



THE SECRETARY OF DEFENSE
WASHINGTON, DC 20301



October 27, 2004

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
INSPECTOR GENERAL, DEPARTMENT OF DEFENSE
DIRECTORS OF DEFENSE AGENCIES
COMMANDANT OF THE U.S. COAST GUARD

SUBJECT: Anthrax Vaccine Immunization Program Pause

On October 27, 2004, the United States District Court for the District of Columbia issued an injunction against the current operation of the Anthrax Vaccine Immunization Program (AVIP). This is similar to the injunction issued last December, at which time DoD paused the vaccination program pending clarification of the legal issues. That earlier injunction was lifted about two weeks later.

This new injunction is based on a conclusion by the Court that the Food and Drug Administration (FDA) was required by its regulations to solicit additional public comments before finalizing its conclusion that anthrax vaccine is safe and effective for protection against inhalation anthrax. While the Department of Defense, Food and Drug Administration, and Justice Department proceed with steps to clarify these legal issues, DoD will again, effective immediately, stop giving anthrax vaccinations until further notice.

DoD remains convinced that the AVIP complies with all legal requirements and that anthrax vaccine is safe and effective.

