

United States Senate
WASHINGTON, DC 20510

October 8, 2024

The Honorable Xavier Becerra
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

Dear Secretary Becerra:

As you know, Hurricane Helene left a trail of destruction and flooding across much of the southern United States. This natural disaster has caused widespread disruption to vital services across the region and country. Notably, flooding from Hurricane Helene compromised the safe operations, inventory, raw materials and roadway access at Baxter International's intravenous (IV) solution plant in Marion, North Carolina. The plant - the largest manufacturing facility of IV solutions in the country - has been forced to cease production. This dangerous situation may be further exacerbated by fast-approaching Hurricane Milton, which may affect the operation of a Daytona Beach, Florida IV solutions plant.

To address the potentially life-threatening shortage of IV solutions, I urge the Department of Health and Human Services to use all of its available authority to mitigate this devastating situation which threatens patient care, the work of medical and provider staff, and our emergency response readiness.

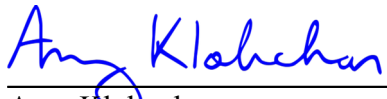
As you know, the Baxter facility is responsible for the manufacture of approximately 60 percent of IV fluids and peritoneal dialysis solutions available to health care providers in the United States. As a result of Hurricane Helene, hospitals, dialysis centers, and other health care providers around the country—including many in Minnesota—are already being forced to ration these basic, but life-saving supplies. This means many patients have no choice but to delay starting dialysis, delay elective care, or potentially receive suboptimal treatments. Hospitals and health providers are now canceling elective surgeries, such as cardiovascular and other surgical operations, and canceling organ transplants.

In addition to using your authority to address this shortage as quickly and safely as possible, I urge you to coordinate with the Federal Trade Commission and Department of Justice to prevent the distribution of counterfeit IV solutions. Steps must be also taken to ensure that companies advertising or selling FDA-approved IV solutions do not engage in price gouging or other illegal practices. I also urge the administration to implement strategies outlined in recent federal supply chain and manufacturing resilience assessments to mitigate any supply and distribution

disruptions.^{1,2,3} Today, few companies in the United States make IV solutions, with a majority share flowing from a single plant. No single entity should be responsible for such a large proportion of fundamental medical supplies on which the health of our nation depends.

Thank you for your continued efforts as we recover from the devastation of Hurricane Helene and for your attention to this urgent matter.

Sincerely,



Amy Klobuchar
United States Senator

CC: White House Council on Supply Chain Resilience
U.S. Defense Secretary Lloyd Austin
Assistant Attorney General for the Antitrust Division, Jonathan Kanter
Chair, Federal Trade Commission, Lina Khan

¹ HHS Office of the Assistant Secretary for Preparedness and Response and the U.S. Food & Drug Administration. Essential Medicines Supply Chain and Manufacturing Resilience Assessment, May 23, 2022. <https://aspr.hhs.gov/newsroom/Pages/Essential-Medicines-May22.aspx>

² National Academies of Sciences, Engineering, & Medicine. Building Resilience into the Nation's Medical Product Supply Chains. May, 2022. <https://nap.nationalacademies.org/catalog/26420/building-resilience-into-the-nations-medical-product-supply-chains>

³ GAO. Feb. 2, 2023. Supply Chain Resilience: Agencies Are Taking Steps to Expand Diplomatic Engagement & Coordinate with International Partners. <https://www.gao.gov/products/gao-23-105534>