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ONE HUNDRED SEVENTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

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Minority (202) 225-3641

September 1, 2021

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Director
Centers for Disease Control and Prevention
1600 Clifton Road
Atlanta, GA 30329

Dr. Walensky:

We write with significant concerns that the Centers for Disease Control and Prevention's (CDC) recent reversal on mask guidance for vaccinated people undermines vaccine confidence and hurts children.

On July 27, 2021, the CDC updated its mask-wearing guidance to recommend that vaccinated people in COVID-19 hot spots and those with vulnerable household members resume wearing masks in indoor public settings. On July 30, 2021, the CDC released a *Morbidity and Mortality Weekly Report (MMWR)*¹ on COVID-19 vaccine breakthrough infections associated with large public gatherings. The CDC stated that the Massachusetts Department of Public Health, in collaboration with the CDC and other health departments, was investigating a cluster of COVID-19 cases associated with multiple summer events and gatherings, which to date have resulted in 469 COVID-19 cases among Massachusetts residents. The CDC's briefings and other reports suggest that the Provincetown, Massachusetts cluster of cases and other data from India, indicate that vaccinated people are getting infected, carrying similar viral loads as infected unvaccinated people, and transmitting the virus.

While it is clear the Delta variant has a higher reproductive rate—on average one person infects seven people instead of two people from earlier versions of the virus²—we have concerns

¹ Catherine M. Brown, DVM, Johanna Vostok, MPH, et al, *Outbreak of SARS-CoV-2 Infections, Including COVID-19 Vaccine Breakthrough Infections, Associated with Large Public Gatherings – Barnstable County, Massachusetts, July 2021*, Centers for Disease Control and Prevention Morbidity and Mortality Weekly Report (Aug. 6, 2021), available at https://www.cdc.gov/mmwr/volumes/70/wr/mm7031e2.htm?s_cid=mm7031e2_w.

² Washington Post, Read: Internal CDC document on breakthrough infections (July 30, 2021), available at [Read: Internal CDC document on breakthrough infections - The Washington Post](#). See also Baisheng Li, et al, Viral

with the CDC's recent mask guidance. We are particularly concerned with how the CDC put case reports and data in context, whether the CDC is considering other data that may suggest vaccinated people do not present the same transmissibility risk after infection as unvaccinated people, and that the CDC is apparently ignoring other considerations relevant to children.

First, it is not clear that infected vaccinated people present the same risk to transmissibility as unvaccinated people:

- Data from Israel suggests that vaccinated people are not transmitting infections at the same rate as unvaccinated people. The Director of Israel's Public Health Services noted that vaccinated individuals in Israel have a 50 percent lower chance to infect others compared to unvaccinated people.³
- Although the CDC is inferring a risk of transmission in vaccinated people based on viral loads in their nasopharynx, to determine transmissibility among vaccinated individuals, former FDA Commissioner Dr. Scott Gottlieb suggests viral loads must be measured lower in airways where aerosols are created because the virus spreads through aerosols.⁴
- Notably, recent evidence suggests the ability of infected vaccinated individuals to spread the virus diminishes more quickly than unvaccinated people and thus are less likely to be contagious.⁵

Second, some of the data CDC is relying on appears to be insufficient or altogether irrelevant:

- The Provincetown case, which the CDC relies on heavily, does not seem to be indicative of settings most Americans will find themselves in on a daily basis: packed clubs and bars.⁶

infection and transmission in a large, well-traced outbreak caused by the SARS-CoV-2 Delta variant (July 23, 2021), available at <https://www.medrxiv.org/content/10.1101/2021.07.07.21260122v2>

³ CBS News, Transcript: Dr. Sharon Alroy-Preis, "Face the Nation" (August 1, 2021), available at <https://www.cbsnews.com/news/transcript-dr-sharon-alroy-preis-on-face-the-nation-august-1-2021/?intcid=CNI-00-10aaa3a>

⁴ Transcript: Dr. Scott Gottlieb, "Face the Nation," CBS NEWS (Aug. 1, 2021), available at <https://www.cbsnews.com/news/transcript-dr-scott-gottlieb-face-the-nation-08-01-2021/> See also Robbie Whelan and Jared S. Hopkins, *CDC's Covid-19 Mask Guidance Clouded by Flawed Data*, THE WALL STREET JOURNAL (Aug. 3, 2021), available at <https://www.wsj.com/articles/cdcs-covid-19-mask-mandate-clouded-by-flawed-data-11627983001?mod=djemwhatsnews>. (Former CDC Director Tom Frieden: "There's no one-to-one relationship between high viral load and infectivity, but we're always making decisions based on imperfect data.")

