

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

STATE OF FLORIDA,

Plaintiff

v.

XAVIER BECERRA, Secretary of the
Dep't of Health and Human Services,
et al.,

Defendant.

Case No. 8:21-cv-839-SDM-AAS

**THIRD DECLARATION OF CAPTAIN AIMEE TREFILETTI
DEPARTMENT OF HEALTH AND HUMAN SERVICES
CENTERS FOR DISEASE CONTROL AND PREVENTION**

I, Aimee Treffeletti, declare as follows:

1) I currently hold the position of Program Chief of the Centers for Disease Control and Prevention's (CDC) Vessel Sanitation Program (VSP) and have served in this position since 2016. VSP is an applied environmental health program with a mission to help the cruise ship industry prevent and control the introduction, transmission, and spread of gastrointestinal illness on board cruise ships in U.S. waters. CDC is an agency within the U.S. Department of Health and Human Services (HHS).

2) Prior to assuming my current position, I served as an Environmental Health Officer and as Assistant Deputy Program Chief in the VSP. Between 2008 and early 2020, I conducted almost 700 cruise ship public health inspections and trained over 4,000 cruise ship managers and supervisors on maritime public health principles. Based this experience, I am familiar with the cruise ship industry's policies and practices to mitigate onboard illnesses and their response when outbreaks of illness occur on board cruise ships.

3) I have been leading the CDC Maritime Unit in support of CDC's COVID-19 response on cruise ships since April 15, 2020. I oversee a staff of between 25 and 30 CDC personnel who compose the Maritime Unit's various teams, which, among other duties, gather and compile epidemiologic and other data; review laboratory test results and assist cruise ship operators in building capacity to test passengers and crew for COVID-19 and other illnesses; assist cruise ship operators in responding to illnesses onboard; create public health surveillance systems for cruise ship operators to assess whether COVID-19 exists on board; and assist with communications to media, interagency partners, cruise industry, and the public.

Background

4) While cruise ships share similarities with other forms of travel or recreation such as airlines, railroads, buses, subways, hotels, casinos, sports venues, and theme parks, there are several factors that make them a unique environment that facilitates the spread of COVID-19.

- Cruises bring travelers together from different countries.

- Cruise vary in size with larger cruises of more than 6,000 passengers.
- Passengers and crew move in closed and semi-closed settings that facilitate transmission of COVID-19.
- Cruises include frequent events that bring passengers and crew close together, including group and buffet dining, entertainment events, and excursions.
- Cruise ship cabins are small, increasing the risk of transmission between cabinmates.
- Crew closely quarter in crowded spaces for eating and sleeping.
- Infection among crew members may lead to transmission on sequential voyages on the same ship because crew members may continue to work and live onboard the ship from one cruise to the next.
- Crew from one ship may in turn serve onboard multiple different ships for subsequent voyages, which can amplify transmission.

5) As explained in the Framework for Conditional Sailing Order (85 Fed. Reg. 70153) (hereinafter, the “CSO”), multiple studies confirm that transmission rates on board ship are in fact much higher than in other settings.¹ While overall public health

¹ Kordsmeyer, A.-C.; Mojtahedzadeh, N.; Heidrich, J.; Militzer, K.; von Münster, T.; Belz, L.; Jensen, H.-J.; Bakir, S.; Henning, E.; Heuser, J.; et al. *Systematic Review on Outbreaks of SARS-CoV-2 on Cruise, Navy and Cargo Ships*. Int. J. Environ. Res. Public Health 2021, 18, 5195. <https://doi.org/10.3390/ijerph18105195>; Rocklöv J, Sjödin H, Wilder-Smith A. *COVID-19 Outbreak on the Diamond Princess Cruise Ship: Estimating the Epidemic Potential and Effectiveness of Public Health Countermeasures*. J. Travel Med. 2020; 18;27(3):taaa030. <https://doi.org/10.1093/jtm/taaa030>; Payne DC, Smith-Jeffcoat SE, Nowak G, et al. *SARS-CoV-2 Infections and Serologic Responses from a Sample of U.S. Navy Service Members—USS Theodore Roosevelt*, April 2020. MMWR Morb Mortal Wkly Rep 2020;69:714–721. DOI: <http://dx.doi.org/10.15585/mmwr.mm6923e4>.

outlooks in the U.S. have improved, the factors described above and the studies regarding transmission rates, lead the CDC to conclude that transmission rates on board cruise ships will continue to be higher than elsewhere.

6) While cruising will never be a zero-risk activity for spread of COVID-19, CDC has worked with cruise ship operators to manage this risk and allow cruise ship operators to resume passenger operations in a way that protects crew members, passengers, port personnel, and communities.

