

Boston University Medical Campus

Community Liaison Committee (CLC)

National Emerging Infectious Diseases Laboratories (NEIDL)

MEETING NOTES

Tuesday April 16, 2013

6: 00 PM * 620 Albany Street

ATTENDING

Robert Francis, Co-Chairperson, CLC; Linda Lukas, Co-Chairperson, CLC; Kenneth Nwosu, CLC; Robert Timmerman, CLC; Valerie Shelley, CLC; James Keeney, CLC; Valeda Britton, Executive Director, Community Relations/Medical Campus, BU; Elizabeth Leary, Associate Director, Government and Community Relations, Charles River Campus, BU; Seth D. Jaffe, Esq.,Foley Hoag; Amanda Mae Bush, Senior Specialist, EHS; Thomas Robbins, Chief of Police, BU; John Murphy, Interim Director, NEIDL; Ronald Corley, Associate Director, NEIDL; Kevin Tuohey, Executive Director, Research Compliance, BU;

Chairman Francis opened the meeting at 6:03 pm with introductions.

PRESENTATIONS

FEDERAL AND STATE LAWSUITS

Mr. Francis introduced Seth Jaffe, Esquire. Mr. Jaffe is a partner at the law firm of Foley Hoag and is outside counsel representing Boston University in the separate Federal and state NEIDL lawsuits. He gave a brief presentation and status update on the two lawsuits known as: Allen v. NIH (Federal Court) and Ten Residents of Boston v. Boston Redevelopment Authority (State Court).

In Allen v. NIH-the Plaintiffs challenged the decision by the NIH to authorize the funding of the NEIDL. The issue to be decided was whether the NIH's decision to fund the NEIDL, based on the Environmental Impact Statement, which includes the Supplemental Risk Assessment (SRA), was arbitrary and capricious. He stated that the current status of Allen v. NIH is that both the Plaintiffs and the Defendants have filed motions for Summary Judgment. There will be no trial. Oral arguments occurred on April 11, 2013. The Judge requested that additional briefs be filed by April 29, 2013 with respect to certain issues discussed at the hearing. Mr. Jaffe then noted that following the supplemental briefings, the Judge will presumably issue her decision, although it is in her discretion to hold another hearing. Either side may appeal an adverse ruling to the Court of Appeals.

In Ten Citizens v. BRA –the Plaintiffs challenged the decision by the Secretary of Energy and Environmental Affairs (now known as EOEEA) to approve the Supplemental Final Environmental Impact Report (which incorporates the SRA). The issue to be decided was whether the decision by the Secretary to issue a MEPA certificate approving the Supplemental Final Environmental Impact Report (SFEIR) was arbitrary and capricious. Mr. Jaffe said that the current status of the case was that a MEPA certificate approving the SFEIR was issued on March 1, 2013. A Supplemental Complaint was filed on March 31, 2013. Motions for judgment must be filed by the end of July. At this point, no hearing in this case has been scheduled.

Mr. Jaffe concluded his presentation and opened up the floor for CLC questions.

Ms. Britton asked what would the additional brief to be filed in the Federal suit address. Mr. Jaffe stated that generally it would clarify underlying assumptions regarding public transportation, risks of infection and air borne pathogens. Also, the brief would clarify that the risks of both BSL-3 and BSL-4 research have been adequately assessed and that both should be permitted to proceed. He noted that BU will continue to apply for BSL-3 and BSL-4 permits from appropriate regulatory agencies, but would not conduct BSL-3 or BSL-4 research in the NEIDL until the completion of regulatory and judicial matters.

Mr. Keeney asked who was funding the plaintiff's lawsuit. Mr. Jaffe explained that he did not know the answer to this question due to attorney client privilege. He added that it is possible that these cases are being handled on a pro-bono basis. Mr. Francis asked if there are multiple attorneys representing different parties in the lawsuits and Mr. Jaffe said yes.

SELECT AGENT PACKAGING

The next presenter was Ms. Bush, Senior Specialist for Environmental Health and Safety at Boston University. Ms. Bush trains the BU community on specialized packing procedures. Ms. Bush gave a demonstration on how samples would be packed coming into the lab. She passed around the following items:

- A sample vial that a pathogen would be contained in
- Bubble wrap with absorbent material
- Secondary packaging (pressure wrap)
- Fiberboard boxes specifically marked for these materials

Ms. Bush explained that the samples often require shipment on dry ice so the procedures for packing allow for the proper packing and venting of the dry ice. The boxes are then placed in specially designed plastic boxes that have padding, a GPS and safety latches.

