

**SUPPORTING STATEMENT FOR
PAPERWORK REDUCTION ACT SUBMISSION
FR-5608-N-01**

**Collection of Information from HUD Lead Hazard Control Grantees
to Support a Review of the Federal Dust-lead Standards**

A. Justification

1. Authority for Information Collections

Section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (P.L. 102-550), which is Title X of the Housing and Community Development Act of 1992 (42 U.S.C. 4851 *et seq.*), amended the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821 *et seq.*) and authorized the Secretary of HUD to provide grants to eligible applicants to evaluate and reduce lead-based paint hazards, as defined by EPA (Public Law 102-550, Section 403; 15 U.S.C. 2683), in housing that is not federally assisted, federally owned, or public housing.

Section 1011(c) of Title X states “to receive a grant under this section, a State or unit of local government shall submit an application in such form and in such manner as the Secretary shall prescribe.” Section 1011(e)(10) states that “carry[ing] out such activities that the Secretary determines appropriate to promote the purposes of this Act” is an eligible activity. Title 42 U.S.C 4854a states: “The Secretary, in cooperation with other Federal agencies, shall conduct research to - ... (6) establish appropriate cleanup standards; ...”

The Notice of Funding Availability (NOFA) for HUD’s Fiscal Year (FY) 2012 Lead-Based Paint Hazard Control Grant Program and Lead Hazard Reduction Demonstration Grant Program (and similarly for the FY 2010 and FY 2011 NOFAs) requires, at section III.D.2.e:

“Cooperation with Related Research and Evaluation. You must cooperate fully with any research or evaluation sponsored by HUD, CDC, EPA or another government agency associated with this grant program, including preservation of project data and records and compiling requested information in formats provided by the researchers, evaluators or HUD. This also may include the compiling of certain relevant local demographic, dwelling unit, and participant data not contemplated in the original proposal. Participant data shall be subject to the Privacy Rule of the Health Insurance Portability and Accountability Act of 1996 (HIPAA). HIPAA and the Privacy Rule can be found at <http://www.hhs.gov/ocr/privacy/>. For the programs in this NOFA, HUD does not expect research to be conducted that could affect human subjects. For any research that could affect human subjects, appropriate disclosure in plain language, alternative formats, and other languages, as appropriate, should be used. To protect the researchers, it is advisable that verbal explanation of all disclosures be video taped.”

HUD requests approval of a new collection of information in support of a joint EPA-HUD effort to review the available evidence for a potential amendment of the current dust-lead hazard standards, a responsibility of EPA (15 U.S.C. 2683), and to change the definition of lead-based

paint in federally assisted target housing (essentially pre-1978 housing),¹ a responsibility of HUD (42 U.S.C. 4822(c)).

HUD's Lead Hazard Control Program grantees have special knowledge and experience that can contribute greatly to the assessment of the potential change to the federal dust-lead standards, particularly with practical considerations related to the ability of the grant programs to achieve clearance at different levels. Below, HUD presents and explains its paperwork burden estimate for this new collection of information.

2. Requirements

For this request, the following requirements pertain to paperwork burden: *Respond to a questionnaire regarding the experience of the HUD grantee (or the contractor working with the grantee) on achieving clearance² of a residential property after lead hazard control work has been completed.* The requirement is described in the following paragraphs.

a. Background. In January 2001 the EPA issued a final rule³ establishing dust-lead hazard standards under the Toxic Substances Control Act (TSCA), Section 403 (15 U.S.C. 2683) of 40 µg/ft² for floors and 250 µg/ft² for interior windowsills. The hazard standards were developed by evaluating not only the risks associated with dust-lead, but also considered the potential (i.e., feasibility) for achieving clearance and the benefits and costs of reducing identified risks.

The Section 403 hazard standards are used in the following ways:

- To identify when lead-based paint hazards exist for purposes of the 1996 Abatement Rule.⁴
- To provide criteria for Lead-Based Paint Professionals (i.e., risk assessors and inspectors) to identify hazards.
- To identify when certain real estate disclosures must be made under Section 1018 of Title X – if a seller/lessor has knowledge of the presence of lead-based paint or lead-based paint hazards, as defined by the standards, they must disclose knowledge regarding the presence of lead or the lead-based paint hazard.
- To implement or oversee evaluation and control of hazards in federally-assisted and -owned housing

In the same 2001 rulemaking, EPA promulgated the abatement clearance standards under TSCA Section 402. The abatement clearance standards are used to measure the effectiveness of abatement remedial actions. The clearance standards represent the level to which a well-trained person, using appropriate equipment and work practices, can reduce the level of lead dust after an abatement. The abatement clearance standards and the dust-lead hazard standards are currently the same for floors and window sills, 40 µg/ft² and 250 µg/ft²,

¹ 42 U.S.C. 4822(27): Target housing. The term "target housing" means any housing constructed prior to 1978, except housing 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. In the case of jurisdictions which banned the sale or use of lead based paint prior to 1978, the Secretary, at the Secretary's discretion, may designate an earlier date.