7) Nearly all cruise ships are foreign flagged, operate on roundtrip itineraries, and, per 46 U.S.C. § 55103, may not travel between U.S. ports without making a stop at a foreign port. Out of the 65 cruise ships² currently operating under the CSO, only one cruise ship, the *Pride of America*, operated by NCL America, a division of Norwegian Cruise Lines, is registered in the United States and operates exclusively between U.S. ports in Hawaii. All cruise ships operating out of Florida and subject to the CSO are foreign flagged; these ships must stop at one or more foreign ports during each voyage.

8) Individual state and local health departments have not traditionally regulated cruise ship operations. Depending on the jurisdiction, state and local health departments typically lack the legal authority, staffing, training, and public health resources, to conduct illness surveillance and take other actions to manage communicable disease risk on board cruise ships. Moreover, such health departments

² Silverseas Cruises' *Silver Muse* entered U.S. waters on July 4, 2021, and is now operating under the CSO, raising the total number of ships operating under the CSO to 65.

have been strained by the current pandemic and have devoted public health resources to other areas of concern, such as elder care facilities, schools, and local businesses.

9) Based upon information and belief, neither the Florida Department of Health nor any local health departments in Florida have any health and safety protocols specific to preventing COVID-19 onboard cruise ships and rely on the CDC to oversee this public health activity. In submissions to the CDC in response to a request for information, Florida ports requested CDC oversight in this area. ECF No. 31-2, at pdf pp. 14, 18, 20.

The Conditional Sailing Order's Requirements

10) On October 30, 2020, CDC issued the CSO, which resumes cruise ship passenger operations in U.S. waters through a phased approach. There are four phases to the CSO: mass crew testing and acquiring onboard laboratory testing equipment (Phase 1); preparing for simulated and revenue voyages (e.g., identifying locations through port agreements to provide for the quarantine or isolation, respectively, of exposed and ill passengers) (Phase 2A) and simulated voyages to test onboard health and safety protocols (Phase 2B);³ applying for a COVID-19 Conditional Sailing Certificate (Phase 3); and passenger revenue voyages with public health precautions (Phase 4). Cruise ship operators that choose to sail with 95%

³ Simulated voyages are short test sailings with volunteer passengers, designed to practice and test insofar as practicable the cruise ship operator's ability to mitigate COVID-19 onboard prior to beginning passenger revenue voyages.

vaccinated crew and 95% vaccinated passengers do not have to conduct a simulated voyage prior to applying for a COVID-19 Conditional Sailing Certificate.

11) The CSO employs traditional public health tools to manage COVID-19 risk on board cruise ships, including: public health surveillance (i.e., the ongoing collection, analysis and dissemination of health-related data to provide information to mitigate potential outbreaks); testing, disease reporting, requiring the cruise ship operator to arrange for the isolation of ill persons and quarantine of exposed persons and their contacts; and non-pharmaceutical interventions such as masks⁴ and physical distancing; and vaccinations.

12) The CSO does not require cruise ships to build onboard laboratories. Rather, cruise ship operators must procure an onboard testing unit about the size of a desktop printer that easily fits within their existing medical centers. This equipment allows cruise ship operators to more easily test for the virus that causes COVID-19, can be operated with rudimentary training, and does not require a professional laboratorian. Moreover, cruise ships' pre-existing medical centers typically already have different types of laboratory testing equipment on board for diagnosing illness.

13) The CSO does not require cruise ship operators to revamp a ship's ventilation system. Rather, CDC's technical instructions only require that cruise ship operators ensure that existing ventilation systems, such as toilet room exhaust fans, operate

⁴ <https://www.cdc.gov/coronavirus/2019-ncov/science/science-briefs/masking-science-sars-cov2.html>

properly and that sufficient negative air pressure (i.e., air blows in, not out) exists in medical centers and in cabins designated for isolation and quarantine.

14) The CSO also does not operate to “detain” cruise ships. Rather, the CSO functions as “controlled free pratique,” meaning that it sets forth the minimum public health and safety measures that cruise ship operators must observe as a condition of operating in U.S. waters. Cruise ship operators that choose to not follow these health and safety standards may depart U.S. waters. Those remaining in U.S. waters are not “detained” and are free to move around.

Cruise Ships are Satisfying CSO Requirements and Restarting Passenger Voyages

15) As of July 5, 2021, out of the 65 ships covered by the CSO, 53 have completed mass crew testing and 59 have acquired the onboard laboratory testing equipment required by the Order.

16) As of July 5, 2021, cruise ship operators representing 11 brands—Bahamas Paradise Cruise Line, Carnival Cruise Lines, Celebrity Cruises, Disney Cruise Line, Holland America Line, MSC Cruises, Norwegian Cruise Line, Oceania Cruises, Princess Cruises, Regent Seven Seas Cruises, and Royal Caribbean International—have submitted port agreements to CDC’s Maritime Unit. Additionally, CDC’s Maritime Unit has been in discussions with cruise ship operators representing 3 additional brands—American Queen Steamboat Company, Crystal Cruises, and Virgin Voyages—with specific plans to operate ships under the CSO beginning in July-September.

