

Appendix B: Statistics Used in This Petition

This Appendix describes the method used to derive several statistics used in this petition. Those statistics are: 1) the total number of abortions that occur in the United States annually for all women and girls; 2) the proportion of women receiving abortions annually in the United States at or before 7 weeks of gestation; 3) the rate at which ectopic pregnancies occur in the United States; 4) the number of pregnancies that occur in the United States in the pediatric population; 5) the number of legal abortions obtained by women age thirty-five and older; and, 6) the number of legal abortions obtained by females 19 and younger. Because statistics vary from year to year, this Appendix averages the last three years of available data. This Appendix rounds to the nearest thousand the figures that describe the quantities of pregnancies or abortions in any particular year. Unless otherwise noted, the data have been obtained from the *Morbidity and Mortality Weekly Report (MMWR)*, which is published by the Centers for Disease Control (CDC).

1. Total Number of Abortions in the U.S. annually. According to the latest CDC Surveillance Summary on abortion, the number of legal abortions in 1997 was 1,186,039; in 1996 – 1,221,585; in 1995 – 1,210,883.¹ Thus, the average number of abortions per year (rounded to the nearest thousand) is approximately 1,206,000.

2. Proportion of Abortions performed at or before 7 weeks of gestation. According to the 1997 Abortion Surveillance, 35.7% of abortions occurred at or before the 7th week of gestation in 1997.² According to the 1996 Abortion Surveillance, 33.8% of abortions occurred at

¹ Centers for Disease Control and Prevention, “Abortion Surveillance – United States, 1997,” *Morbidity and Mortality Weekly Report (MMWR)* 49 (No. SS-11) (Dec. 8, 2000): Table 2 at 19 (“1997 Abortion Surveillance,” previous years will be named similarly).

² 1997 Abortion Surveillance at Table 17 at 42 (17.6% for less than or equal to six weeks; 18.1% for the 7th week only).

or before the 7th week of gestation in 1996.³ According to the 1995 Abortion Surveillance, 32.8% of abortions occurred at or before the 7th week of gestation in 1995.⁴ Thus, the average proportion of abortions that occurs at or before the 7th week of gestation is 34.1%.

3. Ectopic Pregnancy Rate. Ectopic pregnancy is the leading cause of pregnancy-related death during the first trimester. In 1995 CDC released its first report documenting “the incidence of ectopic pregnancy by including information about patients managed and treated on an outpatient basis.”⁵ Previously, CDC tabulated only those ectopic pregnancies treated during a hospitalization. The ectopic pregnancy rate in the United States in 1992 was estimated to be 19.7 per 1000 reported pregnancies based on this new methodology, 2.0% after rounding.⁶ FDA recently confirmed an ectopic pregnancy rate of 2.0%.⁷ This figure, however, is likely to have increased since 1992, the last year for which CDC reported ectopic pregnancy rates.⁸

4. Pregnancy in the Pediatric Population.⁹ Each year in the United States 800-900,000 girls and young women under age 19 become pregnant.¹⁰ CDC states that for girls 14 and under

³ Centers for Disease Control and Prevention, “Abortion Surveillance – United States, 1996,” *Morbidity and Mortality Weekly Report (MMWR)* 48 (No. SS-4) (July 30, 1999): Table 17 at 40 (16.4% for pregnancies less than or equal to six weeks; 17.4% for the 7th week only).

⁴ Centers for Disease Control and Prevention, “Abortion Surveillance – United States, 1995,” *Morbidity and Mortality Weekly Report (MMWR)* 47 (No. SS-2) (July 3, 1998): Table 17 at 66 (15.7% for pregnancies less than or equal to six weeks; 17.1% for the 7th week only).

⁵ Centers for Disease Control and Prevention, “Ectopic Pregnancy – United States, 1990-1992,” *Morbidity and Mortality Weekly Report (MMWR)* 44 (No. 3) (Jan. 27, 1995): at 46-48.

⁶ Centers for Disease Control and Prevention, “Ectopic Pregnancy – United States, 1990-1992,” *Morbidity and Mortality Weekly Report (MMWR)* 44 (No. 3) (Jan. 27, 1995): at 46.

⁷ See FDA, “Mifepristone Questions and Answers” (Apr. 17, 2002) (available at: <http://www.fda.gov/cder/drug/infopage/mifepristone/mifepristone-qa_4_17_02.htm#2>) (“An ectopic pregnancy is any pregnancy that develops outside of the womb. It occurs in 2% of all pregnancies.”)

⁸ The rate of ectopic pregnancies appears to have increased dramatically between 1970 and 1992, which CDC found to be “consistent with the trend in increased prevalence of important risk factors for ectopic pregnancy, including chlamydia and other sexually transmitted infections [note], induction of ovulation, and tubal sterilization [note].” See *id.* at Figure 1 (“Number of ectopic pregnancies – United States, 1970-1992”) and at 47 (“Editorial Note”).

