

August 3, 2021

The Honorable Xavier Becerra  
Secretary  
U.S. Department of Health and  
Human Services  
200 Independence Ave, SW  
Washington, DC 20201

The Honorable James Frederick  
Acting Assistant Secretary  
U.S. Occupational Safety and  
Health Administration  
200 Constitution Ave, NW  
Washington, DC 20210

Dr. Rochelle P. Walensky  
Director  
Centers for Disease Control and  
Prevention  
1600 Clifton Rd, NE  
Atlanta, GA 30333

Dear Secretary Becerra, Acting Assistant Secretary Frederick, and Director Walensky:

With the emergence of the delta variant and revised guidance on masks from the Centers for Disease Control (CDC), our associations representing retail businesses ask you to prioritize the safety of our employees and clarify that businesses should not be the enforcers of mask wearing.

Employees of retail businesses have served on the front lines of the COVID-19 crisis. These valued team members have worked tirelessly since the beginning of the pandemic to sell food, fuel and other necessities to Americans relying on these services. Rising to the challenges of working during the pandemic, retail employees have implemented enhanced cleaning measures and safety precautions with the goal of preventing the spread of COVID-19. One of those measures was complying with state and local mask mandates.

During the past year and a half, however, some local ordinances put the onus of mask enforcement on retail businesses. These requirements put employees in perilous situations as mask-wearing became a heated and politicized issue. Many of these confrontations became physical, and tragically, in some cases deadly. In June, a grocery cashier in Georgia was fatally shot after a confrontation with a customer involving a mask.<sup>1</sup> In May 2020, a security guard at a dollar store in Michigan was killed after denying entry to a woman not wearing a mask.<sup>2</sup> According to Forbes, “A review of news articles and law enforcement reports shows at least seven others have been killed following disputes over masks, predominantly inside different stores.”<sup>3</sup>

These instances are tragic. Preserving the safety and well-being of retail employees is imperative. In fact, retail employees typically are trained not to confront shoplifters. This is to help avoid dangerous confrontations. The cost of lost goods is not worth the potential danger of initiating those confrontations. The same is true for mask enforcement. Store employees are not prepared to enforce health restrictions. Requiring them to do so presents the potential for confrontations fueled by anger that can turn violent quickly. That is not worth the risk.

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<sup>1</sup> “GBI Investigates Officer Involved Shooting in DeKalb County.” *Georgia Bureau of Investigation*, 14 June 2021, [gbi.georgia.gov/press-releases/2021-06-14/gbi-investigates-officer-involved-shooting-dekalb-county](https://gbi.georgia.gov/press-releases/2021-06-14/gbi-investigates-officer-involved-shooting-dekalb-county).

<sup>2</sup> Mele, Christopher. “2 Fugitives Arrested in Fatal Dispute Over Mask at Family Dollar Store.” *The New York Times*, The New York Times, 9 May 2020, [www.nytimes.com/2020/05/08/us/coronavirus-masks-dollar-store-shooting-flint-michigan.html](https://www.nytimes.com/2020/05/08/us/coronavirus-masks-dollar-store-shooting-flint-michigan.html).

<sup>3</sup> McEvoy, Jemima. “Killing Of Georgia Cashier Is Latest In A String Of Fatal Shootings Over Mask-Wearing—Here Are The Rest.” *Forbes*, 15 June 2021, [www.forbes.com/sites/jemimamcevoy/2021/06/15/killing-of-georgia-cashier-is-latest-in-a-string-of-fatal-shootings-over-mask-wearing-here-are-the-rest/?sh=3c64604764eb](https://www.forbes.com/sites/jemimamcevoy/2021/06/15/killing-of-georgia-cashier-is-latest-in-a-string-of-fatal-shootings-over-mask-wearing-here-are-the-rest/?sh=3c64604764eb).

While state and local governments pass and enforce their own policies, we urge you to lead on this worker safety issue by publicly stating that in jurisdictions that decide to require masks, the burden of enforcement should not be placed on businesses and their employees.

Sincerely,

Asian American Hotel Owners Association (AAHOA)

Energy Marketers of America

FMI, The Food Industry Association

International Franchise Association

National Association of Convenience Stores (NACS)

National Association of Truckstop Operators (NATSO)

National Grocers Association

National Retail Federation

Society of Independent Gasoline Marketers of America