



October 17, 2024

The Honorable Joseph R. Biden
President of the United States
1600 Pennsylvania Ave. NW
Washington, DC 20500

Dear President Biden,

We write with concern about the impact of the closure of Baxter International Plant in Marion, N.C. due to damage caused by Hurricane Helene. This facility is a critical supplier of intravenous (IV) and peritoneal dialysis solutions, producing approximately 60% of the IV solutions used across the country.

We are aware that Baxter and other suppliers of these IV solutions have put their customers on strict ordering allocations and are not accepting new customers. As a result, hospital and health systems across our states are employing conservation strategies and exploring alternatives to protect sound clinical care in our states. But conservation strategies have limited effectiveness and are not sustainable strategies without increased production and reliable access.

As Governors, we have previously raised concerns about the reliance on foreign suppliers, particularly China and India, for the vast majority of our pharmaceutical supply chain. This reliance creates extreme vulnerability for the American manufacturing plants that do produce portions of our supply. This lack of diversity in the pharmaceutical supply chain has been essentially ignored by the current administration, despite our previous efforts to draw attention to the issue.

The long-term diversification strategies need to be implemented now and should have been started prior to this crisis. However, we are requesting the following immediate strategies be implemented to address a crisis that certainly will contribute to harm and potential deaths of Americans. Mr. President, we request that you respond with the type of leadership that this current crisis requires.

Thank you for invoking the Defense Production Act, declaring a shortage via the Food and Drug Administration, and declaring a national emergency and a national public health emergency. Based on this critical situation and the impact to the people of our states, we urge you to take the following additional actions:

- Collaborate with the FDA to identify international manufacturers capable of producing sterile IV solutions and their containers. By broadening supply chains and relying on trusted international sources, the pressure on domestic production can be alleviated.

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Additionally, the shelf life of sterile IV and peritoneal dialysis solutions that are nearing or have already reached their expiration dates should be extended, provided they meet the necessary safety and efficacy standards. This measure would help preserve existing stock and reduce the immediate demand for new supplies.

- Remove any barriers preventing the importation of sterile IV and peritoneal dialysis solutions from abroad, particularly those approved by the European Union. Once these supplies arrive, they should be transported to domestic distribution centers and allocated to hospitals and other healthcare providers in need.
- The Federal Trade Commission and the Department of Justice should be on alert for any instances of price gouging related to the IV solution shortage and be prepared to intervene as necessary.

In addition to measures that should be taken to increase production and remedy the immediate shortage, we urge Congress to create long term diversification in production of pharmaceuticals and medical supplies.

Rest assured that hospitals and health systems in our states have immediately implemented organization-specific action plans to conserve IV fluids and ensure patient access to care and services. We are doing our part; we request that you do yours.

Sincerely,



Governor Kristi Noem
State of South Dakota



Governor Jeff Landry
State of Louisiana



Governor Jim Pillen
State of Nebraska



Governor Henry McMaster
State of South Carolina



Governor Mark Gordon
State of Wyoming