

HB618 Proponent Testimony

Dr. Cathy Stein

Representing Equal Protection for Posterity

House State and Local Government Committee

November 18, 2020

Chairman Wiggam, Vice-Chair Stephens, Ranking Member Kelly, and Members of the House State and Local Government Committee,

Thank you so much for this opportunity to provide written testimony regarding HB618. I am an infectious disease epidemiologist with a PhD, tenured faculty position at a well-respected university in Ohio, and have studied infectious diseases since 2000. I teach an undergraduate course in epidemiology. I hope you will find this expertise valuable in my written testimony. I am also the Chair of the Ohio Chapter of Equal Protection for Posterity. My views are my own.

I am a **proponent of HB618** because I believe that two individuals, one unelected, should not have this much power over the economic and psychosocial well-being of an entire state, and the Ohio Revised Code must be revised in order to prevent this situation from happening again. From the beginning, the state's response to the COVID-19 "pandemic", administered by just two individuals, has not matched the true burden of this disease. As outlined in a white paper released by Health Freedom Ohio¹, which I helped prepare, the models used by the state were flawed from the very beginning. As stated in the online seminar given by the modeler at Ohio State², the projections were highly susceptible to changes in model assumptions, and it was "too early to tell" what the epidemic would look like in Ohio. Additional significant limitations of this model as well as other models used by the state are described within the white paper cited

¹ https://healthfreedomohio.org/News-Views/8962174?fbclid=IwAR1AvhIrOwHEWjy_nObbRGedr2b3-XSfMdbY5-kHUzM0hOJBaF44yVihQ7s

² <https://video.mbi.ohio-state.edu/video/player/?id=4888&title=Mathematical%20Models%20of%20Epidemics%3A%20Tracking%20Corona%20virus%20using%20Dynamic%20Survival%20Analysis>

above. And yet, these models were used as the primary motivation behind several weeks of orders from the Director of the Ohio Department of Health. By contrast, a model out of the University of Washington had much more optimistic (and as it turns out, more accurate) projections, but those models were disregarded by the Director of ODH and the Governor. The ongoing response has continued to not match the increasing body of science on COVID-19. It was clear early on that the populations at greatest risk for severe disease were the elderly and individuals with pre-existing conditions. Yet, policies were made to primarily restrict young children and healthy individuals. For example, children K-12 are required to wear masks in school, even though the literature shows that children rarely get infection let alone spread it ^{3,4} and the literature also shows that masks are ineffective and possibly harmful ⁵.

These decisions continue to not be driven by data. While the governor cites data, media reports ⁶ described in detail through Jack Windsor's testimony to this committee on HB624 illustrate how these data are faulty. And yes, I, as an epidemiologist have examined these data myself and can confirm what Mr. Windsor has said about the significant issues in data reporting. The state had an opportunity to use state-wide survey data to strengthen their case; as we show in another paper that I helped prepare ⁷, the validity of this study is questionable. **I strongly encourage you to read this recent paper (reference #7),** since tax dollars were used to conduct the study.

While this sounds as a criticism of a single individual or perhaps small group of leadership, it points to the motivation for HB618. That is, when decisions affecting the economy and well-being of an entire state are being made, they cannot be made by only a single unelected individual or that individual in collaboration with the governor. That is not how a constitutional republic form of government is set up. More importantly, it cannot be reasonably expected that a public health official can also have the expertise to consider economic and other implications. This was well-stated by an internationally-recognized epidemiologist, whose paper was one of

³ <https://www.nature.com/articles/s41591-020-0962-9?fbclid=IwAR1FJ5ys6pibMA7fP4J9YjZix6YlQk2suBr1-UxEF5RfzCMmb00FtVovCAs>

⁴ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7268273/pdf/eurosurv-25-21-1.pdf>

⁵ https://healthfreedomohio.org/all_about_masks

⁶ <https://www.wmfd.com/article/governor-dewine-suppresses-data-disproving-covid-19-policies/3899>

⁷ <https://healthfreedomohio.org/News-Views/9354321>

the first to describe how initial projections on the potential case fatality rate for COVID-19 were overblown, and there would be wide-ranging other implications of a shutdown ⁸; I should emphasize that that paper was written in March, and both his projections on the actual infection fatality rate, as well as projects on how a shutdown would affect society, have proven true.

A primary example of how the three branch system of government was abused during this shutdown was the “rescheduling” of the March primary election. Many will defend this activity by saying that the election wasn’t actually cancelled, but “rescheduling” on the eve of the election was certainly disruptive. The courts were used to circumvent the legislature, who actually holds the authority to schedule elections according to Ohio law. In the end, the ODH director wrote a decree that circumvented the courts. How is this not an abuse of power? **This is directly dealt with in this bill.**

Please recall your oath of office, that your job is to uphold and defend the Constitution. The Declaration of Independence asserts,

“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness. That to secure these rights, governments are instituted among men... “

The state-wide shutdown over COVID-19 has violated that central premise of this nation’s foundation. Those rights have been violated. The government has determined which jobs are “essential”, which feels a lot like communism. Churches have closed, which is a violation of the 1st amendment. Countless lives have been affected through job loss, delay in health care, and school closures. As clearly summarized in the Health Freedom Ohio white paper, the epidemiology of this “pandemic” does not justify the immeasurable effect on Ohioans. HB618 is important because it re-establishes the balance of power in state government. As a legislature, you have more direct connections with your constituents. You directly represent them. It is your

⁸ <https://www.statnews.com/2020/03/17/a-fiasco-in-the-making-as-the-coronavirus-pandemic-takes-hold-we-are-making-decisions-without-reliable-data/>

concern when policies affect their ability to keep a job, worship freely, and educate their children as they see fit. This bill puts that power back in your hands, where it belongs.

Thank you for this opportunity provide testimony. I **strongly encourage you to read the Health Freedom Ohio white paper (reference #1)**, which has a great deal more detail than would be appropriate to include in a written testimony. I would have loved to testify in person so that I could answer any of your questions, and I would welcome any opportunity to discuss these issues further.

Cathy Stein, Ph.D.

Avon Lake, OH