

# POLITICO California Pro Report: Monday, April 20, 2020

1 message

POLITICO California <states-alert@politico.com> Mon, Apr 20, 2020 at 3:56 PM Reply-To: "POLITICO, LLC" <reply-fe8b1c757d65037976-1348784\_HTML-1050440477-1376319-0@politicoemail.com> To: scattolica@scadvocates.com

#### **TOP NEWS**

Los Angeles study suggests Covid-19 more widespread than reported

By Victoria Colliver

The study found between 2.8 percent and 5.6 percent of those tested — or 221,000 to 442,000 adults — may have been infected in early April.

#### **MORE CALIFORNIA NEWS**

Coronavirus workers' comp change could cost billions, rating bureau says Trump urged to add education expert to reopening task force Supreme Court to allow additional brief on coronavirus in DACA case Facebook shuts down anti-quarantine protests at states' request How California's coastal-rural divide could provide lessons for the nation Trump revs up for a state-by-state fight over coronavirus shutdowns

#### Los Angeles study suggests Covid-19 more widespread than reported (back)

By Victoria Colliver

OAKLAND — The coronavirus could be 28 to 55 times more prevalent than reported in Los Angeles County based on a large-scale antibody study released on Monday.

The study, conducted by the University of Southern California and the Los Angeles County Department of Public Health, found between 2.8 percent and 5.6 percent of those tested — or 221,000 to 442,000 adults — may have been infected in early April. The participants were tested for the presence of antibodies to the virus in their blood, which indicates exposure regardless of whether they developed symptoms.

The study came out just days after Stanford University researchers released preliminary findings from a serology study that showed the prevalence of the virus could be 50 percent to 85 percent greater than previously thought among residents of Santa Clara County, an early U.S. epicenter. That translates into between 2.5 and 4.2 percent of county residents, or between 48,000 and 81,000 adults.

"Though I report every day we have thousands and thousands of people that have tested positive, the serology testing lets us know we have hundreds of thousands of people who have already developed antibodies to the virus," said Barbara Ferrer, director of the L.A. County Department of Public Health, at a press conference on Monday.

If more people have developed antibodies to Covid-19 than previously thought — and more have been infected without symptoms — it could alter projection models and reshape how public officials respond to the disease.

But the Stanford study has come under scrutiny since its release Friday, with some observers raising questions about how the subjects were recruited and the veracity of the antibody tests. Both the Santa Clara and Los Angeles county studies relied on rapid antibody tests from Premier Biotech, a Minneapolis-based company.

Neeraj Sood, professor of public policy at USC Price School for Public Policy and senior fellow at USC Schaeffer Center for Health Policy and Economics, defended the accuracy of the tests, as well as the recruitment methods of the L.A. study.

Sood said the 893 individuals tested in the L.A. study were drawn from a random sample picked by a market research firm, which was then adjusted to reflect L.A. County's demographics. Stanford researchers solicited Santa Clara County participants through social media.

### Coronavirus workers' comp change could cost billions, rating bureau says (back)

By Katy Murphy

Changing workers' compensation rules to presume that emergency responders, health care workers and others with Covid-19 contracted the illness on the job would cost employers and insurers billions of dollars annually, according to a report published Monday by the Workers' Compensation Insurance Rating Bureau of California.

The rating bureau produced the figures in response to a cost-estimate request this month from the Assembly Insurance Committee, estimating such a change could cost anywhere from \$2.2 billion to \$33.6 billion on an annualized basis. The bureau's mid-range estimate of \$11.2 billion amounts to 61 percent of the annual cost of the total workers' compensation system before the pandemic.

Alaska's legislature recently passed a relief package containing such an amendment, and labor groups have been pushing for California to follow suit.

Workers' compensation insurance provides benefits to employees who become ill or are injured on the job. The benefits include medical care, temporary payments for lost wages during recovery and payments to dependent family members if the employee dies as a result of the injury or illness.

All employers in California are required to purchase a workers' compensation insurance policy or become self-insured. Failing to have such coverage is a misdemeanor, and uninsured employers are required to pay "all bills related to your injury or illness," according to the state.

On March 12, Newsom issued an executive order stating that employees may be eligible for workers' compensation benefits if they were exposed to or they contracted Covid-19 at work. And earlier this month, Insurance Commissioner Ricardo Lara alerted insurance companies and employers that all workers, regardless of their immigration status, are eligible for such benefits.

To view online click here.

#### Trump urged to add education expert to reopening task force (back)

By Bianca Quilantan

WASHINGTON — Rep. Josh Harder (D-Calif.) is urging President Donald Trump to appoint a member focused exclusively on schools to the new White House task force created to reopen the economy.

