

January 21, 2003

Mr. James I. Palmer, Jr.
Regional Administrator, Region 4
U. S. Environmental Protection Agency
61 Forsyth Street, N. W.
Atlanta, Georgia 30303-3104

Dear Mr. Palmer:

Pursuant to 40 C.F.R. § 745.324(d), the State of Mississippi now supplements its December 17, 2001 request for final approval of the State's Lead-Based Paint Training and Certification Program, codified at Miss. Code Ann. §§ 49-17-501 through 49-17-531 (Rev. 1999 and Supp. 2002). With the addition of this supplement, Mississippi's application for final approval is now complete.

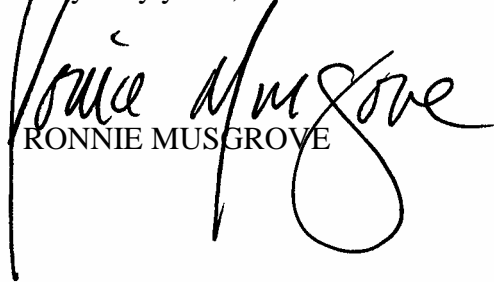
As requested, this letter includes a point-by-point discussion of how the recent amendments to Mississippi's audit privilege and penalty mitigation statutes, Miss. Code Ann. §§ 17-17-29, 49-2-71, 49-17-43, and 49-17-427, resolve the objections raised in your June 24, 2002 Notice of Intent to Withdraw Authorization. That analysis follows:

1. Your letter of June 24, 2002 states that the Mississippi program did not meet federal requirements because the State's audit privilege law applied to criminal proceedings. The 2003 amendments to Miss. Code Ann. § 49-2-71(1) remove this applicability by deleting the word "criminal" from the description of proceedings in which the privilege applies. EPA approved this language prior to passage of the legislation. *See* Senate Bill No. 2001 (2003 Regular Session), Lines 22, 24.
2. Your letter of June 24, 2002 states that the Mississippi program did not meet federal requirements because the State's audit privilege law "unduly limit[ed] Mississippi's authority to assess appropriate penalties" by allowing the statute's penalty mitigation provision to apply in cases of repeat violations. The 2003 amendments to Miss. Code Ann. §§ 17-17-29(7)(g)(vii), 49-17-43(7)(g)(viii), and 49-17-427(3)(g)(viii) add provisions that exclude the applicability of the self-reporting penalty mitigation provision from certain repeat violations. EPA approved this language prior to passage of the legislation. *See* Senate Bill No. 2001 (2003 Regular Session), Line 267-272, 332-337, and 465-470.

Your letter notes no other deficiencies. The State of Mississippi represents that, with the purported deficiencies of the self-audit privilege law corrected, the application for final approval is now complete. We also conclude and certify pursuant to 40 C.F.R. § 745.324(d)(4) and 40 C.F.R. § 745.324(b)(3) that, with the correction of the purported statutory deficiencies, the State of Mississippi's Lead-Based Paint program is at least as protective as the Federal program and provides adequate enforcement mechanisms, as is demonstrated by our program analysis and our compliance and enforcement description found in II.B.3. and II.B.4. of our authorization package of March 3, 1998, with amendments of June 28, 1999 and December 17, 2001, and as supplemented by this letter.

It is my understanding that the Mississippi program will be deemed authorized upon my signature of this document and the transmission of the supplemental information described above to your office. Please provide formal acknowledgment of your receipt of this information and your agreement that the Mississippi program stands authorized as of the date of this letter.

Very truly yours,



RONNIE MUSGROVE