

**Testimony**

From the

**New York City Department of Health and Mental Hygiene,  
New York City Department of Housing Preservation & Development,**

**And**

**New York City Housing Authority**

before the

**Senate Standing Committees on Health and Housing, Construction and Community  
Development**

on

**Childhood Lead Poisoning in NYS**

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*Submitted Digitally*

Good morning, Chair Rivera and members of the New York State Senate Health and Housing, Construction and Community Development committees. On behalf of the New York City Health Department (the Health Department), New York City Department of Housing Preservation and Development (HPD), New York City Housing Authority (NYCHA) and the City of New York, thank you for the opportunity to submit testimony today on efforts to prevent elevated blood lead levels (EBLL) in New York City (NYC) children.

Lead exposure during childhood can lead to serious, long-term consequences, including learning difficulties and behavioral problems. Young children are especially at risk because they explore their environment by placing non-food items in their mouths, potentially exposing them to household dust contaminated by lead from indoor paint. Lead-based paint hazards remain the most commonly identified source of exposure for New York City children with EBLL.

NYC has long been on the forefront of preventing and addressing EBLL. The Health Department has developed a comprehensive approach to address EBLL in children and adults and to reduce lead hazards in homes and communities. This approach includes daily monitoring of blood lead data, follow-up investigations of individuals with EBLL, environmental interventions and enforcement activities, education, outreach, surveillance, and research.

In January 2019, Mayor de Blasio announced the LeadFreeNYC plan, which increased resources and support for children, parents, and health care providers to make sure every child under the age of 3 is tested for lead exposure – and any child with an EBLL gets the services they need. The City’s website, [LeadFreeNYC](#), provides information, data, and guidance for parents, tenants, landlords, and all New Yorkers.

Our [data shows](#) that the City’s robust work to combat EBLL is effective: the number of children whose blood lead levels are at or exceed 5 micrograms per deciliter (mcg/dL) are at a historic low. Since 2005, there has been a 93% decline in the number of children under 6 years of age with a blood lead level of 5 mcg/dL or greater in NYC.

More recently, the number of children with elevated blood lead levels decreased from 4,717 in 2018 to 3,739 in 2019, and this decline continued to 2,982 in 2020 (a ~20% decline each year). Similarly, among children living or spending time in public housing the number of children with elevated blood lead levels declined from 138 in 2018 to 104 in 2019 and continued to decline to 79 in 2020 (a ~24% decline each year). Among children in private housing, the number of children with elevated blood lead levels went from 4,579 in 2018 to 3,635 children in 2019 and continued to decline to 2,903 children in 2020 (a ~20% decline each year).

During COVID-19, New Yorkers followed public health guidance diligently and stayed home, which – while critical to flattening the transmission curve – meant people were less likely to seek or receive essential clinical services, including children getting routinely tested for EBLL. For this reason, 2020 surveillance data should be interpreted with caution.

To address the needs of children most at risk for EBLL and those with evidence of the most severe lead exposure, the Health Department worked throughout the height of the pandemic in 2020 to ensure children with EBLL at or above 45 mcg/dL received in-home inspections. We resumed regular inspections by summer 2020, and we also re-launched a large media campaign

that advises parents to get children tested for EBLI if under the age of 6, and to beware of common imported products that may contain lead.

To further promote the need for blood lead level testing of children during the ongoing COVID-19 public health emergency, the Health Department has issued guidance to health care providers promoting the need for testing at routine medical appointments and has sent letters to families who had a child that missed their one- or two-year old test, urging them to make an appointment, and we have also issued communications to providers including Health Alerts about products containing lead.

In addition to the work of the Health Department, HPD has also enhanced its enforcement work under LeadFreeNYC to protect more children, expanding inspections to include households in one- and two-family rental properties and to include units where a child under 6 routinely spends ten or more hours a week, not only units where a child lives. HPD is enforcing more stringent requirements related to the definition of lead and lead dust clearance, issuing violations at a more protective level of lead in paint (from 1.0 mg/cm<sup>2</sup> to 0.5 mg/cm<sup>2</sup> as of December 1, 2021) and phasing in lower and lower levels of acceptable lead in dust required at clearance after work is conducted on lead-based paint surfaces. On inspection, where HPD confirms that there is a lead-based paint hazard, HPD puts tenants in apartments directly in touch with the Health Department.

