

SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION: FIRST DEPARTMENT

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

Petitioners-Plaintiffs-Respondents,

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-Appellants.

New York County  
Clerk's Index No.  
120911/99

**REPLY AFFIDAVIT OF EVELYN A. MAUSS, Sc.D.  
IN FURTHER SUPPORT OF  
PETITIONERS' CROSS-MOTION FOR A VACATUR OF AUTOMATIC STAY,  
IF NECESSARY**

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

EVELYN A. MAUSS, Sc.D., being duly sworn, states as follows under oath:

1. I make this reply affidavit in further support of petitioners' cross-motion to vacate any automatic stay, if necessary, of the Judgment entered below on February 22, 2001. This affirmation is based upon my own personal knowledge.

2. I previously submitted an affidavit on March 20, 2001, in the initial cross-motion papers, and my credentials are stated therein.

3. I have reviewed the April 17, 2001, Reply Affidavit of Dr. Jessica Leighton, annexed to appellants' reply papers on their motion. Dr. Leighton argues in reply that the adverse consequences posited by plaintiffs have not been borne out by the most recent statistics.

4. Yet in my prior affidavit, I stated that the temporal relationship posited by Dr. Leighton in her initial affidavit was highly speculative, as a significant beneficial impact on childhood blood lead levels is extremely unlikely to have occurred so promptly after a change in public policy. This logic applies in either direction – and thus, for the same reasons, adverse impacts would be extremely unlikely to be reflected in public health statistics within such a short period of time.

5. Frankly, I cannot understand – much less agree with – Dr. Leighton's conclusion that changing the regulatory framework per se is bad for children. From my experience over the past four decades that I have been involved in this issue in New York City, I can safely conclude that if government makes better regulations that are more protective of children, children suffer less, not more. Unfortunately, Local Law 38 weakened the protections children need and deserve.

/s/ *Evelyn A. Mauss*

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EVELYN A. MAUSS, Sc.D.

Subscribed and sworn to before  
me this 20<sup>th</sup> day of April, 2001.

/s/

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NOTARY PUBLIC