

U.S. Environmental Protection Agency and "Fixer Upper" (Magnolia Waco Properties, LLC) Enter into Consent Agreement



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

06/07/2018

The United States Environmental Protection Agency ("EPA") and Magnolia Waco Properties, LLC ("MWP") entered into a Consent Agreement and Final Order ("Consent Agreement") addressing alleged violations of the Lead-Based Paint Renovation, Repainting Rule ("RRP Rule").

EPA personnel apparently are fans of the HGTV show "Fixer Upper."

The federal agency states that:

. . . Magnolia Waco Properties, LLC, which does business as Magnolia Homes, is a renovation firm that remodels homes in the Waco, Texas area. The firm specializes in renovations that require extensive remodeling of older homes while preserving historical design elements. The activities of Magnolia and similar renovation firms came to EPA's attention from their depiction on popular television shows. Magnolia's renovations were depicted on the HGTV series "Fixer Upper" and regularly viewed by well over 3 million households.

The RRP Rule was promulgated pursuant to 15 U.S.C. §§ 2682, 2686, and 2687. The relevant lead-based paint regulations generally require that certain facilities:

- Provide information on lead-based paint hazards before renovations begin
- Establish work practice standards for renovations that disturb paint and 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

EPA states that video footage of MWP's renovation of older homes appearing in several seasons of "Fixer Upper" reviewed by EPA did not depict the lead-safe work practices normally required by the RRP Rule. However, EPA states that after it contacted MWP with concerns about the company's compliance, immediate steps were taken to ensure compliance with the RRP Rule.

The violations alleged by EPA of the RRP Rule include:

- Failure to obtain firm certification from EPA before performing renovations covered by the RRP Rule;
- Failure to assign a certified renovator to such renovations;
- Failure to provide homeowners or occupants with an approved pamphlet about lead-based paint hazards prior to the renovation;

- Failure to post signs to clearly define the work area and warn people to remain outside of that area;
- Failure to comply with the RRP Rule's work practice standards, such as closing doors and windows to the interior work areas, covering floor surfaces, ducts and other openings to work areas with plastic sheeting, and covering the ground with plastic sheeting to capture falling paint chips from exterior renovations.

A civil penalty of \$40,000 has been assessed. In addition, MWP agreed to perform outreach about lead-based paint safety to the show's national audience and the reduction of lead-paint hazards of MWP's local community.

A link to the [EPA notice](#) can be found here.