

## Kimberly Wells

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**From:** Lee Auspitz [REDACTED]  
**Sent:** Saturday, October 16, 2021 9:35 PM  
**To:** Kimberly Wells  
**Cc:** Mayor; Lance Davis; Ben Ewen-Campen; Jesse Clingan  
**Subject:** Somerville BioSafety Framework-- resubmission  
**Attachments:** biosafety Oct2'21 (3).doc

Hi Kim,

Please transmit the following message for placement on the agenda of the next City Council meeting:

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TO: MAYOR AND CITY COUNCIL, with direct copies to other interested parties

I note that my memo of 2 October on Somerville's lack of an adequate biosafety framework was referred to the Land Use Committee at last Thursday's meeting of the City Council. The memo did have its origins as a correction to a deficient submission at joint hearings of that committee and the Planning Board. And it does lay out implications for changes in the Zoning Ordinance. So this referral was not inappropriate. But it is not sufficient.

The memo should have been concurrently referred to the Committee on Public Health and Public Safety (Lance Davis, Chair; Jesse Clingan, Vice-chair). The main thrust of the memo in the words of the summary paragraph was that "the City's [1994] regulatory framework for biotech tenants needs to be updated, activated, broadened and refined to cover the full variety of biotech laboratory activity." Why this is preeminently a matter of public health will be clear from a brief query-response exchange I had, as part of due diligence, with the director of a leading academic lab:

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**QUERY**

**"In re: the Somerville biosafety ordinance of 1994.** Its enforcement provisions are limited to recombinant DNA—an inheritance from the old Mark Ptashne days.\* By contrast, Cambridge and Boston use CDC/WHO risk levels—BSL 1-4. Cambridge bans Level 4 and requires annual reporting and re-permitting of Level 3 labs. My question is: What non-rDNA research areas, if any, fall in the Level 3 to 4 range?

If there are no non-rDNA Level 3 areas, the old Somerville ordinance might suffice. But if Level 3 includes areas not encompassed by rDNA research, then the 1994 ordinance needs to be updated along the lines followed by Cambridge. By way of context, as of today developers have announced more than 3 million square feet of commercial lab/office space for Somerville. My thought is that the City should have an adequate regulatory framework in place before leasing begins.

I don't need a lengthy response, merely an informed one. "

[\*In 1981 when Harvard Professor Mark Ptashne, a pioneer in rDNA research, applied to set up a commercial lab in Somerville, the City appointed a commission to develop one of the country's early regulatory frameworks].

## **RESPONSE**

**"Brief answer:** pathogens are not included in old rDNA rules  
Somerville needs to update lest you get poorly regulated Ebolavirus etc"

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I write to resubmit the October 2 memo with the request that it be referred concurrently to the Public Health and Land Use Committees, whose chairs and vice chairs are copied herewith..

I shall be out of contact on a long-postponed vacation until November 1, but am available thereafter at the pleasure of interested City officials.

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Lee Auspitz

[Redacted]

Somerville, MA 02144

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