



**JIM DOYLE**  
**GOVERNOR**  
**STATE OF WISCONSIN**

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January 6, 2006

TO THE HONORABLE MEMBERS OF THE SENATE:

I am vetoing Senate Bill 402. This bill is the Legislature's response to *Thomas v. Mallett*, 2005 WI 129, the recent Wisconsin Supreme Court decision that allows persons injured by lead paint to pursue claims against lead paint manufacturers, in instances where an injured claimant is unable to identify the specific manufacturer that manufactured the specific lead paint that caused the claimant's injury. SB 402 would undo the effect of this decision and shield the lead paint industry from otherwise viable claims brought by persons injured by the ingestion of lead paint.

I am vetoing this bill because the problem of lead paint poisoning in Wisconsin is substantial and ongoing, and children injured by the ingestion of lead paint should have some recourse against the companies that manufactured lead paint. Since 1987, over 100,000 children have been poisoned by lead paint in Wisconsin, and thousands more cases are reported each year. Milwaukee has one of the highest rates of lead paint poisoning among children in the United States. The children injured by lead paint face potentially lifelong medical costs that they should not be forced to bear alone. They deserve to have justice.

In short, this bill puts lead paint companies first and children last. It is an attempt to whitewash decades of negligence by the lead paint companies. Many of these companies knew there was reason to believe their product was dangerous, yet they ignored that evidence in order to turn a profit. There is no reason why these companies should be given special legal protections given their documented record of endangering America's children.

I recognize that Wisconsin's manufacturing sector may have legitimate concerns in wanting to limit what it perceives as the potential reach of the Wisconsin Supreme Court decision in *Thomas*. I encourage the Legislature to craft a responsible solution that addresses the concerns of manufacturers as a whole, but I will not sign into law a bill that shuts the doors of justice on children poisoned by lead paint. I therefore must veto this bill.

Respectfully submitted,

JIM DOYLE  
Governor