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August 13, 2007

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The Honorable Michael O. Leavitt
Secretary
Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Secretary Leavitt:

I am writing to request that you expedite departmental cooperation with the Government Accountability Office's (GAO's) comprehensive evaluation of the "Risks associated with the proliferation of biosafety level (BSL) 3 and 4 laboratories and the strategies used to minimize the risks" (Job Code 460579).

Prior to September 11, 2001, and the 2001 anthrax attacks, few BSL 3 and 4 labs operated in the United States. Following those events, however, Federal policy and resources have supported construction of additional biosafety level 3 and 4 labs. Federal grants have also increased to scientists studying pathogens of potential interest to terrorists. These increases raise issues of the adequacy of current safeguards, including regulations and enforcement mechanisms.

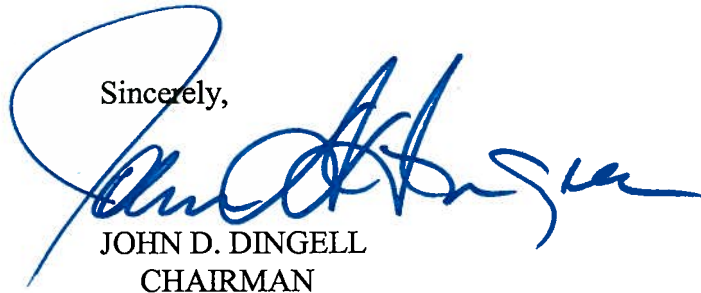
Two recent incidents underscore the importance of this issue. The first incident involved Texas A&M University (TAMU), which had two lab accidents in early 2006 resulting in exposure of staff to two pathogens, *Brucella* and *Coxiella burnetti*. TAMU did not report to the Centers for Disease Control and Prevention (CDC), until recently. This is contrary to the regulations, which require all BSL 3 and 4 labs to report to CDC all incidents of exposure or confirmed illness in workers. The second incident involved CDC. In June, a lighting storm disrupted power to a CDC BSL 4 lab causing air ventilation systems, used to protect staff from harmful pathogens, to shut down. Although no injuries were reported, it is alarming that a BSL 4 lab lacked a back up ventilation system.

The Honorable Michael O. Leavitt
Page 2

At my request, GAO is gathering information regarding these two incidents, as well as on broader objectives of the request outlined above. I want to make sure that the Department of Health and Human Services fully understands the urgency appropriate to this issue. I have asked that GAO notify my staff promptly if they encounter any undue delay in gaining lawful access to records (including documents and e-mails), facilities, and personnel, or if GAO otherwise perceives that it confronts any "external impairments" as defined in *Government Accounting Standards*, January 2007 Revision.

I have also asked GAO to notify Committee staff of all meeting and record requests, so that the Committee can help expedite this investigation. If you have any questions, please contact me or have your staff contact John Arlington or John Sopko with the Committee on Energy and Commerce staff at (202) 226-2424.

Sincerely,



JOHN D. DINGELL
CHAIRMAN

cc: The Honorable Bart Stupak, Chairman
Subcommittee on Oversight and Investigations

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

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

Julie Louise Gerberding, M.D., M.P.H., Director
Centers for Disease Control and Prevention

Anthony S. Fauci, M.D., Director, NIAID
National Institutes of Health

The Honorable David M. Walker, Comptroller General
U.S. Government Accountability Office

Eddie J. Davis, Ph.D., Interim President
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