard control testing.

- All budget categories and costs (Part B of Standard Form 424A) and major tasks should be thoroughly documented and justified. Describe in detail the budgeted costs for each program element included in the overall plan (administrative costs, program management, lead hazard control strategy, community awareness, education and outreach, and program evaluation and data collection).

(c) *Community and Private Sector Participation (20 points)*—The extent to which the applicant has enlisted the broad participation of neighborhood, community, governmental and nongovernmental organizations and the private sector in the hazard control program through specific commitments of time, effort, and resources. In implementing a lead-based paint hazard control program, substantial efforts must be made to collaborate and coordinate activities with other housing, health and environmental agencies and organizations in the applicant's

jurisdiction. Efforts to promote the formation of broad-based lead task forces, to expand public and private cooperation and coordination in the provision of lead hazard control program services, and to address environmental justice issues should be described. (10 points)

To the greatest extent feasible, the applicant should promote job training, employment, and other economic lift opportunities for target area low-income residents and businesses in the hazard control program. (10 points)

Evidence of commitments should include organization names, their proposed levels of effort, resources and responsibilities of these participants, including clearly proposed plans for the employment of low-income residents. The absence of commitments, memoranda of understanding or agreements, and letters of participation or discussion of levels of effort and responsibility will result in a reduced rating under this factor.

(d) *Applicant Capacity and Commitment to Hazard Control (15 points)*—The capacity of the applicant to initiate and carry out the lead-based paint testing and hazard-control program successfully within the period of performance established.

- Describe the applicant's administrative organization, including staff who will be responsible for carrying out the responsibilities of the program. (As an appendix, the applicant should include a clearly identified organizational chart, as well as resumes, position descriptions, and vacancy announcements, including salaries of key personnel identified to carry out the requirements of this grant program.) Indicate for key personnel, the percentage of time to be devoted to the project and any portion of salary to be paid by the grant. A full-time day-to-day program manager is recommended. Describe how other principal components of the applicant agency or other organizations will participate in or otherwise support the grant program. (5 points)

- Describe the knowledge and experience of the overall proposed project director and day-to-day program manager in planning and managing large and complex interdisciplinary programs, especially involving housing rehabilitation, public health, or environmental programs. The percentage of time devoted to the project as well as the knowledge and experience of the project director and day-to-day program manager are significant factors to be considered. (5 points)

- The institutional capacity of the applicant, as demonstrated by prior experience in initiating and implementing lead hazard control efforts and/or related environmental, health, or housing projects should be thoroughly described. The applicant should indicate how this prior experience will be used in carrying out its planned comprehensive Lead-Based Paint Hazard Control Grant Program. (2 points)

- At a minimum, the applicant shall provide a matching contribution of at least 10 percent of the requested grant sum. That contribution may be in cash, in-kind or a combination of both. In-kind contributions shall be given a monetary value. Community Development Block Grant funds are the only Federal funds which may be considered part of the 10 percent matching contribution and *only when they are specifically dedicated as an integral part of the project (e.g., CDBG rehabilitation funds used in conjunction with lead hazard control work in units)*. Other resources committed to the program that exceed the minimum required 10 percent match will provide points for this rating factor. Each source of contributions, cash or in-kind, both for the required minimum and additional amounts, shall be supported by a letter of commitment from the contributing entity, whether a public or private source, which shall describe the contributed resources that will be used in the program. Staff in-kind contributions should be given a monetary value as discussed above. The absence of letters providing specific details and amount of the actual contributions will result in those contributions not being counted. (3 points)

(e) *Lead-Hazard Control Integration (5 Points)*—A description and/or specific plan of how the applicant will integrate lead hazard control activities with other housing, health, and environmental programs beyond the duration of the grant shall be included in the application. The applicant plans may include:

- (1) Adopting cost-effective recommendations contained in the HUD Task Force Report: *Putting the Pieces Together: Controlling Lead Hazards in the Nation's Housing*;

- (2) Incorporating lead hazard control with other housing rehabilitation, code violation or other work; and

- (3) Other efforts designed to address lead hazards in the community, including identifying other local, State, and private sources of support for conducting lead hazard control work.

## Section 5. Checklist of Application Submission Requirements—Category A

### Section 5.1 Applicant Data

Applicants must complete and submit applications in accordance with the format and instructions contained in the application kit. The following is a checklist of the application contents that will be specified in the application kit:

(a) The name, mailing address, telephone number, and principal contact person of the applicant. If the applicant has consortium associates, subgrantees, partners, major subcontractors, joint venture participants, or others contributing resources to the project, similar information shall also be provided for each of them.

(b) For State applicants, copies of existing statutes, regulations or other appropriate documentation regarding the State's Lead-Based Paint Contractor Certification and Accreditation Program. A State applicant which has existing legislation acceptable to HUD, but which has not implemented an acceptable lead-based paint contractor certification program, shall furnish assurances from the Governor that an acceptable certification program will be implemented within 1 year from the date of the application deadline date and that the designated agency implementing the certification program shall offer training sessions leading to certification within 6 months of the effective date of implementing regulations. If legislative approval of proposed regulations is also required, a similar assurance must be provided by the chairs of committees having jurisdiction. Local government applicants in States which have not implemented an acceptable contractor certification program must provide assurances that only certified contractors and trained workers from State certification programs acceptable to HUD will be used in conducting lead hazard control work. (See Section 4.2(d) of this NOFA regarding this requirement).

(c) Evidence of the applicant's commitment to eliminating or reducing significant lead-based paint hazards in privately-owned eligible housing as detailed in the applicant's work plan for lead-based paint hazard control (See *Rating Factor, Work Plan and Budget*, in Section 4.3 of this NOFA).

(d) A detailed description of the funding mechanism, selection process, and other proposed activities that the applicant plans to use to assist any subgrantees or sub-recipients under this grant.

(e) A detailed total budget with supporting cost justification for all budget categories of the Federal grant request. There shall be a separate estimate for the overall grant management element, "Administrative Costs," which are more fully defined in Appendix B of this NOFA. The budget shall include not more than 10 percent for administrative costs and not less than 90 percent for direct project elements (See Section 3.4(c) *Eligible Activities* of this NOFA).

(f) Certification assuring that the applicant will conduct lead hazard control activities safely and effectively.

(g) An itemized breakout of the applicant's required matching contribution, including values placed on donated in-kind services; letters or other evidence of commitment from donors; and the amounts and sources of contributed resources.