"[I]t remains unclear as to what the reopening of our nation's campuses will look like," Harder wrote in a letter sent Friday.
"Our K-12 and higher education leaders will face potential challenges such as staggered start times, smaller class sizes, and extra safety precautions regarding food preparation and transportation when these campuses are reopened."

The letter follows Trump's push last week for a swift reopening of the economy. He has extended invitations to a bipartisan group of lawmakers to participate in the task force that is advising him.

Others giving input include a list of dozens of executives and companies, faith leaders and thought leaders from sectors including technology, agriculture, banking, financial services, defense, energy, transportation, sports and health care.

Education was not on the list.

Harder, a member of the House Education and Labor Committee, also emphasized that opening school systems is important in the administration's economic recovery efforts.

"It's not just big corporations that need a say in these decisions — our country's students and teachers need a voice," Harder said in a statement. "This is a weird omission that the President could easily correct."

To view online click here.

#### By Bianca Quilantan

WASHINGTON — The Supreme Court should consider Deferred Action for Childhood Arrivals recipients' contributions to the fight against the coronavirus pandemic when deciding whether the Trump administration decision to wind down the Obama-era program is legal, DACA supporters are arguing.

In a request to file a supplemental brief, which was filed on April 2 and approved Monday morning by the high court, the petitioners argued that the public health pandemic is highlighting DACA recipients' contributions to "employers, civil society, state and local governments, and communities across the country, and especially by healthcare and other essential services providers."

The petitioners include the National Immigration Law Center as well as cities, counties, labor unions and universities.

The brief will outline the scope and relevance of third-party interests and will address whether the court should ask the Department of Homeland Security to reconsider its decision to terminate DACA in light of the public health emergency.

The DACA program, which was rolled back by the Trump administration in 2017, provides work permits and deportation protections for nearly 700,000 undocumented people who were illegally brought to the United States as children.

About 27,000 DACA recipients are health care workers and nearly 200 are medical students, residents and physicians, according to the brief. DACA supporters argued that DHS did not adequately assess this when it terminated the program.

"...It throws into sharp relief DACA recipients' important contributions to the country and the significant adverse consequences of eliminating their ability to live and work without fear of imminent deportation," the petitioners wrote. "These are the very consequences the agency failed to consider."

A decision in the case is expected by no later than June. During the oral arguments held last November, the court's conservative majority had given little sign of openness to the contention by proponents of DACA that the Trump administration's decision to shut down the program was legally flawed.

To view online click here.

# Facebook shuts down anti-quarantine protests at states' request (back)

By Steven Overly

WASHINGTON — Facebook is blocking anti-quarantine protesters from using the site to organize in-person gatherings in states that require residents to stay in their homes due to the coronavirus pandemic.

The world's largest social network has already removed protest messages in California, New Jersey and Nebraska from its site at the urging of state governments who say those events are prohibited by stay-at-home orders, a company spokesperson said.

"Unless government prohibits the event during this time, we allow it to be organized on Facebook. For this same reason, events that defy government's guidance on social distancing aren't allowed on Facebook," the spokesperson said.

Protesters have gathered in state capitals around the country in recent days to push back against their governments' decisions to close non-essential businesses and requiring residents to largely isolate at home as the nationwide death toll from the coronavirus outbreak approaches 40,000.

Those protests have been fueled in part by President Donald Trump, who has wavered between urging governors to reopen their economies and deferring to state leaders to make such calls. In a series of tweets last week, Trump issued a call to "liberate" Michigan, Virginia and Minnesota.

To view online click here.

## How California's coastal-rural divide could provide lessons for the nation (back)

By Mackenzie Mays

SACRAMENTO — When California emerges from its coronavirus lockdown, the state's often overlooked rural counties could be the first to open up rather than the nationally trendsetting San Francisco Bay Area.

Rural counties house roughly one-tenth of California's nearly 40 million residents but comprise more than half its land mass. A greater share of inland residents have continued to work in essential sectors under social isolation orders, and many think their thinly populated communities are less vulnerable to Covid-19 spread and shouldn't be held back by coastal cities. A distrust of Sacramento directives and a government helmed by liberal Gov. Gavin Newsom are also at play.

California's divide could become a harbinger for how rural and coastal states ease their restrictions in different ways with less populated areas lifting closures sooner than denser cities. Escalating frustration among conservatives over stay-at-home-orders' impacts on the economy has led to protests across the country, and similar demonstrations have been organized in pockets of California.

