



# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

March 18, 2014

Office of the City Clerk  
1308 City Hall  
Buffalo, New York 14202

Council Members Smith and Fontana:

I am writing in response to CCP Item # No 512 entitled "ECDOH Lead Inspection", a resolution that was passed by the Buffalo Common Council on February 18<sup>th</sup> of this year. Your resolution formally requested a halt to lead inspections in the City of Buffalo, until various process changes could be implemented to ease the burden that lead abatement requirements can place on city residents.

Hopefully I can address some of the concerns raised in your resolution, clarify the policies and practices of my department, and offer some suggestions to ensure that we can protect children from lead poisoning without overburdening homeowners, especially seniors.

First and foremost I want to assure you that the gentrification of Buffalo's East Side is no way shape or form a goal of the Lead Poisoning Prevention program. Conversely, we aim to improve the quality of life for existing residents of all ages by ensuring a safe and healthy environment. Lead poisoning has been demonstrated to cause numerous developmental disabilities, and may even play a role in criminal activity, because lead poisoning has been linked to increases in impulsivity and aggression.

Buffalo and Erie County are not alone in working to eliminate lead poisoning. In fact, Erie County's Lead Poisoning Prevention program derives its legal authority from United States Environmental Protection Agency regulations. The approach used is based on a plan approved and developed in conjunction with the New York State Department of Health and the Department of Housing and Urban Development.

Neighborhoods targeted for inspections are selected based on the age of the housing stock and the incidence of lead poisoning in the neighborhoods. To date, inspections have been conducted in neighborhoods all over the city of Buffalo, including zip codes 14201, 14207, 14208, 14209, 14211, 14212, 14213 and 14215. These areas have been designated by the New York State Department of Health as areas with a very high risk of lead poisoning, and are in fact some of the highest areas of lead poisoning risk in the United States.

While lead poisoning is caused by the ingestion of dust most often contacted inside of homes, the dust most often originates outside the home:

1. It enters the home as airborne dust through open doors and windows, and
2. It is carried into the house on shoes and other belongings

Since the United States Department of Environmental Protection banned the use of lead in gasoline nearly 20 years ago, the primary reservoir of lead in our neighborhoods is deteriorating lead paint on houses; regardless of whether the home is occupied by a child, the deteriorating paint will affect all children in the neighborhood.

The Comstock neighborhood is a part of the Buffalo Promise Neighborhood, which is focused on educational achievement and which is home to 2 elementary schools and a new early childhood education center. Learning disabilities caused by lead poisoning are known to negatively impact a child's achievements in school and throughout his or her life, potentially undermining the positive outcomes of the Promise Neighborhood.

The Erie County Department of Health strives to work with the community to help its children succeed. To that end, we have conducted a free class in Lead Safe Work Practices for residents of the Comstock neighborhood and have offered to conduct another free class. In addition, the Erie County Department of Health has offered a reduced rate of \$75 to any landlord or contractor who will be doing renovations on rental properties in the neighborhood. Every person who takes the class is given the materials and supplies to safely remove deteriorated paint and prime paint the exterior of the house (a value of at least \$200).

In addition, the Erie County Department of Health makes great effort to provide guidance and resources through each of the renovation projects. Our staff advises property owners in establishing achievable project completion schedules and also visits the property to advise and provide additional materials during the renovation process. Ultimately, it is the children of the neighborhood who benefit from this effort.

It is my intention to correct any shortcomings in the program, to communicate clearly and accurately and to continuously improve our practices so that we may serve the community to the best of our ability. To that end I have asked my staff to review and improve the notification packet that is sent to residents whose homes have been found to contain lead paint. Hopefully this will eliminate much of the confusion around the program, in particular regarding the response times required of property owners.

I also noted that your resolution indicated the Erie County Department of Health has practiced inaccurate communication and utilized an inaccurate database. Please forward the specifics of this complaint to my office for further investigation. My staff currently utilizes official records of the office of the County Clerk, the City Clerk, and the Office of Real Property Tax Services.

Please be assured that the Erie County Department of Health stands ready to advise owners of properties found to have deteriorating lead paint in the best ways to remove this hazard from the home and protect the workers, families, tenants and neighbors from exposure to this toxic metal. The Lead Poisoning Prevention Program has the potential to bring tremendous quality of life improvements to not just the 14215 zip code, but to all of Buffalo. I hope that we can work together to make this important project succeed.

Very Truly Yours,



Gale R. Burstein, MD, MPH, FAAP  
Commissioner  
Erie County Department of Health

Cc: Council Member Rasheed Wyatt ✓  
Legislator Betty Jean Grant ✓  
County Executive Mark Poloncarz ✓