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OSC Forwards Public Health Concerns on Vaccines to Congress

For Immediate Release: 5/20/04
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The Office of Special Counsel (OSC) today forwarded to Congress hundreds of disclosures alleging public health and safety concerns about childhood vaccines that include a mercury-based preservative known as thimerosal, and its possible link to neurological disorders, including autism. Notwithstanding a new Institute of Medicine study released yesterday that concludes there is no link between thimerosal and autism, the OSC sent copies of the letters to both Senator Judd Gregg and Rep. Joe Barton, to ensure that the proper Congressional oversight committees are aware of these serious allegations.

While Special Counsel Scott J. Bloch shares many of the concerns about the allegations, many of them from parents of children with autism or other neurological disorders, the OSC does not have jurisdiction over disclosures from private citizens. In the event, however, that a federal employee comes forward with information on this issue, OSC would then have jurisdiction to determine whether there is a substantial likelihood that the information discloses a violation of any law, rule or regulation ... or a substantial and specific danger to public health and safety. 5 U.S.C. §1213(b)

“It appears the science is inconclusive, not definitive,” Special Counsel Bloch said. “Based on my limited review of the literature, there appears to be equally qualified experts on both sides of the emotional scientific and medical debate. This strikes me as a far-reaching public health issue that warrants further study and awareness, particularly because it affects the most vulnerable among us.”

Special Counsel Bloch continued, “I think it is important that government agencies be as certain as possible that these vaccines containing mercury, a known potent neurotoxin, have undergone sufficient, reliable scientific review definitively answering the legitimate medical questions, such as, whether there is any medically necessary reason for including mercury in vaccines given to children. Furthermore, parents and others should also know that they can request a mercury-free vaccine.”

A copy of the Special Counsel’s letter to Congress follows.

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OSC is an independent investigative and prosecutorial agency and operates as a secure channel for disclosures of whistleblower complaints and abuse of authority. Its primary mission is to safeguard the merit system in federal employment by protecting federal employees and applicants from prohibited personnel practices, especially retaliation for whistleblowing. OSC also has jurisdiction over the Hatch Act and the Uniformed Services Employment and Reemployment Rights Act. For more information please visit our web site at www.osc.gov or call 1-800-872-9855.

Special Counsel Scott Bloch's letter to Congress

May 20, 2004

The Honorable Judd Gregg
United States Senate
Chairman, Committee on Health,
Education, Labor and Pensions
428 Dirksen Senate Office Building
Washington, D.C. 20510-6300

The Honorable Joe Barton
U.S. House of Representatives
Chairman, Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, D.C. 20515

Re: OSC File Nos.: DI-04-1399, et al.

Gentlemen:

The U.S. Office of Special Counsel (OSC) is authorized to receive disclosures of information from federal employees, former federal employees or applicants for federal employment alleging violations of law, rule, or regulation, gross mismanagement, gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety. 5 U.S.C. § 1213(a) and (b). As Special Counsel, if I find, on the basis of the information disclosed, that there is a substantial likelihood that one of these conditions exists, I am required to advise the appropriate agency head of my findings, and the agency head is required to conduct an investigation of the allegations and prepare a report. 5 U.S.C. § 1213(c) and (g).

I have recently received hundreds of disclosures from private citizens alleging a widespread danger to the public health, specifically to infants and toddlers, caused by childhood vaccines which include thimerosal, a mercury-containing preservative. As you know, the vaccine program is administered by the U.S. Department of Health and Human Services (HHS), over which you have oversight jurisdiction. Because none of the individuals making the disclosures are federal employees, former federal employees or applicants for federal employment, OSC lacks jurisdiction over these cases and can legally take no action on the allegations. 5 U.S.C. § 1213(a)(1). I hasten to add, however, that based on the publicly available information, as discussed briefly below, it appears there may be sufficient evidence to find a substantial likelihood of a substantial and specific danger to public health caused by the use of thimerosal/mercury in vaccines because of its inherent toxicity.

Due to the gravity of the allegations, I am forwarding a copy of the information disclosed to you in your capacity as Chairmen of the Senate Committee and House Committee with oversight authority for HHS. I hope that you will review these important issues and press HHS for a response to this very serious public health danger.

The disclosures allege that thimerosal/mercury is still present in childhood vaccines, contrary to statements made by HHS agencies, HHS Office of Investigations and the American Academy of Pediatrics. According to the information provided, vaccines containing 25 mcg of mercury and carrying expiration dates of 2005, continue to be produced and administered. In addition, the disclosures allege, among other things, that some datasets showing a relationship between thimerosal/mercury and neurological disorders no longer exist, that independent researchers have been arbitrarily denied access to

Centers for Disease Control and Prevention (CDC) databases, and that government-sponsored studies have not assessed the genetic vulnerabilities of subpopulations. Due to their heightened concern that additional datasets may be destroyed, these citizens urge the immediate safeguarding of the Vaccine Safety Datalink database, and other relevant CDC information, so that critical data are not lost.

The disclosures also allege that the CDC and the Food and Drug Administration colluded with pharmaceutical companies at a conference in Norcross, Georgia, in June 2000, to prevent the release of a study which showed a statistical correlation between thimerosal/mercury exposure through pediatric vaccines and neurological disorders, including autism, Attention-Deficit/Hyperactivity Disorder, stuttering, tics and speech and language delays. Instead of releasing the data presented at the conference, the author of the study, Dr. Thomas Verstraeten, later published a different version of the study in the November 2003 issue of Pediatrics, which did not show a statistical correlation. No explanation has been provided for this discrepancy. Finally, the disclosures allege that there is an increasing body of clinical evidence on the connection of thimerosal/mercury exposure to neurological disorders which is being ignored by government public health agencies.

I recognize that Congressman Dan Burton, Chairman of the House Committee on Government Reform, held hearings on CDC Activities Related to Autism most recently in April 2002 as well as from 1999-2001. During those hearings Dr. David Baskin, a Baylor School of Medicine neurologist, testified about his research and the serious consequences of exposure to mercury. Dr. Baskin concluded that even if the link to autism has not yet been conclusively proven, based on what is known to date about mercury as a deadly neurotoxin and because thimerosal is not an essential component to the vaccine, there is no reason to continue to purposefully inject it into the bloodstream of infants.

I believe these allegations raise serious continuing concerns about the administration of the nation's vaccine program and the government's possibly inadequate response to the growing body of scientific research on the public health danger of mercury in vaccines. The allegations also present troubling information regarding children's cumulative exposure to mercury and the connection of that exposure to the increase in neurological disorders such as autism and autism-related conditions among children in the U.S. Indeed, the considerable scientific debate that continues to surround the issue of autism and vaccines in the U.S. is exemplified by the recent publication of an article in the National Journal, "Upping the Autism Ante," describing some research which seems to show an association between exposure to thimerosal and autism, and a report released just yesterday by the Institute of Medicine that found no link between vaccines and autism. I have attached a copy of the National Journal article for your review.

Accordingly, because OSC lacks jurisdiction, we are closing our files on these cases. I am also available for any questions you may have, or to offer the services of this office to assist you with any inquiry.

Sincerely,

Scott J. Bloch

Enclosures