(h) Memoranda of Understanding or Agreement, letters of commitment or other documentation describing the proposed roles of agencies, local broad-based task forces, participating community or neighborhood-based groups or organizations, local businesses, and others working with the program.

(i) Completed Forms HUD-2880, Applicant/Recipient Disclosure/Update Report, and SF-LLL, Disclosure of Lobbying Activities, where applicable (See Section 10. *Other Matters* in this NOFA).

(j) Standard Forms SF-424, 424A, 424B, and other certifications and assurances listed in section 5.3 of this NOFA.

(k) A copy of the applicant's approval notification for the current program year for its Comprehensive Housing Affordability Strategy (CHAS) or Consolidated Plan. A copy of the applicant's lead hazard control element included in the current program year CHAS or Consolidated Plan.

## Section 5.2 Proposed Activities

(a) *Affected housing and population to be served.* The applicant shall describe the size and general characteristics of the target housing within its jurisdiction, including a description of the housing's location, condition, and occupants, and a current estimate of the number of children under the age of six in these units. Other characteristics described in Section 4.3 *Rating Factor* (a)—"Need" should be provided. If specific area(s) (neighborhoods, census tracts, etc.) within an applicant's jurisdiction are specifically targeted for lead hazard control activities, the applicant shall describe these same characteristics for

the area. Maps may be included as an appendix. To the extent practical, preference shall be given to occupied eligible housing units with children under the age of 6. Vacant housing that subsequently will be occupied by low-income renters or owners should also be included in this description. In addition, as a measure of its ongoing commitment to lead-based paint programs, the applicant shall provide information on the magnitude and extent of the childhood lead poisoning problem within its jurisdiction and for any area(s) to be included in the lead hazard control program. Current efforts undertaken to provide health care services for children with elevated blood lead levels and efforts to address lead-based paint hazards shall be described.

(b) *Discussion of program activities.* (See Section 4.3 *Rating Factors*) The applicant shall provide a discussion of the overall proposed hazard control program, including, but not limited to, information on the following:

- Needs Assessment
- Program Work Plan and Budget to include:
  - Program Management;
  - Lead Hazard Control Strategy;
  - Number of eligible housing units, hazard control methods, blood lead and environmental testing methods, costs, financing mechanisms, relocation plans, and community awareness and education;
  - Program Evaluation and Data Collection;
  - Budget Request;
  - Community and Private Sector Participation;
  - Ability to Implement the Lead Hazard Control Grant Program; and
  - Future Integration and Coordination of Lead Hazard Control Activities With Other Programs.

## Section 5.3 Certifications and Assurances

The following certifications and assurances are to be included in all Category A applications:

- (a) Compliance with environmental laws and authorities (24 CFR Part 58).
- (b) Compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. (Implementing Regulations at 49 CFR Part 24; and HUD Handbook 1378, Tenant Assistance, Relocation and Real Property Acquisition.)
- (c) Compliance with Federal civil rights laws and requirements.
- (d) Compliance with the requirements of the Fair Housing Act (42 U.S.C. 3601-19); Executive Order 11063; Title VI of

the Civil Rights Act of 1964, pertaining to equal opportunity and nondiscrimination in housing).

(e) Compliance with the Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973.

(f) Compliance with Section 3 of the Housing and Urban Development Act of 1968. (Implementing regulations at 24 CFR Part 135.)

(g) Assurance that financial management system meets the standards for fund control and accountability (24 CFR 85.20).

(h) Assurance that pre-hazard control, clearance, and 12 month post-hazard control testing will be conducted by certified performers.

(i) Assurance, to the extent possible, that blood lead testing, blood lead level test results, and medical referral and followup are conducted for children under six years of age occupying affected units according to the recommendations of the Centers for Disease Control and Prevention (CDC). (See Appendix A of this NOFA—*Preventing Lead Poisoning in Young Children*, October, 1991.)

(j) Assurance that Lead-Based Paint Hazard Control Grant Program funds will not replace existing resources dedicated to any ongoing project.

(k) The application shall contain any other assurances that HUD includes in the application kit under this NOFA, including certification of compliance with the Drug-Free Workplace Act of 1988 in accordance with the requirements set forth at 24 CFR part 24, subpart F.

## Section 6. Application Process for Category B

### Section 6 Purpose and Description

#### Section 6.1 Purpose and Authority

Category B provides funds for two Federal government agencies to work cooperatively to reduce lead hazards to children. This category provides funds to control lead-based paint hazards at Superfund sites where Superfund dollars will be spent to control lead in soil hazards and HUD dollars will be spent to control lead-based paint hazards in residences.

Approximately 4 million dollars will be available in awards ranging from five-hundred thousand dollars (\$500 thousand) to 2 million dollars (\$2 million) available to each grantee. The amounts are for the total, multiyear work of a proposed project. Grants are authorized under section 1011(a)–(f) of Title X.

The purposes of this program include:

- (a) To demonstrate that Potentially Responsible Parties (PRPs), State and

local governments, and other affected parties such as low-income residents can work together to maximize benefits both from Superfund actions and other lead-based paint hazard control activities. (A Potentially Responsible Party (PRP) is defined by Superfund as any individual or entity including owners, operators, transporters or generators who may be liable under section 107(a) of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA)).

(b) To the greatest extent feasible, promoting job training, employment, and other economic lift opportunities for low-income residents and businesses as defined in 24 CFR 135.5 (see 59 FR 33881, June 30, 1994, and Category A Section 3.1(d) of this NOFA).

## Section 6.2 Background

This category brings together two Federal agencies, HUD and the Environmental Protection Agency (EPA), to address housing and environmental issues. These funds will be targeted to communities that have, within 18 months of the application submission deadline date undergone EPA Superfund cleanup activity. These funds will be used primarily for interior lead-based paint hazard control. Under this Category, HUD funds *may not* be used for soil cleanup.

A multiagency approach is needed to address deteriorating interior paint, exterior paint, and contaminated soil and dust simultaneously. HUD's lead-based paint hazard control grant program has typically been used to control primarily lead-based paint and dust both inside and outside homes. The HUD lead-based paint hazard control grant program may also be used to deal with lead in soil on an optional basis as determined by grantees. EPA Superfund normally cleans up residential soils that are contaminated with hazardous substances from local Superfund sites. EPA Superfund does not generally address the problem of deteriorating interior lead-based paint because exposures from interior paint are generally not within the jurisdiction of the Superfund program. Exterior lead-based paint hazard control may be considered an eligible activity by the Superfund program.

