



April 15, 2021

The Honorable David P. Pekoske  
Administrator  
Transportation Security Administration  
601 S. 12th Street  
Arlington, VA 20598-6020.

Dear Administrator Pekoske:

I am writing to express our universal support and appreciation for TSA Security Directive (SD) 15824-21-01 ("Security Measures - Face Mask Requirements"), as well as our concern about its pending expiration. This Security Directive has provided essential support to crewmembers since February 1, 2021, and we urge you to extend it until at least September 30, 2021.

In Spring 2020, it became clear that masks are the most important line of defense in preventing airborne transmission of COVID-19, especially in enclosed and potentially crowded spaces like aircraft. As the first and last line of defense in the aircraft cabin, flight attendants are assigned the unenviable task of enforcing airline mask policies onboard. Through January 2021, they did so without official backing from the federal government and without the force of law specific to mask wearing. We believe that the vast majority of passengers, recognizing the logic and importance of protecting themselves and others, have been compliant with mask policies. However, since Spring 2020, Flight Attendants, airlines, and media outlets across the country have reported numerous incidents of disruptive passenger behavior related to the wearing of masks, and less than a month ago, the Federal Aviation Administration (FAA) announced in a press release civil penalties against two passengers for "allegedly interfering with, and in one case assaulting, flight attendants who instructed them to wear facemasks and obey various federal regulations."<sup>1</sup>

Flight attendants have observed that passenger non-compliance with mask policies comes in many forms; in some cases, it is passive (e.g., the passenger who takes hours to consume a snack and a soda) and, in other cases, it is active (e.g., the passenger who removes their mask after pushback and openly refuses to wear it). The responses from non-compliant passengers to flight attendants' efforts to ensure compliance with mask policies have also come in many forms—our members have been struck, spat on, verbally abused, taunted, and ignored.<sup>2</sup>

Relief finally arrived on January 13, 2021, in the form of an FAA Compliance and Enforcement Program order<sup>3</sup> that emphasizes the agency's commitment to legal enforcement action in response to violations of regulations prohibiting interference with crewmembers. In the FAA order, the agency explicitly noted that it had:

<sup>1</sup> FAA. "Press Release – FAA Proposes Civil Penalties Against Two Passengers for Allegedly Interfering with Flight Attendants." March 17, 2021.

<sup>2</sup> Laris, Michael. "Sneezed on, cussed at, ignored: Airline workers battle mask resistance with scant government backup." Washington Post. January 1, 2021.

<sup>3</sup> FAA. "FAA Compliance and Enforcement Program." Order 2150.3C CHG 4. January 13, 2021.

*“...recently observed a proliferation of such [disruptive passenger] conduct including conduct stemming from the failure to wear masks in response to the COVID-19 pandemic-related health measures in place onboard aircraft...”*

More relief came on January 21, 2021, when President Biden issued an Executive Order requiring that all persons wear a mask onboard all public modes of transportation and at airports.<sup>4</sup> Then, on January 29, 2021, the Centers for Disease Control and Prevention (CDC) published its mask order<sup>5</sup> on the simple basis that “[m]asks help prevent people who have COVID-19, including those who are pre-symptomatic or asymptomatic, from spreading the virus to others.” Further, the CDC order stated that:

*“...this Order shall be enforced by the Transportation Security Administration under appropriate statutory and regulatory authority... [and]...shall be further enforced by cooperating state and local authorities...”*

Within days, under your leadership, TSA published SD 1582/84-21-01, which translates the CDC transportation industry mask order into clear and unequivocal requirements for airlines to implement.<sup>6</sup> In doing so, your agency has facilitated an effective and consistent standard for airlines across the industry.

Since the beginning of the pandemic, AFA safety representatives have met regularly to discuss COVID-19 trends, prevention measures, policies, incidents, and regulatory changes. These safety professionals uniformly report that passenger non-compliance with the CDC mask order and associated airline policies continues to compromise onboard safety and security. And in tandem with the increase in passenger loads and the challenges with enforcing mask compliance, the daily number of new cases and deaths from COVID-19 are rising again. As of April 13, the national 7-day average number of new cases was more than 70,000 -- up 7% from just one week ago.<sup>7</sup> Clearly, strong TSA and FAA support for enforcement of mask-wearing requirements remains essential.

In mid-March 2021, FAA Administrator Dickson extended his agency’s Special Emphasis Enforcement Program for disruptive passengers (including non-compliance with mask requirements) beyond the original end date of March 30, 2021 because the “number of cases we’re seeing is still far too high, and it tells us urgent action continues to be required.”<sup>8</sup> AFA concurs with the FAA’s action, but is concerned that the agency has said it will only extend the program “as least as long as the implementing TSA Security Directive is in place.”<sup>9</sup>

Flight attendants and passengers need the leadership and support of the TSA to maintain and improve compliance with the CDC mask order. Your agency is uniquely qualified to lead this effort, in that your security-minded staff are present in commercial airports across the country and many flights are also protected by Federal Air Marshals. The spread of COVID-19 is a health issue, but non-compliance with mask rules can also be used to divert the attention and energy of flight attendants and thereby

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<sup>4</sup> Executive Office of the President. <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/21/executive-order-promoting-covid-19-safety-in-domestic-and-international-travel/>

<sup>5</sup> CDC. “Requirement for persons to wear masks while on conveyances and at transportation hubs.” Order under section 361 of the Public Health Service Act (42 USC 264) and 42 Code of Federal Regulations 70.2, 71.31(b), and 71.32(b). US Centers for Disease Control and Prevention, Department of Health and Human Services. January 29, 2021.

<sup>6</sup> TSA. “Security Measures -Face Mask Requirements.” Security Directive 1582/84-21-01. January 31, 2021.

<sup>7</sup> Johns Hopkins University of Medicine Coronavirus Resource Center. “Data in Motion: Tuesday April 13, 2021” <https://coronavirus.jhu.edu/>, April 13, 2021.

<sup>8</sup> FAA. “Press Release – FAA Statement from FAA Administrator Steve Dickson. The FAA is extending its zero-tolerance policy for unruly passengers.” March 16, 2021.

<sup>9</sup> Email from K. Howard, FAA Deputy Assistant Administrator, received March 15, 2021.

compromise flight security. Collaborative and complementary enforcement actions by the TSA and FAA are essential to establishing and maintaining a strong and clear expectation for behavior onboard. On behalf of our membership, we are asking that you extend the mask mandate through at least September 30, 2021, to ensure the continued safety and security of commercial aviation as the Covid-19 pandemic continues to threaten our lives and disrupt our economy.

Sincerely,

A handwritten signature in black ink, appearing to read "Sara Nelson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Sara Nelson  
International President

CC: Secretary Mayorkas, Department of Homeland Security  
Secretary Buttigieg, Department of Transportation  
Administrator Dickson, Federal Aviation Administration  
Secretary Xavier Becerra, Department of Health and Human Services  
Director Walensky, Centers for Disease Control and Prevention