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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

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May 29, 2015

The Honorable Ashton Carter
Secretary
U.S. Department of Defense
Washington, D.C. 20301

Dear Secretary Carter:

We were troubled to learn from reports in the media that employees at the Department of Defense's (DOD) Dugway Proving Ground have reportedly shipped samples of live *Bacillus anthracis* (*B. anthracis*) accidentally to several domestic and overseas laboratories, some of which are military installations and others that are commercial facilities. This incident, which impacted laboratories located in Wisconsin and Delaware among other states, may have threatened countless human lives and caused millions of dollars in damage related to follow-up testing and decontamination.

An extraordinary number of policies and protocols are in place across the federal government to ensure that biological select agents and toxins are properly handled, shipped, and destroyed. As you know, the Centers for Disease Control and Prevention (CDC) and the U.S. Department of Agriculture (USDA) have primary oversight of select agents outside of the Department of Defense's possession. Your Department has its own governance structure over research and testing of these agents. A potential breach of these protocols is of great concern, and we urge your Department to fully cooperate in the investigation of this incident to ensure that a similar one never occurs again.

As the chief oversight committee for the U.S. Senate, we respectfully request that you assist the Committee by providing an interim update that addresses the following questions and provides the following information by June 15, 2015:

1. Why did the Department send out any *B. anthracis*, whether inactive or live, at all? If sent for research purposes, provide a description of the research that necessitated the Department to ship *B. anthracis* to domestic and overseas labs.
2. A detailed summary of the activities and timeline of the federal government's involvement in investigating the accidental mailings of *B. anthracis* from Dugway Proving Ground, including:
 - a. A list of each of the laboratories where live *B. anthracis* samples were sent;
 - b. The date of each accidental mailing, and when and how the mistaken shipping of the live agent was discovered;
 - c. The procedure used to notify responsible senior officials;

- d. A list of all federal agencies involved in the investigation, and a description of how and when each federal agency was notified of the incidents; and,
 - e. A description of the investigation's governance structure for each of the agencies, and any supporting policy documents governing each agency for investigations; also provide the policy and procedures for follow-up for the investigation's findings by the oversight and governance bodies involved.
3. To what extent were the transfers of *B. anthracis* reviewed by the CDC or the U.S. Department of Agriculture prior to their execution? If such reviews were conducted, include copies of all USDA/CDC Form 2s and other relevant documents completed to authorize the shipments to each of the non-DOD laboratories.
 4. When and how were each of the samples accounted for and handled after the discovery that live *B. anthracis* had been shipped?
 5. What steps has the Department taken, or intends to take, to find out who is responsible for the mistaken shipping and hold them accountable as appropriate?
 6. How have DOD and the CDC delineated responsibilities, if any, for soil, air, and other testing for *B. anthracis* contamination resulting from the accidental mailings?
 7. A description of any emergency response plan the Department had prepared for an accidental mailing of a live biological agent.
 8. A list of all exercises and drills of emergency plans that have been completed in the last five years at Dugway Proving Ground regarding biological agents or toxins. Specify whether external support agencies, including the CDC and/or USDA, were involved in the exercises, and provide a copy of the after action report for each exercise.
 9. A copy of any of the Department's policies governing the shipping, transfer, and receipt of biological select agents and toxins.
 10. A description of how the Department handles breaches in protocol and mishaps regarding the handling, shipping, transfer, testing, release, destruction, or other action of select agents in possession of the Department. Provide a list of all incidents and associated corrective action plans in the last five years.
 11. A description of the Department's policies, procedures, or protocols for shipping active and inactive samples of *B. anthracis*.
 12. Did the Department notify any Members of Congress or Congressional committees of the incident? If so, indicate which Members/committees and the date of each notification.

The Committee on Homeland Security and Governmental Affairs is authorized by Rule XXV of the Standing Rules of the Senate to investigate "the efficiency, economy, and effectiveness of all agencies and departments of the Government."¹ Additionally, S. Res. 73 (114th Congress) authorizes the Committee to examine "the efficiency and economy of operations of all branches and functions of Government with particular references to (i) the effectiveness of present national security methods, staffing, and processes . . ."²

¹ S. Rule XXV(k); *see also* S. Res. 445, 108th Cong. (2004).

² S. Res. 73, 114 Cong. (2015)


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Thank you for your attention to this issue. As your preliminary inquiry continues, we ask that you keep us apprised of any progress or issues that may not be addressed in this letter. Once the investigation is completed, we ask that you provide us a copy of any final report and any action plans produced as a result of the investigation into the exposure at the facility.

If your staff has any questions, they may contact [REDACTED] of the Majority Committee staff at (202) 224-4751 or [REDACTED] of the Minority Committee Staff at (202) 224-2627. Thank you very much for your cooperation in this important matter.

With best personal regards, we are

Sincerely yours,



Ron Johnson
Chairman



Thomas R. Carper
Ranking Member

Cc: Dr. Thomas Frieden, M.D., M.P.H., Director, Centers for Disease Control and Prevention

Enclosure