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# STATE OF COLORADO

EXECUTIVE CHAMBERS  
136 State Capitol  
Denver, Colorado 80203-1792  
Phone (303) 866-2471



Roy Romer  
Governor

## EXECUTIVE ORDER

### REQUIRING THE ATTORNEY GENERAL TO FILE SUIT AGAINST THE ENVIRONMENTAL PROTECTION AGENCY ON BEHALF OF THE DEPARTMENT OF INSTITUTIONS

- WHEREAS, the Environmental Protection Agency has demanded that the Colorado Department of Institutions comply with the Asbestos Hazard Emergency Response Act by virtue of the Agency's authority under 15 U.S.C.S. sections 2641 to 2655 to monitor compliance with the Act by "local educational agencies"; and
- WHEREAS, such compliance on the part of the Colorado Department of Institutions would require initial outlays of approximately \$200,000 for plan development, would substantially impact operating expenses, and would disrupt the delivery of services to persons in the Department's care; and
- WHEREAS, the Environmental Protection Agency seeks to enforce the Act's provisions against the Department as a "local educational agency" when the Secondary Education Act of 1965, 20 U.S.C.S. section 3381, permits each state to define what constitutes a "local educational agency" and the Colorado General Assembly has specifically exempted the Department's facilities from the definition of schools (25-7-502(8)(a), C.R.S. (1989)); and
- WHEREAS, it appears that enforcement efforts on EPA's part may infringe upon rights reserved to the State under 15 U.S.C.S. section 2642 (1989 Supp.); and
- WHEREAS, it appears that the best interests of the State of Colorado require that the Attorney General take prompt and vigorous action in order to protect the public interest of the State of Colorado;
- WHEREAS, the Department of Institutions has requested and recommended that suit be filed against the Environmental Protection Agency to resolve these issues;

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NOW, THEREFORE, pursuant to the authority vested in me by section 24-31-101(1)(a), C.R.S. (1988), I, Roy Romer, Governor of the State of Colorado, hereby require the Attorney General to file suit against the Environmental Protection Agency for the reasons described above.

Given under my hand and the Executive Seal of the State of Colorado this 18th day of September, 1989.



A handwritten signature in cursive script, reading "Roy Romer".

Roy Romer  
Governor