

# WOMEN'S LAW PROJECT

Safeguarding Rights, Creating Opportunities

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December 19, 2011

The President  
The White House  
1600 Pennsylvania Ave.  
Washington, D.C. 20500

Re: The Administration's Decision Regarding Plan B

Dear Mr. President:

We write to you on behalf of the Women's Law Project ("WLP"), an organization long dedicated to helping create a more just and equitable society by advancing the rights and status of all women, including by advocating for women's reproductive health.

The WLP is deeply disappointed with your support of the Department of Health and Human Services' ("HHS") recent decision to reject the recommendation of the Food and Drug Administration ("FDA") to lift the age restriction on Plan B One Step, a decision made by the FDA after a lengthy, careful and thoughtful review of voluminous scientific research and medical data. As you know, FDA Commissioner Margaret Hamburg, M.D. concluded that "there is adequate and reasonable, well-supported, and science-based evidence that Plan B One-Step is safe and effective and should be approved for nonprescription use for all females of childbearing potential." Given the extensive and careful process underlying the recommendation, the overwhelming support for over-the-counter emergency contraception by medical and scientific authorities including the American College of Obstetricians and Gynecologists, the American Academy of Pediatrics, and the Society of Adolescent Health and Medicine, and the almost universal weight and deference typically given to the FDA on such decisions, it is difficult to understand how your administration could support HHS' position, especially in light of your March 2009 pledge that politics would not interfere with scientific decisions in your administration.

By overruling the FDA's decision and taking a position that runs afoul of overwhelming scientific and medical evidence, HHS has imposed a significant and dangerous obstacle in the way of protecting women's health. Our country faces approximately 3.1 million unintended pregnancies each year. Emergency contraception such as Plan B can reduce the risk of pregnancy up to 120 hours after unprotected intercourse or contraceptive failure and is most effective if used within

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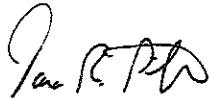
the first 24 hours. Thus, with respect to women younger than 17, the delay involved in requiring the added step of obtaining a prescription undoubtedly will diminish the effectiveness of the drug for those who often need it the most. Young women without insurance or immediate access to a regular health care provider will have difficulty obtaining a prescription. Further, even those who have potential access to a prescription in that limited window of time are forced to engage in a very private and personal discussion with a medical provider, an option that many young women may elect to avoid. Your administration's decision thus severely limits access to a form of safe and effective contraception for a demographic that, despite well-intentioned advice on abstinence by parents, schools, and others, is nevertheless engaging in unprotected sex and is at a high risk of pregnancy. Moreover, there is no evidence to suggest that making emergency over-the-counter contraception available encourages young women to begin having sex at a younger age, or engage in sex with more partners. It is significant to note that rape victims of all ages are particularly in need of greater access to over-the-counter emergency contraception given that many women who are raped do not seek medical care or do not do so in a timely fashion. Finally, current restrictions on access to emergency contraception detrimentally affect even women 17 years and older in light of the extra requirement of having to obtain the behind-the-counter medication from a pharmacist. The FDA's recommended change would have made emergency contraception far more accessible to women of all ages, an important development given the vast number of unplanned pregnancies among women in their twenties and thirties.

Mr. President, the WLP strongly urges you to reconsider your position and take action to protect women's health and ensure that women of all ages have access to safe and effective emergency contraception.

Sincerely,



Carol E. Tracy, Esq.  
Executive Director



Tara R. Pfeifer, Esq.  
Staff Attorney

cc: Secretary Kathleen Sebelius