

FILED

Sep 29, 2026

8:53 am

**U.S. EPA REGION 3
HEARING CLERK**

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103**

In the Matter of:

**Fabulous Painting by Fabio d/b/a
CertaPro Painters of
Downingtown and West Chester
882 S. Matlack Street, Unit 110
West Chester, Pennsylvania 19382**

Respondent.

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:
: U.S. EPA Docket No. TSCA-03-2026-0279
:
: Proceeding under Section 16 and Section 409 of
: the Toxic Substances Control Act,
: 15 U.S.C. §§ 2615 and 2689
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CONSENT AGREEMENT

PRELIMINARY STATEMENT

1. This Consent Agreement is entered into by the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3 ("Complainant") and Fabulous Painting by Fabio d/b/a CertaPro Painters of Downingtown and West Chester ("Respondent") (collectively the "Parties"), pursuant to Sections 16 and 409 of the Toxic Substances Control Act ("TSCA"), 15 U.S.C. §§ 2615 and 2689, and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22. TSCA authorizes the Administrator of the U.S. Environmental Protection Agency to assess penalties and undertake other actions required by this Consent Agreement. The Administrator has delegated this authority to the Regional Administrator who, in turn, has delegated the authority to enter into agreements concerning administrative penalties to the Complainant. This Consent Agreement and the attached Final Order (hereinafter jointly referred to as the "Consent Agreement and Final Order") resolve Complainant's civil penalty claims against Respondent under TSCA (or the "Act") for the violations alleged herein.

2. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant hereby simultaneously commences and resolves this administrative proceeding.

JURISDICTION

3. The U.S. Environmental Protection Agency ("EPA") has jurisdiction over the above-captioned matter, as described in Paragraph 1, above.
4. The Consolidated Rules of Practice govern this administrative adjudicatory proceeding pursuant to 40 C.F.R. § 22.1(a)(5).

GENERAL PROVISIONS

5. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this Consent Agreement and Final Order.
6. Except as provided in Paragraph 5, above, Respondent neither admits nor denies the specific factual allegations set forth in this Consent Agreement.
7. Respondent agrees not to contest the jurisdiction of the EPA with respect to the execution of this Consent Agreement, the issuance of the attached Final Order, or the enforcement of this Consent Agreement and Final Order.
8. For purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in this Consent Agreement and Final Order and waives its right to appeal the accompanying Final Order.
9. Respondent consents to the assessment of the civil penalty stated herein, to the issuance of any specified compliance order herein, and to any conditions specified herein.
10. Respondent shall bear its own costs and attorney's fees in connection with this proceeding.
11. By signing this Consent Agreement, Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the Final Order accompanying the Consent Agreement.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

12. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant alleges and adopts the Findings of Fact and Conclusions of Law set forth immediately below.
13. Respondent is a limited liability company organized under the laws of the Commonwealth of Pennsylvania, whose primary business address is 882 S. Matlack St., Unit 110, West Chester, Pennsylvania 19382.
14. At all times relevant to the violations alleged in this Consent Agreement and Final Order, Respondent was and is a “person” as that term is defined in 40 C.F.R. § 745.83.
15. At all times relevant to the violations alleged in this Consent Agreement and Final Order, Respondent was and is a “firm” as that term is defined in 40 C.F.R. § 745.83 because Respondent performed renovations for compensation in target housing.
16. On July 20, 2023, a duly authorized EPA inspector conducted a Renovation, Repair and Painting (“RRP”) Rule inspection (the “Inspection”) to determine Respondent’s compliance with TSCA and the implementing regulations at 40 C.F.R. Part 745.
17. Pursuant to 40 C.F.R. § 745.83, “renovation” includes but is not limited to the “removal, modification or repair of painted surfaces”
18. During the Inspection, the EPA Inspector obtained and reviewed nine (9) painting contracts provided by Respondent. Based on its review, the EPA determined that four (4) properties (the “Subject Properties”) renovated by Respondent were constructed prior to 1978 and therefore constitute “target housing” within the meaning of Section 401(17) of TSCA, 15 U.S.C. § 2681(17), and 40 C.F.R. § 745.83. The Subject Properties and the dates upon which Respondent performed the renovation activities are listed below.

