

STATE OF VERMONT

SUPERIOR COURT  
ORLEANS UNIT

CIVIL DIVISION  
DOCKET NO:

MICHAEL DESAUTELS and AMY LADEAU )  
 for themselves and as legal guardians and )  
 next friends to R.D., )  
 HEALTH CHOICE VERMONT, INC., )  
 a Domestic Nonprofit Corporation, )  
 CHILDREN’S HEALTH DEFENSE, )  
 a GEORGIA Nonprofit Corporation, )  
 )  
 Plaintiffs, )  
 )  
 vs. )  
 )  
 NORTH COUNTRY SUPERVISORY )  
 UNION, )  
 )  
 Defendants. )

**DECLARATION OF TAMMY K. CLARK**

I, Tammy K. Clark, declare as follows:

1. I am an adult resident of the State of Michigan and of legal age.
2. I have personal knowledge of the matters stated herein.
3. If called upon to testify in a court of law, I could and would competently do so.
4. I have a Bachelor of Science degree in Business Administration with a Concentration in Construction Health and Safety.
5. I have numerous certifications in the fields of medicine, health, safety, and government regulatory agency compliance. Many of these certifications are government-issued.

6. I am the owner of an environmental health, safety, and compliance consulting firm.
7. I have 20 years of professional experience in the fields of Industrial Hygiene and Occupational and Environmental Safety, Health, and Compliance.
8. I am a highly desired public speaker on the issues of PPE, environmental protective factors and control measures, pandemic response, OSHA compliance, respirator protection programs, health hazards, and mask-wearing as it pertains to viral protection.
9. I have served as an expert witness in injury, safety, compliance, and regulatory litigation cases since 2017.
10. I have worked as an authorized Occupational Safety Health Administration (OSHA) construction and general industry instructor from 2010 - 2020.
11. I have acted in the capacity of a Health, Safety and Compliance Director and Consultant for local and national firms over the past 20 years.
12. I have performed hundreds of site, project, and workplace hazard and risk analyses for a variety of businesses in a variety of industries.
13. I have performed hundreds of workplace PPE process selection projects, employee medical evaluations, and employee trainings on PPE selection, fit, use, and disposal.
14. I have managed the Respiratory Protection Program for thousands of employees in many different industries from hospital systems to manufacturing facilities to construction firms.

15. I have performed organizational Health and Safety SWOT Analyses for dozens of firms.

16. I have created dozens of Corporate Environmental Health and Safety Programs for U.S. firms, trained management on effective implementation techniques of PPE and Respiratory Protection according to existing OSHA Standards, and trained employees on their rights, responsibilities, and required health, safety, and compliance protocols.

17. I have sat on infectious disease committees within hospital systems, and helped advise pandemic planning, preparedness, and response teams with proper mitigation strategies, control measures, and protective factors.

18. My complete curriculum vitae is attached to this Declaration.

19. OSHA has implemented a scientifically-based process of safety and controls that governs mask-wearing in the workplace that ensures the wearer's medical fitness, fit, use, training, and that appropriate work/rest cycles are utilized for the task(s) performed.

20. The mask mandates in this case disregard OSHA's scientifically-sound safety processes and its protections to mask-wearers, and poses a serious and greater hazard to children who do not know how to properly wear, use, sanitize, or dispose of, face masks.

21. For example, without a proper medical evaluation, it is impossible to know a person's risk factors in covering the person's mouth and nose. This is especially true for children who may not recognize or communicate breathing difficulty effectively,

creating increased bacterial, fungal, and viral contamination through their lack of training and misuse of face coverings.

22. Moreover, it is widely accepted that the use of prolonged mask or face covering can cause nausea, asthma, headaches, fatigue, Pleurisy, perioral dermatitis, bacterial eye and mouth infections, concentration issues, attention deficit, syncope, hypoxia, hypercapnia, anxiety, depression, and other mental health concerns.

23. Not only do masks or face-coverings pose a risk of harm, but numerous studies demonstrate that face coverings do not limit the spread of COVID because the COVID virus is .125 to .3 microns in diameter and an N95 respirator, when properly worn, will only protect from virions as small as .6 microns. Novelty masks, neck gators, and homemade masks, widely worn by school-aged students, filter even fewer virions than the N95 respirator.

24. For these reasons, it is possible that a face covering may cause a more significant hazard to the wearer than the COVID virus.

25. N95 respirators are not face masks. They are true respirators designed to create a tight seal on the wearer's face and breathing zone. Anyone who is required to wear an N95 respirator must, according to OSHA, follow the Respiratory Protection Program contained within the PPE Standard, CFR 29, 1910.132-134.

26. N95 respirators may not be worn by children for several reasons:

- They cannot create a tight seal due to the smaller cranial structure and size of a child's face, therefore, they are ineffective at stopping breakthrough of a known hazardous atmosphere or pathogen.

- Manufacturer's specifically do not allow their respirators to be worn by children because of liability reasons created with restricting children's oxygen levels and increasing carbon dioxide levels for prolonged periods, and the inability to follow a carefully controlled and monitored environment and associated activities as required by OSHA whenever a person is to cover their mouth and nose with a tight-sealed respirator. The PPE Standard that requires a Respirator Protection Program to be carefully followed is due to the known hazards associated with restricting gaseous exchanges that happens whenever a person wears a respirator such as an N95.

27. State and local health departments have failed to provide any scientific evidence from randomized controlled studies or meta-data analysis that justifies mandating requiring employees and students to wear face masks at all times when indoors, or when exercising or playing sports. The only science they have submitted are biased abstracts, opinion pieces, and observational research, most of which had no control groups, making them completely unreliable. Their tests were also done on stationary mannequins and boards, with a glued-on static, tight-sealed respirator. In the real world, people move and are not stationary; . None of this can be considered accurate, or even considered admissible science, data, or evidence.

28. State and local health departments have failed to acknowledge the skewed case numbers created by PCR tests that have been recalled due to their unreliability and false positive numbers, per the creator of the test, Kerry Mullis, and the CDC. According

to the test creator, the test should never be used to diagnose the disease, as it is too sensitive. This test has been recalled by the CDC, yet they are still being used to determine results, and these case numbers are being relied on by government officials in creating public policy.

29. State and local health departments have failed to acknowledge there is no known test to detect the Omicron variant. The only way to detect the Omicron variant is through a positive PCR test (which we now know to be extremely unreliable due to false positive numbers), and a genetic analysis, such as “genome sequencing” of that test. This is a serious problem for mandating mass-populous mask mandates based on faulty tests and the lack of verification of an actual virus or virus strain.

30. On January 14, 2022, the CDC openly admitted that masks do not work to stop the spread of Covid-19.

31. On Jan. 22, 2022, Scott Gottlieb, FDA Commissioner, openly admitted that masks do not work to stop the spread of Covid-19.

32. Dr. Fauci has openly admitted several times that masks do not work to stop the spread of Covid-19, yet has changed his position several times.

33. Science does not change its position 180 degrees several times within months.

34. It is my professional opinion that the mask mandates are not only irresponsible, but they are actually illegal, according to NSC and OSHA standards and protocols, they are not supported by any real science, data or evidence, and they have been proven to create a greater hazard, particularly for children.

Pursuant to \_\_\_\_\_, under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true.

Executed this 1<sup>st</sup> day of April, 2022.

*Tammy K. Clark*

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Tammy K. Clark