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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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September 20, 2007

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GREGG A. ROTHSCHILD, CHIEF COUNSEL

The Honorable Charles F. Conner
Acting Secretary
U.S. Department of Agriculture
1400 Independence Avenue, S.W.
Washington, D.C. 20250

Dear Acting Secretary Conner:

Under Rules X and XI of the Rules of the United States House of Representatives, the Committee on Energy and Commerce and its Subcommittee on Oversight and Investigations are investigating the management, operation, and activities of the Department of Homeland Security's (DHS's) Plum Island Animal Disease Center (PIADC), including the recent proposal by DHS to close the PIADC and relocate its operations to a new facility, to be called the National Bio and Agro-Defense Facility (NBAF). The Committee has jurisdiction over interstate and foreign commerce generally, public health and quarantine, biomedical programs and health protection in general, food safety, drug safety, environmental protection, and the homeland security-related aspects of the foregoing.

The Plum Island research facility has been in operation for more than 50 years, the majority of that time owned and managed by the U.S. Department of Agriculture (USDA). In June 2003, operational responsibility for the PIADC was transferred to DHS, while the research staff continued to be employed by USDA. It is the Committee's understanding that the majority of the research at Plum Island has been concentrated on foot-and-mouth disease (FMD), which, as you know, is highly contagious. Research has also been conducted on classical swine fever, African swine fever, and other diseases.

The PIADC was originally sited on Plum Island due to concerns that an accidental release of the extraordinarily hazardous viruses and other diseases handled at that facility would pose a serious threat to animal health and, in some cases, human health and the environment. The natural barrier of water surrounding the island, along with its remoteness at the far end of Long Island, New York, were perceived as, and have apparently been successful over the last 50 years,

an effective buffer zone between Plum Island research and farming activities in the rest of the country.

There is no doubt that a release of FMD or swine fever could be devastating to the livestock industry in the United States. The 2001 outbreak of FMD in the United Kingdom resulted in the destruction of millions of cattle and sheep and cost more than \$16 billion. The 2007 U.K. outbreak was identified and isolated almost immediately, so its economic effects were limited. This incident, however, illustrates how easily the disease can spread from a government research facility located in a farming community on the mainland of England.

We are concerned that inadequate consideration may have been given to the hazards of shutting down the Plum Island PIADC and transferring its operations—and the live virus stored there—to the interior of the United States. We are also concerned that the direct and indirect costs of this proposal may have not have been fully considered.

To aid in our investigation, please provide the following information and records:

1. Does USDA agree with the DHS proposal to close the Plum Island PIADC and transfer its operations elsewhere?
2. Please provide copies of all records, including memoranda, reports, studies, etc., dated January 1, 2002, or later, whether draft or final, discussing whether Plum Island should be closed and/or relocated.
3. Has an assessment been conducted that reviewed the need for the closure, expansion, or replacement of the PIADC? If so, please provide a copy.
4. Plum Island covers some 840 acres of land. If there is a need to expand the PIADC facilities at Plum Island, is there enough room at Plum Island to accommodate that expansion?
5. Please provide a detailed description of USDA's role in the planning, construction, and operation of the proposed NBAF.
6. The scientific research conducted at the Plum Island PIADC typically requires highly trained professionals. Please provide a list of researchers employed at the PIADC, with names omitted, showing the education level, field of expertise, and pay grade/compensation rate for each.
7. Closing the PIADC and transferring its functions to the new NBAF would require the transfer of the current research staff to the new location. Experience at other government laboratories shows that a large number of such personnel would be unable

or unwilling to relocate, thus causing a substantial loss in expertise and continuity of operations. Has USDA estimated the number of researchers who would be likely to refuse a transfer from Plum Island? Please provide copies of any such analysis.

8. Please provide copies of all records pertaining to the need for and cost of environmental cleanup at Plum Island.
9. How many people are employed by USDA at Plum Island?
10. Have any outside contractors been involved in proposing, analyzing, or planning the closing of the Plum Island PIADC or the establishment of the NBAF? If so, please provide their names and roles.
11. Please provide a description of all renovations and new construction carried out at Plum Island in the past 10 years. Please provide detailed cost data by year for each of the past 10 years on the cost of such renovations and new construction.
12. Classical swine fever and African swine fever could be devastating to the swine populations of the United States. Yet, apparently, swine fever research at Plum Island has been severely curtailed in recent years. Why has swine fever research at Plum Island been virtually eliminated? Please provide copies of all records since January 1, 1997, regarding the decision to reduce swine fever research at Plum Island.
13. Has USDA been contacted by members of the agricultural and livestock industries regarding the proposal to close Plum Island and transfer FMD and other livestock disease research to another facility in the United States? If so, please provide copies of all records pertaining to such contacts.
14. Under Federal law (7 USC 113a), no live virus of foot-and-mouth disease may be introduced for any purpose into any part of the mainland of the United States without the express permission of the Secretary of Agriculture, who must find that it is both necessary and in the public interest. Has the Secretary granted such permission at any time in the last 10 years? If so, please provide a list of all such instances.
15. Do you intend to grant permission for the transfer of live virus of foot-and-mouth disease from the PIADC to a new location on the mainland United States, if the PIADC is closed?
16. The PIADC includes a biosafety level 3 (BSL-3) laboratory. Please identify the types of research currently being performed in this BSL-3 laboratory and which have been performed at any time since January 1, 1997.

The Honorable Charles F. Conner
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17. It is our understanding that DHS plans to construct a BSL-4 laboratory as part of the new NBAF. In your opinion, is a BSL-4 laboratory needed at either Plum Island or at the proposed NBAF to conduct research on plant and animal disease? Please provide copies of any analysis that has been performed on this issue.

Please deliver the requested information and records to the Subcommittee on Oversight and Investigations of the Committee on Energy and Commerce, room 316 Ford House Office Building, no later than the close of business on October 2, 2007.

In responding to this request, please be advised that the terms "records" and "relating to" are defined in the attachment to this letter.

If you elect to assert a privilege or objection to the production of the foregoing records or information, please provide a privilege log fully identifying each record withheld and the legal basis asserted for withholding the record from a congressional committee of competent jurisdiction.

If you have any questions regarding this request, please contact us or have your staff contact John Arlington, Senior Investigative Counsel with the Committee on Energy and Commerce staff, at (202) 226-2424.

Sincerely,



John D. Dingell
Chairman



Bart Stupak
Chairman
Subcommittee on Oversight and Investigations

Attachment

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

The Honorable Ed Whitfield, Ranking Member
Subcommittee on Oversight and Investigations

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," or "relate" 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.