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Contact: Stephanie Morris
202-628-7772
smorris@venturecommunications.com

Frist, Hastert Pull Last Minute Maneuver to Protect Vaccine Manufacturers from Liability

Autism Community Expresses Outrage at Second Attempt to Deny Compensation to Victims of Mercury Related Neurological Problems Resulting from Vaccines Known to Cause Problems

Washington, DC — Parents of children impacted by mercury in vaccines are expressing their outrage at two of this country's most powerful politicians. In the waning hours of 2005, Senate Majority Leader Bill Frist (R-TN) and House Speaker Dennis Hastert (R-IL) renewed a time-honored tradition of slipping unpopular language into an important piece of legislation in the hopes of "sneaking one past the American people." The two lawmakers inserted language in the FY 06 Defense Appropriations bill that protects pharmaceutical companies from any responsibility for exposing American children to harmful levels of mercury from thimerosal, a mercury-containing preservative widely used in infant vaccines. The language shields the drug industry from being held legally accountable when flu vaccines or other drugs cause death, disability or serious illness.

This is the fifth attempt to pass such legislation. Previous attempts were repeatedly defeated by campaigns of outrage led by the autism community and other consumer interest groups. Most recently, these groups helped defeat a bill introduced last January entitled "Protecting America in the War on Terror Act of 2005," which included language that would have protected vaccine producers from product liability under the guise of shielding the nation from biological terrorism and increasing the death benefit paid to US soldiers.

Unfortunately, many groups are quickly proclaiming the current language to be far worse than any previous language because of the extent to which the pharmaceutical industry will be protected. Not only does the language free drug companies from responsibility for gross negligence when making faulty products, but it will also extend to those drugs already available to treat or prevent epidemic diseases, essentially eliminating incentives for pharmaceutical companies to make safer vaccines and drugs. Additionally, the new law -- "Public Readiness and Emergency Preparedness Act" -- would preempt state law regulating vaccines. Thus, state laws that currently ban thimerosal would be preempted by the new federal law.

"We are outraged by the fact that this language continues to make last minute appearances in unrelated bills and this recent attempt is the worst and most dangerous one we've seen yet," stated Lyn Redwood, president of SafeMinds, an advocacy group committed to raising awareness about causal links between the mercury and neurodevelopmental disorders like ADD/ADHD and autism. "For one thing, this language gives the Bush Administration unusually broad power in this area, such that HHS Secretary Leavitt could easily declare an emergency in which mercury could be used in a vaccine despite state law banning such activity. We expect the Secretary to declare such an emergency in the near future as the potential threat of an avian flu pandemic continues to be hyped by political figures and the media."

Recent developments indicate that several Democrats are moving to form a resistance to this language and on February 15th, they introduced legislation to repeal the law. The effort is being led by Sen. Edward Kennedy (D-MA) who, along with 20 other House and Senate Democrats, wrote a letter to Republican leaders. The letter states that the provision included in the bill “is not limited to vaccines for pandemic flu or other major threats to the nation’s health, but could instead be used to allow manufacturers of virtually any drug or vaccine to escape responsibility for gross negligence or even criminal acts.” The full letter may be found at <http://kennedy.senate.gov/~kennedy/statements/06/01/2006215A19.html>.

The autism community only recently learned of the latest attempt by Frist and Hastert to hijack the political system by inserting similar language into a Defense Department appropriations bill;. The language that was in the final bill was not approved by members of a House-Senate conference committee and it surprised many members closely involved with the process, including Rep. David Obey (D-Wis) and Sen. Robert Byrd (D-W. Va).

SafeMinds has been an especially active opponent of these efforts.

“These last-minute, underhanded maneuvers only demonstrate the determination of certain leaders in Congress who will stop at nothing to protect the pharmaceutical industry and consequently, their own sources of campaign funding,” noted Redwood. “We are urging concerned families and parents to voice their outrage about these un-American tactics and to launch an effort to support members like Sen. Kennedy as they work to repeal this language.”

In fact, according to the Center for Responsive Politics, Frist has received \$271,523 in campaign donations from the pharmaceutical and health products industry since 1989. He is also expected to run for president in 2008.

“It saddens and angers us to see such blatant disregard for civil justice and the political process,” continued Redwood. “This language was inserted in secrecy and without debate and thus, the action crosses a significant line. Frankly, this language disregards the Seventh Amendment right to trial by jury and the safety of the American people. To provide total immunity from liability is unheard of in a free society and could make a pandemic worse by undermining public confidence and support for a vaccination program.”

As has been true for previous attempts to pass such legislation, this effort smacks of payback. One of the most generous donors to political candidates involved in these underhanded efforts was Eli Lilly, which has contributed millions over the years and apparently has the most to lose – having developed and generously profited from the sales of thimerosal for over 40 years. In fact, internal documents reviewed as a result of discovery in current litigation filed against the pharmaceutical giant reveal that Eli Lilly was aware of health problems due to 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 thimerosal labels. Lilly's own safety data sheet for thimerosal acknowledges that exposure in children may cause mild to severe mental retardation and that mercury poisoning may occur.

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.

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