



February 22, 2021

The Honorable Nancy Pelosi  
Speaker  
U.S. House of Representatives  
H-232 The Capitol  
Washington, DC 20515

The Honorable Charles Schumer  
Majority Leader  
U.S. Senate  
S-230 The Capitol  
Washington, DC 20515

The Honorable Kevin McCarthy  
House Republican Leader  
U.S. House of Representatives  
H-204 The Capitol  
Washington, DC 20515

The Honorable Mitch McConnell  
Senate Republican Leader  
U.S. Senate  
S-221 The Capitol  
Washington, DC 20515

Dear Speaker Pelosi, Leader Schumer, Leader McCarthy, and Leader McConnell,

The Workplace Employers Alliance for COVID-19 Testing (WE ACT Alliance) is a coalition of leading employers and job creators sponsoring employer-based testing for COVID-19.<sup>1</sup> We are committed to working with Congress to develop bipartisan solutions that enhance employer-based testing to keep our employees and communities safe.

Employer-based testing is a critical public health tool. However, to date, employers trying to implement effective testing programs have faced difficulties due to complex and conflicting federal, state, and local requirements. This creates a significant barrier to workplace testing programs, while also exacerbating health disparities that allow the SARS-CoV-2 virus to spread further. To eliminate these barriers, we stand ready to work with Congress and the Biden-Harris Administration to enact legislation and inform guidance related to COVID-19 testing. As you work with the Administration, we urge you to consider the following to better enable employer-based testing:

### **Expand the Type and Volume of Tests Available To Employers**

Widespread and frequent workplace testing helps identify the spread of the SARS-CoV-2 virus and protects the health and safety of employees, along with the greater community. Unfortunately, many employers lack access to consistently available, affordable testing options. The federal government can assist by increasing the type and volume of quality tests available. Specifically, they should expand the availability of pooled tests, rapid point-of-care tests, at-home, and over-the-counter tests recently authorized or in receipt of an Emergency Use

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<sup>1</sup> Leading U.S. Companies Launch Workplace Virus Testing Alliance WE ACT: Workplace Employers Alliance For Covid-19 Testing, December 22, 2020. <https://weactalliance.org/press-release/leading-u-s-companies-launch-workplace-virus-testing-alliance-we-act/>

Authorization (EUA) by the FDA.<sup>2</sup> This would allow employers to test more efficiently on site without burdening commercial or public laboratories.

### **Issue Clear, Actionable, Enforceable Testing Guidance**

One of the biggest problems employers have faced throughout the pandemic is the lack of consistent guidance about which COVID-19 tests to use and how to interpret the data these tests present. Consistent with President Biden’s call to “to give employers and employees more comprehensive and specific guidance” about stopping the virus’ spread,<sup>3</sup> the federal government should issue guidance and implementation protocols that provide clarity on how often tests should be taken, whether they should be mandatory, what information needs to be reported to local, state, and/or federal health authorities, when employees should return to work after a positive test result, and whether they should have a second test to return to work.

### **Provide Straightforward Reporting Expectations and Transparent Data to Assist Contact Tracing**

Effective contact tracing relies on transparent data. Today, testing data is reported through multiple pathways and intermediaries.<sup>4</sup> The federal government should provide clear and uniform reporting requirements and streamline the reporting processes to minimize barriers while maximizing compliance. Data should be aggregated and analyzed quickly to provide state and local governments with vital information related to infection rates in local communities and to afford employers’ insight into how to reduce spread at a given worksite.

### **Invest in University and Research Lab Capacity**

Investments in university and research labs are key to increase capacity, improve turnaround times, and stimulate additional biomedical research. These short-term investments will also provide long-term benefits, such as stronger lab networks around the country that will allow us to better respond to the current pandemic, as well as increase our preparedness for future emerging threats.

Today, employees—including frontline essential workers—still face significant barriers to COVID-19 testing. The WE ACT Alliance stands ready to work with Congress and the Administration to inform the creation of a national testing strategy that will help get America safely and efficiently back to work.

Sincerely,

Amazon  
CVS Health  
Thermo Fisher Scientific

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<sup>2</sup> Coronavirus (COVID-19) Update: FDA Authorizes Antigen Test as First Over-the-Counter Fully At-Home Diagnostic Test for COVID-19, December 15, 2020. <https://www.fda.gov/news-events/press-announcements/coronavirus-covid-19-update-fda-authorizes-antigen-test-first-over-counter-fully-home-diagnostic>

<sup>3</sup> Statement by Vice President Joe Biden and the Biden for President Public Health Advisory Committee on Testing, April 27, 2020. <https://medium.com/@JoeBiden/statement-by-vice-president-joe-biden-and-the-biden-for-president-public-health-advisory-committee-6407f37c93da>.

<sup>4</sup> How to Report COVID-19 Laboratory Data, November 25, 2020. <https://www.cdc.gov/coronavirus/2019-ncov/lab/reporting-lab-data.html>.

Becton, Dickinson and Company  
Whirlpool Corporation

cc:

The Honorable Bobby Scott  
The Honorable Virginia Foxx  
The Honorable Frank Pallone  
The Honorable Cathy McMorris Rodgers  
The Honorable Ron Wyden  
The Honorable Mike Crapo  
The Honorable Patty Murray  
The Honorable Richard Burr  
The Honorable Richard Neal  
The Honorable Kevin Brady