17) These port agreements collectively cover 47 vessels at 11 ports of call: Port of Palm Beach, Port Everglades, Port of Miami, Port Canaveral, Port of Galveston, Port of Seattle, Cape Liberty Cruise Port (New Jersey), and four Alaska ports. CDC's Maritime Unit has approved port agreements for all 47 vessels. Twelve vessels have been approved for more than one port.

18) As of July 5, 2021, CDC's Maritime Unit has received and granted 13 requests from cruise ship operators to conduct simulated voyages under the CSO. The Maritime Unit has communicated to Royal Caribbean International that it must confirm that it has installed its laboratory testing equipment and tested its crew prior to conducting a simulated voyage onboard the *Ovation of the Seas*. The other requests for simulated voyages have been or were approved for the following ships and dates:

- *Freedom of the Seas* sailed out of Port Miami on June 20, 2021
- *Serenade of the Seas* planned out of Port of Seattle on July 7, 2021
- *MSC Meraviglia* planned out of Port Miami on July 17, 2021
- *Allure of the Seas* planned out of Port Canaveral on July 27, 2021
- *Disney Fantasy* planned out of Port Canaveral on July 28-30, 2021
- *Independence of the Seas* planned out of Port of Galveston on August 1, 2021
- *Symphony of the Seas* planned out of Port Miami on August 1, 2021
- *Mariner of the Seas* planned out of Port Canaveral on August 11, 2021

- *Oasis of the Seas* planned out of Cape Liberty Cruise Port on August 22-28, 2021
- *Disney Dream* planned out of Port Canaveral (Disney Cruise Lines to provide sailing dates)
- *Grand Classica* planned out of Port of Palm Beach (Bahamas Paradise Cruise Line to provide sailing dates)
- *Odyssey of the Seas* planned out of Port Everglades (Royal Caribbean International to provide sailing dates)

Upon information and belief, most of these ships plan to commence passenger operations within two weeks of completing their simulated voyage.

19) As of July 5, 2021, CDC's Maritime Unit has received and granted COVID-19 Conditional Sailing Certificates to conduct revenue passenger voyages to 12 ships operating under the CSO.

20) The Maritime Unit has communicated to Celebrity Cruises that the *Celebrity Millennium* must confirm that the ship has submitted 14 days of surveillance reporting prior to entering U.S. waters. The Maritime Unit has communicated to Norwegian Cruise Line that the *Norwegian Encore* and *Norwegian Gem* must confirm that all crew have been tested prior to resuming passenger revenue voyages.

21) Cruise ship operators granted a COVID-19 Conditional Sailing Certificate began or have indicated they plan to begin passenger revenue voyages on the following dates:

- *Celebrity Edge* out of Port Everglades began on June 26
- *Freedom of the Seas* out of Port Miami began on July 2
- *Carnival Vista* out of Port of Galveston began on July 3
- *Carnival Horizon* out of Port Miami began on July 4
- *Carnival Breeze* out of Port of Galveston beginning on July 15
- *Celebrity Millennium* out of Port of Seattle beginning on July 23
- *Nieuw Amsterdam* out of Port of Seattle beginning on July 24
- *Celebrity Equinox* out of Port Everglades beginning on July 25
- *Majestic Princess* out of Port of Seattle beginning on July 25
- *Carnival Miracle* out of Port of Seattle beginning on July 27
- *Norwegian Encore* out of Port of Seattle beginning on August 1
- *Norwegian Gem* out of Port of Miami beginning on August 10

Upon information and belief, all these ships have already booked passengers for these voyages and will continue sailing on back-to-back voyages, i.e., embark new passengers on the same day as they disembark passengers from a previous voyage.

CDC Collaboration with Cruise Lines

22) The CDC has been working collaboratively with cruise lines to ensure a safe restart of sailing. Since November 30, 2020, CDC, and often senior leadership from other relevant federal agencies, have engaged in regularly scheduled calls with cruise industry representatives to discuss their restart plans. This includes the following types of meetings:

- high-level executive meetings with cruise line CEOs to engage in dialogue and exchange information regarding the impact of vaccines and other scientific developments since the CSO was issued,
- technical assistance calls with cruise line personnel representing operations, medical, and public health, to discuss operational questions about the CSO and technical instructions, and
- ad hoc meetings with individual cruise lines to discuss questions related to their specific operations.

23) During these calls, and in subsequent email communications, cruise industry representatives have expressed their desire to rebuild passenger confidence, prove COVID-19 can be successfully managed on board cruise ships sailing in U.S. waters, and avoid a repeat of cruise ship humanitarian crises (e.g., *Diamond Princess*, *Grand Princess*, *Costa Luminosa*, *Zaandam*) that occurred in the early days of the pandemic. Cruise industry representatives have also expressed concern that a large scale COVID-19 outbreak onboard one cruise ship could jeopardize their restart plans and the future of the entire industry.

