

The Role of the Public with *Dual Use Research of Concern* Policy and Research

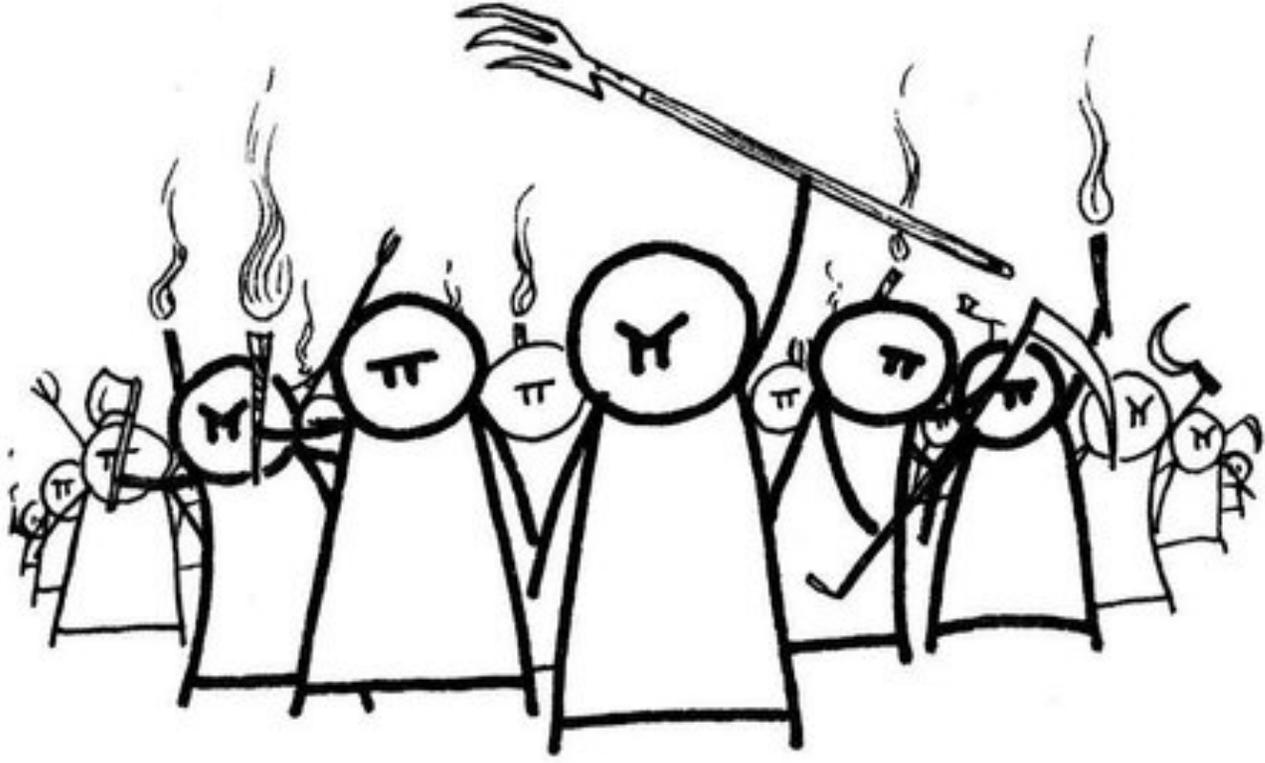
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<http://www.cityoffrederick.com/index.aspx?NID=127>



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Lets move on.....

How can we effectively reconcile the concerns of communities and DURC researchers?

Why does the public matter?

- ▶ Protection of the public's welfare is a core government function
- ▶ Lack of public trust can derail projects
- ▶ Impact the science over the long-term
- ▶ Harm reputations
- ▶ Public engagement is key part of the safety plan
- ▶ Science and govt debates about the public's welfare won't work without the public's voice
- ▶ We live in a democracy

1. The Containment Laboratory Community Advisory Committee (CLCAC)

- ▶ Its work in the Frederick community
- ▶ With the National Interagency Biodefense Campus Laboratory Partners

2. DURC policy and oversight issues from the public's point of view

3. Health and Safety: Community roles and rights

I. The CLCAC

- ▶ Joint Committee of City of Frederick and Frederick County
- ▶ Residents apply; appointed by elected officials
- ▶ Seven Members, two alternates; elected officials ex-officio; public affairs liaison from NIBC
- ▶ Volunteer committee; no budget; critical support from City of Frederick
- ▶ Members have relevant technical and community backgrounds

