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ONE HUNDRED EIGHTH CONGRESS

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

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November 18, 2004

BUD ALBRIGHT, STAFF DIRECTOR

The Honorable Tommy G. Thompson  
Secretary  
U.S. Department of Health and Human Services  
200 Independence Avenue, S.W.  
Washington, DC 20201

Dear Secretary Thompson:

As part of its continuing oversight of matters of public health, the Committee is examining issues surrounding the recent loss of nearly half of the flu vaccine needed by the United States this year as a result of contamination at the Liverpool, UK manufacturing facility of Chiron Corporation ("Chiron"). We are deeply troubled by this sudden shortage of U.S. supplies of flu vaccine.

Of particular concern is the question of whether Chiron and/or the U.S. Government had sufficient notice from available evidence to take additional steps to safeguard against this sudden shortage. According to news reports, in late August 2004, Chiron discovered bacterial contamination in its Liverpool UK plant where it makes Fluvirin, the commercial name of the flu vaccine on order from the U.S. The U.S. Food and Drug Administration ("FDA") learned of the situation shortly after its discovery and coincidentally had a team at Chiron at the time on another matter and they were able to begin a review of the issue. This was not the first time, however, that the FDA had encountered problems at this Chiron facility. In June 2003, shortly after Chiron purchased the Liverpool plant, the FDA conducted an inspection of the site and found quality-control problems and contamination at an early stage of the production process, but these issues were reportedly resolved.

Another question of interest is whether Chiron and the U.S. Government should have taken immediate steps when the contamination came to light to ascertain better the precise scope of the problem and to react more effectively to protect the public health. On August 26, 2004, Chiron publicly disclosed its discovery of contamination of some flu vaccine lots and shortly thereafter received inspectors from the UK Medicines and Healthcare products Regulatory Agency ("MHRA") to assess the situation. MHRA

suspended Chiron's license on October 5, 2004, thereby revealing more widespread contamination of the vaccine lots. It is our understanding that the U.S. Government has claimed that it was not aware of the more widespread contamination until about the time the MHRA took action in early October 2004.


The safety and availability of the medicines needed for public health in the U.S. are of paramount concern to this Committee and, as such, we request that, pursuant to Rules X and XI of the U.S. House of Representatives, you provide us the information requested below by Wednesday, December 1, 2004:

1. All records relating to shortages of flu vaccine or contingency planning in the event of shortage of flu vaccine since January 1, 2000.
2. All records relating to influenza pandemic readiness since January 1, 2000.

Please note that, for purposes of responding to this request, the terms "records" and "relating" should be interpreted in accordance with the attachment to this letter. If you have any questions about this matter, please contact either Anthony M. Cooke of the Majority Committee Staff at (202) 226-2424, or Chris Knauer of the Minority Committee Staff at (202) 226-3400.

Sincerely,

  
\_\_\_\_\_  
Joe Barton  
Chairman

  
\_\_\_\_\_  
John D. Dingell  
Ranking Member

Attachment

## ATTACHMENT

1. The term "records" is to be construed in the broadest sense and shall mean any written or graphic material, however produced or reproduced, of any kind or description, consisting of the original and any non-identical copy (whether different from the original because of notes made on or attached to such copy or otherwise) and drafts and both sides thereof, whether printed or recorded electronically or magnetically or stored in any type of data bank, including, but not limited to, the following: correspondence, memoranda, records, summaries of personal conversations or interviews, minutes or records of meetings or conferences, opinions or reports of consultants, projections, statistical statements, drafts, contracts, agreements, purchase orders, invoices, confirmations, telegraphs, telexes, agendas, books, notes, pamphlets, periodicals, reports, studies, evaluations, opinions, logs, diaries, desk calendars, appointment books, tape recordings, video recordings, e-mails, voice mails, computer tapes, or other computer stored matter, magnetic tapes, microfilm, microfiche, punch cards, all other records kept by electronic, photographic, or mechanical means, charts, photographs, notebooks, drawings, plans, inter-office communications, intra-office and intra-departmental communications, transcripts, checks and canceled checks, bank statements, ledgers, books, records or statements of accounts, and papers and things similar to any of the foregoing, however denominated.
2. The terms "relating," "relate," or "regarding" as to any given subject means anything that constitutes, contains, embodies, identifies, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.