

VIA EMAIL AND CERTIFIED MAIL

April 21, 2020

Office of Arizona Governor
Doug Ducey
1700 West Washington Street
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Arizona Department of Health Services
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Governor Ducey and Director Christ:

On behalf of the American Civil Liberties Union (ACLU) and the ACLU of Arizona we write to urge your office to mandate the collection and release of aggregate race and ethnicity and other demographic data of COVID-19 testing, infections and deaths to the extent consistent with medical and health privacy laws. As jurisdictions release racial data of COVID-19, it is becoming increasingly clear that we need to identify, protect and support communities that have been disproportionately impacted. In order to protect everyone in Arizona and to save as many lives as possible, we are urging your offices to mandate the collection and release of race and ethnicity data with respect to testing, infections and deaths from COVID-19 immediately.

At least 16 states, including Arizona, have begun releasing racial and ethnic breakdowns of COVID-19 in their jurisdictions.¹ However, much of the data is

¹ See *Characteristics of Laboratory-Confirmed Cases of COVID-19*, Alabama Public Health (April 9, 2020), <https://www.alabamapublichealth.gov/infectiousdiseases/assets/cov-al-cases-040920.pdf>; *COVID-19 Statistics*, Illinois Department of Public Health, www.dph.illinois.gov/covid19/covid19-statistics (last accessed April 9, 2020); *Coronavirus (COVID-19)*, Louisiana Department of Public Health, ldh.la.gov/coronavirus/ (last accessed April 9, 2020); *Coronavirus Disease 2019 Outbreak*, Maryland Department of Health, <https://coronavirus.maryland.gov> (last accessed April 9, 2020); *Coronavirus Disease 2019 Cases in MA*, Massachusetts Department of Public Health (April 9, 2020), <https://www.mass.gov/doc/covid-19-cases-in-massachusetts-as-of-april-9-2020/download>; *Michigan Data*, Michigan.gov, https://www.michigan.gov/coronavirus/0,9753,7-406-98163_98173--00.html (last accessed April 9, 2020); *Coronavirus Disease 2019*, Mississippi State Department of Health (April 9, 2020), https://msdh.ms.gov/msdhsite/_static/14,0,420.html; *Fatalities*, New York State Department of Health, <https://covid19tracker.health.ny.gov/views/NYS-COVID19-Tracker/NYSDOHCOVID-19Tracker-Fatalities?%3Aembed=yes&%3Atoolbar=no&%3Atabs=n> (last accessed April 10, 2020); *NC Cases COVID-19*, North Carolina Department of Health and Human Services (April 9, 2020), <https://www.ncdhhs.gov/divisions/public-health/covid19/covid-19-nc-case-count#by-race-ethnicity>; *COVID-19 in Virginia*, Virginia Department of Health, www.vdh.virginia.gov/coronavirus/ (last accessed April 10, 2020); Kenya Evelyn, *'It's a racial justice issue': Black Americans are dying in greater numbers from Covid-19*, The Guardian (April 8, 2020), <https://www.theguardian.com/world/2020/apr/08/its-a-racial-justice-issue-black-americans-are-dying-in-greater-numbers-from-covid-19> ("On Monday, Washington's Mayor Muriel

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incomplete and lacks important data to provide critical insights on how COVID-19 is spreading and impacting Black, Native American and Latino communities. The data released so far has shown that Black and Native people are dying at disturbingly disproportionate rates across the country. For example, Black people represent 43 percent of COVID-19 deaths in Illinois, but make up only 14 percent of the state's population.² In Louisiana, Black people make up 32 percent of the state but represent over 70 percent of COVID-19 related deaths.³ Similarly alarming, in Mississippi, Black people make up 38 percent of the population but represent 52 percent of COVID-19 cases and 71 percent of reported deaths.⁴ Finally in Arizona, Native Americans make up only 5 percent of the state's population, but nearly 20 percent of the state's reported deaths.⁵ The Navajo Nation has been particularly hit hard by the pandemic, with more confirmed cases per capita than any state except New York and New Jersey.⁶ The pandemic has caused the Nation to institute a community-wide lockdown on evenings and weekends and require community members to wear masks in public.⁷

