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LEAD AGENDA

A ROADMAP TO
ELIMINATING LEAD
POISONING
IN NEW YORK CITY

NYCCCLP • LEAD ROUNDTABLE

NEW YORK CITY
COALITION
TO END LEAD
POISONING
(NYCCCLP)

- CITIZENS' COMMITTEE FOR CHILDREN OF NEW YORK
- COOPER SQUARE COMMITTEE
- THE FRANKEL LAW FIRM
- LEAD PROGRAM AT MONTEFIORE MEDICAL CENTER
- LEGAL AID SOCIETY
- NEW YORK LAWYERS FOR THE PUBLIC INTEREST
- NEW YORK LEAGUE OF CONSERVATION VOTERS
- EDUCATION FUND
- NORTHERN MANHATTAN IMPROVEMENT CORPORATION
- WE ACT FOR ENVIRONMENTAL JUSTICE

WHO WE ARE

The New York City Coalition to End Lead Poisoning (NYCCELP) is a coalition of advocates, doctors, and lawyers who first came together in the 1980s to create and pass Local Law 1 of 2004. Now, NYCCELP convenes the Lead Roundtable of advocates focused on closing loopholes in Local Law 1 and ensuring lead laws are adequately implemented and enforced. Members include: Citizens' Committee for Children of New York, Cooper Square Committee, The Frankel Law Firm, Legal Aid Society, Lead Program at Montefiore Medical Center, New York Lawyers for the Public Interest, the New York League of Conservation Voters Education Fund, the Northern Manhattan Improvement Corporation, and WE ACT for Environmental Justice.

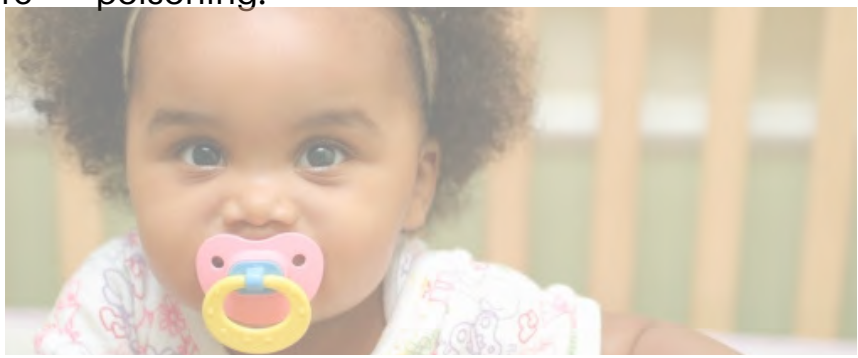
WHY WE ADVOCATE

In 2004, New York City enacted Local Law 1 (LL1), the most ambitious lead poisoning prevention law in the country, with the stated goal of ending childhood lead poisoning by 2010. LL1 has had an enormous positive impact: [according to the Department of Health and Mental Hygiene \(DHMH\)](#) the number of children under age 6 with elevated blood lead levels (EBLL) declined from some 37,344 during 2005 to just 3,050 in 2019.

Nevertheless, our city's children continue to needlessly suffer permanent neurological damage from exposure to lead-based paint and lead dust in their homes. Moreover, childhood lead poisoning disproportionately impacts children of color and low-income in New York City. As of 2019, 82% of children under age six with EBLLs were Black, Latino/a/x, or Asian. 67% of the children were also in high-poverty neighborhoods. Preventing lead poisoning is a matter of environmental and racial justice.

In 2018, four of the undersigned advocacy organizations [issued a report](#) titled "Lead Loopholes – How Lax Enforcement of New York City's Lead Paint Poisoning Prevention Laws Lets Landlords off the Hook and Leaves Children at Risk" calling for measures to strengthen the enforcement of LL1. Since that time, the Council has enacted several measures to close many of those loopholes.

Despite progress made through recent legislation, New York will not achieve its goal of eliminating lead poisoning in children without taking additional steps to strengthen the city's policies and programs. The NYC Lead Poisoning Prevention Roundtable has developed the following policy agenda of steps city leaders must take in 2022 to eliminate childhood lead poisoning.



