

Testimony of Paul C. Webster

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Before the New York State Legislative Housing Budget Hearing:

To Discuss The New York State 2022-23 Proposed Executive Budget

New York State Senate Standing Committee on Finance

Senator Liz Krueger, Chair

New York State Assembly Standing Committee on Ways and Means

Assemblywoman Helene E. Weinstein, Chair

Legislative Office Building

Albany, New York

Monday, January 31, 2022

2:00 P.M.

Good afternoon to the Chairpersons, Committee members, members of the New York State Legislature, legislative leaders, staff and to those gathered here today to participate in this Housing Budget Hearing.

I am Paul Webster, **Policy Director of Clean and Healthy New York. CHNY is one of the core organizations in the Lead-Free Kids NY coalition**, with dozens of community, housing, environmental, health, and environmental justice organizations from across the state, together focused on eliminating the scourge of lead poisoning. We thank you for the opportunity to discuss our urgent request that the NYS Housing budget invest in some critical areas to eliminate the leading cause of lead poisoning: lead-based paint in our homes.

As you likely know by now: doctors and scientists tell us that there is no safe level of lead in our bodies. And yet, New York State has the unfortunate distinction of having the highest percentage of children with elevated blood lead levels - driven by something else we're a leader in: aging housing stock. Here in New York State, there are more than 5.3 million homes that were built prior to lead being prohibited in paint in 1978. Of these homes, 630,000 have children present.

As a result, New Yorkers face increased impairment to their ability to think, learn, and concentrate. Lead poisoning can affect nearly every organ in our body, and recent research shows that adult exposure to lead can cause heart disease.

Renovating and repairing poorly maintained housing is one of the best ways to protect New York's children from the irreversible damage that is caused by the ingestion of lead.

A half-century after New York State banned the sale of lead based paint in 1971, leaded paint in homes is still the primary cause of lead poisoning in New York's children. Fifty years later, not enough has been done to eliminate lead hazards *before* children are harmed.

Given the unprecedented access to financial resources to solve significant infrastructure problems, the Lead-Free Kids NY coalition is calling for a bold **\$1 billion investment in a New York State Lead Poisoning Elimination Project.**

The largest and most critical piece of this project is an investment of **\$\$500 million for lead renovation and repair within the budget of the Department of Housing and Community Renewal (DHCR)** to find and fix lead-contaminated housing across the state. These funds would be used for:

- The renovation, repair and painting of qualifying homes identified with lead;
- Mitigate primary contamination in residences of children and adults with elevated BLLs;
- Increased workforce development of lead inspectors, lead risk assessors and certified mitigators.

As we seek to ensure all homes have sources of lead removed through lead-based paint hazard abatement, greater efforts must be put into involving and encouraging landlords to repair their properties. More needs to be done to support mitigation and repair actions of low and moderate income property owners, a constituency who often do not have immediate access to financial resources to eliminate or reduce lead hazards.

On November 24th, Senate Majority Leader Chuck Schumer held a press conference in Lower Manhattan to announce over \$800 million in federal monies and grants to focus on the problems of lead, and New York's leaders must take advantage of this funding. We recommend that these monies in part should be administered as grants in New York State, and completely forgivable loans for defined property owners, especially in low-income, BIPOC communities and identified zip codes with higher than average childhood **EBLL's**.

We suggest that the funds be implemented through a proposed Community Development Financial Institution Fund (CDFI) fund to allow for the accumulation of public and private dollars into something greater. A portion of the monies would remain in an administrative allocation to DHCR. The remainder could be disbursed to assist low income property owners and landlords fix lead hazards on their property. Taking into account inflation and labor costs, a conservative cost of the mitigation is approximately \$30,000 per unit. \$450 million (\$50M for administration to DHCR), would impact approximately 15,000 units of statewide.

We additionally will be recommending to the Health Committee:

\$100 Million LeadWeb Expansion & Program Oversight - Department of Health

These funds will be used to allow the State Department of Health to execute key reporting, oversight, and compliance functions found to be performed inadequately in State Comptroller Thomas DiNapoli's 2019 audit.

Specifically, these funds will be used to provide support to local health departments by:

- Performing investigations of source contamination and share with Local Health Departments (LHDs);
- Scheduling and conducting on-site review of LHDs' program implementation;
- Developing and enforcing mandates requiring LHDs to perform follow up; and
- *Increasing FTEs needed to meet federal and state follow up care mandates for kids with elevated BLLs.*

These funds will also improve the performance from department regional offices by:

- Ensuring timely reviews by dept. regional offices and investigate data missing in LeadWeb;
- Performing quarterly follow up of performance reports and purchasing necessary resources;

- Expand Lead Poisoning Prevention Programs across NYS and provide services to reduce risk.

Funds to allow LHDs to implement lead poisoning prevention mandates and provide follow-up services such as:

- Pre-screening all LHD LeadWeb records as required, discouraging their use of the NYS Immunization Information System (NYSIS) for reporting, and implementing internal controls;
- Enhancing their case management tracking capability;
- Hiring the number of full time employees necessary to enforce and comply with mandates requiring LHDs to perform follow-up services to all children identified with elevated BLLs; and
- LHDs funding for lead inspectors, risk assessors and mitigators to eliminate source contamination.

\$200 Million Local County Lead Prevention Program - Department of Health

These funds will be used to allow local health departments to create, expand, and implement programs to address lead poisoning prevention requirements, provide timely case management, and use all means available to them to provide follow-up services to children identified with elevated BLLs, such as:

- pre-screening all LHD LeadWeb records as required, discouraging their use of the New York State Immunization Information System (NYSIS) for lead reporting, and improving and implementing proper internal controls and quality assurance measures to ensure LHD LeadWeb reporting is both accurate and timely; and enhancing their case management tracking capability;
- hiring the number of full time employees necessary to enforce and comply with mandates requiring LHDs to perform follow-up services to all children identified with elevated BLLs; and
- providing LHDs with the funding necessary to hire the necessary full-time lead inspectors, lead risk assessors and mitigators to eliminate primary source contamination.

\$60 Million Lead & Environmental Threat Elimination Training Program - Department of Labor

- This Department of Labor (DOL) program would create a workforce development fund to train certified NYS lead, mold and home inspectors. This program would provide for training of related titles. These inspectors and mitigators will work with LHDs to identify contamination and provide mitigation services.

\$100 Million Lead & Environmental Hazard Program - Department of Labor

- Contractors can spread dangerous lead dust throughout old housing units if they do not take precautions. The EPA has rules for contractors who renovate, repair, and paint homes. This would provide adequate staffing for the Department of Labor to provide renovation training, certification, accreditation, and work practice standards. The DOL will develop clean enforcement and follow up.

\$40 Million Environmental Threat Elimination Training Program - SUNY Community College Lead

- This program will develop community college courses to train certified NYS lead, mold and home inspectors and provide for the training of related abatement and mitigation

certification. Courses will coincide with existing building envelope programs, especially in counties with identified need and lack of professionals.

Again, we thank you for the opportunity to discuss our urgent request that the NYS Housing budget invest in some critical areas to eliminate the leading cause of lead poisoning in our state: lead-based paint in our homes.

Thank you.