

# EXHIBIT 4



**THE ASSISTANT SECRETARY OF DEFENSE**

**1200 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1200**

**HEALTH AFFAIRS**

MEMORANDUM FOR ASSISTANT SECRETARY OF THE ARMY (MANPOWER AND  
RESERVE AFFAIRS  
ASSISTANT SECRETARY OF THE NAVY (MANPOWER AND  
RESERVE AFFAIRS  
ASSISTANT SECRETARY OF THE AIR FORCE (MANPOWER  
AND RESERVE AFFAIRS  
DIRECTOR, DEFENSE HEALTH AGENCY

SUBJECT: Mandatory Vaccination of Service Members Using the Moderna and Spikevax  
Coronavirus Disease 2019 Vaccines

On January 31, 2022, the U.S. Food and Drug Administration (FDA) approved the biologics license application (BLA) for the SPIKEVAX coronavirus disease 2019 (COVID-19) mRNA vaccine, made by ModernaTX, Inc. as a two-dose series for prevention of COVID-19 in persons aged 18 years or older. On March 29, 2022, the FDA reissued the letter of Emergency Use Authorization (EUA) for the Moderna COVID-19 vaccine, and stated that “the Moderna COVID-19 Vaccine (supplied in multiple-dose vials with red caps and labels with light blue borders) and Spikevax (COVID-19 Vaccine, mRNA) can be used interchangeably to provide the primary series doses . . . without presenting any safety or effectiveness concerns.”<sup>1</sup> Per FDA guidance, DoD health care providers may use the Moderna COVID-19 Vaccine supplied in multi-dose vials with red caps and labels with a light blue border “distributed under EUA to administer the vaccination series as if the doses were the licensed vaccine.”<sup>2</sup>

Consistent with FDA guidance, DoD health care providers will use both the Moderna COVID-19 Vaccine supplied in multi-dose vials with red caps and labels with a light blue border and the SPIKEVAX COVID-19 vaccine interchangeably for the purpose of vaccinating Service members in accordance with the August 24, 2021, Secretary of Defense Memorandum, “Mandatory Coronavirus Disease 2019 Vaccination of Department of Defense Service Members.”

---

<sup>1</sup> Moderna COVID-19 BLA Letter of Authorization (March 29, 2022).

<sup>2</sup> FDA, “Q&A for Spikevax (COVID-19 Vaccine mRNA),” <https://www.fda.gov/vaccines-blood-biologics/qa-spikevax-covid-19-vaccine-mrna>, accessed [DATE OF SIGNATURE]

Addressees of this memorandum and their authorized representatives may direct any questions or comments to the following email address: [dha.ncr.ha-support.list.policy-hrpo-kmc-owners@mail.mil](mailto:dha.ncr.ha-support.list.policy-hrpo-kmc-owners@mail.mil).

MULLEN, SEILEEN.MARIE.1519853007  
Digitally signed by  
MULLEN, SEILEEN.M  
ARIE.1519853007  
Date: 2022.05.03  
07:32:47 -04'00'

Seileen M. Mullen  
Acting

cc:  
Surgeon General of the Army  
Surgeon General of the Navy  
Surgeon General of the Air Force  
Joint Staff Surgeon