

FY2025 TSCA Section 404(g) Lead-Based Paint Grant Program Guidance

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I. Purpose and Scope

The U.S. Environmental Protection Agency's (EPA) Office of Chemical Safety and Pollution Prevention (OCSPP) is issuing the FY2025 Lead-Based Paint Program (LBP) grant guidance for financial assistance agreements (grants) to states, territories, the District of Columbia, and eligible tribes and intertribal consortia under the authority of section 404(g) of the Toxic Substances Control Act (TSCA) (15 U.S.C. 2684(g)). Lead-based paint program grants are awarded 1) to develop and/or carry out an authorized lead-based paint activities program; 2) to develop and/or carry out an authorized lead pre-renovation education program; and 3) to develop and/or carry out an authorized renovation, repair and painting program. Collectively these programs are referred to as lead-based paint programs. In line with Administrator Zeldin's Powering the Great American Comeback initiative, EPA's work related to this guidance will advance Pillar 1: Clean Air, Land, and Water for Every American, and Pillar 3: Permitting Reform, Cooperative Federalism, and Cross-Agency Partnership.

Since 1994, EPA has been offering financial assistance agreements under TSCA section 404(g) to states, territories, and the District of Columbia (hereafter referred to as "states") and to Indian tribes and intertribal consortia (hereafter referred to as "tribes"). EPA encourages states and tribes to seek authorization of their own lead-based paint programs. EPA's goal is to have authorized programs in all states and on those Indian tribal lands where such a program is warranted.

The grants must be used to develop and implement authorized programs. To receive funding for program development, a state or tribe must be making substantial progress toward an authorized program. Therefore, the EPA Regional Offices (Regional Offices), as part of its grant oversight responsibilities, will work with the grantees to determine the appropriate amount of funding based upon the amount of developmental work to be completed as the grantee makes progress toward authorization. After a program is authorized, grantee funding is provided to implement the authorized program.

This guidance describes the purposes of this grant program and EPA's authority for issuing them; explains what entities are eligible to apply for grants; outlines what activities can be funded; explains how the funds will be awarded and distributed, including the criteria EPA will consider when evaluating grant proposals; discusses grant application submission requirements; and summarizes grant reporting requirements. Proposals that qualify for funding will be funded according to the procedures outlined in the Section VIII, Funding for EPA Authorized Lead Programs.

II. Background and Authority

On October 28, 1992, the U.S. Congress passed the Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X of Public Law 102-550). Title X amended TSCA by adding Title IV--Lead Exposure Reduction (15 U.S.C. 2681 et seq.). The purpose of Title X was to develop a

national strategy and to build an infrastructure to eliminate lead-based paint hazards in all housing.

Congress passed Title X based on findings that: 1) low-level lead poisoning is widespread among American children, affecting as many as three million children under the age of six, with minority and low-income communities being disproportionately affected; 2) low levels of lead poisoning in children cause intelligence quotient deficiencies, reading and learning disabilities, impaired hearing, reduced attention span, hyperactivity, and behavior problems; 3) pre-1980 American housing stock contains more than three million tons of lead in the form of lead-based paint; and 4) the ingestion of household dust containing lead from deteriorating or abraded lead-based paint is the most common cause of lead poisoning in children.

Section 402(a) of TSCA authorizes EPA to promulgate regulations governing lead-based paint activities to ensure that individuals engaged in such activities are properly trained, that the training programs are accredited, and that contractors engaged in such activities are certified. EPA promulgated these regulations at 40 CFR part 745, subpart L.

Section 402(c) of TSCA authorizes EPA to promulgate regulations governing renovation activities conducted in homes and child-occupied facilities built before 1978 that produce a lead-based paint hazard. EPA promulgated these regulations at 40 CFR part 745, subpart E. This regulation also amended provisions under 40 CFR Subpart Q to allow for the authorization of state, tribal or territorial Renovation, Repair and Painting (RRP) programs.

Section 406(b) of TSCA authorizes EPA to promulgate regulations to require each person who performs for compensation renovation and remodeling of target housing or child-occupied facilities to provide a pre-renovation lead hazard information pamphlet to the owner and occupant of such housing or child-occupied facility prior to commencing the renovation. EPA promulgated the regulations called for by section 406(b) (Lead Pre-Renovation Education Rule) at 40 CFR Part 745, subpart E.

Under TSCA section 404, EPA may authorize any state to administer and enforce the standards, regulations, or other requirements established under TSCA sections 402 and/or 406(b) if the state has a program that is at least as protective of human health and the environment as the program specified in TSCA sections 402 and/or 406(b), and that provides adequate enforcement. EPA's implementing regulations at 40 CFR part 745, subpart Q, extends EPA's ability to authorize lead-based paint programs to tribes. This extension to tribes is consistent with the general principles of federal Indian law and the Agency's Indian policy, which states that tribal governments will implement environmental programs in Indian Country to the maximum extent possible.

EPA administers the TSCA lead-based paint grant program under the authority of section 404(g) of TSCA. Regulations governing these grants are found at 2 CFR 200 and 2 CFR 1500 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Assistance). Regulations which supplement the EPA general assistance regulations found in 2 CFR 200 and 2 CFR 1500 are found at 40 CFR part 35, subpart A, and subpart B. Contained within 40 CFR part 35 are specific subsections which govern grants for the lead-based paint program under section 404(g); 40 CFR 35.270 through 35.272 (applicable to states, territories, and the District of

Columbia), and 40 CFR 35.690 through 35.693 (applicable to tribes and intertribal consortia). This grant program managed by OCSPP is listed in the System for Award Management's (SAM.gov) Assistance Listing under program number 66.707 TSCA Title IV State Lead Grants Certification of Lead-Based Paint Professionals.

