

April 9, 2020

Governor Jay Inslee
Office of the Governor
PO Box 40002
Olympia, WA 98504-0002

Secretary John Wiesman
Washington State Department of Health
PO Box 47890
Olympia, WA 98504-7890

Dear Governor Inslee and Secretary Wiesman:

On behalf of the ACLU of Washington, Northwest Health Law Advocates, and Equal Rights Washington we thank you for the efforts you have taken to address the current pandemic. We write to offer our help in responding to this crisis and to lift up key concerns regarding the disparate impact of COVID-19 on communities of color.

Last week Senator Elizabeth Warren and Congresswomen Ayanna Pressley called on the Department of Health and Human Services to focus on racial equity.¹ They requested that state and local governments collect the data necessary to discern whether there are racial disparities in access to COVID-19 testing in communities nationwide. Since then, some states have begun releasing data relating to the racial and ethnic breakdown of coronavirus cases and deaths; Washington state is not one of them. To uphold its progressive values and to provide an equitable response to COVID-19, Washington state must join other states in collecting and producing data.

To address racial inequities, we must first identify the existing disparities. The information that states have begun to release underscores the significant need for Washington state to collect and report data. As of April 8, Michigan reported that Black people make up 33% of COVID cases and 40% of deaths, though Michigan's Black population is only 14.1%.² In Illinois Black people make up 43.3% of COVID-19 deaths, yet Black people make up only 14.6% of the state's population.³ New data from Massachusetts also shows that "the areas with the most COVID-19

¹"Rep. Pressley, Lawmakers Urge HHS to Address Racial Disparities in Access to Testing and Treatment during the Coronavirus Pandemic," Office of Congresswoman Ayanna Pressley press release, March 30, 2020, <https://pressley.house.gov/media/press-releases/rep-pressley-lawmakers-urge-hhs-address-racial-disparities-access-testing-and>.

²"Coronavirus—Michigan Data," Michigan.gov, accessed April 8, 2020, https://www.michigan.gov/coronavirus/0,9753,7-406-98163_98173---,00.html; see also "Quick Facts—Michigan," U.S. Census Bureau, accessed April 8, 2020, <https://www.census.gov/quickfacts/MI>.

³"COVID-19 Statistics," Illinois Department of Public Health, accessed April 8, 2020, <http://www.dph.illinois.gov/covid19/covid19-statistics>; see also "Quick Facts—Illinois," U.S. Census Bureau, accessed April 8, 2020, <https://www.census.gov/quickfacts/IL>.

cases align with Boston’s communities where people of color make up a majority of the population,” including Black and Latinx communities.⁴

We urge the Governor’s office and the Washington state Department of Health to collect and report this critical data to fully understand and address the impact of COVID-19. Race and ethnicity data-collection is a key first step to creating an equitable response to this pandemic.

However, while data collection is essential, it does not solve problems. Recent research has found that communities of color are at increased risk for experiencing serious illness if they become infected with coronavirus, yet communities of color are also likely to face increased challenges in accessing COVID-19 related testing and treatment.⁵

Hand-in-hand with data collection comes the need for the state to ensure that testing and treatment of COVID-19 is done equitably. Access to testing and the distribution of personal protective equipment and ventilators must be consistent, fair, transparent, and based on need.⁶ Washington state must also minimize barriers to accessing testing and treatment, including reducing language barriers and prohibitive costs. In implementing a plan for the distribution of health care resources, the Governor and the Department of Health must recognize and respond to the current inequities that exist in our state.

Thank you for all of the work you are doing to combat this health crisis. We look forward to your response.

Sincerely,

Michele Storms, Executive Director
ACLU of Washington

Monisha Harrell, Board Chair
Equal Rights Washington

Janet Varon, Executive Director
Northwest Health Law Advocates

⁴ Lauren Chambers, “Data Shows COVID-19 is Hitting Essential Workers and People of Color the Hardest,” ACLU Massachusetts, accessed April 8, 2020, https://data.aclum.org/2020/04/07/covid-19-disproportionately-affects-vulnerable-populations-in-boston/?ms_aff=MA&initms_aff=MA&ms_chan=tw&initms_chan=tw.

⁵ Samantha Artiga, Rachel Garfield, and Kendal Orgera, “Communities of Color at Higher Risk for Health and Economic Challenges due to COVID-19,” Kaiser Family Foundation, April 7, 2020, https://www.kff.org/disparities-policy/issue-brief/communities-of-color-at-higher-risk-for-health-and-economic-challenges-due-to-covid-19/?utm_campaign=KFF-2020-Uninsured&utm_source=hs_email&utm_medium=email&utm_content=85979867&_hsenc=p2ANqtz-8H46il60Zpls1AQg3K9MFOrHBVpK5OcdRKlvo16nli3ZA24crR90njKPclbxIUJTCNHGoY-z8rUVrOExYFF1UCAipfLQ&_hsmi=85979867.

⁶ Additionally, Washington must ensure that data collected about communities of color is limited to the purpose of providing equitable testing and treatment of COVID-19.