

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

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December 13, 2024

The Honorable Xavier Becerra
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

Dear Secretary Becerra:

We write in response to alarming reports of a worsening Highly Pathogenic Avian Influenza (HPAI) outbreak across the western United States that has infected 58 people to date.¹ HPAI is a deadly illness that in past outbreaks has killed 50% of those infected.² Front-line agricultural workers across the nation are at greatest risk of infection because of their close proximity to livestock. And these populations are, unfortunately, less likely to have access to adequate health insurance, testing, or paid sick leave.³ The sector is heavily reliant on undocumented workers, who face unique barriers to accessing healthcare, and who may fear engaging with public health officials.⁴ We are deeply concerned that the present political environment, particularly rising anti-immigrant rhetoric, may exacerbate barriers to care and increase the threat to public health. These tensions present risks to vulnerable essential workers, to the agricultural supply chain, and to the general public. We, therefore, seek answers to essential questions about how the Department of Health and Human Services (HHS) is working to curb the HPAI outbreak and ensure those at greatest risk of getting sick and further spreading a deadly infection have access to prevention and treatment.

The Centers for Disease Control and Prevention (CDC) and other federal public health entities have taken concrete steps to increase access to health testing for agricultural workers, including working closely with the hardest hit states to mitigate ongoing outbreaks. Yet stakeholders have expressed concerns that anti-immigrant rhetoric and fears of deportation and harassment have undermined the Biden-Harris Administration's public health measures because

¹ Centers for Disease Control and Prevention, *H5 Bird Flu: Current Situation* (Dec. 3, 2024) (online at www.cdc.gov/bird-flu/situation-summary/index.html).

² Yale Medicine, *H5N1 Bird Flu: What You Need to Know* (Nov. 22, 2024) (online at www.yalemedicine.org/news/h5n1-bird-flu-what-to-know).

³ *Bird Flu Infections in Farmworkers Are Going Undetected, Study Shows*, STAT News (Nov. 7, 2024) (online at www.statnews.com/2024/11/07/bird-flu-farm-worker-infections-undetected-cdc-study/).

⁴ Center for Migration Studies, *A Profile of Undocumented Agricultural Workers in the United States* (Aug. 30, 2022) (online at <https://cmsny.org/agricultural-workers-rosenbloom-083022/>).

front-line agricultural workers may hesitate to get tested for pathogens or seek treatment because of their immigration status.⁵ Agricultural workers may fear employer retaliation if they report illness or seek treatment for HPAI.⁶

The incoming Trump Administration's violent rhetoric and anti-immigrant policies that threaten mass deportations of undocumented individuals—including through workplace raids—increase fears and create barriers to essential healthcare access and disease prevention.⁷ We are extremely concerned that undocumented workers' hesitance to engage with public health officials will undermine critical care and testing measures, which are essential to contain the spread of infections nationally.

The Biden-Harris Administration is working to publicly clarify that immigration and enforcement agencies consider testing and vaccination sites protected areas.⁸ We applaud HHS's efforts to provide guidance to farmworkers about access to testing and treatment in cooperation with state and local officials.⁹

However, serious challenges remain. Public reports indicate widespread concerns among agricultural workers that seeking testing or treatment can lead to legal action against them.¹⁰ We call on HHS to continue its leadership in addressing these concerns by prioritizing multilingual, culturally competent outreach to ensure these front-line communities feel safe accessing care and understand their rights.¹¹ During the COVID-19 pandemic, we saw firsthand that viruses do not discriminate and unmitigated spread of communicable disease because certain communities are unable to access quality healthcare can lead to unmitigated spread and affect us all.

⁵ U.S. Department of Health and Human Services, *USDA/HHS Fact Sheet: Biden Harris Administration Takes New Action to Halt the Spread of Bird Flu, Including in California and Washington* (Oct. 24, 2024) (online at www.hhs.gov/about/news/2024/10/24/usda-hhs-fact-sheet-biden-harris-administration-new-action-halt-spread-bird-flu-california-washington.html); Health Affairs, *How Policy Makers Can Act Now to Prevent An Avian Influenza Pandemic* (Sept. 20, 2024) (online at www.healthaffairs.org/content/forefront/policy-makers-can-act-now-prevent-avian-influenza-pandemic).

⁶ Health Affairs, *How Policy Makers Can Act Now to Prevent an Avian Influenza Pandemic* (Sept. 20, 2024) (online at www.healthaffairs.org/content/forefront/policy-makers-can-act-now-prevent-avian-influenza-pandemic).