THE ROADMAP



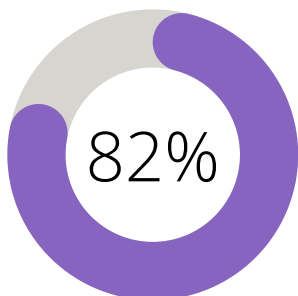
01

CONDUCT A MULTI-AGENCY OVERSIGHT HEARING ON THE STATUS OF LEAD POISONING IN NYC AND ACTIONS NECESSARY TO ELIMINATE LEAD EXPOSURE IN CHILDREN

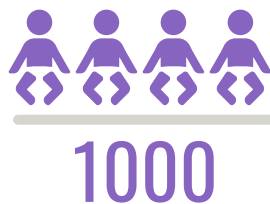


In 2019, New York City Council held a hearing about the state of lead poisoning in New York City. In this hearing, Council Members were able to uncover specific information about where the City is failing to adequately enforce existing lead hazard laws. In 2019, the City Comptroller found vast aspects of the existing laws were not enforced, and criticized the administration for failing to effectively use data to target enforcement.

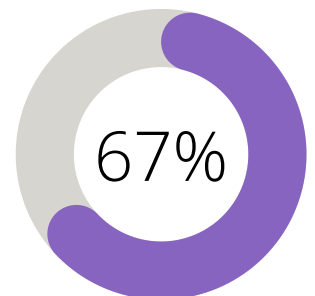
Three years later, much has changed. With a global pandemic halting other medical care and home inspections ceasing, and with Federal and State funding coming to the City, it is vital for the City Council to hold a follow-up hearing to assess the data on blood lead levels, construction pre-filings, the state of enforcement efforts by the Department of Housing Preservation and Development (HPD), and to judge how the recent amendments to the laws are working. In particular, the City must invite the DHMH, NYC Department of Buildings, HPD, Department of Environmental Protection (DEP) and Water Board to testify.



ASIAN, BLACK AND LATINX CHILDREN REPRESENTED 82% OF CHILDREN UNDER AGE 6 NEWLY IDENTIFIED WITH BLOOD LEAD LEVELS OF 5 MCG/DL OR GREATER.*



RATE OF CHILDREN LESS THAN 6 YEARS OLD LIVING IN NYCHA HOUSING WITH BLOOD LEAD LEVELS AT OR ABOVE 5 MCG/DL WAS 4.4 PER 1,000 CHILDREN.*



67% OF CHILDREN UNDER 6 YEARS OF AGE WITH BLOOD LEAD LEVELS OF 5 MCG/DL OR GREATER WERE FROM HIGH-POVERTY NEIGHBORHOODS.*

02

PASS CITY LEGISLATION TO ENHANCE EARLY IDENTIFICATION, PREVENTION, AND ENFORCEMENT



Legislation 1: Tighten enforcement of landlord self-inspections.

Introduced in February 2022, **Intro 5-2022** (Ayala), would require property owners to produce records of self-inspections conducted by such owner, and records of any measures taken to abate lead-based paint hazards, whenever a violation for lead-based paint hazards has been issued by the City.

Legislation 2: Set a sunset date for the abatement of all lead paint on friction surfaces.

Introduced in February 2022, **Intro 6-2022** (Ayala), would require that the measures that are to be taken at the turnover of a vacant apartment to address lead-based paint hazards and lead-based paint on the “friction surfaces” of doors and windows (i.e. painted surfaces that, even if intact, can abrade and create lead-contaminated dust) be performed on all pre-1960 dwelling units with children under age 6 by July of 2023.