CLCAC Purpose

- ▶ Foster two-way communication between community and operators of high containment laboratories in County
- ▶ Seek information about issues of public concern and ways to address those concerns, including implications of laboratory operations on safety and health
- ▶ Advise and make recommendations on behalf of public to government, laboratory leadership and Fort Detrick officials about matters impacting safety and health

CLCAC: Scope and Limits

- ▶ All BSL-3 and 4 laboratories in the County, federal and private
- ▶ Excludes Fort Detrick Area B contamination issues; Garrison issues not related to the laboratories
- ▶ Independent of laboratories
- ▶ Reports to elected officials and public; no authority beyond the support of elected officials and the public

CLCAC: Genesis

- ▶ Established in late 2010 following recommendation from the National Research Council
- ▶ NRC study result of wide-spread community anger about EIS content and process for NIBC laboratory expansion

NRC Recommended:

- ▶ “more proactive, two-way communication effort between USAMRIID and the surrounding community...”
- ▶ that could build “trust, alleviate concerns about community safety, and provide an opportunity for community members to participate in the continuous improvement of laboratory practices.”

What the CLCAC Does

- ▶ Public Meetings, initially monthly, now quarterly. Meetings televised and online
- ▶ Extensive webpage hosted by City of Frederick; email lists
- ▶ Solicit input from public via email and meetings, out reach to civic organizations
- ▶ Work with press and media
- ▶ Public Forums: with CDC; Public Health Department; Emergency Preparedness; State Dept of Health and Mental Hygiene and others
- ▶ Quarterly meetings with NIBC laboratory and Garrison leadership
- ▶ Briefings with local, state and federal elected officials; make legislative requests
- ▶ Safety Expo planned for Spring 2014 in partnerships with NIBC laboratories and Hood College; content based upon input from public
- ▶ Commitment to ongoing learning by: listening, questions, study of relevant Government, scientific and academic papers; leveraging expert information from multiple sources



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About the CLCAC

News and Information

About the High Containment Labs in Frederick

Oversight and Regulation of the labs

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Advisory Committee](#)

Containment Lab Community Advisory Committee

Next meeting will be held on Tuesday April 8, 2014

Regular meetings are held quarterly at 7 PM in the Board Room at City Hall, 101 North Court Street, Frederick, MD. Additional meetings and public forums will be announced.

Meetings will be televised on Local Government Channel 99 and are also available to view from the City of Frederick website. In addition, past meetings are available at anytime from the [Channel 99 web page](#).

Sign up to receive email meeting announcements at CLCAC@cityoffrederick.com. The CLCAC is a joint committee of the City of Frederick and the Frederick Board of County Commissioners.

[CLCAC 2013 Annual Report](#)

[*NEW* Final report from MD State Department of Health and Mental Hygeine working group on Private High Containment Lab Health and Safety Issues and Oversight. Public comments accepted through November 30, 2013.](#)

[MD State Department of Health and Mental Hygiene Biocontainment Laboratories Oversight Working Group](#)

[CLCAC comments on State DHMH Workgroup Report, November 2013](#)

[Regional Laboratory Safety and Emergency Preparedness Conference Open to the Public](#)
One day conference in Shady Grove, February 10, 2014. National policy leaders will discuss laboratory oversight and safety issues. CLCAC will present on community role in science policy and laboratory safety. Public invited at no cost, but registration required.

FAQs

[View All](#)

What is a containment lab?

What do the Bio-safety level designations mean?

What Containment labs operate in Frederick County?



How the CLCAC Works

- ▶ Works hard to be accurate and fair to all
- ▶ Promotes civil discourse: hard questions deserve answers; everyone deserves respect
- ▶ Does not speak for the laboratories, but does provide information from them
- ▶ Does not offer opinions about how safely the laboratories are operating, but does seek fact-based information from which the public can draw its own conclusions

Progress?