² HUD defines clearance in its Lead Safe Housing Rule (24 CFR 35.110): Clearance examination means an activity conducted following lead-based paint hazard reduction activities to determine that the hazard reduction activities are complete and that no soil-lead hazards or settled dust-lead hazards, as defined in this part, exist in the dwelling unit or worksite. The clearance process includes a visual assessment and collection and analysis of environmental samples.

³ <http://www.epa.gov/lead/hazard.html>

⁴ <http://www.epa.gov/lead/abatement-rule.html>

respectively. There is a clearance standard for window troughs (400 µg/ft²), however, there is no dust-lead hazard standard for troughs.

In 2009, a petition⁵ was submitted to the EPA by the National Center for Healthy Housing and other organizations requesting that the Agency:

- Lower the TSCA Section 403 dust-lead hazard standards at 40 CFR 745.65(b), 745.227(e)(8)(viii), and 745.227(h)(3)(i) to some values below the current values of 40 micrograms of lead per square foot (40 µg/ft²) for floors and 250 µg/ft² for window sills.
- Modify the definition of lead-based paint in 40 CFR 745.103 and 745.223 to some value below the current value of 1 mg/cm² or 0.5% by weight.

As noted above, the EPA Administrator has the authority to establish the lead-based paint hazard standards and the HUD Secretary has the authority to revise the definition of lead-based paint in target housing.

EPA granted the dust-lead standard portion of the petition, agreeing to conduct an appropriate review of the current dust-lead hazard standards to determine if they should be modified, but did not commit to a specific outcome. Since the HUD Secretary has the authority to revise the definition of lead-based paint in target housing, EPA referred the lead-based paint definition portion of the petition to the HUD Secretary. The information collected under this request will not be used to directly inform the response to the request to modify the definition of lead-based paint; if, however, the review of the current dust-lead hazard standards indicates a change is needed, it will be used to inform what post-intervention dust-lead levels are routinely obtained. That feasibility information will then further inform any future assessments of the federal dust-lead standards.

EPA and HUD have agreed to coordinate in assessing the issues raised in the petition. One of the issues to be considered is the ability of practitioners to achieve “clearance” (i.e., the determination that a work area is sufficiently clean of lead dust) at levels below the current requirements. (Note: a work site is “cleared,” allowing for re-occupancy by residents, if no visible dust or debris remains, and dust samples from the site are found to be below the federal clearance standard for lead on specific surfaces.⁶ The current lead-dust hazard standards (i.e., for floors and window sills) are equivalent to the clearance standards for those surfaces, with a separate clearance standard for window troughs. There is no lead-dust hazard standard for window troughs. This ICR is to obtain information from HUD lead hazard control grantees on the clearance levels that they routinely achieve and the factors that affect their ability to achieve clearance. A previous HUD-sponsored evaluation of its first two rounds of lead hazard control grantees indicated that on average, the clearance levels achieved were well below the federal standards in effect at that time.⁷ This information collection will be used to inform decision making on both the feasibility and economic impact of achieving different clearance levels.

b. Study Design. Similar to the analyses completed previously for the 2001 rulemaking, as part of EPA’s current review of the dust-lead hazard standards, the Agency will assess not only the hazards created by lead dust, but also the feasibility (i.e., ability to achieve alternate clearance levels) of changing the standard.

⁵ http://www.epa.gov/oppt/chemtest/pubs/EPA_Lead_Standards_Petition_Final.pdf,
<http://www.epa.gov/fedrgstr/EPA-TOX/2009/October/Day-06/t23929.pdf>

⁶ EPA’s abatement rule at 40 CFR 745.227(e)(8); HUD uses this approach in its Lead Safe Housing Rule at 24 CFR 35.1340(b)(2) and (d).

