

**CITY OF LYNN NOTICE:**

Notice is hereby given that on Tuesday, March 22, 2022, at 5:30 p.m., the Lynn City Council will hold a public hearing on a proposed Ordinance relative to Recombinant DNA Technology in the City of Lynn:

**IN THE YEAR TWO THOUSAND AND TWENTY-TWO, AN ORDINANCE RELATIVE TO RECOMBINANT DNA TECHNOLOGY IN THE CITY OF LYNN**

**Section 1:00 Purpose.**

All use of recombinant deoxyribonucleic acid (RDNA) in the City of Lynn shall be undertaken only in strict conformity with the guidelines as set forth herein and health regulations promulgated by the City of Lynn Board of Health.

**Section 2:00 Definitions.**

A. "Guidelines" means:

1. National Institutes of Health Guidelines for Research Involving Recombinant DNA Molecules as published in the Federal Register of May 7, 1986.
2. Any amendments, revisions or substitutions subsequent to the above-referenced guidelines, including, but not limited to:

Notices of action under NIH Guidelines for Research Involving Recombinant DNA Molecule on August 24, 1987, July 29, 1988, October 26, 1988, March 13, 1989, March 1, 1990, September 12, 1990, July 18, 1991, October 15, 1991, November 21, 1991, January 28, 1992, April 22, 1992, June 24, 1994, Published in Federal Register, July 5, 1994 July 28, 1994, August 5, 1994, April 17, 1995, April 27, 1995, December 14, 1995, Federal Register, January 19, 1996, March 1, 1996, Federal Register, March 12, 1996, January 23, 1997, Federal Register, January 31, 1997, September 30, 1997, Federal Register, October 14, 1997, October 20, 1997, October 29, 1997, October 22, 1997, Federal Register, October 31, 1997, February 4, 1998, Federal Register, February 17, 1998, April 30, 1998, May 11, 1998, April 29, 1999, October 2, 2000, December 28, 2000, December 11, 2001, December 19, 2001, January 10, 2002, January 24, 2002, September 22, 2009, January 19, 2011, May 12, 2011, October 11, 2011, February 21, 2013, March 5, 2013, November 6, 2013, April 27, 2016, April 15, 2016, and April 25, 2019.

Such amendments to subsections (A)(1) and (A)(2) above which are adopted by the National Institutes of Health (NIH) and approved by the Board of Health. Amendments not acted upon by the Board of Health within sixty days shall be considered approved. In the event that the NIH shall discontinue or abolish its

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guidelines, those guidelines in effect at the time of such discontinuance shall remain in effect in Lynn.

- B. "Person" means an institution, corporation, firm, partnership, association, executor, administrator, guardian, trustee, agent, organization and any other group acting as a unit, as well as a natural person.
- C. "Recombinant DNA molecules" and "organisms and viruses containing RDNA" are those defined in the guidelines referred to in subsection (A)(1) above, and such amendments as may be approved by the Board of Health. Amendments not acted upon by the Board of Health within sixty days shall be considered approved.

**Section 3:00 City of Lynn Biosafety Committee--Membership--Staff.**

A. The Lynn Biosafety Committee (LBC) shall be composed of the Public Health Director or his/her designee, the chairperson or the Chief Executive Officer of the Lynn Community Health Center, or a medical professional designated by the Chief Executive Officer, and a minimum of three other members to be appointed by the Mayor. Members appointed by the Mayor shall serve three (3) year terms; provided however, that of the first three members appointed to the committee by the Mayor - one shall serve for a term of one (1) year, one shall serve for a term of two (2) years, and one shall serve for a term of three (3) years.

B. The Mayor is authorized to assign adequate staffing of the LBC. Members of the LBC shall be special municipal employees.

C. The LBC and the Public Health Director are authorized to retain competent professional assistance in carrying out their duties under this Ordinance.

**Section 4:00 Lynn Biosafety Committee--Duties and responsibilities.**

The responsibilities of the LBC shall include:

A. Establishing policies, procedures and criteria to aid in the implementation of this chapter;

B. Determining the manner in which permit holders make reports or applications to the LBC, and the type of information required in such reports or applications. Reviewing reports, applications and recommendations by the Institutional Biosafety Committees (IBC) and approving them where appropriate. Carrying out site visits to permitted facilities;

C. Reviewing manuals and worker training programs, approving health-safety programs and monitoring the procedures required by this Ordinance;

D. Developing a procedure for persons to report to the LBC violations of this Ordinance, the guidelines or any health regulation.

**Section 5:00 Permit requirements.**

A. All persons proposing to use RDNA must obtain a permit from the Public Health Director with the approval of the LBC. Institutions receiving such permits shall conduct research or technology only as specifically set out in its permit application and supporting documents filed with such application.

