

U.S. HOUSE OF REPRESENTATIVES  
COMMITTEE ON SCIENCE AND TECHNOLOGY

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September 19, 2008

The Honorable James Peake  
Secretary, Department of Veterans Affairs  
810 Vermont Avenue, N.W.  
Washington, D.C. 20420

Dear Secretary Peake:

Last week, the Subcommittee on Investigations and Oversight held a hearing on the destruction of an irreplaceable collection of *legionella* and other infectious bacteria and environmental specimens by high-ranking officials of the Veterans Affairs Pittsburgh Healthcare System (VAPHS).<sup>1</sup> The specimens were housed in the Special Pathogens Laboratory (SPL), which was abruptly closed in July of 2006 by those same officials.

One of the witnesses at that hearing was Dr. Janet Stout, an internationally recognized *legionella* researcher and microbiologist and the former director of the SPL. The testimony of Dr. Stout concerning the events that led up to the destruction of that collection contradicted the testimony of several VA officials.

Two days after our hearing and Dr. Stout's testimony, Terry G. Wolf, the VAPHS director, issued a directive banning Dr. Stout from the VAPHS premises "without prior approval" of Ms. Wolf's office. Mr. Wolf gave no reason for the directive, which she sent to the VAPHS chief of police, the human resources office, and Dr. Mona Melhem, the VAPHS official who ordered the destruction of the collection, and a witness before the Subcommittee. Ms. Wolf apparently intends that Dr. Stout be physically restrained by the police if she enters the public areas of the VAPHS.

This directive appears to be punishment for Dr. Stout's appearance before this Committee. This subcommittee does not tolerate such retaliation by a federal agency against a witness of a subcommittee hearing. Therefore, by this letter, we are requesting that you provide the following records, as defined in the Attachment, to the Committee:

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<sup>1</sup> "How the Lack of a Coherent Policy Allowed the Veterans Administration to Destroy An Irreplaceable Collection of Legionella Samples," Subcommittee on Investigations and Oversight, Committee on Science and Technology, U.S. House of Representatives, Sept. 9, 2008.

1. All records relating to the e-mail dated September 11, 2008, and entitled "Janet Stout, MD"<sup>2</sup> from Director Terry Wolf to Walter Grimm, Dr. Melhem and Bonnie Graham (cc:'d to Dr. Ravij Jain, John Jack Crawford, Marie Colosimo, Maureen Sagrati and Ruth Morsillo) (copy attached). This should include any determinations made as to the basis for the directive in this e-mail and any opinion on the legality of this action.
2. All records relating to the implementation of this e-mail, including any instructions or guidance to the VAPHS security officers.
3. All records relating to any effort by the VAPHS to notify Dr. Stout that she has been denied access to VAPHS premises, the reason for that action, how it will be enforced, and the length of the ban.
4. A list of all employees to whom the e-mail was distributed.
5. All records relating to current procedures used to deny access to VAPHS premises by employees, former employees or members of the public.
6. A list of all previous denials of access to VAPHS premises by employees, former employees or members of the public, including the dates and description of the reasons for those denials.

In addition, please answer the following question:

Are incoming and outgoing electronic mail messages at the VAPHS being monitored to track whether any of those messages are being received from or sent to Dr. Janet Stout or Dr. Victor Yu or anyone employed in the Special Pathogens Laboratory? If so, please provide the name of the person who ordered the monitoring, the basis for that order and with whom the occurrence and/or the contents of those electronic messages are shared.

Please provide these records to the Subcommittee offices in Rm. B-374, Rayburn House Office Building, by Friday, September 26, 2008, at 5 p.m. If your staff has any questions, please contact Dan Pearson, Subcommittee staff director, at (202) 225-4494, Edith Holleman, Subcommittee counsel, at (202) 225-8459, or Tom Hammond, minority staff, at (202) 226-2177.

Your prompt attention to this matter is appreciated.

Sincerely,



BRAD MILLER  
Chairman  
Investigations and Oversight  
Subcommittee



DANA ROHRBACHER  
Member  
Investigations and Oversight  
Subcommittee

<sup>2</sup> Dr. Stout is not a medical doctor, but has a Ph.d in infectious disease microbiology.

Cc: Rep. F. James Sensenbrenner, Jr.  
Ranking Member  
Investigations and Oversight Subcommittee

**From:** Sinay, Lisa A on behalf of DeRubertis, Frederick R  
**Sent:** Friday, September 12, 2008 3:37 PM  
**To:** VHAPTH MSSSL  
**Subject:** FW: Medicine

FYI

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**From:** Jain, Rajiv (Pittsburgh)  
**Sent:** Friday, September 12, 2008 2:03 PM  
**To:** DeRubertis, Frederick R  
**Subject:** FW: Medicine

Fred:  
Please notify appropriate staff and providers in your area also...thanks

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**From:** Gerigk Wolf, Terry  
**Sent:** Thursday, September 11, 2008 10:58 AM  
**To:** Grimm, Walter G; Melhem, Mona F; Graham, Bonnie S  
**Cc:** Jain, Rajiv (Pittsburgh); Crawford, John Jack; Colosimo, Marie A; Sagrati, Maureen; Morsillo, Ruth R  
**Subject:** Janet Stout, MD

Janet Stout, MD is a former employee who no longer has any business or affiliation with VA. I have recently learned that she has been seen on VA premises, and that she still receives mail here. Both practices must be terminated immediately.

For purposes of clarification, Janet Stout should not be afforded access to VAPHS without prior approval of my office. And, any mail or packages addressed to Janet Stout should be refused and/or returned to sender.

Please let me know if you have any questions, or if there is any ambiguity regarding the above.

*Terry Gerigk Wolf*

Director  
VA Pittsburgh Healthcare System  
412-688-6100

## 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.