



Environmental Justice Toolkit for Lead Paint Enforcement Programs

Office of Civil Enforcement
Office of Enforcement and Compliance Assurance

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Executive Summary

Americans continue to be exposed to lead in lead-based paint, soil, dust, sediment, air, and drinking water. Some of these exposures result from noncompliance with our nation's environmental laws designed to reduce or eliminate exposure. The U.S. Environmental Protection Agency's (EPA) [Strategy to Reduce Lead Exposures and Disparities in U.S. Communities](#) seeks to reduce lead exposures locally by focusing on overburdened communities that have been disproportionately impacted by pollution to promote environmental justice and equity. EPA is committed to applying a whole of government approach to its efforts to reduce exposures to lead, using best available science and technology and all available resources and regulatory authorities to achieve that goal.

EPA, in conjunction with its state, local and tribal partners, will strive to take actions to further reduce exposures from lead-based paint, dust, drinking water, soils, and air with focused attention on significant near-term reductions in exposures for life stages and population groups currently burdened with disproportionately higher lead exposures.

EPA's Office of Civil Enforcement developed this Environmental Justice Toolkit for lead paint enforcement programs to provide concrete examples and resources (e.g., strategies, examples, information) on how to incorporate environmental justice considerations into all aspects of their enforcement program, through enhanced partnerships with co-regulators and communities, communications, targeting and addressing environmental justice in enforcement remedies.

While many of the practices highlighted in the toolkit already exist in most lead paint enforcement programs, enforcement programs may consider adopting and adapting approaches consistent with the needs of the communities they serve, recognizing that each community may present unique challenges and opportunities, and the nature of the noncompliance and legal authorities available may differ from one place to the next.

EPA encourages state, tribal, and local lead enforcement programs to adopt similar measures to further environmental justice and complement the efforts of the national lead paint enforcement program to help ensure that all people benefit equally from the protections of our environmental laws and policies.

Disclaimer

The statements in this document are intended solely as guidance. This document is not intended, nor can it be relied upon, to create any rights enforceable by any party in litigation with the United States. The EPA may decide to follow the policies provided in this document, or to act at variance with the guidance based on its analysis of the specific facts presented.

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I. Environmental Justice and Lead Paint Enforcement

ENVIRONMENTAL JUSTICE - the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation and enforcement of environmental laws, regulations, and policies.

Exposure to lead from deteriorated or disturbed lead-based paint is the single largest cause of childhood lead poisoning. The goals of EPA's lead paint program are to protect public health from that exposure, deter would-be violators, and level the playing field for companies that follow the law by ensuring that companies and individuals that violate the law are held accountable.

The Office of Civil Enforcement's "Environmental Justice Lead Paint Toolkit" ("Toolkit") is intended to assist other federal, state, local and tribal government enforcement programs to incorporate environmental justice considerations, and community involvement, in their lead paint enforcement actions in communities with environmental justice concerns.¹

EPA's Office of Enforcement and Compliance Assurance has issued several policy documents to address the civil enforcement program's role in environmental justice, including:

- [Strengthening Enforcement in Communities with Environmental Justice Concerns](#) April 30, 2021, sets out a number of actions to strengthen enforcement and help advance the protection of communities, using existing resources, to increase inspections in overburdened communities, use all available tools and settlement, conduct joint planning with states and other co-regulators and, whenever possible, work in partnership with them on enforcement and compliance.

The terms "lead paint" and "lead-based paint" are used interchangeably in this document to refer to lead-based paint, as defined in 40 CFR §§ 745.103 and 745.233. "Lead paint enforcement program" includes everything from compliance assistance, inspections, compliance monitoring, outreach, case development and enforcement actions and refers to the federal lead paint enforcement program, state or tribal lead paint enforcement programs, including those authorized by EPA.

¹ For purposes of this document, references to "communities with environmental justice concerns" includes communities overburdened by pollution as identified in [Executive Order 12898](#). These communities often include people of color and low-income communities and may also include Indigenous Peoples. "Indigenous Peoples" includes state-recognized tribes; indigenous and tribal community-based organizations; individual members of federally recognized tribes, including those living on a different reservation or living outside Indian country; individual members of state-recognized tribes; Native Hawaiians; Native Pacific Islanders; and individual Native Americans.

