

PHILIP B. SCOTT
GOVERNOR



State of Vermont
OFFICE OF THE GOVERNOR

November 15, 2021

The Honorable Becca Balint, Senate President Pro Tempore
The Honorable Jill Krowinski, Speaker of the House
115 State Street
Montpelier, VT 05633

Dear President Pro Tempore Balint and Speaker Krowinski:

Thank you for finding time to meet this afternoon.

As you know, I believe the Executive's emergency authority should be used judiciously. These powers must be reserved for significant emergencies. As a democratic constitutional republic, our constitution clearly intends to balance the power of government, so no one branch, official, or group of officials, is in a position of absolute power. Abuse of emergency powers – or lowering expectations of when and how they might be used – is a dangerous and slippery slope we must not allow and should never be politicized.

There is no doubt that COVID-19 continues to be a persistent challenge. We will be dealing with periodic surges and clusters as we navigate the path from pandemic to endemic. As Dr. Levine has noted, eventually it will become just another virus like seasonal flu or the common cold. But we must continue to do our part as individuals and community members to move forward on this path by getting vaccinated, receiving boosters, and protecting the elderly Vermonters who are most at risk.

As you know, because of vaccine effectiveness, boosters and advancing treatments, case fatality and case hospitalization rates are declining. In fact, even in this period of high case counts, over the last 30 days rates in the over 65 age bands (those most at risk of hospitalization) have declined by 2.5 percent. In addition, with nearly two years of experience, knowledge of the virus and its risks have increased substantially. Thankfully, while it is a challenge, and we must remain vigilant and encourage the unvaccinated to do their part, it no longer rises to the level of an emergency that would justify use of emergency powers.

As President Biden has frequently noted, this is now a pandemic of the unvaccinated. And I believe confrontations over mandates, and the partisan politicization of these issues, ultimately delay the decisions we need these individuals to reach. As such, I do not believe a mask mandate will have the impact you hope at this time. Based on our earlier experience with a mandate, we are unlikely to see compliance among the unvaccinated adults we need to mask, and in the places where we need more people to mask – like in social gatherings where food and alcohol is involved.

To put it more bluntly, the people, businesses and communities who comply with guidance – or who welcome mandates – are not where we need the greatest change; politicized conflict only makes it more difficult to persuade those who we need to reach. However, during this period of elevated cases I will continue to strongly encourage these Vermonters to wear masks indoors when around others from outside their household, get vaccinated and make good choices on a day-to-day basis.

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In light of your recent press releases, it's obvious we have differences of opinion regarding how best to move forward from pandemic to endemic and use of gubernatorial emergency powers.

For these reasons, I propose a special session of the General Assembly for the single purpose of expressly granting each individual municipality the narrowly crafted, and time-limited, authority to mandate the use of facial coverings indoors within their jurisdictions.

Specifically, I'm willing to support legislation that is clearly and narrowly crafted to do the following:

First, the legislation must be limited to facial covering requirements indoors within a municipality's jurisdiction (except schools, which shall remain governed by the policies set forth by the local school board) for the specific, and exclusive, purpose of addressing COVID-19.

Second, the legislation must allow each municipality to enact, by action of the municipality's governing body, a mask mandate beginning Monday, November 29, 2021, or upon passage, whichever is earlier.

Third, the legislation and authority to impose a local mask mandate shall sunset on April 30, 2022.

Fourth, the statute passed in special session must require the governing body of the municipality to reevaluate and vote to extend or rescind the policy on a month-to-month basis.

I offer this as a compromise – not because I believe mandates are the right approach under current circumstances. Therefore, I want to be very clear, should the Legislature propose any additional restrictions or mandates on a statewide or municipal basis, I will not support them. This special session would be for the exclusive purpose of passing narrowly crafted, and time-limited legislation giving municipalities the temporary authority to mandate the use of facial coverings indoors within their jurisdictions, as outlined above.

I have asked my staff to prepare the paperwork calling a special session for Monday, November 22, 2021, and look forward to discussing this compromise proposal when we meet later today.

Sincerely,

A handwritten signature in black ink, appearing to read "Phil Scott", with a long horizontal flourish extending to the right.

Philip B. Scott
Governor

PBS/kp