



August 31, 2020

Secretary Elaine Chao  
U.S. Department of Transportation  
1200 New Jersey Avenue, SE  
Washington, DC 20590

Acting Secretary Chad Wolf  
U.S. Department of Homeland Security  
3801 Nebraska Avenue, NW  
Washington, DC 20395

Secretary Alex Azar  
U.S. Department of Health and Human Services  
200 Independence Avenue, SW  
Washington, DC 20201

Dear Secretary Chao, Acting Secretary Wolf, and Secretary Azar:

The National Disability Rights Network (NDRN) writes as a follow up to our August 5<sup>th</sup>, 2020 letter<sup>1</sup> in response to the jointly issued guidance “Runway to Recovery The United States Framework for Airlines and Airports to Mitigate the Public Health Risks of Coronavirus”. Since our initial letter, NDRN has been made aware of a particularly troubling situation in Alaska involving an individual with a disability who is not able to travel to an out-of-state medical appointment because of Alaska Airlines’ mask policy<sup>2</sup>. This situation was brought to our attention by the Disability Law Center (DLC) of Alaska which is Alaska’s Protection and Advocacy agency and has been brought to the attention of Alaska Airlines by DLC. As a result of this situation, we reiterate our strong support for federal mandates, particularly mask mandates, with exemptions for people with disabilities so that air carriers can better implement processes and procedures that ensure access for passengers with disabilities.

NDRN is the voluntary membership association for Protection and Advocacy (P&A) and Client Assistance Program (CAP) agencies. The P&A and CAP agencies are a nationwide network of congressionally mandated, cross disability organizations operating in every state in the United States, the District of Columbia, Puerto Rico, and the U.S. Territories (American Samoa, Guam, Northern Mariana Islands, and the US Virgin Islands). There is also a P&A and CAP affiliated with the Native American Consortium which includes the Hopi, Navajo, and San Juan Southern Paiute Nations located in the Four Corners region of the Southwest.

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<sup>1</sup> <https://www.ndrn.org/wp-content/uploads/2020/08/NDRN-Runway-to-Recovery-Response.pdf>

<sup>2</sup> Airlines, A. (2020, August 5). Frequently asked questions about face masks & social distancing. Retrieved from <https://blog.alaskaair.com/coronavirus/frequently-asked-questions-face-masks-social-distancing/>

The situation in Alaska involves an individual with a disability who received an organ transplant and requires a yearly flight to Seattle for follow up. Due to the individual's disability, he cannot wear a mask at all. The individual's mother spoke with Alaska Airlines about an accommodation about a week before Alaska Airlines instituted their new mask policy and after the policy change they were informed by the airline that an accommodation was no longer possible. Even after the individual's mother explained that her son cannot wear a mask because of his disability, Alaska Airlines refused to make an accommodation and stated that they would not be able to provide him travel. Alaska Airlines' refusal to provide an accommodation is gravely concerning given this individual's complex medical needs associated with his organ transplant along with the added stress of finding alternate travel. Alternate travel arrangements have become increasingly difficult to make during the COVID-19 pandemic. In this situation, travel by car from Alaska to Seattle would be particularly burdensome given the distance in addition to the fact that prolonged travel by car increases the risk of further exposure to the virus because of the need to stop for food, fuel, and restrooms. Without the appropriate medical attention required in Seattle, it is possible that this individual could become more susceptible to complications from his organ transplant.

This is an example of how the absence of a federal mask mandate and/or regulation, with exemptions for people with disabilities, negatively impacts people with disabilities. Every major U.S. airline has implemented a mask policy, and many of these policies disregard the needs of people with disabilities and run contrary to both the joint guidance issued by your Departments and the Air Carrier Access Act. As we have previously outlined, the federal government must take a more proactive role and offer real solutions for both airlines and people with disabilities who need to travel for medical purposes among other reasons by issuing a federal mask mandate.

Again, we urge you to take immediate action and implement a federal mask mandate with exemptions for people with disabilities in order to preserve access to air travel for all who need it. Please do not hesitate to contact Cyrus Huncharek (cyrus.huncharek@ndrn.org) with any questions.

Sincerely,



Curtis L. Decker  
Executive Director