

ONE HUNDRED FOURTEENTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115

Majority (202) 225-2927
Minority (202) 225-3641

May 28, 2015

The Honorable Ashton Carter
Secretary
Department of Defense
The Pentagon 20301-1155

Dear Secretary Carter:

The Energy and Commerce Committee has jurisdiction over public health, and the federal select agent program overseen by the Centers for Disease Control and Prevention (CDC) and the US. Department of Agriculture (USDA). This committee has had a longstanding interest in the adequacy of federal select agent oversight, and held hearings last July on this topic.

We are troubled by the Department's recent admission that there was an "inadvertent transfer of samples containing live *Bacillus anthracis*,"¹ or anthrax (a federal select agent), that took place at an unspecified time from a U.S. defense department laboratory in Dugway, Utah to a lab in Maryland. Samples from the same batch were sent to eight other states and one sample to South Korea. Further, the department has said that 22 people at Osan Air Base in South Korea may have been exposed and were given medical treatment.

The batch of anthrax sent from Dugway to the lab in Maryland should have been exposed to gamma radiation to render it inert. However, the civilian, commercial lab in Maryland reportedly later found that the sample contained live spores, and the Dugway lab confirmed that the remaining half of the batch of anthrax was still live.

The Department's inadvertent transfer of live anthrax samples, just like similar incidents at the CDC last year, raises serious safety concerns about the sufficiency of inactivation protocols and procedures for studying dangerous pathogens. For that reason, the committee sent a request to the GAO on May 7, 2015 to examine how such decisions and judgments about adherence to inactivation and attenuation protocols are made in the U.S.

¹ Spencer Ackerman, "Anthrax: Pentagon accidentally sent bioweapon to as many as nine states," the guardian, May 28, 2015, <http://www.theguardian.com/us-news/2015/may/27/pentagon-live-anthrax-accident>

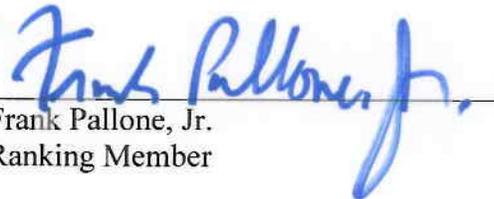
Given the committee's jurisdiction over public health and the federal select agent program, and pursuant to Rules X and XI of the U.S. House of Representatives, we request that the Department provide a briefing by June 5, 2015 to the committee staff on the details and circumstances surrounding the transfer of live anthrax samples.

If you have any questions regarding this request, please contact Alan Slobodin of the majority committee staff at (202) 225-2927 and Chris Knauer of the minority committee staff at (202) 225-3641.

Sincerely,



Fred Upton
Chairman



Frank Pallone, Jr.
Ranking Member



Tim Murphy
Chairman
Subcommittee on
Oversight and Investigations



Diana DeGette
Ranking Member
Subcommittee on
Oversight and Investigations