

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

LUCAS WALL,

Plaintiff,

v.

**CENTERS FOR DISEASE
CONTROL & PREVENTION *et al.*,**

Defendants.

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Case No. 6:21-cv-975-PGB-DCI

District Judge Paul Byron

Magistrate Judge Daniel Irick

**PLAINTIFF'S NOTICE OF SUPPLEMENTAL AUTHORITY
RE [230] MOTION FOR SJ: 4 MAJOR TRAVEL & BUSINESS
GROUPS AGAIN DEMAND TERMINATION OF FTMM & ITTR**

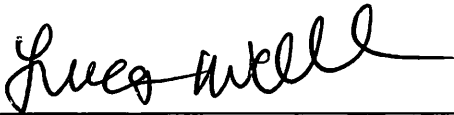
COMES NOW plaintiff, *pro se*, pursuant to Local Rule 3.01(i), and asks the Court to please TAKE NOTICE of supplemental authority supporting my Motion for Summary Judgment Against Defendants CDC & HHS on Counts 1-12 of the Amended Complaint. Doc. 230.

1. Citation: Letter from 4 Major Travel & Business Groups to The White House (April 8, 2022)
2. Specification by Page of the Issue or Argument in the Earlier Paper that the Authority Supplements: Doc. 230 at 14-21 (The FTMM is arbitrary, capricious, and an abuse of discretion); *Id.* at 33-35 (The ITTR is arbitrary, capricious, and an abuse of discretion).
3. "[C]urrent public health trends require an updated approach for how health

measures should be applied to the travel industry. ... the high level of safety on-board a plane due to effective ventilation and HEPA air filters, all support the cessation of pre-departure testing and mask requirements for air travel.”

4. “Pre-departure testing is no longer an effective measure in protecting the United States from COVID-19. Today, the U.S. has a high level of immunity from vaccines, boosters, and infections. The BA.2 variant is currently the dominant strain of COVID-19 in the U.S. and public health data suggest this variant is less severe. While providing little health benefit, this requirement discourages travel by imposing an additional cost and the fear of being stranded overseas.”
5. “[S]ince the federal government does not require negative tests for entry at our land-border ports of entry with Canada and Mexico, it no longer makes sense to keep a pre-departure COVID-19 testing requirement in place for inbound international air travelers to the U.S. The science clearly supports lifting the mask mandate...”
6. “While the public health benefits of these policies have greatly diminished, the economic costs associated with maintaining these measures are significant. ... Today, these measures are imposing significant costs on the traveling public, airline employees, and the American travel and tourism industries. We urge the federal government to eliminate these mandates, which will help America reach its full economic potential by helping industries hit hard by the pandemic to fully recover.”

Respectfully submitted this 22nd day of April 2022.



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CERTIFICATE OF SERVICE

I hereby certify that on April 22, I e-mailed this notice to defense counsel:

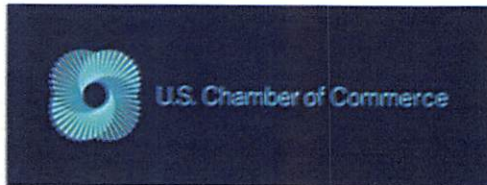
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Lucas Wall, plaintiff



April 8, 2022

Dr. Ashish Jha
Coronavirus Response Coordinator
The White House
Washington, DC 20500

Dear Dr. Jha:

The travel industry has strongly supported federal policies necessary to combat COVID-19 and keep travel moving safely, including a vaccine requirement to restart international travel as well as pre-departure testing for entry into the United States and the federal mask mandate.

However, current public health trends require an updated approach for how health measures should be applied to the travel industry. Hospitalizations and deaths have been falling since mid-January and new cases are stable. These facts, along with the immunity provided by vaccinations, boosters, and prior infections, as well as effective treatments and the high level of safety on-board a plane due to effective ventilation and HEPA air filters, all support the cessation of pre-departure testing and mask requirements for air travel.

Pre-departure testing is no longer an effective measure in protecting the United States from COVID-19. Today, the U.S. has a high level of immunity from vaccines, boosters and infections. The BA.2 variant is currently the dominant strain of COVID-19 in the U.S. and public health data suggest this variant is less severe. While providing little health benefit, this requirement discourages travel by imposing an additional cost and the fear of being stranded overseas. For these reasons, many foreign governments, including those of Canada, the United Kingdom, and the European Commission, have eliminated this requirement for international air travel. Furthermore, since the federal government does not require negative tests for entry at our land-

Dr. Ashish Jha
April 8, 2022
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border ports of entry with Canada and Mexico, it no longer makes sense to keep a pre-departure COVID-19 testing requirement in place for inbound international air travelers to the U.S.

The science clearly supports lifting the mask mandate, particularly in the context of recent CDC guidance, which found that the overwhelming majority of the U.S. population no longer needs to wear masks indoors. Numerous studies and public health experts have demonstrated that planes are among the safest of indoor environments due to the superior ventilation and hospital grade air filters on commercial aircraft. Another critical factor is the widespread availability of effective masks that can be worn by anyone who wishes to do so. Finally, the burden of enforcing these requirements has fallen on airline employees for the past two years, oftentimes creating challenging situations with frustrated passengers.

While the public health benefits of these policies have greatly diminished, the economic costs associated with maintaining these measures are significant. In 2019, the World Travel and Tourism Council found that total international travel spending in the U.S. was \$195.1 billion, accounting for 16% of U.S. tourism sector spending. However, today, the most recent data on international travel from the U.S. Travel Association shows that spending on international travel is still down a staggering 60%, compared to 2019 levels.

Simply put, the pre-departure testing requirement and the mask mandate no longer provide the public health benefits they once did. Today, these measures are imposing significant costs on the traveling public, airline employees, and the American travel and tourism industries. We urge the federal government to eliminate these mandates, which will help America reach its full economic potential by helping industries hit hard by the pandemic to fully recover.

Sincerely,

*Airlines for America
American Hotel and Lodging Association
U.S. Chamber of Commerce
U.S. Travel Association*