

United States Senate

April 29, 2020

The Honorable Elaine L. Chao
Secretary of Transportation
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

The Honorable Alex M. Azar II
Secretary of Health and Human Services
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

Dear Secretary Chao and Secretary Azar:

We urge the U.S. Department of Transportation (DOT), in coordination with the U.S. Department of Health and Human Services (HHS), to immediately issue a rule requiring face masks for all individuals engaged in air travel during the coronavirus pandemic. Yesterday, JetBlue became the first major U.S. airline to require masks for passengers.¹ Most other airlines now require cabin crew to wear face coverings, but are only encouraging passengers to do the same.² Although these practices represent progress, we believe that a strong nationwide rule is required for this inherently interstate issue, and to prevent a patchwork of conflicting policies from undermining overall public health.

Since the beginning of the current emergency, air travel has been a major vector for COVID-19. Flight cancellations and decreased passenger traffic have been a proper response for protecting public health. However, a significant number of planes remain in the sky, creating health risks for flight crews on the front-lines, essential workers that must still travel, and the individuals that both groups encounter at their destinations. DOT and HHS must address these ongoing risks, including through a rule requiring face masks for all individuals engaged in air travel during the coronavirus pandemic.

We believe that a nationwide rule is required because air travel is an inherently interstate issue; public health decisions for this sector cannot be left to individual states. Moreover, in the absence of federal action, different airlines and airports have adopted conflicting policies that will undermine overall public health if they are not unified around a single, strong standard. For

¹ Johnny Diaz, *JetBlue Is the First Major U.S. Airline to Require Masks for Passengers*, N.Y. Times (Apr. 28, 2020), <https://www.nytimes.com/2020/04/28/business/jetblue-face-masks-coronavirus.html>.

² *Id.*; Sam Mintz, *Push to require masks on planes intensifies*, Politico (Apr. 29, 2020), <https://www.politico.com/newsletters/morning-transportation/2020/04/29/push-to-require-masks-on-planes-intensifies-787203>.

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example, even though passengers on JetBlue are now required to wear a face mask while traveling, they can remove it when they reach certain airports. At that time, they will encounter flyers from other airlines who may not have been required to wear a mask and who may have been exposed to the disease. These passengers will then go to their respective destinations and potentially endanger others, despite the precautions of a single airline. A patchwork of rules simply cannot address the interconnected and widespread health risks of a global pandemic.

We believe that an emergency rule from your agencies should include the federal government's providing all airports with a sufficient supply of disposable cloth or paper masks for travelers to wear through an airport and on an airplane. Furthermore, this rule should offer additional protections to airline crew members, who are continually exposed to health risks as they provide a vital, front-line service. DOT and HHS should specifically require airlines to provide surgical masks, N95 respirators, or other personal protective equipment sufficient to protect their employees. Although N95 respirators may be appropriate in this situation, we recognize the need to prioritize N95 respirators for health care workers and believe that the provision of N95 respirators to industries other than health care providers will necessarily be dependent on a sufficient availability of resources.

The need for an emergency rule requiring face masks for all individuals engaged in air travel is both clear and urgent. We urge your agencies to take this action immediately, in order to curb the further spread of COVID-19 while protecting essential travelers and our front-line workers in the sky.

Thank you for your attention to this important matter. Due to the telework policies of many congressional offices during the coronavirus outbreak, physical signatures are unavailable. The listed Senators have asked to be signatories to this letter.

Sincerely,

Edward J. Markey
United States Senator

Richard Blumenthal
United States Senator