

EDWARD J. MARKEY
MASSACHUSETTS

COMMITTEES:

ENVIRONMENT AND PUBLIC WORKS

CHAIR:

SUBCOMMITTEE ON CLEAN AIR, CLIMATE, AND
NUCLEAR SAFETY

FOREIGN RELATIONS

CHAIR:

SUBCOMMITTEE ON EAST ASIA, THE PACIFIC,
AND INTERNATIONAL CYBERSECURITY POLICY

COMMERCE, SCIENCE, AND TRANSPORTATION

SMALL BUSINESS AND ENTREPRENEURSHIP

CHAIR:

U.S. SENATE CLIMATE CHANGE TASK FORCE

United States Senate

March 28, 2022

SUITE SD-255
DIRKSEN BUILDING
WASHINGTON, DC 20510-2107
202-224-2742

975 JFK FEDERAL BUILDING
15 NEW SUDBURY STREET
BOSTON, MA 02203
617-565-8519

222 MILLIKEN BOULEVARD, SUITE 312
FALL RIVER, MA 02721
508-677-0523

1550 MAIN STREET, 4TH FLOOR
SPRINGFIELD, MA 01103
413-785-4610

The Honorable Rochelle Walensky
Director
Centers for Disease Control and Prevention
1600 Clifton Road
Atlanta, GA 30329

The Honorable David Pekoske
Administrator
Transportation Security Administration
601 12th Street
Arlington, VA 20598

Dear Director Walensky and Administrator Pekoske,

I write to ask you to strongly consider extending beyond April 18, 2022 the Centers for Disease Control and Prevention (CDC)'s mask order for public transportation systems. Although cases of COVID-19 in the United States have declined from this winter's peak, the virus continues to pose a threat to the public, particularly for seniors, the immunocompromised, and individuals with disabilities. The emergence of a new and even more transmissible variant only confirms that COVID remains a serious, ongoing danger. For that reason, I urge CDC to consider extending its mask order and continue requiring masks on public and commercial transportation. In any modifications to these requirements, both CDC and the Transportation Security Administration (TSA) must center efforts to protect the elderly, the immunocompromised, and individuals with disabilities.

Since February 1, 2021, CDC — with support from TSA — has required passengers to wear masks while using public transportation or inside transportation hubs.¹ Public transportation systems such as airplanes, airports, commuter rail, buses and transportation hubs are particularly likely locations for COVID-19 to spread because they bring together diverse groups of people in enclosed spaces for extended periods. Given the increased transmission risk in those settings, the mask mandate serves as a crucial defense against the virus. It helps prevent people with COVID-19, including pre-symptomatic or asymptomatic individuals, from spreading the virus and protects non-infected individuals from exposure to the virus.² The mask mandate is particularly important for individuals with weakened immune systems who may receive less protection from COVID-19 vaccines; for individuals that must use public transportation to seek needed health care, the protection afforded by masking requirements is essential. Even as case

¹ Centers for Disease Control and Prevention, *Order: Wearing of face masks while on conveyances and at transportation hubs* (Feb. 25, 2022), <https://www.cdc.gov/quarantine/masks/mask-travel-guidance.html>.

² *Id.* at 6.

counts have fluctuated over the past two years, CDC and TSA have maintained their mask orders because they provide passengers increased protection from the virus while reducing community transmission and allowing vital modes of commerce to continue.

Despite its importance for combatting COVID-19, TSA's mask mandate may soon end. On March 10, 2022, the agency extended its mask order for an additional month, to April 18, at the recommendation of CDC. But during that period, TSA announced, CDC will develop a revised framework for mask use on public transportation based on factors such as "COVID-19 community levels, risk of new variants, national data, and the latest science."³ This language suggests that the universal masking order will expire on April 18 and be replaced with a new framework.

With the recent decline in COVID-19 cases, I understand the desire to return to pre-pandemic norms, but we should not ignore the lessons of the past two years. Masks work and declines in cases are unfortunately often followed by new spikes. In fact, a new variant of Omicron, BA.2, is widely circulating in Europe, leading to higher caseloads and hospitalizations.⁴ By one estimate, BA.2 already accounts for as much as 70 percent of new U.S. cases, and wastewater samples also suggest that COVID cases are rising in many states.⁵ Like previous variants, BA.2 is expected to have the greatest impact on seniors and the immunocompromised, who have already borne too great a cost from the pandemic. To date, almost 720,000 Americans over age 65 have died from COVID-19, accounting for almost 75 percent of all COVID-19 deaths.⁶ Over the past week, the United States averaged more than 1,000 daily deaths from COVID-19, and seniors accounted for the vast majority of these deaths.

Now is not the time to abandon low-cost, effective policies, such as universal masking on public transportation, which save lives and enable all Americans, including seniors, the immunocompromised, and individuals with disabilities, to safely participate in society. If CDC and TSA do modify these requirements, they must center efforts to protect those at highest risk. CDC and TSA could do so by continuing to encourage universal masking, issuing guidance protecting the rights of populations at higher risk of COVID complications to continue wearing high quality masks, or facilitating location-specific masking requirements (e.g. masked waiting areas or masked sections of vehicles).

To that end, I respectfully request that you respond in writing by April 11, 2022 to the following questions regarding your approach to mask policies for public transportation.

1. Given CDC's extensive data supporting the use of masks in response to COVID-19, what evidence compels allowing the universal masking order to expire and be replaced with a new framework?

³ Transportation Security Administration, *Statement regarding face mask use on public transportation* (Mar. 10, 2022), <https://www.tsa.gov/news/press/statements/2022/03/10/statement-regarding-face-mask-use-public-transportation>.

⁴ Brenda Goodman and Deirdre McPhillips, *What rising Covid-19 infections in the UK and Europe could mean for the US*, CNN (Mar. 15, 2022), <https://www.cnn.com/2022/03/15/health/covid-rising-uk-us/index.html>.

⁵ Joel Achenbach, *Latest version of omicron accounts for most new infections in many parts of the U.S., genomics testing shows*, Wash. Post (Mar. 22, 2022), <https://www.washingtonpost.com/health/2022/03/22/omicron-ba2-us-dominant/>; Benjamin Mueller, *Another Covid Surge May Be Coming. Are We Ready for It?*, N.Y. Times (Mar. 19, 2022), <https://www.nytimes.com/2022/03/19/health/covid-ba2-surge-variant.html>.

⁶ Centers for Disease Control and Prevention, National Center for Health Statistics, *Weekly Updates by Select Demographic and Geographic Characteristics*, (Mar. 16, 2022), https://www.cdc.gov/nchs/nvss/vsrr/covid_weekly/index.htm#SexAndAge.

The Honorable Rochelle Walensky
The Honorable David Pekoske
March 28, 2022
Page 3

2. Has CDC considered the impact of potential changes to the masking order on seniors, the immunocompromised, and people with disabilities? If so, how? If not, why not?
3. Has CDC met with representatives of the disability community, or other at-risk communities, about possible changes to its approach to masking on public transportation? If not, does CDC have plans to do so?
4. Has CDC considered actions and guidance it can take to protect high risk populations if it removes universal masking requirements? If so, what specific steps are CDC and TSA planning to take to protect these populations while using public transportation? If not, why not?
5. If CDC does discontinue the masking requirement on public transportation, will it lay out specific data points that would trigger the re-implementation of this requirement?

Thank you in advance for your attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Edward J. Markey". The signature is written in a cursive, flowing style.

Edward J. Markey
United States Senator