Journey to Colombia yields new awareness of life

One Cantabrigian's sobering excursion to a beautiful South American country torn by poverty, drugs, and violence

BY AMY MILLER
Chronicle Staff

I wanted to go to Medellin so I could see the orchids that gave this city its nickname and smell the rich aroma of coffee that grows in surrounding hillsides.

I wanted to visit a city whose name brings to most minds throughout the world little besides cocaine and drug lords, but whose residents are known in South America as hard and honest workers whose ancestors refused to take on slaves when they settled the land in the 17th century.

My resolve to submerge myself in the utterly untold beauty of the home of the world's most famous drug cartel was strengthened several days beforehand by a 12-hour stay in Bogota, Colombia's capital and contender with Medellin for title as the hemisphere's most dangerous city.

I was in a bar in the Zona Rosa of Bogata, when the piercing black eyes of a vibrant young woman fell on me, a gringo where gringos don't tread. Recognizing me as a visitor, Margueritta told me, among other things, that she had been treated badly when she traveled. People assume, she said, "If I am Colombian, I am bad." She had promised herself while in Greece that she would bestow only kindness on visitors to her own country.

Thus Margueritta and her boyfriend, an Eye, Ear and Nose doc, bought me drinks, introduced their friends and offered to show me their city — the same city that has been victim to several bomb explosions creating dozens of fatalities in the two weeks since I left.

No matter, Margueritta and Gustavo became the first in a long line of Colombians — cab drivers, police officers, maitre d's, air plane companions, hotel clerks and people on the street — who made special efforts to keep me safe, and to show me a warm and friendly Colombia.

With such an introduction to this ruggedly beautiful Andes country, I stubbornly quashed signs of the poverty, cocaine trafficking and violence that have torn Colombia's justice system, cities, reputation and economy to shreds. Determinedly I headed to Medellin, land of eternal spring 5,405 feet up in the Andes.

Like Mr. Magoo walking blindly through the chaos of life, I wandered through a land unknown, oblivious and secure. Just as I have in so many cities, I headed into the streets to absorb the energy, sights and smells. I have studied drug policy, and I have a close friend from Medellin who is now living in Connecticut, so I was no stranger to the tragic history and story of this city of 2 million people.

But Medellin is no place for children.

I had walked beyond where the men with machine guns stood at least one per corner. I had passed from the streets lined with shoppers, flower vendors, clothing stores and restaurants. When I reached the furniture outlets and bars below Calle 46, I should have known to turn back.

The man grabbed the bag from my arms, facing me directly as he did so. Don't scream, don't run after him, several other men warned me. He'll kill you if you try. I didn't know if they were helping me, or him. Either way, I believed them.

In that minute, my rose-colored glasses were gone. A woman who had walked carefree through the city by morning, I was afraid to leave the car to get a new plane ticket and change dollars to pesos that afternoon. A visitor who had 12 hours earlier considered my hosts silly for locking their car doors in the traffic-filled downtown, I now pleaded with them to roll up the windows before we left the garage.

In the evening, we drove to the nearby town of Enviagado, home of the Escobars, one of three leading Medellin cartel families and site of the country-club jail from which Pablo Escobar ran his army, his cartel and his empire before he escaped this winter. From here, my hosts took me to Itagüi, "the land of the Ochoas." On the way home, they pointed to the district known as Poblado which is made up of apartment buildings filled with mafiosa.

As we drove through the city, signs of security I had taken in stride elsewhere in Latin America — military officers with what I guessed to be M-16s, and street-level steel bars protecting stores and cashiers — loomed as reminders of my fragile mortality.

But the older couple hosting me wanted me to see that their city, like all the world's great cities, is safe if you know how to move in it. I no long believed them. They have lived most of a century in Medellin, in a country where violence is part of the landscape. And they have absorbed the increasing danger like a body absorbs and adjusts to toxins.

This gentle couple that treats me like a daughter travels several times a week between their elegant 10th floor apartment above the Parque de Bolivar to their Renoir-esq*efinca* in the hills, a Spanish colonial country home where they retreive flowers and fresh milk the caretakers have gathered and prepared.

I could see they did not feel a loss of freedom as the garage door clanked open, then shut behind them. On the way to the finca, with sensual Latin boleros whispering from the car radio, el Señor pointed to the parcel where he and his family once lived It was blown up, he said, by guerrillas — rebels angry at aristocracy like those who are now blowing up the electric plants.

Like many other Colombians whose homes were no longer safe, this couple has adjusted to an apartment in El Centro, where security is less of a daily threat.

From my perch in this Medellin apartment, I remembered the words of John Kenneth Galbraith, the Harvard economist whom I heard speak last fall at First Church Congregational.

In his recent work, the "The Culture of Contentment," Galbraith warned — with a poignancy that was alarming as I stared at the vendors, beggars and pedestrians from a balcony above El Parque Bolivar — that the more equal distribution of wealth is not a question of justice, but ultimately of freedom.

"What is perhaps most certain is the reaction of the community of contentment [the comfortable] to the miseries and violence of the urban slums and the probable reaction if the violence becomes more extreme," Galbraith said in his 1992 book.

Galbraith described a kind of prison defined by the haves protecting themselves from the have-nots. "The first development," he wrote, "one we can already see, is resort by the contented in the larger cities to ... the hiring of personal, neighborhood or apartment security guards or the escape to the preemptively safe suburbs... Something of the same can now be seen in the modern American city, and this development could be, and one can doubtless say will be, greatly extended."

Medellin was a caricature of Galbraith's warning.

Although the couple hosting me had been threatened by leftist rebels, it is the cocaine trade and cartels that have fueled Colombian violence in recent years. I wondered how much the two were intertwined, how much poverty fertilizes the ground for the cartels.

In Medellin, a pedestrian with one leg and a crutch weaseled between car lanes, vehicles passed regularly on curved, single-lane highways and people in wheelchairs selling lottery tickets appeared lucky to live at all.

To a North American, life looks like a cheap commodity in Colombia. People die daily from unnatural causes that have become natural in their world. Violent deaths are listed daily in El Mundo, and the nightly television news notes that Escobar is waging war on the country — again — and the death tally is growing daily.

I can imagine my hosts watching the news this week after two bombs exploded across town in Poblado — planted by Escobar, Escobar's enemies or the government. No one ever knows.

Watching the newscast, these lifelong Medellin residents will shake their heads, pretty much like my parents do when CBS brings news of shootings in Harlem, or photos of starvation in Somalia.

By the time I left Colombia, my view was no longer rational, or in perspective. I was frightened by a land I could not understand, a world I had ceased to control.

On the Avianca plane to Cucuta, a city near the Venezuelan border, a brother and sister from Medellin befriended me. With sorrow for my lost bag, they drove me to the border and asked whether I'd ever go back to Medellin, the city of eternal spring.

Yes, of course, I told them. Robberies happen to all travelers at some point or another; it's all a part of discovery.

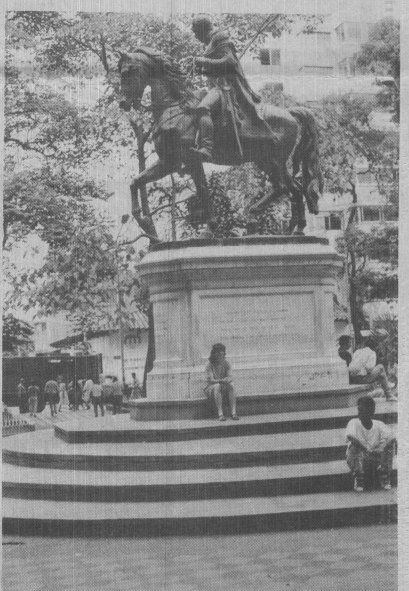
But in my heart, and in their eyes, is the knowledge that Medellin is not the same. The money and power of drugs, set in a country already ripped apart by unimaginable material inequities, have created a society lacking precedent.

When Avensa flight 800 from Caracas lands at Kennedy Airport, I feel something that others might call patriotism. I want to hug the immigration officer, if not kiss the ground.

A day later, as the first beggar approaches me back in Harvard Square, I avert my eyes and think of Colombia.

Looking away is a tiny, subtle move to avoid the truth, to protect the fortune in my relative comfort.

But I know more than ever how very delicate are my freedom and my existence, so incredibly peaceful by comparison.



Reporter Amy Miller sits by the monument to liberator Simon Bolivar. The marble pedestal, dedicated in 1923, is located in el Parque de Bolivar in the center of Medellin.

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CITY OF CAMBRIDGE
NOTICE OF A PUBLIC HEARING

Notice is hereby given, pursuant to the provisions of the Wetlands Protection Act, M.G.L. ch. 131, sec. 40, that the Cambridge Conservation Commission will hold a public hearing on Wednesday, February 10, 1993 at 7:30 p.m. in the Second Floor Conference Room, City Hall Annex, 57 Inman Street.

The hearing will consider a request for an Amended Order of Conditions for DEP File No. 123-91 by the management of the **Fresh Pond Golf Course.** The applicant has proposed additional drainage improvement work along the ninth fairway at the golf course, located on Fresh Pond Reservation. The work would occur on the Bank and in Buffer Zone of Little Fresh Pond.

Copies of the applicant's Notice of Intent and additional materials are available for review at the Conservation Commission's office, 57 Inman Street, second floor, 349-4680.

