



# EcoHealth Alliance

Dr. Michael Lauer  
Deputy Director for Extramural Research,  
NIH, Bethesda, MD.

**Response to the Reinstatement and immediate suspension of 2R01AI110964**  
**“Understanding the Risk of Bat Coronavirus Emergence”**

April 11<sup>th</sup> 2021

Dear Dr. Lauer,

I am responding your letters of 7/8/2020 and 10/3/2020 regarding the reinstatement and immediate suspension of NIH grant 2R01AI110964 “*Understanding the Risk of Bat Coronavirus Emergence*”, that was terminated “for convenience” on 4/24/2020. In particular, this letter addresses the conditions you state would need to be fulfilled in order for us to have access to the funds to continue this work.

As you know, we had not set up any subcontracts to the Wuhan Institute of Virology under this renewal R01. Immediately following NIH's letter on 4/19/2020 that the WIV was being ‘investigated’, we suspended all plans for contractual work with WIV. This termination of a funded relationship with the institute makes it extraordinarily difficult and more likely impossible to provide the information requested about an autonomous foreign organization – as would also be the case for a domestic one - that our organization neither works with currently, nor has control over.

Additionally, our collaborative work with the Wuhan Institute of Virology prior to your grant termination letter of 4/24/2020 and that planned in the suspended grant, is wholly unrelated to many of the conditions listed below. These conditions also pertain to certain events and situations that in no way involve EcoHealth Alliance or are not under our control. Thus, most of the conditions below are either unrelated to EcoHealth Alliance’s planned research in our highly rated, approved and funded grant application, and/or to the biosafety of our continued research funded by the suspended grant when it is reinstated in full.

Furthermore, in our recent correspondence with NIH regarding the latest in a series of FOIA requests, we were informed (1/26/2021 – see email correspondence at the end of this letter) by an NIH staff member Garcia-Malene Gorka that “any indication from my program that there is an ongoing investigation into WIV can now be disregarded, as we recently confirmed there are no pending investigations into that organization.” Because this was the explanation in your initial letter of 4/19/2020 for the decisions from your office regarding restrictions on, termination of, then reinstatement and suspension of our grant, we believe that these decisions should now be reassessed.

Despite our concerns about the relevance, fairness, or ability to fulfil the conditions as set forth in detail below, I have made extensive efforts to satisfy NIH's broad concerns, and have provided details of how these are relevant to each condition below. This includes serving as an expert on the WHO-China joint Mission on the Animal Origins of COVID-19, which involved 1 month on the ground in China (including 2 weeks locked in quarantine), at great personal burden and risk to me, to our organization, and to my family. I undertook this mission at a time when I have had increasing levels of personal attack and harassment, including a white-powder letter to my home address a few weeks after the details of our grant termination went public, and death threats that begun at the same time and continue to this day. It is clear in the wording of these attacks that many are a direct result of dangerous conspiracy theories inadvertently amplified by NIH's grant termination, and repeated in the conditions listed below. This type of harassment has accelerated to the point that personal security guards are now stationed at my home address, where I have also had to install invasive equipment and set up procedures to protect my family against expected violent attacks. Additionally, I now meet regularly with FBI agents and others at my home to monitor these threats. As I am sure you appreciate, this has a significant toll on my work, my personal life and my family.

Below, I detail our response to each of the conditions placed on our suspended grant, in an effort to provide as much information as possible and to explain the limitations on what we can do to respond. I look forward to your reply and hope that these will allow NIH to lift the suspension on funding so that we can continue our work to help protect our nation, indeed the global population, against future coronavirus pandemics. Should you wish, I feel certain we may discuss these points without legal counsel in a scientist-to-scientist conversation, as you have suggested verbally to others at NIH, and they have conveyed to me.