- [Using All Appropriate Injunctive Relief Tools in Civil Enforcement Settlements](#), April 26, 2021, directs enforcement staff and case teams to use the full array of policy and legal tools to ensure that facilities are returned to compliance, address the underlying causes of the violations to prevent reoccurrence, and, in appropriate cases, mitigate the harm to local communities

This toolkit applies those policies to lead paint enforcement.

II. Federal Lead Paint Enforcement

EPA’s lead-based paint enforcement programs play a seminal role in advancing environmental justice through robust compliance monitoring and equitable enforcement of lead paint regulations.

The federal government’s lead enforcement authorities were created by the 1992 Residential Lead-based Paint Hazard Reduction Act of 1992, which added Title IV to the Toxic Substances and Control Act (TSCA) to eliminate lead paint in most pre-1978 residences and child-occupied facilities. The 2009 [Federal Lead-Based Paint Enforcement Bench Book](#), published by the National Center for Healthy Housing, details these authorities. Congress recognized that communities of color and low-income communities are disproportionately affected by lead poisoning in TSCA under 42 U.S.C.A. § 4851.

Pursuant to TSCA, EPA enforces the following regulations:

- [Renovation, Repair and Painting \(RRP\) Rule](#) (40 CFR Part 745 Subpart E) related to renovations to ensure certified, trained professionals follow lead-safe work practices;
- [Lead Activities Rule](#) (40 CFR Part 745 Subpart L) related to lead abatement, inspection, and risk assessment to ensure certification and training of those professions; and
- [Lead Disclosure Rule](#) (40 CFR Part 745 Subpart F) requires the disclosure of known lead hazards in lease and sale transactions in residential property.



EPA's renovation program applies to all states, tribes, and territories not authorized by the Agency to operate the program themselves. As of June 2023, [Fifteen states and one tribe](#) are authorized to run and enforce their own RRP rule compliance program and [most states and several tribes](#) are authorized to run and enforce their own Lead Activities Rule program in lieu of the federal program. EPA and the Department of Housing and Urban Development (HUD) jointly enforce the Lead Disclosure Rule, which cannot be delegated to states, tribes, or territories.

Although most federal lead paint enforcement cases proceed administratively, the EPA and HUD refer judicial cases to U.S. Department of Justice. The Department of Justice has a history of bringing many successful Lead Disclosure Rule cases. U.S. Attorneys' Offices may be well-positioned to connect with local partners and can bring lead paint claims alongside other claims that may allow for expanded relief. For example, the New York City Housing Authority entered into an administrative agreement because of an action by the United States Attorney for the Southern District of New York that included the appointment of a federal monitor, capital improvements, and comprehensive relief regarding housing conditions, including lead paint hazards. See January 31, 2019 [USAO-SDNY press release](#) regarding settlement with New York City's housing authority

III. Partnerships, Community Engagement and Communication

Achieving environmental justice requires the development of strong partnerships, community engagement, and effective communication.

A. Partnerships with Co-Regulators

Joint planning and partnerships with state, tribal, and local authorities can enhance lead paint enforcement in areas where environmental justice concerns may be present. These partnerships can improve the potential for state or tribal authorization of the [Lead Activities](#) and [RRP rules](#), and for building the capacity of local agencies to reduce lead exposures under their own authorities.

These local authorities create self-reinforcing policies to protect public health. For example, proactive state, local, or tribal lead rental inspections policies generally require compliance with the [Lead Activities](#) and [Lead Disclosure Rule](#). Rental registration requirements may provide information about ownership of rental properties that could aid federal enforcement. Requiring compliance with the [Lead Activities](#) or [RRP rules](#) in order to obtain a construction permit for target housing and child-occupied facilities built before 1978 strengthens local contractors' understanding of the federal requirements. These policies may provide additional complementary pathways to enforcement for state, local, or tribal agencies seeking to reduce lead exposures in their community.

EPA helps support [Pediatric Environmental Health Specialty Units](#), which exist in every EPA region and provide expertise on children's environmental health.

