

# COVID-19 Daily Update

May 1, 2020

## Summary

The United States has 1,070,032 confirmed COVID-19 cases and 63,023 reported related deaths. WHO extended its declaration that COVID-19 constitutes a global health emergency of international concern. A recent report predicts that the pandemic could last anywhere between 18 and 24 months. Treasury Secretary Mnuchin called on private schools with large endowments to return federal stimulus loans received from the Paycheck Protection Program, intended for small businesses. Many prominent prep schools have applied for the loans. Tenant rights groups encouraged tenants to withhold rent payments on May 1 to create pressure to expand affordable housing and tenant-friendly legislation during the pandemic. Employees at many online retailers, grocery store chains, and package-delivery services are planning labor actions for May 1, to protest what they describe as unsafe working conditions during the pandemic. Groups are encouraging customers to boycott the stores and services for the duration of the day.

Federal social distancing guidelines expired on Thursday, April 30. Many businesses and public spaces are expected to reopen on May 1 in Alabama, Idaho, Iowa, Maine, North Dakota, Utah, Wyoming, and Texas. Several other states, including Florida, Missouri, Nebraska and West Virginia, have announced openings starting on Monday, May 4. Michigan, however, recently extended an order closing theaters, restaurants, bars, and gyms until May 28. Hundreds of protestors – many of them armed – gathered at the Michigan State Capitol building on Thursday, April 30 to oppose stay-at-home orders. President Trump urged the Michigan Governor to “give a little” and “make a deal” with protesters, and that they “want their lives back again.”

Over the last several days, virus patients in New Jersey have been dying, entering hospitals, and testing positive for COVID-19 at considerably higher rates, per capita, than New York. New Jersey reported 311 COVID-19 deaths on Friday. New York reported 289 deaths on Friday, the first time the one-day death toll fell below 300 since March 30. New York State public schools will remain closed for the remainder of the academic year. Governor Cuomo did not provide information on the next academic year “because the fall is a long time away.” As of Thursday, April 30, 43 states have ordered or recommended that schools remain closed for the rest of the school year. The operation of a temporary hospital at the Javits Center in New York City is “winding down” and the last patient will be discharged today. The facility treated 1,093 patients. Governor Cuomo expects to keep the facility on standby, in case the extra beds are needed in the fall for a second wave of COVID-19, a heavy flu season, or both.

## **General/Employer Guidance**

### **Presidential updates**

- [Remarks by President Trump in a Meeting with Governor Murphy of New Jersey](#), April 30
  - President Trump commented on “Operation Warp Speed,” a new federal program that will bring together pharmaceutical companies, government agencies, and the military to develop and produce 300 million doses of a viable COVID-19 vaccine by January 2021.
  - Administration officials familiar with the project [noted](#) that Operation Warp Speed will use pre-existing funds and will not require new authority from Congress. The group is discussing which Americans might be vaccinated first – as the drugs would likely be released in batches.
- [President Trump Comments on Michigan COVID-19 Protests](#), May 1
  - Hundreds of protestors – many of them armed – gathered at the Michigan State Capitol building on Thursday, April 30 to oppose stay-at-home orders. Michigan recently extended an order closing theaters, restaurants, bars, and gyms until May 28.
  - President Trump [tweeted](#) a message to the Governor of Michigan, urging her to “give a little” and “make a deal.” Trump said the protestors “want their lives back again” and described the protestors as “very good people.”

### **World Health Organization (WHO)**

- [International Health Regulations Emergency Committee Meeting on COVID-19](#), May 1
  - WHO held an Emergency Committee meeting on COVID-19. The Committee unanimously agreed that the COVID-19 outbreak still constitutes a public health emergency of international concern. WHO General-Director Tedros accepted the Committee’s recommendation.
- [COVID-19 Situation Report – 101](#), April 30
  - WHO Europe Director Kluge [warned](#) that “the curve is now steepening” in Eastern Europe and asserted that the European region “remains very much in the grip of this pandemic.”
  - WHO [organized](#) a meeting of vaccine manufacturers and national regulatory authorities from Southeast Asia. WHO highlighted that India, Indonesia, and Thailand are among the world’s largest vaccine manufacturers and noted that the region has the ability to “roll-out a COVID-19 vaccine globally.”

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

- [COVID-19 Among Workers in Meat and Poultry Processing Facilities](#), May 1
  - A recent report, published by CDC as an early release, estimates that at least 4,193 workers at 115 meatpacking plants in 19 states have been infected with COVID-19. Twenty of those workers have died.
  - CDC provides recommendations for meatpacking plants to keep workers safe, such as installing barriers between workers and requiring face coverings. Over the last month, dozens of meatpacking plants have been forced to close because of COVID-19, straining the country’s meat supply.

