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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ACCOLADE CONSTRUCTION GROUP INC.,

Defendant.

Case No. 15 Civ. _____

COMPLAINT

The United States of America, by and through its attorney Preet Bharara, United States Attorney for the Southern District of New York, acting on behalf of the Administrator of the United States Environmental Protection Agency (“EPA”), alleges for its complaint against defendant Accolade Construction Group Inc. (“Accolade” or the “Defendant”) as follows:

INTRODUCTION

1. Accolade is a renovation company that has repeatedly violated laws and regulations designed to protect the public health by preventing lead poisoning during the renovation of residential buildings. Time and again, Accolade has failed to comply with requirements to hire renovators who are trained and certified in lead-safe renovation work practices; has failed to seal off renovation work areas to prevent lead from contaminating other apartments or common areas; and has failed to warn building owners and occupants of the risks

of lead exposure from its renovations. Accolade has also failed to provide EPA with the records required by the regulations to enable EPA to monitor Accolade's compliance.

2. Lead poisoning—particularly in children—can lead to severe health problems. To protect the public health, Congress enacted Title IV of the Toxic Substances Control Act (“TSCA”) and EPA promulgated regulations codified at 40 C.F.R. Part 745, Subpart E (the “Renovation, Repair, and Painting Rule” or “RRP Rule”). Accolade's conduct violates TSCA sections 402(c), 406(b), and 407 (15 U.S.C. §§ 2682(c), 2686(b), and 2687) and the RRP Rule.

3. Moreover, Accolade has demonstrated its determination to flout the law by continuing to violate TSCA and the RRP Rule even after having previously been caught in the same misconduct. In 2013, Accolade entered into an administrative Consent Agreement and Final Order (the “Consent Agreement”) with EPA to settle prior violations. In that Consent Agreement, Accolade agreed to obey the law in the future. But Accolade continues to violate these laws and regulations designed to prevent lead poisoning.

4. The United States brings this action for an order enjoining Accolade from conducting further renovation work until it demonstrates compliance with TSCA and the RRP Rule and a permanent injunction compelling Accolade to comply with TSCA and the RRP Rule in the future. The United States also seeks disgorgement of proceeds received by Accolade for renovation work on jobs in which it failed to comply with TSCA and the RRP Rule.

JURISDICTION AND VENUE

5. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1345 and Section 17 of TSCA, 15 U.S.C. § 2616.

6. Venue is proper in the Southern District of New York pursuant to 28 U.S.C. §§ 1391(b) and (c) and 1395(a), because the violations occurred in this district, and because the Defendant resides and has its principal place of business in this district.

THE PARTIES

7. Plaintiff is the United States of America on behalf of EPA.

8. Defendant Accolade is a New York corporation located at 380 Canal Place, Bronx, New York, that has performed numerous renovations covered by the RRP Rule at apartment buildings located in this District. Accolade is a “person” and a “firm” performing renovations, as defined in 40 C.F.R. § 745.83.

STATUTORY AND REGULATORY BACKGROUND

9. Lead is toxic. *See* Residential Lead-Based Paint Hazard Reduction Act of 1992, 42 U.S.C. § 4851. Ingestion even in small quantities can cause serious health problems, including hypertension, kidney failure, and infertility. *Id.* Children six years old and younger are most vulnerable to the harmful effects of lead. *Id.* Even “at low levels, lead poisoning in children causes intelligence quotient deficiencies, reading and learning disabilities, impaired hearing, reduced attention span, hyperactivity, and behavior problems.” *Id.*

10. In 1992, Congress enacted the Residential Lead-Based Paint Hazard Reduction Act of 1992, “to encourage effective action to prevent childhood lead poisoning by establishing a workable framework for lead-based paint hazard evaluation and reduction”; “to ensure that the existence of lead-based paint hazards are taken into account in the . . . renovation of homes and apartments”; and “to educate the public concerning the hazards and sources of lead-based paint poisoning and steps to reduce and eliminate such hazards.” 42 U.S.C. § 4851a. The Act

amended TSCA by adding a new Title IV, entitled “Lead Exposure Reduction,” 15 U.S.C. §§ 2681 *et seq.*

11. In 2008, EPA promulgated the RRP Rule under TSCA section 402(c), 15 U.S.C. § 2682, to reduce the risk of lead exposure in the course of renovations, by establishing training and certification requirements for renovation companies, by mandating work-practice standards for compensated renovations in most pre-1978 residential buildings, and by ensuring that owners and occupants of most pre-1978 residential buildings understand the risks of lead exposure before renovations begin.

