

November 2, 2017



Attention Governor Inslee, Elected Officials, and other Washington State Health Policy Stakeholders: The following letter has been sent to Secretary of Health, John Wiesman. It impacts all vaccine law and policy in Washington State.

[RE: HHS Vaccine Safety Responsibilities and Notice Pursuant to 42 U.S.C. § 300aa-31](#)

Dear Secretary Wiesman,

On October 23, Informed Choice Washington submitted a public comment to you and the other Board of Health members, which included concerns about the 1986 National Childhood Vaccine Injury Act. The 1986 Act granted economic immunity to vaccine makers and providers for injuries caused by their vaccines, thereby eliminating the market force that drives safety for all other products – actual and potential product liability.

Recognizing the unprecedented elimination of this market force, the 1986 Act makes the US Department of Health and Human Services (HHS) directly responsible for virtually every aspect of vaccine safety and authorizes “civil action ... against the Secretary where there is alleged a failure of the Secretary to perform any act or duty under” the 1986 Act.

Pursuant to 42 U.S.C. § 300aa-31, notice was served to Acting HHS Secretary Hargan on October 12, 2017. The notice (copy enclosed) is supported by 50+ organizations representing over five million Americans including over one thousand concerned Washingtonians. HHS has failed in its promise to prioritize, study, and monitor vaccine safety as is detailed in the 1986 Act.

Much of Washington State vaccination policy is built upon the premise that safety is being properly addressed at the federal level. It is not. And that impacts the integrity of all state vaccine law.

In keeping with the federal HHS Notice and to protect the citizens of Washington, Informed Choice WA has located sections of the RCWs that create internal programmatic conflicts. Additionally, Informed Choice WA has found responsibilities the state has failed to apply toward its vaccination programs and related communication with the public. These require immediate attention and action.

As Washington's Secretary of Health, you are responsible for vaccine safety in this state. In order to ensure the best health outcomes for all Washingtonians, we respectfully request that you review the attached notice and consider your obligations concerning data gathering, evaluation and public disclosure of data (see [RCW 43.70.050](#)), vaccine product warnings, and public provision of accurate product risk and limitation information by agency staff, the Department of Health, the Immunization Program, and Washington medical providers.

We also respectfully request a meeting with you to discuss this very serious issue.

Sincerely,

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