- [Ten Clinical Tips on COVID-19 for Health Care Providers Involved in Patient Care](#), April 30
  - CDC issued clinical tips for health care providers involved in COVID-19 patient care.
  - CDC warns that non-respiratory symptoms of COVID-19, including gastrointestinal or neurologic symptoms, may appear before fever and lower respiratory tract symptoms.
  - Clinicians should be aware of the potential for some patients to rapidly deteriorate one week after illness onset. CDC noted that several patients with COVID-19 have presented with concurrent community-acquired bacterial pneumonia.
  
- [Criteria for Return to Work for Health Care Personnel with Confirmed or Suspected COVID-19](#), April 30
  - CDC updated its interim guidance for when health care personnel with confirmed or suspected COVID-19 may return to work. CDC recommends three strategies that health care providers can use to make “return to work” decisions.
  - Symptom-based strategy (for symptomatic workers): Under a symptom-based strategy, symptomatic workers with COVID-19 should be excluded from work until: (1) at least 3 days have passed since the resolution of any fever and respiratory symptoms; and (2) at least 10 days have passed since symptoms first appeared.
  - Time-based strategy (for asymptomatic workers): Under a time-based strategy, asymptomatic workers with lab-confirmed COVID-19 should be excluded from work until: 10 days have passed since the date of their first positive COVID-19 diagnostic test assuming they have not subsequently developed symptoms since their positive test.
  - Test-based strategy (for symptomatic workers or asymptomatic workers): Under a test-based strategy, symptomatic and asymptomatic workers should be excluded from work until they receive negative results from an FDA Emergency Use Authorized COVID-19 molecular assay for detection of SARS-CoV-2 RNA from at least two consecutive nasopharyngeal swab specimens collected more than 24 hours apart.

### **New York State**

- [Schools across NY State will remain closed through the end of the school year](#), May 1
  - New York State reported 289 deaths on Friday, the first time the one-day death toll fell below 300 since March 30. The number of new COVID-19 hospitalizations remained in the mid-900s for the fourth day straight.
  - Governor Cuomo announced that New York State public schools will remain closed through the end of the school year. Cuomo stated that “we don’t think it’s possible” to reopen schools “in a way that would keep our children and students and educators safe.”

### **New York City**

- [City Announces First Streets to be Used for Social Distancing Among Pedestrians and Cyclists](#), May 1
  - New York City plans to close 40 miles of city streets to vehicle traffic in May to enable greater social distancing among pedestrians. Beginning Monday, May 4, the

City will open 7 miles of streets within and adjacent to parks in all five boroughs from 8 AM to 8 PM.

- The streets outside of parks include those near Williamsbridge Oval in the Bronx, Prospect Park in Brooklyn, and Carl Schurz Park in Manhattan. The streets inside of parks include Fort Tryon Park in Manhattan, Flushing Meadows Park in Queens, and Silver Lake Park on Staten Island.

### **Other Related Updates**

- [\*Essential Workers Plan May Day Strikes\*](#), May 1
  - Employees at many online retailers, grocery store chains, and package-delivery services are planning labor actions for May 1, to protest what they describe as unsafe working conditions during the pandemic. Groups are encouraging customers to boycott the stores and services for the duration of the day.
  - Employees at Amazon, Whole Foods, Target, Instacart, and FedEx will either stage mass sickouts or simply walk off the job to demand time off, hazard pay, sick leave, protective gear, and cleaning supplies. Reports [indicate](#) that a small crowd of nurses and Amazon workers gathered outside of the Amazon warehouse in Staten Island.
  - Amazon expects to spend more than \$800 million on COVID-19 safety measures including masks, hand sanitizer, gloves, and hand-washing stations at warehouses — some of which have become hot spots for the spread of the virus. Walmart says it is conducting daily temperature checks and providing masks and gloves to its store employees and warehouse workers.
- [\*The Future of the COVID-19 Pandemic: Lessons Learned from Pandemic Influenza\*](#), May 1
  - A recent report projects that the pandemic could last anywhere between 18 and 24 months. Researchers note that COVID-19 appears to be more contagious than the flu because it has a longer incubation period, spreads while people are asymptomatic, and has a higher basic reproductive number.
  - The report models three difference scenarios for the spread of COVID-19. The report warns that the pandemic will not stop until 60% to 70% of the population develops immunity to the virus – either through vaccination or through naturally-induced immunity, such as recovery from COVID-19. The report was published by the Center for Infectious Disease Research and Policy at the University of Minnesota.
- [\*Renin–Angiotensin–Aldosterone System Blockers and the Risk of COVID-19\*](#), May 1
  - A recent population-based case study, published in the New England Journal of Medicine, found that widely prescribed blood pressure drugs do not make patients more susceptible to COVID-19 or to severe illness if they do contract COVID-19. Similar [findings](#) from a comparative study in China were published last week in JAMA Cardiology.
  - Blood pressure drugs belong to two classes: ACE inhibitors, which include lisinopril, captopril and other drugs ending in –pril; and ARBs, which include losartan, valsartan and other drugs ending in –sartan.
  - The study examined 6,272 COVID-19 patients in the Lombardy region of Italy. For each case patient, up to five non-COVID-19 control patients were randomly selected according to age, sex, and municipality of residence.

