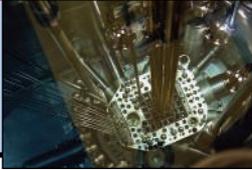


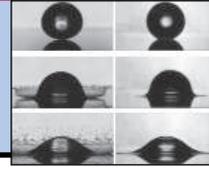
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INFECTIOUS DISEASES

North Korea Collaborates to Fight Bird Flu

World health officials are encouraged by two developments in North Korea. First was confirmation earlier this week that an outbreak of avian influenza in that isolated country was not due to the dreaded H5N1 subtype. Second, and perhaps equally important for long-term efforts to monitor emerging diseases, was North Korea's willingness to cooperate with global animal and human health surveillance efforts. The country notified the United Nations Food and Agricultural Organization (FAO) of the outbreak and allowed FAO experts to confirm the virus as an H7 subtype. Korean officials also informed the World Health Organization (WHO). Such exchanges, unthinkable a decade ago, suggest that the secretive nation is increasingly willing to participate in global health protection efforts.

"I think they know the seriousness of avian influenza, so I'm rather positive in hoping for a continuation of [cooperation] in the future," says Hans Wagner, senior animal health officer for FAO's regional office in Bangkok.

Such cooperation is vitally important in watching for any evolution in the H5N1 virus. Since December 2003, the virus has devastated poultry flocks throughout Asia and has claimed at least 49 human lives. Almost all human infections have been traced to contacts with infected poultry. But health officials worry that if the H5N1 virus acquires the ability to spread easily among humans, it could set off a deadly pandemic.

Despite a long history of self-imposed isolation, North Korea has increasingly been cooperating with international agencies over the past decade. The World Food Program and WHO have both expanded their work in the country since they opened offices there in 1995 and 2001, respectively. And even before North Korea had suffered any major outbreaks of avian flu, last fall it joined an FAO network of east Asian countries set up to cooperate in fighting H5N1, says Wagner. North Korean veterinary officials have attended regional FAO symposia on avian influenza, and FAO is planning a May workshop on surveillance for North Korean animal health officials.

North Korea officially informed the FAO regional network of the avian influenza outbreak on 27 March, 2 weeks after rumors appeared in the South Korean press. Wagner, who arrived on 29 March, says North Korean officials allowed an FAO expert to verify tests

suggesting the virus was an H7 subtype. Wagner's hosts also took him to the index farm and described their culling methods. "We can work with and collaborate with DPRK authorities," Wagner says.

Diego Buriot, a WHO special adviser on communicable diseases, calls North Korea's decision to request technical assistance from FAO "a very positive step," adding that "WHO is also ready to provide expertise if requested by the government."

Wagner is counting on further cooperation. Although reassured that the virus is not H5N1,



he notes that H7 subtypes remain a serious threat to poultry—and thus to food availability—in the impoverished country. An H7N7 avian flu outbreak in the Netherlands in 2003 claimed one human life and sickened dozens. Wagner says the specific N subtype of the North Korea virus has yet to be determined, but this is the first recorded instance of an H7 virus in Asia. FAO experts will be working with their North Korean counterparts to try to trace where the virus came from and how to prevent further spread. The exercise may turn out to be a dry run in case H5N1 does turn up in North Korea.

—DENNIS NORMILE

CONFLICT OF INTEREST

Scientists, Societies Blast NIH Ethics Rules

New ethics rules at the National Institutes of Health in Bethesda, Maryland, unfairly punish all employees for the sins of a few and will isolate NIH researchers from the scientific community. That's the gist of roughly 1000 comments by NIH employees and many scientific societies submitted by a 4 April deadline to the Department of Health and Human Services (HHS) in Washington, D.C. Even before the comments were in, a handful of top NIH researchers had announced that the rules had prompted them to leave NIH. The latest is National Institute on Deafness and Other Communication Disorders Director James Battey, who says a ban on owning biomedical stocks put him in an impossible position (see p. 197).

NIH Director Elias Zerhouni unveiled the strict new HHS ethics regulations in February after questions arose about a handful of NIH researchers who were consulting for companies. Many comments say reforms were needed, but the rules go too far. They are "not carefully aligned with risk" and "will have a significant negative impact on the progress of biomedical research as a whole," writes the Federation of American Societies for Experimental Biology (FASEB) in Bethesda, Maryland. Thirty-nine of NIH's 43 National Academy of Sciences members signed a letter calling the rules "unfair," "totally unjustified," and "a serious threat to the intramural research program."

The stock rule has drawn the most fire. It bans about 6000 senior employees and their families from owning any stock in drug, biotech, or medical-device companies. Others can hold no more than \$15,000 in a single medical company. Hundreds of comments, including some from researchers at universities, argue that the order to divest will cause financial hardship for many employees, as well as dissuade outside researchers from coming to NIH. The Association of American Medical Colleges (AAMC) in Washington, D.C., urges NIH to tailor the prohibition to officials with decision-making power, as proposed by NIH's Assembly of Scientists (homepage.mac.com/assemblyof_scientists).

A smaller number of comments question the rule's ban on consulting for industry. One NIH scientist noted with chagrin that he had to turn down a company's request to help figure out the mechanism of a new psoriasis drug, a project unrelated to his work.

