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August 6, 2020

The Honorable Lamar Alexander
Chairman
Health, Education, Labor and Pensions Committee
U.S. Senate
Washington, D.C. 20510

The Honorable Patty Murray
Ranking Member
Health, Education, Labor and Pensions Committee
U.S. Senate
Washington, D.C. 20510

Dear Chairman Alexander and Ranking Member Murray:

On behalf of the Association of State and Territorial Health Officials (ASTHO) I am writing to express our concern with *Sec. 103 (Improving and Sustaining Medical Stockpiles) of the Safely Getting Back to School and Back to Work Act* – which seeks to compel states to, “maintain a stockpile of appropriate drugs, vaccines, and other medical supplies to be used during a public health emergency declared by a Governor of a State or the Secretary of HHS, or a major disaster or emergency declared by the President,” included in the Health, Economic Assistance, Liability Protection, and Schools Act (HEALS Act).

ASTHO is the national nonprofit organization representing the state and territorial public health agencies of the United States, U.S. territories, and Washington, D.C. ASTHO’s members, the chief health officials of these jurisdictions, are dedicated to formulating and influencing sound public health policy and assuring excellence in state-based public health practice. State and territorial public health departments have a critical role in national security and, recognizing that the United States is currently in the midst of a global coronavirus (COVID-19) pandemic, we respectfully request further clarification and conversation with state and territorial health officials before this provision is included in any legislation moving forward. Our specific questions include the following:

- As drafted, is the intent for the state stockpiles to be supplementary to the national strategic national stockpile (SNS)? In addition, is the intent to shift from the federal SNS to state stockpiles in the future?
- Who would be responsible for determining the appropriate drugs, vaccines, biological products, medical devices, personal protective equipment, supplies, vaccines, and other related supplies to be included in state stockpiles?
- What specific metrics or benchmarks will be used to ensure that state stockpiles are appropriately administered and who will be responsible for establishing them?

Furthermore, we are concerned about language that limits funding for stockpiles to states that can provide non-federal contribution matches to funding provided by the federal government, as this raises questions related to equitable distribution of funding across the various jurisdictions. It is also important to acknowledge the indirect costs that are necessary to efficiently manage a stockpile, which include not only the acquisition of materials for the stockpile, but also sufficient comprehensive resources for

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storage, security, climate control, inventory management, and replenishment. Moreover, the expectation that states will be able to provide funding to satisfy the match requirements of the authorization, considering the recent economic downturn associated with COVID-19, creates additional long-term challenges.

ASTHO reiterates our support of a national coordination of public health and health system preparedness efforts and promotes collaboration among federal and state health agencies and non-governmental entities. The SNS needs consistent management and sustained funding. Strengthening public health preparedness capabilities and readiness at the state, territorial, and local (S/L/T) levels is a about processes and clarity of roles, responsibilities, and division of labor between the assistant secretary for preparedness and response and CDC. Strengthening public health preparedness capabilities and readiness at the S/L/T levels is a critical component of the broader national public health emergency preparedness and response framework. Moreover, states and hospitals need a reliable and sustained source of funding to maintain a stockpile in their jurisdiction. The SNS is an extremely valuable and comprehensive program that will require specific considerations for continued sustainment.

ASTHO appreciates the opportunity to provide our feedback on this critical legislation. We encourage the committee to carefully review our [comments](#) in response to the white paper titled, "Preparing for the Next Pandemic." Please contact Jeffrey Ekoma (jekoma@astho.org), ASTHO's director of government affairs, with any questions you may have.

Sincerely,



Michael Fraser, PhD, MS, CAE, FCPP
Chief Executive Officer
Association of State and Territorial Health Officials