**1. Provide an aliquot of the actual SARS-CoV-2 virus that WIV used to determine the viral sequence.**

We believe this condition is effectively impossible for us to fulfil, for the following reasons. Firstly, there is no scientific nor administrative rationale for us to attempt to obtain a SARS-CoV-2 aliquot given that it is not part of our funded collaboration with WIV. Secondly, EcoHealth Alliance scientists do not have any capacity to work on such an aliquot (EHA does not conduct virological laboratory work on SARS-CoV-2) in the USA. This further reduces the validity of a scientific basis for this request to WIV. Thirdly, EcoHealth Alliance scientists were not part of the work that WIV conducted to determine the viral sequence of SARS-CoV-2, and this was not part of our (then active) R01 funded collaboration. This is publicly stated by the lack of EHA authors listed on the paper and the lack of acknowledgement of our grant as a funding source for this work. This publicly discounts any claim of sample ownership or control. Fourthly, the collaborative research laid out in our now-suspended grant does not include the shipping of human viral isolates out of China. Finally, during the last 16 months, there has been a series of vitriolic attacks from the US Government accusing China of bioengineering and releasing SARS-CoV-2 or of otherwise allowing COVID to become pandemic. Given these attacks, and WIV's status as a government entity, it seems to us incredulous that any request, particularly without scientific rationale, from a US non-profit to a Chinese Government laboratory for an active sample of a pathogenic human virus would likely be successful. We note that 1) to our knowledge China has not supplied such an aliquot to any formal request from a government; and 2) that if circumstances were reversed and a Chinese non-

governmental institution requested a similar pathogenic viral aliquot from a US government BSL-4 laboratory, this would also be unlikely to be fulfilled.

While we understand that it may be of scientific interest to some US-based researchers to analyze this viral sequence, this scientific interest could easily be satisfied without the need for an aliquot. The full genome of this viral sequence was uploaded to a freely accessible database on January 10 2020, and has been used widely by scientists in the USA (included those funded by NIH) and around the world in their work. Furthermore, isolates of the virus from patients in Thailand and Australia during early 2020 are essentially the same, and have been shared extensively.

## **2. Explain the apparent disappearance of Huang Yanling, a scientist / technician who worked in the WIV lab but whose lab web presence has been deleted.**

International experts on the WHO COVID-19 origins mission, including myself, asked direct questions on this issue to staff at WIV, including the Director of the institute, the P4 Lab Director, Dr. Shi and others. The response from all was consistent, as stated in the WHO mission report published 3/30/2020: “This person according the WIV staff was an alumnus who graduated in 2015 and was now working in a different province and did not accept to talk with media. The person had been contacted and tested and ascertained to be healthy.”

Given that the WHO team was not given access to this individual, and that China’s personal privacy laws are preclude our ability to insist on a meeting, it is difficult to see how a request from a US non-profit would have been approved. It seems at the least to be significantly outside the remit of a US-based non-profit organization to inquire further about the whereabouts of a citizen of a foreign country who has never to our knowledge been involved in our work, and over whom we have no control, influence, nor legal responsibility.

Finally, while many conspiracy theorists have suggested that the lack of a web presence of this person suggests some nefarious activity, there are dozens of unremarkable and routine reasons why a person may be removed from a web listing of employees or students. Not least of these is when a staff member leaves an institution, or a student graduates.

## **3. Provide the NIH with WIV’s responses to the 2018 U.S. Department of State cables regarding safety concerns.**

We believe that WIV senior staff comments reported in the WHO COVID origins mission report directly address this request in that they publicly state that no significant safety issues were found in their laboratory prior to, or following, the emergence of COVID. Any questions regarding the safety of the WIV also need to be put into the context of the widely published history of this lab as being built to international safety engineering standards, adhering to international safety practice standards indicated in the BMBL, and with lead WIV staff trained in safety in the United States by a known authority running the BSL-4 lab at the University of Texas Medical Branch in Galveston (as reported in the U.S. Dept of State cables). Furthermore, no verifiable evidence of safety issues have been reported prior to, or following the U.S. Dept of State cables.

Regarding the U.S. Dept. of State cables, these do not in fact provide evidence of safety concerns at the laboratory. Neither do they convincingly imply safety issues. In fact, they may be simply interpreted as a request for funding from a diplomatic mission set up to further joint US-China research. It is important to note that initially only very limited phrases from these cables were selectively leaked by a Washington Post reporter in an opinion piece that did not verify nor quote direct sources. This opinion piece is demonstrably incomplete in its reporting, however it has been widely cited as providing evidence of safety issues at WIV (<https://www.washingtonpost.com/opinions/2020/04/14/state-department-cables-warned-safety-issues-wuhan-lab-studying-bat-coronaviruses/>). I have some detailed knowledge of the background to these cables because the diplomatic visit to WIV that they report was a direct result of our NIH-funded work. As part of EcoHealth Alliance's work in China over the past 15 years, including that funded by NIAID, I visited the US Embassy in Beijing regularly and was involved in discussions with US Embassy staff to set up a field visit to the WIV in order to generate goodwill between the US and China at a time when President Trump was planning a state visit. I did this out of a sense of duty to our government, and to the NIH so that our project could help foster goodwill between our countries, as well as provide an indication of the importance of NIH's work. Following the US Embassy staff mission, I was told by people privy to the cable's contents that the articles were positive and supportive of the work we were doing under NIAID funding, and that the trip was a success.

