



March 23, 2023

The Honorable Kathy Hochul
Governor of New York State
New York Capitol Building
Albany, NY 12224

The Honorable Andrea Stewart-Cousins
Majority Leader
188 State Street
Legislative Office Building, Room 907
Albany, NY 12247

The Honorable Carl Heastie
Assembly Speaker
188 State Street
Legislative Office Building, Room 932
Albany, NY 12248

Dear Governor Hochul, Leader Stewart-Cousins and Speaker Heastie,

We, the 70 undersigned faith-based, child advocacy, social justice, environmental health and justice advocacy, and philanthropic organizations, write to you to collectively implore you to make bold and critical investments towards combatting and ending the racial, environmental and moral crises of childhood lead exposure and poisoning in New York. As a co-founder and co-leader of [Lead Free Kids New York](#), a growing statewide coalition of individuals, groups, and organizations working to end childhood lead exposure and poisoning in New York, the Children's Defense Fund - New York (CDF-NY) stands alongside our partners in urging State Budget investments and policy solutions for childhood lead exposure in housing and other settings within marginalized communities. We are appreciative that both Governor Hochul signed and the State legislature unanimously passed the Safe School Drinking Water Act in 2021 which will lower lead levels in school drinking water, an important step to reducing childhood lead exposure. Further, both Governor Hochul – in her 2023 State of the State Address – and Attorney General James have voiced their commitment to reducing lead exposure in housing; and we urge our elected officials to take decisive action to protect the youngest New Yorkers, their families, and their communities from the irreversible dangers of lead.

Childhood lead poisoning is an urgent – and entirely preventable – moral crisis in New York, undoubtedly one of the greatest public health threats to our State’s children and youth. New York carries the dubious distinction of ranking first in the nation for childhood lead exposure, with more known cases of children with elevated blood lead levels than any other state¹ and childhood lead exposure rates for numerous communities across our State and in New York City five to six times higher than those in Flint, Michigan at the peak of its water crisis.² In Syracuse, one out of every ten children have elevated blood lead levels. With the oldest housing stock in the United States, the majority of New York’s residential buildings built prior to the 1978 federal paint ban may still contain lead-based paint.³ Experts estimate that 360,000 lead pipes may be delivering water to homes in New York State, the fourth highest of any state in the nation.⁴

The American Academy of Pediatrics, Centers for Disease Control and Prevention, and World Health Organization all agree that there is no safe level of lead for children. Furthermore, the health effects of childhood lead exposure are irreversible. Lead exposure impacts children’s intelligence quotient (IQ), academic achievement, ability to concentrate, hearing, and speech, and can result in serious neurological and physical damage, impacting lifelong health and educational attainment and causing anemia, hypertension, immunotoxicity, renal impairment and toxicity to reproductive organs.⁵ Lead exposure is particularly dangerous for pregnant people and can cause gestational hypertension, low birth weight and impaired fetal development.

Pervasive racial and socioeconomic inequities exist in New York’s burden of childhood lead exposure and poisoning, with children of color and children living in poverty disparately impacted. In 2005, over half of New York children identified with blood lead levels over 10 µg / dL lived in just 68 of the over 1600 zip codes in our State, most of which encompassed communities of color in older urban areas.⁶ New York State Department of Health data demonstrate that these patterns of inequity persist today, with approximately five percent of our State’s zip codes outside of New York City bearing half of the State’s lead burden. In Buffalo, children from neighborhoods of color are twelve times as likely as children from predominantly white neighborhoods to have elevated blood lead levels.⁷ The distribution of lead-exposed children along racial and socioeconomic lines affirms childhood lead exposure and poisoning as racial and moral injustices and environmental racism.

In addition to its dangerous health effects and racial and socioeconomic injustices, childhood lead exposure poses a significant financial burden on our families and our State. Childhood lead

¹ “Blood Lead Levels (µg / DL) among U.S. Children < 72 Months of Age, by State, Year, and Blood Lead Level (BLL) Group”, Centers for Disease Control and Prevention, accessed November 10, 2021, <https://www.cdc.gov/nceh/lead/docs/cbls-national-data-table-508.pdf>.