The Regional Offices administer these grants pursuant to a delegation of authority that permits the 10 EPA Regional Administrators to enter into grants and cooperative agreements with eligible states and tribes.¹ This OCSPP national lead grant guidance document is directed primarily to EPA's Regional Offices to facilitate and support regional administration of this program. Regional Offices will work closely with the states and tribes to develop programs that reflect both EPA and state and Tribal program priorities.

Section 404(h) of TSCA requires EPA to implement and enforce a federal lead-based paint program in all states and Tribal areas that do not have a program authorized by EPA under 40 CFR part 745, subpart Q. Although EPA's goal is to authorize as many state and Tribal programs as possible, the Agency and Congress anticipated that there would be a number of states and tribes that would not seek program authorization. EPA is authorized to use section 404(g) funds to implement a federal lead-based paint program for non-authorized states and tribes. See 40 CFR 35.116, and 40 CFR 35.516.

III. Eligibility

States and tribes are eligible to apply for financial assistance under this program. To be eligible for funding under this grant a tribe must meet the criteria in 40 CFR 35.693(a).

A state or Tribal applicant may receive assistance if it is either implementing an EPA authorized lead-based paint program pursuant to 40 CFR Part 745, subpart Q, or if it is developing a lead-based paint program that will be authorized in the future. The Regional Offices, as part of their grant oversight responsibilities, will have discretion with respect to determining whether a given state or tribe is making sufficient progress toward the development and implementation of a program under TSCA Title IV. Failure to make satisfactory progress toward program authorization will result in a state or tribe receiving no funding.

Where the Agency has direct implementation responsibilities, EPA cannot provide financial assistance under this grant program to non-authorized states or tribes to assist the Agency in implementing and enforcing a federal program under TSCA section 404(h). Eligible parties may use this grant support in a way that complements and does not duplicate activities for which they already receive or could receive financial assistance from other federal sources (e.g., Centers for Disease Control and Prevention (CDC) and U.S. Department of Housing and Urban Development (HUD)).

Where funding is provided to states and tribes for both TSCA 404(g) Lead STAG grants and OECA's Toxic Substances Compliance Monitoring Cooperative agreements, those awards may not be consolidated as a single grant because TSCA 404(g) Lead STAG grant funds cannot be

¹ <http://intranet.epa.gov/ohr/rmpolicy/ads/dm/12-29.htm>

used for enforcement activities. The assistance agreements must either be awarded as two separate grants or be combined in a Performance Partnership Grant (PPG).

In the Omnibus Consolidated Rescissions and Appropriations Act of 1996, Pub. L. 104-134, 110 Stat. 1321, 1321-299 (1996) and EPA's FY 1998 Appropriation Act, Pub. L. 105-65, 111 Stat. 1344, 1373 (1997), Congress authorized the award of PPGs in which states, interstate agencies, tribes, or intertribal consortia can choose to combine two or more environmental program grants into one grant with one combined budget.

Under a PPG, a recipient can achieve cost and administrative savings through reductions in the amount of grant paperwork as well as simplified accounting requirements that do not require the recipient to account for expenditures in accordance with the original funding sources. With PPGs, recipients can negotiate work plans with EPA that direct federal funds where the recipients need them most to address environmental and public health problems. Recipients may combine multimedia approaches and initiatives, for example combine funds from this grant program with other environmental program grants, such as the Toxic Substances Compliance Monitoring grants. States must adhere to the requirements for PPGs in 40 CFR 35.130 through 35.138. Tribes must adhere to the requirements for PPGs in 40 CFR 35.530 through 35.538.

In negotiating a PPG, regions and applicants should continue to use the OCSPP Lead Grant Guidance to ensure that program priorities are met. States, tribes, and territories may apply for PPGs for a multi-year budget period. PPGs are subject to the same reporting, joint evaluation and other accountability requirements described in 2 CFR Part 200, 2 CFR Part 1500, and 40 CFR Part 35 Subpart A or Subpart B.

IV. Activities to Be Funded

A. Overview

The framework of the national Guidance is structured to ensure usability, and clearly communicate expectations to grantees. This section concisely summarizes the OCSPP program areas and clearly lists eligible activities that may be funded under this program. Required elements of authorized lead-based paint programs are specified in 40 CFR 745.323 through 745.327. Although the list below is not exhaustive, funding under this grant can be used for the following purposes

B. Lists of eligible activities that may be funded

1. Develop required elements of authorized lead-based paint programs:

- Develop and/or enact enabling legislation.
- Adopt implementing regulations.
- Develop and/or revise, as needed, work practice standards for the conduct of lead-based paint activities and for the conduct of renovation, repair, and painting.

- Develop and/or adopt lead hazard standards for soil and paint and dust-lead reportable levels and dust-lead action levels for lead-contaminated dust.
- Develop and/or revise, as needed, lead-based paint programs, including regulations or procedures for decertification, suspension, revocation or modification of approvals and certificates.
- Develop and/or revise, as needed, requirements for the administration of a third-party certification exam.

