

Good morning and thanks for hosting this event.

New York State is woefully behind other states that have successfully implemented proactive lead poisoning prevention programs. Furthermore, New York State has largely ignored the Federal initiative to create lead safe housing and rejected efforts to attract Federal assistance to establish an effective lead hazard control program.

I'm Andy McLellan, past appointee to the NYS Governor's Advisory Council and president of Environmental Education Associates, Inc., a USEPA accredited lead training provider. EEA has trained thousands of individuals in all aspects of hazard evaluation and control, including many NYS and county health department staff. EEA is also a past grantee to the US HUD Office of Healthy Homes & Lead Hazard Control, and consultant to many State and local agencies, including the New York City Housing Authority.

Industry professionals, advocates and other stakeholders are frustrated that the State has not taken the necessary steps to ensure that children and other sensitive populations across the State have the minimal protections under Federal law. The State has rejected three critical EPA provisions under Title X of the Housing Bill of 1992, widely regarded as the Federal blueprint for eliminating childhood lead poisoning.

1. Failing to adopt a licensing and project notification program. Most states, and all States with large urban centers and older homes, except New York, have adopted oversight of those who conduct lead evaluation and abatement. EPA funded the start-up many of these states programs and continues to subsidize several. These programs are fee based, and can generate significant revenues, as is the case of the New York State DOL asbestos safety program.
2. Failing to recognize the Federal definition of "abatement" under the EPA Toxic Substances Control Act (TSCA). EPA requires that those who conduct activities in dwellings where children with elevated blood levels (EBL) have been identified, meet the Federal standard for abatement. NYS Health Department has not adopted this requirement and failed to advise county health departments and other stakeholder of this requirement.
3. The State has failed to adopt or embrace the EPA Renovation Repair & Painting (RRP) rule which requires that those conducting renovations in pre-1978 target housing or child occupied facilities attend certification and use lead safe work practices to ensure that occupants are not exposed to lead hazards during, or as a result of renovations. Numerous studies indicate that this adversely affects the well-being of State residents and could negatively impact over 70,000 New York State children per year.

New York's failure to embrace the Federal initiative has put thousands at risk, including the residents of the New York City Housing Authority, who would have been afforded better protections had the State assumed a leadership role. As it stands now NYCHA is under the US Attorneys oversight to ensure compliance with Federal lead rules.

This has also cost the State and we residents millions in grant funds that are only available to States that adopt the Federal program. HUD has distributed 150-250 million dollars per year since 1995, and while many communities in New York, including Rochester and New York have used this funding to create infrastructure for successful local lead hazard control programs, the State of New York refuses to take the simple steps to obtain EPA authorization.

Many of us have been beating the drum over these concerns for years, to no avail. We need your leadership to bring New York State out of the dark ages.