⁵ *Id.* See also M. Levine-Tiefenbrun, M., I. Yelin, R. Katz, *et al.* Initial report of decreased SARS-CoV-2 viral load after inoculation with the BNT162b2 vaccine, 27 *Nat Med* 790–792 (2021), available at <https://www.nature.com/articles/s41591-021-01316-7>; Mark G. Thompson, *et al.*, Prevention and Attenuation of Covid-19 with the BNT162b2 and mRNA-1273 Vaccines, *New England Journal of Medicine* (July 22, 2021) available at https://www.nejm.org/doi/full/10.1056/NEJMoa2107058?query=featured_home

⁶ Andrew Sullivan, *Let it Rip: How I Learned to Stop Worrying and Live with the Virus*, THE WEEKLY DISH (July 30, 2021), available at <https://andrewsullivan.substack.com/p/let-it-rip-f9c>.

- On May 1, 2021, the CDC stopped counting all breakthrough cases, which has widely been criticized by health experts,⁷ and which may result in decisions being made without sufficient data.
- The CDC apparently relied on a non-peer reviewed study from India, where vaccines that have not been authorized in the U.S. are used, as part of its basis to revise mask guidance.⁸

Third, the CDC's mask mandate appears unnecessary for children and, overall, may be more harmful:

- The World Health Organization (WHO) recommends against children under the age of 5 from masking because of “the safety and overall interest of the child” and for children aged 6-11, the WHO advises that masking decisions should consider many factors such as the ability of the child to safely and appropriately use a mask and the potential impact that mask-wearing has on learning and psychosocial development.⁹ Additionally, the European Centre for Disease Prevention and Control recommends mask use when feasible only for children over the age of 12.¹⁰
- Last month, a comprehensive analysis of hospital admissions and reported deaths across England suggested that COVID-19 carries a lower risk of dying or requiring intensive care among children and young people than was previously thought.¹¹ The studies found that COVID-19 caused 25 deaths in that age group between March 2020 and February 2021, with about half of those deaths in individuals with an underlying complex disability with high health-care needs, such as tube feeding or assistance with breathing.¹² It is unclear whether the Delta variant that has become predominant in recent weeks affects these findings.
- Young children not only are at low risk for developing COVID-19 but also do not play a significant role in the spread of SARS-CoV-2 while attending school, according to a recent study recently in the Journal of American Medical

⁷ Rich Mendez, *CDC says roughly 4,100 people have been hospitalized or died with Covid breakthrough infections after vaccination*, CNBC (June 25, 2021), available at <https://www.cnbc.com/2021/06/25/covid-breakthrough-cases-cdc-says-more-than-4100-people-have-been-hospitalized-or-died-after-vaccination.html>.

⁸ Christian Datoc, *Biden administration waves off GOP criticism of study cited in CDC's new mask guidance*, WASHINGTON EXAMINER (July 30, 2021), available at <https://news.yahoo.com/biden-admin-waves-off-gop-145500128.html>.

⁹ World Health Organization, *Coronavirus Disease (COVID-19): Children and masks* (August 21, 2020) available at <https://www.who.int/news-room/q-a-detail/q-a-children-and-masks-related-to-covid-19>.

¹⁰ European Centre for Disease Prevention and Control, *Questions and answers on COVID-19: Children aged 1-18 and the role of school settings* (January 25, 2021) available at <https://www.ecdc.europa.eu/en/covid-19/questions-answers/questions-answers-school-transmission>

¹¹ Heidi Ledford, *Deaths from COVID 'incredibly rare' among children*, Nature (July 15, 2021), available at <https://www.nature.com/articles/d41586-021-01897-w#ref-CR1>

¹² *Id.*

Association.¹³ It is unclear whether the Delta variant that has become predominant in recent weeks affects these findings.