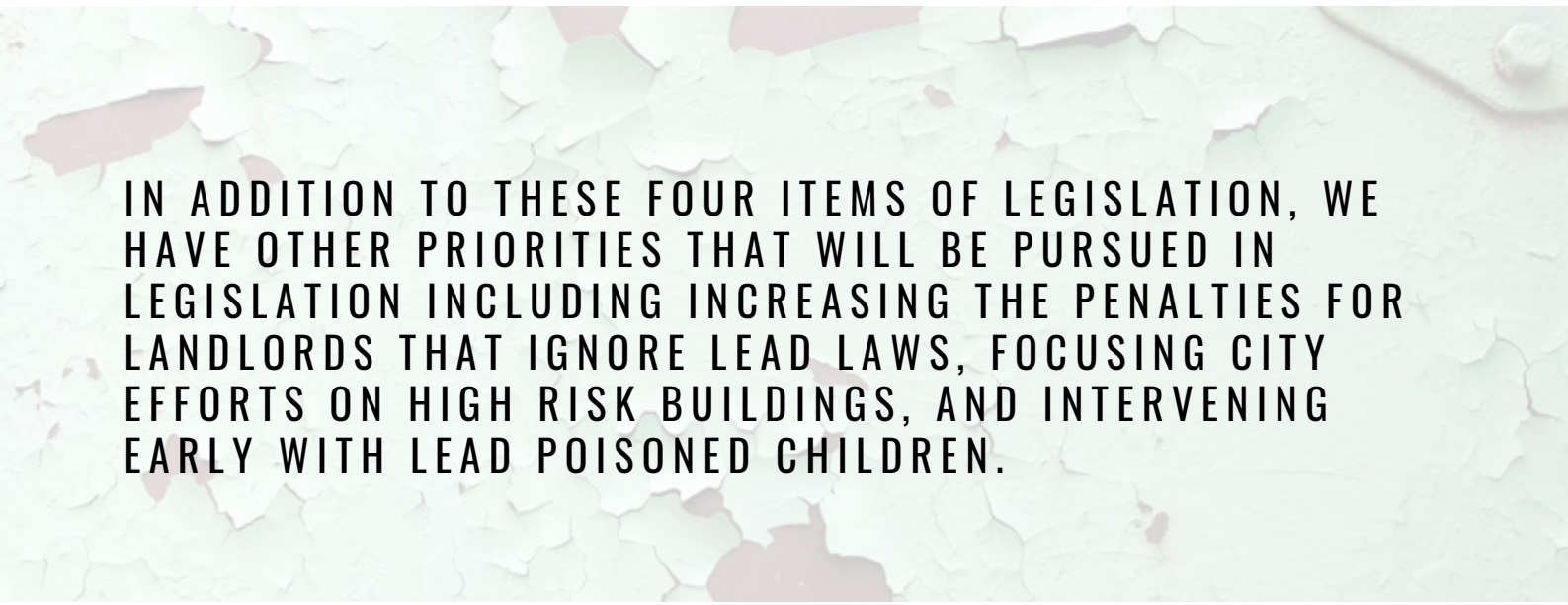


Legislation 3: Bar peeling lead-based paint hazards in common areas of residential buildings.

Introduced in April 2022, **Intro 0193-2022** (Rivera), would extend the LL1's prohibition of peeling lead-based paint to the common areas of pre-1960 residential dwellings where children under six reside. The proposed legislation would also make the existence of peeling lead-based paint in any common area of a multiple dwelling where a child under the age of six resides a class C hazardous violation.


Legislation 4: Require reporting on objections to orders for the abatement or remediation of lead conditions.

Introduced in April 2022, **Intro 0200-2022** (Salamanca), would require the Department of Health and Mental Hygiene ("DOHMH") to submit to the Mayor and the Speaker of the Council, and make publicly available on DOHMH's website, a quarterly report of the number of objections filed by multiple dwelling owners to DOHMH lead abatement orders. The report would be required to include the number of objections filed by the New York City Housing Authority and to specify the reasons why any objections are found to have merit, including faulty testing or paint sampling, or an exemption based on the dwelling's construction date.



IN ADDITION TO THESE FOUR ITEMS OF LEGISLATION, WE HAVE OTHER PRIORITIES THAT WILL BE PURSUED IN LEGISLATION INCLUDING INCREASING THE PENALTIES FOR LANDLORDS THAT IGNORE LEAD LAWS, FOCUSING CITY EFFORTS ON HIGH RISK BUILDINGS, AND INTERVENING EARLY WITH LEAD POISONED CHILDREN.

03



INVEST IN PROGRAMS AND INTERVENTIONS THAT PROTECT CHILDREN FROM LEAD POISONING THROUGH NEW YORK CITY'S 2022-23 BUDGET

A. Fund legislation that enhances proactive inspections and tenant notifications (LL39)

Local Law 39 was passed in 2018 and requires DHMH to: (1) inspect and test any residence or other location where the lead-poisoned child spends 10 or more hours a week, (2) inspect all other units in the primary residence where a child under the age of 1 resides, (3) improve the education and notification given to the child's parents, including providing information about special education services for the child and posting notices in buildings and other facilities where lead paint hazards are found that alert other residents to the availability of free inspections by HPD, (4) conduct investigations for the sources of exposure in instances of EBLI in pregnant women, and provide additional information to new or expectant parents about blood lead testing, safe work practices, and lead inspections. The City must allocate appropriate funding to DHMH to carry out this work.

