

# Lead Based Paint Enforcement: U.S. Environmental Protection Agency and Missouri Company Enter into Consent Agreement



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The United States Environmental Protection Agency (“EPA”) and R S Dearing Construction (“RSDC”) entered into a December 6th Consent Agreement and Final Order (“CAFO”) addressing alleged violations of the Toxic Substance Control Act (“TSCA”) regulations related to residential property renovation (including the Renovation, Repair and Painting Rule). See Docket No. TSCA-07-2018-0012.

The CAFO provides that RSDC is a Missouri company engaged in a “renovation” (as defined by 40 C.F.R. § 745.83) of a Property (as defined by 40 C.F.R. 745.83) in St. Louis, Missouri.

EPA is stated to have undertaken an inspection of the Property on or about September 14, 2016 pursuant to Section 11 of TSCA. The purpose of the inspection was to evaluate RSDC’s compliance with the TSCA and requirements of the Renovation, Repair, and Painting Rule.

The relevant TSCA lead-based paint regulations generally require that owners and occupants of target housing and child-occupied facilities:

- Provide information on lead-based paint hazards before renovations begin
- Establish work practice standards for renovations that disturb painted surfaces in target houses and child-occupied facilities
- Require that firms and individuals performing, offering, or claiming to perform such renovations are properly trained and obtain EPA certification

The CAFO provides that at the time of the inspection RSDC was engaged in the renovation of the Property. The company was stated to have been hired to replace windows at the Property which involved the disturbance of paint.

The alleged violations identified in the CAFO include:

- Failure to apply for and obtain EPA certification prior to commencing renovation for compensation on the Property
- Failure to contain waste from renovation activities by placing unwrapped and uncontained waste and debris in an open trashcan
- Failure to post signs through the completion of the renovation
- Failure to cover the exterior ground with plastic sheeting or other disposable impermeable material extending 10 feet beyond the perimeter of surface undergoing renovation

RSDC neither admits nor denies the CAFO's factual allegations.

A civil penalty of \$1,930 is assessed.

[A copy of the CAFO can be downloaded here.](#)