

October 11, 2002

The Honorable Amy Tuck
Lieutenant Governor
New State Capitol Building, Suite 315
Jackson, Mississippi 39215

The Honorable Tim Ford
Speaker of the House
New State Capitol Building, Suite 306
Jackson, Mississippi 39215

RE: EPA's Intent to Withdraw State Primacy for Lead-Based Paint Program

Dear Lt. Governor Tuck and Speaker Ford:

As you are aware from discussions with your chairmen, the Department of Environmental Quality and my staff have been working with members of the Legislature and interested parties to resolve EPA's concerns about Mississippi's Self-Audit Privilege Law. However in a recent communication from EPA Region IV Director James Palmer, Mississippi stands to lose primacy if EPA is not otherwise convinced that a legislative agreement can be reached.

Lead is a highly toxic metal that was used for many years in products found in and around our homes. Lead may cause a range of health effects, from behavioral problems and learning disabilities, to seizures and death. Children 6 years old and under are most at risk, because their bodies are growing quickly. According to the research, lead is the single most pervasive environmental toxin in the United States. We have children in Mississippi with lead poisoning. Of the 10,053 children in Mississippi tested for lead during the first half of 2002, 439 were found to have elevated blood lead levels.

The state's lead-based paint program protects our children from the harmful effects of lead poisoning. This is not simply regulatory program whereby DEQ licenses contractors. DEQ inspects sites to ensure proper removal and mitigation of lead materials, and with the Health Department, work to relocate impacted families while lead paint is removed. DEQ conducts outreach and awareness campaigns with real estate industry and the public to identify and properly mitigate the impacts of lead poisoning.

It is my policy that Mississippians are best served by government that is closest to them. Maintaining primacy for this program as well as the others outlined by Mr. Palmer will provide our citizens and businesses with better services and better government than can be provided from Atlanta, Georgia or Washington, D.C.

Mr. Palmer emphasizes EPA's concerns about the audit privilege by pointing out other delegated programs that will be in jeopardy if their concerns are not resolved by the Legislature, including clean air and safe drinking water. These programs ensure the improved health of Mississippians and the successful operations of business and industry.

I stand prepared to work with you to reach a solution. Should the legislative members need to study this issue further, I respectfully suggest that you notify Mr. Palmer and my office.

Very truly yours,



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Enclosure

cc: Mr. James Palmer, Regional IV Director, U.S. EPA
Mr. Charles Chisolm, Executive Director, Department of Environmental Quality
Dr. Brian Amy, State Health Officer, State Health Department
Dr. Randy Hendrix, Executive Director, Department of Mental Health
Mr. Walter Boone, Executive Director, Oil & Gas Board