



Matthew Meselson <smeselson@gmail.com>

Re: 300 labs?!

1 message

Dier4@aol.com <Dier4@aol.com>

Sun, Jun 13, 2004 at 9:29 AM

To: msm@wjh.harvard.edu

Matt -

I accompanied our Deputy Director on November 7, 2001 when he testified before a Senate Committee investigating the anthrax releases. It was early in that investigation, but the Senate was pumped up to jump on us for various sins - some legitimate; others, trumped up by the Department of Health and Human Services (DHHS). DHHS Assistant Secretary Claude Allen was one of the witnesses. Mr. Allen is an African American, formerly of Senator Helms' staff. Mr. Allen is a nominee for a Federal Judgeship; in fact, he may have been confirmed. His confirmation was controversial because Allen had supported Sen. Helms' fight against establishing the birthday of Martin Luther King, Jr. as a national holiday. Allen now says he was deeply divided on this issue...In any event, he plays a kind of ugly hardball so very often seen on Capital Hill.

But that day, he failed to show for the hearing. Sen. Feinstein, who was co-chairing the hearing along with Sen. Kroll of Arizona, remarked that his absence was the first time in so many years of Government service that he got fallen ill. The illness was conveniently timed, as it kept the hearing from dealing with many issues relating to DHHS's role in permitting facilities to possess select agents.

My role, in supporting the Deputy, was to write notes on 3-by-5 cards and pass them to him with answers to points that had been raised or were likely to be raised. One question that came before the Bureau was "At this point in the investigation, does the FBI know how many labs possessed anthrax? And which ones?"

I had an answer: 96 possessed viable, pathogenic anthrax that fell under the Select Agent Rules. And somewhere between 25,000 and 35,000 labs were deemed "possible but exempt". The exemption was the work of DHHS.

That answer never got entered into testimony. Instead, the Deputy Director looked stupid, and Sen. Feinstein was unimpressed. I was angry.

Later, the Deputy Director spoke to Sen. Feinstein and told her my answer. He also passed along that the exemption was her work - that is, she had sponsored the legislation exempting most labs ("CLEA Labs", I believe) from being accountable under the Select Agent Transfer regulations. Sen. Feinstein thanked the Deputy for the information and for handling the matter in the quiet way he had. And he had done the proper thing.

At the time of the hearing, 250,000 to 300,000 entities in the USA were exempt from any Select Agent Transfer oversight. Over the next year, the Select Agent Transfer program would be tightened, and labs throughout the USA would rush to destroy their collections of biologicals that might fall under the Select Agent Transfer regulations.

If the article you sent along mentions "300 labs", then I would believe it. And I agree - the situation is out-of-control. Neither CDC nor USDA (which shares Select Agent Transfer regulatory responsibility with CDC) has an interest in tightening the controls. In fact, both agencies express dismay at how these regulations are inhibiting scientific research.

I suspect we never had 25,000-30,000 labs with anthrax. But I know that we had 300,000 lab entities - including the labs in physicians' offices - that were wholly outside the regulations and could, therefore, have had anything from anthrax to smallpox.

The situation with the Children's Hospital in Oakland bears watching. Doug Beecher is tracking it closely. Again, the performance of CDC as the "experts" is disappointing. For instance, CDC stated for the record that the situation in Oakland presented little public health risk because the material sent was vegetative cells, not spores. CDC went on to state the vegetative cells are not infectious and that vegetative cells could not contain spores. Doug Beecher took sharp exception on both counts, challenging CDC to prove either statement - that is, where is the scientific evidence that (a) vegetative cells cannot be infectious and (b) spores will never be present in a vegetative cell preparation. CDC allowed as to "its our understanding that..." but offered no evidence. Doug resorted to first principles, arguing that without evidence proving either is the case, we must act as though both could be the case.

The story continues. I learned that the Children's Hospital workers who were handling the mice failed to wear gloves, much less masks - not during their work injecting the mice and not during their periodic examining of the mice and not even when the mice died! One wonders what sort of oversight exists at that facility.

And the response from Southern Research Institute has been unhelpful - purely defensive. SRI prepared the materials and sent them to Oakland. SRI takes the position that the material tested negative by culture prior to sending and that something must have happened afterwards. Thereafter, the attitude of SRI has been one of stonewalling the inquiry, as though SRI could never, ever had made an error.

I am disappointed (yet again) in the response out of the CDC. Their experts lack expertise, and if we didn't challenge their statements, the errors would remain and become dogma - much like the statements regarding "LD50 of anthrax"!

I am disappointed in Children's Hospital - any place that would permit animal handlers to work without gloves and masks is in need of "Biosafety 101" training!

And I am disappointed in SRI - cooperation is needed, with all parties displaying an interest in getting to the facts, rather than hiding behind a defense of "we did nothing wrong".

Finally, the number of labs having Select Agents will grow, not shrink, in my view, because so many businesses and government agencies now see "bioterrorism defense" as a good line of work!

One last comment. Work by Paul Keim and Paul Jackson, among others, has narrowed the list of likely sources of the Fall 2001 anthrax to two facilities, out of a long list of possibilities. One is USAMRIID. The other is my former employer. We are slowly - too slowly, in my view - getting around to interviewing folks from my former employer as well as some of the USAMRIID folks. I wish we'd pay more attention to Investigation Basics!

Regards
BEN