Now that the full text of these cables (embedded at the end of this letter) has been released with minor redactions (<https://news.slashdot.org/story/20/07/20/0611205/full-text-of-us-state-department-cables-finally-released-showing-safety-in-chinese-lab>), it seems that this more positive interpretation is justified. As you can see in the excerpts below, the request for more laboratory technician support could be reasonably interpreted as simply a request for the funding for more laboratory technician support, rather than a statement that the lab was unsafe, particularly given that the visit was set up as part of an effort to further develop US-China collaborative research opportunities. Furthermore, the cables are extremely positive about the importance of the collaborative work we were conducting with WIV under NIAID funding:

"REDACTED noted that the new lab has a serious shortage of appropriately trained technicians and investigators needed to safely operate this high-containment laboratory. University of Texas Medical Branch in Galveston (UTMB), which has one of several well-established BSL-4 labs in the United States (supported by the National Institute of Allergy and Infectious Diseases (NIAID of NIH)), has scientific collaborations with WIV, which may help alleviate this talent gap over time. Reportedly, researchers from GTMB are helping train technicians who work in the WIV BSL-4 lab. Despite this they would welcome more help from U.S. and international organizations as they establish "gold standard" operating procedures and training courses for the first time in China."

"The ability of WIV scientists to undertake productive research despite limitations on the use of the new BSL-4 facility is demonstrated by a recent publication on the origins of SARS. Over a five-year study REDACTED (and their research team) widely sampled bats in Yunnan province with funding support from NIAID/NIH, USAID, and several Chinese funding agencies. The study results were published in PLoS

Pathogens online on Nov. 30, 2017 (1 ), and it demonstrated that a SARS-like coronaviruses isolated from horseshoe bats in a single cave contain all the building blocks of the pandemic SARS-coronavirus genome that caused the human outbreak. These results strongly suggest that the highly pathogenic SARS-coronavirus originated in this bat population. Most importantly, the researchers also showed that various SARS-like coronaviruses can interact with ACE2, the human receptor identified for SARS coronavirus. This finding strongly suggests that SARS-like coronaviruses from bats can be transmitted to humans to cause SARS-like disease. From a public health perspective, this makes the continued surveillance of SARS-like corona viruses in bats and study of the animal-human interface critical to future emerging coronavirus outbreak prediction and prevention."

**4. Disclose and explain out-of-ordinary restrictions on laboratory facilities, as suggested, for example, by diminished cell-phone traffic in October 2019, and the evidence that there may have been roadblocks surrounding the facility from October 14-19, 2019.**

The WIV staff categorically stated to the WHO mission that their lab is audited annually and no unusual events have been identified. The reports of diminished cell-phone traffic and roadblocks have not been verified or published by reliable sources. Furthermore, should hard evidence of diminished cell-phone traffic and roadblocks exist, it is not necessarily indicative of any issues related to concerns about the laboratory studies underway or safety or security incidents within the laboratory. These issues could be explained by any one of a series of issues that occur regularly in the US without nefarious connotations. For example, they could be due to roadwork or other infrastructure repair or maintenance, technical problems with cell-phone transmission, or rerouting of traffic as regularly occurs in Washington DC and other cities due to transport of visiting dignitaries or other events. Finally, there is no credible reason to think that any request a US non-profit might make to the Chinese government for an explanation of traffic or cell-phone issues would result in any response.

