

COVID-19 Daily Update

July 13, 2020

Summary

The United States has 3,327,388 confirmed COVID-19 cases and 135,295 reported related deaths. WHO Director-General Tedros warned that “too many countries are headed in the wrong direction ... losing gains made as proven measures to reduce risk are not implemented or followed.” WHO stated that there will be no return to “normal” for the “foreseeable future.” Assistant Health Secretary Giroir stated that virus-related deaths will increase over the next several weeks. Giroir stated that “it’s really essential to wear [a] mask” and that “we have to have [around] 90% of people wearing the masks in public in the hot spot areas. If we don’t have that we will not get control of the virus.” Giroir encouraged states to limit the number of patrons allowed in restaurants and to close bars. Seventeen states and the District of Columbia sued Immigration Customs and Enforcement to challenge the agency’s new policy limiting visas for international students engaging in online-only instruction.

California’s two largest public school districts—Los Angeles and San Diego—announced that instruction would be remote-only in the fall; a local California official commented that “there’s a public health imperative to keep schools from becoming a petri dish.” In a joint statement, the two districts noted that “countries that have managed to safely re-open schools have done so with declining infection rates and on-demand testing available. California has neither.” In Florida, Miami Mayor Suarez noted that “there is no doubt that our death rate [is] going to go up after the next week or two.” Miami health officials noted that “our health care workers are getting sick” and described Miami as the “epicenter of the pandemic.” Hong Kong announced plans to close gyms and movie theaters, and institute a ban of public gatherings of more than four people in response to a new wave of locally transmitted infections.

Approximately 557, or 1.08%, of the 51,687 tests conducted in New York on July 12 were positive for COVID-19. New York requires travelers from states with high COVID-19 transmission rates to quarantine for two weeks upon entering the state; the order now applies to travelers from 19 states, including California, Texas, and Florida. New York State Department of Health issued a new emergency health order requiring travelers from quarantine states to provide their contact information and travel history to the State upon entry. Air travelers who leave the airport without completing the form will be subject to a \$2,000 fine and may be brought to a hearing and ordered to complete a mandatory quarantine. Travelers through other means of transport, such as trains and cars, must fill out the form online. Schools in New York will be allowed to re-open in the fall in phase four regions where the daily COVID-19 infection rate remains below 5% over a fourteen-day average. Schools will be required to shut down if the regional infection rate rises above a seven-day average of 9%.

Presidential updates

- [White House Advisers Publicly Criticize Dr. Fauci](#), July 13
 - White House aides released a [statement](#) to the Washington Post, noting that “several White House officials are concerned about the number of times Dr. Fauci has been wrong on things” during the pandemic.
 - The statement includes a “lengthy list” of remarks that Dr. Fauci made about COVID-19 in its early stages, including one in February in which Fauci minimized the chance of asymptomatic spread and noted that people did not need to make big changes to their lives. The statement omitted Fauci’s next comment that “the risk right now is still low, but this could change when you start to see community spread.”
 - Dr. Fauci, director of the National Institute of Allergy and Infectious Diseases, has increasingly expressed his concern about the national surge in COVID-19 cases. Fauci recently highlighted that “as a country, when you compare us to other countries, I don’t think you can say we’re doing great. I mean, we’re just not.”
 - President Trump recently stated that Dr. Fauci “is a nice man, but he’s made a lot of mistakes.” Assistant Health Secretary Giroir mirrored these comments and noted that Dr. Fauci “is not 100 percent right” and “looks at [the virus] from a very narrow public health point of view.”

World Health Organization (WHO)

- [WHO COVID-19 Updates](#), July 13
 - WHO updated guidance on holding mass gatherings during the pandemic, including [religious gatherings](#) and [sporting events](#).
 - Additional WHO [guidance](#) includes an updated decision tree, risk evaluation, risk mitigation, decision matrix, and risk communication strategies for mass gatherings.
 - WHO Director-General Tedros [warned](#) that “too many countries are headed in the wrong direction” as COVID-19 cases continue to grow worldwide. Tedros noted that the virus is “public enemy number one, but the actions of many governments and people do not reflect this.”

