# ROPES&GRAY COVID-19 Daily Update

August 7, 2020

## **Summary**

The United States has 4,904,474 confirmed COVID-19 cases and 160,437 reported related deaths. Department of Labor reported 1.8 million new jobs in July, and the unemployment rate fell from 11.1% to 10.2%. Institute for Health Metrics and Evaluation projected 137,000 new COVID-19 deaths in the United States by December 1, reaching a total of 295,011 deaths. IMHE noted that "starting today, if 95% of the people in the United States were to wear masks when leaving their homes, that total number would decrease to 228,271 deaths, a drop of 49%, [a]nd more than 66,000 lives would be saved." Surgeon General Adams warned that it is crucial to increase public confidence in vaccines to prevent overwhelming ICUs with both COVID-19 and flu patients this fall. State Department lifted its Level 4 global travel advisory, the highest warning against U.S. citizens traveling internationally, initially put in place on March 19. The Department will return to its previous system of country-specific travel advice, given that health conditions "are improving in some countries and potentially deteriorating in others."

According to an internal Federal Emergency Management Agency memo, new COVID-19 cases and deaths in the last week have both decreased in week-over-week comparisons. In Illinois, Governor Pritzker announced plans to file a set of emergency rules that will give local health departments and law enforcement agencies "more leeway" to enforce the state's mask mandate in businesses. Pritzker noted that the rules must "provide multiple opportunities for compliance before any penalty is issued." In South Dakota, about 250,000 people are expected to attend a 10-day motorcycle rally beginning Friday, August 7, one of the largest public gatherings in the country since the beginning of the pandemic. In Florida, the State's Agency for Healthcare Administration reported that 47 hospitals in four counties have no available intensive care unit beds. Thirty-one hospitals in the Florida have just one available ICU bed.

New York reported five deaths, 579 hospitalizations, and 139 COVID-19 patients in intensive care on Thursday, August 6. Approximately 714, or 1.0%, of the 70,170 tests administered in New York on August 6 were positive for COVID-19. Governor Cuomo announced that New York schools will be able to open for in-person instruction this fall as long as they are in a region where the average rate of positive tests is below five percent. New York State Department of Health will review the re-opening plans submitted by each school districts and notify them of their status on Monday, August 10. The determination of how individual districts re-open, either in-person or using a hybrid model, will be made by local school districts. Most of the state, including New York City, has maintained a positivity rate of about one percent. Mayor de Blasio previously announced that schools in the City can re-open if the area maintains a positivity rate below 3%.

#### **Presidential updates**

- Executive Order on Ensuring Essential Medicines, Medical Countermeasures, and Critical Inputs Are Made in the United States, August 6
  - o President Trump issued an executive order to support "resilient domestic supply chains" for essential medicines and medical countermeasures.
  - o The order highlights the importance of reducing "our dependence on foreign manufacturers" and mobilizing "the nation's public health industrial base to respond" to the threat of shortages.
  - o The order notes that our "domestic supply chains must be capable of meeting national security requirements for responding to threats arising from... public health emergencies, including emerging infectious diseases such as COVID-19."
  - o The order directs "each executive department and agency involved in the procurement of essential medicines, medical countermeasures, and critical inputs" to consider a variety of actions to increase their domestic procurement and identify vulnerabilities in the supply chain.
  - O The order directs executive departments to procure products that are "produced in the United States," comply with Department of Homeland Security best practices for combatting trafficking in counterfeit goods, and develop long-term procurement strategies in consultation with the FDA Commissioner.
- Memoranda Extending Use of National Guard to Respond to COVID-19, August 6
  - o President Trump issued memoranda extending the use of the National Guard to respond to COVID-19 in Arizona and California.
  - o The orders direct Federal Emergency Management Agency (FEMA) to fund an additional 25% of the emergency assistance activities associated with preventing, mitigating, and responding to COVID-19 in these two states.
  - o The orders, in addition to the 75% federal cost share implemented under a prior order, provide Arizona and California with a 100% federal cost share. The funds are available for orders of any length authorizing duty through September 30, 2020.

