

Dear Councilmembers,

As a Montgomery County resident who is fully vaccinated and boosted against COVID, I write to express opposition to the proposed vaccine passport regulation. I'm thankful for the protection against severe disease and death that vaccines provide me. But the proposed vaccine passport system would not effectively limit transmission of the Omicron variant, would disproportionately harm younger children, and would establish a precedent for future internal passport systems that could be used to abuse civil rights. Moreover, the current proposal reflects an unfortunate "pandemic forever" mentality. It's reasonable to impose tailored and time-limited restrictions to protect the health system during the current Omicron wave. But we need to look for a way out of the pandemic, not create a system of permanent pandemic restrictions.

A vaccine passport system is an ineffective tool against the Omicron variant because this variant has a much higher tendency for breakthrough infections. The CDC's webpage on the Omicron variant touts the protection vaccines provide "against severe illness, hospitalizations, and deaths." However, the CDC also states, "breakthrough infections in people who are fully vaccinated are likely to occur" and "CDC expects that anyone with Omicron infection can spread the virus to others, even if they are vaccinated or don't have symptoms."¹

More detailed information is available from the UK, which is further along in the Omicron wave. Regarding effectiveness against symptomatic disease from the Omicron variant, the UK Health Security Agency (HSA) stated last Thursday, "Among those who had received 2 doses of Pfizer or Moderna effectiveness dropped from around 65-70% down to *around 10% by 20 weeks after the 2nd dose.*"² The italicized language is particularly pertinent to the vaccine passport proposal because most Montgomery County residents received their second dose long ago, 20 weeks or more before the proposed two-dose passport requirement would come into effect on 2/15/22. With so little protection against symptomatic disease, what basis is there for believing that vaccine passports will effectively limit transmission of Omicron?³

The UK HSA's conclusions should not be surprising. Montgomery County already has extremely high vaccination rates. If this effectively limited transmission of the Omicron variant, we would not be seeing the high positive test numbers and positivity rates that currently exist.

The current proposal is also mistimed because it would not be fully implemented until after the current Omicron wave is largely over. After the Omicron wave subsides, we will be living with an extraordinarily transmissible but substantially less virulent strain of SARS-CoV-2. We do not currently have the means to stamp out this strain of SARS-COV-2. But the existing high vaccination rates combined with the increasing availability of Paxlovid should allow us to manage its effects.

Ease of counterfeiting is also a weakness of the proposal. This weakness could only be remedied by costly, time-consuming, and personally intrusive measures.

¹ <https://www.cdc.gov/coronavirus/2019-ncov/variants/omicron-variant.html> (updated 12/20/2021).

² UK HSA "COVID-19 Vaccine Surveillance Report," p. 13 (1/6/2022) (emphasis added) https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1045329/V.vaccine_surveillance_report_week_1_2022.pdf.

³ I address the initial vaccine regimen because the vaccine passport proposal does not require boosters. Regardless, the UK HSA report shows that a booster shot's effectiveness against symptomatic disease also wanes relatively quickly. UK HSA "COVID-19 Vaccine Surveillance Report," p. 13 (1/6/2022).

The vaccine passport proposal would also disproportionately harm children aged 5-11 because they represent the segment of the population that currently has the lowest vaccination rate. Excluding children from common social and cultural opportunities, even museums, is particularly unjust because children have borne the brunt of pandemic restrictions, even though COVID presents a relatively low risk to them and adults now have the ability to strongly protect themselves from severe disease with vaccines. Further, it is unreasonable and unprecedented to impose a vaccine requirement on children who became eligible only two months ago for a vaccine under emergency use authorization.

Finally, internal passport systems have an ignoble history as a favored tool of authoritarian regimes. Even if the current proposal had merit, establishing a broad-scope internal passport system paves the path for uses not envisioned now, including civil rights abuses. For a long time, Americans have instinctively resisted internal passport systems, but if internal passport systems become normalized, these systems will be seen as just another policy tool and could be widely employed by officials of various ideological stripes for ends no one can now contemplate.⁴

I ask the Council to focus on reasonable, tailored measures that are likely to be effective against the Omicron wave and to reject the vaccine passport proposal.

Michael Spencer
Montgomery County resident
1/10/22

⁴ I realize that there are laws requiring people to present identification for discrete purposes, but the vaccine passport's great breadth constitutes a difference, not only of degree, but of kind.