2. Implement the program:

- 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 and/or renovation, repair and painting activities regulated by a grantee's lead-based paint renovation, repair, and painting program are properly trained, that training programs are accredited, and that contractors and firms engaged in such activities are certified.
- Foster activities that would increase the efficiency of a grantees program to ensure that individuals engaged in lead-based paint activities and/or renovation, repair and painting activities regulated by a grantee's program are properly trained; that training programs are accredited; and that contractors engaged in such activities are certified. These activities could include initiatives to develop local capacity in low-income and rural areas, to promote increased competition in the regulated community through agreements which permit entities recognized by an outside jurisdiction to operate in the grantee's jurisdiction (referred to as "reciprocity"), and similar efforts.
- Foster activities that increase public demand for certified firms and individuals and accredited training providers. These activities could include the provision of outreach and education to the regulated community or the public, as long as the outreach/education activities are designed to increase the number of certified firms, trained individuals and accredited training providers.
- Adjust or enhance the appropriate infrastructure to accommodate additional program responsibilities.
- Maintain, improve and/or develop a system to document certification of inspectors, risk assessors, supervisors, workers, project designers, renovators, and dust sampling technicians.
- 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.
- Oversee the conduct of certified individuals engaged in lead-based paint activities to ensure that they are conducting their activities in accordance with all applicable regulations, including monitoring inspection, risk assessment, and abatement activities per the authorized program.

- Oversee the conduct of certified renovators engaged in regulated renovation, repair and painting activities to ensure that they are conducting their activities according to all applicable regulations per the authorized program.
- Oversee accredited training programs per the authorized program.

3. Report on grant performance:

- Prepare a report per 40 CFR 745.327(d) and/or 2 CFR 200 and 2 CFR 1500 grant reporting requirements on the grantees program progress and performance.

C. Grant Activities that are not authorized²

Section 404(g) of TSCA does not authorize grant funds awarded under this program to be used for the following activities:

- Activities or programs that provide general lead awareness outreach and education to the public, including:
 - The development of materials,
 - The printing and distribution of materials,
 - Purchasing radio, TV or other mass media advertising.
- Geographic Information Systems (GIS) mapping and other technology to identify neighborhoods with high incidences of children with elevated blood lead levels.
- The performance of inspections, risk assessments, or lead-based paint abatements.
- The training of renovators, dust sampling technicians, inspectors, risk assessors, project designers, abatement supervisors or abatement workers.
- Enforcement activities including field inspections and case development. (EPA's Office of Enforcement and Compliance Assurance provides grants to fund compliance assurance and enforcement activities in authorized lead-based paint programs.)
- Funding staff to perform functions other than those allowed, as listed in the section of this guidance entitled "Activities to Be Funded."

V. Program Income

Under TSCA, authorized lead-based paint training and certification programs are required to collect fees to cover certain costs incurred by the program. These fees are considered "program income," which is defined as "gross income received by a grantee or subgrantee directly generated by a grant supported activity or earned only as a result of the grant agreement during

² Based on Guidance from OGC on the Use of State and Tribal Assistance Grant Funds under TSCA Sections 10, 28 and 404(g).

the grant period.” See 2 CFR 200 and 2 CFR 1500. It includes income from fees for services performed by the recipient. Program income generated by activities supported under TSCA section 404(g) grants may include fees that a state or tribe charges for training, accreditation, certification, licensing or other services performed by the lead-based paint program, as well as fees that are collected which provide for enforcement of standards and regulations. Consequently, states and tribes must comply with the rules governing “program income,” found at 2 CFR 200.307 and 2 CFR 1500.7. Specifically, recipients are authorized to add program income to the total allowable costs, increasing the overall total amount of the federal award. According to the recent updates to 2 CFR 200.307(a), this program income must be used for the original purpose of the federal award. Note that according to 2 CFR 200.307(b), a federal agency should specify what program income method(s) will be used in the terms and conditions of the federal award. The recipient must provide as part of its quarterly performance report, a description of how program income is being used.

VI. Funds Available

EPA anticipates \$15,000,000 in FY2025 appropriated STAG funds available to support EPA’s Lead Program, as shown in Table 1 (STAG Distribution). As shown in Table 5 (STAG Distribution Formula and Table 4 (State Formula Allocation). EPA expects that up to \$11,275,000 in FY2025 appropriated funds will be available for financial assistance agreements under TSCA section 404(g) for awards to states for the development and implementation of EPA-authorized lead-based paint activities (402(a)) programs, Renovation Repair and Painting Programs (402(c)), and Pre-Renovation Education Programs (406(b)). Of that amount, the Agency is reserving up to \$100,000 for states, tribes or territories that receive authorization for an RRP program and \$100,000 for tribes to develop and implement an EPA-authorized lead-based paint program. Any funds not used for this purpose will be allocated for other purposes within the lead program.

The FY2025 deadline for commitment of funds is June 30, 2025, and for obligation of funds is September 1, 2025. Carryover of FY2025 funds into FY2026 will not be allowed. Funds not committed or obligated by a region by these deadlines will be reprogrammed to EPA HQ and allocated for other purposes within the lead program. In addition, all STAG funds returned from grantees during FY2025, including returned STAG designated as budget code E1D will be reprogrammed back to EPA HQ at that time and allocated for other purposes within the lead program.

VII. Funding for EPA Authorized Lead Programs

A. Financial Assistance to Tribes

Each tribe that submits a qualifying proposal and is making sufficient progress toward the development and/or implementation of an acceptable lead-based paint program, as determined by the Regional Offices, may receive base funding of up to \$50,000. Though tribes without an authorized program may submit qualifying proposals, the award of funds will be based upon the applicant’s progress in developing an acceptable program, including implementing regulations and seeking program authorization from EPA. Failure to make satisfactory progress toward

program authorization will result in the tribe receiving no funding. Tribes can only be eligible for program development funding for 3 years after their first grant. If a tribe is unable to receive program authorization within that period, it will be considered ineligible for further grant funding until it receives program authorization. Further distribution of the Tribal set-aside funds will be dependent upon the number of applicants, the progress that the grantee is making in developing a program, the status of expenditures of previously awarded funds, population, and the relative strength of the proposal.