Category B targets communities with Superfund sites that may or may not have participated in previous HUD lead-based paint hazard control grant programs. This Category will create a means for communities with a Superfund site(s) to address both lead-based paint inside and outside houses as well as soil cleanup. HUD is developing a place-based strategy that

empowers local communities to combine government programs to remedy specific problems, cutting across traditional program boundaries. This NOFA is an example of how HUD and EPA are working together to enable communities to determine how best to solve specific problems in their local area.

An important product of this grant program will be to demonstrate how to address lead-based paint abatement issues at sites with multiple sources of lead, thereby addressing housing and environmental problems simultaneously. HUD expects that additional experience in this area will reduce abatement costs and offer creative strategies for overall lead risk reduction.

## Section 6.3 Allocation Amounts

(a) *Amounts.* Approximately \$4 million will be available for the Category B grant program from the appropriations made for the lead-based paint hazard reduction program in the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Pub. L. 104-134, 110 Stat. 1321, approved April 26, 1996).

(b) *Residual Funds.* In the selection process, once available funds have been allocated to meet the full requested amounts of the top eligible applicants, HUD reserves the right to offer any residual amount as partial funding to the next eligible applicant in successive order. Any such applicant shall have not more than 7 calendar days to accept or decline the grant. In addition, HUD reserves the right to award only one grant, should only one applicant be able to support a credible effort. Also, because this is the initial notice of funding availability under this Category, it is possible that no applicant will be able to demonstrate support of a program in which case all funds would revert to Category A.

## Section 6.4 Eligibility

Title X specifies the following eligibility requirements for grants to identify and control lead-based paint hazards in housing:

(a) *Eligible Applicants.* A State or unit of local government that has a current year approved Comprehensive Housing Affordability Strategy (CHAS) under Section 105 (42 U.S.C. 12705) of the Cranston-Gonzalez National Affordable Housing Act (NAHA) or a current year approved consolidated plan is eligible to apply for a grant. Applicants that do not have a currently approved CHAS or Consolidated Plan, but are otherwise eligible for this grant program, must include their abbreviated Consolidated

Plan which includes a lead-based paint hazard control strategy developed and submitted in accordance with 24 CFR 91.235.

Under Category B, all eligible applicants compete equally, regardless of previous awards under the HUD Lead-Based Paint Hazard Control grant program.

(b) *Certified Performers*—See Category A, Section 3.4(b).

(c) *Eligible Activities*—See Category A, Section 3.4(c).

(d) *Ineligible Activities*—See Category A, Section 3.4(d).

## Section 6.5 Limitations on the Use of Assistance

See Category A, Section 3.5.

## Section 6.6 Environmental Review

See Category A, Section 3.6.

## Section 6.7 Objectives and Requirements

See Category A, Section 3.7.

## Section 7 Grant Application Process

### Section 7.1 Submitting Applications for Grants

See Category A, Section 4.1.

(There are no page restrictions or format requirements for Category B applications.)

### Section 7.2 Threshold Requirements for Category B

(a) *Purpose.* The application must be for funds to identify and control lead hazards in housing at Superfund sites where lead has been identified as a major contaminant. (See Appendix D of this NOFA for program-by-program listing of eligible HUD-associated housing programs.)

See Category A (Section 4.2(b)–(f) for eligible applicants, matching contribution, contractor certification program requirement, and other threshold requirements.

(b) *Status of Superfund remediation.* Jurisdictions are eligible only if remediation activity was completed within 18 months of the application submission deadline date, or the jurisdiction has a Record of Decision with a completion date for the remediation work of no more than three years from the date of application submission deadline date, or the site is undergoing remedial action or will undergo removal action within 18 months after the application submission deadline date.

### Section 7.3 Rating Factors

HUD will use the following technical and financial criteria to rate and rank applications received in response to this

NOFA. The Request for Grant Application (RFGA) kit will provide guidance in responding to all the Rating Factors. The technical quality of an application will be rated, and then the strength, quality, and completeness of the financial and resources plan will be used to assess the likelihood that the technical plan can be carried out using the available resources.

While HUD is very interested in applicants who have managed to involve PRPs, HUD explicitly recognizes that there are a number of sites where there is no PRP and it is unlikely one will ever be found. These sites often have environmental justice issues which reflect the cumulative effects from multiple sources of lead exposure. Under this Category, HUD seeks a balance between those sites who have active and willing PRPs and those that have no other means to accomplish lead-based paint hazard control. HUD believes that the best way to achieve this balance is to recognize PRP involvement and provide points for this involvement in one of the factors. PRP involvement is *not* a prerequisite threshold requirement for eligibility or selection of an award.

The maximum score possible under the rating factors is 100 points.

*(a) Coordination (35 points).*

(1) Describe the history of the working relationship of the applicant, EPA Superfund authorities, the residents, and each Potentially Responsible Party (PRP), if any. Describe Superfund's site-specific community relations plan including public meetings and other outreach activities that present a complete picture of the community's involvement in site cleanup and any likely issues that may be encountered during site remediation. (25 points)

(2) Discuss the financial, technical, and other resources contributed by the PRP. (10 points)

*(b) Activities (25 points).*

(1) Describe the extent of the remediation work on the soil; provide a comprehensive picture of cleanup activities, both planned and undertaken, including any relevant site information that demonstrates the applicant's need, and describe how coordinated efforts of the applicant, PRPs, residents, and Superfund activities will reduce overall lead risk. (15 points)

(2) Describe which non-HUD funding sources have been secured to abate exterior lead-based paint hazards. (10 points)

*(c) Strategy (20 points).*

(1) Discuss the quality and cost-effectiveness of the proposed lead-based paint hazard control strategy, especially as it relates to Superfund cleanup

activities, HUD lead-based paint hazard control, and how they fit into an overall environmental lead risk reduction scenario. The overall plan must include: the selection of sub-grantees and other sub-recipients to assist in implementing the project; the total number of units to be tested and treated and the rationale for this total; the abatement/hazard control methods and levels of treatment proposed, and number of units by type of treatment; the amount of prior hazard control experience; financing mechanisms for hazard control activities and the process for recruiting property owners; temporary relocation plans, if needed; and the degree to which the strategy focuses on households in eligible housing with children under the age of 6 years; (8 points)