President Donald Trump has given governors latitude over stay-at-home orders, and Newsom likewise says counties will have significant discretion over how they reopen. But in a public health crisis, beloved local policymaking could pose a problem for both Trump and Newsom and risk a more confusing crisis without a central plan — potentially leading to counteractive surges that start in small hamlets rather than major metro areas.

Those differences will become clearer as California communities decide to reopen at different paces, using Trump's tweets as leverage. The president posted on Friday to "LIBERATE" Michigan, Minnesota and Virginia despite health experts urging more caution. Placerville, a Republican-led city an hour east of the state Capitol, is already asking for stay-at-home orders to be lifted there.

If rural counties open before densely populated coastal cities, health officials will watch closely to see whether different social distancing rules can coexist in the same state — and what health effects an isolated reopening would have locally and beyond.

Despite growing pressure to reopen, health officials worry about a lack of sufficient testing in rural communities — and the potential for disproportionate suffering due to socioeconomic barriers and health care shortages they faced pre-pandemic.

In rural Tulare County, one of California's last Republican bastions, Supervisor Pete Vander Poel expects a "strong push" from the agricultural center to reopen as soon as possible.

"We are not a highly concentrated urban area," he said. "I believe that our businesses feel like they can accommodate social distancing and increase hygiene and sanitation much quicker and on a much more open basis."

But Newsom used Tulare County as an example of how rural areas are not protected from the virus, pointing to more than 300 cases there, mostly due to outbreaks in nursing homes.

"For those that think this is just an urban construct, or densified in certain parts of the state, it exists and persists, Covid-19, throughout the state, including rural California," Newsom said Saturday. "None of us are immune from this disease, and if we stop taking it seriously, we will have serious consequences."

California's regions have already experienced the coronavirus pandemic in different ways. As wealthy tech workers in Silicon Valley seamlessly transitioned into remote work, farm workers and others in the Central Valley's essential industries still reported to their jobs.

Only one public school in the most populous state remains open — in Tulare County, which is represented by Rep. Devin Nunes, who has railed against Newsom's stay-at-home order and called the governor's recommendation to close schools for the rest of the academic year "way overkill."

A handful of rural counties have still reported no cases, or only one case, while Los Angeles County has soared past the 10,000 mark, according to the California Department of Public Health.

California's vast diversity, usually heralded by Newsom, could make a smooth reopening much harder than in smaller, more homogeneous states. As some counties open, others may resist, saying their infection rate and denser living necessitate a longer lockdown.

Affluent counties with a high share of remote-working professionals may decide they can function longer without easing restrictions. Lower-income counties stretched thin may determine that resuming activities is necessary for economic sustenance, even if infection risks remain. Residents under lockdown may resent that fellow Californians elsewhere are opening up and encourage their leaders to prevent outside travelers, as some have already done in popular Sierra Nevada vacation spots.

"If the curve is going to flatten, counties are going to bear that. ... That means the curve is going to differ because California is not a state, it's really a nation of five or six different states," said David McCuan, a political science professor at Sonoma State. "Counties that don't touch water in California are very different than what people think of when they think of California. They are pink or purple counties if not outright Trump counties."

The Rural County Representatives of California includes 37 of the state's 58 counties. Paul Smith, a senior vice president at RCRC, said those counties are adhering to Newsom's orders but that "it's a completely different world" where not much has changed since the pandemic hit.

"You can drive through parts of these counties and it may take you 30 minutes before you see another person on the road," he said. "The elected officials in these counties are taking this very seriously but they are not sensational about it because to them, if you already live two miles apart from each other, you're socially distancing just by the nature of the place."

While rural counties are generally faring well during the coronavirus crisis in comparison to metropolitan hubs, they would suffer worse than cities in a rapid outbreak, Smith said, pointing to the lack of health care facilities capable of handling serious cases. That means leaders there need to take the coronavirus seriously even if they are confident about their infection curves.

"For our most rural areas, they're really, really lagging in cases of admittances and deaths, and we hope it stays that way," Smith said. "It would wipe these communities out."

Fresno County Health Officer Dr. Rais Vohra said the best path would be allowing the Central Valley and other regions to move forward on their own — but it will not be easy.

"I think that the reopening, whenever and however that happens, may actually be more chaotic than the shutting down. And I say that because I do feel, and I have heard, different levels of energy and different voices talking about reopening on different trajectories," Vohra said. "We're going to have to get that coordinated extremely well in order to do it right."

Newsom has laid out a gradual plan with public health benchmarks the state must meet before reopening, but he also said this week that "localism is determinative." Newsom's March 19 stay-at-home order forced rural counties to join their urban counterparts in social isolation, but it is not clear how much latitude he would give counties if they want to move faster than coastal leaders.

