

emergency

contraception

ACCESS CAMPAIGN

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Division of Dockets Management
5630 Fishers Lane, Room 1061
Rockville, MD 20852

Re: Docket No. 2005N-0345

October 13, 2005

Dear Acting Commissioner von Eschenbach,

The Emergency Contraception Access Campaign (ECAC) is writing to express anger and disappointment at the FDA's refusal to expand access to emergency contraception (also known as the morning-after-pill) by making it available over-the-counter. The ECAC is a coalition of over 100 public health advocates, medical and health professionals, and community organizations across New York State.

The FDA's recent delay demonstrates its lack of respect for science and a willingness to jeopardize women's health by repeatedly denying American women access to a method of contraception that will help *prevent* unintended pregnancies. Clear medical evidence and the advice of countless experts has left no dispute that emergency contraception (EC) is an effective method of pregnancy prevention, safe enough for use by all women without a prescription.

The U.S. continues to have the highest rate of unintended pregnancy in the industrialized world – almost half of all pregnancies are unintended and half of those end in abortion. EC is an effective way to prevent unintended pregnancy after unprotected sex or a contraceptive failure. Widespread use could prevent as many as half of the three million unintended pregnancies each year, including as many as 700,000 that now end in abortion. However, speed is most important in maximizing the effectiveness of EC which is why over-the-counter access is so critical. If taken within 72 hours of intercourse, EC can reduce the risk of pregnancy by as much as 89 percent and efficacy is greatest if the drug is taken within 24 hours. The American College of Obstetricians and Gynecologists (ACOG) noted that the need to obtain a prescription from a doctor is one of the biggest barriers to EC use.

The FDA's ignoring of such scientific evidence signals that politics, not science, guides its actions. Despite admitting that there was conclusive scientific data to support over-the-counter availability of EC, the FDA again refused to release the contraceptive onto the market. Instead, they have buried any hope that women will have access to this medication deep in a maze of superfluous regulatory rule changing procedures that could have women waiting years for this important method of pregnancy prevention.

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The result of the FDA's inaction will have a harmful effect on women's health nationwide; regardless of age, women will suffer the negative consequences of being denied this important method of contraception. The FDA continues to use the unfounded argument that EC would promote promiscuity among teenage girls. The ECAC shares the goals of promoting the health of young women, as evidenced by the fact that many of our coalition members, such as doctors and advocates, have dedicated their life's work to protecting the health and well-being of all adolescents, both men and women.

However, withholding access to contraception, confidential health care and trained medical professionals, does not equate to protecting the health of young women. In order to truly and effectively improve the health and well-being of adolescents, the FDA should make available the information, resources and tools necessary to protect teens from unintended pregnancy at an early age. Rather than truly defend young women from the potentially devastating repercussions of an unplanned pregnancy, the FDA's inaction has only increased the chances that a young woman will face an unplanned pregnancy at a vulnerable age, when such an event is known to often times delay or completely derail her plans for an education or career.

We had hoped that when considering the application to make EC available over-the-counter, the FDA would give careful consideration to the scientific and medical experts of its *own* advisory panel, which overwhelmingly recommended by a 23-4 vote to make EC available without a prescription to women of *all* ages. However, the FDA has instead prioritized politics over science and, once again, refused to approve the application.

The FDA has abandoned its duty to serve the public health interests of the American people. The ECAC urges the FDA to suspend the unnecessary "rule-making" process and return to its stated mission of acting on scientific evidence to advance public health and approve the application to make emergency contraception available over-the-counter.

Sincerely,

The Emergency Contraception Access Campaign

(Enclosure)

Emergency Contraception Access Campaign Coalition Members

As of June 2005

Action Research Associates
 AIDS Service Center
 AIDS Work of the Southern Tier AIDS Program
 American Academy of Pediatrics, District II NYS
 American Association of University Women – Islip Area
 American College of Obstetricians and Gynecologists,
 District II/NY
 American Jewish Congress Commission for Women's
 Equality
 Betances Health Center
 B'rith Kodesh Sisterhood
 Brooklyn Pro-Choice Network
 Buffalo Adolescent Pregnancy Prevention Services
 Callen-Lorde Community Health Center
 Capital District Women's Bar Legal Project, Inc.
 Catholics for a Free Choice
 Center for Reproductive Rights
 Circulo de la Hispanidad
 Community Healthcare Network
 Community Healthcare Network – Community League
 Center
 Coney Island Hospital
 Crime Victims Treatment Center – St. Luke's Roosevelt
 Hospital
 The Crystal Quilt
 Deaconess Family Planning Center – Kaleida Health
 Dominican Women's Development Center
 The Door
 Empire State Pride Agenda
 Family Planning Advocates of New York State
 Gay Men's Health Crisis
 inMotion
 Institute for Humanist Studies
 Interfaith IMPACT of New York State
 Joseph P. Addabbo Family Health Center
 League of Women Voters of New York State
 Life Force: Women Fighting AIDS, Inc.
 Lower East Side Family Union
 Medical and Health Research Association of NYC, Inc.
 Mount Sinai Sexual Assault & Violence Intervention
 Program
 My Sister's Place
 NARAL Pro-Choice New York
 Nassau Health Care Corporation/Community Health
 Centers
 National Association of Social Workers of New York State
 National Council of Jewish Women of New York State

National Council of Jewish Women, Rockland Section
 National Organization for Women – New York State
 National Organization for Women - NYC
 New Rochelle Emergency Services P.C.
 New York City Pharmacists Society
 New York Civil Liberties Union – Reproductive Rights
 Project
 New York Medical College - Division of Adolescent
 Medicine
 New York Metro Religious Coalition for Reproductive
 Choice
 New York State Association of Licensed Midwives
 New York State Coalition Against Sexual Assault
 New York State Coalition Against Domestic Violence
 New York State Nurses Association
 New York Professional Nurses Union
 Northern Manhattan Perinatal Partnership, Inc.
 Northern Adirondack Planned Parenthood
 Oswego County Opportunities, Inc.
 Pharmacists Society of the State of New York
 Physicians for Reproductive Choice and Health
 Planned Parenthood of Buffalo & Erie County
 Planned Parenthood Hudson Peconic, Inc.
 Planned Parenthood of Nassau County
 Planned Parenthood of New York City
 Planned Parenthood of the Rochester/Syracuse Region
 Planned Parenthood of South Central New York
 Planned Parenthood of the Southern Tier
 Pro-Choice Network of Western New York
 Public Health Association of New York City
 Rape & Abuse Crisis Service of the Finger Lakes
 Rape Crisis of the Southern Tier
 Reform Jewish Voice of New York State
 Republican Majority for Choice - New York Chapter
 Sexual Assault Support Services of Planned Parenthood
 Mohawk Hudson
 Statewide Youth Advocacy
 Threshold Center for Alternative Youth Services, Inc.
 Tioga Opportunities, Inc. – Family Health Services
 Upper Hudson Planned Parenthood
 Victims Assistance Services
 Westchester Coalition for Legal Abortion
 Women of Reform Judaism/District 3
 Women's Rights at Work
 Women's Center – Brooklyn College
 Women's City Club of New York
 Youth Empowerment Activists (YEA!)
 YWCA of Binghamton/Broome County