



Written by [Veronika Kyrylenko](#) on April 19, 2022

## Federal Mask Mandate for Travel Overturned by Court

The Centers for Disease Control and Prevention (CDC) overstepped its authority and did not justify its mask mandate for public transportation systems, so travelers are not obligated to wear masks, ruled a federal judge on Monday. The Transportation Security Administration (TSA) and CDC confirmed they will comply with the decision and will not be enforcing their mask requirement. Major carriers have announced that they will stop enforcing the mandate immediately.

A lawsuit against the mandate was initially filed last July by the Health Freedom Defense Fund, as well as two individuals, Ana Carolina Daza and Sarah Pope. The requirement was first issued on January 29, 2021, by Chief of Staff for the CDC Sherri A. Berger, and was repeatedly extended. Last week, the [CDC extended](#) the mandate until May 3.

The mandate, with limited exceptions, required people traveling by planes, trains, road vehicles, vessels, and other means of transport, including the military, into and within the United States to wear masks over their nose and mouth. In addition to that, travelers had to wear masks at travel hubs.

Failure to comply with the travel mask mandate carried civil and criminal penalties. Violators [could be charged](#) \$500-\$1,000 for the first “offense” and \$1,000-\$3,000 for the second, per the TSA, and they could be forcefully removed from the conveyance.

While the CDC argued that it imposed the rule without allowing public participation through the APA’s notice and comment procedures because it believed the delaying mandate would hurt public health, it was unlawful to do so. Judge Kathryn Kimball Mizelle of the Middle District of Florida [ruled](#),

Because “our system does not permit agencies to act unlawfully even in pursuit of desirable ends,” the court declares unlawful and vacates the mask mandate.

The ruling specified that the mandate invoked to “sanitize” travel spaces had no legal grounds. The judge explained the meaning of the word “sanitation,” as it functions in the 1944 statute that gave the federal government the authority to issue regulations concerning the efforts to curb the spread of communicable diseases. Per the statutory language, “sanitations” referred to “measures that clean something.” “Wearing a mask cleans nothing,” argued the judge.

Instead,



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Mask Mandate is best understood not as sanitation, but as an exercise of the CDC's power to conditionally release individuals to travel despite concerns that they may spread a communicable disease (and to detain or partially quarantine those who refuse).

Mizelle further noted that the mandate contradicted a section of the law that would allow for the detention of a traveler if he was, upon examination, found to be infected. "It applies to all travelers regardless of their origins or destinations and makes no attempt to sort [them] based on their health," she wrote.

In response to the ruling, Biden administration officials have [reportedly](#) signaled they will not accept people traveling without covering their faces. "The agencies are reviewing the decision and assessing potential next steps," an unnamed official told CNN.

During a [press briefing](#) on Monday, White House Press Secretary Jen Psaki called the court's decision "disappointing."

"The CDC recommended continuing the order for additional time — two weeks — to be able to assess the latest science in keeping with its responsibility to protect the American people," said Psaki.

Psaki also referenced the CDC's Covid community level classification, which divides localities into green, yellow, and red zones. [The current level of infection](#) suggests that more than 90 percent of the U.S. population lives in areas with low or medium Covid community levels and does need to wear a mask. When asked if the administration supported people's decision not to wear masks when traveling from the "green" zone, Psaki said there's "a difference" between people traveling and people simply "being in locations" considered safe.

All statewide mask mandates [have been lifted](#) as of late March. Several states limit mask mandates to certain "high-risk settings," such as healthcare and long-term care facilities. Last week, the city of [Philadelphia](#) reinstated its mask mandate, citing a rise in Covid cases.

While Psaki signaled that the Justice Department will "make any determinations about litigation," the administration said it would comply with the ruling for now.

The TSA [posted](#) on Monday,

Due to today's court ruling, effective immediately, TSA will no longer enforce its Security Directives and Emergency Amendment requiring mask use on public transportation and transportation hubs.... CDC continues to recommend that people wear masks in indoor public transportation settings at this time.

The CDC posted a [similar update](#), saying while it "continues to recommend" mask wearing, the original order is "no longer in effect" and that the agency won't enforce it.

As reported by [Fox Business](#), major carriers such as United, Southwest, and Delta airlines, as well as Uber and Amtrak, said they are no longer asking their customers and staff to wear masks. The companies' statements underlined that the decision is purely personal, and all travelers who feel they need to wear a mask "are encouraged to do so."

Travel and tourism businesses have been begging the Biden administration to end Covid-related restrictions, arguing that such measures hurt economic recovery while making little medical



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sense.

Last month, top executives of major airlines wrote a letter to the president, saying that restrictions such as masking and testing “no longer make sense” because the “consistent and steady decline in hospitalization and death rates” suggests that Covid is no longer a threat of the magnitude that required the measures in the first place, as [reported](#) by *The New American*. The executives also suggested that the airplane cabin was “one of the safest indoor environments” because of the advanced air-filtration system installed on all modern planes.

Earlier in March, the U.S. Travel Association, whose members include big hotel chains, airlines, and tourism boards, similarly urged the Biden administration to end the mandates.



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