"Because of the scale and scope of California, because of the geographic distances, because of the rural and urban construct, because of density of populations and also density of spread being so distinct and unique in different parts of the state, yes, we'll be guided by local decision making," Newsom said. "But there will be baseline recommendations and guidance that will come out that will create the foundation and the floor of expectation."

While Newsom and Trump have exchanged rare accolades for each other's handling of the pandemic, party lines still divide parts of California.

Mike Madrid, a GOP strategist critical of Trump's brand of politics, said a sector of California conservatives has complained about government overreach during the crisis while sheltering in place from "the safety of their homes," and have politicized public health advice.

"Anti-government rhetoric in the conservative movement has gone from being anti-government to anti-experts, whether they're medical doctors or public health officials. You saw it in the vaccine movement here in California: anti-vaccine, anti-science," Madrid said. "Unfortunately, even when people's lives are in jeopardy, people are still refusing to recognize the obvious, and that's just the nature of our politics now and years of training based on what confirmation bias you ascribe to."

Nowhere better exemplifies the state's coronavirus disconnect than the Fresno area. The state's fifth largest city issued a stay-home order a day ahead of the statewide lockdown — a move that Nunes, who represents parts of Fresno, called "controversial" in an email to constituents.

Fresno County, which includes the rural expanses outside the city, made clear it wasn't on the same page, saying its leaders encouraged voluntary social distancing and effective hygiene instead.

Fresno City Councilman Miguel Arias said "it's like a civil war" fighting with local officials who represent the more rural parts of the county on how to move forward in response to the pandemic. Arias, a Democrat, said he worries the longer officials resist, the more people will suffer. He pointed to the Valley's poor air quality, health care provider shortage and high rate of underlying conditions like asthma and diabetes.

"They've chosen a wait and see approach that has been pushed by a few in Republican leadership, framing the directives from Sacramento as government overreach and overreaction," Arias said. "Some have spent more of their time protecting the livelihoods of certain businesses at the expense of the lives of our most vulnerable. They will have a lot more deaths that they will have to own."

Fresno County Supervisor Buddy Mendes, a Republican, rebuffed Arias' views and said the idea that political beliefs have driven some coronavirus policies is "horse shit." Fresno County is taking it seriously, Mendes said, but the gap is one of geography — not politics.

"If you're in a metropolitan area ... you have to take things differently than if you're in Mono County or Mariposa County or some place like that," Mendes said. "It works differently in the country than it does in a metropolitan area. Everybody is still working here."

Katy Murphy and Colby Bermel contributed to this report.

To view online click here.

#### Trump revs up for a state-by-state fight over coronavirus shutdowns (back)

By Nancy Cook

WASHINGTON — President Donald Trump is preparing for a long battle with America's governors to save himself from the political fallout from coronavirus.

Over the next two weeks, at the urging of the Trump administration, the map of the U.S. will start to resemble a patchwork quilt, with some states open for business while others remain locked down because of the spread of the virus.

Trump has said the onus for reopening states lies with their leaders, but he has simultaneously tried to pressure governors into restarting businesses and relaxing health guidelines as soon as possible.

Senior administration officials and Trump advisers say the level of hostility between the president and governors will probably only increase in the coming days, in part because Trump sees so much political opportunity in stoking those divisions during his reelection campaign. Governors have become his latest political foil, along with China and the World Health Organization, and he's trying to bully and scapegoat them amid his administration's response to the pandemic.

"People's initial reaction is always to look to the president, but as time goes on and it becomes clear other states are doing other things, that blame and credit will shift to the governors, considering they are the ones making the calls," said one Trump political adviser.

Small protests over the weekend in Texas, North Carolina, Michigan and New Hampshire only highlighted the frustration of some Americans about the shuttering of huge swaths of the economy. Trump aides and advisers are closely monitoring those protests because they think the demonstrations give momentum to the president's argument to reopen the economy as soon as possible — not to mention a potential source of energy heading into the fall election.

The White House has been setting itself up for weeks now to blame governors for the response to the coronavirus, including any failure to procure medical equipment and resources, or problems that arise from restarting businesses and resuming public life.

The administration's guidelines for reopening cities and towns, released on Thursday, urged states to have the ability to test any individuals who showed symptoms of Covid-19, the disease caused by the new coronavirus, before reopening — even as both Republican and Democratic governors said they needed help tracking down testing supplies.