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

- [CDC COVID-19 Resources](#), July 13
 - CDC updated [data](#) on COVID-19 cases and deaths by county.
 - CDC posted [answers](#) to frequently asked questions on COVID-19 for laboratories.
 - CDC issued [key considerations](#) for transferring patients, staff, and supplies between health care facilities to optimize patient care, balance resources, and minimize use of crisis care standards.

New York State

- [Air Travelers to New York Must Provide Contact Information and Travel History](#), July 13
 - New York State Department of Health issued an [emergency health order](#) requiring people traveling to New York from states with high rates of COVID-19 transmission to provide the State with their contact and travel information upon entry.
 - Governor Cuomo commented that “we can’t be in a situation where we have people from other states bringing the virus again – it’s that simple.”

- A [form](#) will be available at airports or online. The form requires travelers to provide their name, birth date, phone number, email address, and information about where they will be staying and a list of states they have recently traveled to.
 - Enforcement will be concentrated in airports; the State will station compliance officers to collect forms from passengers before they leave the airport. Passengers who leave the airport without providing the information will receive a summons and a \$2,000 fine. If, after that, a passenger continues to refuse to comply, they will be brought to a hearing and ordered to complete mandatory quarantine.
 - Travelers coming to New York from designated states through other means of transport, such as trains and cars, must fill out the required form online.
 - The order comes nearly three weeks after New York issued an order requiring out-of-state travelers from states with high COVID-19 transmission rates to quarantine for two weeks upon entering the state. The original order now applies to travelers from 19 states, including California, Texas, and Florida.
 - Travelers who are only passing through New York on a highway or a flyover are not subject to either order, so long as their stay in New York is less than 24 hours.
- [New York State COVID-19 Metrics](#), July 13
 - New York reported 10 deaths and 792 hospitalizations on Monday, July 13.
 - Approximately 557, or 1.08%, of the 51,687 tests conducted in New York on July 12 were positive for COVID-19.
 - [Cuomo Announces State School Re-Opening Plan](#), July 13
 - Governor Cuomo [announced](#) a data-driven plan on whether to allow schools to re-open.
 - Schools may resume in-person learning in regions that have entered phase four of re-opening where the region's daily COVID-19 infection rate stays below 5% over a fourteen-day average.
 - Schools will have to shut back down if the regional infection rates spike above 9%, as calculated over a seven-day average.
 - Schools that are cleared to re-open must require mandatory face coverings, enact rigorous cleaning and protocols, and maintain social distancing in the classroom.
 - Governor Cuomo stated that the plan is “based on the data and it’s based on the science” and that “we’re not going to use our children as guinea pigs.”
 - [New York State Education Department Releases Guidance on Re-Opening Schools](#), July 13
 - New York State Education Department (NYSED) released guidance to help schools re-open in the fall.
 - The guidance focuses on a number of challenges unique to COVID-19, such as chronic absenteeism among remote learners, enforcing social distancing on school buses, and the need for contingency plans for remote learners with special education plans.
 - NYSED emphasized the emotional well-being of students as a top priority and recommends creating a prolonged orientation or transition period before a school phases in academic content.

New York City

- [*New York City COVID-19 Updates*](#), July 13
 - Mayor de Blasio [announced](#) that residents should wear a mask when around other people in any indoor setting that is not their home, even if they are able to maintain six feet of distance from others. The recommendation is not mandatory, but it alters the City's previous recommendation to wear a mask indoors only when social distance cannot be maintained.
 - Mayor de Blasio described face coverings as "one of the biggest game-changers" in combatting the pandemic. New York City Department of Health codified De Blasio's mask recommendation in updated [guidance](#) on mask use.
 - New York City health officials [reported](#) that there were no confirmed COVID-19 deaths on Saturday, July 11, exactly four months after the state's first official COVID-19 death was recorded on March 11. Mayor de Blasio commented that "it's something that should make us hopeful, but it's very hard to take a victory lap because we know we have so much more ahead."
 - The City's COVID-19 infection rate is rising in younger adults, especially those between 20 and 29 years of age. In response, the City is planning a comprehensive public outreach campaign targeting younger New Yorkers on social media and at popular bars, outdoor restaurants, and waterfront locations.
- [*Wealth Disparity Emerges in Census Self-Response Rate*](#), July 13
 - The number of households that have filled out their census forms is down significantly in wealthy New York City neighborhoods, from the last census administration.
 - According to Department of City Planning's chief demographer, only 38% of Midtown Manhattan households have filled out census forms. The rate is only slightly better in the area encompassing SoHo, Tribeca, Civic Center, and Little Italy, which is home to wealthy residents and many college students; those areas have response rates of about 46%.
 - Census officials attributed the lack of compliance to the number of wealthy New Yorkers who have left the City in recent months during the pandemic. Even if they forward mail, census forms are addressed to the household and not the individual, preventing the post office from including them with the forwarded mail.
 - The census is used to distribute more than \$1.5 trillion in federal funding. According to a recent House oversight committee [report](#), for every one person missed in the City, it could reduce federal education funding by \$2,295, and job training by \$281.