Requests for Tribal grant funds under TSCA section 404(g) must be submitted to HQ by August 1, 2025. After the closing date for submittal of Tribal applications, EPA Headquarters and Regional Offices will consider each of the proposals and make decisions about the level of funding to be awarded to each of the applicants. Following those decisions, EPA Headquarters will transfer the funds to the Regional Offices for award to the tribes. Tribal set-aside funds shown in Table 1 (STAG Distribution) are not included in the formula funds pool for states as discussed below. If these funds remain unrequested by that date, HQ will redirect the funds to other lead program priorities.

B. Financial Assistance to States

The process used by EPA for determining award-funding levels for states involves two steps. In Step 1, EPA Headquarters determines, based on the factors discussed below, the funding level that will be made available to each of the Regional Offices for grants. Following distribution of the funds to the Regional Offices, in Step 2, the Regional Offices make decisions on the actual funding level for each of the grantees.

A two-tiered system to determine the amount of grant funds that will be distributed to the Regional Offices will be used in FY2025. This system provides a base funding level for each authorized program while providing funds targeted to states with the largest program workload and with the greatest potential lead burden.

The base funding set-aside provides a base level of funds for every state. Each state that has an authorized lead-based paint abatement program receives a base funding allotment of \$50,000. Each state that has an authorized Renovation, Repair and Painting (RRP) program receives a base funding allotment of \$75,000. Each state that has an authorized Pre-Renovation Education program, but not an RRP program, receives a base funding allotment of \$50,000. Any state that submits a qualifying proposal and is making sufficient progress toward implementation of an acceptable program may receive a \$50,000 base. To remain eligible for grant funding, the state must have a final application package for program authorization to the Agency three years after the state's enabling legislation is signed into law.

In calculating the lead burden for the formula rankings, EPA uses readily available data derived from the U.S. Census Bureau's 2023 American Community Survey and the 2001 National Survey of Lead and Allergens in Housing prepared by the U.S. Department of Housing and Urban Development (HUD). The formula uses four factors to generate an estimate of the potential lead problem, or "lead burden," in each state. Two of these factors, the number of housing units built before 1980 and the number of children under age five, express the potential magnitude of the lead problem. The remaining two factors, the percentage of children under five

in poverty and the number of low-income housing units with lead-based paint, express the potential severity of the problem.

In calculating the estimated workload of each grantee, the Agency collects data from each grantees' lead-based paint abatement program. This data includes the number of active certifications (individual and firm), and active accreditations issued by the grantee.

In determining formula rankings, each state is scored independently for each factor. The four lead burden factors and the two workload-estimated factors for each state are then summed to obtain two score totals -- lead burden and workload. These are then weighted -- 30% for lead burden and 70% for workload -- and summed for that applicant to produce a combined factor score. The combined factor scores of all applicants for formula funds are summed, and the percentage of the total sum represented by that score is then identified. The grantees formula allotment is determined by multiplying the total formula funding by the percentage score. Table 5 (STAG Distribution Formula) shows the specific STAG funding distributions for each state. In addition to the funds described above, the Agency is expecting to make available grants to any state or tribe that receives authorization for an RRP program by March 31, 2025. The Agency plans to set aside \$100,000 for FY2025 for that purpose, as shown in Table 1 (STAG Distribution). The final award amount will be dependent on the number of new authorized programs, the financial needs of the applicant and the availability of funds. Requests for funds made after the March 31st cutoff will be considered on a case-by-case basis, but generally HQ will redirect any funds not requested by that date to other lead program priorities.

VIII. Agency Direct Implementation

In FY2025, the program plans to use approximately \$3,425,000 for direct implementation of the abatement and RRP programs in all non-authorized states, tribes and territories. Table 3 (Regional Direct Implementation) shows \$1,725,000 will be distributed to the regions based on a formula with sixty percent of the funds being distributed evenly across all regions as base funding. In FY2025, the formula uses the percentage of certified renovation firms, the number of training providers that are eligible for reaccreditation in FY2025 and the lead burden number for each region. The regions will primarily use these funds to hire support staff to assist in the accreditation of RRP and abatement training providers and in regions 2 and 9 for the certification of abatement professionals. Regions 2 and 9 process certifications of abatement professionals for all regions and will receive additional funding to support these activities. Table 2 (Regional Distribution) shows the combined state, territory, and regional direct implementation funding that goes to each regional office for distribution. Table 1 (STAG Distribution) shows that in FY2025, \$1,700,000 will be used to support headquarters direct implementation of the certification of RRP and abatement professionals as well as the accreditation of training providers, this equals the funding allocated for this purpose in the previous fiscal year. The bulk of these funds will provide contract support for the entire lead program. These funds will cover:

- Working Capital Fund costs for the regions, headquarters, and contractors;
- Maintenance and enhancement of the Agency's Central Data Exchange (CDX). CDX is the electronic reporting site that processes abatement and RRP firm, individual and training provider applications, fees, and notifications.

- The National Lead Information Center (NLIC) only for the purpose of answering questions regarding lead-based activities and RRP certification and accreditation;
- FLPP database operations, maintenance and redesign;
- Processing and data entry for all RRP and abatement applications;
- Processing and data entry of all training provider accreditation applications; and
- Processing and data entry of all pre and post training notifications for both abatement and RRP training.