⁹ FDA did not precisely delineate the upper bound of the pediatric population in 21 C.F.R. § 314.55 and the related rulemaking.

there were 26,600 pregnancies in 1995, 25,400 in 1996, and 23,700 in 1997.¹¹ Averaging these three years, there are 25,200 pregnancies per annum in the United States among girls under age 15.¹²

According to CDC, among girls age 15 through 17 there were 342,100 pregnancies in 1995, 332,500 in 1996, and 321,300 in 1997.¹³ Averaging these three years, there are approximately 332,010 pregnancies per annum in the United States for girls age 15 through 17. If one defines the pediatric population as comprising all individuals under age 18, then there were 357,200 pregnancies per year from 1995-1997.¹⁴

CDC does not break down pregnancy figures for each year within the 15-17 range. CDC abortion statistics, however, can form a basis for extrapolating the number of pregnancies among girls age 15, 16, and 17. In 1997 girls age 15 obtained 6.8 percent, girls age 16 obtained 12.4 percent, and girls age 17 obtained 18.0 percent of all abortions performed on females age nineteen and under.¹⁵ Assuming that the proportion of pregnancies among 15, 16 and 17 year olds corresponds to the proportion of girls obtaining abortions in that age group in 1997,¹⁶ there were approximately 60,760 pregnancies among girls age 15, 110,560 among girls age 16, and 160,690 among girls age 17.

¹⁰ Centers for Disease Control and Prevention, "National and State-Specific Pregnancy Rates among Adolescents – United States, 1995-1997," *Morbidity and Mortality Weekly Report (MMWR)* 49 (No. 27) (July 14, 2000): at 605-611, 605.

¹¹ *Id.* at Table 1 at 606.

¹² This Appendix will follow the convention employed by CDC of rounding to the nearest 100.

¹³ *Id.* at Table 1 at 606.

¹⁴ That is: 25,200 (14 and under) + 332,200 (ages 15-17) = 357,400 pregnancies per annum (ages 17 and under).

¹⁵ Centers for Disease Control and Prevention, "Abortion Surveillance – United States, 1997," *Morbidity and Mortality Weekly Report (MMWR)* 49 (No. SS-11) (Dec. 8, 2000): Table 5 at 25-26 ("Reported legal abortions obtained by adolescents, by known age and state of occurrence – selected states, United States, 1997"). The numbers in this table reflect data collected in 44 states and the District of Columbia.

¹⁶ This would constitute a ratio of 6.8: 12.4: 18.0 or 18.3% (age 15): 33.3% (age 16): 48.4% (age 17).

Therefore, if the pediatric population is limited to girls age 15 and under, there were approximately 85,960 pregnancies per year from 1995-1997.¹⁷ If girls age 16 are included, there were approximately 196,520 pregnancies among the pediatric population per year from 1995-1997.¹⁸ Finally, if the pediatric population encompasses all individuals age 17 and under, then there were approximately 357,210 pregnancies per year from 1995-1997 in the United States.¹⁹

5. Legal Abortions Obtained by Women Thirty-five and Older. According to recent CDC Surveillance Summaries on abortion, the number of legal abortions obtained by women age 35 and older in 1997 was 86,704;²⁰ in 1996 – 87,787;²¹ and, in 1995 – 79,550.²² Thus, the average number of abortions per year performed on women 35 and older is approximately 84,680.

6. Legal Abortions Obtained by Females 19 and Younger. According to the U.S. Census Bureau, the number of induced abortions in females age 19 years and younger was 274,000 in 1996, 275,000 in 1995, and 288,000 in 1994.²³ Thus, the average number of abortions per year performed on females age 19 years and younger is approximately 279,000.

¹⁷ That is: 25,200 (14 and under) + 60,760 (age 15) = 85,960 pregnancies per annum (ages 15 and under).

¹⁸ That is: 85,960 (15 and under) + 110,560 (age 16) = 196,520 pregnancies per annum (ages 16 and under).

¹⁹ That is: 25,200 (14 and under) + 332,010 (ages 15-17) = 357,210 pregnancies per annum (ages 17 and under).

²⁰ See 1997 Abortion Surveillance, Table 4 at 24 (65,908 abortions to women age 35 to 39 + 20,796 abortions to women 40 and older).

²¹ See 1996 Abortion Surveillance, Table 4 at 22 (67,092 abortions to women age 35 to 39 + 20,695 abortions to women 40 and older).

²² See 1995 Abortion Surveillance, Table 4 at 47 (61,052 abortions to women age 35 to 39 + 18,498 abortions to women 40 and older).

²³ See U.S. Census Bureau, *Statistical Abstract of the United States: 2001*, Table 85 at 68.