⁷ Dixon SL, Wilson JW, Succop PA, Chen M, Galke WA, Menrath W, Clark CS. Residential Dust Lead Loading Immediately After Intervention in the HUD Lead Hazard Control Grant Program, *Journal of Occupational and Environmental Hygiene* 1(11):716-724, 2004.

To develop an approach for reviewing the hazards, EPA consulted with their Science Advisory Board (SAB) Lead Advisory Panel. On June 3, 2010, EPA submitted a “Proposed Approach for Developing Lead Dust Hazard Standards for Residences” as well as a list of “Charge Questions”⁸ to the SAB. On July 5-6, 2010, EPA met with the SAB regarding EPA’s proposed methods for examining candidate hazard standards for floors and window sills in residences. EPA received the SAB’s comments on August 10, 2010 (EPA-SAB-10-011). EPA also met with the SAB on December 5-6, 2010 to receive a review from the SAB on the November 5, 2010 “Approach for Developing Lead Dust Hazard Standards for Residences” document⁹. On July 2011, the SAB made recommendations which EPA is currently using to re-evaluate the dust-lead hazard standards.¹⁰

To assess the feasibility of a lower dust-lead standard, EPA has conducted a review of information found in the open literature and scientific reports on sampling methods and chemical analysis for lead in dust after various lead-based paint activities and cleaning. While the literature search has been informative, EPA and HUD are seeking additional data regarding the dust-lead clearance levels that LHC practitioners are routinely achieving. Specifically, EPA and HUD are gathering additional information on: 1) the condition of the floor in a work area prior to and after clearance is achieved; 2) the type and extent of work practices being used to achieve clearance; 3) the typical dust-lead level of the floor after lead-based paint activities; and 4) the reporting (detection) limit of the laboratories performing the analyses.

This information will help EPA and HUD understand what factors affect the ability to achieve the current lead clearance levels and what levels are being reported, i.e., the lead surface loadings achieved rather than a qualitative indication of above or below (Pass/Fail) the existing standards.

c. Questionnaire. EPA and HUD have developed a questionnaire (attached) for HUD’s Lead-Based Paint Hazard Control (LBPHC) and Lead Hazard Reduction Demonstration (LHRD) grantees. The questionnaire will be embedded in a spreadsheet to simplify and guide participant responses and facilitate data capture. It consists of 27 questions.

d. Data Analysis Plan.

Estimates of the percent of homes treated by grantees meeting various possible dust cleanup standards for floors and window sills using different cleaning methods will be produced. Separate estimates will also be made by factors such as floor and window sill condition, housing age, type of dwelling and type of grantee organization. Details are provided in Part B under “Estimation procedure” and “Degree of accuracy needed for the purpose described in the justification”.

The purpose of the information collection is to provide data on the technical feasibility of dust clearance standards different than the current levels of 40 µg/ft² for floors and 250 µg/ft² for window sills. HUD’s LHC and LHRD grantees include agencies that have received multiple grants since the program’s inception in FY 1993 as well as programs that are implementing their first grants. The grantees have a wide geographic distribution and conduct interventions in a

⁸ <http://yosemite.epa.gov/sab/sabproduct.nsf/a84bfee16cc358ad85256ccd006b0b4b/4a701361d05a8b2385257704004ca607!OpenDocument&Date=2010-07-06>

⁹ <http://yosemite.epa.gov/sab/sabproduct.nsf/a84bfee16cc358ad85256ccd006b0b4b/d64ddc861587db14852577910051bad1!OpenDocument&Date=2010-12-06>

¹⁰ <http://yosemite.epa.gov/sab/sabproduct.nsf/0/9c733206a5d6425785257695004f0cb1!OpenDocument&TableRow=2.3#2>.

broad range of housing types. The housing tends to be older (e.g., pre-1950) and has known lead-based paint hazards (i.e., housing that presents a significant lead exposure risk). Because the housing targeted by HUD grantees is more likely than the general housing population to have dust-lead hazards, (i.e., older and in poorer condition) HUD and EPA consider it an excellent population of housing for providing an indication of the feasibility of achieving different dust-lead clearance levels.

The houses to be included are not considered a representative sample of the population that would be affected by the EPA rulemaking. HUD and EPA believe that the grantee houses represent an appropriate target population for the survey with respect to age, condition and the presence of lead-based paint (LBP) hazards. This is an important distinction because older (i.e., primarily pre-1950) housing that has significant amounts of LBP and is in poorer condition represents the greatest challenge for achieving successful clearance following completion of lead hazard control activities. The 116 grantees that will be surveyed are located in 37 states and in FY 2013 conducted interventions in approximately 12,000 homes, representing a wide range of housing types. HUD grantees have extensive knowledge of the housing stock in their communities and they target the homes that have been known to be connected with or which pose the highest risk of lead poisoning.

