



Division of Select Agents and Toxins

Program Improvement Initiatives

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CDC Division of Select Agents and Toxins

Progress Towards Change: Program Improvement Initiatives

The information below is designed to extract and summarize the recommendations relevant to CDC's role within the Federal Select Agent Program (FSAP), collect them in one place, outline actions that have been identified to address each, and provide an update on progress towards implementation. The Division of Select Agents and Toxins (DSAT), in conjunction with its Agriculture Select Agent Service (AgSAS) colleagues, continues to work diligently to implement these improvements to the FSAP and will provide periodic updates, located at http://www.cdc.gov/phpr/dsat/review_initiatives.htm.

IMPROVING INSPECTIONS

Improving Facility Inspections

Area of Focus	Action Identified	Status	Addresses
Improve quality and consistency of FSAP inspections, inspection teams, and inspectors	Identify violations that require greater inspector judgment and establish an inspector training plan to address knowledge gaps and increase standardization so that registered entities have clear, consistent information	Completed; FSAP identified observations requiring greater inspector judgment and trained inspectors on these issues. This training was completed in November 2017. FSAP will continue to provide such training for new employees and refresher training in the future.	CDC 90-Day #1: Reduce potential variability of inspections FTAC #7: Improve consistency of inspections
	Create a set of examples that categorize violations along a spectrum of severity which can then be used to ensure enforcement actions are appropriate given the violation severity; this will serve to increase compliance by reducing ambiguity and providing more precise and transparent information to the regulated community on how performance and violations are graded	Completed; violations were categorized according to a range (or spectrum) of severity, along with enforcement options; FSAP shared this with the regulated community for feedback in June and October 2016. In addition, FSAP convened external panels to review and provide feedback. The document was finalized for use in September 2017 to ensure consistency in inspection findings and is available here .	CDC 90-Day #1: Reduce potential variability of inspections CDC 90-Day #4: Better characterize severity of inspection findings CDC 90-Day #5: Prioritize and strengthen enforcement actions to highest risk violations FTAC #9:

			Categorize inspection findings
Analyze inspection data and risk assessments to prioritize oversight activities	Examine and convey trends and associations between inspection findings and risk in order to better understand and anticipate actions most strongly and most often associated with poor outcomes; use this information to improve biosafety and biosecurity practices across regulated entities and improve the inspection process	In progress	CDC 90-Day #7: Analyze trends and associations between inspection findings and risk
	Review the science and practice of risk assessment in modern select agent laboratories to identify the highest risk activities; this will inform additional recommendations to implement standardized risk assessment activities and improve the effectiveness and timeliness of the inspection process	Completed; an independent external group conducted this review and developed a report to help inform FSAP activities moving forward.	CDC 90-Day #3: Review and implement options for standardized risk assessment
Increase inspection capacity	Develop a staffing and retention plan for inspectors to improve the FSAP's ability to effectively conduct an increased volume of inspections, as well as limit turnover of trained, experienced staff	Completed; an internal report of DSAT staffing, recruitment, training, and retention was completed in June 2016 and work to implement improvements is underway.	CDC 90-Day #2C: Present staffing and retention plans
Address inventory control concerns	Clarify current FSAP policy regarding the monitoring of inventories, to ensure clear and consistent understanding of the policy across inspectors and entities	Completed and communicated policy to registered entities on 2/23/16	FTAC #6: Retain inventory control requirements

Improving Inspection Reporting

Area of Focus	Action Identified	Status	Addresses
Improve content and clarity of inspection reports	Design and implement a system to better characterize the overall severity of inspection findings to reduce ambiguity and increase understanding in the regulated community on how performance and violations are graded	In progress; a DSAT pilot program was undertaken to generate inspection report cards to summarize the entity's regulatory departures following an inspection and show how its performance compares relative to other entities; sample inspection report cards were developed and shared with the regulated community for feedback in June 2016. DSAT report card pilot began in October 2016 and lasted for approximately six months. Following an evaluation period, DSAT intends to resume issuing inspection report cards.	CDC 90-Day #4: Better characterize severity of inspection findings CDC 90-Day #5: Prioritize and strengthen enforcement actions to highest risk violations CDC 90-Day #7: Analyze trends and associations between inspection findings and risk FTAC #9: Categorize inspection findings
	Establish an inspection report auditing process to assess the overall quality and tone of inspection reports to improve content and consistency on a sample of inspection reports	Completed; lessons learned from these ongoing efforts will help to inform additional program efforts	CDC 90-Day #1: Reduce potential variability of inspections
	Assess the range of terminology currently used in inspection reports in order to develop clear and consistent standard language for use	Completed; inspection report templates and a database of standard language that can be used by inspectors to aid in the preparation of inspection reports have been developed and will continue to be refined over time	CDC 90-Day #1: Reduce potential variability of inspections
Improve the timeliness of inspection reports	Implement a process to issue interim inspection reports to entities to provide timely feedback after an inspection, particularly when a final	Completed; implementation remains ongoing	CDC 90-Day #2B: Provision of interim inspection reports

