

Continued State of Emergency Doubles-Down on Misguided Policies Hurting Thousands of Delawareans

By State Rep. Rich Collins

SEPTEMBER 4, 2020 – Governor John Carney recently renewed his State of Emergency declaration for a sixth time, but does an emergency actually exist?

Under Delaware law (Title 20, Chapter 31), the governor has the authority to declare a State of Emergency in response to any current or anticipated crisis posing a dire threat to our citizens. The law allows the initial declaration to last up to 30 days, after which time the governor can renew it at his own discretion.

The clear intent of the law was to give the state's chief executive the ability to quickly respond to a natural or manmade disaster to protect public welfare. Governor Carney has abused this unchecked authority to rule by executive fiat, without the need for citizen input or the consent of their elected officials in the General Assembly. Thus far, he has modified the declaration on 26 occasions, issuing rules that carry the weight of law on diverse topics ranging from shutting down hundreds of businesses to how churches could conduct services.

The governor first issued a Declaration of a State of Emergency on the afternoon of March 12 in reaction to the unknown threat posed by COVID-19. At the time, there was more fear than knowledge about the virus and its potential impact. One widely publicized estimate issued by Imperial College London predicted the virus would kill 2.2 million Americans. Given the little we knew at the time, the governor's action was understandable.

Much has happened over the last six months. We now know those initial estimates were wildly inaccurate, and the threat posed by COVID-19 to most Delawareans has been vastly overstated.

Remember the mantra of the Carney administration during the first two months after the arrival of COVID-19 in The First State was "flatten the curve." The strategy contained in that slogan was to slow the spread of the virus to prevent a rapid spike of cases that would overwhelm the capacity of our medical system.

That goal was accomplished four months ago.

According to the American Hospital Association, Delaware has more than 2,000 permanent acute care beds available, not including the mobile hospital and other provisional capacity the state had on standby. In April, the Delaware Hospital Association reported 400 ventilators were available for use by the most critically ill.

The total number of COVID-19 hospitalizations peaked in Delaware at 337, including those in intensive care. It been trending downward ever since. As of September 1, there were 62 hospitalizations related to the coronavirus.

We now know that the virus, while a potential health threat, is not a life-threatening illness for the vast majority of the population. The virus has a disproportionate impact on specific demographic groups. More than 60% of Delaware's coronavirus deaths involved the residents of long-term care facilities (about 20 percentage points above the national average). People age 50 and over account for 95.9% of all Delaware fatalities. Those age 65 and over are especially vulnerable, with more than 83% of deaths occurring in this group.

People with underlying health issues are also at high-risk from life-threatening COVID-19 complications. According to data recently released from the Centers for Disease Control (CDC), only 6% of deaths related to COVID-19 were attributed to the virus alone. For the remaining 94% of fatalities, the reported stated: "For deaths with conditions or causes in addition to COVID-19, on average, there were 2.6 additional conditions or causes per death."

Given the confirmed facts about the actual threat the virus poses, our state strategy should have shifted to use what we learned, taking steps to protect those in our highest-risk groups from exposure to COVID-19, while significantly easing restrictions on everyone else.

Instead, the "flatten the curve" dogma has morphed into a destructive doctrine of "stop the virus at all costs."

In response to a reporter's question last month regarding advancing Delaware's economic reopening to Phase III, the governor said: "There isn't much that would happen if we went to so-called Phase III, but it would send a signal to folks that, frankly, is not the right signal to send now, which is we've accomplished our goal to stomp out the virus and we can go back to normal now."

The governor's foolish quest to "stomp out the virus" has – and continues to – hurt thousands of Delawareans in countless ways.

The unemployment rate for Delaware for July (the most recent report) was 10.4%. Compared to March, there are more than 43,000 fewer working Delawareans. The governor said on August 11th that Delaware is borrowing money from the federal government to pay unemployment benefits.

Most Delaware children will be starting the new school year as they ended the last one – sitting at home in front of a computer screen. Despite the fact that minors are the group impacted least by COVID-19 – especially those under the age of 10 – we are

endangering their current and future academic success by failing to provide the personal attention and structure only a classroom environment can provide.

The COVID-19 pandemic – and the recession created by our Draconian response to it – are also having significant effects on mental health. According to a recent Kaiser Family Foundation Tracking Poll, about a third of those surveyed reported difficulty sleeping or eating; 12% have increased alcohol consumption or substance use; and 12% said they had worsening chronic conditions due to worry and stress. These issues have become progressive as the COVID-19 restrictions have been prolonged. The percentage of adults reporting symptoms of anxiety or depression rose from 34.5% in May to 40.1% in July.

Small businesses continue to struggle. Government grants and loans are no substitute for a fully functioning economy. According to a recent survey of its members, the National Federation of Independent Businesses reports about 23% of small business owners expect to close their doors if the current economic conditions do not improve over the next six months. Another 22% of owners anticipate they will be able to operate no longer than 7-12 months under current conditions. These figures do not include those enterprises that have already shut their doors permanently.

Not everyone has suffered. COVID-19 policies in Delaware and elsewhere have created clear winners and losers. While many family-owned small business operators have had to dip into savings or retirement accounts to keep the lights on, massive retailers like Walmart, Target, and Amazon have reported record revenue increases.

As we begin our sixth State of Emergency renewal in Delaware, the facts indicate there is no emergency. The percentage of people testing positive for COVID-19 has consistently averaged under 5% (the benchmark recommended by the World Health Organization) since mid-July. Hospitalizations have declined steadily since hitting their peak in late April and have remained comparatively low for months. Deaths related to the virus have slowed to a crawl. More than 92% of Delaware's COVID-19 related fatalities took place more than two months ago (prior to July 1). Despite a dramatic increase in testing availability, the average number of new positive cases has trended downward since hitting its peak May 10.

Delaware went through its COVID-19 curve earlier than many other states, but even nationally, key COVID-19 indicators are clearly trending downwards. According to the U.S. Centers for Disease Control, the seven-day average of new cases peaked on July 24th at 66,960 cases. It has steadily fallen since then. On September 2, the reported seven-day average of new cases was 41,193 – a nearly 40% reduction from peak. The seven-day average for COVID-19 deaths peaked nationally on April 21st. More than 56% of all detected U.S. coronavirus cases are considered recovered.

Our decisions should be driven by data, undertaking manageable risks and making informed choices. Presently, we are being ruled by fear, stoked by national media outlets that seem more intent on influencing people than informing them.

Delaware was never intended to be an absolute monarchy, with a single leader imposing his paternalistic will on all citizens by issuing unilateral decrees. It is past time to fully engage Delaware's economy, set a date for safely returning kids to the classroom, and scholastic sports to the athletic fields. Let's continue to protect those well-defined demographic groups most at-risk from life-threatening COVID-19 complications, while allowing Delawareans the freedom to pursue their dreams, return to work, and live their lives as they see fit.