(2) The level of coordination between the applicant, HUD, and the Superfund program; the experience of the applicant with environmental issues; the experience of the applicant with environmental justice issues; the experience of the applicant in dealing with the private sector, especially with PRPs; (7 points)

(3) A program for education and outreach to the people residing on the Superfund site on the hazards of lead in paint, soil, and dust, including blood lead screening of young children and, if necessary, referral for medical treatment. Include roles and responsibilities and approaches undertaken by the groups and organizations involved in both education and outreach, and blood lead testing and medical follow-up. (5 points)

*(d) Management and Budget Plan. (20 points)*

The Management and Budget Plan shall include:

(1) A narrative describing how the process and tasks of the grant program will be coordinated and managed by the personnel discussed in the strategy rating factor. Provide a brief narrative for each major budget subtask and justification for each functional cost element, explaining its planned use. (8 points)

(2) A budget proposal for each major cost element of the HUD grant, a task by task spreadsheet for the HUD grant and Part B of Standard Form 424A, for the match and other resources contributed by the applicant and the budget for the Superfund part of the project. Describe specifically how Superfund dollars and HUD dollars will be allocated and tracked and whether or not Superfund dollars will be used to control exterior lead-based paint hazards as part of the soil remediation plan. (8 points)

(3) At a minimum, the applicant shall provide a 10 percent matching contribution of the requested grant sum. Points for this factor will be awarded only for the amount of the *net* contributions that exceed the 10 percent statutory minimum. Contributions may be cash or in-kind, or a combination of both. In-kind contributions must be given a monetary value. PRPs may contribute cash to meet this 10 percent matching contribution requirement. Community Development Block Grant funds are the only Federal funds which may be considered part of the 10 percent matching contribution, when they are specifically dedicated to this project. Additional resources committed to the program that exceed the minimum required 10 percent match will provide points for this rating factor. Each source of contributions, cash or in-kind, both for the required minimum and additional amounts, shall be made in a letter of commitment from the contributing entity, whether a public or private source, and shall describe the contributed resources that will be used in the program. The absence of letters providing specific details and amount of the actual contributions will result in that contribution not being counted. (4 points)

**Section 7.4 Checklist of Application Submission Requirements**

**7.4.1 Applicant Data**

See Category A, Section 5.1(a)–(k).

**7.4.2 Proposed Activities**

See Category A, Section 5.2(a)–(d).

**7.4.3 Certifications and Assurances**

See Category A, Section 5.3(a)–(k).

**Section 8. Corrections to Deficient Applications**

Shortly after the expiration of the NOFA submission deadline date, HUD will notify applicants in writing of any minor deficiencies in the applications that are not of a substantive nature, such as an omitted certification or illegible signature. The applicant shall submit corrections, which must be received at the Office of Lead-Based Paint Abatement and Poisoning Prevention within 21 calendar days from the date of HUD's letter notifying the applicant of any minor deficiencies. Electronic or FAX transmittal is not an acceptable transmittal mode. Corrections to minor deficiencies will be accepted within the 21-day time limit. Applicants that do not make timely response to requests for deficiency corrections shall be removed from further consideration for an award.

Applicants shall only be permitted to correct those deficiencies determined by

HUD to be minor. Deficiencies determined by HUD to be substantive may not be corrected.

### Section 9. Administrative Provisions

#### Section 9.1 Obligation of Funds

(a) *Provision of funds.* Funding shall be provided on a cost-reimbursable basis not to exceed the amount of the grant, except as otherwise provided in Sections 9.2 and 9.3 of this NOFA.

(b) *Availability of funds.* All payments will be made on a cost-reimbursable basis, except that a one (1) percent final payment shall be made upon completion of all tasks and delivery of an acceptable final report.

HUD will release funds for the inspection of units and for conducting the lead hazard control phase (interim controls, hazard abatement, or complete abatement) of the program after the grantee has submitted and secured HUD approval of HUD Form 7015.15 (Request for Release of Funds) which certifies that the grantee has fulfilled the environmental review requirements of the grant.

#### Section 9.2 Increases of Awards

After executing the grant agreement and initial obligation of funds, HUD will not increase the grant sum or the total amount to be obligated based upon the original scope of work. Amounts awarded may only be increased as provided in Section 9.3, Deobligation, of this NOFA.

#### Section 9.3 Deobligation

(a) *Reasons for deobligation.* HUD may deobligate amounts for the grant if proposed activities are not initiated or completed within the required time after the award effective date. The grant agreement will set forth in detail other circumstances under which funds may be deobligated and other sanctions imposed.

(b) *Treatment of deobligated funds.* HUD may undertake any combination of the following actions:

(1) Readvertise the availability of funds that have been deobligated under this section in a new NOFA;

(2) Reconsider applications that were submitted in response to the most recently published NOFA, and select additional applications for funding with deobligated funds. These selections will be made in accordance with the selection process described in the applicable NOFA;

(3) Fund supplemental requests from existing grantees for the performance of expanded scopes of work that may be of benefit to the overall program; and

(4) For deobligated funds that total less than a minimum grant amount (\$1

million), issue a solicitation to provide technical assistance or other program support services to Lead-Based Paint Hazard Control grantees from previous rounds.

#### Section 9.4 Reports

The grantee shall submit the following types of reports:

(a) *Progress Reports.* The grantee shall submit quarterly progress reports in accordance with HUD requirements. These progress reports shall include expenditure reports and a narrative describing important events, milestones, work plan progress, and problems encountered during the period covered.

(b) *Final Report.* The grantee shall submit a final report in accordance with the procedures of HUD's Management Reporting System. The report shall summarize the applicant's plans, execution of the plans, achievements noted, and lessons learned. The report need not be lengthy, but should be of a quality and detail to provide a free-standing description to any outside reader of all of the applicant's work and achievements under the grant.

### Section 10. Other Matters

#### Environmental Review

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR part 50, which implements Section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the General Counsel, Rules Docket Clerk, Department of Housing and Urban Development, 451 Seventh Street, S.W., Room 10276, Washington, D.C. 20410.

