# TESTIMONY TO THE JOINT SENATE AND ASSEMBLY HEALTH COMMITTEES
# February 11, 2025

**Dear Senators and Assembly members of the Joint Budget Hearing on Health,**

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 2025-26 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).

## Background

New York State has been saturated in toxic chemicals that need to be taken out of our environments. Below I will explain how the three groups of PFAS, lead, and general toxics are dangerous to our bodies and environments, as well as the policies and budget categories that we can implement to protect all New Yorkers.

### *PFAS*

PFAS chemicals are very hazardous to human health and the environment because they are persistent, bioaccumulative, mobile, and toxic.[1] This means that they build up in the environment and humans over time without breaking down, they can travel freely through the environment, and they cause or contribute to a variety of health problems for people and wildlife. The same traits that make them especially dangerous to planetary health made them attractive to industry: their resistance to breakdown, their high water solubility, and their ability to repel water and grease.

The PFAS chemicals add convenience to many modern products. They are water, grease, and stain resistant.[2] In cookware, they make pots and pans "non-stick", enable low-fat cooking and encourage easy cleaning; in clothing, they make materials stain, grease, and water resistant;

[1] https://chemtrust.org/wp-content/uploads/PFAS_Brief_CHEMTrust_2019.pdf
[2] https://www.atsdr.cdc.gov/pfas/health-effects/overview.html

in cosmetics, they allow for easier application and that is long-lasting and water resistant[3]; in menstrual products for its water resistance to prevent leaking[4]; and in firefighting foam, they serve as surfactants allowing the quick spread of foam to suppress a fire.

The high mobility of PFAS chemicals and their inability to degrade in the environment illustrates how quickly they can move through the environment once emitted, and how long they will remain thereafter. These chemicals are ubiquitous both in consumer products and in the environment. The contamination is rampant in many environmental compartments and the only way to stop it is to turn off the tap on these toxic chemicals. However, many contamination sites exist here in New York State as PFAS chemicals have been determined to be in surface water, groundwater, wastewater and sewage sludge.

In 2016, the first in the nation regulation of PFOA, *perfluorooctanoic acid,* and PFOS, *perfluorooctane sulfonic acid,* as *hazardous substances* was announced by the New York State Department of Environmental Conservation (DEC), requiring "proper storage of the substances and limited releases to the environment." This rule makes polluters of PFOA and PFOS accountable to the DEC when contamination is found.[5] The US EPA followed suit in 2022, recommending the two chemicals be added as hazardous substances (substances that "may present a substantial danger to human health or welfare and the environment."[6]) under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA also known as Superfund).[7]

Despite growing evidence that the broad class of PFAS chemicals are problematic, and that companies have only shifted from use of PFOA and PFOS to other PFAS structures, the DEC has not added any other PFAS chemicals or the class to the list of hazardous substances. The agency's Division of Environmental Remediation followed US EPA's development of test methods for 40 PFAS chemicals, which are now reportable for sites undergoing remediation (DEC Part 375 programs).[8]

***Lead***

In 1978, the use of lead-based household paints was banned in the United States[9], and New York City led the way with restrictions starting in 1976 and New York State in 1970. Disappointingly though, New York has the highest number of lead poisoned children in the United States.[10]

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[3] https://www.ctpa.org.uk/news/in-the-news-pfas-and-cosmetics-the-facts-6680
[4] https://womensvoices.org/2023/04/24/pfas-in-menstrual-products/
[5] https://www.dec.ny.gov/chemical/108831.html
[6] https://www.epa.gov/superfund/proposed-designation-perfluorooctanoic-acid-pfoa-and-perfluorooctanesulfonic-acid-pfos
[7] https://www.epa.gov/pfas/key-epa-actions-address-pfas
[8] https://www.dec.ny.gov/environmental-protection/site-cleanup/pfas
[9] https://www.cdc.gov/nceh/lead/prevention/sources/paint.htm#:~:text=Lead%2Dbased%20paints%20were%20banned,lead%20paint%20chips%20and%20dust.
[10] https://www.cdc.gov/nceh/lead/docs/cbls-national-data-table-508.pdf

