

745 Fifth Ave, Suite 500, New York, NY 10151

sirillp.com | P: (212) 532-1091 | F: (646) 417-5967

November 2, 2022

SENT VIA FED EX AND EMAIL

Xavier Becerra
Secretary, Health & Human Services
200 Independence Avenue S.W.
Washington, D.C. 20201
c/o Sean McCluskie
sean.mccluskie@hhs.gov

RE: ACIP's Vote to Add the COVID-19 Vaccine to the Routine Childhood Vaccination Schedule

Dear Secretary Becerra:

On behalf of our client, Informed Consent Action Network, and various of its members, we write pursuant to 42 U.S. Code §300aa-31 to advise that the secretary of HHS has failed to perform acts and duties required by the National Childhood Injury Act, as amended, by permitting ACIP and CDC to recommend the routine use of the unlicensed Covid-19 vaccine for children 11-years-old and under and as a booster for any age child, as well as by adding this vaccine to the Vaccines for Children (VFC) program. Among other provisions, it violates the Secretary's duties to use his authority with respect to the development of use instructions for childhood vaccines to, *inter alia*, reduce the risk of adverse events. Adding an unlicensed vaccine to the routine schedule for children plainly violates the Secretary's duty.

We therefore respectfully request that within 60 days of the date of this letter, the CDC rescind its recommendation for (1) the routine use of the Covid-19 vaccine for children in all its unlicensed uses and (2) the related addition of such use to the Vaccines for Children program.

Very truly yours,



Aaron Siri, Esq.
Elizabeth A. Brehm, Esq.
Catherine Cline, Esq.

Cc: Rochelle Walensky at Aux7@cdc.gov