

Congress of the United States
Washington, DC 20510

December 26, 2023

Dr. Mandy Cohen, MD, MPH
Director
Centers for Disease Control and Prevention
1600 Clifton Rd.
Atlanta, GA 30329

Dear Dr. Cohen,

We write to express concern about the Centers for Disease Control and Prevention's (CDC) draft 2024 Guidelines to Prevent Transmission of Pathogens in Healthcare Settings. We understand these guidelines were recently approved by CDC's Healthcare Infection Control Practices Advisory Committee (HICPAC). We are concerned these guidelines will weaken existing protections for health care workers and were developed without meaningful input from health care workers. It is critical these guidelines reflect the best available evidence to ensure they provide the most appropriate protections. We strongly urge you to both consider and adopt the feedback from health care workers before finalizing the guidelines, better incorporate health care workers into the advisory committee's activities, and consult with additional experts before advancing the guidelines.

The fact of the matter is we have a health care worker crisis in this country that was further exacerbated by the COVID-19 pandemic. More than 3,600 health care workers [died](#) in the first year of the pandemic. Yet rather than adopting lessons from this devastating period, the HICPAC draft guidelines appear to weaken, rather than strengthen, protections for workers. It is imperative that any guidance that impacts health care workers' safety is developed with their input and expertise. In addition, it is critical that CDC involve federal entities with expertise in worker safety and health in this process, including the National Institute for Occupational Safety and Health.

Furthermore, we understand that groups representing health care workers have had little to no involvement in the development of these guidelines. The Federal Advisory Committee Act, from which HICPAC derives its authority, both encourages and requires public input. Yet the initial work to update these draft guidelines occurred through a working group whose nearly [30 proceedings](#) were closed to the public. Worker organizations were not even provided summaries from [work group meetings](#) until they organized and demanded access. Full HICPAC meetings are open to the public, as required by law, but until August 2023 those meeting recordings were [not posted](#) – and HICPAC members voted on issues prior to hearing comments from the public.

In addition, HICPAC's [membership](#) does not include organizations representing workers, yet it includes multiple stakeholders representing hospitals. Moreover, HICPAC appears to lack members with expertise in industrial hygiene, aerosol science, HVAC engineering, or respiratory

protection—expertise that should be considered essential for the development of authoritative guidance. HICPAC is required to have membership that is “fairly balanced... in terms of the points of view represented.” We do not believe HICPAC can claim to be fairly balanced without specific representatives with the expertise on needs and conditions of health care workers. Without receiving input from workers within or outside of HICPAC, it is unclear how HICPAC could develop guidelines that reflect and implement the expertise of health care professionals.

Because the process has failed to substantively involve health care workers and other critical experts, it is not a surprise that the substance of the draft guidelines appears insufficient to protect health care workers from airborne pathogens like COVID-19. We are concerned these guidelines would effectively weaken existing protections, putting workers at higher risk of illness and death. Specifically, we are concerned regarding the draft guidelines treating surgical masks as sufficient respiratory protection from infectious airborne pathogens rather than N95 respirators or other respirators, and the guidelines placing greater focus on personal protective equipment relative to engineering and administrative controls that provide more effective protection for workers.

We must prioritize the health and safety of our health care workers. We urge you to strongly consider the input you have received from health care workers and their representatives on the draft guidelines – and update the membership of HICPAC to ensure any future guidance documents are representative of their perspectives.

Thank you for your prompt attention to this matter.

Sincerely,



Bernard Sanders
Chair
U.S. Senate Committee on Health,
Education, Labor, and Pensions



Robert C. “Bobby” Scott
Ranking Member
U.S. House Committee on Education
and the Workforce