

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY**

BEFORE THE ADMINISTRATOR

IN THE MATTER OF:)	
)	
C.G.N.B. ASSOCIATES,)	Docket Nos. TSCA-3-2000-0020
DR. ROBERT T. GREENFIELD,)	TSCA-3-2000-0022
DR. SYLVESTER C. BOOKER,)	
ROSS CLARK TRUST,)	
and WILLOUGHBY REAL ESTATE CO., INC.,)	
)	
Respondents)	

ORDER GRANTING COMPLAINANT’S REQUEST TO SUBPOENA WITNESSES

Complainant submitted a Request to Subpoena Witnesses on October 14, 2001, seeking subpoenas for six witnesses to appear at the hearing, scheduled to commence on October 30, 2001. Respondents are charged in this proceeding with failure to provide to their lessees a statement disclosing the presence of, or their lack of knowledge of, any lead-based paint in five apartments they leased, as required by 40 C.F.R. §§ 745.113(b)(2) and 745.115(a)(2), in violation of the Residential Lead-Based Paint Hazard Reduction Act, 42 U.S.C. §§ 4851 *et seq.*

The six witnesses were listed in Complainant’s Prehearing Exchange. According to Complainant, the six witnesses are tenants who entered into agreements with Respondents to lease the apartments, which leases are the subject of the Complaint. Complainant asserts that these witnesses would testify that Respondents did not provide, either as an attachment to or within the lease, a statement disclosing the presence of any known lead-based paint in the apartment or indicating a lack of knowledge of such presence. Complainant asserts that the testimony would be relevant to both liability and penalty issues.

Upon telephone inquiry from the undersigned’s office, Respondents’ counsel stated that Respondents do not oppose the request for subpoenas.

The regulations at issue in the proceeding, in 40 C.F.R. Part 745, are promulgated under subchapter IV of the Toxic Substances Control Act (TSCA), Sections 401-412 of TSCA, 15 U.S.C. § 2681-2692. Thus, authority for the issuance of subpoenas in administrative proceedings is provided in Section 11(c) of TSCA, 15 U.S.C. § 2610(c), which provides in pertinent part, “In carrying out this chapter, the Administrator may by subpoena require the attendance and testimony of witnesses”

Accordingly, Complainant's Request to Subpoena Witnesses is **GRANTED.**

Susan L. Biro
Chief Administrative Law Judge

Dated: October 18, 2001
Washington, D.C.