# **World Health Organization (WHO)**

- *COVID-19 Situation Report 199*, August 6
  - WHO <u>provided</u> an overview of its recent Global Multidisciplinary Discussion on COVID-19 Modes of Transmission, hosted on August 3. The discussion emphasized the necessity of high-quality research to further understand COVID-19 transmission dynamics.
  - o WHO published <u>guidance</u> outlining the COVID-19 Vaccines Global Access (COVAX) venture. COVAX provides countries with the opportunity to benefit from a portfolio of vaccine candidates so that their populations can have timely access to future vaccines.

#### **U.S.** Centers for Disease Control and Prevention (CDC)

- Interpretation of COVID-19 Death Forecasts, August 6
  - CDC consolidated data from 34 models projecting the COVID-19 death rate over the next four weeks. Predicted rates of increase differ among the forecasts, depending on assumptions about the prevalence and rigor of social distancing behaviors.
  - o National forecasts suggest that the number of cumulative COVID-19 deaths will be between 175,000 to 190,000 by August 29. The forecasts predict that weekly reports of

- new COVID-19 deaths may increase over the next month, with 4,500 to 10,600 new deaths reported during the week ending August 29.
- O State-level forecasts predict that the number of reported new deaths per week may increase over the next four weeks in Hawaii and Puerto Rico and may decrease in Florida, Mississippi, New Mexico, Ohio, Texas, Vermont, and the Virgin Islands.
- State Department Lifts Global Level 4 Global Health Advisory, August 6
  - o State Department, in collaboration with CDC, lifted its Level 4 global travel advisory, the highest warning against U.S. citizens traveling internationally.
  - o The warning was initially put in place on March 19 and advised U.S. citizens to avoid all international travel due to the global impact of COVID-19.
  - O State Department noted that "with health and safety conditions improving in some countries and potentially deteriorating in others, the Department is returning to our previous system of country-specific levels of travel advice (with Levels from 1-4 depending on country-specific conditions), in order to give travelers detailed and actionable information to make informed travel decisions."
  - o CDC issued a <u>notice</u> on how it determines the level of a country's COVID-19 travel risk. CDC <u>updated</u> its list of COVID-19 travel recommendations by country.
  - O CDC warned that some healthcare systems are overwhelmed and there may be limited access to adequate medical care in affected areas. Many countries are implementing travel restrictions and mandatory quarantines, closing borders, and prohibiting non-citizens from entry with little advance notice.

#### **New York State**

- New York State COVID-19 Updates, August 7
  - o New York reported five deaths, 579 hospitalizations, and 139 COVID-19 patients in intensive care on Thursday, August 6.
  - o Approximately 714, or 1.0%, of the 70,170 tests administered in New York on August 6 were positive for COVID-19.
  - State Liquor Authority officers inspected 1,028 bars and restaurants on August 6, and found that 14 establishments were not in compliance with social distancing requirements.
  - Governor Andrew M. Cuomo sent a <u>letter</u> to New York's Congressional Delegation outlining the urgent need for federal aid for state and local governments in the upcoming COVID-19 relief package.
- Governor Cuomo Announces that New York Schools Can Re-Open, August 7
  - o Governor Cuomo announced New York's public schools are all preliminarily eligible to re-open for in-person instruction.
  - o New York State Department of Health (NYSDOH) will review the re-opening plans submitted by each school districts and notify them of their status on Monday, August 10. The determination of how individual districts re-open, either in-person or using a hybrid model, will be made by local school districts.
  - Out of 749 school districts across the state, 127 have not yet submitted plans to NYSDOH, and another 50 are incomplete or deficient.
  - o School districts must publicly post their plans for remote learning, and testing and tracing students and teachers by the end of next week.

o Schools will also be required to hold three to five public meetings to go through their re-opening plans with parents prior to August 21 with parents, as well as one meeting with teachers.

# **New York City**

- New York City COVID-19 Updates, August 7
  - New York City contact-tracers are now <u>reaching</u> 92% of all positive COVID-19 cases in the City. Mayor de Blasio estimated that the program has prevented more than 5,000 potential COVID-19 cases through its efforts.
  - o The City announced a new initiative to <u>provide</u> all positive COVID-19 patients with a Take Care package of medical supplies, including hand sanitizer, a medical-grade mask, anti-bacterial wipes, a disposable thermometer, a pulse oximeter, and snacks.
  - Mayor de Blasio <u>announced</u> that Quest Diagnostics, which handles much of the City's COVID-19 testing would "over the next week or two" improve their testing turnaround time to "four days or less."