On the regulatory side, HPD is conducting significantly more audits of the records that property owners are required to maintain related to their mandated lead-based paint activities. Full building inspections are attempted in all audited properties, offering proactive protections to thousands of additional homes each year.

HPD has stepped up enforcement, initiating litigation and partnering with the NYC Law Department and law enforcement entities such as the NYS Attorney General to seek penalties and the correction of violations against large landlords who have not been in compliance with City lead-based paint regulations.

While expanding protections and cracking down on landlords who are not complying with the law, HPD has simultaneously committed resources to improving communication with property owners by designing sample recordkeeping forms, communicating about changes and reminders regarding lead every few months, and creating multiple webinars about how to comply with all the lead-based paint responsibilities. In partnership with LeadFreeNYC, HPD launched the “Get Ahead of Lead” campaign in November 2019 for multiple dwelling properties, continued it in early 2020 with a particular focus on one- and two-family properties, and is poised for another campaign that includes mail, email, phone, digital, and bus stop signage outreach again in January 2022.

HPD and the Health Department are also currently offering grants, supported by LeadFreeNYC, to eligible rental property owners to fix lead-based paint hazards in apartments, building common areas, and fire escapes through their Lead Hazard Reduction and Healthy Homes Program. Owners are not required to pay back these grants.

In recent years, NYCHA has also made improving compliance with Federal, State, and local requirements for lead-based paint an agency priority. While NYCHA still has additional steps to take in order to become fully compliant with lead requirements, this statement shall describe some of the steps that NYCHA has taken to address this very serious health hazard.

The root of many of the improvements at NYCHA is the January 31, 2019 settlement agreement that NYCHA entered into with the U.S. Department of Housing and Urban Development (HUD) and the Southern District of New York to rectify serious non-compliance. The HUD Agreement required NYCHA to establish and maintain three new oversight Departments – Compliance, Environmental Health and Safety (EH&S), and Quality Assurance – to improve compliance in the agency’s operations, including on lead-based paint. The agreement also established an independent Federal Monitor with wide-reaching authority and access to hold NYCHA and its staff accountable. With respect to lead, the Agreement contains an entire Exhibit devoted to the steps that NYCHA needs to take to improve and ultimately maintain its compliance with lead regulations. The HUD Agreement requires the complete abatement of lead-based paint from NYCHA apartments and the interior common areas of those buildings in phased manner before January 31, 2039.

NYCHA still has many actions it needs to take to fulfill the requirements of the Agreement and the regulations but is continuing to work cooperatively with its regulators and the Federal Monitor to ensure these steps are taken. Some of the concrete steps that NYCHA has taken are as follows.

### **Testing Apartments**

In 2019, NYCHA commenced an initiative to test approximately 134,000 apartments that have not previously received individual apartment lead-based paint testing. When launched, this expansive initiative went above existing testing guidelines for multi-family buildings. As of December 2, 2021, NYCHA has attempted testing in 117,344 apartments, completed testing in 104,521 apartments, and received results for 83,241 apartments. All testing was performed at 1.0 mg/cm<sup>2</sup>, which is the current Federal standard for lead-based paint. At the 1.0 mg/cm<sup>2</sup> standard, of the 83,241 apartments with results, 23,623 tested positive and 59,618 tested negative. Information on the X-ray fluorescence (XRF) testing results is available on NYCHA’s website.

Very recently, on December 1, 2021, New York City changed the standard for lead-based paint to 0.5 mg/cm<sup>2</sup>, which is lower than the Federal standard. Because of the experience garnered through the initial XRF initiative, NYCHA is able to begin comprehensively re-testing at the new standard starting in January 2022, beginning with all pre-1978 apartments where children under 6 live or routinely visit for 10 or more hours per week. It should be noted that NYCHA has already begun testing a small number of apartments at the new standard to get ready for January 2022. NYCHA is also re-testing apartments at the lower threshold upon apartment turnover, and will abate the apartments to the new, stricter standard.