Scientific societies worry about restrictions on NIH scientists' professional activities and call for the rules to be revised quickly or withdrawn. FASEB and AAMC, for instance, argue that rules banning service on boards shouldn't apply to society boards. They also say NIH scientists should be allowed to give single lectures, which are common at medical schools. These and ▶

Ban Urged on Smallpox Studies

Two advocacy groups have launched a campaign to halt new studies on variola, the virus that causes smallpox. The Sunshine Project in Austin, Texas, and the Third World Network, headquartered in Penang, Malaysia, are urging the World Health Assembly (WHA), the supreme body of the World Health Organization (WHO), to ignore an expert panel and set a firm deadline for the destruction of the two remaining stocks during its annual meeting in Geneva in May.

In November, WHO's Advisory Committee on Variola Research recommended that work on variola continue and that researchers be allowed to insert a marker gene into the virus—to facilitate drug discovery—and to exchange genes of the variola genome and splice them into other poxviruses to study their function. On a new Web site in six languages (www.smallpoxbiosafety.org), the two groups claim that the work could lead to accidental releases of the agent or to the creation of even more dangerous viruses.

Although experts have long fought over whether to study or destroy variola (*Science*, 15 March 2002, p. 2005), it's rare for outsiders to enter the debate, notes smallpox expert Jonathan Tucker of the Monterey Institute of International Studies in Washington, D.C. The campaign's success may hinge on its ability to attract press attention before the WHA meeting, he adds.

—MARTIN ENSERINK

Los Alamos Bidding Heats Up

Lockheed Martin announced last week that it would bid for management of Los Alamos National Laboratory in New Mexico, adding a solid contender to the fight. The news came after the Department of Energy revised the proposed language of the multibillion-dollar contract in February to require the new contractor to create a new corporate entity and separate pension fund. Lockheed, which manages Sandia National Laboratories in Albuquerque, New Mexico, had previously dropped out, citing costs.

Adding intrigue, last month, current lab manager University of California (UC) announced a possible bid with three New Mexico universities. Although considered the 400-pound gorilla in the contest, UC hasn't made a final decision. The University of Texas is also interested. No final bid date has been set, but UC's existing contract expires 30 September.

—ELI KINTISCH

other organizations urge NIH, which now strictly limits cash awards of more than \$200 to “bona fide” awards, to complete that list; the lack of guidance has already caused problems for some societies. A coalition of advocacy nonprofits called the Cancer Leadership Council in Washington, D.C., which relies on voluntary service from NIH employees, argues that it should be exempt, too.

A recent e-mail from NIH's Assembly of Scientists underscores the breadth of the

rules, noting that NIH approval is now required for “any outside employment, whether or not for compensation, or any self-employed business activity,” even singing in a choral group or selling artwork: “It suggests the NIH owns our lives away from work.”

HHS has already made a few slight changes to the rules, exempting temporary researchers from the stock limits and extending until October the deadline for divesting. The agency has said it expects to make any further revisions by next February.

—JOCELYN KAISER

LIVERMORE NATIONAL LAB

Settlement in Bias Case Could Unravel

Lawrence Livermore National Laboratory has agreed to pay a total of \$1.2 million to settle a suit alleging discrimination against Asian-American scientists and engineers at the lab. But several plaintiffs say the settlement is too small and discriminates against women; it could be scrapped if enough scientists reject the terms.

The lawsuit, filed in 2001, alleges unfair treatment and inequalities in salary and promotion based on race. The class-action suit was filed by nine individuals representing 460 current and retired employees at the California weapons lab, which is run by the University of

element, Sorgen says, is that most female employees, who make up roughly a quarter of the class, wouldn't be able to collect anything. That's because the settlement stipulates that any sums awarded to individuals from an earlier sex-discrimination suit, which UC settled in December 2003, would be deducted from the amount they are to receive in this case. In the sex-discrimination suit, UC agreed to pay \$10 million to 3200 women who had worked at the lab during a 6-year period and give a 1% raise to 2500 current female employees (*Science*, 5 December 2003, p. 1641).

One plaintiff, Kalina Wong, says the settlement represents continuing discrimination against women. “They're saying you can face discrimination as an Asian, you can face discrimination as a woman, but if you're both, you must pick whether you're a woman or you're an Asian,” says Wong, a computer scientist who retired from the lab in 2002. She's the only woman among the nine plaintiffs and the only retiree opposed to the settlement.

The four backing the settlement—all retirees—say they are exhausted after 3 years of litigation. “The lab would just have continued dragging its feet,” says Richard Yamauchi, a programmer. He also concluded that the lawsuit would not alter what he sees as a discriminatory environment. “Asian employees will continue to be discriminated against because the people who discriminated against us are still there, and they are passing on their behaviors to future managers,” he says. “There is nothing to break the cycle.”

Apart from the financial issues, the settlement calls for “a pay, promotion, and rank equity study” of Asian scientists and engineers at the lab every year for the next 3 years.

The affected workers must decide by 31 May whether to participate in the settlement, which goes back to the judge on 21 June. If 10% of them opt out, the university has the right to pull out, too. Sorgen says his clients plan to press ahead regardless of the outcome.

—YUDHIJIT BHATTACHARJEE



Wrong choice. Kalina Wong says the Livermore settlement makes people pick “whether you're a woman or you're an Asian.”

California (UC) for the Department of Energy (DOE). Under the settlement agreement, which was approved on 22 March by the Alameda County Superior Court, the employees would split \$765,000 and UC would also pay up to \$350,000 of their legal costs. Each of the nine persons named in the original suit would get an additional \$15,000. The settlement does not admit that discrimination occurred, and Livermore officials declined comment.

Five of the nine named plaintiffs have already rejected the terms as too stingy. Michael Sorgen, the attorney for those five, says the average compensation of \$1700 per employee is “paltry compared to the years of depressed salaries and blocked promotions” for many workers. One particularly egregious

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Jocelyn Kaiser

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