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## United States Senate

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May 3, 2024

### VIA ELECTRONIC TRANSMISSION

The Honorable Joseph R. Biden, Jr.  
President of the United States  
The White House  
1600 Pennsylvania Ave. N.W.  
Washington, D.C. 20500

Dear President Biden:

I write with growing concern about your administration's response to the circulation of H5N1 influenza in animals. The ongoing outbreak has serious implications for both animal and human health, and the presentation of this virus among dairy cattle has left state and local officials, researchers, impacted industries, and the general public with significant outstanding questions. As president, it is your responsibility to ensure that all relevant departments and agencies are coordinating to prioritize and address key questions.

Over the past several decades, we have increasingly seen viruses behave in previously unknown ways. For example, two years ago, clade 2 mpox (then known as monkeypox) began circulating at a large scale in the United States, predominantly among men who have sex with men. During that outbreak, we saw widespread transmission through sexual contact, and infections presented differently in patients than typical mpox cases.<sup>1</sup> Similarly, we now know that viruses like Ebola can remain in the body dormant after initial infection.<sup>2</sup>

The current H5N1 outbreak similarly raises scientific questions that are key to helping impacted industries respond and members of the public have confidence that the risk to them remains low, as experts currently suggest. For instance, although the genetic sequence of the virus itself appears to be consistent with that which is circulating among wild birds, scientists still do not

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<sup>1</sup> David Philpott, MD, et al., *Epidemiologic and Clinical Characteristics of Monkeypox Cases — United States, May 17–July 22, 2022*, 71 Morbidity and Mortality Weekly Report 1018, 1022 (Aug. 12, 2022), <https://www.cdc.gov/mmwr/volumes/71/wr/mm7132e3.htm>.

<sup>2</sup> *Ebola Disease: Survivors*, U.S. Centers for Disease Control and Prevention, <https://www.cdc.gov/vhf/ebola/treatment/survivors.html#:~:text=Ebolaviruses%20can%20remain%20in%20areas,cared%20elsewhere%20in%20the%20body> (last updated Apr. 21, 2023).

know for certain how the virus is transmitting between cows.<sup>3</sup> If the hypothesis that the virus is spreading via milking machines turns out to be correct, that could explain why the virus appears to be concentrating in dairy cattle mammary glands. However, questions still remain about why the virus is causing symptoms in dairy cattle when other influenza viruses previously have not.<sup>4</sup>

Additionally, while the Food and Drug Administration (FDA) continues to assert that pasteurization effectively inactivates the virus based on its established testing protocols, results published by researchers using other methodologies have raised public concern about the safety of commercially available milk.<sup>5</sup> Providing clarity about the efficacy of long-standing safety measures is essential to continue to build trust in our food safety preparedness measures. FDA's communications have indicated that their testing thus far shows no live virus in the milk supply; however, it is important to continue to provide these updates and if FDA does make any changes to its testing strategy, it is transparent around the reasoning behind this.

Further, Centers for Disease Control and Prevention (CDC) officials have cited outstanding scientific questions about whether wastewater surveillance could serve as an effective surveillance tool in this outbreak. Yet at the same time, academic and private sector researchers have identified evidence of spikes in H5N1 in wastewater treatment facilities, which in some jurisdictions include agricultural waste.<sup>6</sup> In previous responses, such as the identification of a polio case in New York in 2022, CDC supported wastewater surveillance in some surrounding counties but took several months to expand further to other jurisdictions.<sup>7</sup> If wastewater surveillance can provide insight into whether any animal or human cases are going undetected, we do not have time to waste.

While I have no doubt that scientists around the country are diligently working to try to answer these and other questions, your administration must communicate its research plans in a coordinated way. Failure to do so will jeopardize the public's trust in your response, which could have severe unintended consequences on the health of the United States' agriculture and food sectors. Therefore, I call on you to swiftly publish a prioritized list of research activities, including target timelines for generating results and communicating findings to the public. I also ask that you make all relevant data and methodologies available to nonfederal scientists in an appropriate manner for validation.

I look forward to hearing from you on this matter.

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<sup>3</sup> Jon Cohen, *Bird Flu Discovered in U.S. Dairy Cows is 'disturbing'*, Science (Mar. 26, 2024), <https://www.science.org/content/article/bird-flu-discovered-u-s-dairy-cows-disturbing>.

<sup>4</sup> Ibid.

<sup>5</sup> Megan Molteni, *Early tests of H5N1 prevalence in milk suggests U.S. bird flu outbreak in cows is widespread*, STAT (Apr. 25, 2024), <https://www.statnews.com/2024/04/25/h5n1-bird-flu-cows-outbreak-likely-widespread/>.

<sup>6</sup> Brenda Goodman, *Spikes of Flu Virus in Wastewater Raise Questions about Spread of Bird Flu*, CNN (Apr. 30, 2024), <https://www.cnn.com/2024/04/30/health/bird-flu-wastewater-cattle/index.html>.

<sup>7</sup> *CDC Plans Wastewater Testing for Polio in Select Communities*, U.S. Centers for Disease Control and Prevention (Nov. 30, 2022), <https://www.cdc.gov/media/releases/2022/p11130-polio.html>.

Sincerely,

*Bill Cassidy, M.D.*

Bill Cassidy, M.D.

Ranking Member

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

Cc:

The Honorable Xavier Becerra, Secretary of Health and Human Services

The Honorable Thomas Vilsack, Secretary of Agriculture