**5. Explain why WIV failed to note that the RaTG13 virus, the bat-derived coronavirus in its collection with the greatest similarity to SARS-CoV-2, was actually isolated from an abandoned mine where three men died in 2012 with an illness remarkably similar to COVID-19, and explain why this was not followed up.**

Since your letter of 7/8/2020, it has been widely reported that WIV scientists have published an addendum to their original paper in *Nature* that described SARS-CoV-2 and compared it phylogenetically to RaTG13. In this follow-up publication, they explain the rationale for conducting work in this mine, and any potential connection to the miner's illnesses and deaths. Importantly, they state that serological results in their lab at the time of the incident did not show that these miners were positive for SARSr-CoVs as some media articles have suggested. They then re-tested the miner samples in 2020 using a range of assays, and found no evidence of SARS-related CoV, nor of SARS-CoV-2 specific antibodies or nucleic acid. During the meeting of the WHO mission team with WIV staff, they were asked a series of questions about the miner's illnesses. The responses were that, while symptoms identified were similar to COVID in that they had pneumonia (a common occupational hazard for miners), their symptoms were also similar to other bacterial or fungal pneumonias. This, and the lack of evidence for SARSr-CoV infection, led them to conclude that SARS or COVID infection was not the cause of these miner's illnesses.

**6. Additionally, EcoHealth Alliance must arrange for WIV to submit to an outside inspection team charged to review the lab facilities and lab records, with specific attention to addressing the question of whether WIV staff had SARS-CoV-2 in their possession prior to December 2019. The inspection team should be granted full access to review the processes and safety of procedures of all of the WIV fieldwork (including but not limited to collection of animals and biospecimens in caves, abandoned man-made underground cavities, or outdoor sites). The inspection team could be organized by NIAID, or, if preferred, by the U.S. National Academy of Sciences.**

The WHO mission was negotiated at the very highest levels as the legitimate way to proceed in an investigation of COVID-19 origins, particularly with such critical geopolitical ramifications from this pandemic. Given the intensity of political attacks and conspiracy theories around this lab, it is unreasonable to expect that the Chinese government or WIV would respond to a request from a US non-profit for an outside inspection team. The 11 international expert members of the WHO team included authorities on epidemiology, animal-origin viral infections and One Health. Members of this team have extensive experience conducting lab audits (e.g. Dr. Peter Ben Embarek), running laboratories dealing with human clinical samples (e.g. Drs. Dominic Dwyer, Thea Fischer), and commissioning, managing and accrediting laboratories in foreign countries (myself, Dr. Fabian Leendertz). The WHO-China Joint Study report details the field site visits to multiple labs in Wuhan, including the WIV and summarizes our findings. This includes information on the management of the WIV, safety at the labs, audits and training and testing of staff. I acted in good faith to try to conform to the WHO terms of reference while ensuring that as much information on the laboratory was provided in the report. This information specifically addresses one of your questions above, with categorical statements from WIV senior staff that they did not have SARS-CoV-2 in their possession prior to December 2019.

After returning to the USA, and in the weeks prior to the publication of the report, I worked hard to make sure this critical information was shared as rapidly as possible with the US Government and agencies, including by:

- Briefing Drs. Anthony Fauci and Clifford Lane of NIAID on the findings of the mission;
- Presenting a full talk about the work to the NIAID COVID PI group that meets weekly
- Briefing FBI and other US Government intelligence agency staff
- Briefing members of the US NASEM Forum on Microbial Threats
- Briefing staff on the White House National Security Council
- Briefing staff on the House Committee for Science, Space, and Technology

**7. Lastly, EcoHealth Alliance must ensure that all of its subawards are fully reported in the Federal Subaward Reporting System**

This has been done and all subawards fully reported as soon as we could once you notified us of this requirement in your letter of 7/8/2020.

**8. Provide copies of all EcoHealth Alliance – WIV subrecipient agreements as well as any other documents and information describing how EcoHealth Alliance monitored WIV's compliance with the terms and conditions of award, including with respect to biosafety.**

As we related in response to your letter of 4/19/2020 that asked us to suspend work with WIV, we had not yet set up a subcontract with WIV for the period of this award, therefore no such subrecipient agreements exist. Our plan was to monitor WIV's compliance as we had in the 5 years prior, by means of semi-annual meetings with the lead investigator and assessments of compliance against all conditions of the award. Additionally, following the NIH's termination, then reinstatement and suspension of our funding, we have contracted with a leading lab biosafety contractor based in Southeast Asia (Dr. Paul Selleck) who has extensive experience commissioning, accrediting and auditing BSL-2, -3, and -4 labs, and has worked for over a decade at the BSL-4 Australian Animal Health Lab. We will be using their services where appropriate for foreign lab subcontractees to assess lab biosafety procedures and conduct audits, including following the full reinstatement of 2R01AI110964. Finally, we have appointed a Senior Field Veterinarian who will oversee all EcoHealth Alliance fieldwork in the region and ensure continued compliance with biosafety when conducting animal capture, sampling and sample handling. We have done this at EcoHealth Alliance's own expense, despite our unblemished record on biosafety, to pre-empt calls for further sanctions against our work given the continued attacks against EcoHealth Alliance in the press after the termination of our NIH grant.

