

Recent Federal Actions on Lead Paint

On April 30 the U.S. Environmental Protection Agency's New England Office announced enforcement actions against three large Rhode Island property owners for violations of federal lead-paint disclosure rules involving dozens of houses and apartments in Rhode Island communities.

Companies owned by Roy S. Topik face a proposed penalty of \$152,460 for failing to provide 19 tenants with the EPA-approved lead hazard information pamphlet, and failing to provide written warnings about the known presence of lead-paint hazards in one apartment and records and reports regarding those hazards to a tenant.

Patrick T. Conley and three of his companies face four penalties amounting to \$157,520 for failing to provide lead warning statements and lead hazard information pamphlets in the sale of six residential properties, and for failing to disclose whether they had knowledge and records or reports pertaining to potential lead-based paint hazards.

Norman Reisch and two of his companies face penalties amounting to \$330,100 for violating the federal lead disclosure rule in five transactions. In at least one instance, Reisch had knowledge of an outstanding lead abatement order and failed to disclose the related lead-based paint records to a family with three small children.

In early April, the U.S. Department of Veterans Affairs agreed to pay a \$10,068 penalty and perform environmental projects worth \$123,050 to settle claims by the U.S. Environmental Protection Agency that it failed to properly inform tenants about potential lead hazards at employee housing provided by the department.

Last September, EPA proposed fining a Portland, Maine lead abatement contractor \$111,997 for allegedly violating state regulations regarding lead paint removal work. EPA's complaint alleges that Abatement Professionals Inc. failed to follow required procedures for lead removal, including notification to the state, development of occupant protection plans, preparation and maintenance of lead abatement reports, and ensuring final cleanup is properly performed.

EPA has taken about a dozen other actions pertaining to lead-based paint requirements in the past two years. (Some of the penalties have been much smaller than those described above). The regional staff has performed 180 inspections, and an additional 60 are currently planned.

At the same time, EPA has funded outreach through Boston University to assist real estate professionals in understanding their requirements. The subsidized outreach has consisted of articles and presentations, including three-hour certified continuing education courses for real estate professionals. It is easy to learn what is required by going to the web, to www.bu.edu/cees/RCCP. There you will find links to the Disclosure Rule and the new Pre-Renovation Education Rule, (pertaining to renovation performed for compensation), as well as links to the definition of lead hazard, the policy allowing for disposal of lead-based paint debris, and information on lead-safe renovation. From that site you can find your way to plain language summaries and interpretive guidance, which answers frequently asked questions, and both short summaries of requirements and longer articles describing important nuances in detail. The site also has links to the pamphlet that must be handed out when lease or sales transactions involve pre-1978 nonexempt housing.

For further information, call 617 358 3366, email reibste@bu.edu, or write to: Regulated Community Compliance Project, c/o Rick Reibstein, Center for Energy and Environmental Studies, 675 Commonwealth Avenue, Rm 141, Boston, MA 02215.