Other Related Updates

- [*States Sue to Block Immigration Policy Limiting International Student Visas*](#), July 13
 - Seventeen states and the District of Columbia sued Immigration Customs and Enforcement (ICE) to challenge the agency's new policy limiting visas for international students engaging in online-only instruction. The suit accuses ICE of violating the Administrative Procedure Act.
 - According to the complaint, the area represented contains 1,124 colleges and universities that had a combined 373,000 international students enrolled in 2019; these students contributed an estimated \$14 billion to state economies in 2019.

- Around 40 higher education institutions filed declarations in support of the lawsuit, including Yale, DePaul, University of Chicago, Tufts, Rutgers, and state universities in Illinois, Maryland, Massachusetts, Minnesota, and Wisconsin.
- White House Press Secretary McEnany defended the policy last week and stated that “you don’t get a visa for taking online classes from, let’s say, University of Phoenix. So why would you if you were just taking online classes, generally?”
- [*COVID-19 in Children and the Dynamics of Infection in Families*](#), July 12
 - A recent study, published in *Pediatrics*, suggested that children appear to be infected by COVID-19 mainly through their family members, and that children do not usually spread the virus to the rest of the household.
 - The study reviewed the household contacts of 40 children under age 16 with COVID-19 in Switzerland in March and April. In 79% of the households studied, at least one adult family member had suspected or confirmed COVID-19 before the child developed symptoms. In 8% of households, the child was the suspected index case.
 - Commentators in *Pediatrics* [examined](#) similar studies addressing this issue and concluded that “accumulating evidence and collective experience argue that children, particularly school-aged children, are far less important drivers of SARS-CoV-2 transmission than adults.”
 - The commentary recommends that “serious consideration should be paid toward strategies that allow schools to remain open, even during periods of COVID-19 spread. In doing so, we could minimize the potentially profound adverse social, developmental, and health costs that our children will continue to suffer until an effective treatment or vaccine can be developed and distributed.”
 - Former FDA Commissioner Gottlieb recently [stated](#) that children in the U.S. are more likely than kids in other countries to have underlying conditions that place them at an increased risk of severe COVID-19. Gottlieb noted that “We have more co-morbid illness among young people in this country — more asthma, more obesity, more diabetes — so there is going to be higher risk with our school age population.”
- [*Department of Labor Summarizes Recent Actions on COVID-19*](#), July 12
 - Department of Labor (DOL) summarized recent agency actions on COVID-19.
 - Occupational Health and Safety Administration (OSHA) released [guidance](#) on COVID-19 for oil and gas workers, and virus-related [safety tips](#) for workers in the meat-packing industry.
 - DOL [enforced](#) provisions of the Emergency Paid Sick Leave Act (EPSLA) under the Families First Coronavirus Response Act (FFCRA), and found that a Pennsylvania company wrongly denied an employee paid sick leave to provide child care due to a coronavirus-related school closing.

Other recent events covered in detail elsewhere:

- [European Regulatory Update for Asset Managers](#), July 13
- [Spotlight on UK supply chains as UK authorities investigate lockdown working conditions](#), July 10

- [COVID Public Nuisance Claims Are Coming: Opioid Litigation May Be A Model for the Next Wave of Public Health Litigation](#), July 10

Send questions to:

- COVID-19-Implications@ropesgray.com
- COVID-19RecoveryPolicies@ropesgray.com