**9. Describe EcoHealth's efforts to evaluate WIV's risk of noncompliance with Federal statutes, regulations, and the terms and conditions of the subaward.**

Over a 15-year period of collaboration with WIV, we have found no evidence to suggest that there was any element of noncompliance with any of the conditions of the grants or contracts covering our collaboration. Our interactions with all staff at the institute have been professional, respectful, open, and with a focus on the science at a very high level. This has contributed to a relationship built on trust and one that is entirely comparable to our scientific collaborations with laboratories in the US, Europe, Australia, Thailand and over 20 other countries. We continue to believe that this laboratory is highly competent and is an extremely low risk for undisclosed accidental release of virus, and there is no verifiable indication as to why we should not continue to believe so. We would of course consider a change in this assessment if significant and verifiable evidence of lab biosafety issues or breach of other Federal statutes are brought forth, but to date we are aware of none.

**10. Provide copies of all WIV biosafety reports from June 1, 2014 through May 31, 2019.**

Given the intense geopolitical pressure around the accusations that WIV intentionally or accidentally released SARS-CoV-2 (something which the WHO mission deemed 'extremely unlikely'), obtaining such information is not a plausible option at present.

**11. Additional information, re. Lack of ongoing investigation into Wuhan Institute of Virology by NIH:**

**From:** Garcia-Malene, Gorka (NIH/OD) [E] [REDACTED] (b) (6)

**Sent:** Tuesday, January 26, 2021 12:20:51 PM

**To:** [REDACTED]

**Cc:** [REDACTED] Bartok, Lauren (NIH/NIAID) [E]; NIH FOIA

**Subject:** [EXT] FW: FOIA Case No. 55702 re: EcoHealth Alliance & Grant No. R01AI110964-6

**From:** [Peter Daszak](#)  
**To:** [Fenton, Matthew \(NIH/NIAID\) \[E\]](#); [Erbelding, Emily \(NIH/NIAID\) \[E\]](#); [Cassetti, Cristina \(NIH/NIAID\) \[E\]](#); [Linde, Emily \(NIH/NIAID\) \[E\]](#); [Post, Diane \(NIH/NIAID\) \[E\]](#); [Stemmy, Erik \(NIH/NIAID\) \[E\]](#)  
**Cc:** [Aleksi Chmura](#)  
**Subject:** Confidential RE: Regarding 2R01AI110964-06  
**Date:** Thursday, April 29, 2021 1:48:22 PM  
**Attachments:** [Response to letter of 4.13.21.pdf](#)  
[To Daszak 4 13 21.pdf](#)

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Just to keep you all aware. Michael Lauer got back to us within a few hours with a further request re. detailed information on how we monitored WIV compliance in the first 5 years of our funding (“To Daszak..” letter attached). I believe he’s fishing for material to support his earlier insinuation that EHA has done a poor job of monitoring biosafety, and that this was in breach of some Federal CFR codes. We did not, and we were not – we complied with all CFR’s in the way we managed our award, and are audited annually on these issues by an outside company that considers us in a ‘low risk’ category. It is however, very worrying that he seems to be trying to provide cover so that he can publicly state that we weren’t in compliance. He cited these CFRs again in the attached letter, and my “scientist-to-scientist” response is attached. I also sent over 40 docs over to him.

I’ll let you know what their response is. Any nudging you could give to Dr. Lauer would be welcome. I realize that the politics are not great right now, but this is science, not politics, and we have a job to do in trying to identify the next COVID-like disease, which is surely out there and probably already spilling over somewhere in S. China.