Section 404(g) of TSCA does not authorize direct implementation funds be used for the following activities.

- Activities or programs providing general lead awareness outreach and education to the public, including
 - The development of materials,
 - The printing and distribution of materials,
 - Purchasing radio, television or other mass media advertising.
- GIS mapping and other technology to identify neighborhoods with high incidences of children with elevated blood lead levels.
- The performance of risk assessments, inspections or lead-based paint abatements.
- The training of renovators, risk assessors, inspectors, abatement supervisors, abatement workers or dust testing technicians.
- Funding staff to perform functions other than those listed above as allowable activities.

IX. Submission Requirements

40 CFR part 35, subpart A and subpart B describes in detail the submission requirements for grant applications. For section 404(g) Funding for Tribes, EPA is soliciting pre-application grant proposals prior to the submittal of the forms and certifications listed in this unit. This pre-application procedure entails the applicants initially submitting only a work plan and a budget. The Agency will use the applicants' work plans and budgets to select programs to be funded under this grant program.

EPA will conduct a review of all submitted applications and required documents, including but not limited to the "Application for Federal Assistance" form (Standard Form 424), and the "Budget Information: Non-Construction Programs" form (Standard Form 424A). The required forms can be found at <https://www.epa.gov/grants/epa-grantee-forms>. All applications must be

submitted by an official representative of your institution who is registered with grants.gov and is authorized to sign applications for federal assistance.

- The grantee should go to Grants.Gov and click on “APPLICANTS” on the top of the page and then click on “Apply for Grants” from the dropdown menu and then, click on ‘APPLY’ and follow the instructions accordingly.
- Please note to apply through Grants.gov you must use Adobe Reader software and download the compatible Adobe Reader version. For more information about Adobe Reader, to verify compatibility, or to download the free software please visit Adobe Reader Compatibility Information on Grants.gov.
- The grantee may also access the application package for this announcement by searching for the opportunity on Grants.gov. Go to grants.gov and then click on “Search for Grants” at the top of the page, under Basic Search Criteria in the CFDA box, enter the Assistance Listing number and click on the search button.
- The Assistance Listings number is 66.707 “TSCA Title IV State Lead Grants Certification of Lead-Based Paint Professionals Grant. The grantee should select the “PACKAGE TAB” and click on “select package” for 66.707.

In addition, as part of the pre-application, tribes must include all appropriate information to demonstrate that they meet the criteria at 40 CFR 35.693 for treatment as a state. In order for Intertribal Consortia to be eligible for financial assistance under section 404(g), they must include all appropriate information to demonstrate that they meet the requirements at 40 CFR 35.504 concerning eligibility.

Where a single state agency has been designated as responsible for coordinating lead activities, EPA encourages that agency to apply for funding under TSCA section 404(g). Coordination of federally funded lead activities by a single agency is viewed as conducive to achieving integration of lead activities. Early consultations are recommended between prospective applicants and their Regional Offices. Because TSCA grants will be administered at the regional level, these consultations can be critical to the success of a project or program and can also contribute substantially to efficient program operations. As part of the work plan, Regional Offices may ask for additional information that will be useful in evaluating the program such as the status of enabling legislation, a detailed line-item budget with sufficient information to clearly justify costs, a list of work products or deliverables, a schedule for their completion and application for program authorization under TSCA, and a description of any financial assistance received from other federal sources concerning the lead program. Applicants must also include all appropriate information on program income in accordance with 2 CFR 1500.7 and 2 CFR 200.307.

X. Workplans

EPA is developing the FY 2026-2030 Strategic Plan, which is expected to be published by February 2026 per requirement of the Government Performance and Results Modernization Act

of 2010. More information can be found on EPA's website at:
https://www.epa.gov/planandbudget/strategicplan_merit_review

On December 20, 2020, OMB revised the merit review guidance. Each program created a checklist that contains the information required to meet the merit review requirements in 2 C.F.R. § 200.205. Regional Offices must complete all questions in the checklist. (Checklist for States, Attachment A; Checklist for Tribes, Attachment B). In addition to the Yes/No responses, all questions must include a narrative response/justification. In addition, Regional Office project officers who complete the merit review must sign and date the bottom of the form.

Merit Review Documentation: The completed, signed merit review form should be attached to Section M of the Funding Recommendation and included in the grant file for applications for new awards and for supplemental actions requiring merit review.

XI. Reporting

Pursuant to 2 CFR 200.329, grantees shall submit quarterly performance reports to the appropriate EPA Regional Office. The recipient must provide as part of its quarterly performance report, a description of how program income is being used. In addition, the specific information contained within the report should include:

- A comparison of accomplishments to the objectives of the federal award established for the reporting period;
- The number of lead-based paint activities individual and firm certifications issued in the reporting period;
- The number of valid certified lead-based paint activities individuals and firms, by discipline;
- The number of RRP individual and firm certifications issued in the reporting period;
- The number of valid certified RRP individuals and firms, by discipline;
- The number of lead-based paint activities training course accreditations issued in the reporting period.
- The number of valid accredited lead-based paint activities training courses by discipline;
- The number of valid accredited RRP training courses, by discipline.
- The number of RRP training courses issued in the reporting period.

XII. Cost Principles for State, Local, and Indian Tribal Governments

Grantees should note that 2 CFR 225 - Cost Principles for State, Local, and Indian Tribal Governments (OMB Circular A-87) is applicable to these grants, and they should pay particular attention to Appendix B, Section 8.h.- Selected Items of Cost³ regarding compensation for personal services.