The interests of specific co-regulators at the state, tribal, and local level intersect with the EPA's lead compliance assurance and enforcement mission, including:

- **State, Tribal, and Local Departments of Health:** Issue abatement orders; investigate and respond to children whose blood lead levels exceed the blood lead reference value; maintain data regarding those blood lead levels; and often maintain relationships with health providers and community groups to conduct education campaigns regarding lead

poisoning prevention. For defendants or respondents in enforcement actions seeking an abatement or other lead hazard reduction project, the [local Health Department](#) may be able to identify a property needing such work. Many local health departments conduct poisoned child investigations to determine the source of a child's elevated blood lead level and provide education and outreach to protect the child and their family. Following the investigation, a health or housing department may order abatement of lead paint hazards found. That abatement order intersects with the EPA's authorities, because the resulting abatement would need to follow the Lead Activities Rule. Additionally, the owner would need to disclose the lead paint or lead hazards found in subsequent transactions under the Lead Disclosure Rule (unless an abatement occurs that results in a certified inspector finding the property to be lead paint free).

- **State, Tribal and Local Housing Departments, including building code officials and permitting offices:** Issue orders relating to building code violations (which could include deteriorating lead paint) and orders relating to unpermitted work (which could include violations enforceable by the EPA or authorized programs under the RRP Rule) which could provide valuable evidence for potential targeting and enforcement. In some jurisdictions, housing departments are responsible for landlord licensing or registration programs (e.g., issue use and occupancy certifications), which may provide further information regarding ownership and may require landlords to meet certain minimum health requirements prior to occupancy. These offices may also become partners in enforcement, for example, by requiring an affirmative showing that contractors or landlords are following the laws before providing permits or licenses. Housing departments may also operate the local programs that provide funding for home repairs to address lead paint hazards, and such funding can complement enforcement efforts by providing resources to consumers to fund abatement or RRP-compliant renovations. See [Sustainability of Funding Toolkit for Childhood Lead Poisoning Prevention Programs](#).

Successful EPA Collaboration with a Housing Department

EPA provided free RRP training to housing code state and local enforcement officers in EPA's Mountains and Plains and Pacific Southwest regions. In addition, staff from the South Central, Mountains and Plains and Pacific Northwest EPA regional offices conducted outreach campaigns to building code officials to raise awareness of opportunities to include RRP information in building permitting applications and offices.

- **HUD and Public Housing Authorities:** Public Housing Authorities administer various housing programs, funded in whole or in part through HUD. People needing public housing information can find their [local public housing agency](#) on HUD's website. Note that these properties are also subject to the [Lead-Safe Housing Rule](#), enforced by HUD, which provides additional, more protective requirements relating to lead hazards. EPA and HUD share enforcement authorities under the Lead Disclosure Rule and have collaborated on enforcement efforts.

- **State/Tribal Environmental Agencies (and others with federal lead paint authorization):** [Fifteen states and one tribe](#) are authorized to run and enforce their own RRP rule compliance program and [most states, territories, and several tribes](#) are authorized to run and enforce their own Lead Activities Rule program. While the state or tribal environmental agencies are usually authorized for the program, depending on the state/tribe, another agency may hold this authority
- **State/Tribal Construction Licensing and Consumer Protection Agencies:** Many states and tribes require home improvement contractors to obtain licenses to do certain kinds of work, including work regulated by the [RRP Rule](#). State agencies may encourage licensees to comply with the [RRP Rule](#). Further, the agencies may be able to cross-check databases of licensees to identify entities that are not complying with the rules. Consumer protection agencies also handle complaints regarding contractors, landlords, property management companies, realtors, and other entities involved in real estate. Entities violating state consumer laws may also be violating [Lead Disclosure](#) or the [RRP Rules](#), or vice versa. Sharing information about violations may help inform enforcement efforts and may help aid in referrals of complaints.

While this toolkit focuses on these federal authorities under TSCA, the EPA also enforces lead hazards through other authorities, including the Clean Air Act, the Resource Conservation and Recovery Act, the Safe Drinking Water Act, and others federal laws. In many communities with environmental justice concerns, there may be multiple sources of lead contamination in addition to lead paint. Training inspectors to develop awareness for cross programmatic opportunities may also provide a way to further multi-media enforcement. Collaboration between media offices provides pathways to address cumulative impacts of lead in communities overburdened by multiple sources of lead contamination. For example, in EPA’s Mid-Atlantic Region, enforcement managers meet regularly with regional counsel and data experts to identify cases and targets that pose multi-media enforcement opportunities.

