



Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington, DC 20515

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Chair

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March 11, 2021

The Honorable Stephen M. Dickson
Administrator
Federal Aviation Administration
800 Independence Avenue S.W.
Washington, D.C. 20591

Dear Administrator Dickson:

I am troubled by recent media reports suggesting that you may sunset the FAA's "zero-tolerance" enforcement policy with respect to passengers who refuse to wear masks and cause disturbances on airline flights. I respectfully implore you to continue that policy until public health officials determine that mass vaccinations have eliminated the risk of infection with the coronavirus inside an enclosed space such as an airplane cabin.

I commended your adoption of the policy through a special-emphasis enforcement program in January. I am confident that the policy, which was widely reported in the media and amplified by airlines, has deterred innumerable pandemic denialists from refusing to wear masks on planes. The policy has saved lives.

Ending the policy later this month, as reported in the press, would be premature and expose the flying public to unnecessary risk—especially as pent-up demand for air travel drives more and more people to fly. The latest available federal data shows that, by December, monthly passenger traffic was up to nearly half its pre-pandemic levels. One can only imagine that traffic has continued to increase since then.

With more passengers come more instances of noncompliance with mask policies. I was pleased that the FAA last month fined a Delta passenger \$27,500 for some truly outrageous conduct in connection with the mask requirement. We will see more incidents like that one if the FAA recedes from its strong enforcement posture, particularly in light of the fact that the governors of several states are imprudently ending their statewide mask mandates despite the relentless, continued threat of COVID-19.

I would also encourage you to ensure that airline crewmembers promptly report instances of noncompliance to the FAA for appropriate enforcement action. It should be easy for crewmembers to report these violations. For example, an airline may establish a clear channel from individual

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crewmembers to its FAA certificate management office via the airline's corporate security department.

Finally, I am underwhelmed by airlines' instructions regarding mask use. In my own frequent travels between my district in Oregon and Washington, D.C., I have observed passengers covering their noses and mouths with bandanas, t-shirts, and other materials that do not comply with the federal mask mandate. I would urge you to direct airlines to provide clear instructions at every contact point with passengers—at booking, at check-in, at the gate, and on the plane—regarding acceptable masks. Airlines should clearly remind passengers of the FAA's zero-tolerance enforcement policy in these communications, as well.

You have ample authority to vigorously enforce the mask requirement, under both the President's executive order requiring mask use¹ as well as independent statutory authority to fine passengers who fail to comply with crewmember instructions, such as the instruction to wear a mask.² I strongly urge you to continue using these authorities to ensure that passengers who refuse to wear masks on airplanes face appropriate consequences and are liable for a \$35,000 fine.

Sincerely,



PETER A. DeFAZIO
Chairman

¹ *Promoting COVID-19 Safety in Domestic and International Travel*, E.O. 13998 (Jan. 21, 2021).

² 49 U.S.C. § 46318.