



April 30, 2021

Paul Hudson, President, FlyersRights.org
Andrew Appelbaum, Counsel, FlyersRights.org

Hon. Pete Buttigieg
Secretary of Transportation
U.S. Department of Transportation
1200 New Jersey Ave SE
Washington, DC 20590

Hon. Steve Dickson
Administrator
Federal Aviation Administration
800 Independence Ave SW
Washington, DC 20591

Covid-19 Mitigation Measures in Response to B1.617 and Other Variants

Dear Secretary Pete Buttigieg and Administrator Steve Dickson,

In light of the growing Covid-19 crisis in India and elsewhere, and the uncertain effectiveness of vaccines against Covid variants, FlyersRights.org is renewing its January 29, 2021 call for social distancing on planes and at airports, temperature checking, rapid testing, and waiver of change fees.¹

With an estimated 1.395 billion citizens, India represents over 16% of the world's population.² India has reported over 300,000 new cases per day and over 3,000 deaths per day in the past week.³ Experts believe that these numbers underestimate the true number of deaths and

¹ <https://flyersrights.org/mask-rule/policy-memorandum-on-covid-19-mitigation-measures/>

² <https://www.downtoearth.org.in/news/governance/india-s-population-1-37-billion-and-not-counting-69013#:~:text=At%20present%2C%20India%20hosts%2016.cent%20of%20the%20water%20resources.>

³ <https://www.reuters.com/world/india/indias-total-deaths-covid-19-passes-200000-mark-2021-04-28/>

new cases by a factor of up to 20 or 30.⁴ The B1.617 variant has displayed a higher growth rate than other variants in India, suggesting that it is more transmissible.⁵ Preliminary laboratory evidence also shows that the B1.617 strain is more transmissible.⁶ But in addition to the B1.617 variant, the B.1.1.7 and the P.1 strains, first detected in the United Kingdom and Brazil respectively, have also been found in India.⁷

While scientists have not concluded which factors are causing the outbreak in India and how effective the vaccines are against the B1.617 strain, scientists have sufficient data to suggest that this variant poses a substantial risk of transmission to the United States and throughout the world. Dr. Sujay Shad, a senior cardiac surgeon at Sir Ganga Ram Hospital, observed, “The current wave of Covid has a different clinical behavior. It’s affecting young adults. It’s affecting families. It’s a new thing altogether. Two-month-old babies are getting infected.”⁸ The U.S. government needs to act to slow its transmission, as well as the transmission of other variants, in air travel.

Air travel remains the biggest vector for transmission of Covid-19. The CDC still recommends against non-essential air travel for those who are not fully vaccinated.⁹ While nearly a third of the U.S. population is vaccinated,¹⁰ and one half has received one dose,¹¹ it is unclear how much protection the vaccinations will offer against the B1.617 variants and other variants.¹² Until scientists can conclude that the vaccines are effective against the variants, and until more of the population becomes vaccinated, it would be prudent to implement a series of Covid-19 mitigation strategies. Additionally, the CDC still recommends that vaccinated passengers stay at least 6 feet away from other people to protect those who are unvaccinated and that unvaccinated people obtain a negative test 1-3 days before travel and get tested again 3-5 days after travel.¹³

Social Distancing

Social distancing is still not being enforced on planes or at airports, especially in the gate area. Dr. Arnold Barnett at the Massachusetts Institute of Technology found that the risk of

⁴ <https://www.cnn.com/2021/04/27/india/india-covid-underreporting-intl-hnk-dst/index.html>

⁵ <https://www.reuters.com/world/india/indias-total-deaths-covid-19-passes-200000-mark-2021-04-28/>

⁶ [https://www.cell.com/cell/fulltext/S0092-8674\(21\)00505-5](https://www.cell.com/cell/fulltext/S0092-8674(21)00505-5)

⁷ <https://www.npr.org/sections/goatsandsoda/2021/04/24/988744811/people-are-talking-about-a-double-mutant-variant-in-india-what-does-that-mean>

⁸ <https://www.nytimes.com/2021/04/28/world/asia/india-covid19-variant.html>

⁹ <https://www.cdc.gov/coronavirus/2019-ncov/travelers/travel-during-covid19.html>

¹⁰ <https://www.nytimes.com/live/2021/03/27/world/covid-vaccine-coronavirus-cases>

¹¹ <https://www.npr.org/2021/04/18/988574518/more-than-half-of-u-s-adults-have-gotten-at-least-one-covid-19-vaccine-dose>

¹² <https://www.bbc.com/news/uk-55967767>; [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(21\)00183-5/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(21)00183-5/fulltext); <https://www.biorxiv.org/content/10.1101/2021.01.27.427998v1.full.pdf>

¹³ <https://www.cdc.gov/coronavirus/2019-ncov/travelers/travel-during-covid19.html>

