

**Testimony of Paul C. Webster  
Policy Director, Clean & Healthy New York  
Co-Leader, Lead Free Kids 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 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 regarding the scourge of childhood lead poisoning here in New York State. I join with allies in thanking and commending the chairmen and their staff for convening today's hearing and your ongoing efforts to draw attention to this unfortunate, preventable and deadly environmental public health threat that our coalition currently estimates impacts the lives of more than 100,000 children here in the Empire State.

I am Paul Webster, **Policy Director of Clean and Healthy New York** and co-leader of the **Lead Free Kids New York Coalition**. I am a lifelong New Yorker, educator, activist, and for the past 25 years, landlord of several properties built on or before 1881, including the two-family downtown Albany townhome in which I currently reside. I have always informed tenants of the possibility of lead being present. I have always taken the proper maintenance steps to upkeep my building. But across New York, that is not always the case and many children are being sickened because of inaction or neglect by landlords and reluctance by state leaders to take several critically important and legally mandated actions.

To this point in today's hearings, we have heard from state agencies, medical experts, advocates and affected persons on the best ways to protect New York's children from the irreversible damage that is caused by the ingestion of lead, leading to impairment of their ability to think, learn and concentrate. You have also heard about our support as the Lead Free Kids New York coalition 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"**
- **S.2142A (Kavanagh) / A.6608A (Rivera, JD) - "Point of Sale Lead Disclosure"**
- **S.6554 (Bailey) / A.7117 (Bronson) - "Renovation, Repair & Painting"**
- **S.3079 (Ryan) / A.7488 (Rivera, JD) - "Landlord Insurance For Lead Based Paint"**

The Rivera / Gottfried bill, which passed both houses, expands and strengthens the state's work to eliminate lead contamination in drinking water for all of NY's school buildings. It's our hope that Governor Kathy Hochul signs this bill into law in the coming days. The other bills have our continued support, and we expect to see these bills taken up early in the 2022 session.

A half-century after New York State banned the sale of lead based paint, we are still finding that it is the primary cause of lead poisoning in children, after they ingest dust and particles from older, poorly maintained residences. Fifty years after the legislature and Governor originally took action in 1970, not enough has been done in the intervening decades to eliminate lead hazards **before** children are harmed.

Last week, our coalition sent a letter to **New York Governor Kathy Hochul** outlining our call for a \$1 billion **New York State Lead Poisoning Elimination Project**. This project relies on recently obtained \$12.7 billion federal **American Rescue Plan Act** and **American Recovery Act (ARA)** dollars and the \$15 billion federal **Drinking Water State Revolving Fund (DWSRF)**. In the letter, we call on Governor Hochul to separate her legacy from her predecessors and use

her broad powers to work with the legislature to eliminate major sources of lead poisoning and exposure.

- ensuring lead-safe revitalization and repairs to rehabilitate housing by having New York State take responsibility for implementation and enforcement of the federal **Environmental Protection Agency’s Repair Renovation and Painting Rule (40 CFR Part 745 Subparts E and Q)**;
- expanding **Department of Health (DOH)** internal controls to ensure **NYS LeadWeb** compliance by **local health departments (LHDs)** with mandated federal and state reporting;
- providing additional funding for **LHDs** to be spent for following up to ensure children identified with elevated **BLLs** receive the appropriate evaluation and services;
- adding staff for investigate sources of lead contamination by developing a statewide workforce of lead inspectors, risk assessors and trained 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**.

Additionally, the federal bills include funding for other lead contamination related programs that were extended and/or received an increased authorization including:

- **\$100 Million Reducing Lead in Drinking Water:**
- The program, through 2026, is intended for the replacement of any lead service line, and that eligible entities shall give priority for lead pipe service line replacement to disadvantaged communities.
- **\$10 Million Lead Inventory Utilization Grant Pilot Program:** This new pilot program is for water systems that have conducted lead inventorying to conclude that the system has, or is suspected to have, at least 30 percent of service lines containing lead.
- **\$200 Million Lead Contamination in School Drinking Water:** The Voluntary School and Childcare Lead Testing Grant is authorized for \$200 million over the next 5 years. The program was amended to make public water systems and eligible nonprofit organizations that service schools and childcare locations eligible grant recipients. It also expands the program to allow funds to be used for compliance monitoring as well as lead reduction projects.

- **\$35 Million Technical Assistance and Grants for Emergencies Affecting Public Water Systems:** This section extends an expired authority in the Safe Drinking Water Act (SDWA) to provide resources to communities that face a public water system emergency. The fund will help mitigate drinking water threats to public health, and is amended to expand the definition of emergency situations to include an intrusion of lead into the drinking water supply.
- **\$510 Million Assistance for Small and Disadvantage Communities Program:** The program is expanded to allow for use of funds to purchase filters and filtration systems that remove contaminants of concern from public drinking water systems and for providing information regarding proper filtration use and maintenance and options regarding replacing lead service lines or other sources of lead from water systems and technical assistance.

Senators, I again thank you for the invitation to participate in today's hearing. I and the other allies of the **Lead Free Kids New York** coalition appreciate the opportunity to participate in this important policy discussion regarding the scourge of childhood lead poisoning here in New York State. I hope that our efforts today will spur further action and prevent another generation of children from being impacted by this easily avoidable deadly disease.

I look forward to any questions from the dais.

Thank you.