Cities with larger Black and Latino communities, like Tucson, Mesa and Phoenix, are especially susceptible to the inequalities in COVID-19 cases and

Bowser published coronavirus numbers by race for the first time: of the District's 24 deaths, 14 were of black patients."); *COVID-19 Wisconsin Data*, Wisconsin Department of Health Services, <https://www.dhs.wisconsin.gov/covid-19/data.htm> (last accessed April 9, 2020); *COVID in New Mexico*, New Mexico Department of Health <https://cvprovider.nmhealth.org/public-dashboard.html> (last accessed April 16, 2020); *County of San Diego Daily 2019 Novel Coronavirus (COVID-19) Race / Ethnicity Summary*, <https://www.sandiegocounty.gov/content/dam/sdc/hhsa/programs/phs/Epidemiology/COVID-19%20Race%20and%20Ethnicity%20Summary.pdf> (last accessed April 16, 2020); *Situation Update for Coronavirus Disease 2019*, Minnesota Department of Health, <https://www.health.state.mn.us/diseases/coronavirus/situation.html#case2> (last accessed April 16, 2020).

² See Kat Stafford, Meghan Hoyer & Aaron Morrison, *Outcry Over Racial Data Grows As Virus Slams Black Americans*, AP (April 8, 2020), <https://apnews.com/71d952faad4a2a5d14441534f7230c7c>; *COVID-19 Statistics, Illinois Department of Public Health*, www.dph.illinois.gov/covid19/covid19-statistics (last accessed April 9, 2020).

³ See Kat Stafford, et al., *Outcry Over Racial Data Grows As Virus Slams Black Americans*, AP (April 8, 2020), <https://apnews.com/71d952faad4a2a5d14441534f7230c7c>, Louisiana Department of Public Health, ldh.la.gov/coronavirus/ (last accessed April 9, 2020).

⁴ See Emily W. Pettus, *African Americans more than half of Mississippi virus deaths*, AP (April 7, 2020), <https://apnews.com/c45118f1f0e98e35a3d89742c751a7f2>; *Coronavirus Disease 2019*, Mississippi State Department of Health (April 9, 2020), https://msdh.ms.gov/msdhsite/_static/14.0.420.html.

⁵ See Alexa Brock, "Native Americans disproportionately impacted by COVID-19 in Arizona, early state numbers reveal," 12News (April 9, 2020), <https://www.12news.com/article/news/health/coronavirus/native-americans-disproportionately-impacted-by-covid-19-in-arizona-early-state-numbers-reveal/75-f0e17ba9-2d8e-45a7-b0c8-a73c39d11232>.

⁶ *Id.*; See Felicia Fonseca, *Navajo Nation Extends Weekend Lockdowns as Coronavirus Cases Rise*. AP (April 15, 2020), <https://time.com/5822144/navajo-nation-lockdown-coronavirus/>; See Rebecca Jennings, *Navajo Nation Makes Wearing Masks Outside Mandatory*, Vox (April 19, 2020), <https://www.vox.com/2020/4/19/21227101/navajo-nation-coronavirus-masks-minorities>.

⁷ *Id.*

deaths. In Milwaukee, Black people make up 67 percent of people who have died from COVID-19, while making up only 39 percent of the city's population.⁸ In New York City, which now has more confirmed cases than anywhere else in the world, Latinos make up 29 percent of the population but 34 percent of COVID-19 deaths and Black people make up 22 percent of the population but 28 percent of deaths.⁹

