Dear Governor Hochul:

We write to thank you for your leadership in protecting children’s health and now ask you the 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,

Ben Anderson
Director of Poverty and Health Policy
Children’s Defense Fund – New York

Kathryn Capella
Secretary/Treasurer
Learning Disabilities Association of NYS

Rebecca Garrard
Legislative Director
Citizen Action of New York

Kathleen Coyle Curtis
Founder
Moms for a Nontoxic New York

Adrienne Esposito
Executive Director
Citizens’ Campaign for the Environment

Joan Leary Matthews, Esq.
Senior Attorney & Director, Urban Water
Natural Resources Defense Council

Alice Bufkin
Director of Policy for Child & Adolescent Health
Citizens Committee for Children

Anthony Karefa Rogers-Wright
Director of Environmental Justice
New York Lawyers for the Public Interest
Bobbi Wilding  
Executive Director  
Clean and Healthy New York

Josh Klainberg  
Senior Vice President  
New York League of Conservation Voters

Anthony Feliciano  
Director  
Commission on the Public’s Health System

Elie Ward  
Director of Policy & Advocacy  
NYS American Academy of Pediatrics

Suzanne Novak, Esq.  
Senior Attorney  
Earthjustice

Russ Haven, Esq.  
General Counsel  
New York Public Interest Research Group

Judy Braiman  
President  
Empire State Consumer Project

Kyle Belokopitsky  
Executive Director  
NYS PTA

Rob Hayes  
Director of Clean Water  
Environmental Advocates NY

Bob Rossi  
Executive Director  
NYS Sustainable Business Council

Erik Weltman  
Senior Organizer  
Food & Water Watch

Alishia Rodriguez-Rolon  
Legislative Director  
NYSUT

Laura Weinberg  
President  
Great Neck Breast Cancer Coalition

Matthew Chachere, Esq.  
Staff Attorney  
Northern Manhattan Improvement Corporation

Beth Fiteni  
Founder & Director  
Green Inside and Out

Caitlin Ferrante  
Conservation Program Manager  
Sierra Club Atlantic Chapter

Claire Barnett  
Executive Director  
Healthy Schools Network

Mike McKee  
Treasurer  
Tenants Political Action Committee

Karen Joy Miller  
Founder & President  
Huntington Breast Cancer Action Coalition

Sonal Jessel  
Director of Policy  
WE ACT for Environmental Justice

Paul Webster  
Co-Chair  
JustGreen Partnership

Jamie McConnell  
Deputy Director  
Women’s Voices for the Earth
cc:
Angela Profeta, Deputy Secretary for Health
Dan Fuller, Deputy Secretary for Education
Jelanie DeShong, Assistant Secretary for Intergovernmental Affairs
Chatodd Floyd, Deputy Secretary for Legislative Affairs and Policy
Basil Seggos, Commissioner of Environmental Conservation
Mary T. Bassett, MD, MPH, Appointed Commissioner of Health
Dr. Betty A. Rosa, Commissioner of Education
Molly Larkin, Senior Vice President & COO, NYS Environmental Facilities Corporation
Senate Majority Leader Andrea Stewart-Cousins
Speaker Carl E. Heastie
Senator Gustavo Rivera
Assemblymember Richard Gottfried