Cheers,

Peter

**Peter Daszak**

*President*

EcoHealth Alliance  
520 Eighth Avenue, Suite 1200  
New York, NY 10018-6507  
USA

Tel.: (b) (6)

Website: [www.ecohealthalliance.org](http://www.ecohealthalliance.org)

Twitter: [@PeterDaszak](https://twitter.com/PeterDaszak)

*EcoHealth Alliance develops science-based solutions to prevent pandemics and promote conservation*

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**From:** Peter Daszak (b) (6)



**Sent:** Sunday, April 11, 2021 5:11 PM

**To:** (b) (6); 'Erbelding, Emily (NIH/NIAID) [E]'  
(b) (6); 'Cristina (NIH/NIAID) Cassetti' (b) (6);  
(b) (6); 'Post, Diane (NIH/NIAID) [E]' (b) (6);  
'Erik (NIH/NIAID) Stemmy' (b) (6)

**Cc:** 'Aleksei Chmura' (b) (6)

**Subject:** FW: Regarding 2R01AI110964-06

**Importance:** High

Dear all,

I'm just forwarding my response (attached letter and email chain below) to Michael Lauer re. the 10 conditions imposed on the grant to EcoHealth Alliance.

I've tried to stick to a logical argument, but I'm also mindful of the dozens of FOIA requests targeting EHA and myself and that previous letters have been leaked to the press, so have made sure all details are laid out. I do not aim to make this letter public, of course and am sending this to you confidentially.

As per my email to Dr. Lauer below, the intent of this letter is to demonstrate in good faith what we believe are reasonable efforts to address these conditions and to state the limits of what is possible. The goal is full and rapid reinstatement of our funding – not only because of the damage this has already done to our organization and my personal safety, but more importantly because coronaviruses are likely continuing to spill over into people in the region and our research may help reduce that risk.

Thanks for all your help and support and I will let you know what I hear back from the Director's Office in due course.

Cheers,

Peter

**Peter Daszak**

*President*

EcoHealth Alliance  
520 Eighth Avenue, Suite 1200  
New York, NY 10018-6507  
USA

Tel.: (b) (6)

Website: [www.ecohealthalliance.org](http://www.ecohealthalliance.org)

Twitter: [@PeterDaszak](https://twitter.com/PeterDaszak)

*EcoHealth Alliance develops science-based solutions to prevent pandemics and promote conservation*

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**From:** Peter Daszak [REDACTED] (b) (6)  
**Sent:** Sunday, April 11, 2021 4:36 PM  
**To:** 'Lauer, Michael (NIH/OD) [E]' [REDACTED] (b) (6)  
**Cc:** Aleksei Chmura [REDACTED] (b) (6); 'Lauer, Michael (NIH/OD) [E]' [REDACTED] (b) (6)  
**Subject:** Regarding 2R01AI110964-06  
**Importance:** High

Dear Dr. Lauer,

Please find attached a detailed response to your two previous letters.

I hope you will take our response in the way it was intended – a good faith effort to address as far as is reasonably possible the general concerns that NIH has expressed to us, with a goal of rapid and full removal of the suspension on funding for this critically important work.

Cheers,

Peter

**Peter Daszak**

*President*

EcoHealth Alliance  
520 Eighth Avenue, Suite 1200  
New York, NY 10018-6507  
USA

Tel.: [REDACTED] (b) (6)

Website: [www.ecohealthalliance.org](http://www.ecohealthalliance.org)

Twitter: [@PeterDaszak](https://twitter.com/PeterDaszak)

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**From:** Lauer, Michael (NIH/OD) [E] [REDACTED] (b) (6)  
**Sent:** Wednesday, March 10, 2021 5:37 AM  
**To:** Peter Daszak [REDACTED] (b) (6)

**Cc:** Aleksei Chmura (b) (6); Lauer, Michael (NIH/OD) [E]  
(b) (6)

**Subject:** Re: Regarding 2R01AI110964-06

Dear Dr. Daszak

Attached please find two letters that I sent you previously.

Sincerely,  
Michael S Lauer, MD

Michael S Lauer, MD  
NIH Deputy Director for Extramural Research  
1 Center Drive, Building 1, Room 144  
Bethesda, MD 20892  
Phone: (b) (6)  
Email: (b) (6)

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**From:** Peter Daszak (b) (6)  
**Date:** Thursday, March 4, 2021 at 10:02 PM  
**To:** "Lauer, Michael (NIH/OD) [E]" (b) (6)  
**Cc:** Aleksei Chmura (b) (6); *[Peter Daszak:] REDACTED*>  
**Subject:** Regarding 2R01AI110964-06

Dear Dr. Lauer,

I spoke yesterday with my program officer and other NIAID staff regarding our grant on the risk of coronavirus emergence (2R01AI110964-06) that includes collaboration with scientists at the Wuhan Institute of Virology, China. *[Peter Daszak:] REDACTED* joined the meeting and told me about his conversation with you about the conditions currently in place on our grant and my efforts to address some of them via my recent work in Wuhan with the WHO. He also commented that you would be willing to talk with me, as PI of this award, about a pathway to reinstate this grant. I would very much value this and am emailing to see if we can arrange a time that's suitable for you, perhaps next week if possible?