- The study concludes that the use of ACE inhibitors and ARBs was more common among COVID-19 case patients than among the control group, because of their higher prevalence of cardiovascular disease. Researchers found no evidence to suggest that ACE inhibitors or ARBs affected the risk of COVID-19.
- [\*Bipartisan Multistate Coalition Calls on Federal Government to Protect Homes During Pandemic\*](#), May 1
  - A coalition of 26 attorneys general wrote a [letter](#) to the Department of Housing and Urban Development (HUD), providing recommendations to protect senior citizens with reverse mortgages from losing their homes during the pandemic.
  - The coalition asked HUD to grant automatic renewals to homeowners with “at-risk” extensions, to allow reverse mortgage holders to take advantage of property tax relief programs, and to require mortgage providers to educate customers about available relief.
- [\*HHS Awards \\$20 Million to Combat COVID-19 Pandemic through Telehealth\*](#), April 30
  - The Department of Health and Human Services (HHS), through the Health Resources and Services Administration (HRSA), awarded \$20 million to expand telehealth access during the pandemic and to assist telehealth providers with cross-state licensure requirements.
  - Four grants support expanding telehealth across pediatric care, maternal health care, state public health systems, and family engagement for children with special health care needs.
- [\*FDA COVID-19: Daily Roundup\*](#), April 30
  - FDA issued an [emergency use authorization](#) (EUA) for a ventilator developed by NASA that is tailored to treat COVID-19 patients. The device is comprised of components that are not part of the current medical device supply chain; FDA predicts that the NASA ventilators will not affect the existing ventilator supply chain.
  - FDA issued a [consumer update](#) answering frequently asked questions about pets and COVID-19.
  - FDA issued [guidance](#) highlighting regulatory flexibilities under the Drug Supply Chain Security Act (DSCSA) during the pandemic.
- [\*A Report from the COVID-19 Front Lines of Value-Based Primary Care\*](#), April 30
  - An article, published in the New England Journal of Medicine, explores how a network of 56 primary care centers across eight states developed a remote care program allowing them to conduct 93% of visits by phone or video, provide COVID-19 support, and address social determinants of health through wellness checks and deliveries of life-sustaining supplies.
- [\*Department of Labor Invites the Public to Participate in National Online Dialogue on Opening America’s Workplaces\*](#), April 30
  - The Department of Labor (DOL) is inviting employers, workers, local authorities, and advocacy groups to share ideas on re-opening businesses, commuting safely, working

safely, accommodating members of vulnerable populations, supporting America's families, and reducing regulatory burdens.

- Those interested in participating in DOL's online dialogue may register [here](#).
- [FEMA COVID-19 Updates](#), April 30
  - FEMA drafted [planning considerations](#) to help businesses develop plans to resume operations. Companies should consider preparing for a resurgence of COVID-19, continuing telework options, incorporating social distancing measures, limiting non-essential travel, acquiring cleaning supplies and personal protective equipment, and conducting employee health screenings.
  - FEMA issued a [factsheet](#) on the use of the Critical Care Decontamination System (CCDS) to decontaminate and reuse N95 respirators.
  - FEMA plans to hold a [teleconference](#) in response to civil-rights concerns and questions relating to COVID-19 on Wednesday, May 6.

Other recent events covered in detail elsewhere:

- [DOL Provides Sweeping Deadline Extensions and Other Relief for Employee Benefit Plans, Participants and Beneficiaries Due to the COVID-19 Outbreak](#), May 1
- [Going Back to Work: Employer Use of "Apps" on Employee PDAs/Smart Phones for COVID-19 Contact Tracing](#), May 1
- [Key Issues to Watch in Commercial Litigation in Light of COVID-19](#), April 30
- [Mortgage-Backed Securities Litigation in the Wake of COVID-19](#), April 30
- [Virtual Discussion: COVID-19 - European Regulatory Considerations for Private Fund Managers](#), April 30
- [Phasing-In: Use of COVID-19 Testing as a "Return to Work" Strategy](#), April 29
- [COVID-19 Business Liability Considerations in Reopening the Economy](#), April 29

Send questions to:

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