November 28, 2022

Kristin Collins
Policy Analyst
Virginia Department of Health
109 Governor Street
Richmond, 23219

Dear Ms. Collins:

The following comments are in regard to the public comment period on the Regulations for the Immunization of School Children [12 VAC 5 - 110] and are submitted on behalf of the Children's Health Defense Virginia Chapter (CHDVA). The mission of CHDVA is to restore and protect the health of children by eliminating exposures to environmental toxins, holding responsible parties accountable, and establishing safeguards to prevent future harm to children's health.

Thank you for the opportunity to comment on whether these regulations should be repealed, amended, or retained in their current form. We believe these comments will help reduce the regulatory burden and at the same time provide for the protection of public health, safety, and welfare.

We recommend repealing the following changes to the regulations:

1) Amend the regulations to incorporate the principle of informed consent

The regulations fail to acknowledge the principle of informed consent, the legal right to be fully and accurately informed about the benefits and risks of a medical intervention, including a pharmaceutical product, and the right to make a voluntary decision about whether to accept the risk for oneself or their minor child without being coerced or punished. The right to informed consent is universally affirmed as a human right by ethicists, medical societies, Virginia regulation, institutional patient bills of rights, and the United Nations Universal Declaration of Human Rights.

If the principle of informed consent is incorporated into the state's immunization regulations it would necessitate a paradigm shift from a mandatory, one size all vaccination schedule

required for all Virginia's school children to one that acknowledges that a child's health interventions should be made by the parent(s).

The U.S. Supreme Court has recognized that vaccines are "unavoidably unsafe" and can cause injury and death in some recipients and therefore, where there is risk, there must be choice. The decision to accept a vaccine, like any other medical intervention, should be made by the individual and in the case of a minor, the decision should be solely that of the parent(s).

At a minimum, the regulations should be amended to include a definition of informed consent.

2) Amend the regulations to improve and protect the provisions regarding medical exemptions

Although state law and regulations provide for medical exemptions from immunizations, this exemption exists largely on paper. According to the state, 0.2% of kindergartners in 2020/2021 and 0.6% of 6th and 7th graders had medical exemptions. Medical exemptions are very difficult to obtain largely because doctors fear reprisal from the state's medical regulatory bodies that grant medical licenses and board certifications, and exemptions are often refused by school or health authorities. The regulation should be strengthened to protect an individual's right to a medical exemption.

3) Amend the regulations to include additional diseases for which natural immunity can be demonstrated

4) The Report Prepared for the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health should be revised to focus on health outcomes associated with vaccination

Chapter 1223 of the 2020 General Assembly Session required the Virginia Department of Health (VDH) and the Virginia Department of Education (VDOE) to jointly review §§22.1- 271.2 and 32.1-46 of the Code of Virginia ("the Code") and report to the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health on the effectiveness of the required vaccination program in promoting public health. We have reviewed this report and find that it fails to provide any meaningful information correlating high vaccination rates with positive health outcomes. Instead, the report focuses on summarizing various vaccination statistics. There is no discussion on whether the vaccination schedule has improved the health of Virginia's children. This report should be redone with a focus on health outcomes related to vaccination including negative outcomes. Vaccines are known to cause a number of adverse events and any review of the state's required schedule should assess both the benefits and costs.

5) The HPV vaccine should be removed from regulation

The HPV vaccine should be removed from regulations as this disease is not communicable in a school setting. Parents alone should determine whether their child receives this vaccine.

Public and private institutions should have no role in the administration of this vaccine.

6) Section 12VAC5-110-130 should not apply to home-instructed school children

Regulations requiring vaccinations for children taught at home are an overreach of the state's authority and infringe on the rights of parents. The state should not be involved in establishing vaccine requirements for children taught at home.

7) The regulations should be amended to reduce the penalties and fines associated with non-compliance with the vaccine schedule

8) The regulations should be amended to make any immunization registry/tracking program done on an opt in basis only

9) The regulatory review process should not be used to amend the vaccine schedule to include the COVID-19 vaccine

There is concern that this regulatory review has been initiated to amend the state's regulations to require the COVID-19 vaccine. The COVID-19 vaccines are novel pharmaceutical products and there are no animal studies or long-term safety profiles. Specifically, it is not known whether these experimental products may cause autoimmune disease, allergy, cancer, reproductive harm, or cardiac, vascular or neurodevelopmental disorders. In June 2021, the CDC reported a "likely association" between injection with the mRNA COVID-19 shot and heart inflammation. The FDA subsequently required that a warning about myocarditis and pericarditis be added to the manufacturer's insert. Myocarditis and pericarditis are inflammatory conditions that can lead to cardiac arrhythmia and death.

The state should be reminded that in the fall of 2021, nearly 94% of those who commented on a citizen petition requesting that the COVID-19 vaccine be made mandatory for school children and school employees opposed the proposal (see https://townhall.virginia.gov/L/ViewPetition.cfm?petitionid=352).

Individuals have the right to decide whether the risks associated with this pharmaceutical product are ones they are willing to accept for themselves or their child(ren). This vaccine should remain voluntary.

Thank you for the opportunity to comment.

Sincerely,

Caroline Kennedy

Secretary and Treasurer