I'm cc'ing my assistant **REDACTED**, who can help arrange a suitable time, and also our Chief of Staff Aleksei Chmura, who I would hope could join us, as someone who can access any relevant information on this award, and gained his own Ph.D as part of our original R01 work in China. I want to reassure you that I would not request to talk with legal counsel or bring them into a conversation, and that this would be a discussion with scientists focused on the goals of the grant, focused on research to protect us all against further coronavirus spillover.

Sincerely,

Peter

**Peter Daszak**

*President*

EcoHealth Alliance  
460 West 34<sup>th</sup> Street  
New York, NY 10001  
USA

Tel.: [REDACTED] (b) (6)

Website: [www.ecohealthalliance.org](http://www.ecohealthalliance.org)

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Dr. Michael Lauer  
Deputy Director for Extramural Research,  
NIH, Bethesda, MD.

**Re: R01AI110964 and 2R01AI110964**  
**“Understanding the Risk of Bat Coronavirus Emergence”**

April 23rd 2021

Dear Dr. Lauer,

I am responding your letter of 4/13/21 regarding our response to conditions placed on the suspended NIH grant 2R01AI110964 “*Understanding the Risk of Bat Coronavirus Emergence*”. In particular, this letter addresses your request for documentation on our assessment of WIV’s compliance with terms of our subcontracts from the initial (now expired) 5-year award:

*“...copies of all EcoHealth Alliance – WIV subrecipient agreements as well as any and all other documents and information describing how EcoHealth Alliance monitored WIV’s compliance with the terms and conditions of award .... NIH must have the right of access to any documents, papers, or other records of the non-Federal entity which are pertinent to the Federal award, in order to make audits, examinations, excerpts, and transcripts” (45 C.F.R. § 75.364); and must have “timely and reasonable access to the non-Federal entity’s personnel for the purpose of interview and discussion related to such documents” (id.). These requirements flow down to subawards to subrecipients. 45 C.F.R. § 75.101. “Non-Federal entities must comply with requirements in [45 C.F.R. Part 75] regardless of whether the non-Federal entity is a recipient or subrecipient of a Federal award.” 45 C.F.R. 75.101. As the grantee, EcoHealth was required to have in place, “A requirement that the subrecipient permit the pass-through entity and auditors to have access to the subrecipient’s records and financial statements as necessary for the pass-through entity to meet the requirements of this part.” 45 C.F.R. § 75.352(a)(5)...”*

As requested, we have supplied all EcoHealth Alliance-WIV subrecipient agreements, as well as documents pertaining to EHA’s monitoring of WIV’s compliance with the terms and conditions of award. The attached documents demonstrate that we have fulfilled all requirements in the CFR codes listed in your letter excerpted above. These documents include:

1. EcoHealth Alliance 2016-2019 Subrecipient Monitoring Forms for WIV. EcoHealth Alliance began this formal subrecipient monitoring policy in 2016 as per OMB Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR 200) (“Uniform Guidance”), specifically §200.331.
2. 2006-2018 WIV Annual Reports. In addition, NIH has full reports on the programmatic results that we filed annually.
3. Wuhan Institute of Virology contracts and invoices for all 5 Years of Grant R01AI110964: 2014-2019
4. Federal Funding Accountability & Transparency Act Reports for WIV. From 2015 – 2019
5. Annual Independent Audit Reports from 2014-2019
6. Inter-Institutional Agreements from DHHS for WIV 2014 & 2019

We hope these documents satisfy your request by demonstrating that EcoHealth Alliance maintained detailed records of our appropriate monitoring of WIV's performance against the conditions of our initial (now expired) R01 grant and our contracts with them.

