

SFY 2024-25 BUDGET PRIORITIES RECOMMENDED BY CLEAN+HEALTHY

Testimony to the Joint Senate and Assembly Health Committees

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Submitted by Bobbi Wilding, Executive Director

For the last 17 years, Clean+Healthy has worked to build a just and healthy society in which toxic chemicals are unthinkable (cleanandhealthy.org). Today, we provide the following testimony in support of key investments by New York State to advance environmental health and justice in the SFY 2024-25 budget. We are also co-leaders of the Lead Free Kids New York coalition (leadfreekidsny.org) which brings together groups across NY to advocate for primary prevention-focused policies that end lead poisoning for good, and the JustGreen Partnership, a diverse alliance of groups promoting environmental health and justice for New York's people and communities (just-green.org).

We are disappointed to see Governor Hochul propose cuts to essential programs that would help improve New Yorkers' health by addressing harmful chemicals in their daily environments. We urge the Senate and Assembly to reject these cuts and instead include the following in their one-house budgets. There was overwhelming support from the Black, Puerto Rican, Hispanic, Asian Caucus' FY 2024-25 budget recommendations for the priorities we have listed below, and we are hopeful that both houses will restore these cuts in their one-house bills.

Support the NYS Children's Environmental Health Centers (nyscheck.org). Within the NYS Environmental Protection Fund, the State invests in a seven-center network of Children's Environmental Health Centers from Buffalo to Long Island. These Centers provide critical support to pediatric practices to identify, treat, and prevent diseases with environmental origins. They foster the next generation of Environmental Health-educated pediatricians and other clinicians, engage current pediatricians in understanding environmental health contributors to their patients' health, and offer solutions to these issues, especially through resources like the Prescriptions for Prevention. Each center works with community partners to expand their reach and impact, and as the state continues this investment, the power of these Centers' work deepens and grows. Long funded at the level of \$2M/year, in the past two years the State has allocated \$4M annually for this important work. Due to COVID, contracting for this additional level of funding moved slower than anyone would like, but the Centers have ramped up their efforts and will have even more impact with this essential higher level of funding. Unfortunately, the Governor's draft budget proposed to cut this funding back to \$2M, which would significantly hamper the reach of the Centers and their ability to connect with

pediatricians statewide. **Clean+Healthy, as well as the Lead Free Kids New York coalition and the JustGreen Partnership, urge increasing the Environmental Protection Fund line for these centers from \$4M to \$5M. We urge the Senate and Assembly to include this higher level of funding in their one-house budgets.**

Invest in Lead Poisoning Prevention

Hopefully by now, all legislators are aware that New York State has the dubious distinction of leading the nation in terms of the sheer number of children with elevated levels of lead in their blood. We have some of the nation's oldest housing stock, and many communities with older homes have been disinvested. Therefore, our counties' Health Departments have a heavy burden to provide support to children who already have elevated levels of lead in their blood (known as secondary prevention - reversing trends of lead levels) and now 20 counties are charged with primary prevention (keeping kids from having elevated levels from the start). In addition to the well known health problems children face from lead in their bodies, more and more evidence points to lead as a significant contributor to heart disease, the leading cause of death for all Americans, and disproportionately killing Black Americans (30% more than their white counterparts). Financially investing in lead poisoning prevention - including resourcing the Health Departments across the State, investing in lead service line and other waterline replacements, and supporting funds to remove lead paint from homes - will reap significant rewards for the health of New Yorkers, and will have positive financial ripple effects for the state's health care, education, judicial, and carceral systems.

Fund County Health Departments to Prevent Lead Poisoning and to Support Impacted Children

Funding levels for county health department lead poisoning prevention programs has not changed in recent years, despite desperately needed increases.

In keeping with then-CDC action levels, in 2019, the Legislature acted to ensure New York State finally lowered its action level from 10 µg/dL to 5 µg/dL. Since then, CDC lowered its threshold to 3.5 µg/dL *and* we have weathered a significant public health crisis that pulled county health staff away from the slow-moving crisis of lead poisoning to the urgent COVID-19 pandemic. Further, as a result of measures like remote learning and quarantines, children spent even more time in their homes - many of which contained lead hazards. This leaves county staff in the incredibly challenging position of having more children who by law must receive care to prevent further harm from lead, and no more staff to do it, creating a backlog across the state.

Further exacerbating this problem, in 2022, the State added five additional counties (Cayuga, Chemung, Jefferson, Montgomery, and Rockland) to the existing 15 counties charged with providing primary prevention actions - before a child's test reveals elevated blood lead levels, without adding any additional funds. Functionally, this has meant a reduction in funds available to each county, even those with well-established and effective programs like Monroe County, which is often held up as an early successful model for primary prevention action. **Clean+Healthy and the Lead Free Kids NY coalition urge the Senate and Assembly to increase the line item for county health department lead programs by at least \$50M.**

Return Clean Water and Infrastructure Funding to \$500M annually. Lead pipe identification and removal is extremely important for the health of New Yorkers. We appreciate the work that has already been done identifying lead pipes within the state and removal that is already in queue, but there is still much more work to be done.

