

February 1, 2021

### Summary

The United States has 26,215,984 confirmed COVID-19 cases and 441,722 reported related deaths. The rate of vaccinations in the U.S. has grown from less than 1 million per day in mid-January to an average of 1.3 million per day over the past week. This evening, ten Senate Republicans will meet with President Joseph Biden to discuss a \$618 billion counteroffer to Biden's proposed \$1.9 trillion COVID-19 relief package. The counteroffer, which includes economic payments for individuals, enhanced federal unemployment benefits, and small business aid, is not expected to include any financial aid for state and local governments. Earlier today, Biden entered into a \$231 million contract with Ellume for the production of at-home rapid COVID-19 tests. On Friday, CDC issued an order requiring face masks on all "public conveyances . . . traveling into, within, or out of the United States."

State health departments have identified at least 467 cases of the U.K. variant across thirty-two states. New cases of COVID-19 have dropped by more than a third in recent weeks, reaching their lowest levels since mid-November; forty-eight states reported declining infections as of January 29. The country continues to average more than 3,200 deaths per day. Florida was among five states that set a weekly death record on Thursday at 207 deaths statewide. Since January 14, the states have administered nearly one million vaccinations per day, with Alaska, West Virginia, and Connecticut reporting the highest vaccination rates per capita. Chicago's school district, one of the largest in the country, ordered teachers to report for in person instruction on February 1; the teachers union remains opposed.

New York reported 141 deaths, 8,003 hospitalizations, and 1,500 COVID-19 patients in intensive care on Sunday, January 31, 2021. Approximately 8,508, or 4.86% of the 175,038 tests administered in New York on January 31 were positive for COVID-19. As of January 31, New York has received 1,554,450 first doses of the vaccines and administered 1,393,064 first doses to patients. New York State has received 725,050 second doses of the vaccines and administered 307,662 second doses to patients. On January 29, Governor Cuomo announced that New York City can reopen indoor dining at 25% capacity starting on February 14. The governor also stated that marriage receptions in the State can resume in accordance with State guidance on March 15. As of January 28, New York State Health Commissioner Howard Zucker disclosed that nearly 4,000 residents at New York nursing homes died from COVID-19 after being transferred to hospitals; a figure that increases the death toll attributed to long-term-care facilities by more than 40%. On January 31, Governor Andrew Cuomo announced that, due to inclement weather, New York State would postpone all vaccine appointments in state-run facilities for February 1 until February 3.

## **Presidential Updates**

- [\*Ten Senate Republicans Outline \\$618 Billion COVID-19 Relief Counteroffer\*](#), February 1
  - This evening, ten Republican senators will meet with Biden to present a smaller counteroffer to his proposed [\\$1.9 trillion](#) coronavirus relief package.
  - In a [letter](#) to Biden, the senators said they “want to work in good faith . . . to meet the health, economic, and societal challenges of the COVID crisis.” The counteroffer will include “economic relief for those Americans with the greatest need,” but will provide “more targeted assistance than the Administration’s plan.” Additionally, it will propose small business aid and an extension of enhanced federal unemployment benefits. The letter did not mention any state or local aid.
  - Biden’s top economic adviser, [Brian Deese](#), told CNN on Sunday, “We’re certainly open to input from anywhere where we can find a constructive idea to make this package as effective as possible, but the president is uncompromising when it comes to the speed that we need to act at to address this crisis.”
  - Negotiations over Biden’s relief package come as economists criticize earlier bi-partisan efforts to help small businesses weather the pandemic by offering low-interest payroll loans. In December, economists from the Treasury Department said the \$500 billion [Paycheck Protection Program](#) passed in March 2020 might have saved as many as [19 million](#) jobs. Academics, including Massachusetts Institute of Technology economist David Autor, estimate the program in fact saved around [1.4 to 3.2 million](#) jobs. “A very large chunk of the benefit went to a very small share of the firms,” Autor explained to the *New York Times*, “and those were probably the firms least in need.”
- [\*U.S. Cuts \\$231 Million Deal to Provide 15-Minute COVID-19 At-Home Tests\*](#), February 1
  - The Biden administration has entered into a \$231.8 million contract with Australian company Ellume to increase production of the first at-home rapid COVID-19 test.
  - The test, which is available without a prescription and costs about \$30, uses a nasal swab to collect a sample. The sample is then put into a “digital analyzer” linked to a smartphone app, which provides results within 15 minutes. The test is 96% accurate.
  - Food and Drug Administration authorized the test for emergency use in December.
  - According to Ellume, the contract provides funds for the construction of a manufacturing plant in the United States that will produce over 640,000 test per day by [December 2021](#). The company promised 8.5 million tests to the federal government.