#### Federalism Executive Order

The General Counsel, as the Designated Official under section 8(a) of Executive Order 12612, *Federalism*, has determined that the policies and procedures contained in this NOFA will not have substantial direct effects on States or their political subdivisions, or the relationship between the federal government and the States, or the distribution of power and responsibilities among the various levels of government. Under this NOFA, grants will be made for the control of lead-based paint and lead-dust hazards in low-income owner-occupied units and privately owned low-income rental units. Although the Department encourages States and local governments to initiate or expand lead-based paint certification, testing, abatement, and financing programs, any

action by a State or local government in these areas is voluntary. Because action is not mandatory, the NOFA does not impinge upon the relationships between the Federal government and State and local governments, and the notice is not subject to review under the Order.

#### Family Executive Order

The General Counsel, as the Designated Official under Executive Order 12606, *The Family*, has determined that this document will likely have a beneficial impact on family formation, maintenance and general well-being. This NOFA, insofar as it funds repairs to privately owned housing, will assist in preserving decent housing stock for low-income resident families. Accordingly, since the impact on the family is beneficial, no further review is considered necessary.

#### Section 102 of the HUD Reform Act—Documentation and Public Access Requirements—Applicant/Recipient Disclosures:

*Documentation and public access requirements.* HUD will ensure that documentation and other information regarding each application submitted pursuant to this NOFA are sufficient to indicate the basis upon which assistance was provided or denied. This material, including any letters of support, will be made available for public inspection for a five-year period beginning not less than 30 days after the award of the assistance. Material will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 15. In addition, HUD will include the recipients of assistance pursuant to this NOFA in its Federal Register notice of all recipients of HUD assistance awarded on a competitive basis. (See 24 CFR 12.14(a) and 12.16(b), and the notice published in the Federal Register on January 16, 1992 (57 FR 1942), for further information on these documentation and public access requirements.)

*Disclosures.* HUD will make available to the public for five years all applicant disclosure reports (HUD Form 2880) submitted in connection with this NOFA. Update reports (also Form 2880) will be made available along with the applicant disclosure reports, but in no case for a period less than three years. All reports—both applicant disclosures and updates—will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 15. (See 24 CFR part 12, Subpart C, and the notice published in

the Federal Register on January 16, 1992 (57 FR 1942), for further information on these disclosure requirements.)

#### *Prohibition Against Lobbying Activities*

Applicants for funding under this NOFA are subject to the provisions of Section 319 of the Department of Interior and Related Agencies Appropriation Act for Fiscal Year 1991, 31 U.S.C. Section 1352 (the Byrd Amendment) and to the provisions of the Lobbying Disclosure Act of 1995, P.L. 104-65 (December 19, 1995).

The Byrd Amendment, which is implemented in regulations at 24 CFR Part 87, prohibits applicants for and recipients and sub-recipients of Federal contracts, grants, loans, cooperative agreements, and loan insurance or guarantees from using appropriated funds to attempt to influence Federal Executive or Legislative officers or employees in connection with obtaining such assistance, or with its extension, continuation, renewal, amendment or modification. In addition, applicants for and recipients and sub-recipients of Federal contracts, grants, loans, cooperative agreements, and loan insurance or guarantees above certain monetary amounts must file either a certification stating that they have not made and will not make any prohibited payments or a statement disclosing any prohibited payments or agreements to make such payments.

The Lobbying Disclosure Act of 1995, Pub. L. 104-65 (approved December 19, 1995), which repealed Section 112 of the HUD Reform Act and resulted in the elimination of the regulations at 24 CFR Part 86, requires all persons and entities who lobby covered Executive or Legislative Branch officials to register with the Secretary of the Senate and the Clerk of the House of Representatives and file reports concerning their lobbying activities.

#### *Procurement Standards*

All grantees are governed by and should consult 24 CFR parts 85.36 and 85.37, which implement OMB Circular A-102 and detail the procedures for subcontracts and sub-grants by States and local governments. Under § 85.36, which pertains to subcontracts, small purchase procedures can be used for contracts up to \$100,000, and require price or rate quotations from several sources (three is acceptable); above that threshold, more formal procedures are required (note that § 85.36 treats States differently than local governments). Section 85.37 procedures apply to sub-

grants, and are not as restrictive. If States have more restrictive standards for contracts and grants, the State standards can be applied. All grantees should consult and become familiar with §§ 85.36 and 85.37 before issuing subcontracts or sub-grants.

#### *Davis-Bacon Act*

The Davis-Bacon Act does not apply to this program. However, if grant funds are used in conjunction with other Federal programs in which Davis-Bacon prevailing wage rates apply, then Davis-Bacon provisions would apply to the extent required under the other Federal programs.

#### *Prohibition Against Advance Information on Funding Decisions—Section 103 of the Reform Act*

HUD's regulation implementing Section 103 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3537a) (Reform Act), codified as 24 CFR part 4, applies to the funding competition announced today. The requirements of the rule continue to apply until the announcement of the selection of successful applicants.

HUD employees involved in the review of applications and in making of funding decisions are restrained by part 4 from providing advance information to any person (other than an authorized employee of HUD) concerning funding decisions, or from otherwise giving any applicant an unfair competitive advantage. Persons who apply for assistance in this competition should confine their inquiries to the subject areas permitted under 24 CFR part 4.

Applicants or employees who have ethics-related questions should contact the HUD Office of Ethics (202) 708-3815 (this is not a toll-free number). Any HUD employee who has specific program questions, such as whether particular subject matter can be discussed with persons outside the Department, should contact the appropriate Field Office Counsel or Headquarters Counsel for the program to which the question pertains.

Authority: 42 U.S.C. 4821-4846; 42 U.S.C. 3535(d).

Dated: April 15, 1996.

Ronald J. Morony

*Deputy Director, Office of Lead-Based Paint Abatement and Poisoning Prevention.*

#### *Appendix A—Relevant Federal Regulations and Guidelines*

To Secure Any Of The Documents Listed, Call The Listed Telephone Number (generally not toll-free).

