



November 30, 2021

Public Hearing
To discuss Childhood Lead Poisoning in New York State

**Before New York State Senate Standing Committee on Health
And Senate Standing Committee on Housing, Construction and Community
Development**

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Oral Testimony

Good afternoon. Thank you Chair Rivera and Chair Kavanaugh for holding this hearing today and for the opportunity to testify regarding New York City's lead laws. My name is Sonal Jessel, and I'm the Director of Policy at WE ACT for Environmental Justice. Over the past 33 years, WE ACT has been combating environmental racism in Northern Manhattan. I myself have received my Master in Public Health from Columbia University Mailman School of Public Health. WE ACT has been involved in lead advocacy since the 1990s, notably as a prominent organization fighting for the passage of New York City's Local Law 1 in 2004. Today, I am here as a member of the Lead Free Kids New York Coalition, a collection of experts and advocates committed to preventing and eradicating lead poisoning in New York State. WE ACT is a member of the steering committee. I am here today to share how lead poisoning has disparate impacts by race. And I am here to discuss what the State can learn or improve from New York City's lead prevention work.

WE ACT is involved in the fight to end lead poisoning because this issue disproportionately impacts children of color across the State. Black/African American, Latino, and Asian children have the highest rates of childhood lead poisoning in New York City, New York State, and Countrywide. In 2020, the elevated blood lead level rate among children associated with private housing was 11.3 per 1,000 children tested, according to the New York City Department of Health and Mental Hygiene. Particularly, it is Black/African American children with the highest levels. The disparate exposure is due to the fact that it is low income communities of color that due to a lack of adequate resources and support, live in old buildings that have not received adequate lead remediation. And, importantly the laws that are supposed to protect them are not enforced. There is also the issue of multiple sources of exposure. Children living in homes with peeling lead paint also have the same issue in their childcare centers and schools. Lead exposure from water sources and from unsafe and unregulated construction are other important exposures. Lastly with the COVID-19 pandemic, we are very concerned that testing for children at 1 and 2 years old is not being done for many children.

Right now, the State is falling behind in protecting children of color and adults from lead poisoning. The agencies tasked with lead poisoning prevention are working in silos, and municipalities are on their own. There is a lot the State can learn from



lead prevention from New York City. At its core, Local Law 1 is a turnover provision. Regardless of whether or not a child is moving into the unit, a owner/landlord must remediate an apartment for lead when it is vacant. The idea is that over time, thousands of apartments will be remediated from lead. Unfortunately, the City was not enforcing this law adequately until very recently when our group of lead advocates and the City's comptroller released a report about the lack of enforcement and loopholes in the law. What has helped made the law work better are some additional provisions that a group of lead advocates in the City including WE ACT have gotten passed. Some notably helpful provisions are:

- 1) Requiring the Department of Health to inspect all units in a building when lead is found in one of them.
- 2) Requiring the law to not only cover lead inspections at a Child's primary residence, but anywhere that a child spends more than 6 hours in a week.
- 3) Expanding the use of XRF devices in lead inspections – essentially requiring every single unit to get an XRF inspection done.

Amongst many other things, these different items have led to great improvements in inspecting and remediating lead found in buildings. Importantly, the increase in enforcement has been necessary to ensure landlord and homeowners are adhering to the law. We have learned in New York City that we cannot leave it up to the owners themselves to do the right thing. For new York State, I find the Point of Sale legislation (S2142A/A6608) sponsored by Senator Kavanagh and Assemblymember Rivera to be very important for doing more to address lead. It will require a seller to inspect their home for lead and then disclose the information to the buyer. Having these provisions will greatly help with identifying lead, but they will only work with strong oversight and enforcement. The State must add more funding and expand staff devoted to lead poisoning in the relevant agencies. And while this potential legislation will be impactful, it does not address the issue of lead for renters, which, in New York State is disproportionately people of color. We must include lessons learned from New York City on how to protect renters across the State.

Thank you for your time.

Sincerely,

Sonal Jessel

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