

ONE HUNDRED THIRTEENTH 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

July 28, 2014

Dr. Thomas Frieden  
Director  
Centers for Disease Control and Prevention  
1600 Clifton Road  
Atlanta, GA 30333

Dear Dr. Frieden:

Pursuant to Rules X and XI of the U.S. House of Representatives, the committee continues its examination of select agent handling at the Centers for Disease Control and Prevention (CDC). We appreciated your participation and testimony at the hearing last week. The committee seeks prompt clarification with regard to certain issues that arose during the hearing.

To assist the committee's inquiry, please respond to the following questions and provide the following documents and information by August 15, 2014:

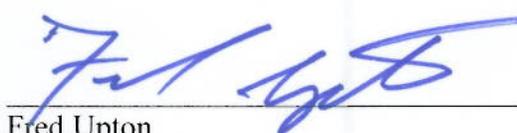
1. Does the CDC leadership accept responsibility for the lax safety culture which exists within CDC?
2. The corrective actions announced by CDC on July 11, 2014, are largely similar to steps the agency pledged it would take in response to previous safety lapses and/or mismanagement, including steps you outlined in a letter to us on September 4, 2012. Were any of these steps implemented, in whole or in part, following your 2012 letter? If not, why not? If so, were these previous corrective actions ineffective?
3. Do the results of the 2013 and 2014 APHIS inspections of CDC labs, especially those in Building 18 including the bioterrorism lab, indicate that the CDC methods and systems to ensure biosafety are not adequate?
4. In 2010, the HHS Office of Inspector General made a recommendation regarding CDC confirmation of the inactivity of materials in select agent transfers. The recommendation came in response to the 2006 transfers of both anthrax and botulinum, two separate incidents. Does CDC acknowledge that this recommendation was presented as a

generalized biosafety plan requirement? Since part of CDC's epidemiology work is detecting or recognizing patterns of disease outbreaks, how could CDC not recognize the pattern of select agent incidents that was recognized by the OIG in 2010?

5. What will be the role of CDC Deputy Director Joseph Henderson with regard to implementation of the corrective actions? Will Mr. Henderson be reporting to Dr. Michael Bell, the CDC Director of Laboratory Safety?
6. In response to the President's Executive Order 13546 "Optimizing the Security of Biological Select Agents and Toxins in the United States," what steps has CDC taken to improve CDC personnel reliability for select agents?
7. Prior to July 2014, did the CDC ever check with the NIH and/or the FDA to determine whether any vials of smallpox might still be in storage? If so, please provide details. Prior to July 2014, did CDC have any reason to believe that the NIH and/or the FDA had conducted inventory checks and that the labs in these agencies did not have smallpox vials? If so, please explain.
8. Is CDC able to conduct surprise inspections of NIH and/or FDA labs? If not, why not? If so, have surprise inspections been conducted? Please provide copies of any such inspections since 2002.
9. Provide copies of all CDC select-agent theft, loss or release reports since 2002. Were any of these reports not resolved?
10. Please identify all instances of discovery of select agents in unregistered locations at CDC since 2002. Include the dates, the locations, identity of the select agents, and actions taken.

Your prompt assistance is appreciated. If you have any questions, please contact Alan Slobodin of the committee staff at (202) 225-2927.

Sincerely,



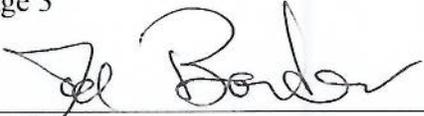
Fred Upton  
Chairman



Tim Murphy  
Chairman  
Subcommittee on Oversight and Investigations

Letter to Dr. Thomas Frieden

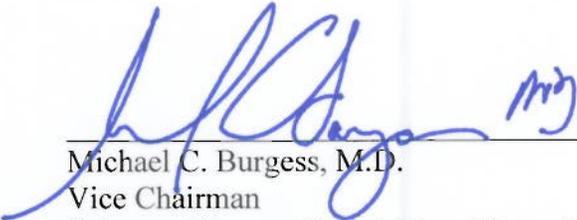
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Joe Barton  
Chairman Emeritus



Marsha Blackburn  
Vice Chairman



Michael C. Burgess, M.D.  
Vice Chairman  
Subcommittee on Oversight and Investigations

Attachment

cc: The Honorable Henry A. Waxman, Ranking Member

The Honorable Diana DeGette, Ranking Member  
Subcommittee on Oversight and Investigations