Property Address	Year Constructed	Date of Lease Contract
400 Brook Drive, Spring City, PA 19475	1962	February 10, 2023
1033 S. New Street, West Chester, PA 19382	1951	April 26, 2023
1403 Manley Road, West Chester, PA 19382	1959	April 10, 2023
340 East Biddle Street, West Chester, PA 19380	1900	April 27, 2023

Count I

Failure to Obtain Certification from the EPA to Perform Renovation on Target Housing

19. The information and allegations in the preceding paragraphs of this Consent Agreement and Final Order are incorporated herein by reference.
20. 40 C.F.R. § 745.81(a)(2)(ii) requires that “[o]n or after April 22, 2010, no firm may perform, offer, or claim to perform renovations without certification from EPA under § 745.89 in target housing or child-occupied facilities, unless the renovation qualifies for one of the exceptions identified in § 745.82(a) or (c).”
21. The exceptions provided by 40 C.F.R. § 745.82 are, in summary, renovations in target housing or child-occupied facilities for which an inspector or certified risk assessor has determined that the paint in the housing or facility is lead free or emergency renovations that would pose a safety hazard if not undertaken immediately.
22. The EPA inspectors review of Respondent’s contracts pertaining to the renovations of the Subject Properties do not indicate that the exceptions applied to the Subject Properties.
23. At the time of the renovations, Respondent failed to obtain certification from the EPA to perform renovations on the Subject Properties.
24. At the time of the renovations, Respondent violated 40 C.F.R. § 745.81(a)(2)(ii) by failing to obtain certification from the EPA to perform renovations on the Subject Properties.
25. In failing to obtain certification from the EPA before performing renovations on the Subject Properties, Respondent violated 40 C.F.R. § 745.81(a)(2)(ii) and is subject to the assessment of civil penalties under Section 16 of TSCA, 15 U.S.C. § 2615.

Count II

Failure to Ensure that Certified Renovators were Assigned to the Renovation and that Workers were Either Certified Renovators or Trained by One

26. The information and allegations in the preceding paragraphs of this Consent Agreement and Final Order are incorporated herein by reference.
27. 40 C.F.R. § 745.89(d)(1) requires that firms performing renovations must ensure that “[a]ll individuals performing renovation activities on behalf of the firm are either certified renovators or have been trained by a certified renovator in accordance with § 745.90.”
28. At the times of the renovations at the Subject Properties, Respondent failed to ensure

that a certified renovator was assigned to each renovation and that workers were either certified renovators or trained by a certified renovator.

29. At the times of the renovations at the Subject Properties, Respondent violated 40 C.F.R. § 745.89(d)(1) by failing to ensure that a certified renovator was assigned to each renovation and that workers were either certified renovators or trained by a certified renovator.
30. In failing to ensure that a certified renovator was assigned to each renovation and that workers were either certified renovators or trained by a certified renovator when conducting the renovation at the Subject Properties, Respondent violated 40 C.F.R. § 745.89(d)(1) and is subject to the assessment of civil penalties under Section 16 of TSCA, 15 U.S.C. § 2615.

Count III

Failing to Provide All Records Necessary to Demonstrate that the Renovator Performed All Lead-Safe Work Practices and Post-Renovation Cleaning

31. The information and allegations in the preceding paragraphs of this Consent Agreement and Final Order are incorporated herein by reference.
32. 40 C.F.R. § 745.86(b)(6) requires that Respondent provide to the EPA “[d]ocumentation of compliance with the requirements of § 745.85, including documentation that a certified renovator was assigned to the project, that the certified renovator provided on-the-job training for workers used on the project, that the certified renovator performed or directed workers who performed all of the tasks described in § 745.85(a), and that the certified renovator performed the post-renovation cleaning verification described in § 745.85(b). . . .”
33. At the time of the Inspection, Respondent failed to provide the EPA documentation of compliance with the requirements of § 745.85 for the Subject Properties.
34. At the time of the Inspection, Respondent violated 40 C.F.R. § 745.86(b)(6) by failing to provide to the EPA documentation of compliance with the requirements of § 745.85.
35. In failing to provide to the EPA documentation of compliance with the requirements of § 745.85 for the Subject Properties, Respondent violated 40 C.F.R. § 745.86(b)(6) and is subject to the assessment of civil penalties under Section 16 of TSCA, 15 U.S.C. § 2615.