B. All institutions requesting such permit from the commissioner of health and human services must first submit the following to the LBC:

1. A completed application form obtained from the Lynn Public Health Division.
2. A plot plan showing the proposed location of the facility and a floor plan showing the internal layout of the facility.
3. A listing of all organisms, including containment levels, to be employed in rDNA research or technology, and including the screening process to be performed by institutions conducting rDNA research or technology in order to insure the purity of the strain of host organisms used in the experiments and to test organisms resulting from such experiments for their resistance to commonly used therapeutic antibiotics, Host organisms obtained from independent laboratories shall undergo the same screening process.
4. A plan for systematic monitoring of waste to assure that surviving rDNA organisms will not be released into the environment.
5. A description of the training program of safeguards and procedures for personnel using rDNA, and a copy of the training manual.
6. The institution's health monitoring, health surveillance and safety manuals, together with the plan for an appropriate medical surveillance program as determined by the IBC and in accordance with NIH guidelines for all persons engaged in the use of IONA.
7. A description of the rodent and insect control programs to be used in the facility.
8. The name of the safety officer who shall be responsible for enforcing the policies of the IBC.
9. A plan for orienting representatives of the Lynn Public Health Division, Fire and Police Departments to the physical plant and to procedures to be utilized in the event of an emergency.

C. The LBC shall review the institution's application for a permit and supporting documents and make its recommendation of the same to the Public Health Director.

D. Not later than sixty (60) days after an institution has commenced rDNA research or technology as determined by the Public Health Director, the institution shall file with the Director:

1. The names and qualifications of members of IBC.
2. Copies of Lynn building department and Lynn fire department certification.
3. Evidence of certification, as necessary, from the Massachusetts Department of Environmental Quality Engineering and the Massachusetts Department of Public Health.

E. Permits granted by the Public Health Director shall be renewed annually.

F. The fee for a permit granted by the Public Health Director or annual renewal thereof shall be established by the LBC.

**Section 6:00 Institutional Biosafety Committees.**

A. An institutional biosafety committee (IBC) must be established for each institution conducting rDNA research or technology. The IBC shall include the Public Health Director or his/her designee and two community representatives with expertise in rDNA research and technology and/or safety issues to be appointed by the Mayor for a term of three years, in which said terms shall be staggered. The IBC shall meet at least once a year. Each institution shall name at least three (3) members of its staff to the IBC, including the safety officer.

B. The IBC shall inspect each facility conducting rDNA research or technology annually and meet at least once annually to enforce these regulations. Each institution shall name a safety officer who shall be responsible for enforcing the policies of the IBC. In addition, the IBC shall immediately notify the Public Health Director and the LBC upon discovery of any incident, accident or significant deviation and/or non-compliance by the institution with any section of this Ordinance or the NIH guidelines.

**Section 6:00 Inspection and review.**

A. The institution shall allow inspections and review of the facility and of procedures and practices of rDNA use for compliance with this Ordinance.

B. All institutions must undergo an initial inspection before the permit is granted. The results shall be reported to the Public Health Director, the LBC and the institution involved.

**Section 7:00 Procedure for requesting and holding a hearing.**

Institutions denied a permit, or the renewal thereof, or any person aggrieved by the granting of a permit, may request a hearing by filing a written petition with the Public Health Director within ten (10) days from the denial or grant of a permit. Upon receipt of such petition the Public Health Director shall set a time and place for such hearing before the LBC and shall so inform the petitioner, and the institution if other than the petitioner, in writing. At the hearing the petitioner shall be given an opportunity to be heard and to show why the permit should be granted or denied.

**Section 8:00 Appeal.**

Any institution or person aggrieved by the final decision of the Public Health Director with respect to the denial or grant of a permit may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this commonwealth.

**Section 9:00 Restrictions.**

A. Recombinant DNA use requiring physical containment greater than the BL3 level shall not be permitted in the City of Lynn. An institution shall provide the LBC with thirty days' notice prior to recombinant DNA use requiring physical containment at the BL3 level.

B. Any accidental release which represents a significant potential hazard to employees or the public shall be reported to the Public Health Director immediately, and in no case more than twenty-four hours after the release.

**Section 10:00 Violations.**

A. An institution which violates any provision of this Ordinance or a regulation promulgated hereunder shall be subject to a fine of three hundred dollars (\$300.00) per offense, each day of violation constituting a separate and distinct offense. The Public Health Director shall be empowered to enforce this ordinance.

B. The Public Health Director may revoke, suspend, modify or not renew a permit upon determination, after notice and hearing, if one is requested by the permit holder in accordance with the procedures set forth in this Ordinance, that the permit holder has failed to comply with this Ordinance, the permit conditions or the guidelines,

C. Notwithstanding the above, the Public Health Director may, upon a determination that any violation constitutes an immediate threat to the public health or environment, order the immediate closure of an institution without prior notice or hearing. Any institution aggrieved by such action shall appeal the same under the provisions of Sections 8:00.

**Section 11:00 Severability.**

If any provision(s) or portion(s) of this article or the application of any provision(s) or portion(s) thereof to any person or circumstance is/are held to be invalid, such invalidity shall not affect the validity of the remainder of said provision or other provisions of this Ordinance.