



**National
Nurses
United**

The National Voice for Direct-Care RNs

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April 2nd, 2020

President Donald J. Trump
The White House
1600 Pennsylvania Ave NW
Washington D.C. 20500

Dear Mr. President:

Registered nurses, doctors, and other health care workers are currently risking their lives to care for patients during the pandemic outbreak of novel Coronavirus (COVID-19). Across the nation, our health care workforce does not have the personal protective equipment it needs to safely care for patients without risking exposure to the virus. As a result, health care workers are at risk of illness and death, which puts our entire health care system at risk of collapse. Further, when health care workers are exposed to the virus, they risk transmitting the virus to their families, patients, and communities.

If our country fails to immediately protect our health care workers, we will fail to contain the COVID-19 pandemic.

The Office of the President has the unique authority to immediately rectify this crisis. We write to you today on behalf of the 155,000 registered nurses represented by National Nurses United to urge you to use the full powers of the presidency available under the Defense Production Act (50 U.S.C. §§ 4501 et seq.) to dramatically and immediately ramp up production and distribution of personal protective equipment for health care workers and other medical equipment and supplies essential to the COVID-19 response.

The production and distribution of the following equipment and supplies must be prioritized in actions taken under the Defense Production Act:

- Respirators for health care workers and other at-risk workers
 - N95s: N95 respirators are the minimum protection needed for health care workers during patient care for suspected and confirmed COVID-19 patients. HHS estimates that the country will need 3.5 billion N95s to get through this pandemic safely.¹
 - Powered Air Purifying Respirators (PAPRs): These respirators are necessary for aerosol generating procedures and are an effective and preferred alternative to N95s as they are reusable and do not require fit testing.

¹ See Oral Testimony by Dr. Robert Kadlec, Assistant Secretary for Preparedness and Response, U.S. Department of Health and Human Services, U.S. Senate Committee on Health, Education, Labor & Pensions, "Hearing on an Emerging Disease Threat: How the U.S. Is Responding to COVID-19, the Novel Coronavirus" (Mar. 3, 2020), available at <https://www.help.senate.gov/hearings/an-emerging-disease-threat-how-the-us-is-responding-to-covid-19-the-novel-coronavirus>.

- Face Shields.
- Gloves, Coveralls and Gowns.
 - Coveralls must be impermeable to viral penetration based on the American Society for Testing and Materials (ASTM) standard.
 - Gowns must be fluid resistant or fluid impermeable.
- COVID-19 Testing Equipment and Supplies: All reagents, equipment, and other supplies necessary to conduct testing for COVID-19, including swabs.
- Ventilators and Extracorporeal Membrane Oxygenation (ECMO) machines

The Executive Orders and Presidential Memorandum issued by the White House regarding the use of the Defense Production Act thus far do not fully exercise the Presidential authority under the statute. While we applaud the first steps you have taken to use the Defense Production Act, particularly the use of Title I to order ventilator production by General Motors, we urge further action. We recommend you take the following steps to use this authority to its greatest extent possible in order to protect the well-being of the United States against COVID-19:

- 1. INVOKE TITLE III OF THE DEFENSE PRODUCTION ACT IMMEDIATELY:** Title III of the Defense Production Act grants the President the authority to require manufacturers to increase production of essential materials and resources through loan guarantees, subsidies, and the installation of needed equipment in industrial facilities. The President should use Title III to both order existing producers of necessary equipment to increase their production capacity and to require manufacturing facilities that do not currently produce this equipment to begin manufacturing it instead of their normal products. In the Executive Order issued on March 27th, 2020, the President delegated the authorities under Title III to the Secretaries of the U.S. Department of Health and Human Services and the U.S. Department of Homeland Security but fell short of ordering either Secretary to exercise those authorities or to do so immediately. We urge the President to:
 - a. Immediately direct increased production of COVID-19 response resources for existing manufacturers. This could include the use of the Defense Production Act Fund to increase the capacity of these production facilities, which could include expanding production hours, expanding production facilities, or hiring additional workers.
 - b. Immediately direct other industrial manufacturing facilities to transition to production of the equipment and supplies needed for the COVID-19 response. This could include using the Defense Production Act fund to procure and install the necessary equipment needed for this manufacturing.
 - c. Immediately generate manufacturing purchase orders upon invoking the full extent of Title III, to ensure the most expedient production of essential equipment and supplies.

The Trump Administration has invoked Title III of the Defense Production Act multiple times for production related to the U.S. Department of Defense.² We strongly urge the President to once again make use of this authority to save the lives of our health care workers and our patients.

² The Trump Administration has used Title III of the Defense Production Act to increase production 16 times with respect to national security and defense projects. See whitehouse.gov at https://www.whitehouse.gov/search/?s=%22defense+production+act+of+1950%22&wpsolr fq%5B0%5D=issue_str%3ANational+Security+%26amp%3B+Defense

- 2. DIRECT HHS TO GATHER INFORMATION ON SUPPLIES AND IMPLEMENT RESTRICTIONS ON HOARDING:** In Executive Order 13910, the President delegated authorities under Title I of the Defense Production Act to the HHS Secretary to gather information from private entities on the supply and distribution of health and medical resources necessary to respond to the spread of COVID-19. Executive Order 13910 also delegates to the HHS Secretary, authority under the Defense Production Act to restricting hoarding of health and medical resources necessary to respond to the spread of COVID-19. To ensure that HHS acts in the most expedient manner, the President should immediately direct the HHS Secretary to gather such information on the equipment and supplies necessary to the COVID-19 response and to restrict hoarding of such equipment and supplies.

- 3. IMMEDIATE AND CONTINUED RELEASE AND DISTRIBUTION OF PERSONAL PROTECTIVE EQUIPMENT, TESTING EQUIPMENT, VENTILATORS AND ECMO MACHINES IN THE STRATEGIC NATIONAL STOCKPILE.** It is necessary that the Administration ensure that all existing and future supplies of essential equipment is distributed immediately to the health care facilities and workers that need them.

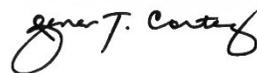
The Defense Production Act was created to allow our country to quickly and successfully respond to national emergencies. The size, scale, and dire outcomes of the COVID-19 pandemic necessitate the immediate use of the full powers of the Defense Production Act. The lives of our nurses, doctors, health care workers, and patients depend on it.

We urge President Trump to respond swiftly to the urgent needs of our nurses and health care workforce by using the full powers of the Presidency to ensure we have the equipment and supplies we so urgently need.

Sincerely,



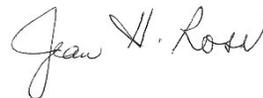
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cc :

Vice President Mike Pence

Ambassador Deborah Birx, White House Coronavirus Response Coordinator

Secretary Alex Azar, Department of Health and Human Services

Dr. Robert Redfield, Director, Centers for Disease Control and Prevention

Dr. Anthony Fauci, Director, National Institute of Allergy and Infectious Diseases

The Honorable Nancy Pelosi, Speaker, United States House of Representatives

The Honorable Kevin McCarthy, Minority Leader, United States House of Representatives

The Honorable Mitch McConnell, Majority Leader, United States Senate

The Honorable Chuck Schumer, Minority Leader, United States Senate

All Members of the House Committee on Education and Labor

All Members of the House Committee on Oversight and Government Reform

All Members of the House Energy and Commerce Committee

All Members of the Senate Health, Education, Labor & Pensions Committee

All Members of the Senate Committee on Homeland Security and Governmental Affairs