² “Special Report: Despite Progress, Lead Hazards Vex New York,” Reuters, November 14, 2017, <https://www.reuters.com/investigates/special-report/usa-lead-newyork/>.

³ Katrina Smith Korfmacher, Emily A. Benfer and Matthew Chachère, “Lead Laws and Environmental Justice in New York,” *The New York Environmental Lawyer*, Vol. 39, No. 1 (November 22, 2019), <https://ssrn.com/abstract=3492119>.

⁴ “Lead Pipes Are Widespread and Used in Every State,” NRDC, July 8, 2021, <https://www.nrdc.org/resources/lead-pipes-are-widespread-and-used-every-state>.

⁵ Cindy Mann, Kinda Serafi, Arielle Taub, “Leveraging CHIP to Protect Low-Income Children from Lead,” *Manatt Health*, January 2017, <https://www.shvs.org/wp-content/uploads/2017/01/SHVS-Manatt-Leveraging-CHIP-to-Protect-Low-Income-Children-from-Lead-January-2017.pdf>.

⁶ Katrina Smith Korfmacher, Emily A. Benfer and Matthew Chachère, “Lead Laws and Environmental Justice in New York,” *The New York Environmental Lawyer*, Vol. 39, No. 1 (November 22, 2019), <https://ssrn.com/abstract=3492119>.

⁷ “The Racial Equity Dividend: Buffalo’s Great Opportunity,” University at Buffalo Regional Institute and Make Communities, 2018, <http://racialequitybuffalo.org/files/documents/report/theequitydividendfinaljune2018.pdf>.

exposure among New York children costs our State \$6.4 billion for each birth cohort of children through reduced lifetime productivity; premature mortality; increased spending on health care utilization, education and social assistance;⁸ and also contributes to costs associated with juvenile and adult incarceration.

In order to once and for all make childhood lead poisoning a disease of the past, New York must make bold and necessary investments in its children, youth and families who are at risk, which are disproportionately those experiencing poverty and living in communities of color. Accordingly, we urge our State to act swiftly by taking the following actions in the Budget:

- **Allocate an additional \$50 million to support the existing and additional counties within the Childhood Lead Poisoning Primary and Secondary Prevention Programs**

An additional \$50 million in funding will enable New York State's Childhood Lead Poisoning Primary and Secondary Prevention Programs to expand and continue to implement programs to bolster lead poisoning prevention efforts to prevent elevated blood lead levels in children. These increased funds will enable our most at-risk communities to have the primary prevention activities they need to prevent childhood lead poisoning in their communities – especially critical given that the number of New York State counties tasked with conducting primary prevention of childhood lead poisoning recently rose from 15 to 20, with no additional funds allocated to account for this increased number of counties. Additionally, this allocation will cover the costs for counties to conduct secondary prevention activities by providing timely case management and follow-up services to children identified as having elevated blood lead levels, including \$36 million to cover costs resulting from the nearly five-fold increase in children needing services when New York lowered its blood lead level of concern from 10 to 5 µg / dL in 2019.

- **Strengthen and expand Part T of the Executive Budget's Health and Mental Hygiene Article VII Legislation**

We support the Governor's efforts to expand action on rental properties that may have lead paint hazards, including allocating \$20 million to support landlords who need financial assistance with lead paint remediation. To ensure an effective program, we must strengthen Part T of the Executive Budget's Health and Mental Hygiene Article VII Legislation to ensure that it includes single-family dwellings, which evidence from Rochester suggests can be more likely to contain lead hazards than dwellings with more units. To ensure that the Department of Health creates a strong and enforceable program, the Budget must use mandatory rather than discretionary language. The State must require that its proposed registry and certifications of residential dwellings are made available in a publicly searchable database, so as to foster compliance with existing federal regulations requiring disclosure of lead paint and lead hazard records to potential tenants and buyers. Furthermore, while the Executive Budget specifies a tri-annual inspection basis for lead paint hazard certification of residential dwellings qualifying for registration, lead paint conditions can deteriorate well before the three-year timeframe for

⁸ "Value of Lead Prevention," Altarum, accessed November 10, 2021, <http://valueofleadprevention.org/calculations.php?state=New+York>.

property reinspection. Unless a property has had all lead paint permanently abated, there is no guarantee that paint that is not peeling or damaged at the time of inspection will not begin to fail in the ensuing three years. In order to ensure that marginalized children and families who are renting are not stuck living in harmful and dangerous conditions, they and other interested parties must have a right to seek injunctive and other relief where property has lead hazards.