12. In general, the RRP Rule applies to renovations conducted in exchange for compensation of most residential buildings constructed before 1978, the year in which the federal government first banned consumer use of lead-based paint in residential housing. Residential buildings constructed before that year are presumed to contain lead-based paint. *See* 15 U.S.C. § 2681(17). However, the RRP Rule does not apply to renovations of residential buildings that have been tested and found to be free of lead, as defined in 40 C.F.R. § 745.82.

13. The RRP Rule contains certification requirements designed to ensure that individuals performing renovations have been trained to minimize lead exposure. Under the RRP Rule, all covered renovations must be performed or directed by at least one “Certified Renovator” who has successfully completed training in lead-safe renovation working practices from an accredited training provider. 40 C.F.R. §§ 745.81(a)(3), 745.89(d)(2), & 745.90(a). The RRP Rule further requires that any individual working on a renovation who is not a Certified Renovator be trained by a Certified Renovator on safe work practices required by the RRP Rule. 40 C.F.R. §§ 745.81(a)(3) & 745.89(d)(1).

14. The RRP Rule also sets forth safe work-practice requirements designed to contain any lead in dust and debris found in the renovation work area. Under the RRP Rule, renovators are required to close off the entire work area by sealing doors, closing windows, and covering air ducts, among other things. 40 C.F.R. §§ 745.85(a)(2) & 745.86(b)(6)(v). The RRP Rule also requires renovators to “clean the work area until no dust, debris or residue remains” after the renovation has been completed. 40 C.F.R. § 745.85(a)(5).

15. The RRP Rule also requires the provision of safety information designed to alert individuals in the vicinity of the renovation work area of the risks of lead exposure. Under the RRP Rule, renovators must provide a pamphlet entitled “Renovate Right: Important Lead Hazard Information for Families, Child Care Providers, and Schools” (the “Lead Hazard Information Pamphlet”) to the owner of applicable housing before renovations begin, and to obtain either a written acknowledgment of receipt of the pamphlet from the owner, or a certificate of mailing of the pamphlet. 40 C.F.R. §§ 745.81(b) & 745.84(a). Renovators must also post signs “clearly defining the work area and warning occupants and other persons not involved in renovation activities to remain outside of the work area.” 40 C.F.R. § 745.85(a)(1).

16. Finally, the RRP Rule sets forth recordkeeping requirements to permit EPA to ensure that the public health is being protected. The RRP Rule requires renovators to “retain and, if requested, make available to EPA all records necessary to demonstrate compliance” with the RRP Rule requirements described above. 40 C.F.R. § 745.86(a) & (b).

17. Violation of the RRP Rule is a prohibited act under Section 409 of TSCA, 15 U.S.C. § 2689, and thus constitutes a violation of the statute.

18. Section 17(a) of TSCA, 15 U.S.C. § 2616(a), provides federal district courts with jurisdiction to restrain any violation of Section 409 of TSCA, 15 U.S.C. § 2689.

**ACCOLADE’S VIOLATIONS OF THE TOXIC SUBSTANCES CONTROL ACT
AND THE RENOVATION, REPAIR, AND PAINTING RULE**

Prior Violations and Administrative Settlement

19. On or about December 16, 2010, the government received a complaint about renovation work performed at an apartment building at 36 Gramercy Park East, New York, New York (“36 Gramercy Park East”).

20. Tenants of 36 Gramercy Park East complained that Accolade, the general contractor renovating several apartments in that building, had failed to contain debris from the renovation work areas. The tenants claimed that dust resulting from the renovation work had spread to occupied apartments and to common areas and that an independent laboratory found that the dust contained concentrations of lead above regulatory levels.

21. In light of these complaints, on or about January 4, 2011, EPA inspected the 36 Gramercy Park East renovation site. EPA found that Accolade had violated the training, work-practice, information-distribution, and recordkeeping requirements of the RRP Rule at 36 Gramercy Park East.

22. EPA contacted Accolade after this inspection and, after further discussions, on or about April 9, 2013, the parties formally entered into the Consent Agreement, pursuant to which Accolade agreed to “comply with all applicable provisions of [the RRP Rule]” going forward.

Accolade's Subsequent Violations of TSCA and the RRP Rule

23. Notwithstanding this formal agreement to perform renovations in compliance with the law—which Accolade should have been doing anyway—Accolade continued to violate TSCA and the RRP Rule.

