



Department of Health

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

LISA J. PINO, M.A., J.D.
Executive Deputy Commissioner

August 5, 2020

Dr. Mantosh Dewan
Interim President
SUNY Upstate Medical University
766 Irving Avenue, 1154 Weiskotten Hall
Syracuse, New York 13210

Dear President Dewan:


As an authorized representative of the governing public health authority of the State of New York, please consider this an approval of the coordinated activities of SUNY Upstate Medical University and relevant affiliates to perform collection and testing of saliva samples for the possible presence of COVID-19/SARS-CoV-2 on college campuses. This statement is made in accordance with United States Department of Health and Human Services guidelines, Title 45, Subtitle A, Subchapter A, part 46 (quoted below), to indicate that such activities do not constitute research, but rather a means of public health surveillance to help reduce the possibility of COVID-19 resurgence in NY state. Indeed, in defining activities that do not meet the federal definition of research, the DHHS specifically includes:

"Public health surveillance activities, including the collection and testing of information or biospecimens, conducted, supported, requested, ordered, required, or authorized by a public health authority. Such activities are limited to those necessary to allow a public health authority to identify, monitor, assess, or investigate potential public health signals, onsets of disease outbreaks, or conditions of public health importance (including trends, signals, risk factors, patterns in diseases, or increases in injuries from using consumer products). Such activities include those associated with providing timely situational awareness and priority setting during the course of an event or crisis that threatens public health (including natural or man-made disasters)."

I recognize that surveillance testing of this scale will play an important role in safely reopening college campuses and is central to the plans of the State University of New York (SUNY), the largest comprehensive system of higher education in the United States with 64 colleges and universities and more than 415,000 students.

With a plan for positive surveillance testing of pooled samples to be rapidly referred for follow-up individual clinical testing, the saliva-based COVID-19 test developed at SUNY Upstate Medical University meets the surveillance testing need of campus reopening for SUNY and a broad range of K-12 and higher education institutions.

Sincerely,


Howard A. Zucker, M.D., J.D.
Commissioner of Health