



American
Public Health
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Protect, Prevent, Live Well

August 6, 2009

Re: Docket No. CDC-2008-0001

Division of Global Migration and Quarantine
Centers for Disease Control and Prevention
U.S. Department of Health and Human Services
Attn: Part 34 NPRM Comments
1600 Clifton Road, NE.,
MS E-03
Atlanta, Georgia 30333

On behalf of the American Public Health Association (APHA), the oldest and most diverse organization of public health professionals and advocates in the world dedicated to promoting and protecting the health of the public and our communities, I write to express our strong support for the proposed rule entitled, “Medical Examination of Aliens—Removal of Human Immunodeficiency Virus (HIV) Infection From Definition of Communicable Disease of Public Health Significance.”

For the last 22 years, the U.S. has restricted HIV-positive people from immigrating to the country; restricted HIV-positive immigrants already in the U.S. from attaining permanent resident status; and restricted HIV-positive people from traveling to the U.S. for non-tourism purposes. The U.S. is one of only 12 countries that impose immigration and travel restrictions on HIV-positive persons.

The inclusion of HIV in the definition of communicable diseases of public health significance is unjustifiable on public health grounds. HIV positive immigrants and travelers do not pose a public health risk to the general population because HIV infection cannot be transmitted among individuals through casual contact—it cannot be acquired through air, food or water. Moreover, there is no scientific evidence to support the claim that the restriction is an effective way to prevent the spread of HIV or that it reduces costs to the public healthcare system. Restriction on HIV-positive immigrants and travelers undermines individual and public health by discouraging immigrants and visitors from seeking HIV testing and deterring HIV-positive immigrants from seeking healthcare services, including HIV treatment and counseling. Ultimately, such restrictions can impede the effectiveness of our public health response to HIV and drive HIV prevention and care issues, as well as those living with HIV, underground, with negative outcomes for both individual and public health. Thus, HIV infection should be removed from the definition.

Thank you for your continued efforts to address public health concerns. Please feel free to call on us at any time if you have questions or need additional information.

Sincerely,

Georges C. Benjamin, MD, FACP, FACEP (Emeritus)
Executive Director