Communities of color are among the highest demographics that are being found with elevated blood lead levels (EBLLs).[11] Upstate cities such as Buffalo, are facing extreme levels of lead poisoning and require more than just federal and state initiatives to drive the rates down. Buffalo has one of the most decrepit housing stock in the United States due to segregation, disinvestment, and depopulation. In 2016, about 40% of the tested children in Buffalo had EBLLs.[12] Other communities upstate are being hit hard with the lead crisis as well, such as Syracuse and smaller rural communities.

Long-term health impacts of lead exposure for children can include damage to the brain and nervous system, behavioral and learning problems, stunted growth and development, and difficulties with hearing and speech. Results of lead poisoning as an adult can present itself as fatigue, irritability, troubles concentrating, seizures, anemia, hypertension, nausea, miscarriages or stillbirths, and reduced sperm count and motility.[13] More than 90% of the total body burden of lead is stored and accumulated in the bones, which becomes problematic when the bone's metabolism increases during pregnancy and postmenopausal osteoporosis. During pregnancy and lactation, the body's calcium homeostasis is significantly altered.[14] The high calcium demand during pregnancy results in intestinal calcium reabsorption and bone turnover increases. Once postmenopausal osteoporosis starts, the bones start to naturally break down and lead is released into the blood and re-exposes the organ systems in adults. Other factors such as malnutrition, physiological stress and illness, advanced age, hyperthyroidism, kidney disease, and calcium deficiency all force the body to reintroduce the lead back into the bloodstream.[15] Lead is also stored in the soft tissue of the body, primarily in the liver.[16]

***Toxics***

In addition to lead and PFAS, other heavy metals and chemicals get added into products that we use everyday such as phthalates, mercury, formaldehyde, parabens, talc, and more. Each of these chemicals is an irritant and some are even carcinogenic.

We see chemicals being used extensively in recycling facilities, in military bases, agriculture, and other sectors. The best way to stop contamination of sites and communities is to stop using these chemicals altogether. Many facilities are placed near communities of concern and many Black and Brown communities are the main targets for many of the products that contain chemicals. For these reasons, we are asking that policy is put in place to protect people from the beginning. People should not have to continuously do research and look over ingredients to see if what is on the shelves is healthy. There should be protection put in place and better ingredients from the beginning, so we are not seeing so many health issues and contamination cleanups later on.

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[11] *DOI:* 10.1097/PHH.0000000000000891
[12] https://www.dw.com/en/lead-poisoning-reveals-environmental-racism-in-the-us/a-53335395
[13] https://www.health.ny.gov/publications/2584.pdf
[14] https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4266784/pdf/JFRH-8-135.pdf
[15] https://smrj.scholasticahq.com/article/35880-association-between-covid-19-severity-and-residing-in-high-lead-level-locations
[16] https://www.sciencedirect.com/science/article/abs/pii/S0976288418300638

## Budget and Legislative Recommendations

We recommend the following bills be included in the budget as well:

*Beauty Justice (S.2057 Webb / A.2054 Glick)*
This bill will ban the worst toxic ingredients in personal care products and cosmetics, focused on those that are disproportionately harmful to women and people of color. The average American woman uses 13 personal care and cosmetic products and is exposed to more than 114 chemicals before leaving the house each morning; the average man uses 11 per day, and is exposed to 114 chemicals. Many of these products - e.g., shampoo, face wash, cosmetics, and shaving cream - contain heavy metals, formaldehyde, phthalates, parabens, benzene, and PFAS, that are associated with asthma, allergies, hormone disruption, neurodevelopmental problems, infertility, and even cancer.