(C)Feb.4
#22469

THE COMMONWEALTH OF MASSACHUSETTS
LAND COURT
DEPARTMENT OF THE TRIAL COURT
(SEAL) Case No. 189061

To **Irene Splagounias,** Trustee of M and B Realty Trust and all persons entitled to the benefit of the Soldiers' and Sailors' Civil Relief Act of 1940 as amended: National Bank of Greece, S.A.; claiming to be the holder of a mortgage covering real property in **Cambridge,** Middlesex County at 50 **Regent Street** given by Irene Splagounias, Trustee of M and B Realty Trust to National Bank of Greece, S.A., dated May 22, 1989, recorded with Middlesex Registry of Deeds (Southern District) at Book 19835, Page 339, has filed with said court a complaint for authority to foreclose said mortgage in the manner following: by entry and possession and exercise of power of sale.

If you are entitled to the benefits of the Soldiers' and Sailors' Civil Relief Act of 1940 as amended and you object to such foreclosure you or your attorney should file a written appearance and answer in said court at Boston on or before the 15th day of March 1993 or you may be forever barred from claiming that such foreclosure is invalid under said act.

Witness, ROBERT V. CAUCHON, Chief Justice of said Court this 28th day of January 1993.

Charles W. Trombly, Jr.
Recorder

(C)Feb.4
#22475

CITY OF CAMBRIDGE
Traffic and Parking

By force of the power vested in me by Special Act of the Legislature of 1961 (Chapter 455), I hereby amend the Traffic Regulations of the City of Cambridge by adding the following regulation.

REGULATION NO. 93-02

Regulation No. 66-1 Schedule 6A "Parking Prohibited At All Times On Certain Sides Of Certain Streets, Tow Away Zone" is hereby amended by adding the following;

Columbia Street, east side, 442'N of Cambridge Street to 466'N of Cambridge Street.

This regulation shall take effect 10 February 1993.

PROMULGATED DATE
Jan. 13, 1993

George Teso
Traffic Director

(C)Jan.28,Feb.4,11
#23039

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. Probate Court Case No. 92A0013-T1

To the alleged father of parts unknown represented to be the father of **Baby Boy Bukovnik,** a minor child received by the Adoption Center, Inc. under the provisions of General Laws, Chapter 119, Section 23.

A petition has been presented to said Court by Judith Muzzioli Bailey, Executive Director of Cambridge praying that said Court establish that the consent of said alleged father shall not be required upon a petition for adoption of said minor sponsored by your petitioner, as provided by the General Laws, Chapter 210, Section 3, as most recently amended.

If you desire to object thereto, you or your attorney should file a written appearance in said Court at Cambridge before ten o'clock in the forenoon on the 31st day of March 1993, the return day of this citation.

Witness Sheila E. McGovern, Esquire, First Judge of said Court, this 15th day of January 1993.

Donna M. Lambert
Register

(C)Jan.28,Feb.4,11
#23032

COMMONWEALTH OF MASSACHUSETTS
Middlesex ss. Probate Court No. 92D2167-D1
Shifa Salih Plaintiff
vs.
Nauria Neurhissien Defendant

To the above-named Defendant:

A complaint has been presented to this Court by your spouse, Shifa Salih, seeking a divorce.

You are required to serve upon Shifa Salih, plaintiff, whose address is 808 Memorial Dr., Apt. B505, Cambridge, MA 02139 your answer on or before April 20, 1993. If you fail to do so, the Court will proceed to the hearing and adjudication of this action. You are also required to file a copy of your answer in the office of the Register of this Court at Cambridge.

Witness, Sheila E. McGovern, Esq., First Judge of said Court at Cambridge.

Jan.26,1993

Donna M. Lambert
Register of Probate

(C)Jan.28,Feb.4,11
#23014

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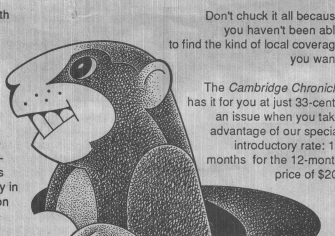

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CAMBRIDGE CHRONICLE

CAMBRIDGE TRUST COMPANY
CAMBRIDGE, MIDDLESEX, MASSACHUSETTS 02238
FEDERAL RESERVE DISTRICT NO. 011300595
CLOSE OF BUSINESS DATE 12/31/92

Dollar Amount in Thousands	Bil	Mil	Thou.	
ASSETS				
1. Cash and balances due from depository institutions:				
a. Noninterest - bearing balances and currency and coin			27,566	1.a.
b. Interest - bearing balances			0	1.b.
2. Securities			131,862	2.
3. Federal funds sold and securities purchased under agreements to resell in domestic offices of the bank and of its Edge and Agreement subsidiaries, and in IBFs			14,600	3.
4. Loans and lease financing receivables:				
a. Loans and lease, net of unearned income			152,474	4.a.
b. LESS: Allowance for loan and lease losses			2,700	4.b.
c. LESS: Allocated transfer risk reserve			0	4.c.
d. Loans and leases, net of unearned income, allowance, and reserve (item 4.a minus 4.b and 4.c)			149,774	4.d.
5. Assets held in trading accounts			0	5.
6. Premises and fixed assets (including capitalized leases)			6,695	6.
7. Other real estate owned			0	7.
8. Investments in unconsolidated subsidiaries and associated companies			0	8.
9. Customers' liability to this bank on acceptances outstanding			0	9.
10. Intangible assets			0	10.
11. Other assets			6,185	11.
12. Total assets (sum of items 1 through 11)			336,682	12.
LIABILITIES				
13 Deposits:				
a. In domestic offices			306,558	13.a
(1) Noninteresting - bearing		68,684		13.a.(1)
(2) Interest - bearing		237,874		13.a.(2)
b. In foreign offices, Edge and Agreement subsidiaries and IBFs				13.b.
(1) Noninterest - bearing				13.b.(1)
(2) Interest - bearing				13.b.(2)
14. Federal funds purchased and securities sold under agreement to repurchase in domestic offices of the bank and of its Edge and Agreement subsidiaries, and in IBFs			0	14.
15. Demand notes issued to the U.S. Treasury			0	15.
16. Other borrowed money			3,243	16.
17. Mortgage indebtedness and obligations under capitalized leases			0	17.
18. Bank's liability on acceptances executed and outstanding			0	18.
19. Notes and debentures subordinated to deposits			0	19.
20 Other liabilities			2,876	20.
21. Total liabilities (sum of items 13 through 20)			312,677	21.
22. Limited - life preferred stock			0	22.
EQUITY CAPITAL				
23. Perpetual preferred stock (No. of shares outstanding 0)			0	23.
24. Common stock (No. of shares a. Authorized 2,000 b.Outstanding 674)			674	24.
25. Surplus			4,634	25.
26. Undivided profits and capital reserves			18,697	26.
27. Cumulative foreign currency translation adjustments				
28. Total equity capital (sum of items 23 through 27)			24,005	28.
29. Total liabilities, limited - life preferred stock, and equity capital (sum of items 21, 22, and 28)			336,682	29.
MEMORANDA: Amounts outstanding as of Report Date:				MEMO
1.a Standby letters of credit, Total			3,947	1.a
1.b Amount of Standby letters of credit in memo 1.a conveyed to others through participations			0	1.b

NOTE: This report must be signed by an authorized officer(s) and attested by not less than three directors other than the officer(s) signing the report.

I/We, the undersigned officer(s), do hereby declare that this Report of Condition has been prepared in conformance with official instructions and is true to the best of my knowledge and belief.

SIGNATURE OF OFFICER(S) AUTHORIZED TO SIGN REPORT — DATE SIGNED
Robert P. McDonald — 1/27/93

NAME AND TITLE OF OFFICER(S) AUTHORIZED TO SIGN REPORT — AREA CODE/PHONE NO.
Robert P. McDonald, Sr. Vice President/Treasurer — (617) 349-1537

We, the undersigned directors, attest the correctness of this Report of Condition and declare that it has been examined by us and to the best of our knowledge and belief has been prepared in conformance with official instructions and is true and correct.

SIGNATURE OF DIRECTOR — SIGNATURE OF DIRECTOR — SIGNATURE OF DIRECTOR
James F. Dwinell, III — Robert L. DeGregorio — Lewis H. Clark

(NOTARY'S SEAL)

State of Massachusetts, County of Middlesex ss.

Sworn to and subscribed before me this 27th day of January 1993 and I hereby certify that I am not an officer or director of this bank.

My commission expires February 8, 1996.

SCHEDULE H - STATEMENT OF TRUST DEPARTMENT

CAMBRIDGE TRUST COMPANY — CLOSE OF BUSINESS 12/31/92

		BOOK VALUES ("000" omitted)	
		DISCRETIONARY	
		Bil. Mil.Thou.	
Demand Deposits	H010	19,229	
Time Deposits	H020	327	
Savings Deposits	H030	0	
U. S. Government and Agency Obligations	H040	69,130	
S.C.M. Obligations	H050	21,188	
Other Bonds and Notes	H060	5,430	
Stocks	H070	100,280	
Real Estate Owned	H080	2,342	
Real Estate Receivables	H090	2,096	
All Other Assets	H100	3,100	
TOTAL ASSETS	H110	223,122	
Trusts, Estates, Agencies, etc.	H120	215,244	
Employee Benefit Trusts	H130	4,666	
Employee Benefit Agencies	H140	3,212	
All Others	H150	0	
TOTAL LIABILITIES	H160	223,122	

MEMORANDUM		Bil. Mil.Thou.	Number of Accounts/Funds
Common Trust Funds, less unit values	H170	948	
Corporate Trust Cash and Assets	H180	0	0
Discretionary Accounts	H190		536
Non-Discretionary Accounts	H200	267,643	408
Deposits in Commercial Department (*)	H210	1,699	
Market Value of Securities Pledged (*)	H220	10,530	

(*) Par requirements of General Laws, Chapter 167G, Section 8.

