

United States Senate

May 1, 2020

The Honorable Peter Gaynor
Administrator
Federal Emergency Management Agency
500 C Street SW
Washington, DC 20472

The Honorable Alex Azar
Secretary
U.S. Department of Health and Human
Services
330 C St SW
Washington, DC 20416

Dear Administrator Gaynor and Secretary Azar:

As our nation continues to combat COVID-19, we know that the true death toll from the virus is likely far higher than the current count.¹ An accurate count of the lives lost to the pandemic is critical to understanding the impact of the crisis, ensuring the federal government is held accountable for an adequate response, and providing information on rates and distribution of mortality and morbidity to inform public guidance as communities being to open up. This data is especially crucial to tracking deaths in minority populations and informing decisions on how to effectively address observed disparities in the COVID-19 mortality rate. Already, we have seen a COVID-19 mortality rate for Black Americans that is about 2.5 times higher than the rest of the population.² Accurate and consistent data is also critical to understanding where to send scarce resources, such as ventilators and personal protective equipment (PPE), and it is one of the few ways to understand how and where the disease has the potential to establish a hotspot.³

Unfortunately, the United States does not currently have a standard protocol for counting mass casualties during a disaster, which can cause inaccurate disaster-related data. Recent reports have indicated that inconsistent protocols from state to state and limited testing resources have led to potentially high numbers of uncounted COVID-19 deaths.⁴ Each state, coroner, and medical examiner are potentially operating under different policies when it comes to classifying and reporting deaths linked to the disease. Additionally, many coroners and medical examiners are unable to test the deceased due to a lack of testing capacity, which compounds the issue of incomplete death counts.

¹ <https://www.nytimes.com/interactive/2020/04/28/us/coronavirus-death-toll-total.html>

² <https://www.apmresearchlab.org/covid/deaths-by-race>

³ <https://www.nbcnews.com/news/world/official-coronavirus-death-tolls-are-only-estimate-problem-n1183756>

⁴ <https://www.cnn.com/2020/04/06/health/coronavirus-coroners-uncounted-deaths-invs/index.html>

As uncertainties and inconsistencies have emerged, health departments have had to amend previously reported counts.⁵ For example, New York City's death toll did not originally include those who died at home without getting tested, or who died in nursing homes or at hospitals, but did not have a confirmed positive test result. Then, earlier this month, the city decided to include presumed coronavirus cases in its data, suddenly increasing the death toll by thousands.⁶ Additionally, Santa Clara County, California recently announced three previously unidentified deaths from the coronavirus, all predating the first reported death in the county, implying that the virus had been circulating in the community much earlier than originally documented.⁷ Further, experts believe that many of the earliest cases of COVID-19 were likely overlooked and were incorrectly attributed to the flu as the nation was in the middle of the typical influenza season.⁸

The United States has recently experienced the ramifications of an inaccurate death toll from a disaster. In the immediate aftermath of Hurricane Maria, disturbing reports suggested the official death toll in Puerto Rico of 64 was a dramatic undercount and that the real number was in the thousands. This vast discrepancy had detrimental effects on Puerto Rico's recovery, especially because death toll numbers influence the urgency and scale of federal response efforts and the aid disaster victims and their families can receive from the Federal Emergency Management Agency (FEMA).

One year after Hurricane Maria hit, FEMA received 2,431 requests for funeral assistance from Puerto Ricans, and only 75 (3%) were approved.⁹ To qualify, Puerto Ricans had to provide a death certificate or letter from a government official, "that clearly indicates the death was attributed to the emergency or disaster, either directly or indirectly," but getting that information was impossible for many families because officials were not counting hurricane-related deaths appropriately or consistently.¹⁰

As Puerto Ricans grappled with the true cost of the hurricane, President Trump downplayed the disaster, making false accusations that the toll was being inflated to "make me look as bad as possible."¹¹ President Trump has again attempted to spread false information surrounding death counts by retweeting statements claiming that the COVID-19 death toll has been inflated. We cannot allow the failed disaster response we saw in Puerto Rico to happen ever again.

That is why I introduced the Counting Our Unexpected Natural Tragedies' (COUNT) Victims Act,¹² which was passed into law with the FAA Reauthorization Act of 2018. The bill directed

⁵ <https://www.nytimes.com/2020/04/05/us/coronavirus-deaths-undercount.html>

⁶ <https://www.politico.com/states/new-york/albany/story/2020/04/14/new-york-city-coronavirus-death-toll-jumps-by-3-700-after-uncounted-fatalities-are-added-1275931>

⁷ <https://www.sfchronicle.com/health/article/First-known-U-S-coronavirus-death-occurred-on-15217316.php>

⁸ <https://www.sfchronicle.com/health/article/First-known-U-S-coronavirus-death-occurred-on-15217316.php>

⁹ <https://www.buzzfeednews.com/article/nidhiprakash/puerto-rico-hurricane-funeral-assistance-fema>

¹⁰ <https://www.buzzfeednews.com/article/nidhiprakash/puerto-rico-hurricane-funeral-assistance-fema>

¹¹ <https://www.wsj.com/articles/trump-says-democrats-inflated-puerto-rico-death-toll-from-hurricane-maria-1536846719>

¹² <https://www.harris.senate.gov/news/press-releases/harris-velquez-call-for-probe-into-disaster-death-counts->

FEMA to contract with the National Academies of Sciences, Engineering, and Medicine (Academies) to conduct a study on how to best assess significant morbidity and mortality during and in the aftermath of a natural disaster and to provide best practices and policy recommendations that can be used to help establish federal procedures. Currently, this process is left up to individual states and territories and there is no agreed upon set of best practices.

The Academies have informed me that the committee is in the process of finalizing their findings, conclusions, and recommendations and they expect to release the report to the public later this year.¹³ Unfortunately, we are in the middle of the COVID-19 crisis and we cannot afford to wait for the study's full report. That is why I am requesting that in the interim, FEMA work with the Department of Health and Human Services to utilize the experts from the study to set clear, temporary, federal guidelines specifically for this pandemic in order to obtain an accurate and consistent count of COVID-19 fatalities.

Thank you for your immediate attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Kamala D. Harris', with a stylized flourish at the end.

Kamala D. Harris
United States Senator

¹³ <https://www.nationalacademies.org/our-work/best-practices-in-assessing-mortality-and-significant-morbidity-following-large-scale-disasters>