



NOTICE FOR EMPLOYERS, UNIVERSITIES AND OTHER INSTITUTIONS
MANDATING COVID-19 MASKS

Revised 7/14/21

This serves as notice that the mandate for any individual to wear a mask against COVID-19 as a condition of employment or attendance at a university or other institution violates federal law. All COVID-19 masks, whether surgical, N95 or other respirators, are authorized under an Emergency Use Authorization (EUA) only. They are not approved or licensed by the federal government.

Title 21 U.S.C. § 360bbb-3(e)(1)(A)(ii)(I-III) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) states:

individuals to whom the product is administered are informed --

- (I) that the Secretary has authorized the emergency use of the product;
- (II) of the significant known and potential benefits and risks of such use, and of the extent to which such benefits and risks are unknown; and
- (III) of the option to accept or refuse administration of the product, of the consequences, if any, of refusing administration of the product, and of the alternatives to the product that are available and of their benefits and risks.

In a letter dated April 24, 2020, the Food and Drug Administration stated that authorized face masks must be labeled accurately and may not be labeled in a way that misrepresents the product's intended use as "source control to help prevent the spread of SARS-CoV-2." The letter specifies that the labeling "may not state or imply that the product is intended for antimicrobial or antiviral protection or related uses or is for use such as infection prevention or reduction."

EUA products are by definition experimental and thus require the right to refuse. Under the Nuremberg Code, the foundation of ethical medicine, no one may be coerced to participate in a medical experiment. Consent of the individual is "absolutely essential." A federal court held that even the U.S. military could not mandate EUA vaccines to soldiers (*Doe #1 v. Rumsfeld*, 2003, 297 F.Supp.2d 119). Any EUA mandate requiring individuals to wear face masks conflicts with Section 360bbb-3(e)(1)(A)(ii)(I-III), which provides that the person must be informed of the option to refuse to wear the device.

Liability for forced participation in a medical experiment, including possible injury, may be incalculable. Children's Health Defense urges U.S. employers, universities and other institutions to respect and uphold the rights of individuals to refuse to wear EUA masks.

This notice is adapted from materials at Health Freedom Defense Fund, <https://healthfreedomdefense.org/>

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