Ongoing Public Health Risks Due to COVID-19 Require Continued CDC Oversight

24) Because cruise ship operators are restarting operations mostly on ships that have not carried passengers since March 2020, and with new crew implementing new health and safety protocols, shortfalls in training or in fully implementing protocols are to be expected. It is particularly important that any lapses in training or

in implementing protocols be identified and quickly remedied, especially if the ship plans to sail with less than 95% vaccinated passengers. CDC oversight is essential to ensuring that such lapses are identified and promptly addressed.

25) For example, on June 20–22, 2021, a cruise ship operator conducted the first simulated voyage under the CSO onboard a cruise ship sailing out of the Port of Miami. Five CDC personnel were present to inspect the vessel; three of these inspectors sailed with the cruise ship until the end of the simulated voyage on June 22.

26) During and at the close of this inspection, CDC inspectors shared and discussed their observations with cruise ship personnel. The inspectors identified the following areas needing improvement prior to the ship's first passenger revenue voyage:

- Staff training deficiencies in operating laboratory testing equipment, failures to properly use personal protective equipment, and lapses in identifying unvaccinated passengers required to wear masks and physically distance.
- Incomplete documentation of procedures relating to COVID-19 laboratory testing equipment, which could lead to inconsistent and unreliable COVID-19 test results.
- Unvaccinated passengers needing COVID-19 testing mixed with other passengers, and passengers with positive test results were not physically distanced from other passengers cleared for embarkation.

- Inconsistent signage to remind passengers to physically distance, such as limiting capacity in elevators.

After discussing these observations with the cruise ship operator and based on the operator's submission of an "after-action" report, on June 28, CDC issued the operator a COVID-19 Conditional Sailing Certificate to conduct passenger revenue voyages.

27) On June 26, 2021, a cruise ship operator conducted the first revenue passenger voyage in U.S. waters since the start of the pandemic. Four CDC personnel were present to inspect the vessel but did not sail with the ship. The inspectors identified the following areas needing improvement:

- Unvaccinated passengers mixed with other embarking passengers during the check-in process prior to receiving the results of their pre-embarkation COVID-19 test results.
- Cruise line employees screening and directing embarking passengers in the terminal seemed unsure of the process for unvaccinated passengers.
- Another employee conducting embarkation screening of passengers was unsure on the route to send unvaccinated passengers to be tested.

While these deficiencies present less of a public health concern because the ship is operating with 95% of crew and 95% of passengers fully vaccinated, CDC has advised the cruise ship operator of these observations so that they can be remedied.

28) While COVID-19 can be a manageable risk on board cruise ships, continued CDC oversight and supervision are needed to protect the public's health. Specifically, CDC is aware of cruise ship operators mislabeling positive COVID-19 test results as negative; improperly engaging in repeat testing of crew to negate the reporting of a positive test result; erroneously interpreting test results; accidentally releasing crew early from quarantine due to an error in transcribing names; and failing to prevent obvious breaches of quarantine by crew.

29) Furthermore, as cruise ship operators have continued to embark new crew in anticipation of passenger revenue voyages in the U.S., cases of COVID-19 among crew have been reported, highlighting the continued need for public health management of cases to mitigate this risk.

- On June 11, 2021, CDC was notified of three positive COVID-19 test results among crew members on a cruise ship (Cruise Ship A) with an additional 12 positive cases subsequently identified in crew. Because this ship will not be sailing as a highly vaccinated ship, the ship was scheduled to conduct a simulated voyage, but postponed the simulation because of these infections.⁵
- On June 17, 2021, CDC was notified of one positive COVID-19 test result for a crew member on another cruise ship (Cruise Ship B). After an investigation, the ship was cleared by CDC to conduct passenger revenue voyages and is sailing as a highly vaccinated ship.

⁵ [Cruise Ship Color Status | CDC](#) Accessed June 27, 2021.

- On June 24, 2021, CDC was notified of five positive COVID-19 test results among crew members on a cruise ship (Cruise Ship C).⁶ Because this ship will not be sailing as a highly vaccinated ship, the ship was scheduled to conduct a simulated voyage, but postponed the simulation because of these infections.⁷
- On June 25, 2021, CDC was notified of three positive COVID-19 test results among crew members on a cruise ship (Cruise Ship D). Because this ship will not be sailing as a highly vaccinated ship, the ship was scheduled to conduct a simulated voyage, but postponed the simulation because of these infections.⁸

30) Further, CDC recently classified Delta as a virus variant of concern. Variants of concern spread more easily and quickly than other COVID-19 variants, which may lead to more cases, particularly among the unvaccinated. Early evidence shows that the Delta variant spreads 64% more easily than the Alpha variant, which spreads 50% more easily than the original SARS-CoV-2 strain. Preliminary data suggests that the Delta may lead to more severe disease as well.^{9, 10, 11, 12} Due to concern over variants, protective public health measures—such as testing, mask use, and physical distancing—are particularly important for the unvaccinated.

