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Legislation Protecting Vaccine Manufacturers from Liability Under the Guise of Protecting Americans from Terror Introduced by Senator Gregg

SafeMinds Urges Opposition to Senate Bill Denying Compensation to Victims of Mercury Related Neurological Problems Resulting from FDA Approved Medications

Washington, DC —Once again, Senators Gregg (R-NH) and Frist (R-TN) have introduced legislation to shield the pharmaceutical industry from responsibility for exposing American children to harmful levels of mercury from thimerosal, a mercury containing preservative widely used in infant vaccines. The bill, S. 3, “Protecting America in the War on Terror Act of 2005” introduced on January 24th includes language that protects vaccine producers from product liability under the guise of shielding the nation from biological terrorism and increasing the death benefit paid to US soldiers. SafeMinds, an advocacy group committed to raising awareness about causal links between the mercury and neurodevelopmental disorders like ADD/ADHD and autism, strongly opposes this effort. As this bill is at the top of the legislative docket it has the full support of Senator Frist.

This legislation marks the fourth occasion the Senator has attempted to insulate the vaccine industry from product liability by legally blocking civil claims for injuries caused by the mercury based vaccine ingredient. Three prior attempts to provide similar unprecedented protections for pharmaceutical companies have failed due to opposition by parents of mercury-injured children.

“This is possibly the most egregious bill introduced yet as it inappropriately ties the provision to legislation designed to compensate the families of US Soldiers killed in action and overrides state laws where legislators have had full and open discussions about the issue...something the authors of S. 3 have failed to undertake.” stated Lyn Redwood, president of SafeMinds. “Not since the previous late night addition of similar language in the Homeland Security Bill in 2002 have we seen such blatant disregard for civil justice.”

An article in the LA Times on February 8th, 2005 uncovers evidence that the harmful effects of thimerosal were known to vaccine makers as early as 1991 but that neither the pharmaceutical industry nor the government took appropriate steps to prohibit mercury-based preservatives. The article, titled *'91 Memo Warned of Mercury in Shots*, states that: “A memo from Merck & Co. shows that, nearly a decade before the first public disclosure, senior executives were concerned that infants were getting an elevated dose of mercury in vaccinations containing a widely used sterilizing agent...6-month-old children who received their shots on time would get a mercury dose up to 87 times higher than the guidelines for the maximum daily consumption of mercury from fish.”

The provision in this particular piece of legislation, which has no relation to the war on terror, smacks of payback. The pharmaceutical industry is at the top of the donors lists for both

Senators Gregg and Frist. Internal documents reviewed as a result of discovery in current litigation filed against the pharmaceutical giant reveal that Eli Lilly was aware of concerns resulting from thimerosal exposure since the early 1940's and was advised by its Medical Science Department in 1967 that the claim "Non-toxic" be removed from its thimerosal labels. Lilly's own materials safety data sheet acknowledges that exposure in children may cause mild to severe mental retardation and that mercury poisoning may occur.

S. 3 contains provisions that will:

- Preclude lawsuits against vaccine makers
- Override state legislation that protects its citizen from dangerous vaccine components
- Eliminates a state legislature's power to warn its citizens of the dangers of vaccine additives (such as thimerosal) making recent legislation banning the use of the mercury containing vaccines in California and Iowa void.
- Allow the Department of Justice to design more restrictions on access to the vaccine court and to prevent public access to information on vaccine safety
- Provide unprecedented tax breaks and patent protection to large pharmaceutical corporations

More information about neurodevelopmental disorders, autism and mercury exposure may be found at www.safeminds.org or by calling Stephanie Morris at 202-628-7772.