



To whom it may concern,

We appreciate the leadership of Senators Bailey, Skoufis, and Kavanagh in investigating residential insurance. As healthy housing advocates, the Lead Free Kids NY coalition cares about the holistic health of people. Lead Free Kids NY is a statewide coalition of parents, professors, organizations, lawyers, health care professionals, lead affected people, and advocates that are all working together to end childhood lead exposure and poisoning in New York by advocating for state-level policy solutions to eliminate lead hazards in housing and other community settings. Despite knowing that lead-based paint was harmful and lead-based paint bans in European countries like Belgium, France, and Austria starting in 1909¹, New York State still used lead-based paint until 1978 and actually increased its use in the 1920s through 1950s, putting occupants at risk.²

UNICEF estimates that around 1 in 3 children - up to 800 million globally - have blood lead levels at, or above, 5 micrograms per decilitre ($\mu\text{g}/\text{dL}$).³ In New York City, there has been a 93% decline in the number of children under the age of 6 years that had blood lead levels of 3.5mcg/dL or greater. This is an amazing victory, but that does still leave 4,655 children in New York City with elevated blood lead levels in 2024, alone. Upstate, these numbers are higher. Some neighborhoods in Syracuse show that one in five children have elevated blood lead levels.⁴

There is no known safe level of lead in the body. We have seen the lead action levels in the environment, blood, and in homes decrease incrementally over time as we are more successful at lowering the rates of elevated blood lead levels. It affects every organ in the body and can dramatically alter the trajectory of someone's life. Most commonly, doctors and health care providers warn about lead's impact on the central nervous system and brain development. It can easily cross the blood-brain barrier, especially in children, where the younger the child, the higher the permeability.⁵ Children's absorption rate of lead is around four times as much as an adult's. Lead can also affect other organs, including the kidneys and the heart.

¹ <https://pmc.ncbi.nlm.nih.gov/articles/PMC1446124/pdf/10630135.pdf>

² <https://ag.ny.gov/publications/preventing-lead-paint-poisoning>

³ <https://news.un.org/en/story/2020/07/1069251>

⁴ <https://www.nrdc.org/press-releases/syracuse-lead-levels-among-highest-detected-drinking-water-decades-higher-flint-and>

⁵ <https://tbiomed.biomedcentral.com/articles/10.1186/1742-4682-10-13>

Long-term health impacts of lead exposure for children can include damage to the brain and nervous system, behavioral and learning problems, stunted growth and development, and difficulties with hearing and speech. Results of lead poisoning as an adult can present itself as fatigue, irritability, troubles concentrating, seizures, anemia, hypertension, nausea, miscarriages or stillbirths, and reduced sperm count and motility.⁶ More than 90% of the total body burden of lead is stored and accumulated in the bones, which becomes problematic when the bone's metabolism increases during pregnancy and postmenopausal osteoporosis. During pregnancy and lactation, the body's calcium homeostasis is significantly altered.⁷ The high calcium demand during pregnancy results in intestinal calcium reabsorption and bone turnover increases. Once postmenopausal osteoporosis starts, the bones start to naturally break down and lead is released into the blood and re-exposes the organ systems in adults. Other factors such as malnutrition, physiological stress and illness, advanced age, hyperthyroidism, kidney disease, and calcium deficiency all force the body to reintroduce the lead back into the bloodstream.⁸

Lead poisoning can occur from acute or chronic exposure to lead. Acute lead poisoning is intense exposure over a short period of time, such as in the workplace or eating a lot of lead paint chips. Chronic exposure is small amounts over a long period of time, such as being in a home with lead dust or a child drinking from a bottle that has lead paint on it. The latter is the more common route.⁹ Regardless of the duration of the exposure, if there is exposure to lead then there will be irreversible damage to the body.

More than 30% of the state's residential buildings were built in the 1940s.¹⁰ An estimated 6.4 million homes in New York State were built in 1979 or earlier with that representing 78% of New York State's total housing stock.¹¹ Based on these numbers, we can assume that a majority of the homes in the state contain lead based paint in the interior and/or exterior. Cities upstate such as Buffalo have around $\frac{2}{3}$ of their homes built before 1940, when the paint being produced had some of the highest concentrations of lead and was very commonly used for residential purposes. Schenectady and Rochester are right behind Buffalo, with many aged homes that contain high concentrations of leaded paint.

In the mid to late 1990's, insurance companies influenced New York State and other states, to include a one sentence exclusion of accountability for any harm done to a tenant that is lead poisoned. This created a massive, gaping hole in coverage for lead based paint hazards. Too often a child is lead poisoned in a home that their parent is renting, then the parents have to take on the full costs of any medical bills, services that may be needed, or associated costs with the symptoms that the child is showing. All bills associated with a hazard they were unaware of, are now their responsibility. A person expects that the home they are choosing to live in and potentially raise their family in, is safe and will not harm them.

⁶ <https://www.health.ny.gov/publications/2584.pdf>

⁷ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4266784/pdf/JFRH-8-135.pdf>

⁸ <https://smrj.scholasticahq.com/article/35880-association-between-covid-19-severity-and-residing-in-high-lead-level-locations>

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https://www.researchgate.net/profile/Shikha-Bathla/publication/333210728_Heavy_Metals_Toxicity/links/5ce27d1992851c4eabaf000/Heavy-Metals-Toxicity.pdf

¹⁰ <https://thenyhc.org/wp-content/uploads/2021/12/Housing-Needs-and-Policy-Solutions-Report-12-7.pdf>

¹¹ https://ppgbuffalo.org/files/documents/lead_rrp_activities_in_nys.pdf

People are paying more and more each year for their insurance that they are expecting to protect them. There should not be loopholes like this, that protect only the interest of the landlord and insurance company. Allowing a loophole like this also allows laziness on the part of the property owner. If there was more responsibility on their end to protect their tenants, then they would have incentive to actually maintain healthy homes. They would see the risk of lead poisoning as a liability and remediate their properties of lead hazards.

We thank you for opening this investigation up and allowing for more transparency. We hope that we can continue this conversation and fully protect New Yorkers better, moving forward. We strongly urge you to demand data from the Department of State and property insurers about the real numbers behind their claims that they face significant financial hardships if they are required to cover the costs of a tenant child's lead poisoning.

Thank you for your consideration,

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