⁶ [Cruise Ship Color Status | CDC](#) Accessed June 27, 2021.

⁷ [Cruise Ship Color Status | CDC](#) Accessed June 27, 2021.

⁸ [Cruise Ship Color Status | CDC](#) Accessed June 27, 2021.

⁹ [SARS-CoV-2 Variant Classifications and Definitions \(cdc.gov\)](#)

¹⁰ [About Variants of the Virus that Causes COVID-19 | CDC](#)

¹¹ [CDC Director Rochelle Walensky On Coronavirus Variants And Vaccinations : NPR](#)

¹² [Increased Household Transmission of COVID-19 Cases Associated with SARS-CoV-2 Variant of Concern B.1.617.2: A national case-control study \(khub net\)](#)

31) Cruise ship voyages from the U.S. will include itineraries to countries that have low vaccination rates but are reopening to international tourism. These countries have limited testing capabilities for their populations, which restricts their ability to identify COVID-19, including variants of concern. Cruise ship travel to these countries may risk introducing variants of concern into the United States. Travelers may be at risk for getting and spreading COVID-19 variants in the following countries where cruise ships that have submitted requests for simulated voyages or applications for revenue passenger voyages intend to sail, per published itineraries: the Bahamas, Mexico, Honduras, Saint Maarten, Dominican Republic, Haiti, Aruba, and Saint Kitts and Nevis.^{13, 14, 15, 16, 17, 18, 19, 20, 21}

32) Removing traditional public protections, as implemented through the CSO—public health surveillance, testing, reporting, requiring the cruise ship operator to rapidly identify and isolate infectious persons and quarantine exposed persons and their contacts, implementing non-pharmaceutical interventions (such as mask wearing and physical distancing), and confirming vaccination status—just as cruising is beginning to restart, places the public at risk, undermines public confidence in the

¹³ [COVID-19 in the Bahamas](#)

¹⁴ [COVID-19 in Mexico](#)

¹⁵ [COVID-19 in Trinidad and Tobago](#)

¹⁶ [COVID-19 in Honduras](#)

¹⁷ [COVID-19 in Sint Maarten](#)

¹⁸ [COVID-19 in the Dominican Republic](#)

¹⁹ [COVID-19 in Haiti](#)

²⁰ [COVID-19 in Aruba](#)

²¹ [COVID-19 in Saint Kitts and Nevis](#)

ability of cruise ship operators to mitigate COVID-19, and jeopardizes cruise industry plans for safe restart.

Vaccinated Cruises and Florida’s Vaccine Passport Law

33) CDC and cruise industry representatives have further discussed the importance of high vaccination rates among passengers and crew for the safe restart of cruising. In an April 26, 2021 statement describing the industry’s vaccination goals, industry representatives explained that that “the vast majority of our guest bookings will be fully vaccinated before sailing.” Similarly, in a May 11 letter, Cruise Line International Association (CLIA), the leading industry trade group, stated that “vaccines are a gamechanger and cruise line requirements will serve to incentivize passengers to become vaccinated.” *See* Exhibit A, attached. CDC fully supports the efforts of cruise ship operators to operate highly vaccinated cruises because vaccines provide the best available protection against COVID-19.

34) While CDC and the cruise industry recognize the important role of vaccinations in the safe restart of cruising, the Florida “vaccine passport” law has created uncertainty for cruise ship operators. This law, Senate Bill (SB) 2006, was signed on May 3, 2021. SB 2006 prohibits any business entity operating in Florida from requiring patrons or customers from providing any documentation certifying COVID-19 vaccination to gain access to, entry upon, or service from the business. Cruise ships operating in Florida that attempt to verify vaccination status could therefore face penalties of up to \$5,000 per passenger.

35) CDC is aware of at least one cruise line that initially planned to operate with fully vaccinated travelers but has now changed its plans and opted to conduct a simulated voyage instead because of the risk of exorbitant fines being levied by Florida if they confirm passengers' vaccination status at embarkation. Ships sailing out of Washington and Alaska do not face this uncertainty, and CDC remains committed to working with the cruising industry to resume safer sailing.

36) Accordingly, it is my professional judgment based on all the information available to CDC, that it is necessary to continue the CSO to protect the public's health by mitigating unnecessary risk of COVID-19 transmission onboard cruise ships and into surrounding communities.

37) In accordance with 28 U.S.C. § 1746, I declare, under penalty of perjury, that the above information is true and correct to the best of my knowledge and belief.

Signed this 6th day of July 2021.



