

August 2, 2024

Nassau County Legislature
Theodore Roosevelt Executive and Legislative Building
1550 Franklin Ave
Mineola, NY 11501
Via email: LegPublicComment@nassaucountyny.gov

Dear Nassau County Legislature,

The Disability Rights Education and Defense Fund ("DREDF"), founded in 1979, is a leading national civil rights law and policy center directed by individuals with disabilities and parents who have children with disabilities. Our mission is to advance the civil and human rights of people with disabilities through legal advocacy, training, education, and public policy and legislative development.

We are writing in opposition to the "Mask Transparency Act," Proposed Local Law No. -2024 (142-24), scheduled for hearing on August 5, 2024. This bill will increase anti-mask harassment and discrimination against disabled people, lead to more infections, and promote profiling by law enforcement.

Mask bans make it difficult, and in some cases impossible, for disabled people and their allies to access public spaces without fear and harassment. They put disabled people and their family members at greater risk of contracting COVID-19 and other infectious diseases. Exemptions to mask bans for "health and safety reasons," as are included in the Mask Transparency Act, are ineffective, and impossible to enforce without reinforcing biases¹ and subjecting people to policing, surveillance, and demands to remove masks.²

¹ Vilissa Thompson, "Understanding the Policing of Black, Disabled Bodies," Center for American Progress (February 10, 2021),

<https://www.americanprogress.org/article/understanding-policing-black-disabled-bodies/>

² Fenit Nirappil, "Masks are going from mandated to criminalized in some states," Washington Post (June 24, 2024), <https://www.washingtonpost.com/health/2024/06/24/mask-ban-north-carolina-new-york/>.

Mask bans are also bad public policy. COVID-19 is currently surging across the United States.³ Disabled people are at higher risk of adverse outcomes from COVID-19 and other infectious diseases. Severe COVID-19 infections disproportionately impact Black, Indigenous, and People of Color (BIPOC), older adults, higher-weight people, pregnant people, and unhoused people.⁴ COVID-19 is also disabling, causing Long Covid and other ongoing impairments.⁵ The removal of COVID-19 protections simply creates more barriers for disabled and high-risk individuals to participate safely and equally in community life.⁶

Mask bans have become the go-to strategy for municipalities seeking to quell public protests, and we assume that is part of the basis for the proposed ban in Nassau County. However, adopting a ban for such a reason runs afoul of the right of all people, including people with disabilities, to engage in constitutionally protected anonymous speech. Protesters have the right to wear a mask to protect themselves from COVID-19 or public exposure such as doxxing.⁷ People attending protests should not be forced to risk contracting COVID-19 without a mask or face criminal penalties or police interactions for masking. Police interactions can be deadly, particularly for people who are BIPOC, disabled, or both.⁸

For these and other reasons, DREDF opposes the Mask Transparency Act. No one should be required to disclose the circumstances that require them to seek mask protection. People mask year-round for pollution, allergies, wildfires, flu, COVID and other contagious diseases, intolerance to chemicals or fragrances and other disabling conditions. People also mask to protect high-risk family members and friends. Police are not medical professionals and cannot judge what medical

³ Alexander Tin, “Map shows states where COVID levels are “high” or “very high” as summer wave spreads,” CBS News (July 12, 2024), <https://www.cbsnews.com/news/map-covid-levels-states-summer-2024/>.

⁴ U.S. Centers for Disease Control and Prevention, “People with Certain Medical Conditions and COVID-19 Risk Factors,” CDC (June 24, 2024), <https://www.cdc.gov/covid/risk-factors/>.

⁵ U.S. Centers for Disease Control and Prevention, “Clinical Overview of Long COVID,” CDC (July 12, 2024), <https://www.cdc.gov/covid/hcp/clinical-overview/index.html>.

⁶ Shruti Rajkumar, “Many try to return to normal from COVID, but disabled people face a different reality,” NPR (July 14, 2022), <https://www.npr.org/2022/07/14/1109874420/covid-safety-disabled-people-immunocompromised>.

⁷ Nicholas Fandos, “In an Online World, a New Generation of Protesters Chooses Anonymity,” New York Times, (May 2, 2024), <https://www.nytimes.com/2024/05/02/nyregion/college-campus-protests-anonymity.html>.

⁸ Abigail Abrams, “Black, Disabled and at Risk: The Overlooked Problem of Police Violence Against Americans with Disabilities,” Time (June 25, 2020), <https://time.com/5857438/police-violence-black-disabled/>.

conditions make a person high risk. We must not allow law enforcement to decide who can wear a mask in public spaces. Additionally, we cannot embolden businesses to deny service to anyone in a mask. Banning masks will increase discrimination against disabled people.

We need state and local governments like Nassau County to normalize masking, instead of taking away our last bit of protection for our survival. Rather than enacting mask bans, we implore you to support providing New Yorkers with free masks, tests, vaccines and early treatments for COVID-19 and other infectious and airborne diseases. Please adopt policies to help people isolate when sick and invest in clean indoor air to reduce infection risk, instead of banning a life-saving sickness prevention tool.

Sincerely,



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