XIII. Support of salaries and wages.

These standards regarding time distribution are in addition to the standards for payroll documentation.

(1) Charges to federal awards for salaries and wages, whether treated as direct or indirect costs, will be based on payrolls documented in accordance with generally accepted practice of the governmental unit and approved by a responsible official(s) of the governmental unit.

(2) No further documentation is required for the salaries and wages of employees who work in a single indirect cost activity.

(3) Where employees are expected to work solely on a single federal award or cost objective, charges for their salaries and wages will be supported by periodic certifications that the employees worked solely on that program for the period covered by the certification. These certifications will be prepared at least semiannually and will be signed by the employee or supervisory official having first-hand knowledge of the work performed by the employee.

(4) Where employees work on multiple activities or cost objectives, a distribution of their salaries or wages will be supported by personnel activity reports or equivalent documentation which meets the standards in subsection 8.h.(5) of this appendix unless a statistical sampling system (see subsection 8.h.(6) of this appendix) or other substitute system has been approved by the cognizant federal agency. Such documentary support will be required where employees work on:

- (a) More than one federal award,
- (b) A federal award and a non-federal award,
- (c) An indirect cost activity and a direct cost activity,
- (d) Two or more indirect activities which are allocated using different allocation bases, or
- (e) An unallowable activity and a direct or indirect cost activity.

(5) Personnel activity reports or equivalent documentation must meet the following standards:

- (a) They must reflect an after the fact distribution of the actual activity of each employee,
- (b) They must account for the total activity for which each employee is compensated,

³ <https://www.gpo.gov/fdsys/pkg/CFR-2012-title2-vol1/pdf/CFR-2012-title2-vol1-part225-appB.pdf>

- (c) They must be prepared at least monthly and must coincide with one or more pay periods, and
- (d) They must be signed by the employee.
- (e) Budget estimates or other distribution percentages determined before the services are performed do not qualify as support for charges to federal awards but may be used for interim accounting purposes, provided that:
 - (i) The governmental unit's system for establishing the estimates produces reasonable approximations of the activity actually performed;
 - (ii) At least quarterly, comparisons of actual costs to budgeted distributions based on the monthly activity reports are made. Costs charged to federal awards to reflect adjustments made as a result of the activity actually performed may be recorded annually if the quarterly comparisons show the differences between budgeted and actual costs are less than ten percent; and
 - (iii) The budget estimates or other distribution percentages are revised at least quarterly, if necessary, to reflect changed circumstances.

XIV. Federal Agency Review of Merit Proposals and Wages.

Per 2 CFR 200.205, the federal agency must design and execute a merit review process of applications for the discretionary federal awards. The objective of selecting a merit review process is to select recipients most likely to be successful in delivering results based on the program objectives as outlined in section § 200.202. A merit review is an objective process of evaluating federal award applications in accordance with the written standards of the federal agency.

Attachment A – Merit Review Checklist for States

MERIT REVIEW WORKSHEET FOR OFFICE OF CHEMICAL SAFETY AND POLLUTION PREVENTION (OCSPP) FOR LEAD-BASED PAINT (66.707) STATE GRANTS FOR NEW AWARDS AND SUPPLEMENTAL AMENDMENTS

Instructions:

Effective Date: November 12, 2020

Last Updated: August 29, 2022⁴

Requirement (2 CFR § 200.205): Every application for a new discretionary noncompetitive assistance agreement, and applications for supplemental funding amendments as discussed below, awarded in the Office of Chemical Safety and Pollution Prevention (OCSPP) are subject to a merit review.

Applicability: Project Officers are required to complete merit reviews for the following OCSPP grant program:

- 66.707 – TSCA Title IV State Lead Grants Certification of Lead-Based Paint Professionals.

Merit Review Checklist: The merit review checklist contains all the information required to meet the 2 CFR § 200.205 merit review requirements. Project Officers should complete all questions in the checklist. In addition to the Yes/No responses, all questions must include a narrative response/justification.

Merit Review Verification: Project Officers performing the merit review should sign and date the bottom of the form. Typing in the Project Officer name will be considered equivalent to signing the form.

Merit Review Documentation: The completed, signed merit review form should be attached to Section M of the Funding Recommendation and included in the grant file.

Region-Specific Forms: Regions may continue to use or modify region-specific technical review forms. However, the region-specific forms must include all the Merit Review Checklist questions and narrative on this form. Regions should provide a copy of the region-specific forms to their National Program Manager for review.

⁴ This checklist was developed to comply with the new merit requirements for non-competitive grant applications under 2 CFR 200/Uniform Grant Guidance. The Office of Chemical Safety and Pollution Prevention periodically reviews the merit review process. This Merit Review Worksheet is effective as of this date and will be reviewed every 5 years.

Review of Assistance Agreement No. Grantee/Grant No.

By: [In-House Reviewer/Extramural Reviewer]

Date: Click or tap to enter a date.

Criteria and Guiding Statements	Does the applicant meet the requirement?
<i>* Please record comments regarding each guiding question and any recommended terms and condition, based on your review, at the bottom of each section.</i>	
Lead-Based Paint Program Specific Requirements (40 CFR §§35.270-35.278)	
A. Is this Lead-Based Paint Program grant award to develop and carry out authorized programs that ensure individuals employed in lead-based paint activities are properly trained; that training programs are accredited; and that contractors employed in such activities are certified?	Yes No <input type="checkbox"/> <input type="checkbox"/>
B. Does the recipient plan to use the lead-based paint program funding in a way that complements any related assistance they receive from other federal sources for lead-based paint activities?	Yes No <input type="checkbox"/> <input type="checkbox"/>
<i>Comments/Concerns:</i>	
<i>Based on your ratings for the guiding statements above:</i> Based on the above application review and evaluation, the lead-based paint program specific requirements: HAS been met <input type="checkbox"/> HAS NOT been met <input type="checkbox"/>	

Merit Review Requirement: Based on the application review and evaluation, the applicant is likely to be successful in delivering results based on program objectives in Assistance Listing 66.707.