- **Increase funding for the New York State Children’s Environmental Health Centers (NYSHECK) from \$4 million to \$5 million**

It is critical to allocate an additional \$1 million in funding for the New York State Children’s Environmental Health Centers (NYSHECK) within the Environmental Protection Fund, so that the funding of these Centers can reach \$5 million, and so that the Centers can best meet the needs of marginalized children and families who have been impacted by childhood lead exposure and poisoning. These centers provide critical support to pediatric practices to identify, treat, and prevent diseases with environmental origins. Increased funding would enable them to widen their circles of influence to support more pediatric health care professionals with the tools to address children’s environmental health concerns.

- **Provide \$10 million to the Division of Housing and Community Renewal (DHCR) as grants to landlords to conduct lead abatement**

These funds must be tied to protections for renters, or marginalized children with families, and should include provisions that (1) protect the financial well-being of tenants during remediation (through exempting tenants from paying rent to noncompliant landlords or ensuring that remediation programs have affordability criteria); (2) include requirements for temporary housing during remediation to minimize household instability; (3) fund community-based organizations that implement interventions to have specific community outreach strategies for landlord engagement, and; (4) bolster landlord accountability and compliance measures tied to this funding to protect tenants from unjust evictions due to improvements like lead abatement.

Additionally, we urge our State add the following policies into the Budget as they are germane to the aforementioned funding requests:

- **Pass Landlord Insurance for Lead-Based Paint | S.88 (Ryan) / A.1687 (Rivera)**

S.88 (Ryan) / A.1687 (Rivera) would prohibit insurers providing liability coverage to rental property owners from excluding coverage for losses or damages caused by exposure to lead-based paint. This would, in turn, ensure that lead poisoning victims are able to be adequately compensated for their medical bills and other lead-exposure related expenses and damages. S.88 / A.1687 would thereby prohibit insurance companies from denying claims for when children are poisoned by lead in their own homes, through no fault of their own.

- **Pass the Lead-Based Paint Disclosure Act | S.2353 (Kavanagh) / A.4820 (Rivera)**

S.2353 (Kavanagh) / A.4820 (Rivera) would require residential property owners of pre-1978 housing to test for lead-based paint before selling or leasing their property (if it has not been

done previously) and to file a report with the New York State Department of Health to better track and address lead poisoning. Mandated disclosure of lead-paint test results would ensure that New York's tenants and homeowners can choose to move into buildings free of unknown lead hazards. Furthermore, by making such information public, the private market will incentivize proactive repair and maintenance to address lead paint hazards.

- **Pass the Renovation, Repair and Painting Act | S.2191 (Bailey) / A.434 (Bronson)**

S.2191 (Bailey) / A.434 (Bronson) would enable New York to assume administration of home renovation, repair and painting (RRP) rules and to conduct training, certification and enforcement of the RRP. It would also enable New York to collect contractor fees (currently paid to the EPA) to cover costs and strengthen enforcement. Enacting this policy is estimated to protect approximately 140,000 New York children under the age of six and 483,600 New York homes undergoing renovation from lead exposure each year.⁹ Building workforce capacity to safely conduct lead hazard remediation is essential to primary prevention.

Pass the Lead Pipes Right to Know Act | S.5512 (Rivera)

Another pathway to lead exposure is through drinking water. Homes built before 1986 are more likely to contain lead pipes, fixtures and solder. Currently, New York State does not have a comprehensive list of all of the lead service lines that exist, which makes the direction of federal funds challenging. S.5512 (Rivera) would require each water utility to determine which service lines in its system are made out of lead. It would also require the New York State Department of Health to make a drinking water service line inventory and map publicly available that can aid legislators in effectively targeting state and federal funding for lead service line replacements.