Although this information is widely available, federal ingredient disclosure requirements fail to educate and protect consumers on the health impacts of ingredients in products. The U.S. also lags behind global standards, only restricting a handful of chemicals, whereas the European Union has banned over 1,000. Many of these products, including hair straighteners and skin lightening creams, are especially harmful to Black women and other people of color who are specifically targeted in marketing campaigns.

*Multi-Sector PFAS Ban (S.187A Hoylman-Sigal / not introduced yet)*
This bill will prohibit the sale of products that contain regulated PFAS chemicals, thereby turning off the tap on this toxic chemical. PFAS are found in many everyday products including dental floss, cleaning products, cookware, ski wax, architectural paint, rugs, and floor polish. In April 2024, the EPA declared that there is no safe level of PFAS and regulated its presence in drinking water in the low parts per trillion - a previously unimaginably low threshold.
PFAS (per- and poly-fluoroalkyl substances) are a class of human-made chemicals that cannot be naturally broken down, so they bioaccumulate in the environment, which is why they are referred to as “forever chemicals.”

*Ban on PFAS+ in Menstrual Products (S.1548 Fernandez / A.1502 L Rosenthal)*
Menstruators will spend up to 84,000 hours of their life actively on their period, potentially using more than 10,000 menstrual products over their lifetime. That’s over 10,000 times these chemicals can be absorbed into the body. Lead, mercury, formaldehyde, toluene, and PFAS have all been found in menstrual products like sanitary pads, tampons, and period underwear.This bill will regulate the sale and distribution of menstrual products that contain restricted substances or unsafe chemicals. Since these products are necessary for hygiene purposes, toxic free items should be made available to consumers so they are not inevitably harmed by products that they frequently use for decades of their lives.

*Lead Paint Right to Know Act (S.4265 Kavanagh / A.1529 Rivera)*
This act will complement existing state and local laws on lead poisoning prevention. Section 1377 of the public health law, enacted in 2023, requires DOH to develop a registry of all rental

residential dwellings with two or more units built before 1980 within communities of concern outside of NYC, and require they be inspected for lead hazards at least every 3 years. The Lead Paint Right to Know Act will require lead inspection reports that must be shared with buyers of residential dwellings and subsequently included in the new DOH registry.

*Renovation, Repair, and Painting Act (not introduced yet / A.2749 Bronson)*
Given the current federal administration, we see this as an important step for New York State to take charge of its own lead abatement programs and codify the RRP rules. Due to the old housing stock throughout the state, practicing healthy lead removal standards is extremely important. We do not want adults to get poisoned and then bring home lead dust to the rest of their children.

*Find Lead Pipes Faster Act (S.3581 Rivera / A.2181 Paulin)*
This legislation does not have an additional fiscal impact on the state budget because there are already funds that could be pulled down from the pot of funding for clean water infrastructure. This legislation would ensure that water customers or non-owner adult occupants of real property respond to a request by covered water systems serving water to the property to grant access for free water service line inspections within the property for the purpose of completing lead service line inventories.

*Green Affordable Pre-Electrification Fund (GAP Fund) (S.3315 Gonzalez / A.2101 Kelles)*
This legislation adds a new public authorities law section 1872-b to establish a green affordable pre- electrification program ("GAP Program") to be administered in consultation with the Division of Housing and Community Renewal, to fund and provide technical assistance for homes and buildings in need of a wide-range of currently unfunded retrofits that are necessary for healthy buildings and achievement of New York's climate mandates. These unfunded retrofits prevent many households and building owners from being able to participate in energy efficiency and weatherization programs, because some residential buildings need certain types of rehabilitation work before they can do so. This pre-electrification work is usually too costly for homeowners and building owners to take on themselves.

