

# Congress of the United States

Washington, DC 20515

July 25, 2024

The Honorable Xavier Becerra  
Secretary  
Department of Health and Human Services  
200 Independence Ave., SW  
Washington, D.C. 20201

Dear Secretary Becerra:

We are writing to you today to express concern about the continued spread of Highly Pathogenic Avian Influenza (HPAI), or H5N1 bird flu, among poultry and dairy workers in Colorado and nationwide. At the end of 2023, HPAI had a spillover event from the poultry population to dairy cattle, putting thousands of poultry and dairy workers at risk of exposure daily. At the time of writing this letter, there have been 10 confirmed cases of HPAI among exposed workers, with seven of these confirmed cases occurring in northeastern Colorado. We are inquiring about the Department of Health and Human Services' (HHS) plan to mitigate the current outbreak of HPAI cases among poultry and other workers. We also request information about HHS' strategies to prevent this disease from spreading to the general public.

As of July 19th, 2024, at least six workers have tested positive for HPAI at a poultry farm in northeastern Colorado.<sup>1</sup> This brings the total number of cases in Colorado to seven, as a dairy worker was confirmed to have contracted HPAI earlier this month. These poultry workers were likely infected by chickens they had been tasked with culling in response to a HPAI poultry outbreak at the farm. This also occurred during a heat wave, with temperatures exceeding 104°F.<sup>2</sup> This extreme heat likely impacted their ability to safely wear the proper personal protective equipment (PPE), such as full-body suits, N95 respirators, and goggles. Additionally, large-scale industrial fans, intended to cool down the barns, were circulating the feathers from infected poultry, which could have also carried the virus.<sup>3</sup> While it is reported that affected workers are experiencing mild symptoms so far, the news of this outbreak is extremely alarming given its implications on the health and well-being of our farmworkers.

This particular outbreak reflects a larger concern about the public health and safety measures in place to protect farmworkers that interact with infected poultry, cattle, and other livestock. The high risk of direct exposure, coupled with extreme temperatures, creates a precarious environment for farmworkers to carry out their job responsibilities while safeguarding their health. While 10 cases have been reported nationwide so far, it is possible there are many undetected cases. The Centers for Disease Control and Prevention (CDC) has only tested about 60 individuals over the past four months. To date, no commercial and academic laboratory has offered a test.<sup>4</sup> At this time, the CDC is not offering at-risk populations the H5N1 vaccine, despite an availability of vaccines, citing few cases and a lack of human-to-human transmission.<sup>5</sup> While there have been few cases to this point, it is imperative that we continue to monitor the situation and bring all necessary resources to bear to remain ahead of this virus to prevent future outbreaks across Colorado and the rest of the country.

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<sup>1</sup> <https://coloradosun.com/2024/07/22/colorado-bird-flu-outbreak-people-heat/#:~:text=Extreme%20heat%20in%20Colorado%20may,Six%20later%20tested%20positive.>

<sup>2</sup> <https://kffhealthnews.org/news/article/five-bird-flu-cases-colorado-poultry-workers-virus-spread/>

<sup>3</sup> <https://kffhealthnews.org/news/article/five-bird-flu-cases-colorado-poultry-workers-virus-spread/>

<sup>4</sup> <https://kffhealthnews.org/news/article/cdc-bird-flu-tests-covid-repeat-concerns/>

<sup>5</sup> <https://kffhealthnews.org/news/article/bird-flu-cases-colorado-poultry-workers-virus-spread/>

We are encouraged that the state of Colorado has taken a proactive approach in its HPAI outbreak response though requesting medical countermeasures, such as goggles, gloves, and N95 respirators, from the Strategic National Stockpile. Following the confirmed poultry worker cases, the state also requested 500 courses of Tamiflu for treatment among infected individuals.<sup>6</sup> However, we urge HHS to take further action on this pressing health concern at the federal level by providing a detailed and comprehensive plan to specifically address the rise in HPAI cases among high-risk populations, with an emphasis on poultry and dairy workers. We request information about HHS' plan to mitigate the outbreak of HPAI among farmworkers and prevent the spread to the general public, including answers to the following questions:

- 1) How is HHS conducting comprehensive and multilingual education and outreach among farmworkers about HPAI modes of transmission, risk of exposure, proper safety protocols, including use of PPE, and testing and treatment options?
- 2) What strategies is HHS deploying to increase HPAI surveillance efforts, including testing, among farmworkers? How is HHS working with CDC, local health departments, and other relevant entities to assuage farmworker concerns for testing or treatment, including uncompensated time off work or loss of employment?
- 3) Extreme temperatures can make it unsafe to wear full body suits and N95 respirators. Additionally, many dairy workers already wear waterproof aprons, boots, and gloves, which can conflict with their ability to also wear other PPE during milking operations.<sup>7</sup> What steps are being taken by HHS through the Food and Drug Administration (FDA) and the Administration for Strategic Preparedness and Response (ASPR) to ensure practical PPE reaches poultry and dairy workers?
- 4) On July 18, 2024, HHS amended the April 19, 2013, determination of the Federal Food, Drug, and Cosmetic Act to apply to pandemic influenza A viruses and such viruses with pandemic potential, including H5N1.<sup>8</sup> This allows HHS and FDA to take increased actions to facilitate the availability of medical countermeasures for H5N1, such as issuing Emergency Use Authorizations (EUAs). How does HHS plan to offer technical assistance to clinical diagnostic laboratories applying for an EUA to conduct HPAI testing?
- 5) What ongoing measures are HHS and CDC implementing to evaluate the risks and benefits of recommending H5N1 vaccines for potential use among at-risk populations?
- 6) What strategies is HHS deploying to conduct HPAI surveillance and detection efforts, including monitoring potential viral mutation and risk of human-to-human transmission, to prevent spread of the virus among the general public?
- 7) What additional resources are needed to promote HPAI prevention, detection, and management efforts? In particular, what resources are needed to ensure timely distribution of response supplies in state facilities? What support is needed to address state personnel expenses, testing and shipping for surveillance, and biosecurity planning and implementation efforts?

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<sup>6</sup> <https://www.washingtonpost.com/health/2024/07/16/bird-flu-colorado-poultry-cow/>

<sup>7</sup> <https://kffhealthnews.org/news/article/farmworkers-bird-flu-risk-limited-testing-incentives-h5n1/>

<sup>8</sup> <https://www.federalregister.gov/documents/2024/07/24/2024-16247/declaration-of-emergency-pursuant-to-the-federal-food-drug-and-cosmetic-act>

We need to do everything possible to prevent further HPAI infections and potential hospitalizations among our farmworkers and other high-risk populations. These efforts are crucial to developing an efficient, coordinated response and reducing the onset and spread of HPAI across the country. Thank you for your Department's continued leadership and dedication to public health efforts. We look forward to your response and to collaborating with you further on this issue.

Sincerely,




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Yachira Caraveo, M.D.  
Member of Congress




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Brittany Pettersen  
Member of Congress



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Joe Neguse  
Member of Congress



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Diana DeGette  
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Jason Crow  
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