

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-3202**

February 8, 2022

The Honorable Kathy Hochul  
Governor of New York State  
NYS State Capitol Building  
Albany, NY 12224

Dear Governor Hochul:

In light of the announcements made by the Governors of New Jersey, Connecticut, and Delaware, we write today to urge you to immediately rescind the onerous and unconstitutional mask mandate in New York State's schools.<sup>1</sup> We have heard from countless families throughout our districts, expressing their concerns with the mandate, and how it has negatively impacted their child's experience in the classroom. The time is now to put an end to this unlawful mandate and to allow our children to get back to being just that, children.

As you are aware, last month, you extended an emergency regulation that requires all public and private schools in New York State to continue forcing their staff, faculty, and students to wear masks whenever an individual is inside a school building.<sup>2</sup> To make matters worse, your reaction to our tristate neighbor's announcements was concerning to say the least, stating that it was "premature" to say whether you'd follow their lead in lifting New York's mask mandate.<sup>3</sup> And now, we are hearing that the school mask mandate is expected to be renewed, according to Department of Health personnel.<sup>4</sup>

The concept that children must continue to wear face coverings while attending school ignores and rejects available scientific data on the issue. Countless studies have shown that children experience lower infection and transmission rates than adults. According to a recent study by PLOS Computational Biology, kids are half as susceptible to COVID-19 compared to adults and that people under the age of 20 are less likely to transmit the virus.<sup>5</sup> This notion is further supported by a Clinical Infectious Disease study, which showed that children are unlikely to be the source of COVID-19 household outbreaks and are less likely to be infected with COVID-19 by another household member.<sup>6</sup>

If sound scientific data illustrating low transmission rates by children is not enough, it has been ruled that the state Department of Health does not have the legal authority to implement a school mask mandate. On January 24, State Supreme Court Judge Thomas Rademaker issued a ruling that your Administration's school mask mandate is unconstitutional,<sup>7</sup> reaffirming that your authoritarian mandate is not only abusive in nature but also a gross overreach of power.

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<sup>1</sup> <https://www.cnn.com/2022/02/07/us/new-jersey-governor-murphy-schools-mask-mandate/index.html>

<sup>2</sup> <https://nypost.com/2022/01/28/gov-kathy-hochul-extends-nys-mask-or-vaccine-mandate-through-feb-10/>

<sup>3</sup> <https://nypost.com/2022/02/07/adams-hochul-pressed-to-lift-school-mask-mandates-following-nj-decision/>

<sup>4</sup> <https://nypost.com/2022/02/07/hochul-likely-to-renew-mask-mandate-for-schools-past-feb-21/>

<sup>5</sup> <https://journals.plos.org/ploscompbiol/article?id=10.1371/journal.pcbi.1008559>

<sup>6</sup> <https://academic.oup.com/cid/advance-article/doi/10.1093/cid/ciaa1825/6024998>

<sup>7</sup> <https://nystateofpolitics.com/state-of-politics/new-york/news/2022/01/25/state-judge-overturns-ny-mask-mandate>

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After years of abiding by public health safety guidelines, children are itching to be able to return to some semblance of normalcy. Knowing that the risk of transmission among children is extremely low, it is counter-intuitive to keep this ill-conceived mandate that does little to improve the wellness and safety of our state's children. For these reasons, we urge you to end these punitive measures for once and for all.

We appreciate your attention to this matter and welcome a quick resolution to this issue. We look forward to receiving any response you can offer.

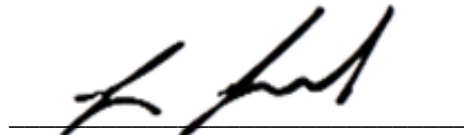
Sincerely,



Andrew R. Garbarino  
Member of Congress



Elise M. Stefanik  
Member of Congress



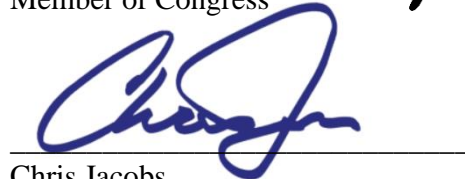
Lee Zeldin  
Member of Congress



Claudia Tenney  
Member of Congress



Tom Reed  
Member of Congress



Chris Jacobs  
Member of Congress



John Katko  
Member of Congress



Nicole Malliotakis  
Member of Congress