## **Training**

NYCHA has trained 3,455 staff members across 27 titles to be certified renovators pursuant to EPA's Renovation, Repair, and Painting ("RRP") regulations. These titles include maintenance workers, plasterers, painters, carpenters, plumbers, and other titles that may disturb known or presumed lead-based paint in the course of their work. This training teaches staff how to employ lead-safe work practices while working in an apartment, including thoroughly cleaning the area. Additionally, 2,338 staff have completed an onsite refresher to further improve their skills. NYCHA Compliance has also worked with the Federal Monitor to institute an annual Compliance 101 training for all NYCHA staff to make clear the importance of compliance in daily work activities, including on lead-based paint.

## **Procedures and Controls**

NYCHA has published a Lead Safe Housing Procedure Manual to set forth the requirements of day-to-day lead operations at NYCHA. The Compliance and EH&S Departments monitor activities for consistency with the Manual and initiate corrective actions when warranted. NYCHA Compliance has also published Quick Reference Guides for staff on key lead topics to guide them in their daily work. In addition to these enhancements, NYCHA has deployed a series of improvements to its work order system Maximo, including controls on which NYCHA staff can be assigned lead-based paint work, digitized checklists and forms, and information on where lead-based paint is located in an apartment following lead testing.

## **Oversight**

The Compliance and EH&S Departments have developed a documentary and field monitoring program for lead abatement and RRP activities. This means that Compliance checks the paperwork related to these jobs, and EH&S checks the actual work. Every six months, Compliance and EH&S submit reports to the Federal government and the Monitor as part of a certification process set forth in the HUD Agreement. These reports are now available on NYCHA's Transparency and Reports page and showcase both the progress that NYCHA has made as well as the areas where NYCHA still needs to make improvements.

## **Initial Lead Action Plan**

On January 20, 2021, the Federal Monitor approved NYCHA's Initial Lead Action Plan, which sets forth 11 specific actions that NYCHA must take to improve its lead programs. Among the initiatives is the Team for Enhanced Oversight, Management, Planning and Outreach, or TEMPO. TEMPO is a multi-faceted program with the simple goal of protecting children under the age of 6 from the harmful effects of lead-based paint. Among the new protective measures is increasing the number of assessments for peeling or damaged paint in these apartments from once per year to twice per year. TEMPO also establishes a dedicated team of skilled trades to perform all paint disturbing activities in certain apartments where children under 6 live and that have a significant number of lead components. TEMPO also contains a plan to begin abatement in child under 6 apartments. Finally, since TEMPO focuses on apartments where children under 6 live or routinely visit for more than 10 hours per week, the Initial Lead Action Plan sets forth

outreach measures that NYCHA must take to identify where these children are located. This includes an annual informational campaign and a door-knocking initiative to identify where children are located. These issues have been of utmost importance to the Federal Monitor and to NYCHA in order to develop a more protective lead program.

It is also important to note that the lead abatement portion of TEMPO has been temporarily paused in order to incorporate the City's new, stricter lead-based paint standard. NYCHA intends on working closely with the Monitor to redesign this program in a manner that ensures its prompt implementation and its protective measures. NYCHA plans an updated version of its Initial Lead Action Plan will be published in the early part of 2022.

### **City Capital Action Plan**

On May 8, 2021, the Federal Monitor approved NYCHA's City Capital Action Plan, which details how NYCHA will spend the \$2.2 billion over ten years in City capital funds allocated pursuant to the HUD Agreement. The City Capital Action Plan includes a historic investment of more than \$771.8 million to abate lead across the portfolio, as well as another \$450.8 million to abate lead and comprehensively address mold conditions at two high-needs developments. Combined with other sources of funding, these resources will help ensure NYCHA meets the abatement goals set forth in the HUD Agreement.

NYCHA has made progress in its effort to improve compliance around lead. While much work remains to be done, through the oversight of the Federal Monitor, and the continued focus on NYCHA staff, it is expected that improvements will continue.

We are proud of the work the City was able to do despite the circumstances during this pandemic and are grateful to our expert program staff and nurses, and our clinician and parent partners for their creativity, tenacity, and unending commitment to NYC children in the face of unprecedented times.

We appreciate the Senate's commitment to this issue and look forward to continuing our work together in the next legislative session and those to come.