Aimee Treffiletti, MPH, REHS (CAPT, USPHS)
Maritime Unit
Global Migration Task Force
Centers for Disease Control and Prevention

EXHIBIT A



May 11, 2021

Nathaniel Smith, MD, MPH
Deputy Director for Public Health Service and Implementation Science
Centers for Disease Control and Prevention
U. S. Department of Health and Human Services
1600 Clifton Road NE
Atlanta, GA 30329

Dear Dr. Smith,

The cruise industry greatly appreciates the countless hours you and the Maritime Unit have devoted over the past several months to refining the path to cruise resumption. We are very encouraged by the spirit of cooperation and the clear desire on the part of the Centers for Disease Control and Prevention (CDC) to restore the cruise industry to operating status by this summer.

As you know, we have been working through the detailed technical instructions issued so far under the Framework for Conditional Sailing Order (CSO). On many points of discussion, we have sought clarification; on others we have probed whether alternative approaches might achieve the same intended effect in a more goal-oriented way. We greatly appreciate your willingness to consider our views and we know that over time, by following the current process, we will have our questions answered and the remaining information provided. However, the pace we are on will not allow for sailing to resume in July, which impacts the ability to salvage at least part of the Alaska season. If we are to be able to vaccinate crew members and re-crew ships that have been idle for well over a year, we must have definitive and workable protocols in the next few days. If not, ships cannot be readied by July and the vital economic lifeline cruising provides to that state and its people will have been forfeited for two full years.

To that end, we believe vaccines are a gamechanger and cruise line requirements will serve to incentivize passengers to become vaccinated.

Our key concerns with the CSO and associated technical instructions are the significant restrictions placed on cruises when compared to other forms of travel, leisure, and entertainment, despite the cruise industry's emphasis on vaccinations as a component of U.S. market resumption. The recently issued technical guidance contains no meaningful distinctions between fully vaccinated cruises and those with lesser levels of vaccination. In fact, the guidance seems predicated on a pre-vaccine operating environment and devalues the beneficial protection offered by the vaccines. In our view, this undermines our shared goal of encouraging workers and guests to become vaccinated.

With that in mind, we would like to offer a set of industry commitments for U.S. restart protocols and a framework for how vaccines can be incentivized in the cruise environment. We believe the attached document illustrates the clear benefits to be derived from vaccinated voyages, while also reflecting the reduction of risk on cruises that are open to all, including children not eligible for vaccination.



We agree with the CDC's view that we cannot realistically strive for zero-risk (this is true for very venue and industry) and that risk must be mitigated.

To that end, we believe the attached framework of industry commitments will significantly reduce risk to a level that would compare favorably to other venues. This framework also makes clear that, even with fully vaccinated voyages, additional public health measures would still be required, including testing, sanitation and case management procedures. This approach would meet the levels of protection envisioned by the CSO but would more readily reflect the benefits of vaccines. We would anticipate these measures for initial restart with a reassessment by September 1, 2021.

We are prepared to clear our schedules and dedicate as much time as necessary this week to finalize these protocols and enable resumption of cruising from all U.S. ports by July.

Thank you for your consideration.

Sincerely,

Michael Bayley, President & CEO
Royal Caribbean International

Kelly Craighead, President & CEO
Cruise Lines International Association

Gianni Onorato, Chief Executive Officer
MSC Cruises, S.A.

Brian Salerno, SVP, Maritime Policy
Cruise Lines International Association

Josh Weinstein, Chief Operations Officer
Carnival Corporation & plc

Attachment: Industry Commitments Framework

- cc: Gary Rasicot, Department of Homeland Security
- Joel Szabat, Department of Transportation
- Ben Wakana, White House Covid-19 Response Team
- Richard Timme, RDML, U.S. Coast Guard



INDUSTRY COMMITMENTS FOR CLIA CRUISE LINE U.S. RESTART PROTOCOLS

OVERVIEW

This proposal is based on the science that is known as of May 10, 2021, and is necessary for the cruise lines to plan and manage the logistics of cruising in July 2021. As the knowledge base of COVID-19 and impact of vaccinations and treatments evolve, these protocols are to be re-evaluated no less than every 60 days as of September 1, 2021, to reflect such developments.

Two types of voyages are specified:

1. **Vaccinated Cruising** that requires $\geq 95\%$ of crew¹ and guests (including children regardless of eligibility for a vaccine) to be vaccinated; and
2. **Cruising Open to All** that requires $\geq 95\%$ of crew¹ to be vaccinated and encourages all passengers to be vaccinated.