NOTE:

For purposes of this report, "discretionary accounts" are deemed to be any account in which the bank has investment discretion solely, or jointly with another.

In order to avoid duplication of common trust fund asset values, unit values should not be included in stock category. Common trust funds assets are to be slotted in their respective categories.

I, Robert P. McDonald, Sr. Vice President/Treas. of the above-named bank, do solemnly (swear) (affirm) that this report of the trust department is true and correct, to the best of my knowledge and belief.

Signature of officer authorized to sign the report:
Robert P. McDonald

(C)Feb.4
#22474

FIRST PUBLICATION NUMBER 2610
CITY OF CAMBRIDGE
In the Year One Thousand, Nine Hundred Ninety-Three
AN ORDINANCE

In amendment to the Municipal Code of the City of Cambridge

Be it ordained by the City Council of the City of Cambridge as follows:

Title 8 of the Code (Health and Safety) is hereby amended by striking out Chapter 8.20 of the Code (Recombinant DNA Technology) and substituting the following new Chapter 8.20:

Chapter 8.20
RECOMBINANT DNA TECHNOLOGY

Sections:

8.20.010 Purpose.
8.20.020 Definitions.
8.20.030 Cambridge Biosafety Committee-Membership - Staff.
8.20.040 Cambridge Biosafety Committee - Duties and responsibilities.
8.20.050 Permit requirements.
8.20.060 Institutional Biosafety Committees.
8.20.070 Reports.
8.20.080 Medical surveillance program.
8.20.090 Violation of guidelines - Notification.
8.20.100 Protection against rodents and insects.
8.20.110 Restrictions.
8.20.120 Enforcement.
8.20.130 Severability.

8.20.010 Purpose.

All use of recombinant DNA (RDNA) in the City of Cambridge shall be undertaken only in strict conformity with the Guidelines set out in Section 8.20.020, the other requirements of this Chapter and health regulations promulgated by the Cambridge Commissioner of Health and Hospitals (the Commissioner).

8.20.020 Definitions.

a) "Guidelines" are defined as:

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 Molecules 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, and April 22, 1992.

3) Such amendments to (1) and (2) above which are adopted by the National Institutes of Health (NIH) and approved by the Commissioner. Amendments not acted upon by the Commissioner within sixty days shall be considered approved. In the event that the NIH shall discontinue or abolish its guidelines, those guidelines in effect at the time of such discontinuance shall remain in effect in Cambridge.

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 Commissioner. Amendments not acted upon by the Commissioner within sixty days shall be considered approved.

8.20.030 Cambridge Biosafety Committee - Membership - Staff.

A. The Cambridge Biosafety Committee (CBC) (formerly known as the Cambridge Biohazards Committee) shall be composed of the Commissioner or his/her designee, the Chairperson of the Cambridge Health Policy Board, or a Board member designated by the Chairperson, and a minimum of three other members to be appointed by the City Manager. The City Manager is authorized to provide for the adequate staffing of the CBC. Members of the CBC shall be Special Municipal Employees.

B. The CBC and the Commissioner are authorized to retain competent professional assistance in carrying out their duties under this Chapter.

C. The salaries and expenses of the staff and consultants of the CBC under this Chapter shall be apportioned to the persons holding permits under Section 8.20.050.

8.20.040 Cambridge Biosafety Committee - Duties and Responsibilities.

The responsibilities of the CBC 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 CBC, 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 Chapter.

D. Developing a procedure for persons to report to the CBC violations of this Chapter, the Guidelines or any health regulation.

8.20.050 Permit requirements.

All persons proposing to use RDNA must obtain a permit from the Commissioner with the approval of the CBC. Permit requirements shall, at a minimum, include written agreement to:

A. Follow the Guidelines and certain provisions of this Chapter.

B. Follow other conditions set forth in this Chapter.

C. Allow reasonable inspections of facilities and pertinent records by the CBC.

D. Prepare a Health and Safety Manual which contains all procedures relevant to the use of RDNA at all levels of containment in use at the facility, and a program for waste disposal in compliance with all applicable federal, state and local laws. The Manual shall be submitted to the CBC for review.

E. Establish a training program of safeguards and procedures for personnel using RDNA.

Permits shall be issued and renewed on an annual basis. The Commissioner may establish fees for the issuance and renewal of permits.

8.20.060 Institutional Biosafety Committees.

The Institutional Biosafety Committees (IBC) shall be established in accordance with the Guidelines, except that the required composition of each IBC shall include at least one representative from the surrounding community approved by the Health Policy Board. The IBC shall be the final arbiter within an institution with regard to the implementation of this Chapter and the Guidelines.

8.20.070 Reports.

Each holder of a permit shall file regular reports with the CBC, in a manner to be determined by the CBC. All minutes of IBC meetings must be sent to the CBC within 24 hours of meeting.

8.20.080 Medical surveillance program.

Each permit-holder must provide an appropriate medical surveillance program as determined by its IBC and consistent with the Guidelines. Such programs must be approved by the CBC.

8.20.090 Violation of Guidelines - Notification.

The permit-holder shall report, within thirty days, to the Commissioner and the CBC any significant problems with or violations of the Guidelines and any significant RDNA-related accidents or illnesses.

8.20.100 Protection against rodents and insects.

Effective rodent and insect control programs must be in place on premises where RDNA use under this Chapter takes place.

8.20.110 Restrictions.

A. RDNA use requiring containment defined by the Guidelines as "BL4" shall not be permitted in Cambridge.

B. Any accidental release which represents a significant potential hazard to employees or the public shall be reported to the Commissioner immediately, and in no case more than 24 hours after the release.

8.20.120 Enforcement.

A. Any person who violates any provision of this Chapter shall be subject to a fine of three hundred dollars ($300.00) per violation. Each day of violation shall constitute a separate and distinct offense.

B. Once a permit has been issued, it may be revoked, suspended, modified or not renewed by the Commissioner only upon a determination by the Commissioner and the CBC, after due notice and hearing, that the permit-holder has materially failed to comply with this Chapter, the permit agreements or the Guidelines.

C. Notwithstanding the above, the Commissioner, upon a determination that any violation constitutes an immediate and severe threat to the public health and safety, may order the immediate closing of any premises or laboratory engaging in or contributing to such threat, without prior notice and hearing but with subsequent notice and hearing.

8.20.130 Severability.

If any section, subsection, sentence, clause, or portion of this Chapter is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Passed to a second reading at the City Council meeting held on January 25, 1993 and on or after February 15, 1993 the question comes on passing to be ordained.

ATTEST:- D. Margaret Drury
City Clerk

(C)Feb.4
#23011

CAMBRIDGE HOUSING AUTHORITY
OFFICE OF PLANNING AND DEVELOPMENT
INVITATION TO BID
Newtowne Court (MA 3-5)
Comprehensive Modernization

The Cambridge Housing Authority, Cambridge, Massachusetts (the Owner) invites sealed bids for the Newtowne Court (MA 3-5) Comprehensive Modernization Project.

This project consists of comprehensive modernization of 282 existing units to result in 268 renovated units and will include extensive site work, utility and landscape improvements; construction of porch and ramped entries at select locations; abatement of lead based paint and asbestos containing materials; electrical upgrade.

Estimated cost of this project is $14 million. The category for which the General Bidder must be DCPO-certified is General Building Construction.

General Bids will be accepted from bidders only when accompanied by a Certificate of Eligibility and an Update Statement (DCPO Forms CO7 and CO3).

Plans and Specifications will be available on Tuesday, January 26, 1993 after 10:00 AM at the Office of Planning and Development, Cambridge Housing Authority, 2nd Floor, 17 Sellers Street, Cambridge, Massachusetts. Bidders may obtain Plans and Specifications weekdays, between the hours of 9:00 AM and 5:00 PM by depositing $75.00 per set. This fee shall be refundable upon the return of the document in usable condition within (30) days of the General Bid Opening, after which all deposits become the property of the Cambridge Housing Authority. Contract Documents will not be mailed. They may be examined at the plan room of Dodge Construction Reports, Prudential Tower, Suite 320, 800 Boylston Street, Boston, Massachusetts or at the Office of Planning and Development of the Cambridge Housing Authority.

Site Inspection will be held as follows:

Prior to Sub-Bid Opening: 10:00 AM Tuesday, February 2, 1993, 1:00 PM Monday, February 8, 1993

Prior to General Bid Opening: 10:00 AM Thursday, February 18, 1993, 1:00 PM Wednesday, February 24, 1993

Interested parties will meet at:

Pisani Center, 131 Washington Street, Cambridge, Massachusetts

Each bidder shall visit the site of the proposed work and become fully acquainted with conditions as they exist in order to fully understand the conditions, difficulties and restrictions attending the execution of the work under this contract. By submitting a bid, the bidder agrees and warrants that s/he has examined the site, specifications and drawings, that the specifications and drawings are adequate and that the required result can be produced under the specifications and drawings. No increase in the contract sum nor claim for damages due to delay will be permitted as a result of the contractor's failure to accomplish any or all of these requirements.

Each bidder shall base his/her bid on the timely progression and completion of the work within the time for completion stated within the specification.

Bid Documents submitted by all bidders shall be in a sealed envelope, which shall be clearly labeled with the words "Bid Documents for Comprehensive Modernization of Newtowne Court (MA 3-5)," and the firm name of the bidder. In addition, sub-bidders shall state on the envelope the sub-contract section to which their bid applies.

