

# CDC lacked key lab incident reporting policy despite scrutiny, promises



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Despite several serious, high-profile lab accidents and promises to Congress of reforms, the Centers for Disease Control and Prevention didn't issue a policy until last week to ensure the agency's top lab safety official received reports of mishaps, documents obtained by USA TODAY show.

The revelation is contrary to what the CDC told USA TODAY for a [July 9 article about recent lab accidents](#) at the agency and whether CDC staff are failing to report "near miss" incidents. The CDC, in a written statement for that article, had said it already had a policy in place for centralized reporting — a critical component for identifying safety trends.

But that was not true, [according to a copy of the policy](#) — dated in 2013 — that USA TODAY obtained under the federal Freedom of Information Act (FOIA) late last week.

The CDC did not issue to its staff [a new version of its policy](#), which requires reports be sent to the top lab safety office, until July 20, according to records the CDC provided to USA TODAY on Monday. The agency said it made a mistake in the information it previously provided to the newspaper on July 8. The agency said its updated incident reporting policy was under development at the time USA TODAY asked its questions but wasn't finalized.

"There's what's being said, and what's being done," said Sean Kaufman, a biosafety consultant and former CDC employee, who testified before Congress last summer about the agency's lab safety issues.

"A fear of the congressional staff was that CDC was just going to say they were going to do things to put the fire out and not really do things. And that appears to really be what's happening," Kaufman said Monday.

While Congress last summer focused on failures at labs operated by the CDC, an investigations subcommittee of the House Energy and Commerce Committee will hold a hearing at 10 a.m. Tuesday to examine the adequacy of the oversight CDC lab inspectors provide to hundreds of other research facilities working with potential bioterror pathogens. The hearing will focus on lax testing and biosafety practices that resulted in an Army biodefense facility mistakenly shipping live anthrax specimens that, as of Monday, had been located in 192 labs in the USA and seven foreign countries.

Citing [an ongoing USA TODAY investigation of lab safety](#) nationwide, the subcommittee has said it plans to explore larger questions about whether regulation of labs working with "select agent" pathogens needs to be strengthened. "Select agent" is the federal government's term for 65 viruses, bacteria and toxins that have the potential to be used as bioweapons or that pose severe threats to public health or agriculture. They include anthrax, Ebola and the pathogens that cause smallpox, plague, botulism and other serious diseases.

Oversight and Investigations Subcommittee Chairman Tim Murphy, R-Pa., said Tuesday's hearing "is an important opportunity for Congress to hold the agencies' feet to the fire" and demand a more careful system.

"When it comes to handling select agents, there is no room for error; however, repeated lapses from federal agencies have raised serious concerns, both from the committee and the press," Murphy said Monday. "This newspaper in particular has brought to light a number of serious concerns about the lack of a consistent and thorough protocol among agencies."

Since January, the CDC has refused to release to USA TODAY copies of all its lab incident reports for facilities in Atlanta and Fort Collins, Colo., during 2013 and 2014. The agency, in response to the newspaper's FOIA request, [has said it will take until sometime in 2018](#) to compile and release the records — even though it has granted the request “expedited” processing status in recognition of a compelling need for the public to have access to the information. USA TODAY has appealed the delays as excessive.

USA TODAY filed its FOIA request for a copy of the CDC's lab incident reporting policy on July 13 because earlier in the month the agency had refused to voluntarily provide a copy of the policy or even say when it was enacted. Before saying it had a policy that sent all lab incidents to a newly created top lab safety office, the CDC had given a series of changing answers about whether any single office at the agency collects and reviews lab incidents to spot emerging safety issues.

Ultimately the policy document, referenced by its formal name in the agency's July 8 statement to USA TODAY, turned out to be from 2013 and did not require routing of incident reports to the top lab safety office — which was created last year amid congressional scrutiny. Only as the CDC FOIA Office prepared to send a copy of the existing 2013 policy to the newspaper last week did the agency's top lab officials send out a revised policy on July 20.

The latest documents obtained by USA TODAY also show that the CDC's acting top lab safety official emphasized in a memo last week the importance of reporting all incidents as well as “near misses” that occur in labs. The memo follows USA TODAY's [reporting earlier in the month](#) that raised questions about whether CDC staff are reporting all potential lab mishaps, or only a narrow subset of the most serious potential exposures to pathogens.

“CDC requires reporting of all incidents; however, the best safety programs also track ‘near misses’ to fix potential problems before someone gets hurt,” wrote Stephan Monroe, the CDC's acting associate director for laboratory science and safety, in [the July 20 memo](#). “We encourage you to evaluate whether otherwise minor incidents meet the definition of a near miss, and if so, to report them.”

The CDC declined to make Monroe available for an interview. Under the policy documents issued last week, incident reports now eventually go to Monroe's office. This top lab safety office was created a year ago by CDC Director Tom Frieden to be the agency's single point of accountability on lab safety issues in the wake of serious CDC lab incidents with anthrax, Ebola and a deadly strain of bird flu that called into question the agency's safety culture and prompted the congressional hearing last summer.

Yet a permanent director for the office still hasn't been hired. Monroe is the office's third interim lab safety director; he has held the position since May.

The CDC's evolving lab incident reporting policy and failure to find a full-time lab safety director raised questions among some biosafety experts about whether the agency had taken meaningful action to address its safety problems.

"They keep making the same mistakes. It's incredible," said Richard Ebright, a biosafety expert from Rutgers university in New Jersey, who also testified at last summer's hearing on the CDC's lab safety issues. "They set up this office so they could say they were doing something."

Ebright said the CDC's [July 20 lab incident reporting policy and a diagram](#) for who decides what should be reported is overly complicated, provides too many layers of bureaucratic review and appears to be designed to avoid — rather than encourage — documentation and independent review of incidents that could prevent future mishaps.

"This is intentionally designed to ensure that nothing or almost nothing reaches the office," Ebright said after reviewing the documents released to USA TODAY. He said all potential incidents should be reported directly to the top lab safety office so a consistent review standard is applied.

"The root cause of all of this is a lack of accountability: Incidents don't get reported and consequences don't occur," Ebright said.

*Read full coverage of USA TODAY's ongoing investigation of lab safety issues at: [biolabs.usatoday.com](https://biolabs.usatoday.com)*

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