## **Other Related Updates**

- IHME Releases Updated COVID-19 Forecasts, August 6
  - o Institute for Health Metrics and Evaluation (IMHE), an independent health research center, updated its COVID-19 death forecast for the United States.
  - o IMHE projects there will be 137,000 more COVID-19 deaths in the United States by December 1, reaching a total of 295,011 deaths.
  - o IMHE noted that "starting today, if 95% of the people in the United States were to wear masks when leaving their homes, that total number would decrease to 228,271 deaths, a drop of 49%, [a]nd more than 66,000 lives would be saved."
  - o Should compliance with public health measures like physical distancing and mask wearing decrease, the model projects more than 90,000 additional deaths, bringing the death toll closer to 400,000 by the start of December.
  - o Based on cases, hospitalizations, and deaths, IMHE reports that several states are seeing increases in COVID-19 transmission, including Colorado, Idaho, Kansas, Kentucky, Mississippi, Missouri, Ohio, Oklahoma, Oregon, and Virginia.
  - o IMHE Director Murray highlighted that there appears to be decreased transmission of the virus in Arizona, California, Florida, and Texas, driven by the combination of local mandates for mask use, bar and restaurant closures, and more responsible behavior by the public.
  - o Murray noted that "we're seeing a rollercoaster in the United States" where "people are wearing masks and socially distancing more frequently as infections increase, then after a while as infections drop, people let their guard down and stop taking these measures to protect themselves and others which, of course, leads to more infections."
- Department of Labor Publishes July Jobs Report, August 7
  - o Bureau of Labor Statistics released its July jobs report.
  - o The report found that U.S. employers added 1.8 million jobs last month. The pace of hiring slowed from June, when employers added a record 4.8 million jobs. The unemployment rate fell from 11.1% to 10.2%.

- o The report showed significant job gains in restaurants, retail, health care, and local government. Restaurant jobs accounted for more than a quarter of the total increase, although employment in the industry is still well below pre-pandemic levels.
- Labor Secretary Scalia issued a <u>commented</u> that the "jobs report completes a full week of encouraging economic news, including growth in manufacturing and services and declines in filings for unemployment benefits."
- o Scalia praised the July job gains which "occurred in a period when some of our largest states were tightening restrictions in response to rising coronavirus cases."

# • National Institutes of Health Project Seeks to Identify Children at Risk for MIS-C, August 7

- O National Institutes of Health (NIH) announced research funding to encourage the development of approaches that identify children at high risk for developing multisystem inflammatory syndrome in children (MIS-C), a severe, sometimes fatal, inflammation of organs and tissues, including the heart, lungs, kidneys, brain, skin and eyes. MISC is thought to be a severe complication of COVID-19.
- o NIH will award up to \$20 million to successful research proposals over four years to study the genetic, immune, viral, environmental, and other factors that influence how severe a case of COVID-19 will be and the chances of developing to MIS-C.

# • FDA Commissioner Pledges COVID-19 Vaccine Safety, August 5

- o FDA Commissioner Stephen Hahn published an op-ed in the Washington Post on COVID-19.
- o Hahn pledged that FDA is "committed to maintaining strict scientific principles and protection of those who volunteer as vaccine test subjects."
- o Any authorized or approved COVID-19 vaccine would need to show that it prevents the disease or decreases its severity in at least 50% of people who are vaccinated.
- o In response to concerns about FDA's ability to work independently of political pressure, Hahn emphasized "that all FDA decisions have been, and will continue to be, based solely on good science and data. The public can count on that commitment."

#### • FDA COVID-19 Update: Daily Roundup, August 6

- o FDA issued three emergency use authorizations (EUAs) for ventilator-related devices.
- o FDA issued an EUA for single-use surgical masks. Surgical masks that meet specific performance requirements are authorized for use in health care settings by health care personnel as personal protective equipment to provide a physical barrier to fluids and particulate materials to prevent exposure to respiratory droplets.

#### Other recent events covered in detail elsewhere:

- <u>Key Tax Considerations For Companies With Remote Employees</u>, August 3
- Public Disclosure: Data Analytics and DOJ Enforcement in Light of COVID-19, August
- Senate Proposes the Health, Economic Assistance, Liability Protection and Schools Act, August 3

#### Send questions to:

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