

March 30, 2020



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

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Cc: USDA, ACL and FDA

Dear Secretary Azar:

The Academy of Nutrition and Dietetics, the world's largest organization of food and nutrition professionals, joins the World Health Organization<sup>i</sup> and other health care and professional organizations advocating for sufficient personal protective equipment for the U.S. frontline medical workforce.<sup>ii,iii,iv</sup>

As you are aware, dedicated and expert medical teams continue to care for and treat individuals and patients without adequate personal protective equipment. In doing so, these professionals are contracting COVID-19 and some have lost their lives. As a nation, we owe it to these workers to do everything possible to protect them and their patients from being infected and infecting others. Without this workforce, we cannot begin to adequately combat COVID-19.

The Academy shares concerns about ineffective alternatives and practices that the medical community has been forced to adopt during shortages, including having to re-wear masks, face guards and gowns that were designed for single use. Registered dietitian nutritionists working in intensive care units provide nutrition support to patients on ventilators; they are among the growing list of professionals being exposed to COVID-19 as a result of PPE supply shortages.

The Academy respectfully urges the Trump administration to:

1. Exercise its authority to redirect industry to engage in mass production of protective gear as recommended by WHO and allowed under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121-5207 (Stafford Act)<sup>v</sup> and President Trump's March 18, 2020 Executive Order<sup>vi</sup> (DPA E.O.) finding that medical resources needed to respond to COVID-19 qualified as "critical and strategic materials" under the Defense Production Act of 1950 (the DPA), as amended);
2. Strengthen efforts to identify and recruit potential new PPE manufacturers by assisting FDA with proactive outreach;<sup>vii</sup>
3. Demonstrate leadership by developing a national tracking system of acquisition and distribution to ensure new and existing public, private and military/national guard resources are directed to geographical areas requiring critical and immediate COVID-19 response;
4. Continue to encourage the public to avoid purchasing or hoarding PPE when not medically indicated for the care or protection of those at risk;
5. Assist federal, state and local public health officials, including leaders in health care settings, with the interpretation and implementation of (a) CDC recommendations and strategies to optimizing PPE availability<sup>viii</sup> and (b) FDA mask and gown conservation strategies;<sup>ix</sup> and

6. Collaborate with the U.S. Department of Agriculture, the Administration for Community Living, states and local entities to protect employees and volunteers who are providing continued access to critical food security programs such as school nutrition programs and “grab and go” and home delivered meals for seniors.

The Academy believes that reducing exposure through minimizing direct patient and public contact whenever possible is essential. We appreciate the flexibilities provided by HHS to allow expanded use of telehealth and the facilitate interstate practice. While these steps do not eliminate the need for those working in acute care, they will dramatically reduce the need for PPE for those serving in ambulatory care positions, thereby conserving critical supplies for those on the front lines of the COVID-19 pandemic.

Please do not hesitate to contact Jeanne Blankenship by phone at 202-775-8277 ext. 1730 or by email at [jblankenship@eatright.org](mailto:jblankenship@eatright.org).

Sincerely,



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<sup>1</sup> World Health Organization. Shortage of personal protective equipment endangering health workers worldwide. March 2020. Available at: <https://www.who.int/news-room/detail/03-03-2020-shortage-of-personal-protective-equipment-endangering-health-workers-worldwide>. Accessed March 30, 2020.

<sup>2</sup> Ranney, M.L., Griffith, V., Jha, A.K. Critical Supply Shortages—The Need for Ventilators and Personal Protective Equipment during the Covid-19 Pandemic. March 25, 2020. *NEJM* Perspective. Available at: <https://www.nejm.org/doi/full/10.1056/NEJMp2006141>. Accessed March 30, 2020.

<sup>3</sup>American Society of Anesthesiologists, Anesthesia Patient Safety Foundation, American Academy of Anesthesiologist Assistants and American Association of Nurse Anesthetists. UPDATE: The Use of Personal Protective Equipment by Anesthesia Professionals during the COVID-19 Pandemic. March 22, 2020. Available at: <https://www.apsf.org/news-updates/the-use-of-personal-protective-equipment-by-anesthesia-professionals-during-the-covid-19-pandemic/>. Accessed: March 30, 2020.

<sup>4</sup>Harris, P.A. AMA urges critical steps to protect frontline health care workers. March 28, 2020. Available at: <https://www.ama-assn.org/press-center/ama-statements/ama-urges-critical-steps-protect-frontline-health-care-workers>. Accessed: March 30, 2020.

<sup>5</sup> 50 U.S.C. § 4501 *et seq.*

<sup>6</sup>“Executive Order on Prioritizing and Allocating Health and Medical Resources to Respond to the Spread of Covid-19.” Executive Order 13909 (March 18, 2020). Available at <https://www.whitehouse.gov/presidential-actions/executive-order-prioritizing-allocating-health-medical-resources-respond-spread-covid-19/>

<sup>7</sup>Hahn, S.M. Coronavirus (COVID-19) Update: FDA takes action to increase U.S. supplies through instructions for PPE and device manufacturers. March 24, 2020. Available at: <https://www.fda.gov/news-events/press-announcements/coronavirus-covid-19-update-fda-takes-action-increase-us-supplies-through-instructions-ppe-and>. Accessed: March 30, 2020.

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<sup>8</sup>Centers for Disease Control and Prevention. Strategies to Optimize PPE & Equipment. Updated: March 26, 2020. Available at: <https://www.cdc.gov/coronavirus/2019-ncov/hcp/ppe-strategy/index.html>. Accessed: March 30, 2020.

<sup>9</sup>U.S. Food and Drug Administration Division of Industry and Consumer Education. Surgical Mask and Gown Conservation Strategies - Letter to Healthcare Providers. March 11, 2020. Available at: <https://www.fda.gov/medical-devices/letters-health-care-providers/surgical-mask-and-gown-conservation-strategies-letter-healthcare-providers>. Accessed: March 30, 2020.