#### *Regulations*

1. Worker Protection: OSHA publication—Telephone: 202-219-4667

OSHA Regulations (available for a charge)—Government Printing Office—Telephone: 202-512-1800

—General Industry Lead Standard, 29 CFR 1910.1025; (Document Number 869022001124)

—Lead Exposure in Construction, 29 CFR 1926.62, and appendices A, B, C, and D; published 58 FR 26590 (May 4, 1993). (Document Number 869022001141)

2. Waste Disposal: 40 CFR parts 260-268 (EPA regulations)—Telephone 1-800-424-9346.

3. Lead; Requirements for Lead-Based Paint Activities; Proposed Rule: 40 CFR Part 745 (EPA) (State Certification and Accreditation Program for those engaged in lead-based paint activities)—Telephone: 202-554-1404 (Toxic Substances Control Act Hotline)

#### *Guidelines*

1. Lead-Based Paint: Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing; HUD, June 1995 (available for a charge)—Telephone: 800-245-2691:

Post-Lead Hazard Control Clearance, No More Than:

100 Micrograms/Sq.Ft. (Bare and Carpeted Floors)

500 Micrograms/Sq.Ft. (Window Sills)

800 Micrograms/Sq.Ft. (Window Troughs (Wells), exterior concrete and other rough surfaces)

2. HUD Handbook 1378, Tenant Assistance, Relocation and Real Property Acquisition; Telephone: 202-708-0336.

3. Preventing Lead Poisoning In Young Children; Centers for Disease Control, October 1991: Telephone: 770-488-7330.

#### *Reports*

1. Putting the Pieces Together: Controlling Lead Hazards in the Nation's Housing, HUD, (Summary and Full Report), July 1995, (available for a charge)—Telephone 800-245-2691:

2. Comprehensive and Workable Plan for the Abatement of Lead-Based Paint in Privately Owned Housing: Report to Congress (HUD, December 7, 1990) (available for a charge)—Telephone 800-245-2691.



## CDC CLASSES OF BLOOD LEAD LEVELS IN CHILDREN

Class	Concentration (µg/dL)	Comment
I .....	<9	Child is not considered to be lead-poisoned.
IIA .....	10–14	Large number or proportion of children with blood lead levels in this range should trigger community-wide childhood lead poisoning prevention activities. Children in this range may need to be rescreened more frequently.
IIB .....	15–19	Child should receive nutritional and educational interventions and more frequent screening. If the blood lead level persists, environmental investigation and intervention should be done.
III .....	20–44	Child should receive environmental evaluation and remediation and a medical evaluation; may need pharmacologic treatment of lead poisoning.
IV .....	45–69	Child will need both medical and environmental interventions, including chelation therapy.
V .....	>70	Child is a medical emergency. Medical and environmental management must begin immediately.

## Appendix B—"Administrative Costs"

## I. Purpose

The intent of this HUD grant program is to allow the Grantee to be reimbursed for the reasonable direct and indirect costs, subject to a top limit, for overall management of the grant. In most circumstances the Grantee, whether a state or a local government, is expected to serve principally as a conduit to pass funding to sub-grantees, which are to be responsible for performance of the lead-hazard reduction work. Congress set a top limit of ten (10) percent of the total grant sum for the Grantee to perform the function of overall management of the grant program, including passing on funding to sub-grantees. The cost of that function, for the purpose of this grant, is defined as the "administrative cost" of the grant, and is limited to ten (10) percent of the total grant amount. The balance of ninety (90) percent or more of the total grant sum is reserved for the sub-grantee/direct-performers of the lead-hazard reduction work.

## II. Administrative Costs: What They Are Not

For the purposes of this HUD grant program for States and local governments to provide support for the evaluation and reduction of lead-hazards in low and moderate-income, private target housing: the term "administrative costs" should not be confused with the terms "general and administrative cost", "indirect costs", "overhead", and "burden rate". These are accounting terms, usually represented by a government-accepted standard percentage rate. The percentage rate allocates a fair share of an organization's costs that cannot be attributed to a particular project or department (such as the chief executive's salary or the costs of the organization's headquarters building) to all projects and operating departments (such as the Fire Department; the Police Department; the Community Development Department, the Health Department or this program). Such

allocated costs are added to those projects' or departments' direct costs to determine their total costs to the organization.

## III. Administrative Costs: What They Are

For the purposes of this HUD grant program, "Administrative Costs" are the Grantee's allowable direct costs for the overall management of the grant program plus the allocable indirect costs. The allowable limit of such costs that can be reimbursed under this program is ten (10) percent of the total grant sum. Should the Grantee's actual costs for overall management of the grant program exceed ten (10) percent of the total grant sum, those excess costs shall be paid for by the Grantee. However, excess costs paid for by the Grantee may be shown as part of the requirement for cost-sharing funds to support the grant.

## IV. Administrative Costs: Definition

## A. General

Administrative costs, are the allowable, reasonable, and allocable direct and indirect costs related to the overall management of the HUD grant for lead-hazard reduction activities. Those costs shall be segregated in a separate cost center within the Grantee's accounting system, and they are eligible costs for reimbursement as part of the grant, subject to the ten (10) percent limit. Such administrative costs do not include any of the staff and overhead costs directly arising from specific sub-grantee program activities eligible under FY 1992 NOFA Section II.e.(5) (a) and (b) (ii) through (vi), because those costs are eligible for reimbursement under a separate cost center as a direct part of project activities.

The Grantee may elect to serve solely as a conduit to sub-grantees, who will in turn perform the direct program activities eligible under NOFA Section II.E.(5) (a) and (b) (ii) through (vi), or the grantee may elect to perform all or a part of the direct program activities in other

parts of its own organization, which shall have their own segregated, cost centers for those direct program activities. In either case, not more than 10 percent of the total HUD grant sum may be devoted to administrative costs, and not less than 90% of the total grant sum shall be devoted to direct program activities. Grantee shall take care not to mix or attribute administrative costs to the direct project cost centers.

## B. Specific

Reasonable costs for the Grantee's overall grant management, coordination, monitoring, and evaluation are eligible administrative costs. Subject to the (10) percent limit, such costs include, but are not limited to, necessary expenditures for the following, goods, activities and services:

(1) Salaries, wages, and related costs of the Grantee's staff, the staff of affiliated public agencies, or other staff engaged in Grantee's overall grant management activities. In charging costs to this category the recipient may either include the entire salary, wages, and related costs allocable to the program for each person *whose primary responsibilities* (more than 65% of their time) with regard to the grant program involve direct overall grant management assignments, or the pro rata share of the salary, wages, and related costs of each person whose job includes *any overall grant management assignments*. The Grantee may use only one of these two methods during this program. Overall grant management includes the following types of activities:

(a) Preparing grantee program budgets and schedules, and amendments thereto;

(b) Developing systems for the selection and award of funding to sub-grantees and other sub-recipients;

(c) Developing suitable agreements for use with sub-grantees and other sub-recipients to carry out grant activities;

(d) Developing systems for assuring compliance with program requirements;

(e) Monitoring sub-grantee and sub-recipient activities for progress and compliance with program requirements;

(f) Preparing presentations, reports, and other documents related to the program for submission to HUD;

(g) Evaluating program results against stated objectives; and

(h) Providing local officials and citizens with information about the overall grant program. (However, a more general education program, helping the public understand the nature of lead hazards, lead hazard reduction, blood-lead screening, and the health consequences of lead poisoning is a direct project support activity, under NOFA Section II.E. (5) (b), and should not be attributed to administrative costs, but to its own cost center.)