24. On or about August 12, 2013, EPA received a referral from the New York City Department of Health and Mental Hygiene regarding possible violations of the RRP Rule at a different apartment building being renovated by Accolade. EPA subsequently inspected several residential properties being renovated by Accolade.

25. Accolade was identified as the general contractor on construction work permits issued by the New York City Department of Buildings for renovation work in the following apartment buildings:

- a. 104 East 7th Street, New York, New York, a 17-unit, five-story apartment building built in 1910 (“104 East 7th Street”).
- b. 321 East 78th Street, New York, New York, a 16-unit, four-story apartment building built in or around 1920 (“321 East 78th Street”).
- c. 325 East 83rd Street, New York, New York, a 20-unit, five-story building, built in or around 1920 (“325 East 83rd Street”).
- d. 438-440 East 13th Street, New York, New York, a 20-unit, five-story building, built in or around 1910 (“438-440 East 13th Street”).
- e. 234-238 East 33rd Street, New York, New York, a 20-unit, five-story building, built in or around 1890 (“234-238 East 33rd Street”).
- f. 410 East 64th Street, New York, New York, a 19-unit, five-story building, built in or around 1905 (“410 East 64th Street”).

26. Each of these apartment buildings was built before 1978 and is covered by TSCA and the RRP Rule. On information and belief, none of these apartment buildings had been evaluated for the presence of lead in paint by a Certified Renovator, Risk Assessor, or Inspector.

27. Accolade was compensated for the renovation work it performed at each of these apartment buildings.

Accolade's Failure to Use Certified Renovators and Ensure Proper Training

28. Accolade violated TSCA and the RRP Rule at each of the buildings listed in paragraph 25, above, by failing to assign a Certified Renovator to direct the renovations and by failing to ensure that all other persons performing the renovations received training on safe work practices required by the RRP Rule. Specifically:

a. On November 1, 2013, EPA inspected apartment units 3A, 4B, 1C, and 4D at 325 East 83rd Street, all of which were being renovated by Accolade ("325 East 83rd Street Inspection"). During the inspection, an Accolade worker told EPA that none of the workers at the site had received the training required by the RRP Rule.

b. On or about January 15, 2014, EPA inspected apartment units 11 and 13 at 104 East 7th Street, both of which were being renovated by Accolade ("104 East 7th Street Inspection"). During the inspection, all of the Accolade workers interviewed told EPA that they had not received the training required by the RRP Rule.

c. On or about January 15, 2014, EPA inspected apartment units 3B, 3C, 4B, 4C, 4D, and 2D at 321 East 78th Street, all of which were being renovated by Accolade ("321 East 78th Street Inspection"). During the inspection, an Accolade worker told EPA that he had never heard of the RRP Rule.

d. On or about January 23, 2014, EPA issued an Information Request Letter (the “Information Request Letter”) to Accolade requesting, among other things, a list of Certified Renovators assigned to the project(s) and documentation of on-the-job training provided to non-certified workers assigned to the renovations at 104 East 7th Street, 321 East 78th Street, and 325 East 83rd Street, as well as at three other buildings at which Accolade was performing renovations: 438-440 East 13th Street, 234-238 East 33rd Street, and 410 East 64th Street. Accolade did not respond.

e. After Accolade’s failure to respond to EPA’s information request, on or about April 30, 2014, EPA issued an EPA administrative subpoena (the “Subpoena”) to Accolade requiring the company to produce, among other things, a list of Certified Renovators assigned to the project(s) and documentation of on-the-job training provided to non-certified workers assigned to the renovations at these six sites.

f. On or about June 2, 2014, Accolade sent EPA a single training certificate, stating that one individual had completed lead abatement training on January 13-16, 2014. The training this individual had allegedly taken, however, was not the training required for a Certified Renovator. Further, EPA did not encounter that individual during its inspection, and in any event, the certificate indicated that the training took place well after work had commenced at these sites.

Accolade’s Failure to Comply with Safe Work-Practice Requirements

29. Accolade violated TSCA and the RRP Rule at 104 East 7th Street, 321 East 78th Street, and 325 East 83rd Street by failing to comply with RRP Rule requirements to contain the renovation work areas to minimize the risk of lead exposure. Specifically:

a. At the 104 East 7th Street Inspection, EPA found that Accolade was performing demolition work, but the unit doors were not covered and some unit windows were open. EPA saw dust, paint chips, and painted wood debris on the floor of one of the units undergoing renovation.

b. At the 321 East 78th Street Inspection, EPA found that Accolade was performing demolition work, but the doors in the renovation work area were not covered to contain the resulting dust.

c. At the 325 East 83rd Street Inspection, EPA found that Accolade had demolished interior walls, but it had not taken measures to contain the resulting dust. The unit doors were not covered, and some unit windows were open. EPA observed that dust resulting from the renovation work had spread to other areas in the building.

