

Envelope-to: hammond@ud04.underdoghosting.com  
Subject: Form 3  
Date: Wed, 11 Apr 2007 20:56:37 -0500  
Thread-Topic: Form 3  
Thread-Index: Acd8pc3RGIEH//NKTqGIsi9jR45Iww==  
From: "Kelly, Scott" <S-Kelly@tamu.edu>  
To: "Edward Hammond" <hammond@sunshine-project.org>  
Cc: "Callcott, Diane" <D-Callcott@tamu.edu>

Mr. Hammond,

After our telephone conversation this afternoon, I learned that a Form 3 was filed today. A copy is attached. I am continuing to follow up as we discussed and I will get back to you Friday as we discussed. I was also made aware of the two public information requests you submitted to Texas A&M University and the Health Science Center today. My office has directed that any responsive information be gathered and provided to me. I will work to expedite these requests.

Mr. Scott A. Kelly  
Deputy General Counsel  
The Texas A&M University System  
Office of General Counsel  
A&M System Bldg., Ste. 2079  
200 Technology Way  
College Station, Texas 77845  
(979) 458-6125  
(979) 458-6150 - facsimile

Content-Type: application/octet-stream;  
name="CDC Form 3.pdf"  
Content-Description: CDC Form 3.pdf  
Content-Disposition: attachment;  
filename="CDC Form 3.pdf"



**GUIDANCE DOCUMENT FOR REPORT OF THEFT, LOSS, OR  
RELEASE OF SELECT AGENTS AND TOXINS  
(APHIS/CDC FORM 3)**

FORM APPROVED  
OMB NO. 0579-0213  
OMB NO. 0920-0576  
EXP DATE 12/31/2008

## INTRODUCTION

The U.S. Departments of Health and Human Services (HHS) and Agriculture (USDA) published final rules (7 CFR 331, 9 CFR 121, and 42 CFR 73), which implement the provisions of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Public Law 107-188) setting forth the requirements for possession, use, and transfer of select agents and toxins. The select agents and toxins identified in the final rules have the potential to pose a severe threat to public health and safety, to animal and plant health, or to animal and plant products. Responsibility for providing guidance on this form was designated to the Centers for Disease Control and Prevention (CDC) by the HHS Secretary and to the Animal and Plant Health Inspection Service (APHIS) by the USDA Secretary. In order to minimize the reporting burden to the public, APHIS and CDC have developed a common reporting form for this data collection.

An entity is required by regulation (7 CFR 331.19, 9 CFR 121.19, and 42 CFR 73.19) to notify APHIS (telephone: 301-734-5960, facsimile: 301-734-3652, e-mail: [Agricultural.Select.Agent.Program@aphis.usda.gov](mailto:Agricultural.Select.Agent.Program@aphis.usda.gov)) or CDC (telephone: 404-718-2000, facsimile: 404-718-2096, or e-mail: [irsat@cdc.gov](mailto:irsat@cdc.gov)) immediately upon discovery of a theft (unauthorized removal of select agent or toxin), loss (failure to account for select agent or toxin), or release (occupational exposure or release of an agent or toxin outside of the primary barriers of the biocontainment area) of a select agent and toxin. In addition, clinical or diagnostic laboratories and other entities that possess, use or transfer a select agent or toxin contained in a specimen presented for diagnosis, verification, or proficiency testing must immediately report upon discovery of a theft, loss, or release of select agent or toxin. After the initial reporting, this form (APHIS/CDC Form 3) must be sent to APHIS or CDC within 7 calendar days after the discovery of theft, loss, or release of select agents or toxins.

For theft or loss of select agents or toxins, the entity must notify the appropriate local, state, or federal law enforcement agencies. For release of select agents or toxins, the entity should notify the appropriate local, state, and federal health agencies.

## PURPOSE

This form is to be used by the RO or facility director to report the theft, loss, or release of select agents or toxins. A copy of the completed form and attachments must be maintained by the entity for three years.

