



Dear Member of Congress,

As a constituent, I am writing to request that you support the inclusion of a ban on electric shock devices used as behavioral control on people with disabilities in the end of year package.

In June, the House passed an electroshock device ban as part of the Food and Drug Administration (FDA) User Fee legislation¹ and a similar ban was adopted by amendment during the Senate's mark-up for the User Fee legislation. While we were obviously disappointed that the provision was not included in the 5-year extension of the User Fees, the clear bipartisan support for this provision makes the ban an ideal provision to include in the end of year package.

As we and other advocates have explained previously, banning the use of electrical stimulation devices (ESDs) in response to aggressive or self-injurious behaviors is supported by the medical community that specializes in treatment of people with intellectual and developmental disabilities.² ESDs are widely condemned for being ineffective and causing excruciating pain but are often used on children and adults with disabilities. On the basis of clear evidence, the FDA previously determined that these devices present an unreasonable and substantial risk of illness or injury that cannot be corrected or eliminated by labeling. Unfortunately, this prohibition was struck down because of a regulatory technicality. We now need Congress to reinstate the ban and protect people with disabilities.

ESDs are only used by one facility: the Judge Rotenberg Center (JRC) in Canton, Massachusetts. JRC residents may experience painful shocks many times a day (in one case, up to 31 times in seven hours on the same person)³ as "punishment" for behaviors as minor as standing up, swearing, and refusing to take off a coat. Survivors of treatment with ESDs have been diagnosed with post-traumatic stress disorder and report significant anxiety and nightmares associated with the use of the devices⁴.

¹ H.R. 7667, Sec. 811 (passed 392-28, Jun. 6, 2022), <https://www.congress.gov/bill/117th-congress/house-bill/7667>.

² No. 20-1087 JRC v FDA, Brief of Amici Curiae (Jan. 22, 2021), <https://www.iassidd.org/wp-content/uploads/2021/02/As-filed-Amicus-Brief.pdf>.

³ CBS Evening News-Youtube. (2014). Video shows student being shocked. Retrieved November 10, 2022, from <https://www.youtube.com/watch?v=YcxpGKctZMs>.

⁴ Secretary of Health and Human Services, Supplementary Written Public Comments on the Graduated Electronic Decelerator (GED) (n.d.).

Please help end this inhumane practice and help ensure the dignity and safety of people with disabilities by passing the ban in the end of year package.

If your office would like to follow up with us or get more information on the history of electric shock torture devices, please contact Greg Robinson, Deputy Director of Public Policy at grobinson@autisticadvocacy.org. We would be happy to have any follow-up meetings requested by your office.