

**A RESOLUTION SUBMITTED BY  
LEGISLATOR BASKIN**

**Re: Establishing Early Intervention Educational Services and Blood Lead Testing for Children Impacted by Lead Poisoning**

**WHEREAS**, according to the US Bureau of the Census' 2013 American Community Survey, the local housing stock in the Buffalo, Erie County and Niagara County metropolitan area is older than in any other major metropolitan area in America, with a median construction year of 1954; and

**WHEREAS**, the lead-based paint used in homes prior to 1970 still lingers and exists in any properties built before 1970, often underneath more modern paint, in older Buffalo and Erie County homes today; and

**WHEREAS**, infants and toddlers spend much time crawling and exploring their home environment, and as such, are prone to inhale residues and digest paint chips from windowsills, doorways, porches and other portions of older properties where lead paint is flaking, thus exposing the children to lead poisoning; and

**WHEREAS**, according to the Community Foundation for Greater Buffalo, and its 2018 Report entitled "Renewing Our Pledge: A Path to Ending Lead Poisoning of Buffalo's Most Vulnerable Citizens", Erie County has high levels of lead found in the blood of children, and elevated blood lead levels (EBLL) in children are persistently higher in Erie County than the state level; and

**WHEREAS**, according to "Renewing Our Pledge: A Path to Ending Lead Poisoning of Buffalo's Most Vulnerable Citizens", the percentage of children tested with elevated blood lead levels greater than 10  $\mu\text{g}/\text{dL}$  in Erie County was 35% in 2013, compared to 12% for the state, and was 22% in 2015, compared to 10% for the state in 2015, this showing that between one quarter to one-third of the County's children under age six have some form of lead poisoning; and

**WHEREAS**, according to the University at Buffalo Regional Institute, and the UB School of Architecture and Planning, children in poverty pay a terrible price from lead contamination as their developing brains are particularly vulnerable to this toxic metal and lead poisoning due to EBLLs causes brain damage which leads to developmental delays in children often displayed in academic and behavioral problems when they become of school age; and

**WHEREAS**, children impacted by lead poisoning are liable to be ill-equipped for traditional school settings, thus furthering their chances of developing additional delays in adulthood and potentially entering the criminal justice system; and

**WHEREAS**, children from neighborhoods of color are twelve times as likely as children from predominately white neighborhoods to be diagnosed with EBLLs; and

**WHEREAS**, according to Lead 716, recent data indicates that many zip codes in Buffalo have child lead poisoning rates that are three times higher than that found in Flint, Michigan, the site of a recent lead poisoning outbreak and scandal; and

**WHEREAS**, the report found that the majority of children with Elevated Blood Lead Levels live in City of Buffalo single family homes and doubles owned by over 1,200 different property owners; and

**WHEREAS**, over 80% of the properties where children are lead poisoned are rental properties; and

**WHEREAS**, the funding for, and complex process of remediating properties of lead paint is not readily accessible to homeowners and landlords and thus exacerbates lead poisoning in children in their early years during their critical developmental periods of their lives; and lead problem affecting our community; and

**WHEREAS**, The New York State Department of Health has identified zip codes state-wide as 'Communities of Concern' that have the highest incidence of confirmed Elevated Blood Lead Levels, and in Erie County, these known high risk zip codes include: 14201, 14207, 14208, 14209, 14210, 14211, 14212, 14213, and 14215; and

**WHEREAS**, one major area of concern identified by practitioners and medical experts is the need for children with High or Elevated Blood Lead Levels to be identified and treated medically, as well as to place those children into appropriate state-mandated Early Intervention services for those infants and toddlers who may have disabilities due in part or in whole to their lead exposure; and

**WHEREAS**, Erie County Early Intervention services conducted by the Erie County Department of Health currently does not classify lead poisoning as a developmental ailment wherein children severely impacted by high lead levels in infancy and toddler stages have access to social and motor skill intervention to help prevent the proven statistics of academic and behavioral problems foreseen in their school age years; and

**WHEREAS**, the Community Foundation for Greater Buffalo, the Health Foundation for Western and Central New York, the Peter and Elizabeth C. Tower Foundation, the Ralph C. Wilson, Jr. Foundation, The John R. Oishei Foundation, the United Way of Buffalo and Erie County, the Learning Disabilities Association of Western New York, the Western New York Coalition to Prevent Lead Poisoning, the Erie County Department of Health, the City of Buffalo, Kaleida Health, Lead 716 and the Partnership for Public Good have all collaborated in the "Renewing Our Pledge: A Path to Ending Lead Poisoning of Buffalo's Most Vulnerable Citizens" report and have continued data collection and advocacy efforts through a task force to combat and address the EBLL problem with children, and specifically focusing on the need to get children with EBLs into New York State Early Intervention services and support programs to assist lead poisoned-children with disability and learning assistance; and

**WHEREAS**, one problem is also the need for the State to clarify, and potentially amend Article 25 of the Public Health Law to better define the therapeutic and support services available to children due to lead poisoning and to properly place those children with Elevated Blood Lead Levels into County-managed Early Intervention services.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Erie County Legislature calls on New York State to mandate and provide regulatory guidance and funding to county governments for lead blood testing to be conducted on children not just at ages 1 and 2, as currently conducted, but also at the vital developmental ages of 15 months and 18 months, and urges county governments to support such testing; and be it further

**RESOLVED**, that this Honorable Body calls on New York State to identify and define a specific Blood Lead Level (BLL) at which Early Intervention services will be required to be provided and fully paid by New York State to assist affected children with Elevated or High Blood Lead Levels to assist them with their childhood development; and be it further

**RESOLVED**, that in the absence of such State action, this Honorable Body requests that the Erie County Department of Health work with the various community partners identified in this resolution and, by January 1, 2019, establish a new Blood Lead Level through which children will be considered for the Early Intervention services which are necessary to lessen the impact of social, behavioral and educational delays throughout life caused by lead poisoning in infancy and toddler years; and be it further

**RESOLVED**, that certified copies of this resolution shall be transmitted to the Governor, Western New York Delegation of the New York State Legislature, New York State Health Commissioner, Erie County Executive, Erie County Commissioner of Health, the Community Foundation for Greater Buffalo, the Health Foundation for Western and Central New York, the Peter and Elizabeth C. Tower Foundation, the Ralph C. Wilson, Jr. Foundation, The John R. Oishei Foundation, the United Way of Buffalo and Erie County, the Learning Disabilities Association of Western New York, Lead 716, the Western New York Coalition to Prevent Lead Poisoning, the Erie County Department of Health, the City of Buffalo, Kaleida Health, and the Partnership for Public Good.

**Fiscal Impact:** None for this resolution.