Lead-Based Paint/Toxic Substances Control Act Enforcement: U.S. Environmental Protection Agency and Omaha, Nebraska Site Renovation Contractor Enter into Consent Agreement



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The United States Environmental Protection Agency ("EPA") and Brady Hoefer Custom Construction, LLC ("Brady") entered into a March 16th Consent Agreement and Final Order ("CAFO") addressing alleged violations of the regulations at 40 C.F.R. Part 745, Subpart L, *Lead Based Paint Activities*. See Docket No. TSCA-07-2026-0162.

The CAFO provides that on or about April 1, 2025, and pursuant to Section 11 of the Toxic Substances Control Act ("TSCA"), representatives of EPA conducted a worksite inspection in Omaha, Nebraska ("Property") to evaluate Brady's compliance with TSCA and the requirements of the Renovation, Repair, and Painting Rule ("Renovation Rule").

The CAFO provides that at all times relevant to the CAFO that Brady was engaged in a "renovation" of the Property as defined by 40 C.F.R. § 745.83.

Brady was stated to be performing at the Property a kitchen and bathroom remodel, which included the demolition of multiple interior painted walls, disturbing and removing painted trim, removing door casing, and removing painted cabinets and disturbing painted surfaces in the kitchen ("the renovation"). Further, the property is stated to be "target housing" as defined by Section 401(17) of TSCA.

The following violations were alleged:

- Failure to apply for and obtain EPA certification prior to commencing the renovation for compensation on the Property.
- Failure to assign a certified renovator to the renovation at the Property.
- Failure to provide a pamphlet to the owner of the Property.
- Failure to post protective signs clearly defining the work area and warning occupants and other persons not involved in renovation activities to remain outside of the work area.
- Failure to close or cover duct openings in the work area.
- Failure to cover doors in the work area with plastic sheeting or impermeable material.

- Failure to, before beginning the renovation, cover the floor surface in the work area with taped-down plastic sheeting or other impermeable material
- Failure to contain waste from the renovation activity to prevent the release of dust and debris before the waste was removed from the work area for storage or disposal.

Brady neither admits nor denies the specific factual allegations.

EPA ultimately determined that the appropriate penalty for the alleged violations is $0.

A copy of the CAFO can be found here.