

November 9, 2020

Summary

The United States has 10,042,654 confirmed COVID-19 cases and 237,835 reported related deaths. Pfizer announced that preliminary data from its COVID-19 vaccine trials indicates that its vaccine candidate is more than 90 % effective. While the results were not released in a peer-reviewed medical journal, and are not conclusive evidence that the vaccine is safe and effective, Dr. Fauci commented that the trial results are “extraordinary.” Dr. Fauci also noted that the results bode well for Moderna’s vaccine candidate which uses a similar technology. Moderna is currently conducting Phase 3 clinical trials of its candidate but has not yet published efficacy data. Pfizer plans to request emergency use authorization for its vaccine sometime after the third week of November, and it hopes to manufacture enough doses to immunize 15-20 million people by the end of 2020. The media reported that six White House aids tested positive for COVID-19.

The United States averaged 111,175 new COVID-19 cases per day for the week ending November 8, an increase of 59% from two weeks earlier. Minnesota announced more than a dozen new COVID-19 testing sites opening throughout the state in the next two weeks. Minnesota Governor Tim Walz said “our testing strategy is key” following another week of record cases. Texas is the first state to report one million COVID-19 cases, nearly double the total in New York. Utah Governor Gary Hebert declared a state of emergency and ordered a statewide mask mandate beginning November 9. Utah will also require college students who attend class in person to get tested every week. Indiana Governor Eric Holcomb insisted he would not move the state back in the re-opening plan despite increasing case numbers.

New York reported 26 deaths, 1,444 hospitalizations, and 282 COVID-19 patients in intensive care on Sunday, November 8. Approximately 3,144, or 2.8%, of the 111,416 tests administered in New York on November 8 were positive for COVID-19. Governor Cuomo downgraded the Brooklyn “red” zone to “orange” after a decline in positivity rates in the affected neighborhoods, but elevated two upstate counties to “yellow” zones following increased positivity rates. State Liquor Authority officials suspended a Long Island country club’s liquor license after it violated the Governor’s pandemic-related restrictions by hosting a wedding with more than 100 attendees; the wedding became a super-spreader event that later required several New York schools to switch to remote learning. Mayor de Blasio warned that New York City residents had “one last chance” to prevent a second round of widespread business closures as the city’s positivity rate climbed over 2%. Parents of New York City schoolchildren are anxiously awaiting the announcement of new admissions criteria for the city’s selective schools. New criteria are required because spring tests were cancelled and grading standards were relaxed due to pandemic-related closures.

Presidential updates

- [White House Aids Test Positive for COVID-19](#), November 6
 - The media [reported](#) that at least six White House aids tested positive for coronavirus around the time of the presidential election, including White House Chief of Staff Mark Meadows who tested positive on November 4.
 - The White House has not released the identities of the other infected advisors, but a separate media [report](#) said that Housing Secretary Ben Carson and White House advisor David Bossie tested positive for the virus after attending an election party at the White House last week.
 - A Trump campaign official told the media that campaign advisor Nick Trainer also tested positive.
 - These new infections are the third wave of COVID-19 cases in the White House. In September, President Trump, First Lady Melania Trump, White House Press Secretary Kayleigh McEnany, and advisor Hope Hicks tested positive for COVID-19. Two weeks later, at least five advisors to Vice President Pence tested positive for the virus.
- [President Elect Joseph Biden May Participate in Stimulus Talks During Transition](#), November 9
 - Members of President-elect Biden's transition team [told](#) the media they plan to begin speaking with Congressional Democrats and aides this week regarding a strategy for Congress's lame-duck session.
 - Biden allies have [predicted](#) that his transition team will pressure Congress to pass a compromise stimulus package to address the economic consequences of the pandemic.
 - Prior to the election, the White House was engaged in stimulus negotiations with House Speaker Nancy Pelosi, but those talks failed to produce a deal.
 - Both House Speaker Nancy Pelosi and Senate Majority Leader Mitch McConnell have expressed a desire to pass a second round of stimulus funding, though they disagree regarding the size of a prospective bill.
 - Pelosi has previously proposed that Congress pass a stimulus package worth several trillion dollars; McConnell favors a narrower bill worth roughly \$500 billion.

World Health Organization (WHO)

- [WHO COVID-19 Updates](#), November 9
 - WHO [published](#) an advisory regarding the mink-associated strain of COVID-19 that led to Denmark's decision to cull its farmed mink population. WHO considers Denmark's findings globally relevant; it advises further virological studies on the mink-specific mutations, advises all countries to enhance surveillance for COVID-19 at animal-human interface of susceptible animal populations, and advises countries to strengthen farming biosafety and biosecurity around known animal reservoirs.
 - WHO [published](#) technical guidance on readiness for influenza during the COVID-19 pandemic to assist policy makers on monitoring, prevention, reducing complications and mortality, protecting specific populations, and communicating with the public.
 - WHO [updated](#) its Emergency Global Supply Chain System Catalogue, which lists medical devices that may be requested through its COVID-19 supply portal along with indicative prices.

- WHO Secretary-General Tedros announced that WHO looks forward to [working](#) closely with the administration of President-Elect Joe Biden, who stated during his campaign that he would rescind President Trump’s decision to withdraw from WHO.

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

- [COVIDView Weekly Surveillance Summary of U.S. COVID-19 Activity](#), November 6
 - CDC summarized key COVID-19 disease indicators for the week ending October 31.
 - The national average of respiratory specimens testing positive for COVID-19 decreased from 7.2% to 8.2% from October 24 to October 31.
 - Regionally, the percentage of respiratory specimens testing positive for COVID-19 increased in all ten regions of the country.
 - The overall cumulative hospitalization rate is 207.1 per 100,000, up from 199.8 per 100,000 during the previous week.
 - Based on death certificate data, the percentage of total deaths attributed to pneumonia, influenza, or COVID-19 decreased 0.1% from October 24 (8.2%) to October 31 (8.1%). The percentage remains above the epidemic threshold and will likely increase as more death certificates are processed.

