

## **Testimony on House Bill 580**

### *Maryland Department of Health - Biosafety Level 3 Laboratories*

(February 12, 2020)

Distinguished Colleagues:

The Frederick Containment Laboratory Community Advisory Committee (CLCAC) is a joint committee of the City and County of Frederick. Members of this committee, have worked together to develop this testimony in support of House Bill 580, which requires operators of Biosafety Level 3 (BSL-3) laboratories, those not working with Biological Select Agents and Toxins—which are already regulated by the Centers for Disease Control and Prevention and the U.S. Department of Agriculture—in our county to identify themselves to the Maryland Emergency Management Agency and other officials of our state government. The CLCAC believes that it is critical that Frederick County establishes a mechanism with negligible economic or operational barriers for our public health department and first responders to be aware of where laboratories possess, transfer, and dispose of dangerous bacteria, viruses, and toxins in our community.

House Bill 580 requires collection of basic information about non-Select Agent BSL-3 laboratories in the Frederick County. Although not currently subject to any regulation by our state or our locality, these laboratories often work with some of the most dangerous infectious and toxic materials known to man (for instance, the causative agent of tuberculosis or the 2019-novel coronavirus [2019-nCoV]), and they are expanding in number because of both increased importance of biomedical research and increased funding for biodefense and technology development. There are real risks to our community that require public-private cooperation to ensure public safety and economic vitality in Frederick and the rest of our state. Leaks of infectious or toxic biological materials from similar laboratories have led to contamination of the

environment or illness among residents in other communities where these types of laboratories are located. Therefore, It is necessary for our local health and safety officials to understand what risks are present in our community for two equally important reasons: 1) **so that they can be prepared to respond safely to emergencies such as fire or natural disaster at these laboratories;** and 2) **so that they can monitor for diseases that might affect local residents resulting from an environmental release or a laboratory-acquired infection.**

The only mechanism for federal, state or local oversight of these laboratories currently is a federal registry of laboratories working with certain pathogens known as Select Agents and Toxins. An important part of the federal select agent regulations is that laboratories researching, transporting and disposing of these dangerous pathogens anywhere in the U.S. must have coordinated plans with local first responders and public health authorities. While the federal oversight of select agents is to be commended, these are not by any means the only dangerous pathogens found in laboratories in Maryland. In fact, laboratories often choose closely-related organisms for research programs in order to avoid the oversight provided through the federal select agent program. For instance, severe acute respiratory syndrome coronavirus (SARS-CoV) is a viral respiratory disease that caused a pandemic with worldwide impact, infecting thousands and killing hundreds during 2003-2004. While SARS-CoV is a regulated select agent, closely related viruses with very similar potentials to cause major public health crises, such as the Middle East respiratory syndrome coronavirus (MERS-CoV), may be **grown, purified to high concentrations, used to infect animals, and disposed of anywhere in Frederick County without any federal, state, or local knowledge.**

Furthermore, it is very likely that laboratories in our county either are already working with or will soon begin working with 2019-nCoV, which is also not a regulated select agent. Coordination of these laboratories with local first responders and public health departments is necessary right now to ensure continued public safety.

We recognize the paramount importance of growing and supporting the biotechnology industry in our county and in our state. It is clear, however, that this industry will only continue to thrive if work is conducted safely and with the maximum focus on our communities' health and welfare. No government entity at any local, state or federal level currently tracks how many non-select agent BSL-3 laboratories are operating in Frederick County, many non-select agent pathogens pose similar risks to the public as the risks posed by select agents, and the health and growth of our economy is partly contingent on safely growing our biotechnology business and academic sectors to meet the medical challenges of the 21<sup>st</sup> century. Therefore, **it is critical that Frederick County establishes a defined mechanism for public health officials and first responders to be aware of where laboratories operate BSL-3 laboratories in our community.**

Registration with the Maryland Emergency Management Agency will allow two specific benefits to public health, which will also ensure that catastrophic outcomes do not cripple the biotechnology and biomedical industries in our state.

1. **Unintentional releases/exposures would be better recognized by public health authorities** if they knew what dangerous pathogens were present in their communities; and
2. **First responders would be better able to protect themselves** if they were aware of all of the risks to entering these laboratories when they are responding to emergencies such as police calls, fires, emergency medical calls, acts of terror, or natural disasters.

This bill mandates the development of a list of those businesses in Frederick County operating a BSL-3 laboratory that is not already reporting to Maryland that it is registered with the federal select agent program. **This list would provide the number**

**and location of the laboratories** and can easily be accomplished by including a relevant question on the business license.

A core function of government is to be concerned with matters of public health and safety. This function is not necessarily in conflict with ensuring the financial and academic welfare of our citizens. We can, in fact, ensure that this industry remains vital and healthy by ensuring that simple mechanisms are in place to coordinate their operations with first responders and public health authorities. Collecting minimum data about these laboratories is essential to good governance.

Thank you very much for the opportunity to address this issue.

Sincerely,

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