## INSTRUCTIONS

1. Immediately notify APHIS or CDC via telephone, fax, or e-mail and appropriate local, state, or federal law enforcement agencies (theft or loss) or appropriate local, state, and federal health agencies (release).
2. The RO or facility director must complete, sign and date this form. For registered entities, the information provided for this form should match the information submitted for the entity's certificate of registration.
  - A. For reporting of a theft or loss, complete sections 1 and 2. Thefts or losses must be reported even if the select agent or toxin is subsequently recovered or the responsible parties are identified. For reporting a theft or loss that occurred during transfer, complete sections 1, 2, and 3 and include a copy of the approved APHIS/CDC Form 2, "Request to Transfer Select Agents and Toxins."
  - B. For reporting a release, complete sections 1, 2, and 4. For reporting a release that occurred during transfer, complete all sections and include a copy of the approved APHIS/CDC Form 2, "Request to Transfer Select Agents and Toxins."
3. The RO or facility director faxes or mails the form to APHIS or CDC **within 7 calendar days** of the theft, loss, or release.

## OBTAINING EXTRA COPIES OF THIS FORM

Additional copies of this form are available on APHIS website ([http://www.aphis.usda.gov/programs/ag\\_selectagent/index.html](http://www.aphis.usda.gov/programs/ag_selectagent/index.html)) or CDC website (<http://www.cdc.gov/od/sap>) or by contacting APHIS at (301) 734-5960 or CDC at (404) 718-2000.



**REPORT OF THEFT, LOSS, OR RELEASE OF SELECT AGENTS AND TOXINS (APHIS/CDC FORM 3)**

FORM APPROVED  
OMB NO. 0579-0213  
OMB NO. 0920-0576  
EXP DATE 12/31/2008

Read all instructions carefully before completing the report. Answer all items completely and type or print in ink. The report must be signed and submitted to either APHIS or CDC:

Animal and Plant Health Inspection Service  
Agricultural Select Agent Program  
4700 River Road Unit 2, Mailstop 22, Cubicle 1A07  
Riverdale, MD 20737  
FAX: 301-734-3652

Centers for Disease Control and Prevention  
Division of Select Agents and Toxins  
1600 Clifton Road NE, Mailstop A-46  
Atlanta, GA 30333  
FAX: 404-718-2096

SECTION 1 - TO BE COMPLETED BY ALL ENTITIES					
1. Entity name: Texas A&M University			2. Entity registration number (if applicable): APHIS# _____ CDC# 200606050489		
3. Entity address (NOT a post office address): 1500 Research Parkway, Suite B150 TAMU 1186			4. City: College Station		5. State: TX
					6. Zip Code: 77843-1186
7. Responsible Official (RO) or facility director First: Richard MI: Last: Ewing			8. Telephone: 979 847-9362		9. FAX: 979 862-3176
			10. E-mail: araines@vprmail.tamu.edu		
11. RO or facility director address (NOT a post office address): 1500 Research Parkway, Suite B150			12. City: College Station		13. State: TX
					14. Zip Code: 77843-1186
15. Type of incident: <input type="checkbox"/> Theft <input type="checkbox"/> Loss <input checked="" type="checkbox"/> Release		16. Immediate notification provided to: <input type="checkbox"/> APHIS <input checked="" type="checkbox"/> CDC		17. Date of immediate notification: 04/10/2007	
				18. Type of immediate notification: <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Telephone	
19. An internal review of laboratory procedures and policies has been initiated to prevent recurrences of loss of select agents and toxins at this entity: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (if yes, please provide additional details in an attachment.) (See explanation in Section 2)					

SECTION 2 - TO BE COMPLETED BY ALL ENTITIES		
LIST OF SELECT AGENTS AND TOXINS LOST, STOLEN OR RELEASED (Please see page 4.)		
27. Date and time of incident: 02/09/2006	28. Date of last inventory: 03/12/2007	29. Name of principal investigator for laboratory with select agents and toxins First: Thomas MI: Last: Ficht
30. Location of incident (building and room #):	31. Location of incident (within room (e.g., freezer, incubator)): aerosol chamber	32. Biosafety level of laboratory where incident occurred: BSL3
33. Name and telephone number of agencies or local authorities notified: Health Dept. 512 458-7318	34. Symbols or markings on vials (if any):	35. Agent was recovered (theft/loss): <input type="checkbox"/> No <input type="checkbox"/> Yes
36. Provide a summary of actions taken: <input type="checkbox"/> Called ambulance <input type="checkbox"/> Called fire department <input type="checkbox"/> Closed laboratory doors <input type="checkbox"/> Closed building <input type="checkbox"/> Consulted MSDS or chemical database <input type="checkbox"/> Called police department (case #) <input checked="" type="checkbox"/> Other (explain): see below		
37. Provide a detailed summary of events (attach additional sheets if necessary):  Several months ago, one of our laboratory employees had an elevated titer (1:160) for Brucella. The lab report stated the following ..."evidence of prior exposure" but " it does not confirm that the exposure was recent". While the exact cause is not known, the exposure could have occurred on 2/9/06, and would have been the result of improper decontamination procedures. Specifically, the employee may have climbed into an aerosol chamber after a run. The chamber was located within the BL3 lab. The laboratory's Bio-safety plan has since been updated and all lab personnel have been retrained. All other lab personnel have also been tested and found to be negative. The incident occurred during the time we were transitioning CDC compliance responsibilities within our organizational structure. This information should have been immediately reported to the CDC but was not. We now have a process in place to insure immediate notification of a loss, theft or release and we are auditing all records to ensure all incidents have been properly reported.		

