

Congress of the United States
House of Representatives
Washington, DC 20515
January 6th, 2020

The Honorable Alex Azar
Secretary, Department of Health and Human Services
200 Independence Ave, SW
Washington, DC 20201

Dear Secretary Azar,

On January 14th, 2020, the determination of the opioid crisis as a national public health emergency was allowed to lapse. On January 23rd, a spokesperson for the Department of Health and Human Services (HHS) indicated that the lapse was due to a “clerical error” and had been corrected.¹ A signed letter, dated January 24th, renewed the determination in a declaration backdated by ten days.

Since 1999, the opioid crisis has claimed more than 400,000 lives across the country². The epidemic impacts individuals, families, and communities, and has given rise to an increase in heroin overdoses and other synthetic opioids like fentanyl. In Stanislaus county alone, opioid deaths increased 146% between 2016 and 2018.³ Every day, more and more Americans develop opioid use disorders, and every day, we lose neighbors, friends, and family to this deadly epidemic.

For these reasons, please answer the following questions about the lapse in public health emergency status of the opioid crisis:

- What clerical error resulted in HHS’s failure to renew the emergency status? Was there a system in place that failed?
- What were the ramifications of the ten-day lapse in the public health emergency? What funding and regulations were affected for the duration of the lapse, and will there be lasting shortfalls in any funding sources opened up by the emergency?
- What action, if any, is necessary to mitigate any negative effects? Is the backdating of the January 24th declaration sufficient to repair any damage done?
- Are there other statuses that rely on repeated renewals from the Office of the Secretary or any other part of HHS, and can you ensure that there is a system in place for those deadlines to be met?
- What can I, as a member of Congress, do to help ensure that deadlines are met and all necessary declarations are made and documents are signed at HHS?

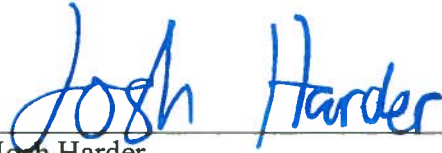
¹ <https://www.politico.com/news/2020/01/23/hhs-forgets-to-renew-trumps-opioid-emergency-declaration-103298>

² <https://www.cdc.gov/drugoverdose/epidemic/index.html>

³ <https://skylab.cdph.ca.gov/ODdash/>

I hope that the solving the opioid crisis will continue to be a priority for the Department. I would like to express my support for all efforts to alleviate this devastating epidemic that affects so many people in my district and across the country. We look forward to your response and to working with you to ensure this does not occur again.

Sincerely,

A handwritten signature in blue ink that reads "Josh Harder". The signature is written in a cursive style with a horizontal line underneath the text.

Josh Harder

United States Representative (CA-10)