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Montgomery County Council  
**By Email / Website**

Dear Council Members:

I was invited to speak before your January 25 hearing on the question of extending the county's Covid-19 indoor mask mandate. Below is an annotated summary of the remarks I intend to give. The annotations contain references to the published sources from which I obtained the facts that I reference in my presentation. It would be cumbersome and unwieldy to provide these references orally, which is why I've presented them in this manner.

Yours sincerely,

Noam B. Katz, Esq.

**Annotated Remarks:**

Ladies and gentlemen, my name is Noam Katz, and I am an attorney and homeowner here in Montgomery County.

I am speaking on the question of whether to extend the Covid-19 mask mandates which expire soon. Spoiler alert: We should not. Let me explain why.

The science has changed. Experts, including Dr. Leana Wen and the CDC, have recently issued public guidance recognizing that current mask-wearing practices – often with reusable or cloth masks – are largely ineffective against the Omicron variant. Now, only stricter masking practices – such as using close fitting N95 masks – can be relied upon to provide meaningful protection.

[SOURCE: <https://baltimore.cbslocal.com/2022/01/20/the-cdc-updated-its-mask-guidelines-what-to-know-about-the-highest-level-of-protection/>]

This puts us at a three-way crossroads:

1. As proposed, we can extend the same mask mandate. But this time, instead of following the science, we'd be knowingly contradicting the latest settled science on this subject, because so much of

what is permitted under the current rules we now know does not work. And once unmoored from science, what then becomes our guide?

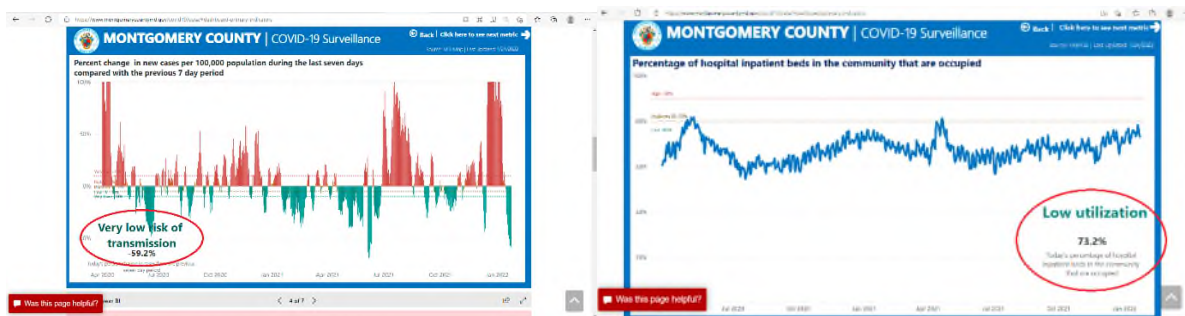
2. We could upgrade the rules to mandate the best practices identified by Dr. Wen and the CDC. The county has not even proposed this, and for good reason: It is folly to attempt to legislate the impossible. There simply aren't enough N95-like masks in the national stockpile for everyone to wear one constantly and replace it as frequently as required – if we tried that, we'd run out of high-grade masks promptly.

[SOURCE: National stockpile consists of 737 million N95 masks: <https://www.cbsnews.com/news/n95-masks-400-million-free-biden-administration-strategic-stockpile/>. U.S. population is about 322 million. Source: <https://www.census.gov/popclock/>. Long division shows that this provides for a little more than two masks per person. Most masks, including N95-type and surgical masks, are officially single-use-only items: <https://www.fda.gov/medical-devices/personal-protective-equipment-infection-control/n95-respirators-surgical-masks-face-masks-and-barrier-face-coverings>. This suggests the nation would run out of high-grade masks in less than a week if the guidelines were universally followed.]

Setting aside supply, I have also seen that many folks in this county don't wear their current masks tightly fitted without gaps. It is folly to assume that the uncomfortable or uncaring will fix such errors even if they upgraded to N95s. Attempting to double-down on the stringency of mask mandates – while having some scientific self-consistency – is fruitless as public policy.

3. Which leaves the third, and correct, option: Allow the mask mandate to lapse. Case counts and positivity rates are now in free fall. Hospital utilization rates are officially "low."

[SOURCE: <https://www.montgomerycountymd.gov/covid19/data/#dashboard-primary-indicators> A few illustrative screenshots are below:]



[SCREENSHOTS TAKEN 1/24/2022]

Residents still concerned about Covid will have every opportunity to wear their own highly self-protective N95 masks. Those folks will enjoy an easier supply, because such masks won't be wasted on people who don't use them right. This is also the right approach on vaccine mandates: People who need protection can (and have) obtained it for themselves; shops and bars shouldn't be the unpaid vax and mask police.

"Two weeks to slow the spread" has become two years of living in now-needless fear. It is time to reclaim our lives. I welcome any questions from the council.