Communities often reasonably expect cooperation between various offices within a government agency, as well as between different levels of government. Ensuring that cooperation plays an important role not only in maximizing the benefits that each government entity can bring to a solution, but also in building trust between communities and enforcement officials. Community members who trust enforcement officials are more likely to provide tips and complaints. While building relationships with communities may lead to tips and complaints, proactive inspection may be particularly beneficial for communities that fear retaliation in response to complaints about substandard housing. ChangeLab’s [Equitable Enforcement to Achieve Health Equity](#) provides additional information about how to embed equity principles into enforcement work.

The [Local Lead Action Plan Guide](#) provides a framework that local government officials may use to identify lead issues in their city, town, community, county, or other geographic area (local area), then develop a sustainable, targeted action plan using a template that the EPA provides.

B. Community Engagement

For communities with potential environmental justice concerns, enforcement programs may consider using existing and new approaches to engage with communities, such as by soliciting tips and complaints, and informing communities of environmental justice efforts and concluded cases via outreach and platforms easily accessible to such communities.

Enforcement programs may consider collaborating with their lead programs to coordinate and plan community outreach and education, as well as colleagues in other media and those with specialized experience in environmental justice, if available. A single enforcement action is often only part of the overall picture in a community, so consider providing additional relevant information about related enforcement actions. For example, EPA enforcement programs in a few EPA regional offices have successfully collaborated with the lead program offices to conduct inspections in communities where the lead program offices conducted a local [training and outreach effort](#) that included free RRP trainings, in both English and Spanish, depending on the community's needs.

Every community has different language needs to meet when conducting community engagement. These can be identified through the U.S. Census and [EJScreen](#), which includes limited English proficiency as one of its indicators. By meeting communities where they are on language accessibility, you improve investment and build stronger partnerships.

When engaging in enforcement activity in overburdened communities, the community may be able to provide key insights into potential targeting efforts, and evidence of violations. Providing for engagement with impacted communities in enforcement efforts effectuates the environmental justice goal of meaningful community engagement which, in turn, drives community demand for greater industry compliance and more effective prevention of lead exposures. Communicating with communities is not only a right, but a legal responsibility.

Focusing on particular geographic areas can also provide an ideal framework to connect on the local level with communities. Therefore, the enforcement programs may consider outreach to the following entities, and strive to ensure that any press materials such as fact sheets are provided to the following audiences in multiple languages:

- Community or housing organizations: These go by many names – community, tenants, or neighborhood associations or coalitions; community development corporations, community land trusts (both of which may be specifically focused on housing concerns). Their level of organization varies depending on the resources of the community.
- [Legal services](#): These offices provide free representation in civil legal matters, including housing issues like landlord-tenant disputes, to those who qualify for their services. Housing-specific legal services organizations and medical-legal partnerships also exist in

Community members, state, tribal, and local regulators can all refer complaints, tips and violations to the EPA through the [lead-based paint report a violation system](#).

some areas, where attorneys work with medical providers to address underlying conditions causing health problems, including lead paint hazards.

- Lead poisoning prevention and environmental justice organizations: These issue advocacy organizations vary from place to place and may work on broader policies that include lead, like healthy homes. They may work with parents and young people personally affected by lead poisoning or environmental injustices and can provide valuable grassroots insights into how enforcement can best be deployed to end lead poisoning in their community. They may also advocate for more resources and stronger state and local protections. For example, the [Lead Safe Cleveland Coalition](#) is working to proactively create lead-safe homes in Cleveland.
- Educational and health care institutions: These may also provide a way to connect with affected communities and can contribute to enforcement by providing research regarding sources of lead exposures in a community as well as screening for elevated blood lead levels.

The landscape of active organizations and coalitions differs substantially from one place to another. State and local government authorities may be able to provide connections to community organizations. Collaborating with inter- and intra-agency colleagues, including environmental justice colleagues, colleagues working in other media, and other local partners and allies, may help enforcement determine the landscape and how best to engage with impacted communities.

