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Healthy Schools Network Testimony

**New York State Senate Joint Hearing
Senate Standing Committee on Health
and**

**Senate Standing Committee on Housing, Construction and Community Development
Regarding Childhood Lead Poisoning Prevention
Tuesday, November 30, 2021, 10:00 AM Eastern Time
Legislative Office Building, Albany, NY**

Good morning. Thank you for the invitation to testify on the need for action through legislation and funding to help prevent childhood lead poisoning in New York State.

My name is Claire L. Barnett. I am Executive Director of Healthy Schools Network, a 501c3 not for profit founded in Albany, NY in 1995. We work to ensure that every child has an environmentally safe and healthy school that is clean and in good repair, in New York, and nationally. We became a virtual office in spring 2019. Please visit www.HealthySchools.org for information about our Board, Staff, our work, and our national awards for contributions to public health and environment and for children's environmental health.

I must begin today by thanking Senator Rivera for co-convening this important joint hearing and especially for his leadership as sponsor of the unanimously passed 2021 lead in school drinking water bill. Thank you! We encourage the Senator and other members of the Health Committee to ask Governor Hochul to sign the bill forthwith.

In this testimony I will reflect on why the Health Committee and the NYS DOH should act, the near-term steps to reduce risks of lead in schools to children – lead in drinking water and the reduction of leaded school supplies, then touch on additional steps the Senate Health Committee might take to strengthen the NYS DOH and its role to identify and further reduce children's risk of lead and other environmental exposures to children in schools.

First of all, why would NYS DOH and other agencies need to step up on environmental hazards like lead in schools? Because NYS Regents and Education have not.

In 1994 the New York State Board of Regents published a consensus report of its advisory committee on School Environmental Quality. The Regents adopted the report's Guiding Principles and many of its sixty-two action items. I was one member of the advisory group, along with eighteen representatives of K-12 associations, plus representatives of SED, DOH, DOL, DEC, Children and Families, DPS, and DoLaw.

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Over the past 26 years, the Regents' recommendations that moved into action were largely those championed by the environment community: for example, safer pest and weed control and prior notice; green cleaning, Indoor Air, and bans on mercury. Lead is another example. On lead, the 1994 report included:

- 1- Schools should sample and assess lead in paint, soils, and drinking water....
 - a. *assessing lead in paint prior to renovation and abating flaking paint are required; the 2016 law requires testing at tap and remediating lead to 15 ppb*
- 2- Schools should use appropriate protocols to prevent exposure to lead dust....
 - a. *see above: school facility protocols adopted consistent with HUD*
- 3- Schools should use "lead free" instructional materials and not introduce new sources of lead....
 - a. *no action*

Regarding lead in school drinking water, again we are enormously grateful to Senator Rivera for his 2021 leadership on the bill which lowers the action level from 15ppb to 5ppb and makes key other improvements.

In 2016, both the American Academy of Pediatrics and the American Medical Association had issued policy statements stating there was NO SAFE LEVEL OF LEAD for any child. Drinking water can provide an estimated 20% of a child's lead intake. Young children and all females of child-bearing age are at risk. The effects are well understood, causing devastating loss of IQ, impacts on behavior, and troubled pregnancies. Lead poisoning can also be lethal. Importantly for this Committee to understand, there is also no such thing as a "lead-free" school, an error NYS DOH embedded in its 2016 regulations.

CDC lowered the BLL Reference Level in October 2021, 10/2021, a step that New York State DOH should now adopt. It will result in more sources of lead being investigated and remediated, and more children protected. A lower level will also underscore the need to consider school and child care facilities as sources of lead exposures.

The 2016 test at the tap law revealed taps with deeply concerning levels of lead, but surprisingly, more than 70% of all public schools taps tested were reported at or below 5 parts per billion (ppb) lead in 2016, the action level called for in the 2021 bill.

To support the **2021 bill** in the years ahead, there are more state and federal funds to pay for testing and remediating lead in school water to 5 ppb. Sources of funds include: the state's clean water fund; the federal American Rescue Plan Act (ARPA); the Infrastructure Investment and Jobs Act just signed; and the pending Build Back Better Act.

Our plea:

- **26 years, from 1994 to 2021, is too long to wait to reduce lead in school drinking water to FDA's bottled water level. Funding is available. Let us get it done.**
- **NYS DOH should adopt the CDC new reference level for pediatric BLL**

Regarding lead in school supplies: the Regents also added that schools should not introduce new sources of lead into schools. There has been no SED action on this, yet there are multiple sources of lead in schools or on school/child care grounds.

Healthy Schools Network seeded the state's successful Green Procurement effort in 2005 with a statewide green cleaning initiative and has championed the program ever since. In public

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comments, we have urged the NYS Green Procurement Council, co-chaired by DEC and OGS, to 1- include lead-free specification for materials, products, and equipment, especially those commonly used in schools and child cares; and 2- require K-12 schools to buy proven cost-saving green products called out on state contracts.

For more information about sources of lead in schools and child care, see [CDC's online sources of lead](#) and our national 2017 conference report [Eliminating Lead Risks in School and Child Care Facilities](#).

Recognizing that hard-pressed schools need to save money, and that schools should eliminate old sources of lead and not inadvertently bring in new sources of lead, we recommend:

- the legislature direct the Green Procurement Council in which DOH participates to put a priority on developing “lead-free” purchasing specifications,
- further direct the Council to establish a dedicated K-12 public school procurement initiative that requires their participation in state green purchasing contracts documented to reduce hazards and to save money.

