

Congress of the United States
Washington, DC 20510

September 14, 2020

The Honorable Alex M. Azar II
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Secretary Azar,

We write to urge you to immediately declare a public health emergency under section 319 of the Public Health Service Act (PHSA) in the State of Oregon due to a wildfire disaster beginning on September 7, 2020 and continuing.

On August 19, Governor Kate Brown declared a statewide State of Emergency. On September 9, the Governor requested a federal emergency declaration, which was approved the following day by President Trump. Today, the Governor requested a *major disaster* declaration for the state by the Federal Emergency Management Agency (FEMA).

Currently, wildfires across Oregon have placed approximately 500,000 individuals under evacuation notice with an estimated 40,000 individuals forced to evacuate from dangerous areas. Many evacuees do not have homes to return to, and are staying with family or friends, in vehicles, hotels, motels, and other congregate and non-congregate shelters that follow COVID-19 public health guidance. Power lines and communications are damaged, transportation routes are closed, and medically vulnerable individuals now face the dual challenge of both a wildfire disaster and pandemic.

Air quality and smoke produced by the wildfires present a significant health threat for individuals with underlying health conditions such as asthma or lung conditions, and threaten to make the COVID-19 pandemic worse. Over the last several days, air quality across Oregon has ranked among the worst in the world and even maxed out the scale used by the Environmental Protection Agency to measure hazardous air quality. Right now, 10 percent of all hospital admissions in the state are asthma related.

The Centers for Disease Control and Prevention (CDC) has warned that smoke can make individuals more prone to respiratory diseases, including the coronavirus. And while in other years Oregonians could go to their local libraries or other large indoor public spaces to be in cleaner and cooler air, many of those spaces are currently closed due to the pandemic. Wildfire evacuation protocols have challenged those who are in isolation or quarantine due to a positive COVID-19 diagnosis, exposure to the virus, or clinical COVID-19 symptoms.

The wildfire and air quality conditions threaten to increase demand on the health care system as providers respond to COVID-19. On Monday, September 14, 2020, the Oregon Health Authority announced that the Oregon State Public Health Laboratory (OSPHL) closed for the day due to air quality conditions that made it too hazardous to safely use appropriate air safety equipment including hoods. COVID-19 testing numbers in Oregon have appeared to decrease due to widespread hazardous conditions that have closed testing locations and forced many individuals to avoid outdoor activity.

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Amid the wildfire disaster and COVID-19 pandemic, Oregonians are facing increased stress and anxiety, which also requires emotional support and access to crisis counseling.

We therefore urge you to determine that the wildfires in Oregon are a public health emergency by invoking section 319 of the PHSA to better equip the state in responding to this disaster. We also urge you to issue or modify related waivers for Medicare, Medicaid, Children's Health Insurance Program (CHIP), and Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule requirements to give patients and providers the greatest flexibility in meeting the dual emergency health needs of the wildfires and COVID-19.

In following the public health declaration, we request that you take all appropriate actions in responding to the disaster and pandemic, including but not limited to:

- Making "no-year" funds appropriated to the Public Health Emergency Fund available
- Deploying regional emergency coordinators (RECs) to work with federal, state, local, and tribal health officials
- Providing medical supplies, equipment and services
- Making staff from HHS' National Disaster Medical System and the U.S. Public Health Service Commissioner Corps available
- Granting extensions or waiving application deadlines for any HHS grants

We ask that any actions and flexibilities granted to Oregon under a public health emergency declaration through the PHSA or Social Security Act be retroactive to August 19, 2020, the day Governor Kate Brown declared a statewide State of Emergency due to the wildfires.

Thank you for your attention to this immediate request.

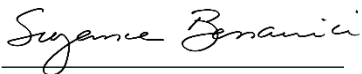
Sincerely,



Jeffrey A. Merkley
United States Senator



Ron Wyden
United States Senator




Suzanne Bonamici
Member of Congress



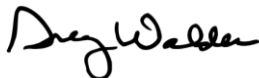
Peter A. DeFazio
Member of Congress



Earl Blumenauer
Member of Congress



Kurt Schrader
Member of Congress



Greg Walden
Member of Congress