

October 30, 2020

Summary

The United States has 8,982,804 confirmed COVID-19 cases and 229,096 reported related deaths. The United States recorded 88,521 cases on October 29, setting yet another daily record. Dr. Fauci said that the country needs a national mask mandate to combat the virus. The country's governors are scheduled to meet with Health and Human Services Secretary Azar on October 30 regarding the pandemic; some governors have expressed concerns that the states do not have adequate funding to distribute COVID-19 vaccines when they become available. Unions representing nurses and other health care workers sued Occupational Safety and Health Administration (OSHA) over the agency's failure to issue an infectious disease standard to protect health care workers during the pandemic; OSHA says its existing safety standards are sufficient to protect workers from the virus. House Speaker Pelosi said she hopes to pass a second round of stimulus spending after the November elections.

Washington state Governor Jay Inslee announced Washington will join a pact with Oregon, Nevada, and California to independently review the safety and efficacy of any coronavirus vaccine approved by FDA before distribution occurs in those states. California announced the plan last week. Iowa has closed and consolidated hundreds of polling places due to COVID-19 outbreaks just days before the election. New cases in North Dakota dropped for a third straight day after a massive surge in cases throughout October. Kroger Health announced it will provide rapid COVID-19 antibody tests at all pharmacies in Michigan; the tests are available for \$25 and can provide results within 15 minutes. Connecticut and New Jersey added Massachusetts to their quarantine lists as positivity rates increase in the Commonwealth.

New York reported 12 deaths, 1,085 hospitalizations, and 243 COVID-19 patients in intensive care on Thursday, October 29. Approximately 2,255, or 1.54%, of the 146,885 tests administered in New York on October 29 were positive for COVID-19. Governor Cuomo reminded all New Yorkers to get a flu shot as he announced launch of the state's flu tracker, a mobile app that displays daily and weekly flu data. Governor Cuomo also announced that the State would direct \$10 million in funding to Nourish New York to supply food banks with surplus goods from New York farms, in part, to help offset the economic consequences of the pandemic. Mayor de Blasio reached a deal with New York City's largest municipal union to avoid layoffs until after June 2021 in exchange for withholding payments into the union's employee fund. The deal is expected to save the City \$164 million over the next year as the City grapples with a revenue shortfall due to declining tax revenues as a result of the pandemic. Half of New York City parents with children in New York City public schools rate remote learning as successful, although a lower proportion of minority parents agree.

Presidential updates

- [White House Science Office Lists “Ending COVID-19 Pandemic” Among President Trump’s Accomplishments](#), October 27
 - The White House Science Office (the “Science Office”) issued a report and press [release](#) describing President Trump’s accomplishments in the fields of science and technology.
 - The Science Office included among those accomplishments “ending the COVID-19 pandemic.”
 - The Science Office expressed that “from the outset of the COVID-19, the [Trump] Administration has taken decisive actions to engage scientists and health professional in academia, industry, and government to understand, treat, and defeat the disease.”
 - During an interview with the press, White House spokesperson Alyssa Farah [said](#) that the press release was “poorly worded;” Farah explained that “the intent was to say that it is our goal to end the virus.”
 - On October 29, the United States recorded 88,521 new COVID-19 cases, its highest daily case count since the start of the pandemic.
 - On October 28, modelers at Children’s Hospital of Philadelphia published a report [warning](#) that the virus is spreading at exponential rates across at least half the states.

World Health Organization (WHO)

- [WHO COVID-19 Updates](#), October 30
 - WHO will [co-lead](#) a compensation fund, set up through the COVAX global vaccine program, for people in poor nations who suffer any side-effects from COVID-19 vaccines, hoping to allay fears that could hamper a global rollout. Leaders hope to avoid a repetition of delays experienced a decade ago when low-income governments were afraid to roll out the H1N1 swine flu vaccine due to potential liabilities.
 - WHO European Regional Director Hans Kluge told European Health Ministers that “Europe is at the epicenter of this pandemic once again” after the region reached a record 1.5 million new infections last week.