In addition, we ask that the following budget requests be considered:

<u>Investing in DEC Capacity</u>

- $2.4million to increase staff across multiple DEC departments: the Office of General Counsel, staff across DEC's nine regional offices to facilitate enhanced community engagement capacity, staffing of the Division of Materials Management; and expanding staff in the Pollution Prevention Unit (P2 Unit) to implement existing laws. The P2 Unit implements critical environmental health and justice policies like the Toxic Chemicals in Children's Products law, the Family and Fire Fighter Protection Act, the ban on PFAS in Apparel law, and other laws requiring regulation of toxic chemicals in products sold in NYS.
- Continue $250,000 funding for product testing in line with above mentioned existing laws.
- Focus infrastructure funding to ensure local municipalities and water systems that serve at-risk communities have funds to test and filter PFAS and other emerging contaminants.

The Department of Environmental Conservation (DEC) is integral to the enforcement and implementation of many environmental laws, however, the lack of financial and human resources have hindered its ability to carry out these functions. This coalition is again asking for a meaningful investment in this agency, specifically a continuation of $250,000 for product testing for policies like the Toxic Chemicals in Children's Products law, the Family and Fire Fighter Protection Act,the Ban on 1,4-dioxane, the ban on PFAS in Apparel law, and other laws expected to pass that will ban on toxics and PFAS in consumer products, menstrual products, cosmetics and personal care products sold in NYS; $2.4 million for staffing multiple departments including the P2 Unit to implement the aforementioned existing laws.

Additionally, we ask that the budget focuses on infrastructure funding to ensure local municipalities and water systems that serve at-risk communities have funds to test and filter PFAS "forever chemicals' and other emerging contaminants. While the state is making strides to protect the constitutional guarantee of clean air, clean water and clean soil, New York still has major environmental health and environmental justice issues continuing to cause damage to our communities and physical harm and death to vulnerable populations, especially seniors, women and children of color. Members of the JustGreen Partnership urge you to use financial investments to address the dangers of toxic PFAS and other harmful classes of chemicals, and to prevent the continued contamination of our air, water, soil, and bodies.

Increase Investment in the Environmental Protection Fund

- Increase funding for the Fund as a whole from $400M to $500M.
- $1M increase in funding to the NYS Children's Environmental Health Centers (NYSCHECK) from $4M to $5 Million.
- Maintain the $4.25M funding for the Pollution Prevention Institute (NYSP2I) and Interstate Chemicals Clearinghouse (IC2).
- Formalize funding for the NYS Center for Sustainable Materials Management, which is based at SUNY ESF, at $3.25M, to support their research into packaging waste, and their work to standardize and expand the state's Green Procurement specifications.

The Environmental Protection Fund continues to be an integral source of funding for projects across the state, and we urge that this Fund be increased to an appropriation of $500 million from the previous $400 million in prior years. There are many programs that rely on the Fund not only for the preservation of clean air and water, but also environmental justice programs and programs to protect the health of our most vulnerable populations. The NYS Children's Environmental Health Centers (NYSCHECK) provides support to pediatric centers that identify, treat, and prevent diseases with environmental origins from pregnancy to adolescence. There are seven NYSCHECK centers across the state in Albany, Buffalo, Syracuse, Rochester, Westchester, New York City and Long Island that work toward preventing, diagnosing and treating environmental conditions from pregnancy, infancy, childhood and adolescence, including rapid response to air quality following the Canadian Wildfires in 2023. We urge that this program continues to be funded, with a $1 million increase from last year's $4 million allocation, to $5 million in the following year. These centers are integral to the health of New York's children, serving over 150 thousand families in 62 counties, educating over 32 thousand health care workers, and training over 1700 health professionals, college and high school students between the years 2017-2022.2 These centers were provided with $4 million in the 2024-25 state budget, and we ask that this allocation be increased in the upcoming year to $5 million to increase and improve service to New York's children.

