



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Office of Biotechnology Activities
National Institutes of Health
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August 6, 2003

Mr. Edward Hammond
Director
The Sunshine Project
101 West 6th Street, Suite 607
Austin, Texas 78701

Dear Mr. Hammond:

I am writing in response to your email and letter of July 29, 2003 in which you express concerns about the Institutional Biosafety Committee (IBC) at the University of Texas Medical Branch (UTMB) in Galveston, Texas. In that communication, you ask for clarification of the procedures by which a complaint can be formally conveyed to our office. The *NIH Guidelines for Research Involving Recombinant DNA Molecules* state in Section I-D that information concerning noncompliance with the *NIH Guidelines* may be brought forward by any person and should be brought to the attention of the NIH Office of Biotechnology Activities (OBA) and the relevant institution.

We acknowledge your letter of July 29 to our office and your letter of August 4 to the Director of the National Institute of Allergy and Infectious Diseases as a formal complaint that UTMB policies and practices regarding public access to meetings of its IBC, and to the minutes of those meetings, fail to comply with the *NIH Guidelines*. Because OBA is responsible for overseeing implementation and interpretation of the *NIH Guidelines*, this office will investigate your allegations. We have asked UTMB to send us a factual response to your allegations within 15 working days of receipt of our letter. Once we receive and thoroughly assess the UTMB response and any other pertinent information, we will make a determination about UTMB's compliance with the *NIH Guidelines* and notify you accordingly.

Thank you for bringing this matter to our attention.

Sincerely,

A handwritten signature in black ink, appearing to read "Amy P. Patterson".

Amy P. Patterson, M.D.
Director
NIH Office of Biotechnology Activities

Anthony Fauci, M.D., Director, NIAID
Barbara McGarey, NIH Legal Advisor
Lana Skirboll, Ph.D., Director, Office of Science Policy, NIH
Allan Shipp, Director of Outreach, NIH OBA