(i) Coordinating the resolution of overall grant audit and monitoring findings;

(j) Managing or supervising persons whose responsibilities with regard to the program include such assignments as those described in paragraphs (a) through (i).

(2) Travel costs incurred for official business in carrying out the overall grant management;

(3) Administrative services performed under third party contracts or agreements, for services directly allocable to overall grant management such as overall-grant legal services, overall-grant accounting services, and overall-grant audit services;

(4) Other costs for goods and services required for and directly related to the overall management of the grant program, including such goods and services as telephone, postage, rental of equipment, renter's insurance for the

program management space, utilities, office supplies, and rental and maintenance (but not purchase) of office space for the program.

(5) The fair and allocable share of Grantee's general costs that are not directly attributable to specific projects or operating departments such as: The Mayor's and City Council's salaries and related costs; the costs of the City's General Council's office, not charged off to particular projects or operating departments; and the costs of the City's Accounting Department not charged back to specific projects or operating departments. (If Grantee has an established burden rate it should be used; if not Grantee shall be assigned a negotiated provisional burden rate, subject to final audit.) To repeat, all of the above activities goods and services: 1.a-j., 2., 3., 4., and 5. are subject to the ten (10) percent limit.

#### Appendix C

Section 217 of Public Law 104-134 (the Omnibus Consolidated Rescissions and Appropriations Act of 1996, 110 Stat. 1321, approved April 26, 1996) amended Section 1011(a) of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X) to read as follows:

Sec. 1011 Grants for Lead-Based Paint Hazard Reduction in Target Housing.

(a) General Authority. The Secretary is authorized to provide grants to eligible applicants to evaluate and reduce lead-based paint hazards in housing that is not federally assisted housing, federally owned housing, or public housing, in accordance with the

provisions of this section. Grants shall only be made under this section to provide assistance for housing which meets the following criteria—

(1) for grants made to assist rental housing, at least 50 percent of the units must be occupied by or made available to families with incomes at or below 50 percent of the area median income level and the remaining units shall be occupied or made available to families with incomes at or below 80 percent of the area median income level, and in all cases the landlord shall give priority in renting units assisted under this section, for not less than 3 years following the completion of lead abatement activities, to families with a child under the age of six years, except that building with five or more units may have 20 percent of the units occupied by families with incomes above 80 percent of area median income level:

(2) for grants made to assist housing owned by owner-occupants, all units assisted with grants under this section shall be the principal residence of families with income at or below 80 percent of the area median income level, and not less than 90 percent of the units assisted with grants under this section shall be occupied by a child under the age of six years or shall be units where a child under the age of six years spends a significant amount of time visiting; and

(3) notwithstanding paragraphs (1) and (2), Round II grantees who receive assistance under this section may use such assistance for priority housing.

\* \* \* \* \*

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NOFA IV  
ELIGIBILITY OF HUD-ASSOCIATED "ELIGIBLE" HOUSING UNITS  
TO PARTICIPATE UNDER HUD'S  
LEAD-HAZARD-CONTROL GRANTS PROGRAM

## APPENDIX D

Program	Eligibility		Program	Eligibility	
	Yes	No		Yes	No
<b>Housing Components of Community Planning &amp; Development Programs</b>					
Community Development Block Grants (Entitlement)	X		Single Family Home Mortgage Coinurance (Section 244)	X	
Community Development Block Grants (Non-Entitlement) for States and Small Cities	X		Graduated Payment Mortgages (Section 245)	X	
Community Development Block Grants (Section 108 Loan Guarantee)	X		Adjustable Rate Mortgages (ARMs)(Section 251)	X	
Special Purpose Grants	X		Manufactured Homes (Title I)	X	
The Home Program: HOME Investment Partnerships	X		<b>Housing</b>		
HOPE for Homeownership of Single Family Homes	X		<b>Multifamily Programs</b>		
Shelter Plus Care (by component)			Rent Supplements (Section 101)		X
Sponsor-based Rental Assistance	X	X	Multifamily Rental Housing (Section 207)	X	
Tenant-based Rental assistance		X	Cooperative Housing (Section 213)	X	
Project-based Rental Assistance		X	Mortgage and Major Home Improvement Loan Insurance for Urban Renewal Areas (Section 220)	X	
SRO Rental Assistance		X	Multifamily Rental Housing for Moderate-Income Families (Section 221(d)(3))		X
Single Family Property Disposition Homeless Initiative	X		Section 221(d)(4)	X	
Emergency Shelter Grants	X		Existing Multifamily Rental Housing (Section 223(f))	X	
Housing Opportunities for Persons With Aids (HOPWA)	X	X	Supplemental Loans for Multifamily Projects (Section 241)	X	
Surplus Properties (Title V)		X	Supportive Housing for Persons with Disabilities (Section 811)	X	
Supportive Housing Demonstration Program Transitional Housing Component	X		<b>HOPE 2: Homeownership of Multifamily Units (Title IV)</b>		X
Supportive Housing Demonstration Program Permanent Housing Component	X		Low-Income Housing Preservation and Resident Homeownership (Title VI)	X	X
Supplemental Assistance for Facilities to Assist the Homeless (SAFAH)	X		Homeownership (Title VI)	X	X
Supportive Housing Program	X		Emergency Low-Income Housing Preservation (Title II)	X	X
Section 8 SRO Mod Rehab for Homeless Individuals	X	X	Flexible Subsidy (Section 201)	X	X
Innovative Demonstration Program	X		<b>Public and Indian Housing</b>		
<b>Housing</b>			Section 8 Project-Based Certificate Program		X
<b>Single Family Programs</b>			Section 8 Tenant Based Certificate and Voucher Program	X	X
One- to Four-Family Home Mortgage Insurance (Section 203(b) and (l))	X		Section 8 Moderate Rehabilitation Program		X
Rehabilitation Mortgage Insurance (Section 203(k))			Public Housing Development		X
Homeownership Assistance for Low- and Moderate-Income Families (Section 221(d)(2))	X		Public Housing Operating Subsidy Program)		X
Homes for Service Member (Section 222)	X	X	Public Housing Modernization (Comprehensive Grant Improvement Assistance Program)		X
Housing in Declining Neighborhoods (Section 223(e))	X				
Condominium Housing (Section 234)	X				
Housing in Military Impacted Areas (Section 238)	X				

## Appendix E—Elements of a State Certification Program

Congress has assigned Federal responsibility to the Environmental Protection Agency (EPA) for the definition, implementation, and oversight of State Certification Programs for workers, contractors, and inspectors engaged in the detection and reduction of lead-based paint hazards. The Department of Housing and Urban Development (HUD) has a strong interest in the strength and rigor of the EPA program, because HUD must rely on the effectiveness of the EPA program to assure the safe detection and reduction of those lead-based paint hazards.

