

JUSTICE NEWS

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District of Columbia Development Company and Owner Plead Guilty To Crimes Related to Lead-Based Paint

Mohammad Sikder, 60, of Washington, D.C., pleaded guilty today to two counts of violating the Toxic Substances Control Act for his role in renovating a Washington, D.C., property without following lead-safe work practices and lead disclosure requirements.

Sikder's solely held company, District Properties LLC, also pleaded guilty to making false statements in 25 building permit applications to the District of Columbia Department of Consumer and Regulatory Affairs (DCRA). These applications understated the age of the homes being renovated, with the intent to avoid regulatory scrutiny of inadequate lead-based paint safety measures at those properties.

The Honorable Amy Berman Jackson scheduled sentencing for Nov. 22, 2019. The charges against Mr. Sikder carry a statutory maximum of twelve months in prison and potential financial penalties. He and the government will jointly recommend a \$50,000 fine in addition to any prison time imposed. The company has agreed to pay a \$150,000 criminal fine, and to put another \$25,000 towards funding lead-based paint compliance trainings in the District of Columbia, Maryland, and Virginia.

"Lead poisoning is a major environmental health problem, and the deliberate actions taken by the defendant posed an unnecessary risk to his employees and the public at large," said Assistant Attorney General Jeffrey Bossert Clark for the Justice Department's Environment and Natural Resources Division. "The Department of Justice will not allow to go unchallenged such flagrant disregard for the rule of law and will continue to work with its partners to protect the health of communities here in Washington, D.C., and beyond."

"By using unlicensed and untrained workers to renovate older buildings, the defendant threatened the health of his workers and the general public," said Jennifer Lynn, Acting Special Agent in Charge for EPA's Mid-Atlantic criminal enforcement program. "Today's guilty pleas demonstrate that EPA and its partner agencies are committed to enforcing laws protecting public health."

Lead poisoning continues to be a major environmental health problem in the United States, although it is completely preventable. The most common source of childhood lead poisoning is lead-based paint in older homes, and the primary exposure pathway is ingestion of lead-contaminated dust. Lead is a toxic substance that can cause permanent damage, and is regulated under the Toxic Substances Control Act. Under the Renovation, Repair and Painting Rule (RRP Rule), contractors performing renovation, repair and painting projects that disturb lead-based paint in homes, child care facilities, and schools built before 1978 must be certified and must follow specific work practices to prevent lead contamination.

According to a Statement of Offense filed along with the plea agreements, Sikder and District Properties LLC purchased and renovated a property in Washington, D.C., without following the requirements of the RRP Rule. In 2014, the company submitted a building permit application to DCRA for addition, alteration,

and repair of the property. At Sikder's instruction, the employee submitting the permit application, under the section of the application titled "Lead Abatement," falsely indicated that the property was built after 1978. During the summer and fall of 2014, a contractor conducted demolition at the property without following RRP Rule safe work practices. The demolition work included removing windows, removing interior and exterior painted surfaces, and removing floor and ceiling joists.

A Sept. 24, 2015, Occupational Safety and Health Administration inspection revealed multiple hazards, including (1) employees performing manual demolition on a wall surface that had paint containing lead; (2) the lack of an employee exposure assessment to determine actual employee exposure; (3) the lack of lead training to employees; and (4) proper sanitation practices not being followed. Sampling analysis showed lead present on the dump truck and employees' hands. When the property was properly remediated and sold, Sikder and District Properties LLC did not provide the purchasers this information and with a report documenting the prior existence of lead-based paint at the property.

Between 2011 and 2017, District Properties LLC submitted 25 renovation permit applications for properties in Washington, D.C., on which the company falsely represented that the properties had been built after 1978, thereby circumventing additional permitting requirements and avoiding EPA oversight with respect to RRP Rule compliance, which would be triggered by an accurate permit application.

In announcing the plea, Deputy Assistant Attorney General Williams and Acting Special Agent in Charge Lynn expressed appreciation for the work performed by Special Agent Allison Landsman from EPA-Criminal Investigations Division, in partnership with the Metropolitan Police Department Environmental Crimes Unit. The case is being prosecuted by Trial Attorney Cassandra J. Barnum of the Environmental Crimes Section.

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