- Concerns have been raised about the impact of masking on children's mental health. Masking also interferes with children learning facial expressions that are integral to human connection, and can result in anxiety and depression.¹⁴

COVID-19 and the new Delta variant present significant health challenges for our country, but it is incumbent upon us to ensure public health decisions are made based on science and data, not fear. Accordingly, in light of our concerns, please respond to the following by September 15, 2021:

1. Does the CDC have the Israeli data on the lower rate of transmissibility by vaccinated individuals? If so, did the CDC take this data into account during the revision of the mask guidance and, if so, what factor did it play? If not, why not?
2. Does the CDC agree with former FDA Commissioner Scott Gottlieb that the virus titer levels should be measured in the airways as opposed to relying on measurements from nasal pharyngeal swabs? If so, what actions will CDC take to get these measurements? If not, why not?
3. Does the CDC have evidence that the transmissibility of infected, vaccinated people diminishes more quickly than unvaccinated, infected people? If so, did the CDC take this evidence into account during the revision of the mask guidance? If not, why not?
4. Does the CDC agree that testing of breakthrough cases needs to be expanded outside of hospitalized cases? If so, what actions will CDC take to expand such testing? If not, why not?
5. How representative is the Provincetown data of large indoor settings? What is the CDC's definition of "large"?
6. Why does CDC believe that the India study has reliable data?
7. What research is being conducted on which masks are most effective in blocking transmission of the Delta variant?
8. What is the specific level of reduction in transmission of the virus due exclusively to mask wearing for the following individuals:

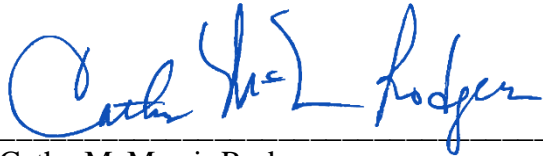
¹³ Ido Somekh, Lital Keinan Boker, Tamy Shohat, MD²; et al, Comparison of COVID-19 Incidence Rates Before and After School Reopening in Israel, JAMA (April 26, 2021), *available at* https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2778940?utm_source=For_The_Media&utm_medium=referral&utm_campaign=ftm_links&utm_term=042621

¹⁴ Marty Makary and H. Cody Meissner, *The Case Against Masks for Children*, THE WALL STREET JOURNAL (August 8, 2021), *available at* https://www.wsj.com/articles/masks-children-parenting-schools-mandates-covid-19-coronavirus-pandemic-biden-administration-cdc-11628432716?mod=opinion_lead_pos6

- a. From vaccinated people who have been infected to other vaccinated people?
 - b. From vaccinated people who have been infected to unvaccinated people?
 - c. From unvaccinated people who have been infected to vaccinated people?
 - d. From unvaccinated people who have been infected to children under the age of 12?
 - e. From vaccinated people who have been infected to children under the age of 12?
 - f. From children under the age of 12 to adults?
9. Did the CDC consider other factors such as the impact of mask-wearing on children's social development, mental health, and learning ability prior to suggesting children wear masks in school?
 10. Please provide specific data the CDC reviewed to determine mask-wearing to address the risk of COVID-19 is beneficial for children on the whole, despite concerns about the negative impact mask-wearing has on children.
 11. Please provide the specific criteria CDC will rely on to make a data-driven decision to lift the recent mask-wearing guidance.
 12. The CDC's recent mask-wearing guidance recommends vaccinated people wear masks in public indoor settings in areas of "substantial or high" transmission. Please provide the scientific basis that the CDC relies on to set the case rate for each threshold.
 13. Please provide the specific data that the CDC relies on to suggest children under the age of 12 should wear masks and please explain why such data has led the CDC to a different conclusion than the WHO and the European CDC.

After providing written responses, please make arrangements to schedule the briefing for Committee staff. If you have any questions, please contact Alan Slobodin, Brittany Havens, or Kristen Shatynski of the Minority Committee staff at (202) 225-3641. Thank you for your attention to this request.

