

21 states sue Biden administration to end transportation mask mandate

The effort in mostly Republican-led states is the latest in a series of suits that have sought to abolish the mandate

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Twenty-one states filed suit Tuesday seeking an immediate end to a federal mandate that requires people to wear masks when traveling on airplanes, buses, subways and other modes of public transportation.

The effort in mostly Republican-led states is the latest effort seeking to abolish the mandate, put into place in February 2021, shortly after President Biden took office. The mandate was extended this month through April 18.

“Faced with a government that displays outright disdain for the limits on its power — especially when it comes to the COVID-19 pandemic — plaintiffs seek vacatur of that mask mandate and a permanent injunction against its enforcement,” [the suit states](#).

It names as plaintiffs the leaders of the Centers for Disease Control and Prevention, the Transportation Security Administration, the Department of Health and Human Services and the Department of Homeland Security.

The CDC in recent weeks has updated its guidance on masking, and states have largely dropped requirements for doing so in public settings. The mask requirement for transportation settings is one of the highest-profile federal pandemic-related mandates still in place.

A push to end the mandate has gained momentum in recent days, including from groups that had previously supported the requirement.

Last week, executives from 10 airlines, including American Airlines, United Airlines and Delta Air Lines, [sent a letter to Biden](#) urging him to end pandemic-related travel policies, including the mask mandate.

This month, the American Public Transportation Association also sent a letter to the White House encouraging the administration to reevaluate the mask policy.

The new 30-page suit filed in U.S. District Court in the Middle District of Florida calls the mandate “arbitrary and capricious,” blasting the Biden administration’s rationale for it as “paper thin.”

It argues that the requirement conflicts with the authority of states to enact their own rules and has forced states to expend resources to enforce it or face fines. The suit also argues that the CDC did not consider “lesser alternatives” in enacting the mandate.

“CDC should have considered which types of transportation are most likely to contribute to interstate spread,” the suit said. “Instead, the CDC treated buses transporting toddlers to day care and interstate flights as if they present the same risk of spreading COVID-19 across state lines.”

The TSA said in a statement Tuesday that the agency won’t comment on pending litigation. Officials with the CDC, HHS and Homeland Security didn’t respond to requests for comment.

In announcing the mask requirement through April 18, the Biden administration said the CDC would work with the TSA to determine what changes to the policy are warranted.

The 21 states that filed the suit are Alabama, Alaska, Arizona, Arkansas, Florida, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, Ohio, Oklahoma, South Carolina, Utah, Virginia and West Virginia.

Children younger than 2 and people with certain disabilities are exempt from the mask requirement.

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