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

- [\*COVIDView Weekly Surveillance Summary of U.S. COVID-19 Activity\*](#), January 29
  - CDC summarized key COVID-19 disease indicators for the week ending January 23.
  - The national average of respiratory specimens testing positive for COVID-19 decreased from 12% to 11% from January 16 to January 23. The rate of respiratory specimens testing positive for COVID-19 declined in all 10 regions and among all age groups.
  - The overall cumulative hospitalization rate is 403 per 100,000. The weekly hospitalization rate for the week ending on January 23 was 9.9 per 100,000.
  - Based on death certificate data, the percentage of total deaths attributed to pneumonia, influenza, or COVID-19 for the week ending January 23 was 14.8%. The percentage remains above the epidemic threshold and will likely increase as more death certificates are processed.

- [\*CDC Issues Order Requiring Masks on Public Transportation\*](#), January 29
  - On January 29, CDC issued an [order](#) requiring facemasks on “public conveyances (e.g., airplanes, ships, ferries, trains, subways, buses, taxis, ride-shares) traveling into, within, or out of the United States.” Travelers and operators alike must also wear masks while at transportation hubs, including airports, bus and ferry terminals, train and subway stations, and seaports.
  - The order includes exceptions for persons who are eating, drinking, and taking medications; those who need oxygen masks; children under the age of two; and persons who cannot wear masks because of a disability.
  - The guidelines took effect early this morning.
- [\*Updated COVID-19 Guidance\*](#), January 30
  - On January 30, CDC updated COVID-19 safety guidelines for: [paratransit](#) employees, [transit station](#) employees, [bus](#) operators, [rail](#) operators, and [rideshare](#) drivers and drivers-for-hire.

### **New York State**

- [\*New York State COVID-19 Updates\*](#), February 1
  - New York reported 141 deaths, 8,003 hospitalizations, and 1,500 COVID-19 patients in intensive care on Sunday, January 31, 2021.
  - Approximately 8,508, or 4.86% of the 175,038 tests administered in New York on January 31 were positive for COVID-19.
  - As of January 31, New York has received 1,554,450 first doses of the vaccines and administered 1,393,064 first doses to patients. As of January 31, New York has received 725,050 second doses of the vaccines and administered 307,662 second doses to patients.
  - Governor Andrew Cuomo [announced](#) that New York State must postpone all vaccine appointments in state-run facilities from February 1 to February 3 due to inclement weather.
  - On January 31, Governor Cuomo [announced](#) that New York State’s seven-day average COVID-19 positivity rate has declined for twenty-three straight days. The Governor further noted that all COVID-19 positivity models show a continued reduction, but that the State continues to monitor the newly-emerged COVID variants.
  - On January 29, Governor Andrew Cuomo [announced](#) that indoor dining in New York City can reopen at 25% capacity on February 14. The Governor further stated that marriage receptions in the State can resume in accordance with State [guidance](#) on March 15. Specifically, local Health Departments must approve the event, there must be a fifty percent capacity limit (with no more than 150 attendees), and all patrons must receive a COVID test prior to attending.
- [\*New York Nursing-Home COVID-19 Death Toll Climbs by 40%\*](#), January 28
  - On January 28, New York’s Attorney General (“NYAG”), Letitia James, released a [report](#) on her office’s ongoing investigation into nursing homes’ response to the COVID-19 pandemic. Attorney General James has been investigating allegations of

patient neglect and other potential misconduct that may have jeopardized the health and safety of nursing-home residents and employees since March 2020.

- Preliminary [data](#) obtained by NYAG suggests that many nursing home residents died from COVID-19 in hospitals after being transferred from their nursing homes, which is not reflected in Department of Health’s total nursing home death data.
- After the Attorney General released her report, New York State Health Commissioner Howard Zucker disclosed that nearly 4,000 residents at New York nursing homes died from COVID-19 after being transferred to hospitals; a figure that increases the death toll attributed to long-term-care facilities by more than 40%.
- Attorney General James called for the elimination of New York’s new immunity provisions so that nursing home cannot avoid accountability.

### **New York City**

- [New York City COVID-19 Updates](#), February 1
  - On February 1, Mayor de Blasio [announced](#) that COVID-19 vaccination will pause until at least Tuesday due to heavy snowfall and high winds in New York City.
  - On January 31, Mayor Bill de Blasio [announced](#) that COVID-19 vaccine distribution in New York City has skewed across racial lines. White residents have received 48% of total vaccinations, while African-American residents have received 11%, and Latinos and Asians have received 15%, of the total vaccinations. Although the vaccination data represents only about 60% of the doses administered in the City, the Mayor stated that “[t]he disparity is very plain, it has to be addressed forcefully.”
  - As of January 31, New York City Schools that experienced a drop in [enrollment](#) must return funding to the City. This academic year, the number of students enrolled in New York City’s school system from grades K to 12 is approximately 960,000, a 4% decrease from the 2020. New York City will require schools to return as much as \$4,000 per student lost.