TESTING AND SCREENING PROTOCOLS		Vaccinated Cruising Requires $\geq 95\%$ Crew ¹ and Guests ² to Be Vaccinated	Cruising Open to All (Vaccinated and Unvaccinated Guests) Requires $\geq 95\%$ Crew ¹ to Be Vaccinated, and Encourages Guests to be Vaccinated
1a	Vaccinated guest testing	Antigen test no more than 72 hours prior to embarkation; no test required for people with a document of recovery within the last 3 months.	Same as for Vaccinated Cruising
1b	Unvaccinated guest testing	Double testing (viral test) 72 hours prior to travel and Antigen at embarkation); no test required for people with a document of recovery within the last 3 months.	Same as for Vaccinated Cruising
2a	Vaccinated crew embarkation	Multiple testing (PCR 72 hours before travel, antigen at embarkation and antigen testing every other day for the first 7 days onboard).	Same as for Vaccinated Cruising
2b	Unvaccinated crew embarkation	Triple testing (PCR 72 hours before travel, antigen at embarkation, NAAT at the end of 10 day quarantine).	Same as for Vaccinated Cruising
3	Crew vaccinations	Crew deemed to be "vaccinated crew" 14 days after receiving final required dose of FDA / WHO authorized vaccine.	Same as for Vaccinated Cruising
4a	Vaccinated crew testing (surveillance)	All vaccinated crew tested monthly with antigen.	Same as for Vaccinated Cruising
4b	Unvaccinated crew testing (surveillance)	All unvaccinated crew tested weekly with antigen.	Same as for Vaccinated Cruising
5	Embarkation health screening	Health disclosure and symptom screening (temperature check not required)	Same as for Vaccinated Cruising
6	Disembarkation testing	Viral tests for disembarking persons within a 72 hour time period before disembarkation in accordance with the entry test requirements for persons entering the United States generally.	Same as for Vaccinated Cruising
7	Standards of all testing requirements	Devices/tests with emergency use authorization from FDA.	Same as for Vaccinated Cruising

¹ Crew in embarkation quarantine are excluded.

² Includes children regardless of their eligibility for a vaccination.

INDUSTRY COMMITMENTS FOR U.S. RESTART PROTOCOLS

MASK & SOCIAL DISTANCING PROTOCOLS	Vaccinated Cruising Requires ≥ 95% Crew ¹ and Guests ² to Be Vaccinated	Cruising Open to All (Vaccinated and Unvaccinated Guests) Requires ≥ 95% Crew ¹ to Be Vaccinated, and Encourages Guests to be Vaccinated
8a Vaccinated guest mask requirements (indoor public spaces)	Not required.	Yes, unless eating or drinking; not required for guests under 2 years old.
8b Unvaccinated guest mask requirements (indoor public spaces)	Not required.	Yes, unless eating or drinking; not required for guests under 2 years old.
9a Vaccinated guest mask requirements (outdoors)	Not required.	Not required, unless physical distancing is not possible.
9b Unvaccinated guest mask requirements (outdoors)	Not required.	Not required, unless physical distancing is not possible; not required for guests under 2 years old
10a Vaccinated crew mask requirements (indoor spaces excluding personal cabin)	Yes, unless eating or drinking.	Yes, unless eating or drinking.
10b Unvaccinated crew mask requirements (indoor spaces excluding personal cabin)	Yes, unless eating or drinking.	Yes, unless eating or drinking.
11a Vaccinated crew mask requirements (outdoors)	Yes, unless eating, drinking or in crew outdoor areas.	Yes, unless eating, drinking or in crew outdoor areas.
11b Unvaccinated crew mask requirements (outdoors)	Yes, unless eating, drinking or in crew outdoor areas and can maintain appropriate physical distancing.	Yes, unless eating, drinking or in crew outdoor areas and can maintain appropriate physical distancing.
12 Physical distancing	Not required.	3 feet except for families and traveling companions.

QUARANTINE & ISOLATION PROTOCOLS	Vaccinated Cruising Requires ≥ 95% Crew ¹ and Guests ² to Be Vaccinated	Cruising Open to All (Vaccinated and Unvaccinated Guests) Requires ≥ 95% Crew ¹ to Be Vaccinated, and Encourages Guests to be Vaccinated
13 Quarantine of close contacts of a positive case	Guests: Vaccinated guests 7 day quarantine only if symptomatic close contact; unvaccinated close contacts, 10 day quarantine required. Crew: 7-day quarantine required for vaccinated crew only if symptomatic with exit antigen test; unvaccinated crew will quarantine for 10 days with NAAT exit test.	Same as for Vaccinated Cruising
14 Isolation	Required for symptomatic and asymptomatic confirmed COVID-19 cases.	Same as for Vaccinated Cruising

FOOD SERVICE PROTOCOLS	Vaccinated Cruising Requires ≥ 95% Crew ¹ and Guests ² to Be Vaccinated	Cruising Open to All (Vaccinated and Unvaccinated Guests) Requires ≥ 95% Crew ¹ to Be Vaccinated, and Encourages Guests to be Vaccinated
15a Guest buffet food service	Full self-serve buffet available.	No self-serve buffet.
15b Crew buffet food service	Full self-serve buffet available.	Same as for Vaccinated Cruising

¹ Crew in embarkation quarantine are excluded.

² Includes children regardless of their eligibility for a vaccination.