Finally, the gaps in children’s environmental health protection loom large in New York and in the award-winning work of Healthy Schools Network. We know there are important additional issues this Health Committee can take up, policies that will add to the state’s ability to protect children -- during ordinary times and during and after disasters -- and to thereby enhance children’s ability to stay health, think and learn at school.

My own commitment to action to assist parents came after my younger son’s pesticide injury at school years ago, and after phone call appeals to DOH and SED staff regarding state policies on pesticides. Finally, my resolve was galvanized by the refusal of the DOH to log a dangerous incident and by SED staff telling me, “You need to stop calling us. We aren’t allowed to talk to parents.”

Today, 30 years later, NYS DOH plans to exclude parents and communities in its proposed 2022 statewide outreach to local schools on environmental health regulations and best practices. If anything, I can certainly guarantee that parents, communities, and all state agencies need current and timely information about lead and other hazards in schools and about children’s risks and exposures and the policies in place to prevent exposures.

I can also guarantee that parents expect that health agencies will help them protect their children when they are at risk or have suspected exposures in schools and in child cares. For example, post 9/11 in NYC, dust and debris contaminated schools were reopened without remediation. What we learned from that and other disasters that have since followed, is that no agency steps in when children are at risk or have suspected exposures in K-12 schools.

That is a certainly a health issue, and in every state with compulsory education laws like New York, a profound moral issue.

To address these issues, we urge the NYS Senate Health Committee to:

- Urge NYS DOH now to include parents and community stakeholders in its planned 2022 regional educational outreach sessions on K-12 school environmental health issues that affect children and personnel.

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- Consider legislative action to direct state agencies – DEC, SED, DOH, Labor - to
 - develop a shared form to record reports of health & safety hazards in schools, and
 - authorize state agencies to enter local schools to evaluate reports of serious health & safety hazards (examples: fire safety violations chemical spills and or misuses, lack of working sinks and lavatories and drinking fountains, no ventilation). Waiting for permission that may never be granted only puts more children and staff at risk.

Thank you for the opportunity to provide testimony to the Committee.

The following page has more background information about Healthy Schools Network and its executive director Claire Barnett.

Background on Healthy Schools Network

Our lead work began early and is nested into a range of environmental health and safety issues affecting children in K-12 schools.

- NYS Board of Regents 1994 Committee Report on the Environmental Quality of Schools called for reforms including reducing the presence of leaded paint and lead in water in schools.
- US EPA appointed executive director Barnett to an advisory work group to set up its first voluntary DW program called 3T's (Train, Test, Tell) for school DW in early 2000's. See <https://www.epa.gov/ground-water-and-drinking-water/3ts-reducing-lead-drinking-water>
- In 2015-16, HS Network hosted two national facilitated conferences on *Environmental Health at School: Ignored Too Long*, documenting lack of environmental public health services such as tracking and surveillance and intervention systems for children at risk or with exposures (such as lead) in schools/child care settings.
- In 2015-16, partnered with NYLCV and NYPIRG, and engaging others such as NYSUT, WEACTION, and CHNY, we co-lead state coalition on lead in School DW to secure the nation's first state law in NYS in 2016.
- In 2017, we promoted a new public health policy on children at risk or with exposures in schools settings, resulting in two national public health associations adopting new work groups and research and policies on the topic.
- In December 2017 we organized and cohosted at PEW Trusts in Washington, DC, a facilitated national conference on [Eliminating Lead Risks in Schools and Child Care Facilities](#), with the Learning Disabilities Assn. of America and the Children's Environmental Health Network. NYSUT attended. The overall purpose was to urge US EPA and US Department of Health and Human Services to produce a new federal interagency lead poisoning prevention strategy that was more inclusive of all sources.
 - We also published a peer-reviewed fact sheet on green purchasing specifications for laptops and notebooks that eliminated lead and other heavy metals, and
 - urged the NYS Green Procurement Council to develop lead-free specifications on certain products.
- In 2019, we kicked off a new statewide co-convening with NYLCV and NRDC to update the 2016 lead in school drinking water law. We also proposed a "NYS Filter First" field test to assess costs and benefits of that approach.
- In 2021, the updated Safe School Drinking Water Act passed both houses unanimously.

BIO – Claire L. Barnett, MBA, Founder and Executive Director, grew Healthy Schools Network from its roots in New York State into the nation's premier voice for children's environmental health at school by advancing a comprehensive policy agenda, fostering state and local environmental health coalitions across the country, and securing landmark reforms in states and federally. A social entrepreneur, she previously was a reporter for five years for TIME Magazine, spent ten years as administrator of a rural New York mental health services, and assisted Adirondack Park communities with sustainable development. She shifted her focus to children's environmental health in the aftermath of her child's pesticide exposure at school. Barnett has an MBA from Rensselaer Polytechnic Institute (health systems finance) and a BA from Mount Holyoke College (psychology/political science).

In 2017, she was honored to receive three national awards: the William K. Reilly Award for environmental leadership and innovation from American University School of Public Policy; the US EPA Indoor Air Quality Champion Recognition; and the David P. Rall Award for contributions to public health through science-based advocacy from the American Public Health Association at its annual convention in Atlanta.

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