Count IV

Failure to Obtain a Written Acknowledgement from the Target Housing Owner Recognizing Receipt of the Pamphlet or Failure to Obtain a Certificate of Mailing

36. The information and allegations in the preceding paragraphs of this Consent Agreement and Final Order are incorporated herein by reference.
37. 40 C.F.R. § 745.84(a)(1) requires that “[n]o more than 60 days before beginning renovation activities in any residential dwelling unit of target housing, the firm performing the renovation must . . . [p]rovide the owner of the unit with the pamphlet, and obtain, from the owner, [either] a written acknowledgment that the owner has received the pamphlet [or] . . . a certificate of mailing at least 7 days prior to the renovation.”
38. At the time of the Inspection, Respondent failed to provide to EPA inspectors either (1) a written acknowledgement from the target housing owner recognizing receipt of the “Renovate Right” pamphlet; or (2) a certificate of mailing at least seven (7) days prior to the dates of the renovations at the Subject Properties.
39. Respondent violated 40 C.F.R. § 745.84(a)(1) by failing to obtain either: (1) a written acknowledgement from the target housing owner recognizing receipt of the “Renovate Right” pamphlet; or (2) a certificate of mailing at least seven (7) days prior to the renovations at the Subject Properties.
40. In failing to obtain a written acknowledgement from the owner or a certificate of mailing, Respondent violated 40 C.F.R. § 745.84(a)(1) and is subject to the assessment of civil penalties under Section 16 of TSCA, 15 U.S.C. § 2615.

CIVIL PENALTY

41. In settlement of the EPA’s claims for civil penalties for the violations alleged in this Consent Agreement, Respondent consents to the assessment of a civil penalty in the amount of Thirty Thousand Eight Hundred and Sixty-Six Dollars (\$30,866) (“Assessed Penalty”), which Respondent shall be liable to pay in accordance with the terms set forth below.
42. In determining the amount of the Assessed Penalty to be assessed, EPA has taken into account the factors specified in Section 16(a)(2)(B) of TSCA, 15 U.S.C. § 2615(a)(2)(B).
43. Respondent agrees to pay the Assessed Penalty within thirty (30) days of the Effective Date of this Consent Agreement and Final Order.

44. Respondent shall pay the Assessed Penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>.

Respondent acknowledges that EPA has provided adequate notification that, prior to the Effective Date, in accordance with Executive Order 14247: Modernizing Payments To and From America's Bank Account, EPA ceased accepting paper checks as a form of payment of civil penalties and EPA only accepts specific electronic methods of payments as provided on the above website.

45. When making a payment, Respondent shall:

- a. Identify every payment with Respondent's name and the docket number of this Consent Agreement, TSCA-03-2026-0279.
- b. Concurrently with any payment or within 24 hours of any payment, Respondent shall serve Proof of Payment simultaneously by email to the following person(s):

Steven E. Gavin
Assistant Regional Counsel
gavin.steven@epa.gov

U.S. Environmental Protection Agency
Cincinnati Finance Center
CINWD_AcctsReceivable@epa.gov

and

U.S. EPA Region 3 Regional Hearing Clerk
R3_Hearing_Clerk@epa.gov.

"Proof of Payment" means, as applicable, confirmation of credit card or debit card payment, or confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to the EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent's name.

46. Interest, Charges, and Penalties on Late Payments. Pursuant to 15 U.S.C. § 2615, 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay any portion of the Assessed Penalty per this Consent Agreement, the entire unpaid balance of the Assessed Penalty and all accrued interest shall become immediately due and owing, and the EPA is authorized to recover the following amounts.

a. Interest. Interest begins to accrue from the Effective Date of this Consent Agreement. If the Assessed Penalty is paid in full within thirty (30) days, interest accrued is waived. If the Assessed Penalty is not paid in full within thirty (30) days, interest will continue to accrue until any unpaid portion of the Assessed Penalty as well as any interest, penalties, and other charges are paid in full. To protect the interests of the United States, the rate of interest is set at the Internal Revenue Service ("IRS") standard underpayment rate, any lower rate would fail to provide Respondent adequate incentive for timely payment.

b. Handling Charges. Respondent will be assessed monthly a charge to cover the EPA's costs of processing and handling overdue debts. If Respondent fails to pay the Assessed Penalty in accordance with this Consent Agreement, the EPA will assess a charge to cover the costs of handling any unpaid amounts for the first thirty (30) day period after the Effective Date. Additional handling charges will be assessed every thirty (30) days, or any portion thereof, until the unpaid portion of the Assessed Penalty as well as any accrued interest, penalties, and other charges are paid in full.

c. Late Payment Penalty. A late payment penalty of six percent (6%) per annum, will be assessed monthly on all debts, including any unpaid portion of the Assessed Penalty, interest, and other charges, that remain delinquent more than ninety (90) days.