In October 1992, Congress passed the Residential Lead-Based Paint Hazard Reduction Act (Title X of the Housing and Community Development Act of 1992). This legislation required EPA to promulgate regulations governing the accreditation of training programs, the certification of contractors and the training of workers engaged in lead-based paint activities. In addition, EPA was directed to issue work practice standards. Under the statute, lead-based paint activities are defined as:

(a) In the case of target housing: risk assessment, inspection, and abatement; and

(b) In the case of any public building constructed before 1978, commercial building, bridge, or other structure or superstructure: identification of lead-based paint and materials containing lead-based paint, deleading, removal of lead from bridges, and demolition.

EPA is preparing to promulgate these regulations under the authority of Title IV of the Toxic Substances Control Act (TSCA), Section 402 and Section 404. Section 402(a) of TSCA directs EPA to promulgate regulations governing lead-based paint activities. Section 404(a) of TSCA requires any State that seeks to administer and enforce the requirements established by the Agency under Section 402 of TSCA must submit to the Administrator of EPA, in such form as the Administrator shall require, a request for authorization of such a program.

States will have two years after final promulgation of TSCA Section 402/404 to establish and seek authorization of the State Program. State programs that reflect the minimum training, certification, accreditation, and standards that currently exist in EPA's proposed regulations are likely to be authorized by EPA. States that commit to develop appropriate accreditation and certification programs and to seek

authorization by EPA are encouraged to enact broad enabling legislation.

While the regulations establishing an EPA State Authorized Program are not final, EPA can define a minimum set of basic elements that *must* be contained in enabling legislation. These minimum elements are outlined in #1 below. In addition, EPA believes that additional elements should be included in legislation and these are identified in #2 below.

Certification, worker training, and accreditation of training providers are three of the basic elements that must be contained in a State's enabling legislation. It is imperative that these three elements be included in a State's enacted legislation prior to applying for a HUD Lead-Based Paint Hazard Control Grant.

1. The enabling statute, at a minimum, shall contain the following elements:

a. *Agency.* Establish an agency, or agencies, or designate an existing State agency, or agencies, to implement the State program.

b. *Certification.* Authorize and direct the agency, or agencies, to promulgate regulations requiring the certification of contractors that offer to perform lead-hazard detection or lead-hazard reduction services.

c. *Worker Training.* Authorize and direct the agency, or agencies to promulgate regulations setting training requirements for workers, inspectors, and other persons directly and substantially involved in the performance of lead-based paint activities. Such regulations shall establish minimum acceptable levels of training, and periodic refresher training for each class of workers, and require that training shall be provided by accredited training providers.

d. *Accreditation of Training Providers.* Authorize and direct the agency, or agencies, to promulgate regulations to establish the accreditation of training programs. The legislation shall require that the regulation cover the following: (i) minimum requirements for the accreditation of training providers; (ii) minimum training curriculum requirements; (iii) minimum training hour requirements; (iv) minimum hands-on training requirements; (v) minimum trainee competency and proficiency requirements; and (vi) minimum requirements for training program quality control.

e. *Standards.* Authorize and direct the agency, or agencies, to promulgate regulations establishing standards for performing lead-based paint activities,

taking into account reliability, effectiveness, and safety.

f. *Compliance.* Authorize and direct the agency, or agencies, to promulgate regulations that will require any activity, involving lead-hazard detection or lead-hazard reduction procedures, to comply with agency regulations and to use certified and accredited personnel.

g. *Enforcement.* Authorize and direct the agency, or agencies, to promulgate regulations that provide for the enforcement of the State Certification Program, and that establish suitable sanctions, for those who fail to comply with program requirements. The regulations shall include provisions for the decertification and deaccreditation of programs and personnel.

h. *Federal Funding Eligibility.* Authorize and direct the agency, or agencies, to revise its regulations and procedures from time to time to assure that State lead-hazard activities continue to be eligible for Federal funding, by meeting the State Certification Program standards and other requirements that may from time to time be promulgated by EPA, HUD, and such other Federal agencies as may have jurisdiction over lead hazards;

i. *Reciprocity.* Authorize the agency, or agencies, to establish liaison with the other States having a State Certification Program to assure the maximum consistency of program requirements, in order to facilitate reciprocity of certification and accreditation among the several States;

2. In addition to the mandatory elements present in #1 above, HUD and EPA strongly recommend that the enabling legislation include:

a. *Staffing.* Authorize and direct the agency, or agencies to dedicate suitable staff and to acquire suitable space, equipment, supplies and other items necessary for the operations of the program.

b. *Fees.* Authorize the agency, or agencies, to collect such fees for certification, accreditation, and other reviews as State policy may determine to be necessary to help support the activities of the agency or agencies.

c. *Laboratory Oversight.* Authorize and direct the agency, or agencies, to cooperate with EPA in any joint oversight procedures EPA may propose for laboratories accredited under the EPA laboratory accreditation program for laboratories that offer to provide lead analysis services.

d. *Data Collection.* Authorize the agency, or agencies, to establish a unit for the collection and analysis of data on lead-hazard detection and lead-hazard reduction activities in the State, and on

the certification, accreditation, and enforcement activities of the agency.

e. *Public Education.* Authorize the agency, or agencies, in cooperation with other relevant agencies of the State, to conduct programs of public education on the nature and consequences of lead hazards and on the need for lead-hazard reduction activities to be conducted under careful supervision and by certified and accredited personnel in order to assure the public safety.

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