30. Accolade violated TSCA and the RRP Rule at each of the buildings listed in paragraph 25, above, by failing to clean the work areas after the renovations were complete to ensure that no dust, debris, or residue remained in those areas. Specifically:

a. In its January 23, 2014 Information Request Letter, EPA requested that Accolade provide documentation showing that the work areas at issue had been properly cleaned after the renovations at 104 East 7th Street, 321 East 78th Street, 325 East 83rd Street, 438-440 East 13th Street, 234-238 East 33rd Street, and 410 East 64th Street. Accolade did not respond.

b. Thereafter, in the April 30, 2014 Subpoena, EPA required Accolade to produce documentation showing that the work areas at 325 East 83rd Street, 104 East 7th Street, 321 East 78th Street, 438-440 East 13th Street, 234-238 East 33rd Street, and 410 East 64th Street had been properly cleaned after the renovations.

c. On or about June 2, 2014, Accolade stated, contrary to law, that it was not responsible for post-renovation clean up.

Accolade's Failure to Provide Lead Hazard and Warning Information

31. Accolade violated TSCA and the RRP Rule at each of the buildings listed in paragraph 25, above, by failing to provide Lead Hazard Information Pamphlets to the owner of the units being renovated. Specifically:

a. The January 23, 2014 Information Request Letter requested that Accolade provide information regarding Accolade's distribution of the Lead Hazard Information Pamphlet to the occupants or owners of the units being renovated at 104 East 7th Street, 321 East 78th Street, 325 East 83rd Street, 438-440 East 13th Street, 234-238 East 33rd Street, and 410 East 64th Street. Accolade did not respond.

b. Thereafter, in the April 30, 2014 Subpoena, EPA required Accolade to produce such information regarding Accolade's distribution of the Lead Hazard Information Pamphlet to the occupants or owners of the units being renovated at 104 East 7th Street, 321 East 78th Street, 325 East 83rd Street, 438-440 East 13th Street, 234-238 East 33rd Street, and 410 East 64th Street.

c. On or about June 2, 2014, Accolade stated, contrary to law, that the owner of the buildings, not Accolade, was responsible for distributing the Lead Hazard Information Pamphlet.

32. Accolade also violated TSCA and the RRP Rule at 104 East 7th Street, 321 East 78th Street, and 325 East 83rd Street by failing to post signs defining the work areas and warning occupants and other persons to keep out. Specifically:

- a. At the 104 East 7th Street Inspection, EPA did not see any warning signs posted.
- b. At the 321 East 78th Street Inspection, EPA did not see any warning signs posted.
- c. At the 325 East 83rd Street Inspection, EPA did not see any warning signs posted.

*Accolade's Failure to Make Records Demonstrating
Compliance with the RRP Rule Available*

33. Finally, Accolade violated TSCA and the RRP at each of the buildings listed in paragraph 25, above, by failing to make available to EPA the records necessary to demonstrate Accolade's compliance with the RRP Rule. Specifically:

- a. In the January 23, 2014 Information Request Letter, EPA requested documentation demonstrating compliance with the RRP Rule at the renovations of 104 East 7th Street, 321 East 78th Street, 325 East 83rd Street, 438-440 East 13th Street, 234-238 East 33rd Street, and 410 East 64th Street. Accolade did not respond.
- b. In the April 30, 2014 Subpoena, EPA required Accolade to produce documentation demonstrating compliance with the RRP Rule at the renovations of 104 East 7th Street, 321 East 78th Street, 325 East 83rd Street, 438-440 East 13th Street, 234-238 East 33rd Street, and 410 East 64th Street.
- c. On or about June 2, 2014, Accolade submitted only two documents: an RRP "firm certification," and one individual's lead abatement certification. Accolade failed to submit any documentation showing that (1) Certified Renovators were assigned to each renovation; (2) a Certified Renovator provided on-the-job training to workers on the required work practices; (3) Lead Hazard Information Pamphlets were provided; (4)

warning signs were posted; (5) the work areas were contained; or (6) the work areas were properly cleaned.

