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JEFFREY DINOWITZ
Assemblyman 81st District
Bronx County

October 7, 2015

MaryEllen Elia
Commissioner, NYS Education Department
89 Washington Avenue
Albany, New York 12234

Dear Commissioner Elia:

I am writing to you to express my dismay regarding your recent decision to grant a religious exemption from the otherwise school-mandated measles/mumps/rubella (MMR) vaccination for the child of a parent in Brooklyn, NY who happened to be Orthodox Christian.

As the sponsor of legislation that will eliminate this exemption from state law, I firmly believe that the State Education Department (SED) was wrong to override the New York City Department of Education's rejection of this parent's exemption request.

While this parent's opposition to the MMR vaccine may stem "from sincerely held religious beliefs," as you put it, the fact is that vaccinations are endorsed by the United States Surgeon General, the American Medical Association, the American Academy of Pediatrics, and the Centers for Disease Control (CDC) as a necessary public health measure to ensure the general health and welfare for everyone. By allowing parents to avoid vaccinating their children, you are not only allowing that child to be put at risk, but also every other child in the school they attend.

State data from the 2013-14 school year revealed there are at least 285 schools in New York with an immunization rate below 85%, including 170 schools with rates below 70%, well below the CDC's standard of at least 95% to maintain herd immunity. If the SED continues to allow the proliferation of exemptions such as these, we could have a public health crisis in our schools. Moreover, not every child can be vaccinated for legitimate medical reasons, so it is incredibly important that we make sure that every child who is medically able receives the proper immunizations.

Furthermore, in your decision you allege that the "petitioner produced information relative to specific ingredients ... which appears to provide the linkage between vaccines and aborted fetal tissue." This sentiment, however, is rooted in misrepresented science.

While it is true that some common vaccines are the product of cells that once belonged to legally aborted fetuses, the cells in question were harvested over 50 years ago, and were used

to start a cell line, which are cells multiplied repeatedly to produce new cells of a consistent genetic composition. In other words, the cells used in vaccines are not the same ones harvested from an abortion over 50 years ago. Using the origins of these vaccines to grant religious exemptions sets a dangerous precedent that could lead to countless exemptions being granted, putting thousands of school children in jeopardy.

Moreover, there are many religious groups who have stated that vaccines do not pose a moral issue. Even Cardinal Joseph Ratzinger, who later became Pope Benedict XVI, reasoned that the doctors, nurses, and parents who administer vaccines made from human fetal cells are not violating Christian morality, especially when considering how many lives vaccines save. Further, the National Catholic Bioethics Center even states on its website that “one is morally free to use vaccines regardless of their historical association with abortion... the reason is that the risk to public health, if one chooses not to vaccinate, outweighs the legitimate concern about the origins of the vaccine... this is especially important for parents, who have a moral obligation to protect the life and health of their children and those around them.”

The State Education Department’s decision in this matter is one of grave consequence. Allowing non-vaccinated children in to our schools poses a direct threat to the public health and welfare of New York’s children. In the coming legislative session I will be working hard to pass my legislation eliminating this exemption, however, in the meantime I am requesting that you cease granting them. As a function of state law the religious exemption for otherwise mandated vaccines is abused, and school children across the state are at risk.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey Dinowitz". The signature is fluid and cursive, with a large, stylized initial "J".

Jeffrey Dinowitz
Member of Assembly