

Lead-Based Paint Rule Enforcement: United States and New York City Builder/Developer Enter into Consent Decree



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The United States Department of Justice (“USDOJ”) on behalf of the United States and Legacy Builders/Developers Corp. (“Legacy”) entered into an August 23rd Consent Decree (“CD”) addressing alleged violations of the Lead Renovation, Repair, and Painting Rule (“RRP”). See 40 C.F.R. Part 745, subpart E.

A concurrently filed Complaint in the United States District Court of the Southern District of New York states that Legacy performed renovation work at residential apartments at various buildings in New York City, New York.

The CD states that Legacy:

1. Between 2016 and 2020, Legacy performed renovation work at more than one hundred residential apartments at the following addresses in Manhattan: 160 E. 48th Street; 200 E. 62nd Street; 241 Central Park West; 515 E. 89th Street; and 45 White Street.
2. Legacy failed to comply with requirements of EPA 's Renovation Repair and Painting Rule ("RRP Rule") on numerous occasions at these renovation projects. Among other things:
 1. Legacy failed to provide on-the-job lead safety training to workers, in violation of the RRP rule.
 2. Legacy failed to adequately contain construction dust, including dust containing lead in excess of levels permitted under the RRP Rule, and to conduct the required post-renovation cleaning verification, in violation of the RRP rule.
 3. Legacy failed to post signs clearly defining its work area and warning occupants and other persons not involved in renovation activities to remain outside of the work area, in violation of the RRP Rule.
 4. Legacy failed to provide a lead-hazard information pamphlet to the owner or occupants of the building before commencing work, in violation of the RRP Rule.

5. Legacy failed to maintain documentation showing that it complied with lead-safe work practices, in violation of the RRP Rule.
3. Additionally, between June 2016 and August 2017, Legacy performed renovation work covered by the RRP Rule at two of these worksites without possessing the firm certification required by the RRP Rule for renovation firms performing such work and without assigning a certified renovator to oversee those projects.

The CD assesses a civil penalty of \$168,000.00.

Further, it imposes injunctive relief which includes the following categories:

- RRP Rule compliance.
- Renovation checklist.
- Personal protective equipment.
- Notification of work.
- Compliance officer.
- Contractors and subcontractors.
- Mitigation.
- Resident education on lead-based paint hazards.
- Worker training.
- Staffing.
- Landlord/property manager information distribution.

Certain annual reporting requirements are also mandated.

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