Filed Sub Bid Sections for this Work are:

* Masonry	* Resilient Flooring
* Misc. Metal	* Painting
* Roofing	* Plumbing
* Aluminum Windows	* HVAC
* Ceramic Tile	* Electrical

Filed Sub Bids for the trades listed above will be received no later than 10:00 AM on Friday February 12, 1993 at 17 Sellers Street at the CHA's Office of Planning and Development. Sub-bids shall be clearly marked "Sub-bid for Section _____ (name of sub-trade).

Only sub-contract bids for trades which are listed above shall be submitted to the Authority.

General Bids shall be submitted with DCPO Forms CO7 (Certificate of Eligibility) and CO3 (Update Statement) no later than 10:00 AM on Wednesday, March 3, 1993 at the above address of the CHA's Office of Planning and Development. Bids not accompanied by DCPO forms CO7 and CO3 will be rejected by the Authority.

Every General Bid and Filed Sub Bid shall be accompanied by a Bid Deposit payable to the CHA in the form of cash, certified check payable to the order of the Cambridge Housing Authority, bid bond with acceptable sureties, or treasurer's or cashier's check issued by a responsible bank or trust company qualified to do business in Massachusetts, in the amount of 5% of the bid. The bid security shall secure the execution of the contract and the furnishing of performance and payment bonds by the successful General Bidder as specified in the Contract Documents. All general bids and sub-bids are subject to the provisions of M.G.L., Chapter 30, Section 39M, and Chapter 149, Section 44A to J inclusive. All other applicable state laws, municipal ordinances, and the rules and regulations of all authorities having jurisdiction over construction of the project shall apply to the contract throughout, and they will be deemed to be included in the contract as if written out in full.

Bids may be mailed to the Cambridge Housing Authority, 17 Sellers Street, Cambridge Massachusetts 02139 Attention: Louise Outler.

The successful bidder will be required to furnish a Performance Bond and Payment Bond as set forth in the Specifications, each in the full amount of the contract.

General Bidders must agree to contract with minority and woman-owned businesses as certified by the State Office of Minority and Women Business Assistance (SOMWBA). The amount of participation reserved for such enterprises shall not be less than $502,495.00 contracted with minority-owned business enterprises and not less than $209,373.00 contracted with women-owned business enterprises.

The Awarding Authority reserves the right to reject any and all bids and to waive any informalities in the bidding if it is in the public interest to do so. The Cambridge Housing Authority also reserves the right to reject the bids if less than three bids are received.

The wages paid to all employees on this project shall not be less than the U.S. Department of Labor Minimum Wage Rates. Refer to wage rate schedule in the project Specification.

The Cambridge Housing Authority is a tax-exempt organization. Bids shall not include sales tax on any and all building materials and supplies required for the work of this project. The exemption number assigned to the Authority will be given to the General Contractor at the Preconstruction Conference.

No interpretations of the meaning of the plans, specifications or other pre-bid documents will be made to any bidder orally. Every request for such interpretation must be in writing and addressed to the Architect:

Steffian Bradley Associates, Inc.
100 North Washington Street
Boston, Massachusetts 02114-9859

ALL BIDDERS PLEASE NOTE: EQUAL EMPLOYMENT OPPORTUNITY GUIDELINES REGARDING EMPLOYMENT OF MINORITIES AND FEMALES SHALL BE STRICTLY ENFORCED ON THIS PROJECT. PLEASE REFER TO LABOR REGULATIONS SECTION OF THE SPECIFICATION.

ALL BIDDERS PLEASE NOTE: THIS SPECIFICATION CONTAINS NEWLY REVISED HUD DOCUMENTS, INCLUDING "INSTRUCTIONS TO BIDDERS", "REPRESENTATIONS, CERTIFICATIONS AND OTHER STATEMENTS OF BIDDERS", AND "GENERAL CONDITIONS OF THE CONTRACT FOR CONSTRUCTION". BIDDERS ARE EXPLICITLY CAUTIONED TO READ THESE SECTIONS CAREFULLY AND TO CONFORM TO ALL REQUIREMENTS INCLUDED THEREIN.

(C)Jan.28,Feb.4
#22929

CAMBRIDGE HOUSING AUTHORITY
OFFICE OF PLANNING AND DEVELOPMENT
INVITATION TO BID
John F. Kennedy Apartments (MA 3-2)
Modernization of Balcony Egress and Associated Work

The Cambridge Housing Authority, Cambridge, Massachusetts invites sealed bids for John F. Kennedy Apartments (MA 3-2) Modernization of Balcony Egress and Associated Work in accordance with the documents prepared by Downer and Mostue Architects, Inc.

This project generally consists of the installation of approximately 84 new aluminum clad/ wood framed sliding door and window units, repair of existing aluminum double hung windows (approximately 250 locations), and repair of damaged and spalled areas of existing concrete balconies.

Estimated cost of this project is $185,000. The category for which the General Bidder must be DCPO-certified is General Building Construction. General Bids will be accepted from bidders only when accompanied by a Certificate of Eligibility and an Update Statement (DCPO Forms CO7 and CO3).

Plans and Specifications will be available on Wednesday, February 10, 1993 after 10:00 AM at the

Office of Planning and Development,
Cambridge Housing Authority,
17 Sellers Street, 2nd floor
Cambridge, Massachusetts.

Bidders may obtain Plans and Specifications weekdays, between the hours of 9:00 AM and 5:00 PM by depositing $50.00 per set. This fee shall be refundable upon the return of the documents in usable condition within (30) days of the General Bid Opening, after which all deposits become the property of the Cambridge Housing Authority. Contract Documents will not be mailed. They may be examined at the plan room of Dodge Construction Reports, Prudential Tower, Suite 320, 800 Boylston Street, Boston, Massachusetts or at the Office of Planning and Development of the Cambridge Housing Authority.

Site Inspection will be held as follows:

Wednesday, February 17, 1993
10:00 am-11:30 am
John F. Kennedy Apartments
55 Essex Street, Cambridge, Massachusetts

Each bidder shall visit the site of the proposed work and become fully acquainted with conditions as they exist in order to fully understand the conditions, difficulties and restrictions attending the execution of the work under this contract. By submitting a bid, the bidder agrees and warrants that s/he has examined the site, specifications and drawings, that the specifications and drawings are adequate, and that the required result can be produced under the specifications and drawings. No increase in the contract sum nor claim for damages due to delay will be permitted as a result of the contractor's failure to accomplish any or all of these requirements.

Each bidder shall base his/her bid on the timely progression and completion of the work within the time for completion stated within the specifications.

Bid Documents submitted by all bidders shall be in a sealed envelope which shall be clearly labeled with the words "Bid Documents for John F. Kennedy Apartments (MA 3-2) Modernization of Balcony Egress and Associated Work," and the firm name of the bidder.

General Bids shall be submitted with DCPO Forms CO7 (Certificate of Eligibility) and CO3 (Update Statement) no later than 10:00 AM on Wednesday, February 24th, 1993 at the above address of the CHA's Office of Planning and Development. Bids not accompanied by DCPO forms CO7 and CO3 will be rejected by the Authority.

Every General Bid shall be accompanied by a Bid Deposit payable to the CHA in the form of cash, certified check payable to the order of the Cambridge Housing Authority, bid bond with acceptable sureties, or treasurer's or cashier's check issued by a responsible bank or trust company qualified to do business in Massachusetts, in the amount of 5% of the bid. The bid security shall secure the execution of the contract and the furnishing of performance and payment bonds by the successful General Bidder as specified in the Contract Documents. All general bids and sub-bids are subject to the provisions of M.G.L., Chapter 30, Section 39M, and Chapter 149, Section 44A to J inclusive. All other applicable state laws, municipal ordinances, and the rules and regulations of all authorities having jurisdiction over construction of the project shall apply to the contract throughout, and they will be deemed to be included in the contract as if written out in full.

Bids may be mailed to the Cambridge Housing Authority, 17 Sellers Street, Cambridge Massachusetts 02139 Attention: Jan Faigel. Mailed bids must be received by the time and date of the above deadline to be considered valid.

The successful bidder will be required to furnish a Performance Bond and Payment Bond as set forth in the Specifications, each in the full amount of the contract.

The Awarding Authority reserves the right to reject any and all bids and to waive any informalities in the bidding if it is in the public interest to do so. The Cambridge Housing Authority also reserves the right to reject the bids if less than three bids are received.

The wages paid to all employees on this project shall not be less than the U.S. Department of Labor Minimum Wage Rates. Refer to wage rate schedule in the project Specification.

The Cambridge Housing Authority is a tax-exempt organization. Bids shall not include sales tax on any and all building materials and supplies required for the work of this project. The exemption number assigned to the Authority will be given to the General Contractor at the Preconstruction Conference.

No interpretations of the meaning of the plans, specifications or other pre-bid documents will be made to any bidder orally. Every request for such interpretation must be in writing and addressed to the Architect:

Downer and Mostue Architects, Inc.
13 Pleasant Street
Cambridge, Massachusetts

ALL BIDDERS PLEASE NOTE: EQUAL EMPLOYMENT OPPORTUNITY GUIDELINES REGARDING EMPLOYMENT OF MINORITIES AND FEMALES SHALL BE STRICTLY ENFORCED ON THIS PROJECT. Please refer to LABOR REGULATIONS section of the specification.

ALL BIDDERS PLEASE NOTE: This specification contains newly revised HUD documents, including "INSTRUCTIONS TO BIDDERS", "REPRESENTATIONS, CERTIFICATIONS AND OTHER STATEMENTS OF BIDDERS", and "GENERAL CONDITIONS OF THE CONTRACT FOR CONSTRUCTION". BIDDERS ARE EXPLICITLY CAUTIONED TO READ THESE SECTIONS CAREFULLY AND TO CONFORM TO ALL REQUIREMENTS INCLUDED THEREIN.