C. Communications

Whenever possible, case teams may consider highlighting environmental justice concerns in press releases and fact sheets and translating them into applicable languages. Prior to issuing any communication materials, enforcement programs may consider collaborating with their environmental justice, lead regulatory partners, and public affairs office to make sure that the impacted community is aware of enforcement activity before it is announced.

An example of effective communication with an impacted community is a [2015 EPA press release on lead paint safety in St. Louis, Missouri](#). The press release received significant attention, including public radio coverage. As a result of the EPA initiative, there were at least thirteen enforcement cases and more than \$80,000 in penalties collected. A New York State Attorney General [2022 press release highlighting lead paint enforcement](#) and environmental justice is another example of effective communication resulting from an enforcement action to protect children from lead exposure.



Using similar messaging regarding the disparities in lead exposure may be useful in highlighting environmental justice in press communications. Messaging examples include:

- Communities of color and low-income communities are disproportionately affected by lead poisoning

- Children in communities of color, specifically Black communities, and those from low-income households have persistently been found to have higher blood lead levels than non-Hispanic white children and those from higher income households
- The median blood lead level for children living in families with incomes below poverty level is higher than for children living in families at or above poverty level.

Scientific studies regarding disparities may also be useful in providing background regarding disparities, like those available from the [National Health and Nutrition Examination Surveys](#).

IV. Targeting Inspections in Overburdened Communities

Strategically target limited enforcement resources to address violations in overburdened communities.

Many programs must make strategic decision about where to direct their enforcement resources. For EPA, the [National Program Guidance](#) establishes expectations for the EPA regional lead paint enforcement programs, including the following national focus areas:

- Geographic initiatives, which require regional programs to focus resources in overburdened communities that are the most impacted by lead paint hazards; and
- Larger companies, such as big box stores or property management companies, which often operate in or impact many different communities, including communities with environmental justice concerns.

A. Best Practices: Targeting Enforcement Actions in Communities with Environmental Justice Concerns

The following are best practices for prioritizing lead paint enforcement in overburdened communities:

- Prioritize the investigation and inspections of tips and complaints of violations in overburdened communities and prioritize investigations of authorities that are most applicable to rental properties because these areas tend to have a higher proportion of rentals. EPA has found enforcement of RRP in overburdened communities may present certain enforcement challenges, such as the prevalence of unpermitted work that is difficult to trace, DIY renovations and complete demolitions which are exempt from the rule, and very small contractors unable to pay penalties.

- Focus on toxic dwellings and partner with co-regulators, including local health department and code enforcement authorities. Case referrals between federal, state, tribal and local enforcement programs complement each other, as each level of government brings different resources to the table. Fostering collaboration between state, tribal, local, and federal enforcement programs provides the surest path toward focusing on communities with disproportionate impacts including lead paint hazards.

Toxic Dwelling
 refers to target housing that is associated with multiple and/or successive elevated blood lead levels, or that has significant or longstanding lead paint hazards (which typically present as excessive violations of State/tribal/local health and/or housing codes).

- Incorporate multi-media approaches where multiple sources exist and engage with communities that have environmental justice concerns. Enforcement programs can increase efficiency of inspections by inspecting entities subject to multiple authorities – for EPA that means targeting entities subject to both the Lead Disclosure and RRP rules or combining asbestos and lead inspections.
- For especially egregious violations, seek additional records or expand investigations to uncover further violations. For example, the [Inspection Manual for the Lead Renovation, Repair and Painting Rule](#) discusses *minimal* numbers of records to review; inspectors may review more than the minimal records set forth in the manual.
- Consider opportunities for referrals to criminal enforcement or parallel proceedings by reviewing documents for evidence of forgery, backdating, or other possible signs of criminal activity.
- Many properties in low-income communities may be held in limited liability companies making ownership difficult to trace. HUD, local building code officials – who may require information from companies renting properties as part of a rental registration or licensing scheme - and tenant advocates, such as legal aid offices, may know more about these entities and may also be able to provide additional information. Company searches in databases like Westlaw or LEXIS CLEAR may also provide information. State court records, along with attorneys representing families affected by lead poisoning, may also have information about corporate entities. Occasionally, local news reports may highlight particularly predatory landlords, although these do not always provide a good target for Lead Disclosure Rule enforcement.
- Several types of transactions common in overburdened communities present challenges for enforcement.
 - Foreclosure sales and short-term leases of less than 100 days are exempt from disclosure.
 - Informal, unwritten (oral) leases present complications for enforcement, but written disclosure is required for oral leases under the Lead Disclosure Rule.