We also would like draw your attention to our letter dated 4.11.2021 regarding plans for biosafety monitoring for the renewal R01, under which we had not yet set up a subcontract with WIV, specifically:

**"8. Provide copies of all EcoHealth Alliance – WIV subrecipient agreements as well as any other documents and information describing how EcoHealth Alliance monitored WIV's compliance with the terms and conditions of award, including with respect to biosafety.**

As we related in response to your letter of 4/19/2020 that asked us to suspend work with WIV, we had not yet set up a subcontract with WIV for the period of this award, therefore no such subrecipient agreements exist. Our plan was to monitor WIV's compliance as we had in the 5 years prior, by means of semi-annual meetings with the lead investigator and assessments of compliance against all conditions of the award. Additionally, following the NIH's termination, then reinstatement and suspension of our funding, we have contracted with a leading lab biosafety contractor based in Southeast Asia (Dr. Paul Selleck) who has extensive experience commissioning, accrediting and auditing BSL-2, -3, and -4 labs, and has worked for over a decade at the BSL-4 Australian Animal Health Lab. We will be using their services where appropriate for foreign lab subcontractees to assess lab biosafety procedures and conduct audits, including following the full reinstatement of 2R01AI110964. Finally, we have appointed a Senior Field Veterinarian who will oversee all EcoHealth Alliance fieldwork in the region and ensure continued compliance with biosafety when conducting animal capture, sampling and sample handling. We have done this at EcoHealth Alliance's own expense, despite our unblemished record on biosafety, to pre-empt calls for further sanctions against our work given the continued attacks against EcoHealth Alliance in the press after the termination of our NIH grant."

We believe the attached documents lay out details of how we had previously monitored compliance according to the federal codes you cite, and the above response lays out an appropriate plan for biosafety monitoring. Together, we believe they appropriately and fully addresses your condition #8 for full reinstatement with access to funding for the renewal phase of the R01.

Yours sincerely,

(b) (6)

Dr. Peter Daszak, President

(t) (b) (6); (e) (b) (6)



13 April 2021

Drs. Aleksei Chmura and Peter Daszak  
EcoHealth Alliance, Inc.  
460 W 34th St  
Suite 1701  
New York, NY 10001

Re: NIH Grant R01AI110964 and your letter of April 11, 2021

Dear Drs. Chmura and Daszak:

Thank you for your letter of April 11, 2021. We are reviewing your responses in detail.

In the meantime, though, and in interest of expediting our review, we would note that our previous letters were concerned with NIH Grant R01AI110964 (which started on started on June 1, 2014 as [documented in RePORTER](#)) and not solely with 2R01AI110964-06. Therefore, as we asked on October 23, 2020, please send us copies of *all* EcoHealth Alliance – WIV subrecipient agreements as well as any and all other documents and information describing how EcoHealth Alliance monitored WIV’s compliance with the terms and conditions of award, including with respect to biosafety. While we understand that you may not have activated a subaward for year 6, we would expect there to be substantial documentation of your oversight of WIV subaward activities during years 1 through 5.

Also, as we asked, please send us copies of *all* biosafety reports; we would expect that as part of your oversight you would have copies of all such reports through at least year 5.

As a reminder, as a term and condition of award, NIH “must have the right of access to any documents, papers, or other records of the non-Federal entity which are pertinent to the Federal award, in order to make audits, examinations, excerpts, and transcripts” (45 C.F.R. § 75.364); and must have “timely and reasonable access to the non-Federal entity’s personnel for the purpose of interview and discussion related to such documents” (id.). These requirements flow down to subawards to subrecipients. 45 C.F.R. § 75.101. “Non-Federal entities must comply with requirements in [45 C.F.R. Part 75] regardless of whether the non-Federal entity is a recipient or subrecipient of a Federal award.” 45 C.F.R. 75.101. As the grantee, EcoHealth was required to have in place, “A requirement that the subrecipient permit the pass-through entity and auditors to have access to the subrecipient’s records and financial statements as necessary for the pass-through entity to meet the requirements of this part.” 45 C.F.R. § 75.352(a)(5). For each of these reasons, NIH is justified in seeking the materials, information, and a site visit as requested.

Sincerely,

Michael S. Lauer -S Digitally signed by Michael S. Lauer -S  
Date: 2021.04.13 13:12:57 -04'00'

Michael S Lauer, MD  
NIH Deputy Director for Extramural Research  
Email: (b) (6)