HENRY A. WAXMAN, CALIFORNIA
CHAIRMAN

TOM DAVIS, VIRGINIA
RANKING MINORITY MEMBER

ONE HUNDRED TENTH CONGRESS

Congress of the United States
House of Representatives
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
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July 31, 2007

The Honorable Henry Waxman
Chairman
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

I am writing to request the Committee on Oversight and Government Reform investigate, and if necessary convene a hearing, to examine the adequacy and effectiveness of the security and regulatory regimes governing facilities handling dangerous biological pathogens. The integrity of Biosafety Level 3 and 4 (BSL) laboratory procedures, particularly reports of breaches and releases, is emerging as a critical national and homeland security issue.

Prior to September 11th and the 2001 anthrax attacks, few BSL 3 and 4 labs operated in the U.S. Following those events, however, federal policy and resources have supported construction of additional biosafety facilities.[1] Federal grants have also increased to scientists studying pathogens of potential interest to terrorists. These increases raise issues of the adequacy of current regulations and enforcement mechanisms. The proliferation of biosafety facilities also raises issues of security as it amplifies the risk of accidental or pernicious releases of lethal pathogens and toxins.

For example, Texas A&M University (TAMU) had two lab accidents in early 2006 resulting in exposure of staff to highly pathogenic agents, *Brucella* and *Coxiella burnetti*.[2] However, TAMU did not notify the CDC about these accidents until over a year later. All BSL 3 and 4 labs are required, under federal guidelines, to report to CDC any accidents, exposure, or confirmed illnesses in workers. On June 30, 2007, CDC sent TAMU a letter ordering the lab to stop work on all select agents and toxins until its investigation is completed.[3]

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[1] See, Homeland Security Act of 2002, Title III, Section 303
[2] Center for Infectious Disease Research & Policy News, *CDC Suspends Work at Texas A&M Biodefense Lab* (Jul. 3, 20007)
[3] Letter from Centers for Disease Control and Prevention Director Julie Gerberding, M.D. to Dr. Richard Ewing, Responsible Official, Texas A&M University (Jun. 30, 2007)

Another incident of concern occurred recently on the CDC campus. In June, a lighting storm disrupted power to a CDC bioterrorism defense lab causing air ventilation systems, used to protect staff from harmful pathogens, to shut down. Scientists were forced to preserve their research by using limited battery power because the backup generators failed to work.[4] Although no injuries were reported, it is alarming that a BSL 3 lab lacks an effective backup power system. Recently obtained documents by the Atlanta Journal-Constitution indicate agency officials were aware, as early as 2000, that the configuration of generators provided little protection during power outages.[5]

These recent incidents at TAMU and the CDC warrant Committee oversight and raise important questions. Do appropriate controls exist to minimize the risk of accidents in BSL 3 and 4 labs? Are adequate safeguards and accountability systems required by federal guidelines? Are these guidelines enforceable? A bipartisan investigation and hearing would give the Committee the opportunity to explore answers to these questions with federal officials and scientists.

Additionally, the Government Accountability Office, at the request of former National Security Subcommittee Chairman Shays, has been studying issues raised by construction of additional BSL 3 and 4 labs and whether appropriate controls are in place to minimize the potential for accidents. GAO has indicated they will be able to provide testimony on that work this Fall. I believe it is important to continue the work this Committee initiated on biosecurity issues. Your consideration of this request is appreciated and I stand ready to answer any questions you might have.

Sincerely,

Tom Davis
Ranking Republican Member

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[4] Atlanta Journal-Constitution, *Emails Outline CDC Backup Power Fails* (Jul. 24, 2003)
[5] Atlanta Journal-Constitution article 07.24.07