



U.S. Department of Justice
United States Attorney
Eastern District of Kentucky

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April 13, 2020

As the United States Attorney for the Eastern District of Kentucky, I am the chief federal law enforcement officer for 67 of Kentucky's 120 counties and have the primary responsibility for enforcing the laws of the United States in Eastern Kentucky. As outlined below, I write seeking your assistance.

In light of the COVID-19 pandemic, our Office is prioritizing the deterrence, investigation, and prosecution of wrongdoing related to the COVID-19 pandemic – including those engaged in hoarding and/or price-gouging, with regard to critical medical supplies. These practices are not only morally repugnant in light of the situation we are facing, but also, if left unchecked, can inhibit hospitals, physicians and other health care professionals, governmental agencies, and the public from fully implementing measures designed to save lives and mitigate the spread of the disease.

By Executive Order dated March 23, 2020, President Trump delegated to the Secretary of Health and Human Services (HHS) the authority to designate materials critical to our the fight against COVID-19 as "scarce," pursuant to the Defense Production Act of 1950. On March 25, 2020, the HHS Secretary designated 15 categories of health and medical supplies as "scarce," **thus triggering both criminal prohibitions and civil enforcement remedies that my Office will aggressively enforce.** These categories currently include:

- N-95 Filtering Facepiece Respirators;
- Other Filtering Facepiece Respirators (e.g., those designated as N99, N100, R95, R99, R100, or P95, P99, P100);
- Elastomeric, air-purifying respirators and appropriate particulate filters/cartridges;
- Powered Air Purifying Respirator (PAPR);
- Portable Ventilators;
- Chloroquine phosphate or hydroxychloroquine HCl;
- Sterilization services for certain medical devices and certain sterilizers;

- Disinfecting devices and other sanitizing and disinfecting products suitable for use in a clinical setting;
- Medical gowns or apparel, e.g., surgical gowns or isolation gowns;
- Personal protective equipment (PPE) coveralls, e.g., Tyvek Suits;
- PPE face masks;
- PPE surgical masks;
- PPE face shields;
- PPE gloves or surgical gloves;
- Ventilators, anesthesia gas machines modified for use as ventilators, and positive pressure breathing devices modified for use as ventilators, ventilator tubing connectors, and ventilator accessories.

In this time of critical shortages, we are asking for your assistance in identifying individuals and companies that may have acquired vital medical supplies, in excess of what they would reasonably use or for the purpose of charging exorbitant prices. My Office is committed to investigating and prosecuting such incidents, as well as any other fraudulent conduct designed to benefit from this pandemic (*e.g.*, false treatments, tests, and/or vaccinations for COVID-19). In furtherance of this goal, I have designated Assistant United States Attorney (AUSA) Paul McCaffrey to oversee the investigation and prosecution of these crimes. If you have any information related to this topic, I ask that you please contact me or AUSA McCaffrey at 859-685-4820.

With help from institutions like yours, the Department of Justice can use available measures to ensure that these scarce materials are available to safely and effectively treat those affected by the coronavirus. I am grateful for the vital work that you do on a daily basis and for your institution's commitment to the people of Kentucky. I look forward to collaborating with you to protect the citizens of the Commonwealth and enforce the laws of the United States during this time of national emergency.

Sincerely,

Robert M. Duncan, Jr.
United States Attorney
Eastern District of Kentucky

