



**County
Health Officials
of New York**
Leading the way to healthier communities

SUPPORTS

With Recommendations

A.160/S.2122 (Gottfried/Rivera)

AN ACT to amend the public health law, in relation to school potable water testing

The New York State Association of County Health Officials (NYSACHO) supports, *with recommendations*, expanding water testing in schools, including increasing testing frequency, removing testing exemptions, setting action levels, and increasing disclosure of information.

While NYSACHO is supportive of this proposal, in good conscience, we must do so with concerns. Public health policies require public health resources. Enacting this provision will further strain demands on a shrinking local health department (LHDs) workforce. Both local and state field staff are already challenged to meet current public health mandates. We urge the legislature to provide the necessary funding, through a dedicated, flexible funding source that will cover all required staffing and other expenses. Without new state resources, the burden of this expense for this work will fall either on the local taxpayer, or, due to the property tax cap, local health departments will be unable to meet the increased demands.

In 2016, a bill was passed that required the NYS Department of Health to develop regulations to require all public school districts and Boards of Cooperative Educational Services (BOCES) to test all potable water outlets for lead contamination, and to take action if lead levels exceed 15 micrograms per deciliter. The first round of testing in accordance with subpart 67-4 was performed in 2016. The next round is currently in process, with a scheduled completion date of June 30, 2021. Under current law, the sampling schedule will take place every 5 years thereafter or at an earlier time as determined by the Commissioner of Health.

Local health departments work with schools, providing technical assistance around sampling, remediation and take enforcement action if a school does not comply with the subpart 67-4 in authorization with law. These new mandates further impact already under-resourced local public health workforce capacity. Given the fiscal impact of COVID-19 on both local government and school resources, as well as the current additional demands related to pandemic response, we believe it is appropriate to await 2021 testing results prior to make additional statutory changes.

NYSACHO requests the legislature consider the following:

1. Please assess and address the potentially significant cost and resource burden this mandate would have on schools and local health departments.

2. Please reconsider lifting exemptions from schools who have been proved lead-safe from the annual testing requirements. If appropriate remediation occurs, to continue to require this costly mandate on schools who have proved to be lead-safe draws resources away from other facility needs without providing any additional public health benefit.
3. Schools are currently on an every 5-year draw sampling schedule. We recommend waiting until we have 2021 sample results to determine if there are significant changes in testing results before mandating annual testing requirements. This will allow for assessment of the effectiveness of 2016 remediation efforts.
4. The EPA has proposed changes open for public comment that includes provisions for schools and daycares to be tested.

To maintain the commitment made to taxpayers, the state-imposed property tax cap on both local governments and schools means that it rests upon the state to assure that new mandates can be met without exceeding the cap or reducing other needed services. It is critical we work in collaboration to ensure local health departments receive the resources to deliver the additional protections this proposal promises. We commend your leadership in wanting to protect children from exposure to lead.

Since October 2019, local health departments are working to educate and test environmental exposure of 17,000 additional cases of children with elevated blood lead levels in New York State as a result of lowering the elevated blood lead levels. The most effective way to protect these children is to ensure local health departments are adequately funded through a flexible funding mechanism, specifically the Lead Poisoning Prevention program of the New York State Department of Health, to support implementation of this mandate. We ask that you allocate \$46M, which includes the current State investment, for lead prevention activities conducted by local health departments.

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