FIRST CLAIM FOR RELIEF

Violations of TSCA and the RRP Rule: Failure to Use Certified Renovators and Ensure Proper Training (15 U.S.C. § 2689; 40 C.F.R. §§ 745.81(a)(3), 745.89(d)(1), and 745.89(d)(2))

34. Accolade failed to assign a Certified Renovator to its renovations at 104 East 7th Street, 321 East 78th Street, 325 East 83rd Street, 438-440 East 13th Street, 234-238 East 33rd Street, and 410 East 64th Street, in violation of 40 C.F.R. §§ 745.81(a)(3) and 745.89(d)(2), and 15 U.S.C. § 2689.

35. Accolade also failed to ensure that its employees other than Certified Renovators performing renovations at 104 East 7th Street, 321 East 78th Street, 325 East 83rd Street, 438-440 East 13th Street, 234-238 East 33rd Street, and 410 East 64th Street received required training by a Certified Renovator on safe work practices, in violation of 40 C.F.R. §§ 745.81(a)(3) and 745.89(d)(1), and 15 U.S.C. § 2689.

36. Accolade has repeatedly violated these certification and training requirements of the RRP Rule, which were designed to protect the public from lead poisoning.

37. Accolade's violations of the RRP Rule, including its certification and training requirements, have been willful and in reckless disregard of the law.

38. The circumstances of Accolade's repeated violations, including that they occurred after Accolade had entered into an administrative settlement with EPA, demonstrate that without judicial relief Accolade will continue to violate TSCA and the RRP Rule.

39. Accolade's renovation activities, including its violations of the RRP Rule's certification and training requirements, threaten irreparable harm to the health and safety of

people living in or near buildings Accolade renovates, visitors to these buildings, and to the untrained workers involved in these renovations. These activities likewise threaten irreparable harm to the United States' interest in protecting the public from the harmful effects of lead exposure.

40. Pursuant to Sections 17 and 409 of TSCA, 15 U.S.C. §§ 2616 and 2689, the Court should issue an order (i) restraining Accolade from conducting any further renovation work until it can demonstrate compliance with TSCA and the RRP Rule; (ii) enjoining Accolade to perform all future renovation work in compliance with TSCA and the RRP Rule; and (iii) requiring Accolade to disgorge all proceeds that it received in connection with its unlawful renovation activities.

SECOND CLAIM FOR RELIEF

Violations of TSCA and the RRP Rule: Failure to Comply with Safe Work-Practice Requirements (15 U.S.C. § 2689; 40 C.F.R. § 745.85(a)(2)(i)(C))

41. Accolade failed to contain work areas at the renovations at 325 East 83rd Street, 104 East 7th Street, and 321 East 78th Street, in violation of 40 C.F.R. § 745.85(a)(2)(i)(C) and 15 U.S.C. § 2689.

42. Accolade also failed to clean the renovation work areas properly after the renovations were completed at 104 East 7th Street, 321 East 78th Street, 325 East 83rd Street, 438-440 East 13th Street, 234-238 East 33rd Street, and 410 East 64th Street, in violation of 40 C.F.R. § 745.85(a)(5), (b), and (c), and 15 U.S.C. § 2689.

43. Accolade has repeatedly violated these safe work-practice requirements of the RRP Rule, which were designed to protect the public from lead poisoning.

44. Accolade's violations of the RRP Rule, including its safe work-practice requirements, have been willful and in reckless disregard of the law.

45. The circumstances of Accolade's repeated violations, including that they occurred after Accolade had entered into an administrative settlement with EPA, demonstrate that without judicial relief Accolade will continue to violate TSCA and the RRP Rule.

46. Accolade's renovation activities, including its violations of the RRP Rule's safe work-practice requirements, threaten irreparable harm to the health and safety of people living in or near buildings Accolade renovates, visitors to these buildings, and to the untrained workers involved in these renovations. These activities likewise threaten irreparable harm to the United States' interest in protecting the public from the harmful effects of lead exposure.

47. Pursuant to Sections 17 and 409 of TSCA, 15 U.S.C. §§ 2616 and 2689, the Court should issue an order (i) restraining Accolade from conducting any further renovation work until it can demonstrate compliance with TSCA and the RRP Rule; (ii) enjoining Accolade to perform all future renovation work in compliance with TSCA and the RRP Rule; and (iii) requiring Accolade to disgorge all proceeds that it received in connection with its unlawful renovation activities.

