



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

Lead-Based Paint Enforcement: U.S. Environmental Protection Agency and Lincolnwood, Illinois Painting Company Enter into Consent Agreement

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The United States Environmental Protection Agency ("EPA") and Fortune Painting Company, Inc. ("Fortune") entered into an October 9th Consent Agreement and Final Order ("CAFO") addressing alleged violations of the regulations implementing the Residential Lead-Based Paint Hazard Reduction Act of 1992. See Docket No. TSCA-05-2026-0005.

The CAFO provides that Fortune is a corporation with a place of business in Lincolnwood, Illinois.

EPA is stated to have sent an information request letter ("IRL") to Fortune on December 21, 2023. The IRL requested that Fortune provide information regarding its compliance with the residential property renovation requirements at 40 C.F.R. Part 745, Subpart E. Fortune provided a response to the IRL and indicated it performed or directed its employees to perform painting and other work at each of the properties identified in the CAFO.

The CAFO states that the exterior painting work that Fortune performed at the referenced properties were modifications of the buildings' existing structure that resulted in disturbance of painted surfaces and were therefore renovations as defined in 40 C.F.R. § 745.83.

Pursuant to the IRL, Fortune provided contracts for the renovations identified but did not provide all of the records necessary to demonstrate compliance with the work practice standards in 40 C.F.R. § 745.85.

The referenced buildings are stated to be residential housing built prior to 1978, and therefore are "target housing" as identified in 40 C.F.R. § 745.103. As a result, Fortune is stated to have either performed or directed workers to perform the renovations described and is therefore a renovator as defined in 40 C.F.R. § 745.83.

Violations alleged in the CAFO include:

- Failure to provide the owner of the unit with the EPA-approved lead hazard information pamphlet before beginning renovation activities.
- Failure to include a statement recording the date of signature of the owner or occupant.
- Failure to retain and, if requested, make available to EPA all records necessary to demonstrate compliance with 40 C.F.R. Part 745, Subpart E for a period of three years following completion of the renovation.
- Failure to ensure a certified renovator is assigned to each renovation performed by the firm and discharges all of the certified renovator responsibilities identified in 40 C.F.R. § 745.90.

A civil penalty of \$68,488.00 is assessed.

A copy of the CAFO can be found [here](#).