



VPHA VIRGINIA PUBLIC HEALTH ASSOCIATION

Let Public Health Professionals Do Their Jobs

By: Benjamin Barber | August 2023

Introduction

Everyone has the right to be safe and healthy. Public health professionals work every day to defend this right. Like firefighters and police officers, public health professionals respond to threats that can sicken, injure, and kill. They save lives every day.

Public health professionals are responsible for some of our nation's greatest achievements. They partnered with scientists to eradicate smallpox, embedded with the military to end the West African Ebola epidemic and prevent it from reaching our shores, persuaded a generation of Americans to quit smoking, cleaned up our air, fluoridated our water, and helped transform HIV from a terminal illness to a chronic disease. They also worked tirelessly during the COVID-19 pandemic to provide testing, vaccinations, and prevention education and awareness.

Today, they assist in reviving our neighbors suffering from overdoses, prevent unintended pregnancies, and ensure parents and babies have healthy food to eat. They keep our food and our buildings safe. They care for those who cannot afford health care, and they serve those who too often go unserved. As such, they are an essential part of helping to ensure the health of all Americans.

Unfortunately, public health is under threat. Several states have passed laws that prevent public health professionals from doing their jobs. One such law prohibits elected officials and public health professionals from mandating the use of a face mask, even during a disaster or emergency, such as a Tuberculosis outbreak.¹ Another prevents local health officials from temporarily closing

¹ House Bill 1323, North Dakota 2021 Regular Session.

a business, even if its employees or customers have been exposed to a highly contagious disease.² That's like telling the Fire Department they can't require a business to close when there is a fire burning in the building.

These extreme laws put our right to be safe and healthy at risk. It is crucial we prevent them from coming to Virginia.

Virginia's Rapid Response to COVID-19 Saved Lives

Virginians are healthy when public health professionals can do their jobs. At the start of the pandemic, former Governor Ralph Northam was able to quickly issue emergency orders that the health department carried out in response to rapidly changing circumstances. He eased restrictions on gatherings when the virus slowed, but – crucially – was able to reinstate these orders when the virus surged in late 2020 and early 2021.

These emergency orders bought time for scientists to develop the COVID-19 vaccines. Once the vaccines arrived, Virginia's public health professionals led an incredibly effective vaccination campaign, with over 90 percent of Virginians receiving at least one dose and 77 percent completing their primary series.³ As a result, Virginia has one of the highest COVID-19 vaccination rates and a mortality rate below the national average.⁴ Virginia's relative success in responding to the pandemic highlights why public health professionals need the ability to do their jobs.

Public Health Isn't Just Pandemics

Public health professionals don't only fight pandemics. They also protect us from other disasters, such as hurricanes, tornadoes, and even terrorist attacks.

During a disaster, public health professionals support medical personnel, help stand up emergency shelters, and protect people from hazardous water and other conditions. Virginia's Medical Reserve Corps (MRC) plays an essential role in the response to any type of public health threat. Virginia's MRC is a force of dedicated volunteers who prepare and respond to public health emergencies.⁵ Like military reservists, they can be temporarily called upon during an emergency to aid disaster victims and communities. They served as a force multiplier during Virginia's COVID-19 vaccination campaign, allowing public health professionals to reach thousands of people they might not otherwise reach.

However, there's a catch. Public health professionals and volunteers are severely limited in how they can respond to disasters unless there is an emergency. That is why it is important for elected officials, especially the Governor and Commissioner of Health, to have the ability to declare emergencies.

² House Bill 257, Montana 2021 Regular Session.

³ Centers for Disease Control & Prevention, "COVID Data Tracker," May 11, 2023.

⁴ Centers for Disease Control & Prevention, "COVID-19 Mortality By State," February 15, 2023.

⁵ Virginia Department of Health, "Medical Reserve Corps."

Unfortunately, Virginia passed a law in 2022 that arbitrarily limits an emergency declaration to 45 days unless the General Assembly votes to extend it.⁶ While this may sound sensible at first, remember that in the early days of the pandemic, there were no vaccinations or reliable treatments to fight the virus. Large gatherings were extremely dangerous. Now imagine a similar scenario or an even more devastating disaster. Imagine public health professionals and other first responders being limited in what they could do to save lives as lawmakers struggled to convene. It's no wonder that governors from both major political Parties have vetoed these extreme measures.

It is essential that Virginia not further limit elected officials and public health professionals' ability to respond to future emergencies.

Extreme Bills Have Extreme Consequences

It shouldn't be surprising that extreme bills to tie public health professionals' hands behind their backs have extreme consequences.

Take Montana, for instance. In 2021, Montana passed a bill, HB 702, that prohibited individuals and businesses from requiring vaccination as a condition of employment. It also prohibited discrimination based on vaccination status. The bill, which applies to all vaccines - not just COVID-19 - unleashed chaos. It didn't exempt hospitals, meaning they could not require their employees to get vaccinated against smallpox, measles, and other deadly diseases nearly eradicated by vaccines. It put employers in an impossible situation as it directly conflicted with federal public health guidance. It also put national employers in a bind, as some states required vaccines and others didn't. Meanwhile, small businesses worried that asking a sick customer to put on a mask could lead to a lawsuit. Fortunately, a federal judge struck down part of this law, but the threat remains.⁷

It's also worth taking a moment to highlight an important point. Discrimination is almost always wrong. However, there are times when it is appropriate or even necessary. Most people would agree that the government should prohibit arsonists from being firefighters and violent criminals from being police officers. Most would also agree that the government can prohibit people with serious visual impairments from driving or operating heavy machinery. These rules are technically discriminatory because they treat one group of people differently from another, but few would argue that they are unreasonable. The same logic applies to public health. Discrimination should only be allowed when there is an extraordinarily compelling reason. **Protecting people from public health disasters like lethal pandemics is an extraordinarily compelling reason.**

Bills like HB 702 use terms like discrimination to wrongfully equate vaccination requirements to the horrors of racial discrimination. Proponents of these extreme bills have it exactly backward. These bills disproportionately harm Black, Indigenous, and People of Color (BIPOC) communities. They also disproportionately harm kids, who were thankfully spared the worst from COVID-19

⁶ House Bill 158, Virginia 2022 Regular Session.

⁷ *Montana Medical Association et al. v. Knudsen et al.*, U.S. District Court for the District of Montana, December 9, 2022.

but tend to be more susceptible than adults to deadly viruses. The sick, disabled, and elderly – three groups who bore the brunt of COVID-19 – would be among the most harmed by these extreme bills.

Conclusion

In 1871, the Great Chicago Fire destroyed 17,500 buildings, killed 300 people, and left a third of the city homeless.⁸ It was a horrific tragedy that had one important silver lining: Chicago and many other cities passed numerous fire safety laws to prevent a similar disaster from ever happening again. It worked. While house fires and – increasingly – wildfires are very real threats, the image of a large American city utterly consumed by smoke and fire mostly belongs to the history books.

The COVID-19 pandemic is our generation’s great fire. The worst thing we could do is reject the hard-earned lessons we learned. We owe it to ourselves and our children to protect the public’s health by letting public health professionals do their jobs.

The Virginia Public Health Association is a 501(c)(3) non-profit organization dedicated to improving the health of all Virginians. Founded in 1950, VPHA's mission is to strengthen public health practice, foster health equity, and promote sound public health policy. Learn more about our work at www.viriniapublichealth.org.

⁸ Mary Schons, “The Chicago Fire of 1871 and the ‘Great Rebuilding,’” *National Geographic*, May 20, 2022.