- ▶ Yes and no
- ▶ More information available to public from laboratories and other sources
 - Some safety process and safety performance information available from some federal laboratories
 - Information flow process not yet “institutionalized”
 - Challenges remain
 - The CLCAC views this as a communication and mutual problem solving process
- ▶ No information about private laboratories in community
- ▶ Oversight and regulatory gaps remain for private laboratories
- ▶ This is an incremental work in progress

What has CLCAC Concluded?

- ▶ Transparency about safety is essential
- ▶ Lack of transparency results in public distrust
- ▶ Attitude matters; so does deep listening with mutual respect
- ▶ The public wants a conversation not a lecture
- ▶ It is very important to provide information about how safety is achieved, but....

Conclusions (continued):

- ▶ Fact-based safety performance information is most important
- ▶ This is all very difficult
- ▶ Commitment from senior leadership required
- ▶ It is significantly more difficult because this industry has not yet made a serious commitment to adopting standards for publicly available safety information

Leading to a Bottom Line:

- ▶ Communities have a right to know about the safety performance of laboratories doing DURC and other high containment research
- ▶ The public's right to know is not adequately guaranteed by law and public policy
- ▶ It needs to be
- ▶ Other industries have resolved the security/public information issue

2. Public Point of view:

On DURC Policy and Oversight Issues

Comments submitted to Office and Science Technology Policy, April 2013 by 70 Community groups and residents from Massachusetts, Maryland, North Carolina, Georgia, Kansas, California, Washington

- ▶ Community groups are unable to obtain vital information about what research is conducted or planned. Security used as consistent reason to restrict access to all information.
- ▶ Should an academic institution, a corporation, or a federal agency decide what is acceptable risk for the at-risk citizens?

Questions From the Public

...about a clear and open process by which decisions are made regarding the safety and appropriateness of proposed DURC.

- ▶ Who exactly is authorized to decide if DURC is too risky?
- ▶ By what criteria?
- ▶ What is the scope of that authority?
- ▶ Who is authorized to decide if the risk assessment and risk mitigation plan is adequate?
- ▶ Who determines if the safety record of the researchers / institution warrants approval?
- ▶ Does this policy extend to private labs?

Transparency and Public Rights:

The public should be told:

- ▶ Who approved the research
- ▶ What the risks are
- ▶ Who decided the risk analysis was sufficient
- ▶ What has been done to mitigate the risks
- ▶ How to provide input in a timely manner and how to track the ways in which public participation has been considered and influenced decisions.

This can be done at a level of specificity that does not compromise security.

Other DURC Policy Concerns:

- ▶ Making risky research classified if it is deemed that risk cannot be adequately mitigated makes it a secret; it does nothing to protect from accidental release, LAI's or malevolent intent.
- ▶ This approach decreases transparency. Research should be banned if risks cannot be mitigated. The federal government should exert authority in ensuring it is banned.
- ▶ Institutional Procedures for DURC: We fully support making procedures for reviewing DURC accessible to the public.
- ▶ Role of a coherent federal oversight mechanism and decision-making process:

...The fragmented federal approach to oversight and decision-making on matters of critical health and safety is apparent in this policy. In addition, this fragmented approach disenfranchises communities with concerns about the research being conducted in its midst. The recommendations in the 2013 GAO report are relevant here, and we specifically ask that the report be considered as part of our comment, along with the Nature article and the statement by the FVR cited earlier. We agree with the GAO's conclusion that oversight and needs assessments for research have not yet been adequately addressed.

Community Concerns Include:

The impact of money on health and safety

- ▶ Money to keep safety, maintenance, adequate oversight and public engagement a first priority in an age of limited federal funding and competitive and profit-driven research
- ▶ The application of wisdom, caution and humility when addressing the issues associated with DURC in an era of extraordinary scientific promise and technological possibility

3. Health and Safety: Community roles and rights

The right to know and to have meaningful input

- ▶ Community concerns need to be included in industry standards for oversight and transparency.
- ▶ Legal and policy guarantees for community rights is essential.
- ▶ Accountability to the public on safety matters must be part of the cost of “doing business”.
- ▶ Institutional structures that include public representation need to be the norm at every level, including mechanisms to ensure that information flows back to the public.
- ▶ The barriers to community participation must be addressed and solutions institutionalized with commitment and resources.
- ▶ The imbalance of power between research institutions and public interest needs to be reordered, including acknowledgement that public health includes public concerns.

In Conclusion:

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