New York State

- [New York State COVID-19 Updates](#), November 9
 - New York reported 26 deaths, 1,444 hospitalizations, and 282 COVID-19 patients in intensive care on Sunday, November 8.
 - Approximately 3,144, or 2.8%, of the 111,416 tests administered in New York on November 8 were positive for COVID-19.
 - On November 9, Governor Cuomo announced that the Brooklyn “red” micro-cluster would transition to “orange,” allowing many businesses to reopen after continued reductions in positivity rates throughout the zone. Last week, the State reduced the size of the zone by 50% due to declining positivity rates. Governor Cuomo, however, announced two new “yellow” zones in Monroe County and Onondaga County in response to rising positivity rates there.
 - The State Liquor Authority suspended North Fork Country Club’s liquor license after the Long Island venue violated pandemic-related restrictions by hosting a wedding with 113 guests, more than double the amount allowed under the Governor’s Executive Orders. The wedding turned into a super-spreader event, leading to 34 coronavirus infections, causing 159 individuals to quarantine, and requiring several schools to switch to remote learning.

New York City

- [New York City COVID-19 Updates](#), November 9
 - Parents of New York City schoolchildren are [growing](#) anxious as they await an announcement from the Mayor regarding the application process for the city’s selective schools. In response to the pandemic, the City cancelled tests due to restrictions on in-person gatherings and relaxed grading policies as students acclimated to virtual learning. In addition, the City intends to respond to renewed scrutiny over the role of testing in producing disparate racial outcomes in admissions to the City’s specialized schools.

- [*New York City on the Cusp of Second Wave of COVID-19, Mayor Says*](#), November 9
 - Mayor de Blasio cautioned New Yorkers that they have “one last chance” to avoid a second wave of COVID-19 infections that would force the city to return to widespread restrictions on business, schools, and social gatherings. The percentage of New York City residents who have tested positive during the past week—2.21%—represents a percentage last seen in June.
 - In September, Mayor de Blasio cautioned that if the citywide positive rates climbed over 2%, the City would reassess whether it would continue to allow indoor dining. On Monday, Mayor de Blasio said that indoor dining would be reassessed as the City considers how to respond to rising positivity rates.
 - According to the NYC Department of Education, 26 buildings are closed for 14 days and another 26 buildings are closed for 24 hours for cleaning and quarantines. Another 22 buildings are shut down because they are located in a “red” micro-cluster zone. 1,510 students and staff have tested positive for the virus since September.

Other Related Updates

- [*Early Pfizer Data Shows Vaccine is More than 90% Effective*](#), November 9
 - Pfizer and partner BioNTech [announced](#) positive efficacy results from its Phase 3 late-stage trial of a potential COVID-19 vaccine, finding that the candidate was more than 90% effective in preventing COVID-19 in participants.
 - The data was delivered in a news release, not a peer-reviewed medical journal. It is not conclusive evidence that the vaccine is safe and effective, and the initial finding of more than 90% efficacy could change as the trial progresses. Even if effective, no one knows how long the vaccine’s protection might last.
 - The results are nonetheless extremely encouraging. FDA set the baseline for vaccine trials at 50% efficacy, but the interim results of Pfizer’s trial would put the level of protection on par with highly effective childhood vaccines for diseases such as measles.
 - The United States government previously agreed to purchase 100 million doses for \$1.95 billion.
 - Dr. Kathrin Jansen, head of vaccine research and development at Pfizer, [distanced](#) the company and its vaccine production from politics, noting that the company did not take funding from Operation Warp Speed.
 - Pfizer plans to ask Food and Drug Administration for an emergency use authorization (EUA) of the vaccine later this month, after it has collected the recommended two months of safety data.
 - Pfizer hopes to manufacture enough doses to immunize 15 to 20 million people by the end of 2020.
 - Pfizer’s vaccine candidate will be logistically difficult to distribute. It requires patients to receive two doses three weeks apart, and each dose must be [cooled](#) to -80°C for transportation.
 - The vaccine uses mRNA technology that encourages the body to build proteins found on the surface of the coronavirus, stimulating the immune system. Another leading vaccine candidate from Moderna uses similar technology.
 - Pfizer’s release estimates that the recommended median two months of safety data, likely required for EUA from the FDA, will be available by the third week of November.

- [FDA COVID-19 Updates](#), November 9
 - Food and Drug Administration issued an [EUA](#) for the first serology test that detects neutralizing antibodies - antibodies that decrease infection - from recent or prior SARS-CoV-2 infection. FDA has previously issued EUA for more than 50 antibody tests that detect binding antibodies, which bind to SARS-CoV-2 but do not necessarily decrease infection.
 - FDA published [guidance](#) on enhancing diversity in clinical trials and encouraging inclusivity in medical product development. FDA Commissioner Stephen Hahn published a [statement](#) in support.

Other recent events covered in detail elsewhere:

- [New HHS Advisory Opinions Support Broad Application of PREP Act Immunity for COVID-19 Response](#), November 3
- [When Down the Hall Becomes Across State Lines - Part 2](#), October 23
- [When Down the Hall Becomes Across State Lines - Part 1](#), October 22
- [Private Funds Exam and Enforcement in the COVID Period: What Advisors Need to Know](#), October 22

Send questions to:

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