### **Other Domestic Updates**

- [Interim Results Show Johnson & Johnson Vaccine Candidate Safe and Effective](#), January 29
  - Interim analysis of a Phase 3 clinical trial [showed](#) that Johnson & Johnson’s COVID-19 vaccine candidate, developed by subsidiary Janssen Pharmaceuticals, was safe and effective at preventing moderate and severe COVID-19 in adults.
  - The vaccine was 66% effective at preventing the combined endpoints of moderate and severe COVID-19 at 28 days post-vaccination among all volunteers. The vaccine was 85% effective at preventing severe COVID-19 across all geographic regions.
  - The interim analysis assessed 468 cases of symptomatic COVID-19 among 44,325 volunteers in Argentina, Brazil, Chile, Colombia, Mexico, Peru, South Africa, and the United States.
  - The efficacy rate [dropped](#) from 72% in the United States to just 57% in South Africa, where a highly contagious new SARS-CoV-2 variant is driving most cases, raising concerns about vaccine effectiveness against emerging variants.
  - Nonetheless, 57% efficacy is considered a strong vaccine – flu vaccines are typically 40-60% effective.

- Johnson & Johnson’s vaccine requires only one dose and can be stored at refrigerator temperatures for three months, making distribution far easier, especially in lower-income countries that may lack expensive cold-storage capacity.
- Johnson & Johnson said it planned to apply for emergency authorization of the vaccine from Food and Drug Administration (FDA) as soon as this week, putting it on track to receive authorization later in February.
- [\*U.S. Vaccinations Are Accelerating, but Virus Variants Risk Progress\*](#), February 1
  - Vaccinations in the United State are accelerating. Over the last week, the U.S. averaged 1.3 million doses administered, versus less than 1 million two weeks earlier.
  - However, more contagious COVID-19 variants are adding urgency to the vaccination program. Experts expect the variants will predominate in the United States by March. According to Dr. Peter Hotez, a vaccine scientist at Baylor College of Medicine, the U.S. would be in a good place if there variants weren’t looming. “It changes everything,” he told the *New York Times*. “Now, we really have to vaccinate the American population by late spring, early summer.”
  - Experts also warn that [mitigation](#) measures will be essential in combatting the variants. “Wear masks, avoid social gatherings, decrease social interaction until we get this under control,” said Tom Inglesby, director of the Center for Health Security at the John Hopkins School of Public Health.
- [\*Early Data Shows Racial Disparities in COVID-19 Vaccine Access\*](#), January 28
  - Though more than 6% of Americans have received at least one dose of a COVID-19 vaccine, a disproportionately small number of those being inoculated are Black or Latino.
  - The Racial Equity and Health Policy Program at the Kaiser Family Foundation, which has been tracking vaccination data from 17 states, explains, “What we’re seeing . . . is a consistent pattern that is really showing a mismatch between who’s receiving the vaccine and who has been hardest hit by the pandemic.”
  - In Mississippi, 15% of vaccinations have been given to black residents, though black residents account for 38% of COVID-19 cases and 42% of COVID-19 deaths.
- [\*Maryland becomes second state to report case of coronavirus variant that first emerged in South Africa\*](#)
  - On January 30, Governor Larry Hogan of Maryland announced that a Maryland resident was infected with the COVID variant known as B.1.351.
  - Health officials first identified the B.1.351 strain of COVID in South Africa.
  - As of January 30, Maryland and South Carolina are the only states that have identified active cases of the South African variant in the United States.
- [\*FDA COVID-19 Updates\*](#), February 1
  - FDA [approved](#) an abbreviated new drug application for furosemide injection, indicated for treatment of edema (fluid retention) associated with congestive heart failure.

## **International Updates**

- The [WHO](#) team investigating the source of the pandemic has completed its quarantine in China and commenced its investigation in Wuhan. The team's 15 scientists have visited a live animal market, a hospital, and a disease control center in the city where the virus emerged in late 2019. WHO says the investigation could take months or even years.
- Across [Europe](#), citizens are protesting lockdowns. Vienna, Budapest, and Belgium all saw protests over the weekend, while the Dutch have been protesting for weeks. In light of the unrest, French President Emmanuel Macron is opting for new COVID-19 restrictions, rather than a total lockdown, as COVID-19 variants surge throughout the country.
- Over the weekend, two vaccine producers promised extra doses to the [European Union](#). BioNTech, which partnered with Pfizer on its vaccine, said it would make an extra 75 million doses available in "coming months," while [AstraZeneca](#) promised an extra 9 million doses in the first quarter of 2021. The [European Union](#) has struggled to secure enough vaccines for member states, in part because vaccine producers reneged on promised deliveries.
- Police in [China](#) have arrested more than 80 people suspected of manufacturing and selling fake COVID-19 vaccines. Officials believe the counterfeiters, who were all part of the same ring, sold more than 3,000 fake doses throughout the country.

Other recent events covered in detail elsewhere:

- [Unexpected Uses of Personal Data in the Coronavirus Pandemic Continue](#), January 13
- [To Vaccinate or Not to Vaccinate – That is the Question, but Who Should Know the Answer?](#), January 13

Send questions to:

- [COVID-19-Implications@ropesgray.com](mailto:COVID-19-Implications@ropesgray.com)