



Written by [Veronika Kyrylenko](#) on April 4, 2022

NYC Mask Mandate for Toddlers Remaining in Place

New York City toddlers aged two to four must continue wearing face masks when they return to their classrooms and daycare facilities on Monday. The children will remain subjected to the mandate until a higher court reviews a decision by a lower court to strike down the city's mandate, or until the city drops it.

This past Friday, Staten Island State Supreme Court Justice Ralph Porzio ruled in favor of a group of parents who sued Mayor Eric Adams and city agencies in March to overturn the mask mandate. According to the [Gothamist](#), the judge argued that the city's policy was "absurd" because the mandate was lifted for children aged five and older. Porzio also called a mandate for young children "arbitrary, capricious and unreasonable," and issued a permanent injunction against it.



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Thanks to Mayor Adams, however, the judge's ruling will not go into effect.

Announcing the continuation of masking toddlers, Adams said during the Friday [COVID-19 briefing](#), "I think, [it] is imperative [to keep this mask mandate] ... due to the rise in cases that we're seeing, as slight as they are, our plans were to take a week to assess the numbers before removing masks for two to four-years-old."

He added that the city would "comply with any ruling from the judge," noting that the city's legal team "is going to put in place an appeal and ask for a stay."

Adams previously [said](#) he would lift the mask mandate for the city's youngest children starting this Monday if virus cases stay low. On Friday, he decided to postpone the decision for at least another week.

Therefore, the city's legal team immediately appealed Porzio's decision to the Appellate Division Second Department in Brooklyn and asked the court to suspend it temporarily until the Appellate Court hears the city's appeal.

On the same day, the higher court granted the city's emergency request and allowed the mask mandate to remain in place. The court gave the attorney representing the parents until April 11 to submit papers explaining why the court should lift the temporary stay, per [Gothamist](#).

Reiterating Adam's message, NYC Commissioner of Health and Mental Hygiene Ashwin Vasan said at a briefing that "for now, we want to keep an eye on this latest uptick to ensure that our youngest New Yorkers remain safe, as we see an increase in cases due to the more infectious BA.2 subvariant."

He continued, "As we know in the past, cases and hospitalizations have risen in this vulnerable age



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group, in line with wider community spread, usually lagging by a couple of weeks.”

The commissioner’s statement appears to be confusing, at best. According to the [city’s own data](#), New York City’s “alert level” is green, or “low,” as of March 29. The U.S. Centers for Disease Control and Prevention (CDC) [puts](#) New York City into the same category.

The “uptick” that Vasan was referring to is that the city’s rolling COVID case average grew 41 percent during this past week compared with the average for the previous four weeks. In terms of raw numbers, it’s a 364-patient difference in a city of nearly 19 million people.

Most importantly, Covid-related hospitalizations and deaths remain on a stable decline and show no signs of surging.

The [city data](#) on hospitalizations and deaths shows that Covid hospitalizations for children under the age of four is 2.76 per 100,000, and has been for months. None of the children died.

Meanwhile, the over-70 set is at 41.33 per 100,000. The second-most-hospitalized group is people aged 65 to 74, with a rate of 21.24 per 100,000. Yet, apparently, it is toddlers who need to wear masks.

It appears that Vasan knew that the youngest children were not the ones who drove the new Covid cases up. Two days before the briefing, he [tweeted](#) a chart showing children under five with the city’s lowest case rates.

New York City [dropped](#) its indoor mask mandate on March 4, 2022, including in public schools for K-12 students. The mask mandate remained in place for children younger than five, including programs contracted by the New York City Department of Education with three- and four-year-old children as well as 3K and 4K classrooms in district schools, since this age group was not yet eligible for the Covid vaccines, according to the mayor.

At the end of February, Governor Kathy Hochul announced plans to end the state’s mask requirement in schools starting on March 2, 2022. According to her [website](#), “the Governor made this decision based on the analysis of several key COVID-19 data trends and after consulting with health and education experts, as well as parents, teachers and school administrators.”

The continued mask mandate for toddlers aligns with the CDC’s [guidelines](#) stating, “Children ages 2 years and older can wear masks or respirators to protect themselves and others from COVID-19.”

A growing body of evidence supports the conclusion that masking children is illogical, nonsensical, and undermines children’s health and well-being. Masks are not needed for children, owing to a near-zero risk of them dying from Covid, according to official data. This includes the newest Omicron subvariant, which is more infectious, but notably much less lethal than the original and all subsequent strains.





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