

# *Reinvigorating the Fight Against Lead Poisoning in New York State*

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## **Thesis**

New York State lacks the policy to effectively remediate soil-based lead contamination. Therefore, the New York State Legislature should alter the Hazardous Waste Disposal Site Law to require the remediation of sites that have a lead concentration of 80 parts per million (ppm).

## **Background & Analysis**

New Historically, lead was used as a premium additive to household paint. It was a popular component of outdoor paints due to its ability to extend the lifespan of a given coating. Lead paint was able to cleanly peel off a given surface to reveal a “fresh” layer of paint below it.<sup>1</sup> However, this quality is why lead paint is so problematic. With each layer that peeled off an outdoor surface, increasing amounts of lead entered the environment. This phenomenon has caused extensive soil-based lead contamination in front yards, school playgrounds, and public parks.

In 1978, lead-based products were banned nationwide, but this did not solve the policy dilemma. Legacy structures built with lead based products still exist today. These legacy structures present a problem that lies at the intersection of race and class in the United States. Across the country, areas that have high concentrations of childhood lead poisoning have low median incomes and large African American populations. A prime example of this would be Flint Michigan, which has a childhood lead poisoning rate that is more than four times the national average and is disproportionality impoverished and African American compared to the rest of Michigan.<sup>2</sup>

Due to adverse intersectional impacts of lead exposure, which include permanent IQ reduction and increased susceptibility to attention deficit disorders, it is critical that a policy change is made to effectively fight lead contamination in New York State.<sup>3</sup>

## **Talking Points**

- ▶ Using existing bureaucratic infrastructure to create a statewide lead abatement initiative lowers the cost of this policy to the public
- ▶ This policy creates the aggressive standard we need to fight lead contamination
- ▶ This policy affirms the right that all New Yorkers should be able to live without worry of lead poisoning

## **The Policy Idea**

This policy will amend the New York State Inactive Hazardous Waste Disposal Site Law (IHWDSL) to prioritize the cleanup of sites contaminated with lead. Under this policy, any site that is found to have a lead concentration of 80 ppm or higher must be assigned a Class 2 Site designation under the IHWDSL. This designation declares a site to be a significant threat to public welfare and requires government action.

## **Policy Analysis**

This proposal is unique because it operates within existing bureaucratic infrastructure. This provides a key benefit that no other policy can provide: no transition costs. Therefore, this policy would be cost neutral to New York State because it does not require new resources to be allocated toward the implementation of the IHWDSL. Instead of reallocating resources toward a new initiative, this proposal repurposes an old initiative to achieve its goals.

Moreover, this policy will be effective because it does not take resources away from sites contaminated with substances other than lead. These sites can still be classified as Class 2 sites and can still receive state resources to be remediated. In essence, this policy allows New York State to more easily designate lead contaminated sites for cleanup.

By enabling the state to easily identify and remedy lead contaminated sites, this proposal takes aim at a policy dilemma that places itself at the intersection of race and class. In New York State, many impoverished communities of color have significant concentrations of childhood lead poisoning. A local example of this would be the westside of the City of Binghamton, which has a childhood lead poisoning rate of 16.79%. This rate 1.6 times the rate of Flint, Michigan, which has garnered national attention for its lead contamination.<sup>4</sup> Like Flint, the westside of Binghamton contains some of the most impoverished communities of color in the city, thus making it a prime case-study of an area that is in need of this policy.

## **Key Facts**

- ▶ The rate of childhood lead poisoning in the western portion of the City of Binghamton is 1.6 times the rate of childhood lead poisoning in Flint, Michigan<sup>5</sup>
- ▶ 75% of the homes in New York State were built before the ban of lead in 1978<sup>6</sup>
- ▶ New York State has not established a standard at which a site can have a lead level that is dangerous to public health.

## NEXT STEPS

In order to advocate for this policy, it is imperative to build agency in a community that has a disproportionate rate of childhood lead poisoning. The City of Binghamton would be an ideal area to build agency due to its ties to Binghamton University and its high rate of childhood lead poisoning. In Binghamton, it would be most effective to build a coalition to effectively lobby state legislators to implement this policy. This coalition can include student organizations at the high school and university levels as well as community advocacy organizations. On a national scale, this policy can be advocated for in other states and on the federal level. Many states and the federal government have “superfund” policies which allocate resources toward the cleanup of environmental contamination sites. A policy which alters these programs to prioritize lead cleanup can be applied to all governments which have implemented a “superfund” policy.

<sup>1</sup> Wald, Matthew L. "Lead Paint: New Rules, Old Questions." The New York Times, February 12, 1995. Accessed November 27, 2017.

<sup>2</sup> Schneyer, Joshua, and M.B. Pell. "Lead poisoning lurks in scores of New York neighborhoods." Reuters. November 14, 2017. Accessed November 27, 2017.

<sup>3</sup> Drum, Kevin, "America's Real Criminal Element: Lead," *Mother Jones*, Jan 3, 2013. <http://www.motherjones.com/environment/2016/02/lead-exposure-gasoline-crime-increase-child-lead-health>

<sup>4</sup> Schneyer, Joshua, and M.B. Pell. "Lead poisoning lurks in scores of New York neighborhoods." Reuters. November 14, 2017. Accessed November 27, 2017.

<sup>5</sup> Schneyer, Joshua, and M.B. Pell. "Lead poisoning lurks in scores of New York neighborhoods." Reuters. November 14, 2017. Accessed November 27, 2017.

<sup>6</sup> "Healthy Homes, Healthy Kids." 2016. [www.health.ny.gov/environmental/public\\_health\\_tracking](http://www.health.ny.gov/environmental/public_health_tracking).