



EPA Lead-based Paint Rules Cost Landlords Thousands of Dollars in Fines

Strict lead-based paint regulations imposed by the Environmental Protection Agency (EPA) have resulted in costly fines to businesses and landlords looking to sell or rent their property. “Thinking of renting or selling a home or apartment?” the EPA asked in a [press release](#) in April 2010, when its Renovation, Repair, and Painting (RRP) rule went into effect. “Make sure you disclose its lead-based paint history. Mr. Wolfe Landau did not and it cost him a \$20,000 fine.”



Landau received the fine because he failed to offer an EPA-approved pamphlet to tenants looking to rent or buy a residence built before 1978. Available in six different languages, the brochure contains tips to “protect your family,” including tips to quickly dispose of paint chips, keep play areas clean, and prevent children from chewing on painted surfaces or window sills.

Seemingly boasting about Landau’s failure to follow the EPA’s strict protocol on dealing with lead, the agency detailed why the landlord was slapped with such a large fine:

The landlord with over 25 properties in Brooklyn and 1 in Manhattan has signed an agreement with the U.S. Environmental Protection Agency (EPA) to pay the civil penalty for alleged violations of lead-based paint disclosure rules. EPA has cited the property owner for failing to properly inform residents about potential lead-based paint in their apartments through disclosure statements, warning statements and failing to make them aware of records or reports that would alert them of the potential lead hazards. In addition, Mr. Landau must take proper steps to address violations of lead rules.

Juan Hernandez of Connecticut also fell victim to the EPA’s meticulous regulatory regime when he neglected to provide seven tenants with the pamphlet “[Protect Your Family From Lead in Your Home](#),” a requirement mandated under the Residential Lead-Based Paint Hazard Reduction Act of 1992. The law [directed](#) the EPA and the Department of Housing and Urban Development to require that property owners disclose lead-based-paint hazards before they sell or rent housing units constructed before 1978.

The EPA filed a [complaint](#) in late March, notifying Hernandez that he would have to pay a \$49,980 fine — or more than \$7,000 for each pamphlet he neglected to provide. CNSNews.com [reported](#) on similar fines issued to landlords for failing to provide the EPA-approved pamphlets:

In September 2011, Douglas Paulino of Hartford, Conn., failed to provide the EPA-approved pamphlet to six lessees, resulting in a fine of \$49,700, according to an Initial Decision and Default Order.

A Default Order also was filed against John C. Jones of Roxbury, Massachusetts, in February 2012, when a penalty of \$30,960 was levied for not providing the pamphlet to four tenants.



Written by [Brian Koenig](#) on August 27, 2012

Lester Sykes, of Chicago, Illinois, was penalized \$54,180 for 11 counts of failing to provide the lead hazards pamphlet in October of 2011. Sykes was ordered to pay total fines of \$159,310 after he failed to respond to a complaint filed against him in 2008.

Costly regulations streaming from the EPA's RRP guidelines have also proved burdensome to painters, renovators, and anyone else performing work that would possibly disperse lead-based paint in pre-1978 homes. Any business performing such work must become EPA-certified — and all individuals must be trained in the use of "lead-safe work practices" — or face a heavy fine. In addition to the required pamphlets, the agency charges contractors and other renovation firms with a host of other rules, including:

- Provide a copy of your EPA or state lead training certificate to your client.
- Tell your client what lead-safe methods you will use to perform the job.
- Learn the lead laws that apply to you regarding certification and lead-safe work practices.
- Ask your client to share the results of any previously conducted lead tests.
- Provide your client with references from at least three recent jobs involving homes built before 1978.
- Keep records to demonstrate that you and your workers have been trained in lead-safe work practices and that you follow lead-safe work practices on the job. To make recordkeeping easier, you may use the sample recordkeeping checklist (PDF) (1 pg, 141K) that EPA has developed to help contractors comply with the renovation recordkeeping requirements.
- Read about how to comply with EPA's rule in the EPA Small Entity Compliance Guide to Renovate Right (PDF).

According to [research](#) by *Professional Remodeler*, which surveyed hundreds of contractors impacted by the RRP regulations, 65 percent of respondents said the lead rules lost them business. While the EPA originally estimated added costs of \$35 to \$376 per project (depending on the type of job), 37 percent of remodelers said the regulations added more than \$1,000 to the average job; 81 percent said they added more than \$400.

"We lose work because of it," said one California remodeler. "Most homeowners think it is ridiculous and won't work with a contractor who feels obligated to comply." Respondents reported that many homeowners have hired uncertified contractors — who do not follow the EPA rules — to save money on home repair and renovation work. In fact, of the remodelers surveyed, 76 percent said they had lost business to an uncertified contractor.

"It has cost me business, because no client wants to pay the additional cost involved for me to be compliant with the EPA," lamented a Virginia contractor. "I would say that the RRP rules haven't helped me in the least bit. They have cost me jobs; cost for compliance, training and certification; as well as materials and equipment to be compliant."



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