

EDWARD J. MARKEY  
MASSACHUSETTS

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# United States Senate

October 11, 2018

SUITE SD-255  
DIRKSEN BUILDING  
WASHINGTON, DC 20510-2107  
202-224-2742

975 JFK FEDERAL BUILDING  
15 NEW SUDBURY STREET  
BOSTON, MA 02203  
617-565-8519

222 MILLIKEN BOULEVARD, SUITE 312  
FALL RIVER, MA 02721  
508-677-0523

1550 MAIN STREET, 4TH FLOOR  
SPRINGFIELD, MA 01103  
413-785-4610

The Honorable Alex Azar  
Secretary  
U.S. Department of Health and Human Services  
200 Independence Avenue, S.W.  
Washington, DC 20201

Dear Secretary Azar,

I write to request information regarding efforts by the Department of Health Human Services (HHS) to obtain lab samples of H7N9 avian flu from the Chinese government. According to media reports, U.S. health authorities have been trying, unsuccessfully, for over a year to obtain samples of this dangerous virus from their Chinese counterparts.<sup>1</sup> Access to this flu virus is critical to researching and developing vaccines and treatments that could protect against a global pandemic. Global preparedness for this biological threat should not be jeopardized by Chinese political maneuvering or ongoing trade disputes between the United States and China. I am writing to understand what HHS and the Centers for Disease Control and Prevention (CDC) are doing to make sure the United States obtains whatever samples are needed to develop the appropriate protections against the avian flu.

The H7N9 avian influenza virus is an especially alarming threat to global health. The virus first appeared in 2013 in China and has killed nearly 40 percent of those infected with it.<sup>2</sup> According to the CDC, this strain is the influenza virus with “the greatest potential to cause a pandemic,” and it potentially poses “the greatest risk to severely impact public health.”<sup>3</sup> The latest outbreak in China in 2016-2017 was the largest and most devastating wave of infections to date. A global outbreak of H7N9 avian flu would be catastrophic, and the United States must be prepared for this potential threat.

To better understand this ongoing issue, I respectfully request your response to the following questions by October 25, 2018.

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<sup>1</sup> Emily Baumgaertner, *China Has Withheld Samples of a Dangerous Flu Virus*, New York Times (Aug. 27, 2018), <https://www.nytimes.com/2018/08/27/health/china-flu-virus-samples.html?action=click&module=Discovery&pgtype=Homepage>.

<sup>2</sup> Asian Lineage Avian Influenza A (H7N9) Virus, The Centers for Disease Control and Prevention, <https://www.cdc.gov/flu/avianflu/h7n9-virus.htm>.

<sup>3</sup> *Id.*

1. Is it true that the CDC has requested, but has not yet received, all the requested samples of H7N9 avian flu from the Chinese government?
  - a. If, so what are the remaining requests that China has yet to fulfill?
  - b. How critical are these samples to the ongoing research work of HHS?
  - c. What rationale has the Chinese government provided for the delay in fulfilling these requests?
  - d. What communications, if any, has the CDC received from the Chinese government regarding samples of this virus?
  - e. Have U.S. government agencies or offices continued to request the samples from the Chinese government? If not, why not?
  
2. Has the CDC or HHS communicated with the National Security Council (NSC), the United States Trade Representative (USTR), U.S. Department of State, or any other federal agency about the transfer of lab samples of this virus?
  - a. According to a media report, the National Security Council and World Health Organization (WHO) confirmed that the CDC had not received lab samples from the Chinese government.<sup>4</sup> Have officials from the NSC or other government agencies and offices raised the issue with their Chinese counterparts? What role, if any, has the NSC played in the CDC's efforts to obtain lab samples of this virus?
  - b. In April, USTR released a list of proposed Chinese products to be subject to additional tariffs. The list included vaccines.<sup>5</sup> However, in June, USTR released its final list of Chinese products subject to tariffs and vaccines had been removed from it.<sup>6</sup> If the United States placed the proposed tariff on vaccines from China, how would that impact our ability to prevent or respond to infectious disease outbreaks? Has the CDC or HHS communicated with USTR about the potential impact of tariffs on vaccines?
  
3. Does Taiwan have samples of H7N9 that would be helpful? Has any U.S. government agency or office requested samples from Taiwan?
  
4. In 2011, the WHO reached an agreement between member countries to share influenza biological materials with pandemic potential "in a rapid, systematic and timely manner."<sup>7</sup> Has the CDC or HHS communicated with the WHO concerning the inability to access requested samples? Has there been any determination whether China has broken its

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<sup>4</sup> Emily Baumgaertner, *China Has Withheld Samples of a Dangerous Flu Virus*, New York Times (Aug. 27, 2018), <https://www.nytimes.com/2018/08/27/health/china-flu-virus-samples.html?action=click&module=Discovery&pgtype=Homepage>.

<sup>5</sup> 83 FR 14906.

<sup>6</sup> 83 FR 28710.

<sup>7</sup> *Pandemic Influenza Preparedness Framework*, The World Health Organization (May 2011), [http://apps.who.int/iris/bitstream/handle/10665/44796/9789241503082\\_eng.pdf?sequence=1](http://apps.who.int/iris/bitstream/handle/10665/44796/9789241503082_eng.pdf?sequence=1).

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commitment to this WHO agreement? What can the United States do to ensure that the WHO enforces this agreement?

Thank you in advance for your attention to this matter. If you have any questions, please contact Zack Hosford of my staff at (202) 224-2742.

Sincerely,

A handwritten signature in blue ink that reads "Edward J. Markey". The signature is written in a cursive, flowing style.

Edward J. Markey  
United States Senator