(C)Feb.4
#22472

NOTICE OF MORTGAGEE'S
SALE OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain mortgage given by James H. Platt and Patricia A. Cole-Platt a/k/a Patricia A. Cole to Mortgage Investors Corporation, dated November 24, 1986 and recorded with the Middlesex County (Southern District) Registry of Deeds, at Book 17617, Page 297, and an amended and restated mortgage dated November 27, 1987 and recorded with Middlesex County (Southern District) Registry of Deeds, at Book 18736, Page 243, and a first amended and restated mortgage dated March 9, 1988 and recorded with Middlesex County (Southern District) Registry of Deeds, at Book 18934, Page 186, and a second amended and restated mortgage dated December 29, 1988 and recorded with Middlesex County (Southern District) Registry of Deeds, at Book 19596, Page 253, of which mortgage Mortgage Investors Funding Trust I by: Congress Realty Financial Limited Partnership by: Congress Realty Financial Corp., its General Partner is the present holder, for breach of the conditions of said mortgage and for the purpose of foreclosing, the same will be sold at Public Auction at 10:00 a.m. on February 11, 1993, on the mortgaged premises located at 50 Grozier Road, Unit 2, Cambridge, Middlesex County, Massachusetts, all and singular the premises described in said mortgage.

TO WIT:

The following premises in the Day's Light Townhouse Condominium created by Master Deed recorded in Middlesex South Registry of Deeds, Book 14735, Page 475, as follows:

Unit No. 2, containing Two Thousand One Hundred Ninety (2190) square feet, more or less, the address of which is 50 Grozier Road, said Cambridge, and is laid out and as shown on the plan recorded with mortgagor's unit deed referred to below, and which plan is a copy of the plan filed with said Master Deed.

the said Unit is conveyed together with: (a) An undivided interest of 50% in the common areas and facilities described in said Master Deed; and (b) the benefit of and subject to all easements, rights, reservations, restrictions, agreements and provisions contained in the said Master Deed, the Declaration of Trust creating the Day's Light Townhouse Condominium Trust, and the by-laws contained therein, all duly filed with said Registry, or as the same may be amended of record, and the Rules and Regulations from time to time promulgated thereunder as authorized therein, and including, without limitation, the restrictions set forth in said Master Deed that this Unit may be used only for residential purposes except as prescribed therein. The provisions of said Master Deed, the Plans filed therewith, and of said Declaration of Trust and the By-Laws contained therein (as the same may from time to time be amended by instrument duly filed with said Land Registration Office) are hereby incorporated by reference and constitute covenants running with the land and are and shall remain binding upon any person or persons having at any time any interest or estate in this Unit and persons claiming through or under them.

The mortgage is also made subject to and with the benefit of the provisions of General Laws Chapter 183A as now in force and as from time to time amended:

For title see deed recorded with Middlesex County (Southern District) Registry of Deeds, Book 14737, Page 304, and confirmatory deed recorded in said Deeds, Book 14831, Page 541.

The unit is subject to and has the benefit of all rights, restrictions, easements, agreements, interests and provisions contained in the Master Deed, the Declaration of Trust and the Rules and Regulations and By-Laws adopted thereto, as any of the same may be amended from time to time, as well as the provisions of Chapter 183A of the Massachusetts General Laws, as the same may be amended from time to time.

These premises will be sold and conveyed subject to and with the benefit of all rights, rights of way, restrictions, easements, covenants, liens or claims in the nature of liens; improvements, public assessments, any and all unpaid taxes, tax titles, tax liens, water and sewer liens and any other municipal assessments or liens, or existing encumbrances of record, which are in force and are applicable, created prior to the said mortgage which is being foreclosed whether or not reference to such restrictions, easements, improvements, liens or encumbrances is made in the deed.

TERMS OF SALE: A deposit of Seven Thousand Five Hundred ($7,500.00) Dollars by certified or bank check will be required to be paid by the purchaser at the time and place of sale. The balance is to be paid by certified or bank check at the Law Offices of Mark P. Harmon, 27 Needham Street, P.O. Box 339, Newton Highlands, Massachusetts 02161, within thirty (30) days from the date of sale. Deed will be provided to purchaser for recording upon receipt in full of the purchase price.

Other terms, if any, to be announced at the sale.

MORTGAGE INVESTORS
FUNDING TRUST I
BY: CONGRESS REALTY
FINANCIAL LIMITED
PARTNERSHIP BY: CONGRESS
REALTY FINANCIAL CORP.,
ITS GENERAL PARTNER
Present holder of said mortgage
By its Attorneys,
LAW OFFICES OF MARK P. HARMON
Stanley S. Freedman, Esquire
27 Needham Street
P.O. Box 339
Newton Highlands, MA 02161
(617) 244-7505

(C)Jan.21,28,Feb.4
#23200

ADVERTISEMENT
CAMBRIDGE HOUSING AUTHORITY
OFFICE OF PLANNING AND DEVELOPMENT
INVITATION TO BID

The Cambridge Housing Authority, Cambridge, Massachusetts (the Owner) will receive sealed bids for: Moving Services for the Newtowne Court (MA 3-5) Modernization Project in accordance with documents prepared by the Cambridge Housing Authority. The number of families to be moved under this contract will range between 25 and 300.

Specifications and Contract Documents will be available on Monday, February 8, 1993 after 9:00 a.m. at the Office of Planning and Development, Cambridge Housing Authority, 2nd Floor, 17 Sellers Street, Cambridge, Massachusetts. Bidders may obtain Specifications and Contract Documents weekdays, between the hours of 9:00 AM and 5:00 PM. Specification and contract documents will not be mailed.

Interested parties should call Jan Faigel, Office of Planning and Development, at (617) 497-6800 with any questions regarding the project.

Site Inspection will be held on February 16, 1993, at 10:00 a.m. Interested parties will meet at:

Pisani Center, 131 Washington Street, Cambridge, Massachusetts

Bids shall be submitted no later than 10:00 am on Friday, February 22, 1993 and shall be received at the Office of Planning and Development, 17 Sellers Street, Cambridge, Massachusetts, 02139. Bids may be mailed to the attention of Jan Faigel at this address.

No bid deposit is required.

All bidding and contractual procedures included in the General Law of the Commonwealth of Massachusetts and United States of America shall be strictly adhered to, all as most recently amended.

The awarding Authority reserves the right to reject any and all bids and waive any informalities in the bidding if it is in the public interest to do so. The Cambridge Housing Authority reserves the right to reject all bids if less than three bids are received.

Please note that any firm under contract for moving services at Newtowne Court (MA 3-5) is ineligible to bid on this project.

(C)Feb.4
#22464

ORDINANCE NO. 1148
Final Publication No. 2611.
First publication in the Chronicle on February 4, 1993.
CITY OF CAMBRIDGE
In the Year One Thousand, Nine Hundred Ninety-Three
AN ORDINANCE

In amendment to the Municipal Code of the City of Cambridge

Be it ordained by the City Council of the City of Cambridge as follows:

Title 8 of the Code (Health and Safety) is hereby amended by striking out Chapter 8.20 of the Code (Recombinant DNA Technology) and substituting the following new Chapter 8.20:

Chapter 8.20
RECOMBINANT DNA TECHNOLOGY

Sections:
8.20.010 Purpose.
8.20.020 Definitions.
8.20.30 Cambridge Biosafety Committee - Membership - Staff.
8.20.040 Cambridge Biosafety Committee - Duties and responsibilities.
8.20.050 Permit requirements.
8.20.060 Institutional Biosafety Committees.
8.20.070 Reports.
8.20.080 Medical Surveillance program.
8.20.090 Violation of guidelines - Notification.
8.20.100 Protection against rodents and insects.
8.20.110 Restrictions.
8.20.120 Enforcement.
8.20.130 Severability.

8.20.010 Purpose.

All use of recombinant DNA (RDNA) in the City of Cambridge shall be undertaken only in strict conformity with the Guidelines set out in Section 8.20.020, the other requirements of this Chapter and health regulations promulgated by the Cambridge Commissioner of Health and Hospitals (the Commissioner).

8.20.020 Definitions.

a) "Guidelines" are defined as:

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, and April 22, 1992.

3) Such amendments to (1) and (2) above which are adopted by the National Institutes of Health (NIH) and approved by the Commissioner. Amendments not acted upon by the Commissioner within sixty days shall be considered approved. In the event that the NIH shall discontinue or abolish its guidelines, those guidelines in effect at the time of such discontinuance shall remain in effect in Cambridge.

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 Commissioner. Amendments not acted upon by the Commissioner within sixty days shall be considered approved.

8.20.030 Cambridge Biosafety Committee - Membership - Staff.

A. The Cambridge Biosafety Committee (CBC) (formerly known as the Cambridge Biohazards Committee) shall be composed of the Commissioner or his/her designee, the Chairperson of the Cambridge Health Policy Board, or a Board member designated by the Chairperson, and a minimum of three other members to be appointed by the City Manager. The City Manager is authorized to provide for the adequate staffing of the CBC. Members of the CBC shall be Special Municipal Employees.

B. The CBC and the Commissioner are authorized to retain competent professional assistance in carrying out their duties under this Chapter.

C. The salaries and expenses of the staff and consultants of the CBC under this Chapter shall be apportioned to the persons holding permits under Section 8.20.050.

8.20.040 Cambridge Biosafety Committee - Duties and Responsibilities.

The responsibilities of the CBC shall include:

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

B. Determining the manner in which permitholders make reports or applications to the CBC, 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 Chapter.