Turning off the tap on pollutants and toxic chemicals is of great importance to this coalition, and we recognize that the Pollution Prevention Institute (P2I) and Interstate Chemicals Clearinghouse (IC2)

play a vital role in supporting such these goals. The P2I works to help companies prevent pollution beyond regulatory requirements, researches new solutions, and supports communities through grants. The P2I also implements critical environmental health and justice policies like the Toxic Chemicals in Children's Products law, the Family and Fire Fighter Protection Act, and other laws requiring regulation of toxic chemicals in products sold in NYS. The IC2 invites a database of toxic chemicals in products so companies can meet multiple state requirements by filing in one place. It also allows state agency staff to coordinate and learn from one another about toxics in products, green purchasing, and alternatives assessment. Because of the crucial services they provide, we encourage that funding for both the P2I and IC2 is maintained for another year.

**Bills to be Included in Article VII (TED)**

<u>Green Affordable Pre-Electrification (GAP) Program Fund</u>

- $200million for a GAP Program into our state budget: the GAP Fund addresses home hazards for those who most need it– low-income community members that experience health and safety issues due to lead and/or mold. These harmful circumstances preclude them from receiving the weatherization upgrades that will lower their energy bills– savings that could have a great impact on their household budget.

Remediation and weatherization retrofits can be lifesaving; removing health hazards from the home could protect a child's developing lungs, or save a medically-vulnerable person from respiratory damage. Energy-efficient homes help families heat their homes affordably each winter, and stay cool in summers- a necessity as our world experiences increasingly-frequent heat waves. These improvements and weatherization and efficiency upgrades are also necessary for whole-home electrification, which brings additional health, safety, and home comfort benefits. As the interventions needed to electrify are often unaffordable, the state must be prepared to assist low-income households and families in Disadvantaged Communities with these hurdles. Without ensuring that communities most at risk during the climate crisis can adapt, we risk the health, well-being, and lives of low-income households. We also risk not reaching the equity mandates enshrined in the Climate Leadership and Community Protection Act of 2019 or Governor Hochul's Climate-Friendly Homes commitment. The Green Affordable Pre-Electrification (GAP) Fund addresses these electrification barriers not covered by existing programs by providing funding to fill in these "gaps" to both renters and homeowners. A just energy transition requires that historically-marginalized and excluded groups can access all of the benefits of a clean energy transition, including a green, healthy home with affordable heating and cooling. Low-Income households often face the biggest barriers to electrification due to living in older, more affordable, housing stock. Older housing often has higher maintenance needs or pre-existing health hazards like mold, lead, and asbestos. Landlords often neglect proper maintenance without the funds to make improvements.

<u>The Packaging Reduction and Recycling Infrastructure Act</u>

- The Packaging Reduction and Recycling Infrastructure Act, also known as Extended Producer Responsibility (EPR) for packaging and paper, requires brand owners to take responsibility for their products throughout their entire product life cycle, by bearing the cost of sustainably recycling their product packaging, while minimizing packaging materials, improving recyclability, and eliminating toxic chemicals in their products. By requiring product manufacturers, not taxpayers, to be responsible for the cost of recycling the packaging waste they create, local governments across the state would save an estimated $400 million annually. In addition to adopting EPR as an Article VII budget bill, we urge you to increase the staff line for the

Department of Environmental Conservation (DEC) sufficiently to implement that policy. This is necessary to help implement and provide robust oversight of this important program, and will be an extension of the above mentioned request.

<u>Lead Specific Recommendations:</u>

- Lead Poisoning Prevention Programming Funding:
  - $40M for the county health department lead programs in the Aid to Localities budget
  - $20M to implement Public Health Law 1377: the New York State Rental Registry and Proactive Inspection Program in the Aid to Localities and State Operations budget
  - $20M+ for the lead abatement program in the Capital Projects and State Operations budget
  - $5M for NYSCHECK in the Capital Projects budget (Environmental Protection Fund)
- Clean Water and Infrastructure Funding:
  - $450M over 10 years (from various funding streams) for lead service line replacement
- Energy Retrofitting and Green Renovations, Including Lead Remediation:
  - Include the Green Affordable Pre-Electrification Fund bill language in the Transportation, Economic Development and Environmental Conservation Article VII bill
  - $200M for the GAP Fund for NYSERDA in the Capital Projects budget