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

- [CDC Interpretation of Forecasts of New Deaths and Hospitalizations](#), October 30
 - CDC [consolidated](#) data from 47 models projecting the COVID-19 death rate. Predicted rates of increase differ among the forecasts, depending on assumptions about the prevalence and rigor of social distancing behaviors.
 - CDC’s national ensemble forecast indicates an uncertain trend in new COVID-19 deaths over the next four weeks. CDC predicts that the number of cumulative COVID-19 deaths will be between 243,000 to 256,000 by November 21, 2020.
 - CDC [consolidated](#) data from 12 models projecting the number of daily COVID-19 hospitalizations. Five models predict an increase in daily hospitalizations over the next four weeks, two models predict a decrease, and two models are uncertain about the direction of the trend or predict stable numbers. The forecasts estimate 2,300 to 13,000 new COVID-19 hospitalizations per day by November 23.

New York State

- [*New York State COVID-19 Updates*](#), October 30
 - New York reported 12 deaths, 1,085 hospitalizations, and 243 COVID-19 patients in intensive care on Thursday, October 29. New York State [reported](#) a record high number of COVID-19 tests on October 28, but also [registered](#) positivity rates not seen since June.
 - Approximately 2,255, or 1.54%, of the 146,885 tests administered in New York on October 29 were positive for COVID-19.
 - Governor Cuomo [reminded](#) all New Yorkers to get a flu shot as he announced the launch of [New York State Flu Tracker](#), a mobile app that displays daily and weekly flu data.
 - Governor Cuomo [announced](#) that New York State would provide an additional \$10 million in funding to Nourish New York, which purchases surplus products from New York farmers and delivers them to families in need. The Governor noted that there has been increased demand at food banks as a result of the pandemic's economic toll.

New York City

- [*New York City's Largest Municipal Union, Mayor de Blasio Reach Deal to Avert Layoffs*](#), October 30
 - Mayor de Blasio reached a deal with the city's largest municipal union, the District Council 37 union, by committing not to lay off employees of the union until the end of June 2021. The City will withhold payments to the union's fund for employees and retirees. The union represents 150,000 employees and 50,000 retired officials.
 - Withholding the payments saves the city approximately \$164 million in this year's budget. The City has promised to extend its promise not to lay off union members if it receives federal assistance or state authority to borrow money.
 - Earlier this year, Mayor de Blasio said that it may be required to lay off up to 22,000 City employees as a result of a \$9 billion revenue shortfall largely caused by decreased tax revenue as a result of the pandemic.
- [*Half of New York City Parents Say Remote Learning Works, Poll Finds*](#), October 30
 - According to an online survey conducted by a New York-based educational non-profit, half of New York City parents rate the remote-learning experience as successful, but parents of color, whose children are more likely to engage in remote learning, are more likely to regard remote learning as unsuccessful.
 - Roughly 54% of approximately 1 million children in New York City public schools have chosen remote learning, a 30% increase compared to mid-August.
 - Sixty-two percent of parents of color reported that their children are remote learning, compared to 38% of white parents. Seventy-three percent of parents in low-income families reported that their children are remote learning, compared to 46% of parents who earn higher incomes.

Other Related Updates

- [*Department of Labor Unemployment Insurance Weekly Claims Report*](#), October 30
 - Department of Labor (DOL) [reports](#) that another 751,000 workers filed initial claims for unemployment benefits last week.

