

**Testimony of Bobbi Wilding
Executive Director, Clean & Healthy New York**

**Before the New York State Legislative Joint Public Hearing:
To Discuss Childhood Lead Poisoning In New York State**

**New York State Senate Standing Committee on Health
Senator Gustavo Rivera, Chair**

**New York State Senate Standing Committee on
Housing, Construction and Community Development
Senator Brian Kavanagh, Chair**

**Van Buren Hearing Room A
Legislative Office Building, 2nd Floor
Albany, New York**

**Tuesday, November 30, 2021
10:00 A.M.**

Good morning / afternoon to the Chairmen, members of the New York State Senate, legislative leaders, staff and to those gathered here today to participate in this important policy discussion about childhood lead poisoning in New York State. Thanks so much to the chairmen and their staff for their efforts in convening today's hearing and your ongoing policy work to reduce and eliminate this preventable and damaging environmental health threat to our children.

I am Bobbi Wilding, Executive Director of Clean and Healthy New York. I hold two degrees from Rensselaer Polytechnic Institute up the river in Troy, NY: a BS in Environmental Science with a concentration in Biology, and a MS in Ecological Economics, Values, and Policy. My spouse, two daughters, and I live in Cobleskill, NY in rural Schoharie County. I have been an advocate for environmental health and justice here in New York for nearly a quarter of a century. I'm here today as a New Yorker, a parent, and an advocate.

Organizationally, Clean and Healthy New York has, for the last fifteen years, worked to build a just and healthy society in which toxic chemicals are unthinkable - just the way it would be unthinkable for someone in this hearing room to light up a cigarette.

We envision a clean, safe, and healthy world where all people are free to grow and thrive. Our dedicated staff fulfill numerous leadership roles in state and national coalitions to provide crucial advocacy, education and research in service of chemical policy and market reform.

Through our focus on collaborative engagement, CHNY represents, connects and taps into the power of otherwise isolated constituencies, such as scientists, nurses, lawyers, organized labor, researchers, health-affected people, civil-rights organizations, teachers, and businesses. We co-lead Lead-Free Kids New York - and you'll hear from many members of that coalition throughout this hearing. We co-lead the JustGreen Partnership with WEACTION for Environmental Justice. Through both of these coalitions, we have sought to advance lead elimination policies.

Unless they live with the consequences, many people may assume that lead poisoning is a thing of the past - after all, lead was banned from interior paint in New York State in 1970, eight years before a federal ban hit. Unleaded gasoline hit service stations in 1975. Despite important steps that have been taken, we have a long way to go, and the NYS Senate can play a critical role in preventing lead poisoning for once and for all.

As over 100,000 children have elevated blood lead levels more than half a century since we started taking action to remove this toxic heavy metal. It's clear that New York's leaders have not sufficiently enacted laws and invested the resources necessary to eliminate this threat lurking in so many homes across the Empire State's 62 counties.

Childhood lead poisoning is a widespread and pervasive threat throughout New York State. New York currently leads the nation in the total number of children identified with elevated Blood Lead Levels (EBLLs). Disproportionately, those are children of color and/or children from low-income communities. The reason for New York's high numbers is due to its old housing stock, in which lead paint is present, and in which leaded pipes carry drinking water.

The last time the legislature held a hearing on this topic was nearly three decades ago - in May, 1994 when Senator John Daly convened a similar lead poisoning hearing. New York's identified lead poisoning hotspot zip codes are the same, the demographics of the victims are the same and the obstacles to the necessary repairs and inspections were the same.

In 2019, New York State Comptroller Thomas P. DiNapoli released an audit of the state's LeadWeb system, overseen by the New York State Department of Health. The same problems from 1994 still exist, now with added layers of state bureaucracy, local health department inefficiency, and unfunded mandates regarding aftercare follow up, inspecting source contamination and having a qualified workforce to make necessary repairs or mitigation.

This year, CHNY joined with Lead Free Kids New York (LFKNY) and the Just Green Partnership (JGP), in advocating for four bills to address that were introduced this year to address the issue of lead poisoning in New York State.

- **S.2122A (Rivera) / A.160B (Gottfried) - "Lead In School Drinking Water"** - expands and strengthens the state's work to eliminate lead contamination in drinking water for all of NY's school buildings. The legislation passed both houses, and is awaiting signature by Governor Kathy Hochul.
- **S.2142A (Kavanagh) / A.6608A (Rivera, JD) - "Point of Sale Paint Lead Disclosure"** - requires residential property sellers to affirmatively test for and disclose the presence of lead-based paint during real estate transactions. Not only will this help buyers and their families, it will ensure that should the property be rented out, the buyer must provide information about the presence or absence of lead-based paint to all future tenants. This legislation passed the Assembly in June, and made it to the floor of the Senate, as you all know, but session ended before the bill was passed. Noting the Assembly's rather quick passage, it is our hope this is one of the bills that is passed early by the Senate in 2022.
- **S.6554 (Bailey) / A.7117 (Bronson) - "Renovation, Repair & Painting"** - requires New York State to educate about and enforce the federal regulations on renovation and repair in the presence of lead-based paint. 24 other states have already taken on this enforcement responsibility, and it has drastically improved the programs' success. This bill was introduced in May, 2021 and was referred to the Labor Committee in both houses where it awaits action.
- **S.3079 (Ryan) / A.7488 (Rivera, JD) - "Landlord Insurance For Lead Based Paint"** - closes a loophole created in the 1990s to once again require landlords to have insurance policies that cover tenants' losses or damage should a family member become lead-poisoned from the home's lead-based paint. While this is not primary prevention, it should drive insurance companies to set higher prices where lead paint is present, and lower rates for homes without that threat and create financial incentives for landlords to address the problem. This bill passed the Assembly, but languishes in the Senate Insurance committee.

Recently, CHNY joined with our allies in Lead-Free Kids New York in calling on New York Governor Kathy Hochul to invest **\$1 billion in the State budget for a bold "Lead Poisoning**

Elimination Project” to, once and for all, make lead poisoning a disease of the past. We feel that this elimination effort will improve the lives and condition of thousands of New York children and families, and save the state millions of dollars no longer needed to address the health and societal consequences of childhood elevated blood lead levels.

That funding is a critical component of the effort to end childhood lead poisoning completely, without relying on our children being exposed, then tested, and then only acting to prevent further harm once the damage has started. You’ll hear over and over today this same message: New York’s children should not be treated as canaries in the coal mine in our quest to end lead poisoning. Primary prevention, action before a child is harmed, is the best and most permanent way to solve this enduring crisis. As Senators, you have a critical role to play.

I urge you to prioritize passage of these bills and ensuring adequate funding in the 2022-23 budget as critical steps to making lead poisoning another unthinkable part of our past. We are counting on you, Senators, to lead the way to a lead-free New York.

Thank you for your time.

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