	inspection report will not be completed within 30 business days. These can be one of two types: 1). Routine preliminary reports that are for an entity's information only, and 2). Immediate action preliminary reports that highlight serious violations needing urgent action		FTAC #8: Improve customer service
	Initiate routine analysis and reporting of inspection report timeliness data to identify opportunities to improve issuance of final reports within 30 days after an inspection	Completed; An external report analyzing inspection report timeliness throughout 2015 was published on 4/20/2016 (available HERE) and DSAT intends to issue these reports on an annual basis moving forward. The 2016 report is also available HERE .	CDC 90-Day #2A: Increase timeliness of inspection reports FTAC #8: Improve customer service

IMPROVING CUSTOMER SERVICE

Area of Focus	Action Identified	Status	Addresses
Provide opportunity for entities to give inspection feedback	Develop survey so that registered entities can provide feedback on the inspection process, including on the consistency of inspections, following the conclusion of a renewal, verification, or amendment inspection	Completed; survey implementation began in May 2016.	FTAC #7: Improve consistency of inspections FTAC #8: Improve customer service
Provide opportunity for entities to request interpretations of the select agent regulations	Establish a formal mechanism for issuing, publicizing, and accepting entities' requests for FSAP to answer questions regarding the select agent regulations	Completed and communicated the process to regulated entities on 12/29/15	FTAC #1: Accept requests for regulation interpretation
Increase opportunities for the select agent community to provide program input	Share draft FSAP policies and guidance before these items are finalized (as appropriate) to allow the community to	Completed; implemented as of January 2016	FTAC #8: Improve customer service

	provide input into issues that will affect their work		
Provide opportunity for entities to dispute findings in inspection reports	Develop a formal mechanism for entities to dispute findings in inspection reports and come to a resolution	Completed and communicated the process to regulated entities on 3/31/16.	FTAC #8: Improve customer service FTAC #10: Expand appeals process for disputed inspection findings
Increase ease of ability for those in the regulated community to move from one institution to another	Work with FBI/CJIS to create a process so that individuals with current approved security risk assessments (SRA) completed at one entity can move to another without having to undergo a second SRA	Completed; implemented as of July 2016. For those with a current approved SRA, the process allows visitors, transferring personnel, and personnel who work at more than one entity to work without having to undergo an additional SRA at the second entity	FTAC #4: Individual-based Security Risk Assessments
Provide additional training and guidance to the select agent community	Develop guidance for Customs and Border Protection (CBP) inspectors that process shipments of select agent and toxins coming into the U.S. to increase awareness of the applicable regulations	Completed guidance on 1/14/16; currently working with CBP on implementation.	FTAC #13: Develop training and guidance for customs inspectors
	Establish a training program for entities' Responsible Officials (ROs) in order to increase education and build community	Completed; the first multi-day in-person FSAP workshop for Responsible Officials was held December 6-8, 2016 in Riverdale, MD. As part of FSAP's commitment to continued improvement, FSAP held a second workshop from November 28-30, 2017.	FTAC #3: Peer-sharing of best practices
	Strengthen guidance for ROs to encourage participation in their entities' biosafety and biosecurity oversight committees so that the ROs are engaged in discussions affecting the work	Completed; an updated resource manual for ROs was published by FSAP on 3/21/17 and is available HERE .	FESAP #2.3: Optimize guidance for ROs