The federal Environmental Protection Agency estimates that there are 494,000 Lead service lines in NYS. According to the NYS Department of Health, lead service line replacement should cost at most \$10,000 per line. Therefore roughly \$5B will be needed to address this issue. \$500M has already been secured through the federal Bipartisan Infrastructure Fund, leaving a \$4.5B gap in funding.

The Lead Pipes Right to Know Act (S. 5512 (Rivera) / A. 6115 (Paulin)) was signed by the Governor in December 2023 and the next step of the process is to replace the lead pipes that are still providing water to so many homes. A 10-year phase-out of lead pipes across the whole state would be enough time to plan and execute the removal of all lead pipes around the state and have significant benefits. In order to do this, there would need to be an additional \$4.5B or \$450M over 10 years in the budget through a combination of existing state funding streams (i.e., 2022 Clean Water, Clean Air, and Green Jobs, Environmental Bond Act, Clean Water Infrastructure Act, Water Infrastructure Improvement Act, Drinking Water State Revolving Fund) as well as federal funding streams (i.e., American Rescue Plan Act (ARPA), Water Infrastructure Finance & Innovation Act, Water Infrastructure Improvements for the Nation). The funding sources are there; what we need is the political will to make this happen. **We urge the Senate and Assembly to restore funding for these essential projects in their one-house budgets.**

Fund Public Health Law 1377, Created in Last Year's Budget

NYS Department of Health is in the process of adopting regulations to implement the Proactive Registry and Inspection Program that was adopted as Part T of FY 2023-24's HMM Article VII budget bill (now codified at NY Public Health Law section 1377). These will better develop, administer, coordinate, and enforce the New York State Rental Registry and Proactive Inspection Program to Identify Lead Hazards. As part of this program, the State allocated \$20M to services and expenses of a lead abatement program to be administered through the housing trust fund corporation all over the state. This funding should be renewed, and the Legislature should ensure that these funds are only available to landlords that have financial need and are engaging in abatement activities, which will eliminate lead as a long-term concern, and not just for efforts like maintaining painted surfaces. The State also allocated \$20,000,000 for the lead abatement program, \$18,536,000 for services and expenses related to programs for reduction of risk or lead exposure in rental properties, and \$268,000 for lead abatement.¹ **These funds must also be present in the final FY 2024-25 budget.**²

Advance Lead Poisoning Prevention Policy in the Budget

Clean+Healthy and the Lead Free Kids NY coalition believe that the most essential bills to eliminate the issue of lead poisoning prevention are as follows, and including these as budget bills would support the health of all New Yorkers, especially our children:

- **Lead Paint Right to Know S.2353 (Kavanagh) / A.4820 (Rivera JD) which passed Assembly in 2023**

The Lead Paint Right to Know Act creates a mechanism to ensure that a buyer knows the status of painted surfaces in the residence they are purchasing, either through testing completed by

¹ <https://nystatewatch.net/www/NY/23R/PDF/NY23RAB03004FIL.pdf>

² <https://nystatewatch.net/www/NY/23R/PDF/NY23RAB03004FIL.pdf>

the seller, or with a set-aside of funds to conduct the tests themselves. It also then requires owners to inform any tenants about the results of the lead paint test.

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

This legislation directs New York State to assume administration of federal renovation, repair and painting rules, to conduct training, certification, and enforcement of RRP. It requires the use of empirically based dust wipe tests to assure proper cleaning of hazardous dust once work is completed. Unlike 14 other states, New York State does not co-enforce federal RRP rules, defaulting responsibility to the federal Environmental Protection Agency, with too few inspectors to efficiently cover the region. It also comes with a funding source - the EPA now collects fees for certifications that NYS would receive instead. This would bring at least \$500,000 a year to the State. The US EPA offers grants to states that enforce this program, with the average grant being \$200,000.

- **Landlord Insurance for Lead-Based Paint S.88 (Ryan) / A.1687 (Rivera JD) passed the Assembly in 2023**

When a child is lead poisoned in a rental unit, their families are very often unable to recoup the cost of lead poisoning due to "lead exclusion" clauses in owners' insurance policies. As a result, the financial burdens fall onto the victim, including relocation costs, medical bills, and care for the lead poisoned person. This bill closes the loophole created in the late 1990s by ensuring that landlord insurance policies must cover the costs of tenant lead poisonings due to the conditions of the residence. When landlords and their insurers have financial responsibility, it increases the financial incentive to ensure buildings are renovated to remove lead paint, or at a minimum, maintained to prevent peeling or chipping paint.

CONCLUSION

Thank you for working for the health of all New Yorkers. We look forward to working with the Legislature and the Governor to ensure that the final SFY 2024-25 Budget includes the essential line items that protect New Yorker's health from environmentally-based sources of harm.