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EPA Settlements Help Protect Public Against Health Hazards from Lead Exposure

WASHINGTON -- The U.S. Environmental Protection Agency (EPA) today announced 75 enforcement actions from the past year that require renovation contractors and training providers to protect people from harmful exposure to lead dust and debris, as required by EPA's Lead-based Paint Renovation, Repair, and Painting (RRP) regulations.

Seventy-five settlements were filed from October 2014 through September 2015 for renovations performed on pre-1978 homes and child-care facilities, and each requires that the alleged violator certify its compliance with RRP regulations to EPA and, in most cases, pay civil penalties to resolve the alleged violations. The violations cited in the settlements reflect EPA's goal to reduce illegal and unsafe renovations, and the lead hazards risks that result from them.

"Ensuring that lead-based paint is properly removed and handled helps protect children's health when repairs or renovations are performed in older housing, particularly where kids live" said Cynthia Giles, assistant administrator for EPA's Office of Enforcement and Compliance Assurance. "These cases show that EPA is serious about making sure companies that break the law are held accountable when they undercut responsible businesses and put public health at risk."

In three of the settlements, entities agreed to fund voluntary lead abatement projects, which require removal of lead-based paint and post-construction testing to ensure that no hazardous conditions remain. Each of the projects is expected to cost at least \$20,000 to complete.

Approximately two-thirds of the cases involved failure to obtain EPA certification prior to conducting renovations. The cases reflect an increased focus on ensuring that firms and renovators comply with lead-safe work practices intended to protect children and others from exposure to lead dust. More than half of the cases cited violations of work practice standards and other requirements that directly affect how work is performed.

Lead dust and debris from improper renovation activities on properties built prior to 1978 is a major source of lead exposure that can cause lead poisoning. Although using lead-based paint in dwellings was prohibited after 1978, it is still present in more than 30 million homes across the nation, in all types of communities. The RRP Rule provides important protections for children and others vulnerable to lead exposure. Even low levels of lead in the blood of children can result in behavior and learning problems, lower IQ and hyperactivity, slowed growth, hearing problems and anemia. In rare cases, ingestion of lead can cause seizures, coma and even death.

The RRP Rule, which is part of the federal Toxic Substances Control Act, is intended to ensure that owners and occupants of pre-1978 "target housing" and "child-occupied facilities" receive information on lead-based paint hazards before renovations begin, that individuals performing such renovations are properly trained and certified, and that renovators and workers follow specific lead-safe work practices during renovations to reduce the potential for exposure to lead.

The penalties in the settlements address the cited violations. Enforcement penalties also help deter other violations, and level the playing field for companies that follow the law. These fines help eliminate the

financial advantage a violator may get by underbidding competitors that are compliant.

Contractors that are certified under EPA's RRP regulations are encouraged to display EPA's "Lead-Safe" logo on worker's uniforms, signs, websites, and other material, as appropriate. Consumers can protect themselves by looking for the logo before hiring a home contractor, and by being generally aware of whether a renovator is following lead-safe work practices when working on their property. Those practices, such as what a renovator must do to minimize lead dust dispersion, are outlined in EPA's Renovate Right lead hazard information pamphlet, available at <http://www2.epa.gov/sites/production/files/documents/renovaterightbrochure.pdf>

Renovators are required to give the pamphlet to property owners and occupants within 60 days before starting any renovation.

In the following settlements, the companies paid civil penalties in excess of \$25,000, respectively:

- Garden Homes Management, Corp. (CT) paid a penalty of \$54,644, and will perform a window replacement supplemental environmental project valued at \$20,000 for violating certification, firm responsibility, information distribution, and recordkeeping requirements; and violating Lead-based Paint Disclosure Rule information distribution and disclosure requirements.
- Blue Mountain Air, Inc. (CA) paid \$51,030 as a penalty for violating firm certification, recordkeeping, and firm responsibility requirements.
- Line Construction Company (KS) paid a fine of \$33,642 to settle violations of firm certification, recordkeeping, and information distribution requirements.
- The Whalley Glass Company (CT) paid a \$31,286 penalty for violating firm certification, firm responsibility, information distribution, and recordkeeping requirements.
- William DeMarse, d/b/a Bill DeMarse Professional Painting (MI) paid a fine of \$28,545 for non-compliance with firm certification, work practice, and firm responsibility requirements.
- Cardo Windows, Inc. (NJ) settled, paying a fine of \$27,000 for failing to comply with information distribution and recordkeeping requirements.

In each of the following cases, EPA recovered more than \$20,000 in a combination of penalties and a Supplemental Environmental Project:

- RDF Inc. d/b/a Paul Davis Restoration (NE) will perform a supplemental environmental project valued at \$27,304, in addition to paying a penalty of \$3,033, for failure to comply with firm responsibility, recordkeeping, information distribution, and work practice requirements.
- Bordner Installation Group, Inc. (MO) will undertake a supplemental environmental project valued at \$20,000 and pay a penalty of \$2,198 for violating recordkeeping and information distribution rules.