	Establish and update guidance for entities on biosafety and biosecurity plan development to provide additional details and clarity on what is needed to comply with the select agent regulations and increase biosafety and biosecurity measures	<p>Completed:</p> <ul style="list-style-type: none"> • Published amendments to the select agent regulations include specific requirements for drills and exercises (FESAP #2.1; Completed on 1/19/17) • A new guidance document on developing biosafety/ biocontainment plans was published by FSAP on 3/21/17 (available HERE), and a template to assist in development was published on 5/16/17 (available HERE). • Message was sent to regulated entities to communicate the importance of entities establishing policies on maximum work hours for those in high containment laboratories (FESAP #2.7; Completed on 4/5/16) 	<p>FESAP #2.1: Add requirements for drills and exercises</p> <p>FESAP #2.6: Improve guidance for biosafety plans</p> <p>FESAP #2.7: Amend guidance documents to consider maximum work hour policies</p>
	Increase awareness of the OIG hotline so that staff at registered entities know how to anonymously report a safety or security concern	<p>Completed:</p> <ul style="list-style-type: none"> • Added hotline information to the FSAP website • Published amendments to the select agent regulations contain a specific requirement for entities to provide staff training on how to access the hotline 	FESAP #2.2: Add OIG hotline training requirement
Improve information systems	Develop a new electronic information system that will increase efficiency, accuracy, and speed of interactions between FSAP and registered entities	In progress; further information and updates are available here .	FTAC #8: Improve customer service

Keep pace with scientific advances in the area of diagnostics	Research diagnostic options used to confirm the presence of a select agent, including the incorporation of molecular diagnostic methods in addition to traditional culture-based methods, to keep pace with the current state of the science	Ongoing	CDC 90-Day #9: Keep pace with scientific advances through incorporation of molecular diagnostics
Maintain close communication and coordination with AgSAS colleagues	In conjunction with AgSAS colleagues, develop joint FSAP plans and policies for program improvements, including efforts such as joint inspection reports, regulatory interpretations, the inspection dispute resolution process, and aggregate reporting of data, among others, to ensure collaboration and consistency across the FSAP	Completed; routine communication and coordination between agencies continues to take place, including regularly scheduled in-depth discussions each week to discuss issues affecting the program.	Multiple recommendations across the CDC 90-Day, FTAC, and FESAP reviews

IMPROVING INCIDENT RESPONSE

Area of Focus	Action Identified	Status	Addresses
Improve entity incident reporting and data collection	Update APHIS/CDC Form 3 so that incident reporting is more informative about the actual and potential risk of reported theft, loss, and release incidents. This includes identifying the most common categories of incident reports and additional subcategories that are needed to collect a greater level of detail on each reported event in a more consistent fashion.	Completed; FSAP proposed revisions to APHIS/CDC Form 3 and the accompanying guidance document. The changes were approved by OMB and the new form became available for use in November 2017.	CDC 90-Day #8: Make reporting more informative about risk of reported incidents
Ensure adequate emergency response capabilities	Review existing regulations to ensure that the emergency authorities of the HHS	Completed March 2016; the HHS Biosafety and Biosecurity Council reviewed and concluded	FTAC #5: Develop mechanism for response to

	Secretary are adequate for timely response to domestic or foreign public health emergencies involving select agents or toxins	that current waiver authorities are adequate; FSAP will continue to be attentive for potential scenarios where current authorities might fall short.	emergency situations
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IMPROVING TRANSPARENCY AND ENGAGEMENT

Area of Focus	Action Identified	Status	Addresses
Public release of annual data reports	Assess the feasibility of releasing a public report containing FSAP aggregate data on registered entities, inspection findings, and other key statistics. This includes creating a deliberative process to consider the security implications of such information disclosures.	Completed; a full report containing aggregate data providing insight into work with select agents and toxins at laboratories across the nation, as well as the regulatory functions of FSAP, was issued on 6/30/2016 (materials including the full report and an infographic highlighting key findings are available HERE). FSAP intends to publish a similar report on an annual basis. The security community was engaged during the development of the report to evaluate and address any potential security concerns associated with the public sharing of the information within the report. The second annual report was issued in October 2017 and is available here .	CDC 90-Day #10: Increase public reporting of inspection processes and findings FTAC #2: Support public release of information
Engagement with the international community	DSAT should support the International Expert Group for Biosafety and Biosecurity Regulation and, through this group, collaborate on related biosafety and biosecurity issues with foreign governments	Completed; DSAT already supports this group, as well as other global work, through its international program efforts	FTAC #12: Engagement with international community

Identify regulatory process alternatives	Research enforcement options used by other U.S. regulatory programs (e.g. aviation, food industry)	Completed; an independent external group conducted this review and developed a report to help inform FSAP activities moving forward.	CDC 90-Day #6: Report on other approaches to increase regulation compliance
Support information-sharing among peers	Establish an independent forum to encourage routine peer-to-peer sharing regarding best practices among those working with select agents and toxins	Completed; ABSA International is providing an online discussion forum, in-person workshop, and webinars for the regulated community to share information and best practices independent of the FSAP. FSAP will provide ongoing support as needed.	FTAC #3: Peer-sharing of best practices