47. Late Penalty Actions. In addition to the amounts described in the prior Paragraph, if Respondent fails to timely pay any portion of the Assessed Penalty, interest, or other charges and penalties per this Consent Agreement, the EPA may take additional actions. Such actions the EPA may take include, but are not limited to, the following.

a. Refer the debt to a credit reporting agency or a collection agency, per 40 C.F.R. §§ 13.13 and 13.14.

b. Collect the debt by administrative offset (i.e., the withholding of money payable by the United States government to, or held by the United States government for, a person to satisfy the debt the person owes the United States government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, per 40 C.F.R. Part 13, Subparts C and H.

c. Suspend or revoke Respondent's licenses or other privileges, or suspend or disqualify Respondent from doing business with the EPA or engaging in programs the EPA sponsors or funds, per 40 C.F.R. § 13.17.

d. Per 15 U.S.C. § 2615(a), the Attorney General will bring a civil action in the appropriate district court to recover the full remaining balance of the debt plus interest. In such an action, the validity, amount, and appropriateness of the Assessed Penalty shall not be subject to review.

48. Allocation of Payments. Pursuant to 31 C.F.R. § 901.9(f) and 40 C.F.R. § 13.11(d), a partial payment of debt will be applied first to outstanding handling charges, second to late penalty charges, third to accrued interest, and last to the principal that is the outstanding Assessed Penalty amount.
49. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this Consent Agreement shall not be deductible for purposes of federal taxes.
50. The Parties consent to service of the Final Order by e-mail at the following valid email addresses: gavin.steven@epa.gov (for Complainant), and fdasilva@certapro.com (for Respondent).

GENERAL SETTLEMENT CONDITIONS

51. By signing this Consent Agreement, Respondent acknowledges that this Consent Agreement and Final Order will be available to the public and represents that, to the best of Respondent's knowledge and belief, this Consent Agreement and Final Order does not contain any confidential business information or personally identifiable information from Respondent.
52. Respondent certifies that any information or representation it has supplied or made to the EPA concerning this matter was at the time of submission true, accurate, and complete and that there has been no material change regarding the truthfulness, accuracy or completeness of such information or representation. The EPA shall have the right to institute further actions to recover appropriate relief if the EPA obtains evidence that any information provided and/or representations made by Respondent to the EPA regarding matters relevant to this Consent Agreement and Final Order, including information about Respondent's ability to pay a penalty, are false or, in any material respect, inaccurate. This right shall be in addition to all other rights and causes of action that the EPA may have, civil or criminal, under law or equity in such event. Respondent and its officers, directors and agents are aware that the submission of false or misleading information to the United States government may subject a person to separate civil and/or criminal liability.

CERTIFICATION OF COMPLIANCE

53. Respondent certifies to the EPA, upon personal investigation and to the best of its knowledge and belief, that it currently is in compliance with regard to the violations alleged in this Consent Agreement.

OTHER APPLICABLE LAWS

54. Nothing in this Consent Agreement and Final Order shall relieve Respondent of its obligation to comply with all applicable federal, state, and local laws and regulations, nor shall it restrict the EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on the validity of any federal, state or local permit. This Consent Agreement and Final Order does not constitute a waiver, suspension or modification of the requirements of TSCA, or any regulations promulgated thereunder.

RESERVATION OF RIGHTS

55. This Consent Agreement and Final Order resolves only the EPA's claims for civil penalties for the specific violations alleged against Respondent in this Consent Agreement and Final Order. The EPA reserves the right to commence action against any person, including Respondent, in response to any condition which the EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. This settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the Consolidated Rules of Practice, 40 C.F.R. § 22.18(c). The EPA reserves any rights and remedies available to it under TSCA, the regulations promulgated thereunder and any other federal law or regulation to enforce the terms of this Consent Agreement and Final Order after its effective date.