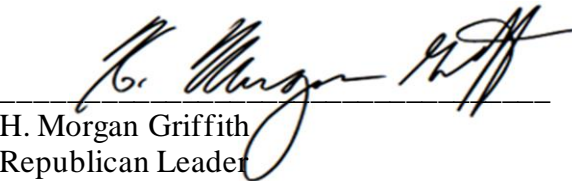
Sincerely,



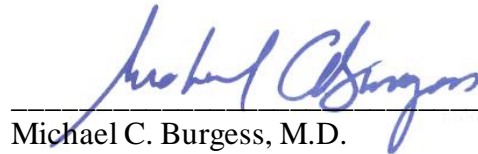
Cathy McMorris Rodgers
Republican Leader
Committee on Energy and Commerce



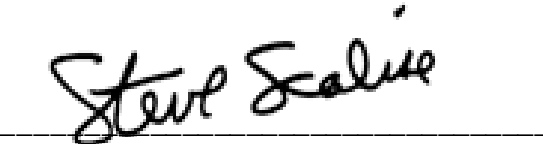
Brett Guthrie
Republican Leader
Subcommittee on Health



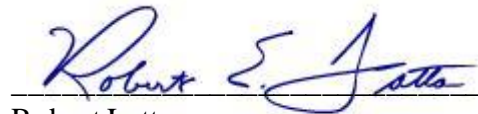
H. Morgan Griffith
Republican Leader
Subcommittee on Oversight and Investigations



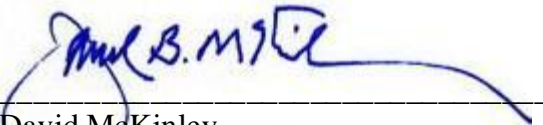
Michael C. Burgess, M.D.
Member of Congress



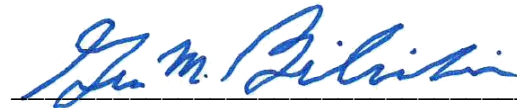
Steve Scalise
Member of Congress



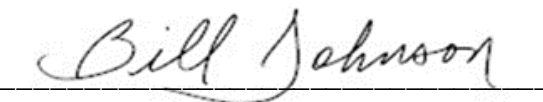
Robert Latta
Member of Congress



David McKinley
Member of Congress



Gus M. Bilirakis
Member of Congress



Bill Johnson
Member of Congress



Billy Long
Member of Congress



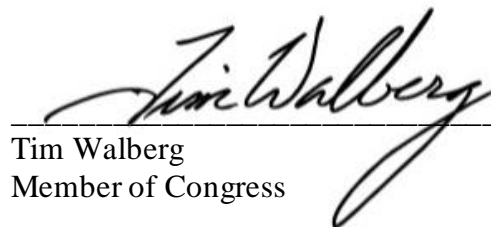
Larry Bucshon, M.D.
Member of Congress



Markwayne Mullin
Member of Congress



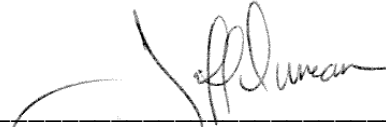
Richard Hudson
Member of Congress



Tim Walberg
Member of Congress



Earl L. "Buddy" Carter
Member of Congress



Jeff Duncan
Member of Congress



Gary Palmer
Member of Congress



Neal Dunn, M.D.
Member of Congress



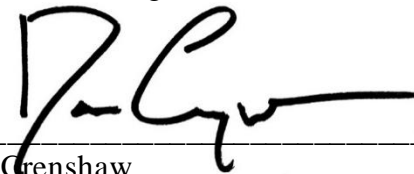
John Curtis
Member of Congress



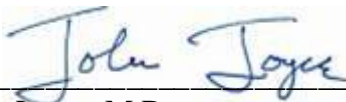
Debbie Lesko
Member of Congress



Greg Pence
Member of Congress



Dan Crenshaw
Member of Congress



John Joyce, M.D.
Member of Congress



Kelly Armstrong
Member of Congress

CC: The Honorable Frank Pallone, Chairman
The Honorable Anna Eshoo, Chair, Subcommittee on Health
The Honorable Diana DeGette, Chair, Subcommittee on Oversight and Investigations