- Residents of heirs’ property – property that did not legally transfer from a deceased owner to their heirs – are unlikely to be required to receive any kind of disclosure.
- Use [EJScreen](#) to identify possible overburdened communities for inspections (see Targeting Resources). Some lead violations occur in different locations than where the inspection takes place (such as a records inspection at a construction firm’s office), or companies may be responsible for violations in multiple locations—some in communities with environmental justice concerns, and others not in communities with environmental justice concerns. For example, a RRP document inspection may occur at the business office while the violations took place at multiple renovation locations. As a result, programs may need to conduct a more thorough analysis to determine presence of environmental justice concerns.

Targeting Resources

[EJScreen](#) identifies census block groups with elevated environmental justice index for deteriorated paint by looking at the percentage of occupied housing units built before 1960. See [Technical Documentation for EJScreen](#). Additional mapping tools that may be helpful include [HUD’s Deteriorated Paint Index](#), [American Community Survey \(ACS\) Housing Units by Year Built](#), and [ACS Population and Housing Basics](#). Lead occurrence and source mapping resources are also available to [government users](#). States, tribes and local government agencies may have access to additional mapping tools and data, like elevated blood lead levels, that could be helpful in identifying communities with environmental justice concerns.

V. Addressing environmental justice in Enforcement Remedies

Enforcement activities can be leveraged for opportunities to address the root causes of lead poisoning in impacted communities by obtaining abatement to eliminate lead paint hazards or other beneficial remedies.

Lead paint hazard abatement projects provide tangible, permanent benefits to communities. A lead paint abatement project may be directed to an overburdened community and, thereby, can address environmental justice concerns. Many examples exist for how to incorporate lead abatement projects into settlements. Below are lead paint enforcement settlements that include abatements:

- United States of America v. Logan Square Aluminum Supply, Inc., Civil Action No. 23-CV-557 (2023), [88 FRN 7760](#); [Docket No. TSCA-05-2023-001](#)
- [In re Flipmove Productions & EQ Media, Inc., Docket No. TSCA-06-2020-6137 \(2020\)](#)
- [In re Selby Enterprises, LLC, Docket No. TSCA-07-2020-0040 \(2020\)](#)
- [In re Ahmad Aligabbari, Docket No. TSCA-01-2018-0061 \(2019\)](#)
- [In re 5 MF Holding, L.L.C., Docket No. TSCA-01-2017-0037 \(2017\)](#)
- [In re Robert F. “Bob” Welsh, et al., Docket No. TSCA-01-2017-001 \(2017\)](#)

- [In re: Pike International, LLC, et al., Docket No. TSCA-01-2016-0034 \(2017\)](#)
- [In re Carrington Real Estate Services, LLC, Docket No. TSCA-09-2016-0020 \(2016\)](#)
- United States of America v. Meyer Management, Inc., No. 14-cv-0064-TSB, [79 FR 50699](#) (2014)
- [In re Springfield Housing Authority, Docket No. TSCA-01-2012-0078 \(2013\)](#)
- [In re Preservation Management Inc., Docket No. TSCA-01-2011-0011 \(2011\)](#)
- [In re Old Colony Co., Docket No. TSCA-03-2008-0386 \(2009\)](#)
- [In re Community Builders, Inc., Docket No. TSCA-01-2008-0079 \(2009\)](#)
- [In re Talla Villa Apartments, Docket No. TSCA-04-2009-2606\(b\) \(2009\)](#)
- United States v. Wallside, Inc., Civil Action No. 2:09-12317-AC-DAS (2009), [74 FRN 30110](#).
- [United States of America v. A & M Properties, Inc.](#) No. 08-cv-11814-DML-DAS, [73 FR 27556](#) (2008)
- United States of America v. Steven J. Meldahl dba SJM Properties, Case No. 06-cv-03202-JNE-JJG, [71 FR 49475](#) (2006)
- United States v. V.T. Fallon dba VTF Properties, Civil Action No. 05-2830 RJL-AKB - [71 FR 5379](#) (2006)
- United States of America v. Gorman Park Properties, L.L.L.P., et al., No. 05-cv-00648-DSD-SRN, [70 Fed. Reg. 28956](#) (2005)
- United States of America v. Dominion Management Services, Inc., No. 04-cv-03088-RHK-JSM, [69 FR 42210](#) (2004)