The other major category of housing that would be affected by potential EPA rulemaking is housing in which lead dust clearance is conducted in compliance with HUD's Lead Safe Housing Rule (LSHR). These regulations cover federally owned and assisted target housing (e.g., public housing, housing rehabilitated through Community Development Block Grants, etc.) and require clearance testing following disturbance of greater than de minimis levels of LBP.¹¹ Some states and local governments also have regulations requiring lead hazard control treatments and clearance testing in target housing; however, it is not known if these jurisdictions would amend their regulations if new federal standards were adopted.

It would be prohibitively costly (and we believe unnecessary) to create a sample frame and conduct a survey that is representative of all of the housing that would be potentially affected if the current federal dust-lead standards were changed.

HUD and EPA will use the information collection described above to determine the clearance levels that are currently being routinely achieved by grantees, the analytical reporting limits of their laboratories and the factors that affect their ability to achieve different clearance levels. The findings will be reviewed in light of past research which demonstrated that clearance dust-lead levels significantly below current standards can be attained on a regular basis following lead hazard control treatments. Frequency distributions will also be created for the detection limits that commercial laboratories are reporting for the routine analysis of lead wipe samples.

3. Methods for Conducting Information Collections

All of the current HUD LBPHC and LHRD grantees (i.e., those grantees having these grants awarded using funds from fiscal years (FY) 2010 through 2012) will be asked to complete the questionnaire. They will be contacted and asked to respond over a reasonable time period (e.g., a 3-week period). The questionnaire and accompanying instructions will be distributed and returned to HUD via email.

¹¹ These amounts are specified at 24 CFR 35.1350(d).

It is likely that it will be necessary to conduct follow-up discussions with some of the grantees in order to clarify answers they provided on the questionnaire, but this is expected to include a relatively small subset of the grantees.

There are 116 LHC and LHRD grantees that will be asked to respond to the ICR. HUD expects a minimum of 85% to respond, for a total of 100 responses. A similar information collection conducted in 2013 had a response rate of 95%. HUD OHHLHC will randomly select 20 homes out of the last 100 housing units¹² treated and cleared by the grantees, submitted as part of the grantees' submissions to HUD's Quarterly Progress Reporting System (QPRS); the grantees will be asked to respond to the questionnaire using the records from the 20 selected homes. Grantees will be given approximately 3 weeks to respond, after which follow-up reminder messages will be sent by the contractor. If needed, further follow-ups will escalate within the grantee's management structure.

As a quality control check after data collection, HUD OHHLHC will review the results by asking 22 randomly selected grantees to submit full copies of 3 specific case files (randomly selected by HUD). The decision to target a sample of 22 grantees for the audit is based on a statistical estimate that this would provide a 90% probability of detecting a systematic error by 10% or more of the respondents. HUD will then check the data against the records in the files to insure accuracy. If isolated problems are identified, the grantees will be asked to correct their submittals. If any systematic errors are identified (e.g., interpreting a question differently than what was intended), the grantees will be asked to correct their submittals and the issue will be communicated to other grantees, if necessary, to ensure the accuracy and uniformity of responses.

4. Nonduplication

To both HUD's and EPA's knowledge, there is no duplication of information collection on this subject. The lead hazard control program's quarterly progress reports do not contain the specific data on clearance dust level measurements as requested in this ICR. The grantees' progress reports collected in the Quarterly Progress Reporting System (QPRS) focus largely on grant production, e.g., the number of risk assessments performed (without including any dust lead level values), the number of units "completed and cleared" (meaning lead hazard control activities completed, again without including any dust lead level values) and the amount of money spent. There will be no duplication of data collected by QPRS and under this ICR.

5. Burden on Small Entities

This information collection requirement does not have a significant impact on HUD LBPHC and LHRD grantees, which are States or units of local government, or their lead hazard control contractors, most of which are small entities. Further, the information collection requirements for the questionnaire are not overly burdensome. HUD estimates that the average burden per grantee respondent would be 16 hours; the burden for a grantee's lead hazard control contractors would be a portion of its burden, i.e., less than 16 hours, with the total national burden on small entities less than 1600 hours (see answer 12, below).

