

**Children’s Defense Fund-New York • Citizen Action of New York
Citizens’ Campaign for the Environment • Citizens Committee for Children
Clean and Healthy New York • Commission on the Public’s Health System • Earthjustice
Empire State Consumer Project • Environmental Advocates NY • Food & Water Watch
Great Neck Breast Cancer Coalition • Green Inside and Out • Healthy Schools Network
Huntington Breast Cancer Action Coalition • JustGreen Partnership
Learning Disabilities of New York State • Moms for a Nontoxic New York
Natural Resources Defense Council • New York Lawyers for the Public Interest
New York League of Conservation Voters • New York Public Interest Research Group
NYS American Academy of Pediatrics • NYS PTA • NYS Sustainable Business Council • NYSUT
Northern Manhattan Improvement Corporation • Sierra Club Atlantic Chapter
Tenants Political Action Committee • WE ACT for Environmental Justice
Women’s Voices for the Earth**

September 30, 2021

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

Re: Protecting Children by Improving New York State’s Program to Reduce Lead from
Drinking Water in Schools – S2122-A / A160-B

Dear Governor Hochul:

We write to thank you for your leadership in protecting children’s health and now ask you to sign into law a bill, S2122-A / A160-B, to improve New York State’s “School Potable Water Testing and Standards” program. This bill, which passed the Senate and Assembly unanimously, would ensure that children are better protected from the dangers of lead in drinking water in their schools.

In 2016, New York became the first state to require all public schools to test for and remediate lead in drinking water with an action level above 15 parts per billion (ppb) when it passed the Safe School Drinking Water Act. Since 2016, several states, such as Illinois, Maryland, Maine, Montana, Vermont, Washington, and the District of Columbia have reduced their action levels to 5 ppb or less, and Michigan, Pennsylvania, and Massachusetts are actively considering following suit. By signing this law, New York would once again lead the nation as having the most stringent protection for the largest population of students in the country.

The [Centers for Disease Control](#), the [American Academy of Pediatrics](#), and the [World Health Organization](#) all state that there is no safe level of lead exposure. The maximum level for lead in school drinking water recommended by the [American Academy of Pediatrics](#) is one part per billion (1 ppb). While there is no safe level of lead for our children, right now 1 ppb is the level at which lead can be detected most reliably through testing by a certified lab.

The impacts of lead exposure in children can be severe. Even at very low levels once considered safe, lead can cause serious, irreversible damage to the developing brains and nervous systems of babies and young children. Lead can decrease a child’s cognitive capacity, cause behavior problems, and limit the

ability to concentrate – all of which, in turn, affect the ability to learn and to behave in school and at home. Children with serious lead-related brain impacts are less likely to graduate from high school and are more prone to delinquency, teen pregnancy, violent crime, and incarceration. The primary source of lead in school drinking water is from plumbing materials – pipes, fixtures, and fittings. There are no truly lead-free plumbing materials.

The bill would improve New York’s testing and remediation program in several important ways by:

- reducing the action level from 15 ppb to 5 ppb, closer to the American Academy of Pediatrics recommended action level of 1 ppb;
- increasing the frequency of testing from every five years to every three years;
- eliminating the waiver from testing and remediation for so-called “lead-free” schools (there is still lead in plumbing and fixtures);
- providing funding for remediation from the state’s clean water infrastructure fund;
- making clear that if alternate potable water is necessary, it would be provided at no cost to school occupants; and
- requiring the posting of lab reports, obviating the need for FOIL requests.

According to New York State Health Department data, over 400,000 drinking outlets were tested in 2016, and the cost of these initial samples was \$38.3 million. The cost of remediation was \$27.8 million. NYLCV Education Fund (NYLCVEF) volunteer researchers estimate that the cost of remediation for an action level of 5 ppb would be \$30.3 million. The full results of this analysis can be found in the [“5 is the New 15”](#) report issued on February 4, 2021.

Given the benefits of a more protective action level and the relatively low cost of achieving it, we ask that you sign this bill. New York State was a leader in 2016, and we look to you for the state to reassume that leadership position and protect our children from drinking lead.

Joan Leary Matthews of the Natural Resources Defense Council can serve as an initial point of contact for our organizations regarding this request. She can be reached at (212) 727-4571 or jmatthews@nrdc.org.

Respectfully yours,

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