



December 17, 2025

Assistant Attorney General
U.S. DOJ—ENRD
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Submitted by email

RE: Comments Regarding Proposed Consent Decree in *United States v. Lowe’s Home Centers, LLC*,
D.J. Ref. No. 90–5–1–1–10673

Assistant Attorney General:

Unleaded Kids appreciates the opportunity to provide comments to the Department of Justice regarding its notice of a proposed second consent decree¹ with Lowe’s Home Centers under the Toxic Substance Control Act (TSCA) that was published December 5, 2025 in the *Federal Register*.² The case is *United States v. Lowe’s Home Centers, LLC*, D.J. Ref. No. 90–5–1–1–10673.

Unleaded Kids is the only national organization focusing on reducing the cumulative impact of all sources of children’s exposure to lead. For more information see www.unleadedkids.org.

The proposed consent decree lacks key information:

- About the alleged violations, the locations where they occurred, how the penalty was calculated, or how the proposed consent decree remedies the shortcomings of the first one.
- Whether Lowe’s Home Centers or the Environmental Protection Agency (EPA) investigated the homes or child-occupied facilities potentially impacted by the alleged violations to determine if lead-based paint hazards remained after the project was completed. If hazards were found, there is no record of corrective action to abate those hazards, providing protection to occupants.
- Whether EPA found or investigated alleged violations in the states where EPA has delegated authority to enforce the Lead-Safe Renovation, Repair, and Painting (RRP) rule. If they were found, we do not know if EPA notified those states so they could take their own enforcement action.

Some of that information is provided in EPA’s announcement³ of the proposed consent decree published on November 25, 2025. In that announcement, the agency states that:

Lowe’s Company, Inc. a Fortune 100 company located in Mooresville, North Carolina, is the second largest hardware and home improvement chain with 1,750 home improvement stores in

¹ The proposed consent decree is posted by the Department at <https://www.justice.gov/enrd/consent-decree/us-v-lowes-home-centers-llc>.

² 90 Federal Register 56183, <https://www.federalregister.gov/documents/2025/12/05/2025-21968/notice-of-lodging-of-proposed-second-consent-decree-under-the-toxic-substances-control-act>.

³ See <https://www.epa.gov/enforcement/lowes-home-centers-llc-rrp-2025-settlement-summary>.

the United States and over 300,000 employees. Lowe's contracts with firms it refers to as "installers" to perform renovation projects.

EPA found that Lowe's was in noncompliance with multiple sections of the Toxic Substances Control Act's Lead Renovation, Repair and Painting rule. Additionally, the company was in violation of requirements under an existing 2014 consent decree. Under the RRP, all firms performing renovation work in homes built before 1978 need to ensure that work is done by certified firms and trained renovators use lead-safe work practices to minimize residents' exposure to lead paint chips and dust.

In reviewing reports submitted by Lowe's under the terms of the 2014 consent decree, EPA found TSCA and RRP violations at over 250 home renovation jobs in 23 states, primarily for jobs between 2019 and 2021. EPA discovered some of the violations after investigating the problems disclosed by Lowe's in periodic compliance reports. EPA found additional violations after responding to a tip from a member of the public concerning door replacements and other renovations performed by a firm hired by Lowe's to do work in southern and central California.

According to EPA's announcement on April 17, 2014,⁴ the 2014 consent decree was based on EPA's investigation that "showed that at three homes located in Alton, IL, Trotwood, OH, and Kent OH, Lowe's contractors failed to ensure that work areas had been properly contained during renovations and cleaned up after renovations." Lowe's Home Centers agreed to pay a \$500,000 fine and implement detailed procedures to ensure compliance. Clearly those steps failed.

Based on this information, it is unclear why:

- The fine in the proposed consent decree is roughly \$50,000 per home (\$12.5 million for 250 homes) when the first consent decree was \$166,667 per home, especially when the company appears more culpable because it clearly should have had procedures in place to prevent the violations.
- It took four years to propose a consent decree for alleged violations that occurred in 2019 and 2021. It suggests that the company delayed its consent until it could secure a better deal from a potentially more pliant administration.

As a result of EPA's and DOJ's lack of transparency, Unleaded Kids can only provide the following observations on the proposed consent decree.

