



THE CITY OF NEW YORK
INDEPENDENT BUDGET OFFICE

110 WILLIAM STREET, 14TH FLOOR
NEW YORK, NEW YORK 10038
(212) 442-0632 • FAX (212) 442-0350 • EMAIL: iboenews@ibo.nyc.ny.us
<http://www.ibo.nyc.ny.us>

Testimony of Daniel Huber
Environmental Analyst, New York City Independent Budget Office
To the New York City Council Committees on
Environmental Protection, Health, and Housing and Buildings
Regarding Lead in Water in New York City Residences

September 27, 2018

Good afternoon Chairmen Constantinides; Cornegy, Jr; and Levine and members of the Committees. Thank you for the opportunity to appear before you today. I am Daniel Huber, IBO's environmental analyst. Recent news reports about the city's public housing developments have brought lead—specifically the hazards of lead paint—to the attention of New Yorkers. While lead paint is the predominant source of lead in city residences, tap water can also be a source. It is notable that among the Intros being discussed in today's hearing, several concern lead in city water.

Earlier this week, IBO published a [report](#) on the prevalence of lead in drinking water. New York City water is virtually lead-free when it flows out of the city's distribution systems. However, numerous privately owned older, smaller residential buildings in New York have plumbing that contains a much higher level of lead than is currently allowed in new construction. This lead can leach into water flowing out of city taps.

The city's Department of Environmental Protection (DEP) monitors lead levels in a sample of homes known to have lead in their pipes to measure the efficacy of corrosion control and for federal Environmental Protection Agency (EPA) compliance purposes. At their water treatment facilities, DEP uses sodium hydroxide to increase the water's pH and adds phosphoric acid to create a protective film on pipes that inhibits the release of metals, including lead, from service lines and plumbing. It also offers free lead testing kits to any city resident who requests it. IBO examined the records of water samples taken since 1993 to understand the potential scale of lead contamination in New York City residential water taps.

Among the findings from our study:

- Overall, IBO found that the city is in compliance with federal and state regulations for at-the-tap monitoring in residences and has been since 2010. According to these regulations, the city is in compliance if no more than 10 percent of samples collected from its compliance pool have lead levels above 15 parts per billion (ppb)—what is considered the EPA action level. While the EPA has determined there is no safe level of exposure to lead, it has set its action threshold at 15 ppb due to other considerations such as cost, public health benefit, and the ability of public water systems to reduce contaminant levels through corrosion control.

- Since 1993, residential tap water samples have had on average lower levels of lead and fewer tests that exceeded the EPA threshold for lead. Although most recent test results find no traces of lead, lead above the threshold continues to be detected in a small percentage of buildings.
- Smaller, older buildings that may have lead service lines, especially those built in the 1920s and 1930s, generally have higher rates of lead tests above the federal threshold.
- Based on test data from 2006 through 2016, the highest rates of tap water test levels exceeding the federal threshold were in community districts that included neighborhoods such as Ridgewood and Maspeth in Queens, Bedford Stuyvesant in Brooklyn, Co-Op City and Riverdale in the Bronx, and South Beach in Staten Island.

While the city meets federal and state regulations regarding lead in water, it is important to note that federal rules permit 10 percent of residential buildings in DEP's annual compliance testing pool to exceed the 15 parts per billion threshold for lead. There is no water lead standard for individual private residential buildings meaning that no regulatory action is triggered for an individual building—no matter how far above the standard. In a city the size of New York, this means a substantial number of homes and families may be exposed to lead from their faucets, but the scale of the problem is unclear as the best data source for identifying buildings with leaching pipes are the voluntary tests requested by the public.

The city currently has no means to compel landlords or homeowners to remove lead leaching service lines or fixtures. Landlords are not required to provide lead-free water and if running the tap for several minutes before drinking is insufficient to lower lead levels, tenants could face a choice between buying water, using lead filters, moving or ignoring the problem. For homeowners, there are no programs to assist with the cost of replacing lead leaching pipes.

Landlords are also not currently required to notify tenants or prospective tenants if a building has been found to have elevated levels of lead in the water or if renovation work may cause lead levels to temporarily rise. The only notification requirement for the existence of lead pipes applies only to homebuyers and is required under state law.

Several of the introductions being discussed today would help close some of these gaps by increasing information about the presence of lead in residential drinking water and by requiring landlords to reduce water lead contamination. Intro 865 adopts a city water lead reference level of 15 parts per billion for taps in individual homes. Intro 868 requires landlords to test water lead levels annually, notify tenants of those results, and provide water filtration to tenants in residences where water tested above the reference level. Intro 709 would require DEP to track all lead service lines and publish their locations in an interactive map.

New York City has spent substantial sums of money on drinking water filtration and on preserving the quality of the water at the source upstate. However, not every city resident has equal access to this water, as lead continues to leach into the water in a small share of buildings before it gets to the tap.

Thank you and I am glad to answer any questions you may have.