- The number of new claims has been trending downward since March, when nearly seven million people filed for unemployment insurance in a single week.
- 359,667 new claims were filed for Pandemic Unemployment Assistance, the federal program intended to help freelancers, gig workers, the self-employed, and others not normally eligible for state jobless benefits.
- [*Health Care Workers Sue OSHA Over COVID-19 Protections*](#), October 29
 - Unions representing tens of thousands of nurses and other health care workers filed a lawsuit against the Occupational Safety and Health Administration (OSHA) for violating its duties to keep workers safe by failing to issue an infectious disease standard to protect health care workers during the pandemic.
 - The AFL-CIO filed a similar suit that was dismissed over the summer, and another similar suit filed by a group of meatpacking workers is ongoing.
 - OSHA spokesperson Megan P. McSweeney said that the administration's existing safety standards are sufficient to protect workers, noting that OSHA has received 9,818 coronavirus-related complaints during the pandemic and issued 112 citations.
 - According to the CDC, more than 192,000 health care workers have contracted COVID-19 and 771 have died.
- [*State Leaders Say They Lack Adequate Funding to Distribute COVID-19 Vaccines*](#), October 30
 - The federal government has instructed states and territories to prepare to distribute the first doses of a COVID-19 vaccine by November 15, though FDA is unlikely to approve a vaccine by then.
 - Some state officials [say](#) they lack adequate resources and federal guidance to distribute vaccines. Earlier this month the bipartisan National Governors Association (NGA) sent a letter to the White House posing questions regarding funding for vaccine distribution. According to Governor Cuomo, NGA has not received an answer. The governors are scheduled to meet with HHS Secretary Azar on October 30.
 - States and territories have received \$200 million from CDC to create their vaccine distribution plans. An anonymous source told the press that CDC plans to send states an additional \$140 million by the end of 2020. Last month, however, CDC Director Redfield told Congress that it will cost roughly \$6 billion to support states' vaccine distribution efforts. The Trump Administration has asked Congress for additional funding, but Congress has not agreed on a second round of emergency funding.
 - Effectively distributing vaccines may involve recruiting and training workers for vaccination campaigns, providing for cold storage of vaccine doses, running vaccination sites, and ramping up information technology systems to track vaccine inventory and distribution and monitor for adverse events.
- [*Researchers Discover Key Pathway Coronaviruses Use to Exit Cells*](#), October 28
 - Researchers at the National Institutes of Health (NIH) [discovered](#) a biological pathway that the novel coronavirus uses to hijack and exit cells as it spreads through the body.
 - The study found that the coronavirus can exit infected cells through the lysosome, an organelle that functions like the cells' trash compactor and destroys viruses before they

- leave the cell. Researchers found that SARS-CoV-2 deactivates the lysosome's disease-fighting machinery, allowing the virus to spread fiercely throughout the body.
- Researchers hope that targeting the lysosomal pathway could lead to the development of new, more effective antiviral therapies to treat COVID-19.
- [*Interim Results of Eli Lilly Antibody Treatment Show Promise for Treating Early COVID-19 Cases*](#), October 28
 - Interim [results](#) of a Phase 2 trial of Eli Lilly's monoclonal antibody treatment for COVID-19 showed promise for treating outpatients with mild-to-moderate COVID-19.
 - Four hundred fifty trial participants were given different-sized doses of the therapeutic or a placebo. Eleven days after administration, researchers observed a significant drop in viral load among patients who received the mid-sized dose. Patients who received treatment had less severe symptoms compared to patients that received the placebo and were less likely to be hospitalized by Day 29.
 - The results come just days after NIH ended a study on using the experimental therapeutic to treat seriously ill hospitalized patients because it did not produce positive results, and after the United States reached a \$375 million deal to purchase 300,000 doses.
 - [*Study Shows COVID-19 Antibodies Remain Stable for At Least Five Months*](#), October 28
 - SARS-CoV-2 antibodies are relatively stable for at least five months, according to an analysis of serial antibody tests in roughly 120 recovered COVID-19 patients.
 - The findings contrast with recent reports of rapidly waning antibody levels.
 - In a separate analysis of a larger group, most participants who had seroconverted (developed antibodies) had antibodies with neutralizing activity.
 - Researchers note "it is still unclear if infection with SARS-CoV-2 in humans protects from reinfection and for how long."
 - [*FDA COVID-19 Updates*](#), October 30
 - Food and Drug Administration [expanded](#) the scope of its guidance on remote patient monitoring devices to include an additional device type: Gaseous-Phase Carbon-Dioxide Gas Analyzer, which includes capnographs and devices with a capnography feature.
 - FDA approved two generic drugs indicated to facilitate tracheal intubation and to provide skeletal muscle relaxation during surgery or mechanical ventilation: [succinylcholine chloride injection](#) USP 200 mg/10 mL, and [cisatracurium besylate injection](#) USP 10 mg/5 mL.
 - FDA issued warning letters to [Everything Aquatic](#) and [Mr. Frags, LLC](#), which distribute chloroquine phosphate products intended to treat disease in aquarium fish, regarding [concerns](#) that consumers may mistake unapproved chloroquine phosphate animal drugs for the human drug chloroquine phosphate.
 - FDA issued warning letters jointly with the Federal Trade Commission to [Peterson Research Laboratories dba Covercology](#), [Predator Nutrition](#), and [Beepothecary](#) for selling unapproved and misbranded products with COVID-19 claims.

Other recent events covered in detail elsewhere:

- [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 Now](#), October 22
- [Risk Assessments Need to Account for Public Nuisance Litigation](#), October 13

Send questions to:

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