

# H.R. 4169 – Mercury-Free Vaccines Act of 2004

## *Background*

H.R. 4169, introduced on April 2, 2004, by Reps Dave Weldon, M.D. (R-FL) and Carolyn Maloney (D-NY), builds on the policy recommendations issued in July 1999 by the Public Health Service, the American Academy of Pediatrics, and the American Academy of Family Physicians. That policy proclaimed “[The] Public Health Service, the American Academy of Pediatrics, and vaccine manufacturers agree that thimerosal-containing vaccines should be removed as soon as possible.” While thimerosal - 50% mercury by weight - has been removed from most routine childhood vaccines administered in the U.S., it remains in some non-routine childhood vaccines. Additionally, the Advisory Committee on Immunization Practices (ACIP) has recommended administration of the flu vaccine to infants at 6, 7 and 23 months of age absent a recommendation for mercury-free flu vaccine.

Given that mercury remains in some childhood vaccines and that some infants are likely to receive mercury-containing flu vaccine in the upcoming flu season, H.R. 4169 puts in statute definite timelines for the elimination of mercury from vaccines to eliminate this exposure in children and reduce this exposure in adults. The bill allows for a phase-in to allow for retooling of production facilities while ensuring firm deadlines for compliance. The bill specifically eliminates the potential for exposure to mercury from the flu vaccine for the upcoming flu season, by prohibiting mercury-containing flu vaccine from being administered to children after July 1, 2004.

Mercury is well-established as a neurotoxin and is harmful to the developing central nervous system of fetuses and infants. Earlier this year, the Environmental Protection Agency (EPA) issued a report finding that 1-in-6 infants is born with a blood mercury level above a level the EPA considers safe. Furthermore, the Food and Drug Administration and the EPA recently issued warnings to pregnant women and young children to limit consumption of fish in order to reduce mercury exposures.

## *Provisions*

H.R. 4169:

- Requires that by Jan 1, 2005, no childhood vaccine have more than 1 microgram (mcg) of mercury;
- Requires that the flu vaccine administered to children, beginning later this year with the 2004/05 flu season, have no more than 1 mcg of mercury;
- Requires that by Jan 1, 2006, mercury be removed completely from all childhood and adolescent vaccines;
- Requires that for all adult vaccines – no vaccine may contain more than 1 mcg of mercury after January 1, 2007;
- Directs the CDC to include information in the vaccine datasheets provided to parents, and those being vaccinated, making them aware of the mercury in vaccines and how they may obtain mercury-free vaccines; and
- Expresses the Sense of the Congress that the CDC should incorporate into its vaccine promotion messages, a recommendation against administering a mercury-containing vaccine to pregnant women.