THIRD CLAIM FOR RELIEF

Violations of TSCA and the RRP Rule: Failure to Provide Lead Hazard and Warning Information (15 U.S.C. § 2689; 40 C.F.R. § 745.85(a)(1))

48. Accolade failed to provide a Lead Hazard Information Pamphlet to the owner(s) of the renovated units at 104 East 7th Street, 321 East 78th Street, 325 East 83rd Street, 438-440 East 13th Street, 234-238 East 33rd Street, and 410 East 64th Street, in violation of 40 C.F.R. §§ 745.81(b) and 745.84(a), and 15 U.S.C. § 2689.

49. Accolade also failed to post warning signs at 325 East 83rd Street, 104 East 7th Street, and 321 East 78th Street, in violation of 40 C.F.R. § 745.85(a)(1) and 15 U.S.C. § 2689.

50. Accolade has repeatedly violated these safety information distribution requirements of the RRP Rule, which were designed to protect the public from lead poisoning.

51. Accolade's violations of the RRP Rule, including these safety information distribution requirements, have been willful and in reckless disregard of the law.

52. The circumstances of Accolade's repeated violations, including that they occurred after Accolade had entered into an administrative settlement with EPA, demonstrate that without judicial relief Accolade will continue to violate TSCA and the RRP Rule.

53. Accolade's renovation activities, including its violations of the RRP Rule's safety information distribution requirements, threaten irreparable harm to the health and safety of people living in or near buildings Accolade renovates, visitors to these buildings, and to the untrained workers involved in these renovations. These activities likewise threaten irreparable harm to the United States' interest in protecting the public from the harmful effects of lead exposure.

54. Pursuant to Sections 17 and 409 of TSCA, 15 U.S.C. §§ 2616 and 2689, the Court should issue an order (i) restraining Accolade from conducting any further renovation work until it can demonstrate compliance with TSCA and the RRP Rule; (ii) enjoining Accolade to perform all future renovation work in compliance with TSCA and the RRP Rule; and (iii) requiring Accolade to disgorge all proceeds that it received in connection with its unlawful renovation activities.

FOURTH CLAIM FOR RELIEF

Violations of TSCA and the RRP Rule: Failure to Make Records Demonstrating Compliance with the RRP Rule Available (15 U.S.C. § 2689; 40 C.F.R. § 745.86(a))

55. Accolade failed to make available to EPA records demonstrating compliance with the RRP Rule at the renovations at the six apartment buildings in question, in violation of 40 C.F.R. § 745.86(a) and 15 U.S.C. § 2689.

56. As set forth above, Accolade has repeatedly violated the recordkeeping requirements of the RRP Rule, which were designed to protect the public from lead poisoning.

57. Accolade's violations of the RRP Rule, including its violations of these recordkeeping requirements, have been willful and in reckless disregard of the law.

58. The circumstances of Accolade's repeated violations, including that they occurred after Accolade had entered into an administrative settlement with EPA, demonstrate that without judicial relief Accolade will continue to violate TSCA and the RRP Rule.

59. Accolade's renovation activities, including its violations of the RRP Rule's recordkeeping requirements, threaten irreparable harm to the health and safety of people living in or near buildings Accolade renovates, visitors to these buildings, and to the untrained workers involved in these renovations. These activities likewise threaten irreparable harm to the United States' interest in protecting the public from the harmful effects of lead exposure.

60. Pursuant to Sections 17 and 409 of TSCA, 15 U.S.C. §§ 2616 and 2689, the Court should issue an order (i) restraining Accolade from conducting any further renovation work until it can demonstrate compliance with TSCA and the RRP Rule; (ii) enjoining Accolade to perform all future renovation work in compliance with TSCA and the RRP Rule; and (iii) requiring

Accolade to disgorge all proceeds that it received in connection with its unlawful renovation activities.

PRAYER FOR RELIEF

WHEREFORE, the United States respectfully requests that this Court:

- i. Enter judgment against Accolade and in favor of the United States for the violations alleged in this Complaint;
- ii. Enter an order restraining Accolade from performing any renovation work until it can demonstrate compliance with TSCA and the RRP Rule;
- iii. Enter a permanent injunction compelling Accolade to comply with TSCA and the RRP Rule;
- iv. Order Accolade to disgorge all proceeds from the conduct alleged in this complaint, together with prejudgment interest thereon; and
- iv. Grant such other and further relief as the Court deems just and appropriate.

Date: July 27, 2015
New York, New York

Respectfully submitted,

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United States Attorney

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