TRANSPORTATION

The next presenter was Thomas G. Robbins, Executive Director of Public Safety and Chief, Boston University Police Department. Chief Robbins showed the group the specially designed plastic boxes which will be used for shipping. These boxes are military grade cases that are vented and secured with our own locks.

Chief Robbins explained that the BU requirements for shipping and receiving of materials into and out of the lab would be in excess of those required by the International Air Transportation Association (IATA) and the Department of Transportation (DOT).

Chief Robbins walked the group through the **BU Protocols above and beyond IATA and DOT Standards such as:**

- Two drivers (one always with vehicle)
 - Identified, in advance, to BU by names, license numbers and pictures
 - Background checking in accordance with BU requirements
- Exclusive use of the transport vehicle for BU shipment. -no regular Fedex or UPS delivery system used.
- Climate controlled compartment
- GPS tracked truck with electronic fence on route
- Route approved by BU (no residential areas)
- Over packed in special plastic pressurized container

- Additional GPS device placed inside special sealed plastic container
 - Ability to track package if it is separated from truck
- Package and truck compartment are specially sealed with a BU provided seal with unique identifiers
- Notifications to State and City agencies when shipment enters Massachusetts and Boston
- City agencies are allowed to “watch” the transport either in Command Center or on WebEOC
- Route approved by Boston Police Department
- Secured delivery point to NEIDL
- Procedures in place to hold transport vehicle and drivers until drivers and materials have been verified.

At the conclusion of his presentation, Chief Robbins opened up the floor for questions.

Mr. Francis asked whether there would be specific staff responsible for receiving deliveries at the NEIDL. Chief Robbins explained that security and researchers working in tandem would establish the appropriate chain of custody.

Mr. Keeney asked if the specially designed plastic box would be disinfected before it is reused. Dr. Corley explained that the box would be disinfected and all of the internal shipping supplies would be disposed of as medical waste.

Mr. Francis remarked that he felt that there was adequate security redundancy by using the GPS on both the packaging and in the truck.

Mr. Timmerman asked whether BU had thought about the shipping of animals that might be infected. Dr. Corley explained that the likelihood of that type of research on animals is unlikely to happen. He went on to explain that he could not imagine a situation where the NEIDL would receive a shipment for research on an infected animal.

ADMINISTRATIVE

The meeting minutes from the March 26, 2013 CLC meeting were approved.

COMMUNITY LIAISON REPORT

Ms. Britton asked whether the members of the CLC who also sit on the IBC had anything they wanted to report. Mr. Kenney reported that at the IBC meeting that was held earlier in the day, there were ten studies submitted. One was approved. Nine were approved pending more data being submitted. None of the submittals involved the NEIDL. Mr. Timmerman added that during the IBC meetings, the lab safety personnel verify that everything is up to date.

Mr. Francis asked that the NEIDL staff come to a community safety meeting to talk about the important research that is going to be done at the NEIDL. Mr. Francis will give Ms. Britton a list of meetings in the upcoming months.

Ms. Britton reported that she had recently returned from a conference in Galveston where she was able to tour the Galveston National Labs and see an active BSL-4 lab. Researchers were in their BSL-4 suits, sitting and cleaning their BSL-4 spaces. Ms. Britton passed the Summerlab brochure to the CLC members and reported that BU Medical Campus Community Relations staff is presently reaching out to the science departments at Madison Park, Boston Latin Academy, Codman Academy and Cathedral High to obtain applicants for this program. Six scholarships awards will be given. Also, she mentioned that BU is in the process of finalizing scholarships to the BU summer athletic camps.

Ms. Britton announced that the full-scale simulation exercise involving a security incident at the NEIDL would take place on May 29th and asked CLC members to let her know whether they would be attending.

Ms. Britton asked the CLC if there was any community information they wished to share with each other. Having none, Mr. Francis asked Dr. Corley to give the NEIDL update.

SCIENTIFIC & RESEARCH UPDATE

Dr. Corley mentioned that BU continues moving forward with the permitting process for BSL-3 research even though no BSL-3 or BSL-4 research is being undertaken at the NEIDL presently. As such, NEIDL researchers and staff hold weekly internal meetings to examine BSL-3 security, facility and safety procedures. Dr. Corley reports that phase 1 of the ongoing coating project is getting ready to be certified.

Mr. Timmerman asked Dr. Corley if he would explain the current epidemic in China that has been reported in the news media. Dr. Corley reported that very little is presently known about the virus known as H7N9, but it was believed to be bird flu. The outbreak occurred in Southeast China. The birds in the area were culled, yet this has not stopped the outbreak. Recently a girl, hundreds of miles away, in Beijing was diagnosed.

REGULATORY

Mr. Tuohey had no updates.

Chairman Francis closed the meeting at 7:45 pm.