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March 22, 2021

The Honorable Mike DeWine
77 S. High St., 30th Floor
Columbus, OH 43215

Dear Governor DeWine:

On behalf of the Association of Ohio Health Commissioners (AOHC), and the 11.7 million Ohioans we work every day to serve, I am urging you to veto Senate Bill 22. AOHC has strong concerns with the impacts this legislation will have on the ability of local boards of health to protect the public's health. While originally portrayed as an attempt to "balance" legislative powers with those of executive powers during times of emergency, the bill took on last-minute amendments that expand the scope well beyond that description.

Specifically, SB 22 limits the ability of local boards of health to issue orders to classes of businesses or multiple locations of businesses. At the same time, it limits our ability to issue orders of quarantine or isolation unless an individual has been medically diagnosed with a disease or been exposed to someone who has been medically diagnosed with a disease. We have come up with countless examples of how these provisions will inhibit our ability to protect public health including but not limited to:

- Communicable disease (Ebola, COVID-19)
- Bioterrorist attacks (Anthrax)
- Vector control (West Nile Virus, rabies)
- Food borne illnesses (Hep A)
- Septic system regulations
- Lead abatement

Local health orders are crucial tools for allowing time for a full investigation of a situation before it becomes urgent or worsened, and the limitations in SB 22 will force our local efforts to allow a situation to worsen before action could be taken to contain it. For example, if there is a foodborne illness outbreak for which we have an initial epidemiological link on its source but are awaiting testing and investigation, an inability to mitigate the suspected source will allow the illness more time to spread. Similarly, if several individuals are showing symptoms of a disease like measles but test results are pending, lack of quarantine and isolation orders would allow time for others to be exposed. Orders like these are utilized sparingly, but they are vital tools when situations arise where we need to act quickly to respond to and mitigate a situation. Moreover, they almost always involve guidance and expertise from the CDC or the Ohio Department of Health.

In addition to the public health concerns, the bill is clearly unconstitutional. One need look no further than the legislature's own legal arm, the Legislative Service Commission to know this. In the bill analysis, LSC itself points out the legal issues presented by the bill.

The foundation of public health is to work proactively to limit the spread of disease and sickness. Much of what we do is preventive in nature. Whether it is limiting the movement of individuals who may (or do) have a communicable disease or ordering the removal of bad produce from a restaurant, the goal is to get out in front of a public health risk and limit its spread. SB 22 makes many of our efforts, and that of the Ohio Department of Health, impossible and creates untold dangers for the citizens of the state of Ohio.

We want to thank you for your steadfast leadership as Ohio continues its response to the Covid-19 pandemic. As a public health system, the state has taken steps to provide the resources and guidance necessary for local health departments to carry out the necessary work to mitigate, contain and now with vaccinations prevent the virus from spreading in our communities. Like the state, local health departments continue to provide regular updates and opportunities for feedback from our state representatives and senators. When this pandemic is over, local health departments look forward to a constructive after-action report and conversation to identify what we should do in the future to increase our capabilities and emergency planning to ensure Ohio's public health system remains prepared for the next public health emergency.

We urge you to veto SB 22.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joe Mazzola', with a long horizontal flourish extending to the right.

Joe Mazzola, MPA
President
Franklin County Health Commissioner