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United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

WEBSITE: <https://commerce.senate.gov>

DAVID STRICKLAND, STAFF DIRECTOR
JOHN KEAST, REPUBLICAN STAFF DIRECTOR

February 19, 2021

Acting Chair Rebecca Slaughter
Federal Trade Commission
600 Pennsylvania Ave NW
Washington, DC 20580

Dear Acting Chair Slaughter:

On Friday, February 5, the Washington State Hospital Association alerted dozens of Washington hospitals that up to two million N95 respirators believed to be purchased from 3M were counterfeit and should not be relied on to protect healthcare workers from infection by the COVID-19 coronavirus. The scale of this fraud is extremely disconcerting, particularly with the alarming spread of more infectious and perhaps more virulent virus strains. Given the risks that counterfeit masks pose to America's frontline heroes, I ask that the Federal Trade Commission (FTC) immediately investigate this scam and crack down on counterfeit personal protective equipment (PPE).

Last December, Congress provided the Commission new first-time civil-penalty authority for deceptive practices related to the COVID-19 pandemic, and I hope this authority will be used aggressively to protect the public during the ongoing health emergency. Additionally, the Commission and other federal agencies should consider adopting a task force approach, including agencies such as the Department of Homeland Security (DHS), U.S. Customs and Border Protection (CBP), the Food and Drug Administration's (FDA), and National Institute for Occupational Safety and Health (NIOSH) to identify and block the importation and distribution of counterfeit PPE equipment.

The Commission's own data indicates they have identified over 350,000 reports of fraud, identity theft, and other deceptive practices related to the pandemic, totaling more than \$340 million. In Washington state, consumers reportedly have been scammed out of more than \$8 million since the pandemic began.

This case of counterfeit respirators may be the most insidious example of this surge in pandemic related fraud. Our heroic health care workers are already under incredible strain; the last thing they need to be worried about is whether the masks they are using are going to protect them while they fight to save the lives of their patients. I hope your investigation will be able to quickly identify these unscrupulous sellers and the scope of their crimes so that the medical community will be confident that their vital PPE equipment is safe and effective.

Sincerely,

A handwritten signature in blue ink, appearing to read "Maria Cantwell". The signature is fluid and cursive, with the first name "Maria" being more prominent than the last name "Cantwell".

MARIA CANTWELL

Chair