Covid-19 transmission among masked passengers during a two-hour flight increases by a factor of 1.8 when the middle seat is occupied.¹⁴ For longer flights, the risk is “simply additive.”¹⁵

Former CDC Director Dr. Robert Redfield strongly criticized American Airlines’ decision to fill middle seats in July 2020.¹⁶ Dr. Anthony Fauci called the lack of social distancing “worrisome.”¹⁷ Delta Air Lines, the only airline to have a no-middle-seat-policy into 2021, is ending its policy on May 1, 2021.¹⁸

In March 2021, FlyersRights.org published a Social Distancing stimulus plan that would limit capacity on planes to 50% to 65%. The plan would increase the safety on those planes by guaranteeing a minimum standard of social distancing, while encouraging more people to fly in safer environments and reducing the need for three federal bailouts of the airlines. Under this plan, the federal government would purchase 15% to 30% of tickets, and keep the seats empty, to get the effective load factor up to a profitable 80%. In return, the federal government would get a smaller percentage of tickets to use for its employees after the pandemic when the airlines are more profitable.

As passengers must occasionally eat or drink while on the plane, the risk of Covid transmission will not disappear, making it more important that social distancing be enforced on planes.

Temperature Checking

In January 2021, FlyersRights.org also called on President Biden, the DOT, and the FAA to implement temperature checks. This low-cost protective measure would prevent some symptomatic passengers from travelling and would encourage sick passengers to avoid travel. Temperature checking must be implemented either as a supplement or alternative to rapid Covid testing.

Covid-19 Testing

FlyersRights.org also called on the federal government to explore subsidizing rapid Covid-19 testing at airports as a way to make air travel safer and to encourage passengers to safely return to air travel. Rapid tests were readily available in January, and remain so. If the

¹⁴ <https://www.medrxiv.org/content/10.1101/2020.07.02.20143826v3>

¹⁵ <https://www.reuters.com/article/health-coronavirus-airlines-risks/bad-math-airlines-covid-safety-analysis-challenged-by-expert-idUSKBN27411O>

¹⁶ <https://www.usatoday.com/story/travel/airline-news/2020/06/30/cdc-chief-redfield-fauci-criticizes-american-airlines-selling-all-seats-during-pandemic/5349380002/>

¹⁷ Id.

¹⁸ <https://www.cnn.com/2021/03/31/business/delta-middle-seats/index.html>

deaths in the U.S. increase again or fail to drop, the federal government must implement this measure. The federal government must make preparations to quickly implement a testing regime if new data requires additional mitigation measures.

Airline Change Fees

Airlines, the recipients of three federal bailouts, need to play their part in this pandemic. In addition to limiting capacity to maintain adequate social distancing, airlines must provide refunds to passengers who cancelled their flights in 2020 in accordance with federal government and CDC guidance, out of fear of contracting Covid-19, or because they were ill. Airlines must also allow all passengers to make changes without incurring change fees throughout the remainder of the pandemic. Currently, most airlines do not waive change fees for their lowest classes of service. Most airline change fee waiver policies are also set to expire in the coming months, prior to the end of the Covid-19 pandemic. The airlines also do not waive fare differentials. If a passenger wants to reschedule a flight by a week or two weeks to ensure they fly while they are no longer ill, the passenger will likely have to pay a substantial fare differential (in addition to a change fee if applicable) because last minute tickets are generally more expensive. **In the name of passenger health and air travel safety, the DOT must classify the charging of change fees during the Covid-19 pandemic an unfair and deceptive practice.**

Flights from India

With India accounting for nearly half of new cases worldwide, the U.S. must adopt measures to help prevent the global spread of Covid-19. The U.S. government must require rapid tests for passengers on incoming flights who have been in India in the prior two weeks. The United Kingdom, Singapore, Hong Kong, Italy, Germany, and Indonesia have banned non-citizens or non-residents from entering from India.¹⁹

The federal government must also develop a contingency plan to halt all travel from India into the United States if the trends continue and the B.1.617 variant proves more contagious, deadly, and vaccine-resistant than other variants.

About FlyersRights.org

FlyersRights.org has been a leading consumer organization in air travel health and safety and Covid-19 mitigation efforts. I am a longtime safety and consumer advocate and have served on the FAA Aviation Rulemaking Advisory Committee since 1993. FlyersRights.org filed a rulemaking petition in August 2020 to mandate mask wearing on airplanes and at airports.

¹⁹ <https://fortune.com/2021/04/28/india-travel-ban-flight-ban-covid-variant-cases-global-resurgence/>

We stand by ready to assist and brief you or your staff.

Sincerely,

Paul Hudson
President, FlyersRights.org
Member, FAA Aviation Rulemaking Advisory Committee (1993-present)
4411 Bee Ridge Rd #274
Sarasota, FL 34233
paul@flyersrights.org
800-662-1859 ext. 0

Andrew Appelbaum
Counsel
andrew@flyersrights.org
800-662-1859 ext. 1