



October 16, 2017

West Virginia Legislators
Capitol Complex
Charleston, WV 25301

Dear West Virginia Legislator,

On October 12, 2017, the Informed Consent Action Network (ICAN) gave formal notice to Acting Secretary of the Department of Health and Human Services (DHHS) Eric D. Hargan that it intends to file a civil action against DHHS if DHHS does not fulfill its obligations regarding vaccine safety required by the National Childhood Vaccine Safety Act of 1986.¹ The notice describes DHHS's obligation to "...promote the development of childhood vaccines that result in fewer and less adverse reactions" and "make or assure improvements in ... the ... labeling, warning, ... and research on vaccines, in order to reduce the risks of adverse reactions to vaccines." (42 U.S.C. § 300aa-27(a)).² The notice by ICAN advises Acting Secretary Hargan that DHHS has failed to address serious concerns of members of the medical community and parents regarding vaccine safety and as an example cites a conclusion from a 2011 Institute of Medicine study commissioned by DHHS, "The evidence is inadequate [emphasis added] to accept or reject a causal relationship between diphtheria toxoid-, tetanus toxoid-, or acellular pertussis-containing vaccine and autism." DHHS is obligated to ensure that the vaccine schedule is safe, and the 2011 IOM report concludes that there are insufficient scientific studies to reach this conclusion.

The ICAN notice to Acting Secretary Hargan also referenced a 2015 article in the British Medical Journal questioning the integrity of the Centers for Disease Control and Prevention (CDC). The CDC is part of DHHS. In part the article said, "Despite the agency's [CDC] disclaimer, the CDC does receive millions of dollars in industry gifts and funding, both directly and indirectly, and several recent CDC actions and recommendations have raised questions about the science it cites, the clinical guidelines it promotes, and the money it is taking."

The 1986 Act granted economic immunity to pharmaceutical companies for injuries caused by their vaccines (42 U.S.C. § 300aa-11). West Virginia children attending public, private, or parochial schools in this state or a state-regulated child care center are required by W. Va. Code §16-3-4, to receive certain vaccinations before attending.³ The WV Dept. of Health & Human Services per interpretive rule under 64-95-1 interprets the provisions of W. Va. Code §16-3-4 to incorporate the most current recommendations issued by the U.S. Department of Health and Human Services, Advisory Committee on Immunization Practices (ACIP), the American Academy of Pediatrics (AAP), the American Academy of Family Physicians (AAFP) and the Centers for Disease Control.⁴

As the ICAN notice indicates, the scientific basis of the DHHS recommendations is insufficient to justify the current vaccine schedule in the country including West Virginia.

Until this issue is resolved, at a minimum we are calling on all legislators in West Virginia to support the religious exemption to vaccines that 47 other states have. We are also asking for the support of a revised medical exemption that will expand the qualification criteria and allow a child's treating physician to maintain the right to make medical decisions in regard to vaccination without the additional burden of state agency oversight. West Virginians need the ability to follow their religious convictions and protect their families without the only option being homeschooling. Many families are not able to homeschool and yet carry the burden and liability if vaccine injury ensues. We will send the full complaint to your government email for further review. Please email info@wvforhealthfreedom.com with any questions.

Regards,

West Virginians for Health Freedom

1. <http://icandecide.com/white-papers/ICAN-HHS-Notice.pdf>

2. <https://www.congress.gov/bill/99th-congress/house-bill/5546>

3. <http://www.legis.state.wv.us/wvcode/chapterentire.cfm?chap=16&art=3§ion=4>

4. http://www.dhhr.wv.gov/oeps/immunization/Documents/Medical%20Exemptions/64_CSR_95_Final.pdf