

Chip and Joanna Gaines Penalized for Violations of Lead-Based Paint Regulations

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Fixer Upper, the popular show that follows husband and wife duo Chip and Joanna Gaines as they renovate homes in Waco, Texas, recently attracted the attention of the United States Environmental Protection Agency (EPA). While watching *Fixer Upper*, EPA officials determined that the Gaines' company, Magnolia Waco Properties, LLC (Magnolia), was violating the Toxic Substances Control Act's (TSCA) Lead Renovation, Repair and Painting Rule (RRP Rule). The violations of the RRP Rule were related to home renovations conducted without adequate protections from lead paint.

The RRP Rule is intended to ensure that home renovations do not expose occupants to dangerous levels of lead. The RRP Rule requires that renovation companies performing renovation, repair, and painting projects that disturb lead-based paint in homes built before 1978 be certified by the EPA. The Rule also requires renovators to use specific precautions against lead dust exposure.

EPA ultimately identified evidence of noncompliance at 33 of Magnolia's renovation properties. EPA found that Magnolia failed to do the following:

- Obtain firm certification from the EPA before performing renovations covered by the RRP Rule;
- Assign a certified renovator to such renovations;
- Provide home owners or occupants with an approved pamphlet about lead-based paint hazards prior to the renovation;
- Post signs to clearly define the work area and warn people to remain outside that area; and
- Comply with the RRP Rule's work practice standards, such as closing doors and windows to the interior work areas, covering floor surfaces, ducts and other openings.

EPA assessed the company a civil penalty of \$556,000. However, that amount was reduced to a \$40,000 civil penalty and the performance of a supplemental environmental project (SEP). As part of the settlement with the EPA, Magnolia became an EPA certified renovation firm, obtained training and renovator certification for its staff, and brought active renovations into compliance. The company is performing a SEP to reduce lead-based paint hazards in homes and child-occupied facilities around Waco, Texas. Magnolia must spend \$160,000 on the SEP, which will

include replacing windows and doors, removing lead-based paint and dust, and replacing lead-based paint surfaces and fixtures.

Magnolia addressed the risks associated with lead-based paint in an episode of Fixer Upper on March 21, 2018. Following the episode, Chip Gaines tweeted several messages to his followers about the importance of lead safety and the RRP Rule. Additionally, Magnolia posted a video on its website addressing lead-based paint and the RRP Rule.

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