

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

UNITED STATES OF AMERICA; )  
THE STATE OF UTAH; )  
THE STATE OF RHODE ISLAND; and )  
THE COMMONWEALTH OF )  
MASSACHUSETTS EXECUTIVE )  
OFFICE OF WORKFORCE )  
DEVELOPMENT, DEPARTMENT )  
OF LABOR STANDARDS, )

Plaintiffs, )

v. )

HOME DEPOT U.S.A., Inc., )

Defendant. )

Case No. 1:20-cv-05112-MHC

**CONSENT DECREE**

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WHEREAS, Plaintiff United States of America (“United States”), on behalf of the United States Environmental Protection Agency (“U.S. EPA”); Plaintiff State of Utah (“Utah”), on behalf of the Utah Department of Environmental Quality and the Utah Division of Air Quality; Plaintiff State of Rhode Island (“Rhode Island”), on behalf of the Rhode Island Department of Health Lead Poisoning Prevention Program; and Plaintiff Commonwealth of Massachusetts Executive Office of Labor and Workforce Development, Department of Labor Standards (collectively “Plaintiffs”), have filed a Complaint in this action concurrently with the lodging of this Consent Decree, which alleges, *inter alia*, that Home Depot U.S.A., Inc. (“Defendant”) violated Sections 402(c), 406(b), and 407 of Title IV of the Toxic Substances Control Act (“TSCA”), [15 U.S.C. §§ 2682\(c\), 2686\(b\), & 2687](#), certain provisions of U.S. EPA’s Lead Renovation, Repair and Painting Rule promulgated thereunder and codified at 40 C.F.R. Part 745, Subpart E, as well as the corresponding legal authorities, regulations, and requirements set forth by the various States, Indian Tribes, and other jurisdictions authorized by U.S. EPA under Section 404(a) of TSCA, [15 U.S.C. § 2684\(a\)](#), to administer (in whole or in part) the requirements of TSCA and the Lead Renovation, Repair and Painting Rule (which EPA may independently enforce pursuant to [15 U.S.C. § 2864\(b\)](#)) (“Upon authorization of a State program under this section, it shall be unlawful for any person to violate or fail or refuse to comply with any requirement

of such program.”)), including, by way of example, the Utah regulations promulgated under Section 19-2-104(1)(i) of the Utah Code contained in Utah Administrative Code Rules R307-840 through R307-842 (“Utah Lead-Based Paint Rules”); the Rhode Island Rules and Regulations for Lead Poisoning Prevention (“Rhode Island Lead Regulations”) promulgated under R.I.G.L. § 23-24.6-1 *et seq.*; and the Massachusetts Deleading and Lead-Safe Renovation Regulations, 454 CMR 22.00 *et seq.* (“Massachusetts Lead Regulations”) (for ease of reference U.S. EPA’s Lead Renovation, Repair and Painting Rule and the corresponding rules and regulations in authorized States, Indian Tribes, and other jurisdictions are referred to collectively as the “RRP Rules”); and

WHEREAS, Defendant does not admit the allegations set forth in the Complaint; and

WHEREAS, the Plaintiffs allege they are entitled to seek injunctive relief in a judicial action, including, but not limited to, an order requiring Defendant to comply with the RRP Rules under Section 17 of TSCA, [15 U.S.C. § 2616](#), the corresponding authorities in the authorized States, Indian Tribes, and other jurisdictions, including the Utah Lead-Based Paint Rules, the Rhode Island Lead Regulations, and the Massachusetts Lead Regulations, to ensure compliance through development and implementation of compliance procedures, and to ensure that any existing compliance procedures are continued; and

WHEREAS, Defendant, through this Consent Decree, is developing and will implement procedures to help ensure compliance with the RRP Rules, as set forth in Section VI (Compliance Requirements), including Exhibits A through F, of this Consent Decree; and

WHEREAS, Defendant, through this Consent Decree, is implementing projects to provide education and outreach to the community about the RRP Rules; and

WHEREAS, Defendant, through this Consent Decree, is implementing procedures for disciplining Installers that do not comply with the requirements of the RRP Rules when performing Renovations in Target Housing or Child-Occupied Facilities for Defendant; and

WHEREAS, the United States, Utah, Rhode Island, and Massachusetts allege that Defendant is subject to administrative penalties by U.S. EPA under Section 16 of TSCA, [15 U.S.C. § 2615](#), as well as civil penalties by Utah under Section 19-2-115(2)(a) of the Utah Code, Rhode Island under R.I.G.L. § 23-24.6-27(a), and Massachusetts under 454 CMR 29.04(2); and

WHEREAS, subject to the requirements in Section XX (Public Participation), below, Plaintiffs and Defendant consent to entry of this Consent Decree without trial of any issues; and

WHEREAS, the Parties recognize, and the Court by entering this Consent

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