Enforcement actions under the Clean Air Act are another way to address lead paint hazards outside the TSCA framework by including Supplemental Environmental Projects (SEPs) involving nitrogen oxides, volatile organic compounds, sulfur dioxide and/or ozone emissions. These chemicals exacerbate the deterioration of lead paint.² Collaboration between air enforcement and lead enforcement should occur to encourage utilization of SEPs in Clean Air Act settlements like those listed below. Examples of lead paint abatement SEPs in Clean Air Act settlements:

- [United States of America v. Lima Refining Company, Civil Action No. 3:17-cv-01320 \(2017\)](#)
- [United States of America and the State of Illinois v. WRB Refining LP and Phillips 66 Company, Civil Action No. 3:18-cv-01484 \(S.D. Ill. 2018\)](#)
- [United States of America and the State of Ohio v. BP Products North America Inc. and BP-Husky Refining, LLC, Civil Action No. 3:20-cv-00190 \(2020\)](#)
- [In the Matter of: Kremers Urban Pharmaceuticals, Inc., Docket No. CAA-05-2019-0010 \(2018\)](#)
- [In the Matter of: Cincinnati Renewable Fuels, Docket No. CAA-05-2017-002 \(2016\)](#)
- [United States of America v. ASARCO LLC, Civil Action No. CV-15-2206-PHX-JZB \(2015\)](#)

² See [Nitrogen Dioxide and Ozone as Factors in the Availability of Lead from Lead-Based Paint](#).

Wider use of RCRA § 7003 42 U.S.C. Section 6973(b) authority, where appropriate, would strengthen the lead paint enforcement program's capacity to address lead exposures in overburdened communities and elsewhere. RCRA considers lead paint dust, chips, and debris to constitute "solid waste." Lead paint hazards may present an imminent and substantial endangerment to human health or the environment within the meaning of RCRA § 7003. In the appropriate circumstances, programs can use RCRA § 7003 order authority to obtain abatement of a lead paint hazard, such as to address uncontrolled demolition of properties containing lead paint in overburdened communities (or elsewhere). Past EPA experience includes three known RCRA § 7003 orders to address lead paint. A summary and analysis of those cases is available in the [Federal Lead-based Paint Enforcement Bench Book](#).

In addition to abatement projects, enforcement actions may be leveraged into compliance plans to ensure future compliance, or educational projects to inform the public about the dangers of lead paint hazards. Some of the settlements listed above include compliance plans and educational projects in addition to lead paint abatements. While these projects may not only directly impact communities with environmental justice concerns, they may also provide indirect benefits in ensuring compliance in future work conducted in communities with environmental justice concerns or increasing general awareness of lead poisoning prevention. Examples of TSCA lead paint settlements with these kinds of remedies include:

- [In re Two Chicks and a Hammer, Inc., Docket No. TSCA-05-2022-0004 \(2022\)](#)
- [United States of America v. Home Depot U.S.A., Inc., Case No. 1:20-cv-05112-MHC \(2021\)](#)
- [In re Growing Days, LLC, Docket No. TSCA-07-2020-0008 \(2020\)](#)
- [In re Pro Painting NYC, Inc., Docket No. TSCA-02-2020-9293 \(2020\)](#)
- [In re Chloe Construction Company LLC, Docket No. TSCA-02-2020-9297 \(2020\)](#)
- [In re Topmost Design and Construction, Docket No. TSCA-02-2019-9297 \(2019\)](#)
- [In re Panther Siding & Windows, Inc., Docket No. TSCA-02-2019-9267 \(2019\)](#)
- [In re Magnolia Waco Properties, LLC, Docket No. TSCA-HQ-2018-5004 \(2018\)](#)

Information about EPA enforcement actions can be found in the [Enforcement and Compliance History Online](#), which links to EJScreen information. In addition, the EPA noted violations involving communities with environmental justice concerns in its [2021 highlights](#) of lead paint enforcement.