SECTION 3 – IF THE INCIDENT OCCURRED DURING TRANSFER PROVIDE THE FOLLOWING INFORMATION			
38. APHIS authorization number from transfer form:		39. CDC authorization number from transfer form:	
40. Name of carrier:		41. Airway bill number/bill of lading number/tracking number:	
42. Package description (size, shape, description of packaging including number and type of inner packages; attach additional sheets if necessary):			
	SENDER INFORMATION		RECIPIENT INFORMATION
43. Name of person:	a. First:                      MI:                      Last:	b. First                      MI:                      Last:	
44. Name of entity:	a.		b.
45. APHIS/CDC registration number:	a. APHIS:	b. CDC:	c. APHIS:                      d. CDC:
46. PHS/USDA import permit number:	a. PHS:	b. USDA:	c. PHS:                      d. USDA:
47. Date shipped:	a.		b.
48. Telephone:	a.		b.
49. FAX:	a.		b.
50. Package with select agents and toxins received by requestor: <input type="checkbox"/> No <input type="checkbox"/> Yes		51. Package with select agents and toxins appears to have been opened: <input type="checkbox"/> No <input type="checkbox"/> Yes (If Yes, explain)	
52. Sender was contacted regarding incident: <input type="checkbox"/> No <input type="checkbox"/> Yes		53. Carrier/courier was contacted regarding incident: <input type="checkbox"/> No <input type="checkbox"/> Yes	


SECTION 4 – TO BE COMPLETED ONLY FOR RELEASE OF SELECT AGENTS AND TOXINS	
54. Hazards posed by release: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (If Yes, explain. Use an attachment if necessary.)	
55. Exposures: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If Yes, provide number of persons, animals, and plants exposed. Attach additional sheets if necessary.) 1 employee showed evidence of prior exposure.	
56. Area was decontaminated: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If Yes, explain. Use an attachment if necessary.) The chamber is now flushed with a disinfectant rather than using manual cleaning methods. In addition, personnel are now using positive air displacement respirators instead of the N95 face mask.	
57. Medical treatment was provided: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If Yes, explain. Use an attachment if necessary.) The employee had previously been treated by a private physician and is currently being monitored.	

**SECTION 2 - TO BE COMPLETED BY ALL ENTITIES**

**LIST OF SELECT AGENTS AND TOXINS LOST, STOLEN OR RELEASED**

20. Select Agents and Toxins	21. Characterization of Agent	22. Number of Vials	23. Form (powder/liquid/solact)	24. Vol or Wt per Vial (e.g., ml, mg, ng)	25. Total Quantity	26. Concentration/Vial (e.g., 10 <sup>6</sup> pfu/ml)
1	Brucella abortus					1 x 10
2	Brucella melitensis					1 x 10
3	Brucella suis					1 x 10
4						1 x 10
5						1 x 10
6						1 x 10
7						1 x 10
8						1 x 10
9						1 x 10
10						1 x 10
11						1 x 10
12						1 x 10

I hereby certify that the information contained on this form is true and correct to the best of my knowledge. I understand that if I knowingly provide a false statement on any part of this form, or its attachments, I may be subject to criminal fines and/or imprisonment. I further understand that violations of 42 CFR 73, 9 CFR 121, or 7 CFR 331 may result in civil or criminal penalties, including imprisonment.

Signature of Respondent:  Typed or printed name of Respondent: Angella Raines  
 Title: ARO, Director of Research Compliance Date: 04/11/2007

**Public reporting burden:** Public reporting burden of providing this information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to CDC/ATSDR Reports Clearance Officer, 1600 Clifton Road NE, MS D-74, Atlanta, Georgia 30333; ATTN: PRA (0920-0576).