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ONE HUNDRED TENTH CONGRESS

U.S. House of Representatives
Committee on Energy and Commerce
Washington, DC 20515-6115

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CHAIRMAN

April 29, 2008

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The Honorable Collin C. Peterson
Chairman
Committee on Agriculture
U.S. House of Representative
Washington, D.C. 20515

The Honorable Bob Goodlatte
Ranking Member
Committee on Agriculture
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Peterson and Ranking Member Goodlatte:

We understand that the House-Senate Joint Conference Committee on H.R. 2419 (the Farm bill) may be close to agreement on the major provisions of this important legislation. Among the unresolved issues, however, are provisions contained in Section 11016 of the Senate version of the bill and in Section 7108 of the House version that would provide for the transfer of live virus of foot-and-mouth disease from the animal disease research laboratory on Plum Island, N.Y., to the mainland United States. These proposals are highly controversial, yet neither has been the subject of hearings nor open debate.¹ Decisions on these issues could have grave implications for the livestock industry and for the national economy. It is for this reason that we write to urge you to drop both the House and the Senate provisions until such time as these matters can be fully examined and debated.

By way of background, for more than 50 years the Federal Government has conducted animal disease research on Plum Island under the U.S. Department of Agriculture (USDA). In 2003, Plum Island was transferred from USDA to the Department of Homeland Security (DHS), while the research staff continued to be employed by USDA. *The majority of the research at Plum Island is concentrated on foot-and-mouth disease, one of the most contagious animal viruses in the world.*

The lab was originally sited on Plum Island to isolate foot-and-mouth disease from the mainland. Our investigation shows that this has been a very successful strategy, as foot-and-mouth disease has never escaped from the island, despite at least one instance in which it was accidentally released from the laboratory building.

¹Although an administration bill addressing similar issues, H.R. 1717, was considered in markup last year by the House Committee on Homeland Security, no committee report has ever been filed, and the single hearing held on the bill featured only Administration witnesses.

The isolation of foot-and-mouth disease on Plum Island was further ensured by a Federal statute enacted many years ago, which prohibits research on foot-and-mouth anywhere in the U.S. except on Plum Island, unless the Secretary of Agriculture finds it is both necessary and in the public interest to move it elsewhere (21 U.S.C. 113a).

DHS now wants to eliminate this protection and take over research on foot-and-mouth disease and other dangerous animal and zoonotic diseases. To accomplish this, Section 11016 of the Senate version of the bill *directs* the Secretary of Agriculture to do what no previous Secretary has ever done—issue a permit to DHS at its own discretion to transfer foot-and-mouth disease from Plum Island to the mainland United States.

DHS intends to transfer foot-and-mouth disease to a new lab it proposes to build on the mainland U.S., to be called the National Bio and Agro-Defense Facility (NBAF). The NBAF would be the world's largest animal disease research center, and include the world's largest Biosafety Level-4 laboratory (BSL-4). BSL-4 labs handle the most deadly diseases for which there is no cure.

There is a serious question as to whether DHS has the expertise, understanding, and technical capability for conducting animal disease research, especially on this scale. The stakes are not small—as you are aware, foot-and-mouth disease is among the most highly contagious animal diseases in the world. The 2001 outbreak of foot-and-mouth disease in the United Kingdom caused at least \$16 billion in damage, devastated the economy, and nearly brought down the government. Experts in the U.S. estimate that a similar release in the U.S. would be even more destructive.

The Committee on Energy and Commerce and its Subcommittee on Oversight and Investigations are investigating these and related issues as part of a series of hearings on the proliferation of bio-research laboratories. The Subcommittee is holding a hearing on May 22, 2008, to examine these and related issues:

- Has DHS given adequate consideration to the hazards of shutting down Plum Island and transferring foot-and-mouth disease to the mainland?
- Can foot-and-mouth disease and other exotic animal disease research be carried out safely in bio containment facilities on the mainland?
- What are the views of the livestock industry about the plan to transfer foot-and-mouth disease research to the mainland?
- Have the direct and indirect costs of shutting down Plum Island and building the NBAF on the U.S. mainland been fully considered?

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- Is there an agricultural need for a BSL-4 lab at the NBAF?
- Is the NBAF site-selection process being conducted fairly?
- Does DHS have adequate experience and expertise to lead Federal research on dangerous animal diseases, or should that responsibility more properly reside with USDA?

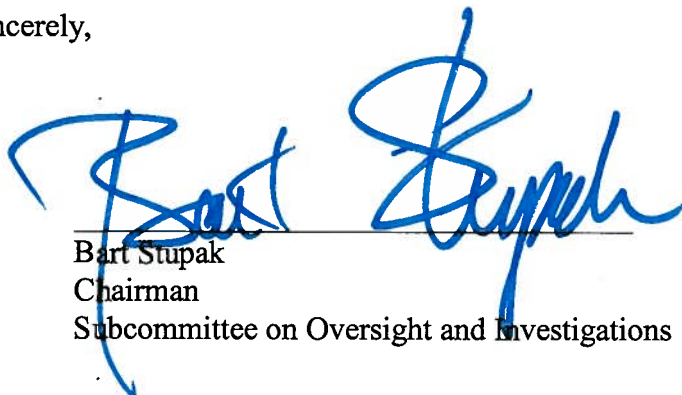
We believe these issues should be thoroughly examined before the proposal to transfer foot-and-mouth disease to the mainland is permitted. As part of our investigation, we have sent detailed requests for information and records pertaining to this matter to DHS and USDA. Moreover, we have sent letters to more than 100 livestock associations asking for their views on the issue of transferring foot-and-mouth disease research to the mainland, along with research on other animal diseases.

We recommend that you reject provisions in H.R. 2419 that would require the transfer of foot-and-mouth disease to the mainland until such time that DHS and USDA, at a minimum, have performed the necessary risk and consequence assessments, explained why it is necessary and in the public interest to move foot-and-mouth disease and other dangerous animal viruses to the mainland, and performed the necessary environmental impact studies.

Sincerely,



John D. Dingell
Chairman



Bart Stupak
Chairman
Subcommittee on Oversight and Investigations

cc: The Honorable Joe Barton, Ranking Member
Committee on Energy and Commerce

The Honorable John Shimkus, Ranking Member
Subcommittee on Oversight and Investigations

All House conferees to H.R. 2419