In the following settlements, companies paid civil penalties in excess of \$10,000, respectively:

- Scherrer Engineering and Construction, Inc. (WV) paid \$22,500 as a penalty for violating requirements for firm certification, information distribution, firm responsibility, and work practice standards.

- Colossal Contractors, Inc. (MD) paid a \$21,196 penalty for failing to comply with information distribution, recordkeeping and work practice requirements.
- JSH Home Improvements, LLC (PA) paid \$19,096 as a penalty for non-compliance with firm certification, firm responsibility, information distribution, recordkeeping, and work practice requirements.
- Blue Door Painters, Inc. (VA) paid a penalty of \$18,000 for failing to comply with standards for work practices, firm responsibility, information distribution, and recordkeeping.
- Envirotech, Inc. (MO) paid a penalty of \$14,024 for failing to comply with information distribution, work practice, and firm responsibility requirements.
- Blue Springs Siding and Windows, LLC (MO) paid \$13,566 for non-compliance with firm certification and recordkeeping requirements.
- AAPCP LC (VA) settled, paying a fine of \$12,800 to settle information distribution violations.
- Pella Windows & Doors (MO) settled with a fine of \$12,558 for violating firm certification and recordkeeping requirements.
- Damage Control & Restoration, Inc. (KS) \$12,194 for non-compliance with information distribution and recordkeeping obligations.
- Whitney Management & Maintenance Co. (CT) paid a penalty of \$10,285 for failing to comply with firm certification, information distribution, firm responsibility and recordkeeping requirements.

EPA entered into expedited settlement agreements with the companies listed below. These agreements allow violators to quickly resolve certain minor lead-based paint offenses (not including work practice violations) with a reduced penalty, typically \$2,000 or less.

- Hatillo, LLC Home Improvement Services (CT)
- 8AS Construction (NY)
- Total Perfection Construction, Inc. (NY)
- Chesapeake Finishing, Inc. (MD)
- RLS, LLC, (PA)
- Jimmy Johns Construction, LLC (PA)
- Only Bathrooms, LLC (PA)
- Ohio Laborer's Training & Apprenticeship Trust Fund (OH)
- Arch Environmental Group, Inc. (MI)
- Northern Environmental Consultants, LLC (MI)
- Fortune Homes, Inc. (CO)
- Gold Spring International, Inc. (CA)
- JUV, Inc. (CA)
- Southwest Construction & Property Management (CA)
- KCK Builders, Inc. (CA)
- Taber Construction, Inc. (CA)

- Kitchens By Design, Inc. (CA)
- All Best Builders, Inc. d/b/a All Trusty Builders (CA)
- Wickman Development and Construction (CA)

In the following settlements, the companies paid fines less than \$10,000, respectively, generally reflecting a reduction based on ability to pay. Every case obtains compliance with RRP regulations.

- DiNuzzo LLC d/b/a DiNuzzo Painting (CT)
- John Fogg Jr. Enterprises, LLC (CT)
- Star Painting, LLC (NJ)
- Integrated Construction Maintenance, LLC (MD)
- J & R Builders, LLC (WV)
- Elk Custom Homes Contracting, Inc. (PA)
- Mark Ferrar, Hawk Mountain Soda Blasting & MARCAT VT, LLC (PA)
- CertaPro Main Line Painters (PA)
- Robert W. Heh, Jr. Construction Co., d/b/a Window Depot USA (PA)
- American Remodeling and Roofing, Inc. (PA)
- Zook Quality Builders (PA)
- Window World Penn-Ohio, LLC (OH)
- The Door Store of Louisville, LLC (KY)
- Castillo Construction Services, Inc. (FL)
- Perdue Builders (KY)
- Allied Doors South Florida, LLC (FL)
- Paul Sellars General Contractor (KY)
- Tiny's Construction, LLC (TN)
- Hammond and Brandt Builders, LLC (TN)
- The Clinard Co., Inc. d/b/a Clinard Home Improvement (TN)
- Omni Services, LLC (SC)
- The Glass Guru (FL)
- Rohrer Group, Inc. d/b/a Window World of Akron, Ohio (OH)
- Capitol Painting & Decorating (IL)
- Matthew Young (MO)
- Home Performance Services, LLC (MO)
- Custom Builders Russellville, Inc. (MO)
- Accent Systems, Inc. d/b/a Accent DKI (NE)
- Tony Kapple d/b/a Kapples Building Remodeling (IA)
- JakeCo Painting, LLC (MO)
- Springer Building & Design, Inc. (KS)
- Housemasters Contracting Co. (MO)
- Brown Restoration, Inc. (MO)
- Dynamic Specialties, Inc. d/b/a Dynamic Porch & Patio (MO)
- Repairs Unlimited (KS)
- Bielenberg Builders, Inc. (NE)
- C & W Harrison (MO)
- Superior Inspection Services, Inc. (OR)

More information about the RRP Rule and how contractors can get certified is available at <http://www2.epa.gov/lead/renovation-repair-and-painting-program>