D. Developing a procedure for persons to report to the CBC violations of this Chapter, the Guidelines or any health regulation.

8.20.050 Permit requirements.

All persons proposing to use RDNA must obtain a permit from the Commissioner with the approval of the CBC. Permit requirements shall, at a minimum, include written agreement to:

A. Follow the Guidelines as defined in this Chapter.

B. Follow other conditions set forth in this Chapter.

C. Allow reasonable inspections of facilities and pertinent records by the CBC.

D. Prepare a Health and Safety Manual which contains all procedures relevant to the use of RDNA at all levels of containment in use at the facility, and a program for waste disposal in compliance with all applicable federal, state and local laws. the Manual shall be submitted to the CBC for review.

E. Establish a training program of safeguards and procedures for personnel using RDNA.

Permits shall be issued and renewed on an annual basis. The Commissioner may establish fees for the issuance and renewal of permits.

8.20.060 Institutional Biosafety Committees.

The Institutional Biosafety Committees (IBC) shall be established in accordance with the Guidelines, except that the required composition of each IBC shall include at least one representative from the surrounding community approved by the Health Policy Board. The IBC shall be the final arbiter within an institution with regard to the implementation of this Chapter and the Guidelines.

8.20.070 Reports.

Each holder of a permit shall file regular reports with the CBC, in a manner to be determined by the CBC. All minutes of IBC meetings must be sent to the Commissioner and the CBC.

8.20.080 Medical surveillance program.

Each permit-holder must provide an appropriate medical surveillance program as determined by its IBC and consistent with the Guidelines. Such programs must be approved by the CBC.

8.20.090 Violation of Guidelines - Notification.

The permit-holder shall report, within thirty days, to the Commissioner and the CBC any significant problems with or violations of the Guidelines and any significant RDNA-related accidents or illnesses.

8.20.100 Protection against rodents and insects.

Effective rodent and insect control programs must be in place on premises where RDNA use under this Chapter takes place.

8.20.110 Restrictions.

A. RDNA use requiring containment defined by the Guidelines as "BL4" shall not be permitted in Cambridge.

B. Any accidental release which represents a significant potential hazard to employees or the public shall be reported to the Commissioner immediately, and in no case more than 24 hours after the release.

8.20.120 Enforcement.

A. Any person who violates any provision of this Chapter shall be subject to a fine of three hundred dollars ($300.00) per violation. Each day of violation shall constitute a separate and distinct offense.

B. Once a permit has been issued, it may be revoked, suspended, modified or not renewed by the Commissioner only upon a determination by the Commissioner and the CBC, after due notice and hearing, that the permit-holder has materially failed to comply with this Chapter, the permit agreements or the Guidelines.

C. Notwithstanding the above, the Commissioner, upon a determination that any violation constitutes an immediate and severe threat to the public health and safety, may order the immediate closure of any premises or laboratory engaging in or contributing to such threat, without prior notice and hearing but with subsequent notice and hearing.

8.20.130 Severability.

If any section, subsection, sentence, clause, or portion of this Chapter is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

In City Council February 22, 1993.
Passed to be ordained by a yea and nay vote:-
Yeas 9; Nays 0; Absent 0
Robert W. Healy, City Manager.
ATTEST:- D. Margaret Drury
City Clerk

(C)Feb.25
#19943

MORTGAGEE'S SALE OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain mortgage given by Jack W. Kraiger and Elaine W. Kraiger to Woburn Five Cents Savings Bank dated December 11, 1987 and recorded with the Middlesex South Registry of Deeds in Book 16753, Page 604, of which mortgage the undersigned is the present holder, for breach of the conditions of said mortgage and for the purpose of foreclosing, the same will be sold at Public Auction at 12:00 p.m. on Wednesday, the third (3rd) day of March, 1993, on the mortgaged premises now known and numbered Unit #8B, 1105 Massachusetts Avenue Condominium, 1105 Massachusetts Avenue, Cambridge, Middlesex County, Massachusetts 02138, all and singular the premises described in said Mortgage:

The Condominium Unit #8B in the 1105 Massachusetts Avenue Condominium ("the Condominium") situated at and with a post office address of Unit #8B, 1105 Massachusetts Avenue, Cambridge, Massachusetts, created by Master Deed recorded with the Middlesex South Registry of Deeds in Book 12630, Page 273, as amended by instruments of record, if any ("Master Deed") in accordance with and subject to the provisions of Massachusetts General Laws Chapter 183A, as amended ("Chapter 183A"). The Unit is more particularly described in the Master Deed, as shown on the plans recorded simultaneously with the Master Deed, and is hereby conveyed together with the Unit Owner's undivided interest in the common areas and facilities (the "common areas and facilities") as set forth in the Master Deed and together with any other rights set forth in the Master Deed or the Unit Deed, including the exclusive easements to parking spaces and storage spaces, if any.

The Unit and such undivided .8272% percent interest in the common area and facilities are conveyed with the benefit of and subject to the rights, easement, restrictions covenants, agreements, obligations, conditions, and other provisions referred to or set forth in the Master Deed, the provisions of the instrument establishing the Unit Owner's organization formed in accordance with Section 10 of Chapter 183A, the By-Laws contained therein and any rules and regulations promulgated thereto, insofar as the same are now in force and applicable.

For my title see deed recorded with said Registry in Book 18753, Page 602.

Said premises will be sold subject to as above and to all restrictions, easements, improvements, attachments, outstanding tax titles, municipal or public taxes, assessments, liens or claims in the nature of liens, and existing encumbrances of record, if there be any, and all encumbrances of record which are prior to said mortgage.

Two Thousand Five Hundred ($2,500.00) Dollars will be required to be paid in cash or by certified or bank treasurer's or cashier's check by the purchaser at the time and place of sale as earnest money to be held at the option of the mortgagee as liquidated damages for any breach by the buyer. The balance is to be paid in cash or by certified or bank treasurer's or cashier's check within forty-five (45) days thereafter to be deposited in escrow with the firm of Kaye, Fialkow, Richmond & Rothstein at 100 Federal Street, Boston, Massachusetts 02110. The deed is to be delivered within forty-five (45) days from the date of sale.

Other terms, if any, to be announced at sale.

Mortgage Properties Corp.
c/o Peter Wittenborg
Attorney for Mortgagee
Kaye, Fialkow, Richmond & Rothstein
100 Federal Street
Boston, MA 02110
Telephone (617) 482-6800

(C)Feb.4,11,18,25
#22431

MORTGAGEE'S NOTICE OF SALE OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain mortgage given by **Gabriel Melo and Marta S. Melo** to **BayBank Middlesex** dated January 15, 1986 and recorded with the Middlesex County (Southern District) Registry of Deeds at Book 16719, Page 546, of which mortgage the undersigned is the present holder, for breach of the conditions of said Mortgage and for the purpose of foreclosing, the same will be sold at public auction commencing at 2:00 P.M. on the 26th day of March, 1993 upon the mortgaged premises, being all and singular the premises described in said Mortgage, to wit:

A certain parcel of land with the buildings thereon, situated in Cambridge in the County of Middlesex and Commonwealth of Massachusetts, Bounded:

Beginning at a point on Cambridge Street, Westerly sixty-two (62) feet from Norfolk Street; thence running Westerly on said Cambridge Street, twenty-eight and 7/10 (28.07) feet to land now or formerly of Sawyer; thence turning and running Southerly by land now or formerly of said Sawyer, sixty (60) feet to land now or formerly of Benwell; thence turning and running Easterly twenty-eight (28) feet by land now or formerly of said Benwell; thence turning and running Northerly sixty-seven (67) feet and bounded on land now or formerly of Sheen and D.H. King to the point of beginning.

Meaning and intending to convey and hereby conveying all the same premises deeded to us by deed of Joseph A. Tenaglia et al, Trustees, dated January 6, 1986 and recorded herewith (Book 16719, Page 545).

The mortgaged premises are to be sold subject to and with the benefit of all easements, restrictions, building and zoning laws, unpaid taxes, tax titles, water bills, municipal liens and assessments, rights of tenants and parties in possession, existing encumbrances, and all other claims in the nature of liens, now existing or hereafter arising, having priority over the Mortgage, if any there be. The mortgaged premises are also sold subject to the right of redemption of the United States of America, if any there be.

TERMS OF SALE: A deposit of FIVE THOUSAND DOLLARS ($5,000.00) shall be required to be made to the mortgagee by certified check or by bank cashier's check at the time and place of sale. The balance of the purchase price is to be paid to the mortgagee by certified check or by bank cashier's check in or within thirty (30) days from the date of the sale, with time being of the essence.

Other terms, if any, to be announced at the sale.

BayBank, a Massachusetts trust company,
formerly known as
BayBank Middlesex
Present Holder of Said Mortgage
By Its Attorneys,
Riemer & Braunstein
Michael K. Davis
Three Center Plaza
Boston, Massachusetts 02108
(617) 523-9000
February 22, 1993

(C)Feb.25,Mar.4,11
#19941

MORTGAGEE'S NOTICE OF SALE OF REAL ESTATE

PREMISES: 1-2 Washington Court
Cambridge, MA 02139

By virtue and in execution of the POWER OF SALE contained in a certain MORTGAGE given by **Richard B. Modica** and **Jeffrey M. Gross** to Prime Mortgage Co. dated September 21, 1989 and recorded with the Middlesex County (Southern District) Registry of Deeds in Book 20097 Page 103 of which the undersigned Federal National Mortgage Association is the present holder, for breach of the conditions of said mortgage and for the purpose of foreclosing the same will be SOLD at PUBLIC AUCTION at 10:00 a.m., on March 26, 1993 upon the mortgaged premises: 1-2 Washington Court, Cambridge, MA 02139 as described below, all and singular the premises described in said mortgage.

