

Congress of the United States
Washington, DC 20515

June 4, 2020

The Honorable Dr. Rachel Levine, Secretary
Pennsylvania Department of Health
Health and Welfare Building, 8th Floor West
625 Forster Street
Harrisburg, PA 17120

Dear Secretary Levine,

I write to seek clarifying information regarding the gating criteria established by the Wolf Administration and managed by your office to determine the county reopening process throughout the Commonwealth, in particular the metric of having fewer than 50 new cases per 100,000 population for 14 days consecutive days.

In a recent article published by the *Lancaster Online*, your department stated that the gating criteria of 50 new positive COVID-19 cases per every 100,000 residents would determine if a county would be permitted to move into the first phase of reopening, and that this metric was provided to you by the Centers for Disease Control and Prevention (CDC).

The article states: “Levine said the metric is an incidence rate, which describes how quickly a disease occurs in a population, according to the Centers for Disease Control. The CDC recommends this as a measure showing “moderate” community spread, she said. This is internal CDC information, a spokesperson for the Department of Health said.”

As the use of 50 new cases per 100,000 population was not reported as gating criteria by any other state, please provide me with clarification on the determination as to why this criterion was used and exactly by whom this criterion was recommended. Communication between my office and the CDC Office of Legislative Affairs revealed that the CDC made no recommendations to your office on the use of the 50 per 100,000 metric in the context of safely reopening.

As you know, Pennsylvania’s unemployment rate shot up to over 15 percent for the month of April. In Lancaster County, approximately 54,000 individuals have applied for unemployment benefits—and we know that unemployment figures do not capture all of those who are out of work. As a result of the closure of non-essential businesses as determined by Governor Wolf, the labor market entered a deep recession. The length of the shutdown has a direct impact on continued economic damage that will lead to financial instability for thousands of Pennsylvanian families.

While the Commonwealth has since revised the gating criteria to state that this metric will be considered but not necessary, businesses have endured months-long shutdowns before the decision

to abandon the metric was reached. I am concerned that Lancaster County has been forced to remain closed under an unrealistic metric that was not provided for at the direction of the CDC, despite your claim that it was.

Please provide any additional information you have to shed light on why the Department of Health felt this was an appropriate measure to be used as gating criteria to move to the next phase of reopening for non-essential businesses. Please provide a written response by Thursday June 11, 2020.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lloyd Smucker", with a long horizontal flourish extending to the right.

Congressman Lloyd Smucker (PA-11)