Opening Remarks
Special Committee on Canada-China Relations

Check against delivery
Ottawa, May 10, 2021

Mr. Speaker,

Members, I want to begin with the steps we have taken to respond to your motion of March 31.

We have reviewed relevant documents and worked very hard in a short period of time to prepare a package of documents that will assist you in your study.

As I indicated in my letter to your Law Clerk, Mr. Dufresne, we have redacted documents where the information pertains to personal information, investigations or security matters. The reason we have done so is simple: as public servants, we are bound by law to keep confidential information

confidential. It is not that we are being uncooperative or unresponsive. We are disclosing as much as we can within the limits of the law.

The Government of Canada guiding document entitled, "*Open and Accountable Government*", has been used for many years to explain the obligations of witnesses before Parliamentary committees. I note in particular the passage in Annex E:

"Public servants also have a duty to hold in confidence some of the information that comes into their possession in the course of their duties. There is a tension between that obligation and the request of parliamentarians for disclosure of that same information. When appearing before parliamentary

committees, public servants should refrain from disclosing that kind of confidential information, for instance because the information is confidential for reasons of national security or privacy…".

Consistent with this guidance, I have [in good faith] considered how to find ways to respond to legitimate requests for information from the Members of this Committee, within the limitations I am bound to uphold. This includes my obligation under the *Privacy Act,* legislation enacted by Parliament, to protect from the disclosure of personal information and the infringement of the privacy rights of individuals.

In compliance with that advice, we have applied redactions to protect certain sensitive information.

Accordingly, I will do my best to assist the Committee in its study, while refraining to divulge information that ought to remain confidential on various grounds.

I have no authority to disclose any additional information to you. As you will see, the limitations on what we can disclose is consistently well-documented throughout the package materials, which include public communications and previously disclosed access to information documents. And these limitations remain in place.

Here is what I can say about the two matters we discussed last time:

You have received many records from PHAC related to the transfer of Ebola and Henipah viruses from the National Microbiology Laboratory (NML) to the Wuhan Institute of Virology in March 2019. The basic chronology of the transfer can be found at p. 111 of the package provided to the Law Clerk.

These records demonstrate that, when sharing these samples, the NML followed normal internal guidelines and all applicable requirements under the *Human Pathogens and Toxins Act* (HPTA) and Regulations, the *Transportation of Dangerous Goods Act* (TDGA) and regulations, and the Canadian Biosafety Standard.

Here's how a transfer normally works:

The NML routinely receives and shares samples with other public health laboratories, to contribute to the advancement of science. Transfers follow strict protocols, including the requirements I just mentioned, as well as NML standard operating procedures.

The NML has detailed procedures outlining the steps required for transferring Risk Group 4 pathogens in accordance with the *Transportation of Dangerous Goods (TDG) Regulations*. These include: detailed procedures outlining step-by-step roles and responsibilities for all involved in the shipment; what documentation is required by the NML and from the receiving laboratory; when to initiate an Emergency Response Assistance Plan (ERAP) notification; as well as how to package the samples. Approvals are

required at various steps throughout the process, from the initial transfer authorization to the specific shipping details.

The shipping process for Risk Group 4 pathogens is outlined under the mandatory ERAP. This plan assists local emergency responders and describes what to do in the unlikely event of a release of materials while they are in transit.

Regarding the March 2019 virus transfer, documentation of the necessary approvals is evidenced in pages 265 to 271 of English package, including the NML transfer authorisation. A number of the emails relate to the ERAP that was in place for the shipment (e.g. page 132). However, full redactions

were done to the Laboratory Certification and the Letter from the Director of the Laboratory, as this was third party information.

You will note reference to Material Transfer Agreements (MTAs). It is important to understand that an MTA was in fact not required at the time for the virus transfers. An MTA is not a safety requirement, but a document that provides a mechanism for transferring controlled materials from one Party to another, primarily to safeguard intellectual property rights. As such, IP experts are consulted to determine whether an MTA is required.

While this is the only time we have shared virus samples with this particular lab, collaborations with

labs outside of Canada are critical to advance public health research into infectious diseases. PHAC's National Microbiology Laboratory is internationally renowned for its scientific excellence and contributions to global health. This maximum containment laboratory has a long standing international reputation for sharing materials for the purpose of advancing scientific knowledge. Given our standing as a WHO collaborating partner for viral hemorrhagic fever viruses, as well as our knowledge on regulations and standards for these types of transfers, the laboratory in Winnipeg is often asked to provide materials to new or existing programs, including laboratories in the United States. The NML is open to providing materials in a safe, responsible and transparent fashion with other labs in order to

foster global cooperation rather than enable research on any given disease to be monopolized by specific teams. This is a component of advancing public health research and science aimed at improving public health on a global scale.

You will notice that one of the individuals named in the motion was involved in the transfer.

Regarding the situation of the two individuals named in the motion, we have already confirmed that they no longer work for the NML. We also mentioned that there had been an administrative investigation: we cannot discuss the nature of the administrative investigation, its scope, or its findings. That said, to avoid undue inferences, I want to state again, as is

evidenced throughout the documentation that you received, that the fact that the transfer of the viruses took place – which, again, was done in compliance with internal policies and with proper approvals – is not connected to the departure of the two employees.

As you know, there is also an RCMP investigation; on that matter, I cannot comment and questions should be directed to the RCMP.

I am happy to take your questions about these documents and answer them as best I can.

Thank you.

Word count: 1128 words
Delivery time: ~10 minutes
Prepared by: Public Health Agency of Canada