"To try to push this off to say that the governors have plenty of testing, and they should just get to work on testing — somehow we aren't doing our job — is just absolutely false," Gov. Larry Hogan of Maryland, a Republican, said on CNN's "State of the Union" on Sunday. "Every governor in America has been pushing and fighting and clawing to get more tests."

"Look, we have increased our testing in Maryland by 5,000 percent over the past month, but it's nowhere near where it needs to be," Hogan added. "It's not accurate to say there's plenty of testing out there, and the governors should just get it done. That's just not being straightforward."

White House aides have argued that states need to do a better job of using hospital and private labs to ramp up testing, even as critics of the Trump administration's coronavirus response say the president should deploy the Defense Protection Act to force manufacturers to produce supplies like swabs which are needed for tests.

Senior administration officials have instead argued the governors are misjudging the level of supplies they will need, so much so that the federal government no longer takes their requests as seriously. Both publicly and privately, aides have used the example of New York state asking for tens of thousands of ventilators as an example of this pattern of governors asking for too much. The same dynamic, aides say, will play out with testing.

"I think the low point in the ventilator issue was when Andrew Cuomo was getting on his soapbox there and screaming, he needed 30,000 ventilators, which was twice the amount of stockpile that we had at FEMA," White House trade adviser Peter Navarro said on Sunday on Fox News. "So, he basically wanted all the ventilators, and forget about the 49 other states."

"And we're sending him ventilators and ventilators," Navarro added. "And it turns out that a lot of those wound up sitting in warehouses. And no American who needs a ventilator has not had one. And we're going to see the same thing with other kinds of things, including the testing kits."

Testing kits are not the only point of contention between the governors and the White House.

Several governors also disagree with the administration over the best way to procure medical supplies and equipment — as well as the guidelines to even restart the economy. Governors have formed three different consortiums — on the West Coast, the East Coast and in the Midwest — to work together to reopen their regions and develop guidelines to do so, effectively sidestepping the leadership of the president.

In the coming days, several states, including Texas, Florida, Minnesota and Vermont, will start to relax some health guidelines. Next week, Texas will reopen state parks, while retail stores in the state will soon offer curbside pickup and hospitals will resume nonessential surgeries.

Florida reopened some of its beaches over the weekend, while Gov. Phil Scott of Vermont, a Republican, will allow businesses such as law firms and realtors in his state to resume work with two employees per office. States like New York, Virginia and Maryland, meanwhile, remain virtually shut down for nonessential workers and stores.

This gradual reopening state by state is likely to create disarray as Americans begin to lead wildly different lives, depending on the state they live in, the rate of infections and hospitals' ability to care for those sick with Covid-19.

One senior administration official said the White House was prepared for potential outbreaks that come from restarting the economy and would send resources, including health professionals and supplies, to places where new hot spots emerge — either in cities or in specific workplaces, like warehouses or plants that produce food.

While public health officials applauded the guidelines the administration released for reopening the economy state by state, some fear the president often does not deliver clear guidance from the briefing room podium or his Twitter feed.

"At each step, he does defer to the scientific experts, but his messages are often very mixed as everyone will agree," said Howard Koh, a professor at the Harvard T. H. Chan School of Public Health who served as assistant secretary for health for the U.S. Department of Health and Human Services under President Barack Obama. "All that does is confuse the public."

"Having trust in your government leaders to set the right policies can be fragile, and I think the best leaders are being extremely cautious and focusing on sound principles and looking at the data as a one-system approach," Koh added.

To Trump observers, the president's ongoing dance with governors about who is ultimately responsible for restarting the economy is part of his playbook dating back to his days as a real estate developer.

"This idea that you grab credit for everything and push responsibility off on others is something long-standing with him," said Michael D'Antonio, author of the biography "The Truth About Trump." "When he went through his big bankruptcies in the early 1990s, he basically blamed his lenders and said they were responsible because they made the loans. He was not responsible because he failed to pay them back."

To view online click here.

You've received this POLITICO Pro content because your customized settings include: POLITICO California Pro Report. To change your alert settings, please go to https://subscriber.politicopro.com/newsletter-settings

# **POLITICO PRO**

This email alert has been sent for the exclusive use of POLITICO Pro subscriber, scattolica@scadvocates.com. Forwarding or reproducing the alert without the express, written permission of POLITICO Pro is a violation of copyright law and the POLITICO Pro subscription agreement.

Copyright © 2018 by POLITICO LLC. All rights reserved. To subscribe to Pro, please go to politicopro.com.

This email was sent to scattolica@scadvocates.com by: POLITICO, LLC 1000 Wilson Blvd. Arlington, VA, 22209, USA