

# Lawmakers, Experts Demand Federal Action

by Marcia Merry Baker

Within days of the Oct. 6 announcement of cancellation of half the 2004-05 anticipated flu vaccine doses, came the second part of the public-health crisis: inaction by the Federal authorities responsible. State and local governments, hospitals, Veterans Affairs facilities, and many other key institutions have been left to fend for themselves. In response, state, county, and Federal lawmakers, as well as health officials and other experts, are demanding Federal emergency coordination to deal with the 2004-05 influenza season. The following are some of the demands for action, and statements by experts of what ought to be done.

**Sen. Frank Lautenberg (D-N.J.): *Invoke Public Health Emergency Law.*** On Oct. 19 Lautenberg released a letter to President Bush which calls on the President to invoke public-health emergency law 42USC Art. 247d for the powers to immediately import flu vaccines, and to “travel the world if necessary” to find available vaccine. President Bush had said, during his third debate with Sen. John Kerry, “ ‘Don’t get a flu shot this year,’ ” Lautenberg reported. “That is unacceptable and a failure of leadership,” the Senator commented.

Democratic Senators **Ted Kennedy (Mass.)** and **Joseph Reed (R.I.)** have introduced an Emergency Flu Response Act of 2004, which, like Lautenberg’s demand, would instruct the President to use the BioShield Act to get “flexible and expedited review” of all potential vaccine sources, as well as government reporting and control of all vaccine supplies during the crisis.

**Health Director of Alameda County, California: *Federal Government Has a Responsibility.*** On Oct. 13, a 79-year-old California woman died as a result of a fall, after spending four hours on a flu-shot line, in Orinda, Alameda County. Alameda County Health Director, Dr. Anthony Iton, said, “The Federal government has a responsibility to take every reasonable step to ensure that vulnerable citizens are protected. The CDC’s public message in the beginning was that this was not an emergency. . . . It took them much longer than it did us to recognize that this is an emergency.”

**American College of Emergency Physicians: *Call a Crisis Summit.*** In a press release from their annual conference in San Francisco, Oct. 18, the 23,000-member ACEP called

for a six-point program to address the potential “crippling” of our health-care system by a breakout of the flu this Winter. Spokesmen for the physicians called on the Department of Health and Human Services to immediately convene a “crisis summit” of Federal agencies, private health organizations, and others, to lay plans for coping with an epidemic season. The group’s director, Dr. Arthur Kellerman, gave the following statement:

“The goal of this process must be to ensure that every American who falls seriously ill during the influenza season has access to safe, effective emergency care and, if necessary, admission to a hospital bed or intensive care unit. The combination of the vaccine shortage, more than 80 million Americans at high risk of flu complications, and a nationwide emergency department crowding crisis, means America’s emergency physicians and nurses are faced with the prospect of the ‘perfect storm’—a surge of critically ill flu patients and no resources to care for them.”

The six points:

- Make sure that all critical-care workers are vaccinated;
- Make sure that emergency rooms are not overcrowded, that patients are moved into in-patient areas, even if that means they will be in hallways;
- Implement regional protocols to monitor hospital capacity variations, including ambulance diversion status;
- Adopt protocols governing duration of ambulance diversion conditions;
- Require hospitals in worst affected areas to postpone elective admissions until the crisis has abated;
- Provide Federal and state emergency funding to hospitals affected.

**John Treanor, M.D.: *Expect More Hospitalizations.*** “Since the vaccine is clearly effective at reducing the rates of influenza-associated hospitalization and death, reductions in vaccine coverage could be anticipated to result in corresponding increases in the rates of these events.” (*New England Journal of Medicine*, Nov. 11, 2004; posted in advance at [www.nejm.org](http://www.nejm.org).)

**Arizona Gov. Janet Napolitano: *Call Nationwide Summit.*** In a letter Oct. 19 to the Centers for Disease Control, Napolitano called for such a summit, to address fixing “a seriously flawed vaccine manufacturing system that relies on 40-year-old technology.” She said the current vaccine shortage, “demonstrates, in dramatic fashion, that we have yet to develop a national plan to address what has become a perennial problem.”

**Rep. Joseph McDade (R-Penna.)** wrote an op-ed for the Oct. 19 *Washington Times* and other newspapers, calling for an “Apollo Program approach” to emergency public-health preparedness for either a bio-warfare attack on the country, or a public-health emergency like the current flu crisis.