Starting with the positive aspects, we are pleased to see the proposed consent decree requires Lowe's Home Centers to:

- Use "third-party software to query public records and other information regarding the year built date of the property to automatically determine and upload the year of construction for each property where Defendant has entered into a Customer Contract to conduct a Renovation."⁵ If Lowe's Home Centers or its representatives "cannot establish the year built date of the property by third-party software, publicly available records, documentation provided by the Customer, or an assessment of the property by the Installer, Subcontractor, or an independent Third Party, the Installer or Subcontractor conducting the Renovation shall assume that the property involved in the Renovation was built before 1978. This requirement avoids the situation where a short-sighted customer offers a post-1978 build date to a salesperson to avoid the extra costs associated with the RRP requirements.

⁴ <https://www.epa.gov/enforcement/lowes-home-centers-llc-settlement>.

⁵ Paragraph 15 of the proposed consent decree.

- Have senior director reporting to a vice president to help ensure that the person in charge has sufficient authority to ensure compliance.⁶
- Ensure the customer and adult occupants receive the checklists in Exhibit B completed by Lowe's Home Centers' contractor that document compliance with TSCA and the RRP.⁷

Despite the positive aspects, we have five serious concerns with the proposed consent decree.

1. At least 250 homes in 23 states were impacted by the alleged violations. The proposed consent decree should require Lowe's Home Centers to conduct a lead-based paint risk assessment for those homes pursuant to [40 CFR 745.227\(d\)](#) and abate any lead-based paint hazards found pursuant to [40 CFR 745.227\(e\)](#) unless clearly unrelated to the renovation work that violated TSCA. The passage of four or more years since the renovation should not be used as an excuse to leave lead-based paint hazards unabated.
2. Lowe's Home Centers should be required to explicitly offer customers the option to have dust clearance testing pursuant to [40 CFR 745.85\(c\)](#). Customers need to know that dust clearance testing is the only means to independently verify that the lead-safe renovations were properly done, especially since the dust-lead action levels for floors has dropped by 8-fold since the RRP was promulgated.
3. Lowe's Home Centers is a national company with a presence in states under EPA's jurisdiction to enforce the RRP and those where EPA has delegation authority to the state. We are concerned that the proposed consent decree does not address how states with delegated authority will be informed of violations. We think the document should require Lowe's Home Centers to explicitly notify those states.
4. The proposed consent decree requires Lowe's Home Centers to submit periodic reports demonstrating that it has met important benchmarks. Unfortunately, EPA and DOJ do not make these reports public, even if redacted format. For a company that conducts millions of renovations each year, the proposed consent decree should require the company to make these reports, or at least a summary of them, public.
5. The employees on the renovation projects conducted by Lowe's Home Centers' contractors were likely exposed to lead by disturbing lead-based paint. As a result, their employers must comply with OSHA's Lead Standard at [29 CFR 1926.62](#). We recognize that EPA does not enforce OSHA's rules but all too often, these employees take dust-lead home with them on their clothes, shoes, hands, and hair where their children may be exposed. The federal [2018 Lead Action Plan](#), which EPA and OSHA signed, recognizes that workers as a route of childhood exposure. Consistent with those shared objectives, the proposed consent decree should include a provision where Lowe's Home Centers get confirmation from its contractors that they are following OSHA's Lead Standard.

Unleaded Kids also has two procedural concerns. First, why did EPA not post the proposed consent decree on its webpage dedicated to those documents at <https://www.epa.gov/ogc/proposed-consent-decrees-and-draft-settlement-agreements>? Second, who signed the proposed consent decree on behalf of Lowe's Home Centers? The signature is illegible and has no name or title below it.

If these concerns are not addressed, Unleaded Kids will consider raising them to the court.

For more information, please contact Tom Neltner at tneltner@unleadedkids.org or 317-442-3973.

⁶ Paragraph 14 of the proposed consent decree.

⁷ Paragraph 16.c. of the proposed consent decree.

Sincerely,

A handwritten signature in black ink that reads "Tom Neltner". The script is fluid and cursive, with the first name "Tom" and last name "Neltner" clearly legible.

Tom Neltner
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