

Federal Judge Strikes Down FAA Mask Mandate

April 19, 2022

Major airlines and airports are dropping their mask requirements following a federal court ruling that struck down the federal government's mask mandates for public transportation.

How Did We Get Here?

The Centers for Disease Control (CDC) first issued a [public health order](#) requiring masks in interstate transportation and at transit hubs in February, 2021. Last week the CDC extended the mask mandate for planes, trains, and other forms of public transportation until May 3, 2022. Officials stated that the mask mandate needed another extension for the CDC to work with government agencies to help inform a revised policy for when, and under what circumstances, masks should be required in the public transportation corridor. However, the mandate faced increasing opposition from the airline industry as well as Republicans and some Democrats in Congress.

Previous lawsuits which targeted the mask mandate had failed to block it. However, in those previous lawsuits, courts were weighing the legality of emergency or preliminary orders, and not the legality of the mandate on the merits.

The Florida Lawsuit

In July 2021, two individuals and the Health Freedom Defense Fund sued various government officials and the CDC in a lawsuit filed in the Middle District of Florida which sought a declaratory judgment that the Mask Mandate was unlawful and to have it set aside for violating the Administrative Procedure Act (APA). In a ruling issued on April 18, 2022 by U.S. District Court Judge Kathryn Kimball Mizelle, the Court vacated the mask mandate, ruling that it exceeded the CDC's statutory authority and violated the procedures required for agency rulemaking under the APA.

The Fallout

Almost immediately following the ruling, the Transportation Security Administration (TSA) announced that it would no longer enforce the mask mandate in accordance with the ruling. Shortly thereafter, every major U.S. airline announced that masks are now optional. However, masks will still be required for flights to and from locations that still enforce a mask mandate, including Canada. Several international carriers, such as British Airways, had already dropped mask requirements in recent weeks as European nations eased restrictions.

While many major airports lifted mask restrictions as well (such as Hartsfield-Jackson Atlanta International Airport and LaGuardia Airport), some others, such as Philadelphia International Airport, said masks are still required, citing the city's mask mandate.

Moving Forward

The Biden administration will have to appeal the Court's decision if it wants the mandate to continue. At this time, wearing a mask is optional on planes, trains, and other forms of public transportation. For those employees working in these industries and present at transportation hubs, local mask policies may still apply and employees may still be required to wear masks. Additionally, while employees travelling interstate for business purposes may no longer be required to wear a mask, those who are traveling to locations that still enforce mask mandates will have to wear a mask when traveling.

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