Outside of the Budget, we urge the Department of Health to expedite filling the seven vacancies on the New York State Lead Poisoning Prevention Advisory Council with impacted community members and community leaders serving in disproportionately impacted communities so that we can ensure that policymaking is proximate to our impacted communities.

This is an urgent matter of child and youth health and wellbeing, child poverty, and of racial, environmental and moral justice. The present and future health and economic stability of New York's marginalized children, youth, families and communities - who are in crisis - must come first in the FY2024 Budget. We urge you to put our marginalized children, youth, young people, their families and their communities first and to take swift and decisive action towards making childhood lead exposure and poisoning a crisis of the past in New York State.

Cc: New York State Budget Director Robert Megna, Senator Liz Krueger, Assemblymember Helene E. Weinstein, Senator Gustavo Rivera, Assemblymember Amy Paulin, Senator Neil D. Breslin,

⁹ "Lead-Safe Renovation, Repair, and Painting Activities in New York State: Analysis of the Proposal for State Management of the RRP Rule," Community Foundation for Greater Buffalo, February 2020, https://ppgbuffalo.org/files/documents/lead_rrp_activities_in_nys.pdf.

Assemblymember David I. Weprin, Senator Brian Kavanagh, Assemblymember Linda B. Rosenthal, Senator Brad Hoylman-Sigal, Assemblymember Charles D. Lavine, Senator Jessica Ramos, Assemblymember Latoya Joyner, Senator Jamaal T. Bailey, Assemblymember Harry B. Bronson, Assemblymember Jonathan D. Rivera, and Senator Sean M. Ryan

Sincerely,

African Services Committee
Alliance for a Green Economy
Alliance for Quality Education
Berean Baptist Church
Bethel AME Church-Buffalo, NY
Bethel Tabernacle AME Church
Calvary Baptist Church of White Plains
Cameron Community Ministries
Center for Community Engagement & Social Justice at Union Theological Seminary
Center for Independence of the Disabled, NY
Central New York Community Foundation
Children's Defense Fund – New York
Citizen Action of New York
Citizens' Committee for Children of New York
Clean+Healthy
Coalition for Asian American Children and Families
Coalition to Prevent Lead Poisoning
CODE, Inc.
Community for a Cause
Community Foundation for Greater Buffalo
Cynthia Gardens Housing Development Fund Company
Double Love Experience Church
Earthjustice
Environmental Education Associates
Faith for Black Lives
Families for Lead Freedom Inc.
First Corinthian Baptist Church (FCBC)
FPWA
Healthcare for All New York
Heart of the City Neighborhoods, Inc.
Herkimer County Public Health Lead Poisoning Prevention Program
Imani Quest Ministries
Interfaith Assembly on Homelessness and Housing
Jamestown Renaissance Corporation

Metro New York Health Care for All
Middle Collegiate Church
Moms for a Nontoxic New York (MNNY)
NAACP New York State Conference
NAACP Utica Oneida County Chapter
New York Immigration Coalition
New York League of Conservation Voters
New York Public Interest Research Group
New York State American Academy of Pediatrics, A Coalition of Chapters 1, 2 & 3
New York State Council of Churches
Open Buffalo
Park Avenue Christian Church
Prevent Child Abuse New York
Prophetic Whirlwind Ministries
PUSH Buffalo
Queens Baptist Church
Robin Hood Foundation
St. Matthew's Baptist Church of Harlem
Schuyler Center for Analysis and Advocacy
South Asian Council for Social Services
Spiritus Christi Church
Star of Bethlehem Baptist Church of Ossining
Syracuse Tenants Association
The Black Church Center for Justice & Equality
The Chautauqua Center
The Children's Agenda
The Education Trust-NY
The Interfaith Center of New York
The Riverside Church in the City of New York
United Tenants of Albany
Urban Jobs Task Force
VOICE Buffalo
WE ACT for Environmental Justice
Westchester Children's Association
Wilhelmina Health Solutions
Young Invincibles