INDUSTRY COMMITMENTS FOR U.S. RESTART PROTOCOLS

SHORE EXCURSIONS, CREW VISITS & PRIVATE ISLAND PROTOCOLS		Vaccinated Cruising Requires ≥ 95% Crew ¹ and Guests ² to Be Vaccinated	Cruising Open to All (Vaccinated and Unvaccinated Guests) Requires ≥ 95% Crew ¹ to Be Vaccinated, and Encourages Guests to be Vaccinated
16	Shore excursions	<p>From start of cruising until September 1, 2021 (non-US destinations):</p> <ul style="list-style-type: none"> Guests limited to Company approved indoor and outdoor excursions. Must follow same mask and physical distancing requirements applicable in the Cruising Open to All column. <p>From start of cruising (U.S. destinations only):</p> <ul style="list-style-type: none"> All off-ship activities permitted as allowed by local authorities. <p>After September 1, 2021 (non-U.S. destinations):</p> <ul style="list-style-type: none"> All off-ship activities as allowed by local authorities. 	<p>Vaccinated Guests From start of cruising until September 1, 2021 (non-US destinations):</p> <ul style="list-style-type: none"> Guests limited to Company-approved indoor and outdoor excursions. Must follow mask and physical distancing requirements noted in items 8a, 9a, & 11 <p>From start of cruising (U.S. destinations only):</p> <ul style="list-style-type: none"> All off-ship activities permitted as allowed by local authorities. <p>After September 1, 2021 (non-U.S. destinations):</p> <ul style="list-style-type: none"> All off-ship activities as allowed by local authorities. <p>Unvaccinated Guests Non-US destinations:</p> <ul style="list-style-type: none"> Company-approved outdoor excursions only. Must follow mask and social distancing requirements noted in items 8b, 9b & 12. <p>U.S. destinations:</p> <ul style="list-style-type: none"> All off ship activities are permitted as allowed by local authorities. Must follow mask and physical distancing requirements noted in items 8b, 9b, & 12.
17	Crew shore visits	<p>Vaccinated crew: Only for company approved indoor and outdoor excursions using the same onboard protocols applicable to vaccinated crew.</p> <p>Unvaccinated crew: Only for Company-approved outdoor excursions using the same onboard protocols applicable to unvaccinated crew.</p>	Same as for Vaccinated Cruising
18	Private Islands/private port-controlled area	<p>Guests able to circulate freely within the private island/private port controlled area.</p> <p>For 60 days guests will follow the mask and physical distance requirements as applicable for Cruising Open to All, and thereafter as per requirements of local authorities.</p>	<p>Guests able to circulate freely within the private island/private port-controlled area.</p> <p>Same mask and physical distancing requirements as applicable generally for Cruising Open to All apply on private island/private port-controlled area.</p>

PORT AGREEMENTS, & TEST CRUISE PROTOCOLS		Vaccinated Cruising Requires ≥ 95% Crew ¹ and Guests ² to Be Vaccinated	Cruising Open to All (Vaccinated and Unvaccinated Guests) Requires ≥ 95% Crew ¹ to Be Vaccinated, and Encourages Guests to be Vaccinated
19	Port agreements	As agreed between local port authorities/health authorities and cruise line.	Same as for Vaccinated Cruising
20	Test cruise	Not required.	One per cruise line for its first Cruising Open to All voyage, with cruise lines' third party auditor oversight. Future Cruising Open to All cruise ships will complete tabletop exercises instead.

¹ Crew in embarkation quarantine are excluded.

² Includes children regardless of their eligibility for a vaccination.

INDUSTRY COMMITMENTS FOR U.S. RESTART PROTOCOLS

VENTILATION, CLEANING & CAPACITY PROTOCOLS		Vaccinated Cruising Requires ≥ 95% Crew ¹ and Guests ² to Be Vaccinated	Cruising Open to All (Vaccinated and Unvaccinated Guests) Requires ≥ 95% Crew ¹ to Be Vaccinated, and Encourages Guests to be Vaccinated
21	Ventilation	HEPA filtration in Medical Center. Appropriate combination of increased fresh air and air filtration throughout the ship, including use of heightened MERV standards where appropriate.	Same as for Vaccinated Cruising
22	Cleaning protocols	Cleaning and disinfection plans for each ship per the CDC Vessel Sanitation Program (VSP) Outbreak Prevention and Response Plan (OPRP).	Same as for Vaccinated Cruising
23	Onboard medical capabilities	Onboard medical capabilities include COVID-19 testing, critical care capabilities and additional equipment, trained medical staff with additional shoreside support as needed, and designated isolation and quarantine facilities	Same as for Vaccinated Cruising
24	Ship capacity	Limited to 70% for first 30 days.	Limited to 50% for first 30 days and thereafter what is needed to maintain physical distancing.

¹ Crew in embarkation quarantine are excluded.

² Includes children regardless of their eligibility for a vaccination.