EXECUTION / PARTIES BOUND

56. This Consent Agreement and Final Order shall apply to and be binding upon the EPA, the Respondent and the officers, directors, employees, contractors, successors, agents and assigns of Respondent. By providing the signature below, the person who signs this Consent Agreement on behalf of Respondent is acknowledging that the person signing is fully authorized by the Respondent to execute this Consent Agreement and to legally bind Respondent to the terms and conditions of this Consent Agreement and Final Order.

EFFECTIVE DATE

57. The effective date of this Consent Agreement and Final Order ("Effective Date") is the date on which the Final Order, signed by the Regional Administrator of the EPA, Region 3, or the Regional Administrator's designee, the Regional Judicial Officer, is filed along with the Consent Agreement with the Regional Hearing Clerk pursuant to the Consolidated Rules of Practice.

ENTIRE AGREEMENT

58. This Consent Agreement and Final Order constitute the entire agreement and understanding between the Parties regarding settlement of all claims for civil penalties pertaining to the specific violations alleged herein and there are no representations, warranties, covenants, terms, or conditions agreed upon between the Parties other than those expressed in this Consent Agreement and Final Order.

For Respondent:

Date: 8/18/26

By: 
Fabio da Silva (Aug 18, 2026 17:35:30 EDT)
Fabio da Silva
Owner
Fabulous Painting by Fabio
d/b/a CertaPro Painters of Downingtown and
West Chester

For the Complainant:

After reviewing the Consent Agreement and other pertinent matters, I, the undersigned Acting Director of the Enforcement & Compliance Assurance Division of the United States Environmental Protection Agency, Region 3, agree to the terms and conditions of this Consent Agreement and recommend that the Regional Administrator, or the Regional Administrator's designee, the Regional Judicial Officer, issue the attached Final Order.

By: ANDREA BAIN Digitally signed by ANDREA BAIN
Date: 2026.09.21 12:58:23 -04'00'
[Digital Signature and Date]
Andrea Bain, Acting Director
Enforcement & Compliance Assurance Division
U.S. EPA – Region 3
Complainant

Attorney for Complainant:

By: STEVEN GAVIN Digitally signed by STEVEN
GAVIN
Date: 2026.09.03 11:03:32 -04'00'
[Digital Signature and Date]
Steven E. Gavin
Assistant Regional Counsel
U.S. EPA – Region 3

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103**

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:
: Proceeding under Sections 16(a) and 409 of the
: Toxic Substances Control Act, 15 U.S.C.
: §§ 2615(a) and 2689
:**

FINAL ORDER

Pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. Part 22, with specific reference to Sections 22.18(b)(2) and (3), the Consent Agreement resolving this matter is hereby ratified and incorporated by reference into this Final Order.

The Respondent is hereby **ORDERED** to comply with all of the terms of the Consent Agreement.

The effective date of the foregoing Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

By:

JEFFREY NAST

Digitally signed by JEFFREY
NAST
Date: 2026.09.29 07:57:58
-04'00'

**Regional Judicial and Presiding Officer
U.S. EPA, Region 3**

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103**

In the Matter of:	:
	:
Fabulous Painting by Fabio d/b/a CertaPro Painters of Downingtown and West Chester 882 S. Matlack Street, Unit 110 West Chester, Pennsylvania 19382	: U.S. EPA Docket No. TSCA-03-2026-0279 : : Proceeding under Sections 16(a) and 409 of the : Toxic Substances Control Act, 15 U.S.C. : §§ 2615(a) and 2689 :
Respondent.	

CERTIFICATE OF SERVICE

I certify that the foregoing **Consent Agreement and Final Order** was filed with the EPA Region 3 Regional Hearing Clerk on the date that has been electronically stamped on the **Consent Agreement and Final Order**. I further certify that on the date set forth below, I caused to be served a true and correct copy of the foregoing to each of the following persons, in the manner specified below, at the following addresses:

Copies served via email to:

Fabio da Silva, Owner
Fabulous Painting by Fabio d/b/a CertaPro Painters of Downingtown and West Chester
fdasilva@certapro.com
882 S. Matlack Street, Unit 110
West Chester, Pennsylvania 19382

Steven E. Gavin
Assistant Regional Counsel
U.S. EPA, Region 3
gavin.steven@epa.gov

Karlene Freeman
Enforcement Officer
U.S. EPA, Region 3
freeman.karlene@epa.gov

BEVIN ESPOSITO Digitally signed by BEVIN
ESPOSITO
Date: 2026.09.29 08:56:37 -04'00'

[Digital Signature and Date]
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 3