Based on the application review and evaluation, the Merit Review requirement:

HAS been met HAS NOT been met

Merit Review Analysis:

Provide a brief narrative analysis demonstrating why the applicant is likely or unlikely to be successful in delivering results based on program objectives in Assistance Listing 66.707

Award Recommendation:

- I recommend the applicant for an award.
- I recommend the applicant for award with specific terms & conditions as stated below
- Requires further clarification and/or response to EPA comments to be considered complete
- I do not recommend the applicant for an award.

Comments/ Terms & Conditions:

Evaluated by: _____ Date: _____

Position/Title: _____

Attachment B – Merit Review Checklist for Tribes

MERIT REVIEW WORKSHEET FOR OFFICE OF CHEMICAL SAFETY AND POLLUTION PREVENTION (OCSPP) FOR LEAD-BASED PAINT (66.707) TRIBAL GRANTS FOR NEW AWARDS AND SUPPLEMENTAL AMENDMENTS

Instructions:

Effective Date: November 12, 2020

Last Updated: August 29, 2022⁵

Requirement (2 CFR § 200.205): Every application for a new discretionary noncompetitive assistance agreement, and applications for supplemental funding amendments as discussed below, awarded in the Office of Chemical Safety and Pollution Prevention (OCSPP) are subject to a merit review.

Applicability: Project Officers are required to complete merit reviews for the following OCSPP grant program:

- 66.707 – TSCA Title IV State Lead Grants Certification of Lead-Based Paint Professionals

Merit Review Checklist: The merit review checklist contains all the information required to meet the 2 CFR § 200.205 merit review requirements. Project Officers should complete all questions in the checklist. In addition to the Yes/No responses, all questions must include a narrative response/justification. **NOTE: For Section V., only answer the sub-question that applies to the grant under review.**

Merit Review Verification: Project Officers performing the merit review should sign and date the bottom of the form. Typing in the Project Officer name will be considered equivalent to signing the form.

Merit Review Documentation: The completed, signed merit review form should be attached to Section M of the Funding Recommendation and included in the grant file.

Region-Specific Forms: Regions may continue to use or modify region-specific technical review forms. However, the region-specific forms must include all the Merit Review Checklist questions and narrative on this form. Regions should provide a copy of the region-specific forms to their National Program Manager for review.

⁵ This checklist was developed to comply with the new merit requirements for non-competitive grant applications under 2 CFR 200/Uniform Grant Guidance. The Office of Chemical Safety and Pollution Prevention periodically reviews the merit review process. This Merit Review Worksheet is effective as of this date and will be reviewed every 5 years.

Review of Assistance Agreement No. Grantee/Grant No.:

By: [In-House Reviewer/Extramural Reviewer]

Date: Click or tap to enter a date.

Criteria and Guiding Statements	Does the applicant meet the requirement?	
<i>* Please record comments regarding each guiding question and any recommended terms and condition, based on your review, at the bottom of each section.</i>		
Lead-Based Paint Program Specific Requirements (40 CFR §§35.690-35.693)		
A. Is this Lead-Based Paint Program grant award to develop and carry out authorized programs that ensure individuals employed in lead-based paint activities are properly trained; that training programs are accredited; and that contractors employed in such activities are certified?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
B. Does the recipient plan to use the lead-based paint program funding in a way that complements any related assistance they receive from other federal sources for lead-based paint activities?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
C. Has the Regional Administrator determined if the Tribe or Intertribal Consortium is eligible to apply for a Lead-based Paint Program grant? The Tribe or Intertribal Consortium is eligible if the Tribe or each member of the Intertribal Consortium:	Yes <input type="checkbox"/>	No <input type="checkbox"/>
(a) Is recognized by the Secretary of the Interior; (b) Has an existing government exercising substantial governmental duties and powers; (c) Has adequate authority to carry out the grant activities; and (d) Is reasonably expected to be capable, in the Regional Administrator's judgment, of administering the grant program		
<i>Comments/Concerns:</i>		
<i>Based on your ratings for the guiding statements above:</i>		
Based on the above application review and evaluation, the lead-based paint program specific requirements:		
HAS been met <input type="checkbox"/> HAS NOT been met <input type="checkbox"/>		

Merit Review Requirement: Based on the application review and evaluation, the applicant is likely to be successful in delivering results based on program objectives in Assistance Listing 66.707.

Based on the application review and evaluation, the Merit Review requirement:

HAS been met HAS NOT been met

Merit Review Analysis:

Provide a brief narrative analysis demonstrating why the applicant is likely or unlikely to be successful in delivering results based on program objectives in Assistance Listing 66.707.

Award Recommendation:

- I recommend the applicant for an award.
- I recommend the applicant for award with specific terms & conditions as stated below
- Requires further clarification and/or response to EPA comments to be considered complete
- I do not recommend the applicant for an award.

