

Testimony on House Bill 655

Maryland Department of Health - Biosafety Level 3 Laboratories

(February 20, 2018)

Distinguished Colleagues:

I am Dr. Bob Hawley and serve as a member of the Containment Laboratory Community Advisory Committee (CLCAC) in Frederick, MD. I am a credentialed Biological Safety Professional having over 35 years of working experience in academic university teaching and research, the U.S. Government and private industry high containment and maximum containment laboratories.

A core function of government is to be concerned with matters of public health and safety. The described legislation is a small, but prudent step in that direction that would benefit both the industry and the public. House Bill 655 requires collection of basic information about self-regulated high containment Biosafety Level 3 laboratories in the State of Maryland. The Bill applies only to those laboratories that work with microorganisms and toxins that are not on the Centers for Disease Control and Prevention (CDC) or United States Department of Agriculture (USDA) list called biological select agents and toxins. In contrast, the CDC and USDA requires registration regarding laboratories registered to work with biological select agents and toxins and, in turn provides this protected data to local, State and federal officials. No government entity at any local, State or federal level currently tracks how many non-select agent Biosafety Level 3 laboratories are operating in the State. The State therefore does not have the basic information required to address emergency response, as well as public health and safety concerns associated with these laboratory operations. House Bill 655 is a modest and inexpensive step to address this data gap. This Bill does not include safety regulation or oversight provisions.

House Bill 655 mandates the development of a standardized form for reporting the location of Biosafety Level 3 or Animal Biosafety Level 3 laboratories working with non-select agents and toxins. Information concerning the number and location of these laboratories will

be reported to the Maryland Emergency Management Agency and specified officials in each local jurisdiction in the State. Collected information will be confidential and not subject to inspection. Only the total number of laboratories will be reported to the Governor and the General Assembly.

In 2012, the Department of Health and Mental Hygiene convened a statewide workgroup of industry, academic, regulatory and community stakeholders to identify regulatory gaps associated with Biosafety Level 3 laboratories that do not work with select agents. The workgroup's final report clearly outlined data and regulatory gaps, the concerns raised by these gaps and approaches for addressing them, including laboratory registration. However, no action has been taken by the State in response to this report.

A similar Bill was submitted in previous Legislative Sessions. The State Fiscal note indicated that costs to implement the Bill would be negligible. As the designated representative of the CLCAC, I strongly recommend that the State of Maryland enact this legislation to create a simple, inexpensive, database of laboratories that are working with, or planning to work with, non-biological select agents and toxins. This legislation effectively balances the concerns of an important industry while giving the State the basic data it requires to begin to address emergency response, public health and safety concerns related to this category of laboratories. The State needs basic data in order to govern more effectively. 2018 is the 6th year of effort to have this Bill passed. We owe it to our first responders to enact this legislation.

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

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