

August 1, 2022

Secretary Xavier Becerra
Department of Health and Human Services
200 Independence Avenue, Southwest
Washington, D.C. 20201

Dear Secretary Becerra,

In New York State, we are witnessing the troubling and continuing spread of the monkeypox virus (MPV). The majority of cases to date have been identified in New York City, but we are now seeing increasing cases in counties across the state. Additionally, it is likely that inherent delays in reporting and general underreporting are leading to case undercounts. As of July 27, the Centers for Disease Control and Prevention's (CDC) data shows New York State has significantly more cases of MPV when compared to other states. We are writing to request additional federal actions to help curb the spread of MPV and urging you to take definitive steps as the Secretary of Health and Human Services to help New York State contain the virus. Specifically, we are requesting that the federal government remove barriers to treatment, namely to the TPOXX antiviral drug and ACAM2000, and increasing transparency around vaccine supply and distribution.

While protecting New Yorkers through vaccination to prevent infection must continue to be our first line of defense, effective treatment also plays a critical role in preventing the further spread of MPV. We urgently need to authorize additional medical responses for monkeypox. We are aware that the CDC currently has an expanded access Investigational New Drug (IND) protocol that allows for the use of the TPOXX antiviral drug and the ACAM2000 vaccine to respond to MPV. However, we are hearing mounting concerns from our local providers about the administrative burdens of these options under the IND protocol. Workforce challenges have impacted all sectors of the economy, but the healthcare field has been particularly hard hit. With this additional strain, providers are finding it difficult to operationally participate due to the additional requirements. These requirements are also unnecessarily restricting which individuals are eligible for treatment and significantly delaying the delivery of treatment for those who do qualify. We are respectfully requesting that you strongly consider issuing an Emergency Use Authorization (EUA) for TPOXX to drastically expand the delivery of treatment to affected individuals in this moment of crisis. This same authorization would increase access to the ACAM2000 vaccine as well, with consideration by providers that it is appropriate for a smaller population of patients.

Simultaneously, we want to acknowledge the collective efforts of our federal, state, and city governments to improve access to the JYNNEOS monkeypox vaccine. My colleagues, Senator Hoylman and Assembly Member Jessica Gonzalez Rojas wrote a letter, which I joined with a number of my colleagues, to Director Dr. Rochelle about New York City's need for a proportionate share of vaccines relative to our rising cases. It was announced on July 28th that New York State and New York City will receive tens of thousands of doses. This demonstrates a commitment to our city and state as we work on the frontlines to cut off the spread of this virus at its epicenter and we hope to continue to receive a consistent supply of doses. We do want to stress that there still remains an urgent need to improve vaccine supply through increased purchasing and to allocate doses to the communities that need them most. New York City would benefit greatly from a continued vaccine supply that exceeds a proportionate allocation as we work to contain the virus.

We need tangible timeframes, including anticipated dosage counts for the delivery of these additional vaccines to help manage local and state responses and to form stronger, more appropriate policies to adequately contain the outbreak. While we understand the importance of remaining flexible when you are addressing a communicable disease outbreak on such a large scale, it is as important to keep partners informed to avoid forcing responses that are based on limited information. Confusion, scarcity, and misinformation around the disease and response are negatively impacting the public's perception of how the situation is being managed, hindering containment efforts and causing panic. By improving availability of vaccines to New York and building a network of communication among several levels of government, providers, and the general public, we can improve our collective response.

As we are awaiting the supply of additional JYNNEOS vaccines, cases continue to rise and the demand for vaccination significantly outpaces its supply in New York. We strongly recommend evaluation of TPOXX and ACAM2000 for EUA and the appropriate declaration allowing it if your evaluations determine it is appropriate. We thank you for your continued partnership with New York and for all the work we're doing together to help reduce the spread of communicable disease throughout the nation. We are hopeful that with your support, we will contain and eliminate the threat of the monkeypox virus.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'GR' followed by a stylized flourish.

Hon. Gustavo Rivera
New York State Senate

With support from the listed members of New York State Legislature:

Hon. Brad Hoylman
New York State Senate

Hon. Liz Krueger
New York State Senate

Hon. Michelle Hinchey
New York State Senate

Hon. John Mannion
New York State Senate

Hon. Luis Sepúlveda
New York State Senate

Hon. Jabari Brisport
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Hon. Jessica Ramos
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Hon. Julia Salazar
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