Existing health disparities and other social and economic inequalities make Black, Native American, and Latino people particularly vulnerable to contracting and dying from COVID-19. While public health officials recommend working from home to stop the spread of the virus, only 20 percent of Black workers and 16 percent of Latino workers are able to work from home.¹⁰ Black people are also more likely to be uninsured and live in communities without access to quality healthcare facilities, leading to disproportionate rates of chronic diseases such as asthma, hypertension, and diabetes.¹¹ Native Americans are more likely to suffer from diabetes and heart disease, and live in communities that lack access to critical infrastructure such as clean water, broadband, and community hospitals.¹² Black and Latina women are overrepresented as essential workers with Latina women making up 22 percent of women grocery store workers and Black women making up 27 percent of women home health aid workers.¹³ In addition, people of color are overrepresented in industries that are rapidly laying off workers, leaving many uninsured.¹⁴

⁸ *Milwaukee County COVID-19 Dashboard*, Milwaukee County, <https://county.milwaukee.gov/EN/COVID-19> (last accessed April 10, 2020); *Milwaukee city, Wisconsin*, United States Census Bureau, <https://www.census.gov/quickfacts/milwaukeecitywisconsin> (last accessed April 10, 2020).

⁹ *Fatalities*, New York State Department of Health, <https://covid19tracker.health.ny.gov/views/NYS-COVID19-Tracker/NYSDOHCOVID-19Tracker-Fatalities?%3Aembed=yes&%3Atoolbar=no&%3Atabs=n> (last accessed April 10, 2020).

¹⁰ *See Economic News Release*, U.S. Bureau of Labor Statistics (Sept. 24, 2019), <https://www.bls.gov/news.release/flex2.t01.htm>.

¹¹ *See* Reis Thebault, Andrew Ba Tran, & Vanessa Williams, *The Coronavirus Is Infecting and Killing Black Americans at an Alarming High Rate*, Washington Post (April 7, 2020), <https://www.washingtonpost.com/nation/2020/04/07/coronavirus-is-infecting-killing-black-americans-an-alarmingly-high-rate-post-analysis-shows/?arc404=true>.

¹² *See* Kent Sepkowitz, *The risk to Native American nations from Covid-19*, CNN.com (April 7, 2020), <https://www.cnn.com/2020/04/07/opinions/native-american-nations-risk-from-covid-19-sepkowitz/index.html>

¹³ *See The Wage Gap Has Made Things Worse for Women on the Front Lines of COVID-19*, National Women's Law Center (Mar. 30, 2020), <https://nwlc.org/blog/the-wage-gap-has-made-things-worse-for-women-on-the-front-lines-of-covid-19/>.

¹⁴ *See* Dan Burns, *How The Coronavirus Job Cuts Played Out by Sector and Demographics*, Reuters (April 4, 2020), <https://www.reuters.com/article/us-health-coronavirus-usa-jobs/how-the-coronavirus-job-cuts-played-out-by-sector-and-demographics-idUSKBN21M0EL> (showing that Asians and Latinos faced the highest rate of increase of unemployment and that the rate of unemployment for Black people is now 65% higher than the rate of unemployment for white people).



Given the vast disparities across the country, it is likely that Black people, Native Americans and Latinos are dying disproportionately in Arizona. In order to effectively address this pandemic and direct resources where they are most needed, government officials and entities must develop policies that require the standardization and collection of race and ethnicity data surrounding COVID-19. While Arizona does publish some information related to COVID-19's impact on communities of color, the information is incomplete. For instance, 60 percent of confirmed cases of COVID-19 in Arizona are attributed to persons of unknown race or ethnicity and the state is currently not providing any information related to testing by race and ethnicity. Without knowing the breadth of how COVID-19 is affecting communities in the state, public health officials, advocates, and affected members of the public will not have the tools necessary to tackle the inequalities this pandemic is exacerbating or to direct critical resources to communities most in need to prevent further spread of the virus.

We urge your office to mandate the collection and release of comprehensive, aggregate race and ethnicity and other demographic data of COVID-19 testing, infections and deaths, to the extent consistent with privacy laws, so that we may better protect all communities and identify those that are in particular need of support.

Respectfully,

ACLU of Arizona
American Civil Liberties Union