⁷ KFF, *Expected Immigration Policies Under a Second Trump Administration and Their Health and Economic Implications* (Nov. 21, 2024) (online at www.kff.org/racial-equity-and-health-policy/issue-brief/expected-immigration-policies-under-a-second-trump-administration-and-their-health-and-economic-implications/).

⁸ U.S. Department of Homeland Security, *DHS Statement on Safety and Enforcement—Public Health Response to HPAI* (July 17, 2024) (online at www.dhs.gov/news/2024/07/17/dhs-statement-safety-and-enforcement-public-health-response-hpai).

⁹ U.S. Department of Health and Human Services, *Fact Sheet: In Response to H5N1, HHS and USDA Focus on Protecting Farmworkers* (May 31, 2024) (online at www.hhs.gov/about/news/2024/05/31/fact-sheet-response-h5n1-hhs-usda-focus-protecting-farmworkers.html).

¹⁰ *Trump's Immigration Crackdown Could Make It Harder to Contain the Bird Flu Outbreak Could Make It Harder to Contain the Bird Flu Outbreak*, NOTUS (Dec. 2, 2024) (online at www.notus.org/policy/trumps-immigration-crackdown-could-make-it-harder-to-contain-the-bird-flu-outbreak).

¹¹ *Id.*

Without comprehensive worker protections and unfettered access to health testing, workplace retaliation and healthcare barriers make it harder to track and contain outbreaks. A reluctance to seek help and treatment undermines federal efforts to manage diseases, leaving our food supply chain and overall public health at heightened risk. In 2022 alone, an HPAI outbreak among in the United States led to \$2.5 to \$3 billion in agricultural losses, economic costs that would only magnify with sustained human to human transmission like we saw with COVID-19.¹² The forthcoming return to Trump-era policies, defined by mass deportations and punitive measures, poses an unprecedented threat to our public health infrastructure. Such outcomes would delay our ability to detect and contain zoonotic diseases like HPAI and further erode trust in health systems. Draconian policies that make immigrants afraid to seek healthcare are at odds with our collective public health and economic goals.

The risks of undermining effective public health initiatives are too severe to ignore. We must act decisively to protect agricultural workers—key partners in our public health response, regardless of immigration status—and ensure their full participation in efforts to track and contain the HPAI outbreak.

To benefit both public health and the national economy, we urge the HHS to double down on its efforts to engage the communities at greatest risk of HPAI and other infection. To assist our oversight of these issues, we request that you provide answers to the following inquiries and provide a staff-level briefing to the Committee no later than December 30, 2024.


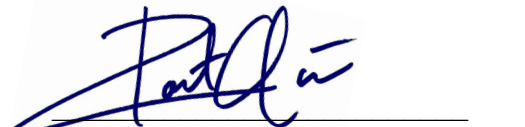
1. What policies, procedures, and guidance are the HHS implementing to expand access to testing for HPAI among agricultural workers, including undocumented workers?
2. What actions are HHS taking to protect agricultural workers from workplace retaliation when seeking testing and care?
3. How is HHS addressing persistent fears of deportation that prevent immigrant communities from participating in public health initiatives?
4. What actions are HHS taking to ensure critical information is communicated to agricultural workers and business owners clearly, consistently, and in multiple languages?
5. What strategies are in place to encourage individuals, especially in vulnerable communities, to get vaccinated and tested for HPAI?
6. Are there additional policies and procedures HHS can put into place to ensure agricultural workers can seek testing and treatment without fears of repercussion or employer retaliation?

¹² Ramadan Abdelmoez Farahat, Sheharyar Hassan Khan, Ali A Rabaan and Jaffar A Al-Tawfiq, *The Resurgence of Avian Influenza and Human Infection: A Brief Outlook* (Mar. 30, 2023) (online at <https://pmc.ncbi.nlm.nih.gov/articles/PMC10113833/>).

Thank you for your leadership and attention to this critical matter. We look forward to your response and to working together to safeguard the health and well-being of all our communities.

The Committee on Oversight and Accountability is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. If you have any questions regarding this request, please contact Committee staff at (202) 225-5051.

Sincerely,


Jamie Raskin
Ranking Member
Robert Garcia
Ranking Member
Subcommittee on National Security,
the Border, and Foreign Affairs

cc: The Honorable James Comer, Chairman

The Honorable Glenn Grothman, Chairman
Subcommittee on National Security, the Border, and Foreign Affairs