

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

In the Matter of the Application of
NEW YORK CITY COALITION TO END LEAD
POISONING, *et al.*

Petitioners-Plaintiffs

for a Judgment pursuant to Article 78
and § 3001 of the Civil Practice Law
and Rules

-against-

PETER VALLONE, as Speaker of the New
York City Council; *et al.*

Respondents-Defendants.

Index No. 120911/99

**AFFIDAVIT OF ROBERT FRIEDL IN SUPPORT OF
PETITION AND MOTION FOR PRELIMINARY INJUNCTION**

State of New York }
 } :ss.:
County of Westchester)

ROBERT FRIEDL, being duly sworn, deposes and says:

1. I am Senior Project Manager of Environmental Management Systems, Inc., located at 22 Saw Mill River Road, Hawthorne, New York 10532.

2. On August 11, 1999, upon the request of Make the Road by Walking, Inc., and a number of its members, I conducted a partial lead inspection of 18 dwellings in the Bushwick section of Brooklyn, the addresses of which appear on page 2 of the attached inspection report (annexed as Exhibit A). The purpose of this inspection was to determine if the interior apartment surfaces contained lead in excess of the 0.7 mg/cm² limit set by N.Y.C. Administrative Code § 27-2013(h). This was not a complete inspection of all of the surfaces of these dwellings, but rather, a simple, cursory determination as to whether lead paint was present at all.

3. Results of my testing indicate that at least 16 of the 18 dwellings I examined contained some lead painted surfaces at levels exceeding New York City lawful levels (0.7 mg/cm²). The testing was done with a portable Niton XL Model 309 Spectrum Analyzer. I have completed the Niton users training course, and I used the instrument in accordance with all manufacturer's directives and methods. The results of my testing are included

in the annexed report, along with a table cross-referencing the addresses of the dwellings to the particular test results.

4. Among the areas I tested for the presence of lead paint were a number of intact surfaces (indicated as "fair" on the condition column of the tabular report) that may nonetheless be of particular concern because they were friction surfaces (such as window components), impact surfaces (such as chair rails), or chewable components (such as window stools).

/s/ Robert Friedl
ROBERT FRIEDL

Signed and Sworn to before me
this 7th day of October, 1999.

/s/ Kerina E. Pedone
Karina E. Pedone
Notary Public, State of New York