

# Congress of the United States

Washington, DC 20515

September 20, 2024

Mandy K. Cohen, MD, MPH  
Director  
Centers for Disease Control and Prevention  
1600 Clifton Road  
Atlanta, GA 30329

Dear Director Cohen:

We write to you today in support of the disability and service dog handler community and on behalf of over a dozen scientific regulatory bodies, student groups, and advocacy organizations to encourage an edit, amendment, or addendum to the Centers for Disease Control's (CDC) Biosafety in Microbiological and Biomedical Laboratories (BMBL) guideline manual. Specifically, Section IV and V, which discuss biosafety level (BSL) criteria in all BSL labs and Animal Facilities.

Existing language in the CDC's BMBL is being misinterpreted and weaponized by over 100 educational institutions and research centers, as well as the Department of Veterans Affairs and the Department of Defense, to exclude people with disabilities from laboratories without providing considerations through individualized risk assessment or reasonable accommodations, as outlined by federal law. After meetings with the Office of Laboratory Science and Safety, which oversees BMBL drafting, it was abundantly reaffirmed that the BMBL exhibits no regulatory authority and therefore, the CDC's conclusion is that there is no need to update it. However, this is unacceptable given the individuals impacted by this sentence, which include students, private sector employees, and United States veterans. Sadly, we have heard stories of students and industry professionals whose entire academic careers or employment opportunities were threatened or terminated by this one sentence.

The current guidance states, "Animals and plants not associated with the work being performed are not permitted in the laboratory."<sup>1</sup> This leaves no room for objective assessment for equal or equitable access and opportunities for those with disabilities who utilize a service dog.

We believe the solution would be to amend the current BMBL guidelines to state, "**Animals and plants not associated with the work being performed are not permitted in the laboratory; service dogs may be an exception based on an individualized risk assessment.**"

It is not just standard best practice for scientific regulatory bodies to perform a risk assessment before excluding such a wide segment of society, it's outlined in the law. Title I and II of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act clearly outline that institutions — including postsecondary institutions — must examine reasonable accommodations for the physical or mental limitations of a qualified

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<sup>1</sup> Biosafety Level 1 (pg 32, 35), A. Standard Microbiological Practices; Biosafety Level 2 (pg 37, 40); Biosafety Level 3 (pg 43, 46); Biosafety Level 4 (pg 51, 55); Animal Biosafety, Level 1 (pg 76); Animal Biosafety, Level 2 (pg 82); Animal Biosafety, Level 3 (pg 91); Animal Biosafety, Level 4 (pg 102)

individual with a disability.<sup>2</sup> To comply, institutions rely on the CDC's BMBL to conduct individualized risk assessments to determine safety hazards and best practices.

In determining whether an individual with a service dog poses a direct threat to laboratory work or the health or safety of others, schools and facilities should have to make an individualized assessment based on current medical knowledge or on the best available objective evidence. These assessments should determine (1) the nature and severity of the risk, (2) the probability of potential injury, and (3) whether modifications of policies and practices will mitigate the risk.<sup>3</sup>

The bottom line is if the overwhelming result of your guidance is being interpreted as if it were an enforceable regulation, then CDC must treat it as such and take responsibility for amending **one sentence** in the guideline. If the CDC is the "nation's leading science-based, data-driven, service organization that protects the public's health," it should take responsibility for protecting the public health of all, including the largest diverse demographic in the United States: people with disabilities.

People with disabilities should not be judged nor discriminated against based on unfounded fear or ignorance. It is tragic to think that individuals who have overcome adversity to continue to pursue their passion in the STEM field would be denied without any form of risk analysis first, leading to discrimination based on unfounded ignorance — an ironically unscientific form of reasoning.

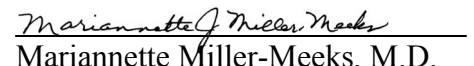
Whether due to a new need for assistance due to an accident, or a lifelong disability, some of our best and brightest are being denied reasonable accommodations and forced to put their ambitions on hold due to a misinterpretation. Our proposed solution will provide equitable access for disabled students and working professionals in the science industry who rely on the medical assistance of a service dog.

We look forward to your timely response on if CDC plans to address these concerns, which are shared by thousands of individuals across the country, and details on how you will clarify for universities and research facilities that service animals can be admitted based on an informed analysis and risk assessment rating.

We respectfully request a response, in writing, no later than two weeks from receipt of this letter.

Sincerely,

  
Juan Ciscomani  
Member of Congress

  
Mariannette Miller-Meeks, M.D.  
Member of Congress

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<sup>2</sup> 42 U.S.C. § 12132; 28 C.F.R. § 35.130. and 34 C.F.R. §§ 104.42 and 104.43; 45 C.F.R. §§ 84.42 and 84.43.

<sup>3</sup> 28 C.F.R. § 36.208; 28 C.F.R. 35.139; Arline, 480 U.S. at 288.)



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David G. Valadao  
Member of Congress



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Brandon Williams  
Member of Congress



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Vern Buchanan  
Member of Congress