
HB 580
Support with
amendments

TO: The Honorable Shane E. Pendergrass, Chairwoman
House Health and Government Operations Committee

FROM: Mary Clapsaddle
Director, State Affairs

DATE: February 12, 2020

On behalf of Johns Hopkins University and Medicine, I would like to express our support with amendments for **House Bill 580 – Maryland Department of Health – Biosafety Level 3 Laboratories**.

The Centers for Disease Control and Prevention (CDC) and National Institutes of Health (NIH) have defined four levels of microbes and biological agents containment procedures and practices for biological research performed in clinical, diagnostic, teaching, research, or production facilities. Biosafety containment level 3 laboratories, or BSL-3 labs, are the 3rd highest level of containment and are indicated for work that is performed with indigenous or exotic agents that may cause serious or potentially lethal disease through the inhalation route of exposure.

The CDC and NIH, in their publication, *Biosafety in Microbiological and Biomedical Laboratories*, or BMBL, delineate a number of safety measures to protect laboratory personnel working in BSL-3 labs as well as the general public and the environment. For example, laboratory personnel working in a BSL-3 lab must receive specific training in handling pathogenic and potentially lethal agents and must be supervised by scientists competent in handling infectious agents and associated procedures. All procedures involving the manipulation of infectious materials must be conducted within special physical containment devices or equipment. A BSL-3 laboratory has special engineering and design features and these BSL-3 facility design, operational parameters, and procedures must be verified and documented prior to operation as well as re-verified and documented each year. All BSL-3 laboratory staff receive annual refresher training regarding BMBL compliance and proper laboratory safety procedures.

Johns Hopkins takes containment laboratory security seriously, and we have processes in place to ensure that our labs are safely operated. We adhere to the biosafety containment levels, practices and procedures set forth by the CDC and NIH in the BMBL. All of Johns Hopkins' laboratories, BSL-1, BSL-2 and BSL-3, are inspected multiple times each year by Johns Hopkins University and Medicine safety staff. In addition to inspection by Johns Hopkins safety staff, our high containment BSL-3, laboratories are also inspected by a non-affiliated professional group, WorldBioHazTech, to ensure that we operate these facilities within the expectations of the BMBL. House Bill 580 would establish new state reporting requirements for each BSL-3 laboratory in Maryland that does not work with federally regulated biological

select agents and toxins or their products and is: (1) a commercial or for-profit laboratory; (2) owned by or is part of a teaching hospital or an institution of post-secondary education; (3) or is a privately funded biomedical research laboratory. This information would be shared with each jurisdiction's local health officer and emergency management official in order to establish a statewide registry of BSL-3 laboratories for emergency public health and security purposes.

Although Johns Hopkins recognizes the intended purpose of House Bill 580 is to ensure that first responders have information about the presence of hazardous materials when they are responding to a BSL-3 lab during an emergency, we remain concerned regarding the risk associated with disclosing the precise location of our BSL-3 labs. Specifically, we fear that disclosing the location of the labs, even just to local EMS and health departments, could increase the likelihood of terrorist attacks and thefts from our labs if the information was ever lost or stolen or a jurisdiction's databases were hacked.

As such, we recommend that House Bill 580 be amended to instead require labs, owned by or a part of a teaching hospital or an institution of post-secondary education, to maintain up-to-date records on the location and contents of their BSL-3 labs. Those labs would be required to have staff meet first responders at the time they respond to the laboratory during emergencies and be available to provide information, guidance and support as needed. Johns Hopkins currently has similar arrangements with the local fire departments during fire emergencies, and we believe that establishing a similar procedure for BSL-3 labs would help accomplish the goal of the bill and at the same continue to minimize the risk of a security breach.

For these reasons, we respectfully request a **favorable with amendments report on House Bill 580**.

cc: Members, House Health and Government Operations Committee
Frederick County Delegation