TO WIT: A certain parcel of land with the buildings thereon, in Cambridge, Middlesex County, Massachusetts, situated on and now known as and numbered 1 and 2 WASHINGTON COURT in said Cambridge, shown as Lot A on a plan entitled "Subdivision Plan of Land, Cambridge, Mass.", dated October 17, 1957, Robert H. Dunning, Surveyor, said plan duly recorded with Middlesex South Deeds, Book 9060, Page 206, and said parcels bounded and described according to said plan as follows:

SOUTHEASTERLY by a passageway now known as Washington Court, fifty (50) feet;

SOUTHWESTERLY by Lot B, thirty-four and 6/10 (34.6) feet;

NORTHWESTERLY by lots C and D, fifty (50) feet;

NORTHEASTERLY by land of owners unknown, thirty-four and 6/10 (34.6) feet;

Containing 1,730 square feet of land.

Together with and subject to rights of way in said passageway in common with others entitled thereto.

TERMS OF THE SALE: Said premises will be sold and conveyed subject to any and all outstanding municipal or other public taxes, tax titles, assessments, liens of claims in the nature of liens, rights of tenants and parties in possession, and existing encumbrances of record, if any, which take precedence over the said mortgage above described and also to all laws and ordinances including but not limited to, all building and zoning ordinances.

The highest bidder shall be required to deposit the amount of $10,000.00 by cash, certified check, bank treasurer's check or bank cashier's check at the time and place of the sale. The balance of the purchase price shall be paid in or within 60 days thereafter at the Law Offices of Elliott S. Topkins, 255 Bear Hill Road, Waltham, MA 02154. Other terms to be announced at the sale.

LAND COURT CASE NUMBER: 187047
PRESENT HOLDER OF SAID MORTGAGE:
Federal National Mortgage Association
3900 Wisconsin Avenue N.W.
Washington, DC 20016
AUCTIONEER:
Hatfield Associates (AB)

(C)Feb.25,Mar.4,11
#22591

AREA IV NEIGHBORHOOD COALITION REQUEST FOR PROPOSALS FY 1993-1994

PROJECT REQUIREMENTS

All funds must be allocated to capital and human services projects which benefit low/moderate income households and are oriented towards elimination of blight in the Area IV neighborhood. Projects should expand the opportunities for existing residents to remain in the neighborhood and/or increase the community's enjoyment of the neighborhood. Area IV includes all streets between Massachusetts Avenue on the South and Hampshire Street on the North, from Prospect Street on the West to Tech Square on the East. $80,000 is available for FY '93-94. All funds must be expended during Fiscal Year 1993-1994.

PROPOSAL CONTENT

1. Describe the project including goals and objectives.

2. Outline administrative procedures, eligibility requirements, and outreach techniques.

3. Describe how the project benefits low/moderate income residents.

4. Describe benefits received by the neighborhood. For example, housing units improved, neighborhood residents employed, open space added, transportation and parking improved, economic development aided.

5. Line Item Budget.

6. List other funding sources and amounts where appropriate. (for example, matching funds, leveraged funds, or in-kind services, etc.).

7. Describe how on-going maintenance for the project, if needed, will be carried out.

8. If applicable, describe agreements made with other agencies which may have jurisdiction over a part of the project.

SUBMISSION

Proposals must be submitted by March 31, 1993. Proposals should be forwarded to: Area IV Neighborhood Coalition, C/O Moustafa Mourad, Community Development Department, 57 Inman Street, Cambridge, MA 02139, (617) 349-4600.

An extensive study of Area IV economic and development needs is available from the Community Development Office.

(C)Feb.25
#22572

ADVERTISEMENT
CAMBRIDGE HOUSING AUTHORITY
OFFICE OF PLANNING AND DEVELOPMENT
INVITATION TO BID

The Cambridge Housing Authority, Cambridge, Massachusetts (the Owner) will receive sealed bids for: Moving Services for the Newtowne Court (MA 3-5) Modernization Project in accordance with documents prepared by the Cambridge Housing Authority. The number of families to be moved under this contract will range between 25 and 300. Estimated value of this contract is $100,00.

Specifications and Contract Documents will be available on Friday, February 12, 1993 after 9:00 a.m. at the Office of Planning and Development, Cambridge Housing Authority, 2nd Floor, 17 Sellers Street, Cambridge, Massachusetts. Bidders may obtain Specifications and Contract Documents weekdays, between the hours of 9:00 AM and 5:00 PM. Specification and contract documents will not be mailed.

Interested parties should call Jen Faigel, Office of Planning and Development, at (617) 497-6800 with any questions regarding the project.

Site Inspection will be held on Tuesday, February 23, 1993, at 10:00 a.m. Interested parties will meet at:

Pisani Center, 131 Washington Street, Cambridge, Massachusetts

Bids shall be submitted no later than 10:00 am. on Monday, March 1st, 1993 and shall be received at the Office of Planning and Development, 17 Sellers Street, Cambridge, Massachusetts, 02139. Bids may be mailed to the attention of Jen Faigel at 270 Green Street, Cambridge, Massachusetts, 02139. However, bids must be received by the above mentioned time and date to be considered valid.

No bid deposit is required.

All bidding and contractual procedures included in the General Law of the Commonwealth of Massachusetts and United States of America shall be strictly adhered to, all as most recently amended.

The awarding authority reserves the right to reject any and all bids and waive any informalities in the bidding if it is in the public interest to do so. The Cambridge Housing Authority reserves the right to reject all bids if less than three bids are received.

Please note that any firm under contract for moving services at Newtowne Court (MA 3-5) is ineligible to bid on this project.

(C)Feb.11,18,25
#22634

CAMBRIDGE HOUSING AUTHORITY
INVITATION FOR BIDS
LEAD ABATEMENT AT
226 NORFOLK STREET

The Cambridge Housing Authority invites sealed bids to do comprehensive lead abatement at 226 Norfolk Street. The estimated value of the contract is $15,000.

A 100% performance and payment bond will be required of the awarded contractor.

Specifications and bidding documents will be available until the date and time set for bid opening. There is no charge for the documents which will be mailed on request or may be picked up at the Cambridge Housing Authority, Office of Planning and Development, 17 Sellers Street, Cambridge, MA 02139, (617) 497-6800.

Bids will be subject to approval and award by the Cambridge Housing Authority Board of Commissioners. Bids will be irrevocable for a period of 30 days from the date of the bid opening.

Bids will be subject to M.G.L. Chapter 30B. In addition, any ensuing contract which includes on site labor will be subject to the appropriate State or Federal prevailing wage rates as detailed in the bidding documents.

Bid surety in the amount and form described in the Instructions to Bidders is X / is not_ required with bid submittal.

The Cambridge Housing Authority reserves the right to reject any and all bids and to waive informalities.

Site Inspection: Tuesday, February 23, 1:00 p.m., 226 Norfolk Street.

Bids must be received in a sealed envelope at the Cambridge Housing Authority, Office of Planning and Development, 17 Sellers Street, no later than Friday, March 5th, 1993 at 10:00 A.M. At that time all bids will be publicly opened and read aloud.

For more information, contact Jen Faigel, CHA Office of Planning and Development, 497-6800.

(C)Feb.18,25
#22596

CAMBRIDGE HOUSING AUTHORITY
REQUEST FOR ARCHITECTURAL/ ENGINEERING PROPOSALS
FOR
INTERIOR MODERNIZATION 116 NORFOLK STREET

Architects and Engineers registered in Massachusetts are invited to submit proposals for complete design and construction administration services for Interior Modernization at 116 Norfolk Street. 116 Norfolk Street is a four-story, brick Elderly Congregate Housing Facility with thirty-nine units, having common kitchens and bathrooms. The construction budget is $82,575.

The scope of work will focus on Kitchen and Bathroom facilities only, but will address all issues pertaining to those areas. In general, the scope will include analysis of existing conditions; preparation of Schematic Report which addresses options for repair and replacement of investigated work items; a Design Development Phase that provides creative options to problematic areas in Kitchens and Bathrooms; preparation of plans and specifications for preferred options; assistance during the bidding process; review of the contractor's submittals; and construction administration. The fee for these services is $9,170.00, as set by EOCD.

Proposal requirements may be obtained at the Cambridge Housing Authority, Office of Physical Planning and Construction located at 17 Sellers Street (2nd floor), Cambridge, MA, on or after February 11, 1993, between the hours of 9:00 AM and 5:00 PM. Six copies of the proposal must be submitted to the CHA no later than 2:00 PM on February 18, 1993. If mailing proposals, please send to: Cambridge Housing Authority, 270 Green Street, Cambridge, MA. 02139 ATTN: Deepti Nijhawan.

A site inspection will be held on Friday, February 12, 1993 at 2:00 PM. For further information, call Deepti Nijhawan at (617) 497-6800.

(C)Feb.11,18,25
#22643

59250

SHERIFF'S SALE
The Commonwealth of Massachusetts
Middlesex, ss., May 14, A. D. 1992

Taken on execution and will be sold by public auction, on Wednesday, the thirty-first day of March A. D. 1993, at ten o'clock a.m., at my office, 99 First Street in Cambridge, in said County of Middlesex, all the right, title and interest that Reheela A. Chaudry, Trustee of Sunshine Trust of Lynnfield, in the County of Essex, had (not exempt by law from attachment or levy on execution) on the fourteenth day of May A. D. 1992, at nine o'clock and no minutes, a.m., being the time when the same was taken on execution in and to the following described real estate, to wit:

No. 2 in the New Lee Street Condominium, the unit ("Unit") known as Unit located at 39 Lee Street, ("Building") in Cambridge, Middlesex County, Massachusetts, a condominium established pursuant to Massachusetts General Laws, Chapter 183A, by Master Deed dated June 19, 1981 and recorded with Middlesex South Registry of Deeds in Book 14360, Page 176 (hereinafter referred to as "Master Deed"), which Unit is shown on the floor plans of the Building filed simultaneously with said Master Deed in said Registry.