B. Fund legislation that enhances tenant notifications of lead hazards (LL40)

Local Law 40 was passed in 2018. This legislation requires that where DHMH inspects and finds lead hazards in a common area, it must post notices alerting tenants in that building, which include an explanation of the hazards of lead, precautions for lead dust, and a phone number for getting free blood lead screenings. The City must allocate appropriate funding to DHMH to create and post notices.

C. Fund lead poisoning prevention programs to reach the Center for Disease Control (CDC)'s lowered blood lead reference level from 5 to 3.5 ug/dL

The CDC recently announced a lowered blood lead reference level, which is the level of blood lead that is considered elevated in children. Under Local Law 66/19, the Board of Health is mandated to follow CDC guidelines and by rule tighten the reference level at which DHMH intervention is required. NYCCELP members have petitioned the Board of Health to comply with Local Law 66/19, and expect that DHMH will be tasked with finding and treating children with a lower level of lead in their blood, meaning more children will require intervention. The City must fund the DHMH for the expected increase in caseload.

04

IDENTIFY AND ELIMINATE LEAD POISONING FROM LEAD SERVICES LINES (LSLS)



Water service lines are the pipes that carry water from the water main into homes and buildings. The Environmental Protection Agency [estimates](#) that drinking water can make up 20 percent or more of a person's total exposure to lead. Infants who consume mostly mixed formula can receive 40 percent to 60 percent of their exposure to lead from drinking water. According to the DEP, homes built prior to 1961 may have a lead water service line. There are over 860,000 water service lines in New York City.

In 2019, [NYC Local Law 65](#) was enacted to publicly share what the DEP knows about the material that water service lines are made of and where they are located in an [online interactive map](#). The data, as well as [educational resources](#) and tools for preventing lead contamination, was released in August 2021 and will be updated every six months based on the DEP's "best available records." From the city data, we learned that at least 137,000 (16%) of water service lines are potentially lead and at least 231,000 (27%) of water service lines are made of an "unknown" material. However, DEP announced after its first report that it would not be updating further.

WHILE NYC HAS AN INVENTORY AND A MAP, DEP MUST CREATE ITS PLAN TO REPLACE LSLS BY:

1

Taking responsibility for the replacement of privately owned LSLs.

2

Accessing new federal funding coming to New York State that will reimburse the city to replace privately owned lead service lines.

3

Quickly identifying what material the nearly 27% or 230,000 “unknown” water service lines are to ensure that LSL replacement work is done efficiently.

4

Following series of best practices, developed by advocates, to fully protect public health and prioritize the communities most harmed by the lead poisoning crisis, including, but not limited to:

A

Prohibiting partial LSL replacements.

B

Prohibiting replacing LSLs with service lines made of plastic.

C

Using ratepayer revenue to conduct LSL replacements.

D

Replacing any LSLs uncovered when upgrading water mains or responding to service line leaks.

E

Visually inspecting all potential lead or unknown service lines on a block where it is conducting an LSL replacement and replace any LSLs discovered.



05

STRENGTHEN CITY, STATE, AND FEDERAL ENFORCEMENT OF EXISTING LEAD POISONING PREVENTION LAWS

While we appreciate recent improvements of enforcement by HPD, we need to know how other New York City, New York State, and US Federal agencies will improve their enforcement of lead safe work practices and other lead laws. In many cases the law in place to protect the public from lead poisoning is strong, unfortunately the enforcement of the law is rarely carried out effectively. To improve enforcement, we expect to see the following actions:

1. Actively monitoring known bad actors for lead safe work practices.
2. Being highly responsive to tenants and community groups who report construction dust and other poor conditions from construction related to lead dust or cracking, peeling, or chipping paint, and escalating collection of fines and penalties in buildings with documented lead dust, especially in repeated instances.
3. Creating a mechanism to increase federal, state, and city interagency communication to quickly respond to dust reports in buildings with construction where city law may not apply.
4. Publishing annual reports on effectiveness of increased enforcement as well as developing a publicly searchable database of lead violations in buildings common areas where law allows.
5. Creating reading materials for adults exposed to lead in their homes on resources for BLL testing and dust testing for homes with no children as well as agency contacts for those adults.

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