Comments/ Terms & Conditions:

Evaluated by: _____

Date: _____

Position/Title: _____

Table 1 – STAG Distribution

STAG Distribution		
	FY25	FY24
Target	\$14,980,000	\$15,000,000
Program		
Regional DI	\$1,500,000	\$1,500,000
Regional Centers of Excellence	\$225,000	\$225,000
	\$1,725,000	\$1,725,000
HQ DI	\$1,700,000	\$1,800,000
<i>Agency Direct Implementation</i>	\$3,425,000	\$3,525,000
Grants for Authorized Tribes	\$100,000	\$100,000
State Grants - Abate, RRP & 406(b)	\$11,355,000	\$11,275,000
State Grants - FY23 RRP Apps.	\$100,000	\$100,000
<i>Sec 404(g) State/Tribal Support</i>	\$11,555,000	\$11,475,000
Total	\$14,980,000	\$15,000,000

Table 2 – Regional Distribution

FY25 STAG Funds - Regional Distribution				
Reg.	Formula	DI	Tribes	Total Auth.
1	\$1,385,562	\$134,975		\$1,520,537
2	\$574,724	\$334,758		\$909,482
3	\$1,246,188	\$164,420		\$1,410,607
4	\$1,829,150	\$179,997		\$2,009,147
5	\$2,045,543	\$184,564		\$2,230,107
6	\$1,195,388	\$149,489		\$1,344,878
7	\$1,109,142	\$118,912		\$1,228,054
8	\$654,006	\$118,975		\$772,981
9	\$664,340	\$216,625		\$880,966
10	\$650,956	\$122,285		\$773,241
Totals	\$11,355,000	\$1,725,000		\$13,080,000

Table 3 – Regional Direct Implementation

Regional Direct Implementation												
		1	2	3	4	5	6	7	8	9	10	
RRP Trainers - Reaccredit.	RRP courses due for Re Accred.	8	18	10	6	8	7	2	4	4	1	68
Percentage	in FY25	11.8%	26.5%	14.7%	8.8%	11.8%	10.3%	2.9%	5.9%	5.9%	1.5%	
RRP Certified Firms	Includes EPA Cert. firms in	3,578	12,188	8,492	5,938	12,480	3,369	1,876	1,730	7,925	1,344	58,920
Percentage	Authorized States	6.1%	20.7%	14.4%	10.1%	21.2%	5.7%	3.2%	2.9%	13.5%	2.3%	
Combined Percentages		8.9%	23.6%	14.6%	9.5%	16.5%	8.0%	3.1%	4.4%	9.7%	1.9%	100%
Percent of Lead Burden		6.1%	8.0%	10.2%	20.5%	15.0%	11.8%	6.6%	5.2%	7.5%	8.9%	100%
Combined Percentages		7.5%	15.8%	12.4%	15.0%	15.8%	9.9%	4.8%	4.8%	8.6%	5.4%	100%
40%	Formula Funding	\$44,975	\$94,758	\$74,420	\$89,997	\$94,564	\$59,489	\$28,912	\$28,975	\$51,625	\$32,285	\$600,000
60%	Base Funding	\$90,000	\$90,000	\$90,000	\$90,000	\$90,000	\$90,000	\$90,000	\$90,000	\$90,000	\$90,000	\$900,000
Total DI Funds		\$134,975	\$184,758	\$164,420	\$179,997	\$184,564	\$149,489	\$118,912	\$118,975	\$141,625	\$122,285	
Centers of Excellence			\$150,000							\$75,000		\$225,000
		\$134,975	\$334,758	\$164,420	\$179,997	\$184,564	\$149,489	\$118,912	\$118,975	\$216,625	\$122,285	\$1,725,000

Table 4 – State Formula Allocation

Region	State	Formula Allocation
1	Connecticut	\$231,535
1	Maine	\$164,585
1	Massachusetts	\$349,500
1	New Hampshire	\$164,991
1	Rhode Island	\$272,125
1	Vermont	\$202,826
2	New Jersey	\$299,992
2	New York	\$0
2	Puerto Rico	\$274,732
3	Delaware	\$279,214
3	DC	\$216,978
3	Maryland	\$260,348
3	Pennsylvania	\$345,539
3	Virginia	\$0
3	West Virginia	\$144,109
4	Alabama	\$347,716
4	Florida	\$0
4	Georgia	\$337,783
4	Kentucky	\$262,319
4	Mississippi	\$276,170
4	North Carolina	\$348,383
4	South Carolina	\$0
4	Tennessee	\$256,780
5	Illinois	\$352,050
5	Indiana	\$313,812
5	Michigan	\$388,564
5	Minnesota	\$270,614
5	Ohio	\$336,012
5	Wisconsin	\$384,491
6	Arkansas	\$170,239
6	Louisiana	\$297,440
6	New Mexico	\$0
6	Oklahoma	\$374,659
6	Texas	\$353,050
7	Iowa	\$332,230
7	Kansas	\$275,808
7	Missouri	\$300,964
7	Nebraska	\$200,141
8	Colorado	\$246,008
8	Montana	\$0
8	North Dakota	\$136,715
8	South Dakota	\$0
8	Utah	\$271,284
8	Wyoming	\$0
9	Arizona	\$0
9	California	\$370,263
9	Hawaii	\$294,078
9	Nevada	\$0
10	Alaska	\$0
10	Idaho	\$0
10	Oregon	\$272,617
10	Washington	\$378,339
		\$11,355,000

1	\$1,385,562
2	\$574,724
3	\$1,246,188
4	\$1,829,150
5	\$2,045,543
6	\$1,195,388
7	\$1,109,142
8	\$654,006
9	\$664,340
10	\$650,956

