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Obama Applauds EPA's Commitment to Write Long-Delayed Laws to Protect Kids from Lead Paint

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FOR IMMEDIATE RELEASE

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Obama Applauds EPA's Commitment to Write Long-Delayed Laws to Protect Kids from Lead Paint

WASHINGTON - In a letter to U.S. Environmental Protection Agency (EPA) Administrator Stephen L. Johnson, U.S. Senator Barack Obama (D-IL) Monday said that he is pleased by EPA's commitment to write long-delayed regulations to protect children from dangerous lead paint exposure.

Renovation and repair of older residences is the principal source of lead-paint exposure to U.S. children. According to federal studies, a large majority of the approximately 20-30 million renovations done on older homes each year are done without lead-safe cleanup and contamination practices. Over 430,000 children in America have dangerously high levels of lead in their blood.

In 1992, Congress required the EPA to write regulations relating to the dispersal of lead paint by contractors during home remodeling by October, 1996. As of July 2005, these regulations still have not been written. In April, Administrator Johnson stated that to address the problem of lead paint poisoning, the EPA "will determine what additional steps may be necessary, including regulation" despite the fact that the 1992 law does not say the regulations are optional.

When asked about the status of these regulations before the EPW Committee two weeks ago, Deputy Administrator-designate Marcus Peacock stated: "As I understand it, the Agency will announce by the end of this year a comprehensive program, which will include a proposed regulation, as well as an extensive education and outreach campaign aimed at the renovation, repair, and painting industry and the consumer."

Obama also received a letter from Susan Hazen, Principal Deputy Assistant Administrator, which said: "the Agency plans to announce by the end of this year, a comprehensive program that will include a proposed rule."

"In light of commitments I have received from Mr. Peacock and Ms. Hazen, I voted last Wednesday to confirm Mr. Peacock for the deputy administrator position," Obama wrote. "However, I want you to know that I will be closely monitoring EPA's actions regarding lead paint and will expect proposed rules to be issued by December 31, 2005."

Full text of the letter below:

July 25, 2005

The Honorable Stephen L. Johnson
Administrator
U.S. Environmental Protection Agency
401 M Street, SW
Washington, DC 20460

Dear Administrator Johnson:

As you may know, I have been concerned about the failure of the Environmental Protection Agency (EPA) to promulgate regulations pursuant to 15 U.S.C. S2682(c)(3). This provision requires EPA to issue rules for contractors to reduce lead exposure during home renovation and remodeling by October 1996. Almost nine years later, these rules still have not been issued, and I have spent the past few months trying to understand why.

When your nomination was considered by the Senate Environment and Public Works (EPW) Committee in April, I asked you when EPA was going to issue these rules. You stated that EPA was focusing on a voluntary education and outreach program and "will evaluate the effectiveness of this effort and will determine what additional steps may be necessary, including regulation." Of course, 15 U.S.C. S2682(c)(3) does not give EPA the option of whether to promulgate regulations.

In May, Sen. Boxer, Rep. Waxman, and I wrote a follow-up letter to you, asking once again when EPA would issue these rules on lead. We received no response for two months.

In June, I included an amendment in the EPA appropriations bill that would prohibit the agency from spending any funds to delay the implementation of 15 U.S.C. S2682(c)(3). That bill passed the Senate unanimously.

When Deputy Administrator-designate Marcus Peacock appeared before the EPW Committee two weeks ago, I asked him about the status of these lead rules. Responding to written questions that I submitted to him after the hearing, Mr. Peacock stated: "As I understand it, the Agency will announce by the end of this year a comprehensive program, which will include a proposed regulation, as well as an extensive education and outreach campaign aimed at the renovation, repair, and painting industry and the consumer."

I am pleased by Mr. Peacock's statement, which is a significant departure from your response in April. I am also encouraged by a letter I received last week from Susan Hazen, Principal Deputy Assistant Administrator, responding to my May letter. Ms. Hazen reiterated that "the Agency plans to announce by the end of this year, a comprehensive program that will include a proposed rule."

In light of the commitments I received from Mr. Peacock and Ms. Hazen, I voted last Wednesday to confirm Mr. Peacock for the deputy administrator position. However, I want you to know that I will be closely monitoring EPA's actions regarding lead paint and will expect you to honor your commitment to issue these proposed rules by December 31, 2005.

I look forward to working with you on this important issue.

Sincerely,

Barack Obama
United States Senator