The burden estimate for this ICR cannot be compared to the burden for the data collected for the QPRS (Quarterly Progress Reporting System). HUD is conservative in estimating 16 hours

¹² If a grantee has treated and cleared fewer than 100 housing units, 20% of the units will be randomly selected.

for the current ICR. We believe that that some grantees have some of this data already collected and available, while others may have to access and collate the data from paper files maintained in their office, which would be more time consuming. Based on HUD's pilot-testing the questionnaire with two grantees, we believe that the 16 hour burden represents a reasonable average.

6. Consequences to Federal Program or Policy Activities

If HUD (in coordination with the EPA) did not conduct the above-mentioned information collection, there would be significant data gaps with respect to the clearance levels routinely achieved by the grantees under this program. This data gap would hinder the ability of the EPA to assess the probable impact of different dust-lead standards on practitioners, which is critical to estimating the economic impact and feasibility of achieving different standards.

7. Special Circumstances for Information Collections

There are no special circumstances that would cause the information collection to be conducted in a manner that was contrary to the general information collection guidelines provided by OMB.

8. Public Input on Information Collection Requirements

On June 22, 2012, HUD invited comments from the public through August 21, 2012 regarding this information collection request (Notice of Proposed Information Collection: Comment Request; *Federal Register*, Volume 77, Number 121, page 37696). No comments were received.

On October 16, 2012, HUD published the Notice of Submission of Proposed Information Collection to OMB for this ICR (*Federal Register*, Volume 77, Number 200, page 63321-2), with comments due by November 15, 2012. Again, no comments were received.

As noted above, this ICR was published twice in the Federal Register, for the 60-day notice and for the 30-day notice. HUD and EPA worked closely on developing the questionnaire to ensure the data to be collected would be meaningful, reliable and useful for the intent of determining the feasibility of obtaining clearance at different dust lead loadings (usually expressed as $\mu\text{g}/\text{ft}^2$). The contractor (QuanTech, under contract to HUD) also pilot tested the questionnaire with two grantees. The grantees commented on the clarity of questions and their ability to access the data needed for compiling responses. The grantees who pilot-tested the questionnaire did not indicate any significant concerns with the questionnaire nor did they have problems accessing the data in their files.

9. Payment or Gifts to Respondents

HUD will make no payments or gifts to respondents.

10. Confidentiality

No assurance of confidentiality is or will be made.

11. Collection of Sensitive Information

No questions of a sensitive nature are posed in the information collection.

12. Hour Burden Estimate

HUD has estimated the paperwork hour burden for this collection. The total number of respondents is estimated at 100, the frequency of response is one. The burden is based on the time to complete a brief questionnaire. The hourly labor cost is rated at \$33.06 per hour (2014 OPM General Schedule (base) rates, GS-12, step 5; www.opm.gov). The hour burden estimates are presented in Table 1. The burden table presented in this Supporting Statement was based on HUD estimates for the respondents (grantees).

13. Cost Burden Estimate

There are no additional costs to this information collection aside from the labor costs shown in Table 1 below.

14. Costs to the Federal Government

The estimated cost to the Federal Government to develop and implement the questionnaire and summarize the findings is \$136,248. This is the cost to HUD of the contract through which the data will be collected, analyzed, and reported.

15. Reasons for Program Changes or Adjustments

Not applicable; this is a new information collection.

16. Publication of Information Collections

No reports based on this collection will be published. The information will be used to inform the decision making process regarding the potential change to the dust-lead hazard standards; however, the results will become part of the official record of any potential future regulatory action by EPA that may amend the dust-lead standards and by HUD that may amend the lead-based paint standard.

17. Display of Expiration Date

HUD will fully comply with the requirement to display a valid OMB control number for this information collection.

18. Exceptions to the Certification Statement

None. HUD expects to comply fully with the Certification for Paperwork Reduction Act Submissions (OMB 83-1).

B. Collections of Information Employing Statistical Methods

Please see the Part B responses.

Table 1. Hour and Cost Burden Estimate

Requirement	No. of respondents	Hours per Grantee	Total Hours	Cost per hour	Labor Cost	Startup Cost	O&M Cost	Total Cost
Complete questionnaire	100	16	1600	\$33.06	\$52,896	\$0	\$0	\$52,896
Total	100	16	1600		\$52,896	\$0	\$0	\$52,896

Total cost: \$52,896
 Total hours: 1600
 Cost per hour: \$33.06
 Total respondents: 100
 Hours/Respondent: 16