

United States Senate

WASHINGTON, DC 20510

September 9, 2020

The Honorable Robert M. Duncan, Chairman
The Honorable Jon M. Barger, Member
The Honorable Ron A. Bloom, Member
The Honorable Roman Martinez IV, Member
The Honorable Donald L. Moak, Member
The Honorable William D. Zollars, Member
United States Postal Service Board of Governors
U.S. Postal Service
475 L'Enfant Plaza West, SW
Washington, DC 20260

Dear Mr. Chairman and Members of the Postal Service Board of Governors:

We write to share the results of our investigation revealing that there have been significant delays in the Postal Service's delivery of mail-order prescription drugs in recent months, potentially posing serious health risks for millions of Americans increasing costs for pharmacies, consumers, and the federal government. As members of the Postal Service Board of Governors, you have a responsibility to "represent the public interest."¹ Given the findings of our investigation and the risks posed to families that rely on the postal service for the delivery of life-sustaining medications we ask that you take quick action to reverse these lapses in service.

Delays in mail-order pharmacy services coincide with changes to postal service operations that have been put in place by Postmaster General Louis DeJoy,² who took office in May 2020. While Postmaster General DeJoy testified before Congress that these changes "should not have impacted anybody,"³ our investigation found the opposite. We surveyed large pharmacies and pharmacy benefit managers, and they reported to us that:

- **There have been significant and increasing delays of mail-order prescription drug deliveries in the summer of 2020.** Pharmacies and pharmacy benefit managers reported that average mail order drug delivery times has increased 18-32%. In general, this meant that deliveries that would typically take 2-3 days were instead taking 3-4 days. Some of these delays appear to be even longer. One company reported that "we saw a marked increase in July in the number of patients experiencing shipment delays of seven days or more," and another reported that "the number of orders taking over five days to deliver has risen dramatically since the onset of the pandemic." A representative of a pharmacy

¹ P.L. 109-435 § 501(a)(1), <https://www.21cpw.com/wp-content/uploads/2015/05/Postal-Reorganization-Act-1970.pdf>.

² New York Times, "Mail Delays Fuel Concern Trump is Undercutting Postal System Ahead of Voting," Michael D. Shear, Hailey Fuchs, and Kenneth P. Vogel, July 31, 2020, <https://www.nytimes.com/2020/07/31/us/politics/trump-usps-mail-delays.html>.

³ Postmaster General Louis DeJoy, Testimony before the House Committee on Oversight and Reform, Protecting the Timely Delivery of Mail, Medicine, and Mail-in Ballots, August 24, 2020, <https://oversight.house.gov/legislation/hearings/protecting-the-timely-delivery-of-mail-medicine-and-mail-in-ballots>.

industry organization informed us that one of its members had observed delays in delivery times of 49% for USPS prescription delivery. Only one of the respondents reported that they were “not experiencing any unusual delays in deliveries,” but this company was the one respondent that reported being more reliant on private-sector carriers than on USPS.


- **Delays pose potentially serious health risks for consumers.** One mail-order prescription company reported that “for the nearly half of adults in the United States with a chronic condition, timely delivery of prescription medication can have a direct impact on their health outcomes.” Another indicated that seniors were at particular risk, noting that, “[i]f the USPS experiences delays in delivering these prescriptions, our members, who are primarily Medicare beneficiaries, may have an insufficient supply of medication which could result in adverse clinical outcomes if not addressed quickly.”


These delays are unacceptable outcomes under any circumstances, but are made even worse by the ongoing pandemic, which has increased demand for mail-order drugs as many Americans have been affected by stay-at-home orders or are choosing to stay at home in order to remain safe. Additionally, if these delays continue, increasing costs borne by mail-order pharmacies may be passed along to consumers and taxpayers alike. As members of the Postal Service Board of Governors, you have both the responsibility and authority to fix this growing problem.

The Board “directs the exercise of the powers of the Postal Service, directs and controls its expenditures, reviews its practices, conducts long-range planning, approves officer compensation and sets policies on all postal matters.”⁴ It also “takes up matters such as service standards and capital investments.”⁵ While members are appointed by the President, the duty of Governors is to “represent the public interest generally.”⁶

It is critical that you act immediately to address the delay in delivery of prescription drugs, and reverse any and all actions taken during Postmaster General DeJoy’s tenure that degrade or delay postal operations and the delivery of the mail. The findings of our investigation reveal that your failure to fix the service delays caused by Postmaster General DeJoy represent an ongoing public health threat and a dereliction of your responsibility to the American public.

Sincerely,


Elizabeth Warren
United States Senator


Robert P. Casey, Jr.
United States Senator

⁴ U.S. Postal Service, “About the Board of Governors,” 2020, <https://about.usps.com/who/leadership/board-governors/>; P.L. 91-375 § 202, 205.

⁵ U.S. Postal Service, “About the Board of Governors,” 2020, <https://about.usps.com/who/leadership/board-governors/>; P.L. 91-375 § 202, 205.

⁶ 39 U.S.C. 202.