

a lead-based paint program that may be authorized in the future. However, funds will be awarded based upon the progress made by the applicant in developing an acceptable program, including implementing regulations. Failure to make satisfactory progress toward program authorization will result in a State, Territory, Indian Tribe, or Intertribal Consortium not receiving funding. The EPA Regional Offices, as part of their grant oversight responsibilities, will have discretion with respect to determining whether sufficient progress is being made by a given State, Territory, Indian Tribe, and/or Intertribal Consortium toward the development and implementation of a program under TSCA Title IV.

States, Territories, eligible Indian Tribes and Intertribal Consortia may choose to combine section 404(g) grant funds with other environmental program grants as part of a performance partnership grant (PPG) if the requirements in 40 CFR 35.130 through 35.138 (which apply to States) and 40 CFR 35.530 through 35.538 (which apply to Indian Tribes and Intertribal Consortia) are adhered to by the grantee.

4. *Authority.* The TSCA Title IV lead-based paint program is a cooperative agreement program administered by EPA under the authority of section 404(g) of TSCA. Regulations governing these cooperative agreements are found at 40 CFR part 31 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments). Regulations which supplement the EPA general assistance regulations found in 40 CFR part 31 are found at 40 CFR part 35, subpart A and subpart B. Contained within 40 CFR part 35 are specific sections which govern grants and cooperative agreements for the lead-based paint program under section 404(g); 40 CFR 35.270 through 35.273 (applicable to States, Territories, and the District of Columbia), and 40 CFR 35.690 through 35.693 (applicable to Indian Tribes and Intertribal Consortia). The EPA Regional Offices administer the section 404(g) cooperative agreements pursuant to a delegation of authority which permits the 10 EPA Regional Administrators to enter into cooperative agreements with eligible States, Territories, Indian Tribes, and Intertribal Consortia.

5. *Activities to be funded.* This Notice was developed by EPA's Office of Pollution Prevention and Toxics (OPPT) in cooperation with the Agency's 10 Regional Offices, to describe in more detail the required elements of grant agreements funded under TSCA section 404(g), to describe the eligible activities

that will be considered for funding, and to facilitate and support Regional administration of this program. EPA's list of eligible grant activities includes activities that are outlined as required elements of authorized lead-based paint programs, including development of enabling legislation and regulations, enforcement components, as well as other items associated with performance reporting. The elements are specified in 40 CFR 745.325 through 745.327, and are repeated in this unit to assist with the development of applicant work plans.

More recently, EPA promulgated its final TSCA section 403 lead hazard standards. The hazard standards were published on December 22, 2000, and can be found at 40 CFR part 745, subpart D. The final TSCA section 403 standards also amended the work practice standards for lead-based paint activities found at 40 CFR 745.227. These amendments establish clearance standards for dust, limit reuse of abated soil, add a requirement for interpreting composite dust clearance samples, and change risk assessment and clearance sampling requirements to ensure compatibility between sampling results and the TSCA section 403 hazard standards and section 402 clearance standards. In order to maintain their authorization, authorized State, Territory, Indian Tribe, and Intertribal Consortium lead-based paint activities programs must develop lead hazard and clearance standards that are as protective of human health and the environment as the Federal standards (40 CFR 745.324). TSCA section 404(g) funds can be utilized by authorized States, Territories, Indian Tribes, and Intertribal Consortia to develop and/or adopt lead hazard standards and clearance standards for lead in soil, dust, and paint.

Another potential regulatory change should be considered by applicants. Pursuant to TSCA section 402(c)(3), EPA is developing a program that will integrate both regulatory and voluntary components, to the extent that each is feasible, to govern the conduct of renovation and remodeling activities that create lead-based paint hazards. As with existing EPA lead-based paint regulations, States, Territories, Indian Tribes, and Intertribal Consortia will be given the opportunity to seek program authorization. While it may be some time before this program is in place, States, Territories, Indian Tribes, and Intertribal Consortia are encouraged to begin considering the need for such a program in their jurisdiction. TSCA section 404(g) funds can be utilized to assist in the regulatory component of

this program. In the interim, EPA has developed a model renovators training curriculum titled "Minimizing Lead-Based Paint Hazards During Renovation, Remodeling, and Repainting." EPA has made this course available, and is encouraging its use voluntarily until the renovation and remodeling rule is effective. The course is available on the internet at <http://www.epa.gov/lead/rrmodel.htm>, and a limited number of printed copies are available from the National Lead Information Center at 1-800-424-LEAD.

Although the list is not exhaustive, the following activities are eligible for funding under section 404(g) if they are conducted in support of developing and implementing lead-based paint programs authorized pursuant to 40 CFR part 745, subpart Q. In addition, the Agency will consider for funding other activities which focus on the development and implementation of authorized programs, such as:

a. Develop and/or adopt lead hazard standards and clearance standards for lead in soil, dust, and paint.

b. Develop and/or enact enabling legislation.

c. Adopt implementing regulations.

d. Develop a system to document certification of inspectors, risk assessors, supervisors, workers and project designers.

e. Adjust or enhance the appropriate infrastructure to accommodate additional program responsibilities.

f. Maintain, improve and/or develop the appropriate infrastructure to successfully administer and enforce a program to ensure that individuals engaged in lead-based paint activities are properly trained, that training programs are accredited, and that contractors and firms engaged in such activities are certified.

g. Maintain, improve and/or develop the appropriate infrastructure to successfully administer and enforce a program to ensure that renovation contractors provide lead-hazard information to building owners and residents.

h. Oversee the conduct of certified contractors engaged in lead-based paint activities to ensure that they are conducting their activities according to all applicable regulations, including monitoring inspection, risk assessment, and abatement activities per the authorized program.

i. Oversee accredited training programs per the authorized program.

j. Develop and/or revise as needed, work practice standards for the conduct of lead-based paint activities associated with inspections, risk assessments, and abatement.