

Date: March 21, 2022

To: The Washington State Board of Health Members

From: Emily H. Ling

Subject: Petition for New Rule Adoption Prohibiting Amendments to the Daycare or School Requirement that include any product, licensed medical formulation, or disease that does not satisfy the conditions and language of Chapter 246-105 WAC.

Dear Board of Health Members:

I am requesting the WA State Board of Health adopt a new, permanent rule prohibiting the Board from amending the daycare or school requirement to include any product or licensed medical formulation or any disease requiring immunization that does not comply with the language and criteria specified in Chapter 246-105 WAC entitled: Immunization of Childcare and School Children Against Vaccine-Preventable Diseases.

I am requesting this new rule because the WA state Board of Health has assembled a Technical Advisory Group (TAG) to consider the addition of Covid-19 mRNA vaccines to the list of immunizations required for children to attend daycare and school in WA state. It has been established over the past year following the administration of Covid-19 mRNA vaccines to millions of people that Covid-19 is not a vaccine-preventable disease under the current vaccine regimen. The mRNA vaccines do not prevent infection or transmission of all variants of the virus. It is well documented that people vaccinated three times (2 dose regimen + booster) have contracted Covid-19 following vaccination. I am also requesting this new rule because the vaccination requirements for all diseases listed in WAC 246-105-030 allow for proof of acquired immunity in lieu of vaccination. There has been no allowance for proof of natural immunity to Covid-19 in WA state at this time.

This new rule would affect and impact minor children and their parents and guardians in WA State.

The Addendum attached provides a list of resources to support this petition. Please provide adequate time to present more information if requested.

Sincerely,

Emily H. Ling, JD

Addendum

- 1. WAC 246-105-020 (10) states "Full immunization" or "fully immunized" means an immunization status where a child has proof of acquired immunity or has been vaccinated with immunizing agents against each of the vaccine-preventable diseases listed in WAC 246-105-030 according to the national immunization guidelines described in WAC 246-105-040.**

Acquired immunity is divided into two types: active and passive immunity. Active immunity is defined as either natural immunity, where the body makes antibodies after exposure to an infection, or artificial, where the body makes antibodies after receiving a vaccination. WAC 246-105-020 specifically states "vaccinated with immunizing agents" and as a result the description "proof of acquired immunity" is understood to refer to natural immunity by way of infection. Therefore, the plain meaning of 246-105-030 WAC allows for proof of acquired/natural immunity for any disease listed and should be allowed in lieu of vaccination for any disease subsequently added to the code.

- 2. Multiple studies show that natural immunity provides protection against severe Covid-19 reinfection**

SARS-CoV-2 infection induces durable T-cell immunity, which has multiple SARS-Co-V-2 spike protein targets (epitopes) as well as other protein targets. The broad diversity of T-cell viral recognition serves to enhance protection to SARS-CoV-2 variants. A memory B-cell response to SARS-CoV-2 evolves after infection, which is consistent with longer-term protection.

Kojima, Noah, & Klausner, Jeffrey D. Protective Immunity After Recovery from SARS-CoV-2 Infection. *Lancet*. 2022; 22(1):12-14.
[https://www.thelancet.com/journals/laninf/article/PIIS1473-3099\(21\)00676-9/fulltext](https://www.thelancet.com/journals/laninf/article/PIIS1473-3099(21)00676-9/fulltext)

3. Anti-spike antibody levels 20 months after infection in unvaccinated people who recovered from Covid-19 did not differ from anti-spike antibody levels just after Covid-19 infection

Alejo JL, Mitchell J, Chang A, et al. Prevalence and Durability of SARS-CoV-2 Antibodies Among Unvaccinated US Adults by History of COVID-19. *JAMA*. 2022;327(11):1085–1087.
<https://jamanetwork.com/journals/jama/fullarticle/2788894>

4. Covid-19 vaccination is not necessary in previously infected individuals

“Overall, our results indicate that mild infection with SARS-CoV-2 induces robust antigen-specific, long-lived humoral immune memory in humans.”

Turner, J.S., Kim, W., Kalaidina, E. *et al.* SARS-CoV-2 infection induces long-lived bone marrow plasma cells in humans. *Nature* 595, 421–425 (2021).
<https://doi.org/10.1038/s41586-021-03647-4>

5. Demonstration of prolonged immunity regarding memory T and B cells following Covid-19 infection

Dan, Jennifer M., Mateus, Jose, et al. Immunological memory to SARS-CoV-2 assessed for up to 8 months after infection. *Science*. 2021
<https://dx.doi.org/10.1126%2Fscience.abf4063>

6. Policy makers should consider recovery from previous SARS-CoV-2 infection equal to immunity from vaccination for purposes related to entry to public events, businesses, and the workplace, or travel requirements.

Kojima, Noah, & Klausner, Jeffrey D. Protective Immunity After Recovery from SARS-CoV-2 Infection. *Lancet*. 2022; 22(1):12-14.
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