

**Statement of the Learning Disabilities Association of New York State to the
New York State Assembly Standing Committee on Education,
Assembly Standing Committee on Environmental Conservation and
Assembly Standing Committee on Health**

March 12, 2004

Good morning honorable chairs and distinguished members of the committees. My name is Heather Loukmas and I am the Executive Director of the Learning Disabilities Association of New York State. LDA appreciates the opportunity to testify before you today.

The Learning Disabilities Association of New York State is a statewide, parent-directed organization that was established in 1958. LDA has seven regional affiliates that advocate for and provide direct services to thousands of families and individuals with learning disabilities, other neurological impairments and related developmental disabilities residing in New York State. LDA of NYS is also affiliated with LDA of America, a national organization that has more than 300 state and local affiliates in 50 states and Puerto Rico and over 40,000 members nationwide. Services provided by LDA's seven regional affiliates include educational counseling, parent training, vocational rehabilitation, residential habilitation and more. It is also LDA's mission to focus on prevention of learning disabilities whenever and wherever we can.

There are many different causes of learning disabilities and while the exact cause of most learning and other developmental disabilities cannot be isolated, most experts agree that the causes involve a complex interaction of genetic, environmental and social factors. Genetic causes cannot be prevented but other causes such as alcohol, tobacco and drug use during pregnancy and exposure to environmental toxins can be. Prenatal and early childhood exposure to toxic chemicals such as lead, mercury, PCBs, pesticides, dioxins and other industrial chemicals are of the most concern. Research has proven that these chemicals are passed from the mother to the developing fetus, where the impact and the effect of these chemicals can result in lifelong learning and other developmental disabilities for the child. In addition, children under the age of 15 are at high risk of exposure to environmental toxins because their nervous systems are still developing. Exposures to toxic chemicals that may appear to have limited effects on adults can have profound consequences for infants and young children. Within the past 25-30 years, the statistics showing the explosive increase in the numbers of individuals diagnosed with learning and other developmental disabilities are staggering. For example, between 1977-1994, the number of children with learning disabilities in special education increased 191%. Over 50% of children receiving special education services in the United States today have been diagnosed with learning disabilities. Since 1971 the number of children with ADHD has risen from 4% to 12% and the prevalence of autism has risen 100% over the past 30 years.

Exposure to toxic chemicals can occur in many places in our environment and the sources are numerous. The purpose of today's hearing is not to talk about how we can reduce mercury emissions from coal-burning power plants or how we can remove PCBs from the Hudson River to make the fish that live in it safe to eat again or how we can strengthen laws that will further reduce childhood lead poisoning but rather to talk about how we can ensure that school facilities in New York State are free from these toxic chemicals. Our school buildings and grounds should

be the one place in our environment where children, their parents and school employees should not have to worry about being exposed to harmful chemicals. As legislators, advocates and parents, it is our responsibility to ensure that we are giving them the cleanest, safest, healthiest learning environment that we possibly can.

LDA is encouraged by legislation the Assembly has passed already, that begins to make progress toward eliminating hazardous substances in and around school grounds. We urge the Assembly to continue its efforts toward this goal. LDA supports the work of the Healthy Schools Network and their legislative agenda for 2004. Specifically, LDA supports the following initiatives:

- ***Providing adequate funding for maintenance and repair of school facilities.*** We cannot expect our students to learn and achieve higher learning standards in buildings that may literally be falling down around them.
- ***Ensuring that school buildings, grounds and drinking water are free from lead contamination.*** Lead poisoning is one of the most widely known environmental causes of learning and other developmental disabilities. Even at extremely low levels of exposure, learning is impaired. No level of exposure is truly safe so we need to get it out of our schools altogether.
- ***Eliminating all pesticide use in school buildings and on school grounds.*** The very purpose of these chemicals is to destroy insects, rodents and other pests by destroying their nervous systems. Just think what those same chemicals are doing to our school children that are inadvertently putting those substances into their mouths on playgrounds and breathing those fumes in school buildings? Studies in animals have demonstrated that just one incidence of low-level exposure to certain organophosphates (a chemical used in pesticides) during crucial periods of brain development can cause permanent changes in brain chemistry, as well as behavioral changes, such as hyperactivity. This may mean that exposure during early childhood can also lead to irreversible effects on learning, attention, and behavior. It is not enough to provide notification those pesticides and other harmful substances on school grounds. Other, safer techniques for pest removal exist so the continued use of harmful pesticides is inexcusable.
- ***Banning the use or storage of any devices containing mercury on school grounds.*** There are many sources of mercury pollution that are very difficult to control. We need to start by eliminating the sources that we can control such as thermometers, light bulbs and other mercury-containing devices that could still be used and stored on school grounds.
- ***Ensuring that future schools are not constructed near toxic sites.*** Based upon the scientific evidence that has been gleaned thus far, it is inexplicable that future generations of school children should be placed in harms way by positioning a new school building near sites we know to contain toxic chemicals.

It seems that before regulations reducing environmental exposures ever get passed, the burden of proof must be satisfied beyond the shadow of a doubt. For this reason, LDA believes that it is imperative that we begin collecting and publicly reporting information on the relationship between environmental exposures and increases in the number of kids with learning and other developmental disabilities. Assemblywoman Sue John has sponsored three bills that would provide an excellent first step toward beginning this process. These bills are:

- A1644 which would increase requirements for lead screening of children upon enrollment in public school and referral to a committee on special education. The State Education Department would also report on the correlations between special education enrollment and elevated blood lead levels.
- A1473 would reduce the threshold of blood lead levels that would require the state health department to intervene and would require the state health department to enforce abatement regulations that are currently discretionary.
- A1341 would combine the elements of the two aforementioned bills and seek a waiver to use federal Medicaid funds for lead intervention demonstration programs.

LDA supports these bills because they are important measures in preventing learning disabilities resulting from lead poisoning. Even though there are lead poisoning laws and prevention programs on the books already, for too many children and adults, the damage has already been done. We need to take more assertive action to curb this trend.

While the awareness level on the connection between exposure to environmental toxins and learning disabilities and other developmental disabilities is on the rise it is nowhere near the point of where it needs to be. It is also one thing to be aware of a connection; it is another to take action on it. Some of these initiatives to reduce the potential for exposure in our schools might cost money and some might say that in these incredibly challenging fiscal times, we cannot afford to fund these initiatives. But, what those people don't realize is that when we fail to act and don't invest in these initiatives, we only exacerbate our financial crisis. By not taking steps to reduce toxic chemicals in our environment, we put millions of additional children at risk of developing life long disabilities and other conditions detrimental to their health. The consequences of failing to act are reflected by increases in the number of children diagnosed with learning and other developmental disabilities, skyrocketing costs of providing special education services and other support services that people with learning and other developmental disabilities may require throughout their lives. Not to mention the countless other effects these chemicals are having on the health of our children reflected in the outrageously high number of children with asthma, allergies, childhood cancers and more. So we shouldn't say "we just can't afford to", the reality is, we can't afford NOT to.

Scientific research conducted to date has barely scratched the surface on what we know about the impact of toxic substances on human health. Regulations only get passed once rigorous research and studies have proven a particular substance is bad. We *know for a fact* that lead, mercury, PCBs and pesticides are harmful and we still don't have stringent enough laws protecting our children from exposure to these toxic substances. I shudder to think about the millions of other harmful substances that are floating around in our environment that have not and will not ever be tested. It is common sense that if we are aware of a source of exposure to substances that we *do* know are harmful then we should eliminate them, especially if they are in our public schools. Many in our organization have said that if we could put ourselves out of business then we'd know that LDA has been a success! Unfortunately, there are many causes of learning disabilities that will never be eliminated but the potential does exist for us to prevent many cases of learning and other developmental disabilities if we take decisive action to eliminate toxic chemicals in our environment, beginning with our public school facilities. Thank you.