Terms: CASH

Robert F. Kucharzyk
Deputy Sheriff

(C)Feb.25,Mar.4,11
#22554

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT
DEPARTMENT
PROBATE OF WILL WITHOUT SURETIES
Middlesex Division Docket No. 93P0624E

Estate of Samuel G. Waldron
died Jan. 16, 1993
late of Cambridge
in the County of Middlesex
NOTICE

A petition has been presented in the above-captioned matter praying that a certain instrument purporting to be the last will of said deceased may be proved and allowed and that **Gary H. Waldron** of Cambridge in the County of Middlesex be appointed executor without giving surety on his bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on March 18, 1993.

In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.

WITNESS, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the eighteenth day of February in the year of our Lord one thousand nine hundred and ninety three.

Donna M. Lambert
Register of Probate

(C)Feb.25
#22537

CITY OF CAMBRIDGE, MASSACHUSETTS
Office of the City Clerk.
PUBLIC NOTICE
RELATIVE TO ZONING

Notice is hereby given that in accordance with the provisions of Chapter 40A, Section 5 of the General Laws, Tercentenary Edition and amendments thereto, that the Committee on Ordinances, comprised of the entire membership of the City Council, will hold a public hearing on Thursday, March 11, 1993 at 5:30 P.M. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on a petition by the City Council to amend the text of the Zoning Ordinance of the City of Cambridge in Section 8.20 - Non-Conformance. The amendment would substantially revise Section 8.22 to permit the change, extension, or alteration of a pre-existing nonconforming structure without a special permit from the Board of Zoning Appeal, in cases where proposed changes, extensions or alterations would be in conformity with the existing zoning.

Copies of this petition are on file in the Office of the City Clerk, City Hall, Cambridge, Massachusetts.

All persons interested in this matter may appear at this time and be heard.

For the Committee,
Councillor Alice K. Wolf,
Chair

(C)Feb.25,Mar.4
#22550

COMMONWEALTH OF MASSACHUSETTS
LAND COURT
DEPARTMENT OF THE TRIAL COURT
(SEAL) Case No. 189934

To **James H. Batmasian; Marta Batmasian** and to all persons entitled to the benefit of the Soldiers' and Sailors' Civil Relief Act of 1940 as amended SOMERSET SAVINGS BANK claiming to be the holder of a mortgage covering real property in Cambridge, MA, known and numbered **2362-2366 Massachusetts Avenue and 4-8 Dudley Street** given by James H. Batmasian and Marta Batmasian dated November 10, 1986 recorded with Middlesex South District Registry of Deeds in Book 17571, Page 439 has filed with said court a complaint for authority to foreclose said mortgage in the manner following: by entry and possession and exercise of power of sale.

If you are entitled to the benefits of the Soldiers' and Sailors' Civil Relief Act of 1940 as amended and you object to such foreclosure you or your attorney should file a written appearance and answer in said court at Boston on or before the 5th day of April 1993, or you may be forever barred from claiming that such foreclosure is invalid under said act.

Witness, ROBERT V. CAUCHON, Chief Justice of said Court this 18th day of February 1993.

Charles W. Trombly, Jr.
Recorder

(C)Feb. 25
#22536

FIRST PUBLICATION NO. 2612
CITY OF CAMBRIDGE
In the Year One Thousand,
Nine Hundred Ninety-Three
AN ORDINANCE

In amendment to an ordinance entitled "The Municipal Code of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:

That Chapter 8.24 entitled **Rubbish, Garbage and Litter** be and hereby is deleted and substituted in place there of a new chapter 8.24 entitled Refuse and Litter.

Passed to a second reading at the City Council meeting held on February 22, 1993 and on or after March 8, 1993 the question comes on passing to be ordained.

ATTEST:- D. Margaret Drury, City Clerk

NOTE: Pursuant tot he provisions of General Laws, Chapter 40, Section 32A, Tercentenary Edition, the ordinance as aforesaid which exceeds in length eight octavo pages of ordinary book print may be summarized for publication in a newspaper of general circulation in the city with the further provision that said ordinance may be examined and obtained at the City Clerk's Office during office hours and that any objection to its invalidity by reason of any defect in the procedure of adoption may only be made within ninety days after the posting or the second publication.

ATTEST:- D. Margaret Drury, City Clerk.

(C)Feb.25
#19944

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY
COURT DEPARTMENT
Middlesex Division Docket No. 93P0358MR
GUARDIANSHIP - MENTALLY RETARDED PERSON WITHOUT SURETIES

To **Cledwyn Jones** of Cambridge in said County and his heirs apparent or presumptive:

A petition has been filed in the above-captioned matter alleging that said Cledwyn Jones is a mentally retarded person to the degree that he is incapable of making informed decisions with respect to the conduct of his personal affairs and praying that Joris Jones of Cambridge in the County of Middlesex or some other suitable person be appointed his guardian with authority to consent or withhold consent to customary and usual medical and surgical treatment. If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before April 30, 1993.

WITNESS, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge the fifth Dey of February in the year of our Lord one thousand nine hundred and ninety three.

Donna M. Lambert
Register of Probate

(C)Feb.25
#19942

CITY OF CAMBRIDGE
CONSERVATION COMMISSION
NOTICE OF PUBLIC HEARING

Notice is hereby given, pursuant to the provisions of the Wetlands Protection Act, M.G.L. ch. 131, sec. 40, that the Cambridge Conservation Commission will hold a public hearing on Thursday, March 4, 1993 at 8:00 p.m. in the Third Floor Conference Room, City Hall Annex, 57 Inman Street.

The hearing will consider a Notice of Intent filed by the **Metropolitan District Commission.** The MDC, in conjunction with the Friends of Blair Pond group, has proposed to sponsor a **superficial clean-up of Blair Pond and environs.** The work will include removal of debris from the Buffer Zone and Bank of Blair Pond, and will be performed by hand by volunteers.

Copies of the applicant's Notice of Intent and additional materials are available for review at the Conservation Commission's office, 57 Inman Street, second floor, 349-4680.

(C)Feb.25
#22534

CITY OF CAMBRIDGE
Traffic and Parking

By force of the power vested in me by Special Act of the Legislature of 1961 (Chapter 455), I hereby amend the Traffic Regulations of the City of Cambridge by adding the following regulation.

REGULATION NO. 93-05

Regulation No. 66-1 Schedule 9 "Stopping, Standing Or Parking During Certain Hours On Certain Sides Of Certain Streets" is hereby amended by adding the following:

Mass. Ave., east side, 105' N of Washburn Ave. to Clarendon Ave., All Hours, All Days.

This regulation shall take effect 10 March 1993.

PROMULGATED
DATE
Feb. 16, 1993

George Teso
Traffic Director

(C)Feb.25,Mar.4,11
#22552

CITY OF CAMBRIDGE
Traffic and Parking

By force of the power vested in me by Special Act of the Legislature of 1961 (Chapter 455), I hereby amend the Traffic Regulations of the City of Cambridge by adding the following regulation.

REGULATION NO. 93-04

Regulation No. 66-1 Schedule 6D "Parking Prohibited On Certain Sides Of Certain Streets, Tow Away Zone" (Handicapped Persons and Disabled Veterans) is hereby amended by adding the following:

Langdon Street, east side, 74' N of Chauncy Street to 94' N of Chauncy Street.

Linnaean Street, north side, 60' W of Avon Hill to 80' W of Avon Hill.

This regulation shall take effect 24 February 1993.

PROMULGATED
DATE
Jan. 29, 1993

George Teso
Traffic Director

(C)Feb.11,18,25
#22435

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY
COURT DEPARTMENT
ADMINISTRATION WITHOUT SURETIES
Middlesex Division Docket No. 92P2027A

Estate of **Mary G. Perry**
died January 19, 1993
late of Cambridge
in the County of Middlesex
NOTICE

A petition has been presented in the above-captioned matter praying that **George S. Perry** of Concord in the County of Middlesex be appointed administrator of said estate without giving surety on his bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on March 11, 1993.

Witness, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the ninth day of February in the year of our Lord one thousand nine hundred and ninety three.

Donna M. Lambert
Register of Probate

(C)Feb.25
#22564

Two brothers lead local struggle for democracy in Haiti

Peasant group activists nourish US support for Haitian cause

BY AMY MILLER
Chronicle Staff

When the Jean-Baptiste brothers were boys in Haiti, only three people in their region of the Central Plateau could read. But Chavannes and Bazelais walked three hours each way to school so they might be one of the few.

Not only did the two brothers achieve the education their father had not, they grew up to be leaders in Haiti's oldest and largest peasant movement, which is now bringing its work to Boston.

While Chavannes, 45, works in Haiti leading the Papaye Peasant's Movement (MPP) he founded 20 years ago, Bazelais, 43, is laying the groundwork for a Boston branch of the group though his work at the Unitarian Universalist Service Committee on Prospect Street.

As a southern fellow at the UUSC, Bazelais, who lives in Boston, hopes to get northern support for the literacy, farming, animal husbandry and other efforts being done by the MPP for the very poor, the vast majority of people in Haiti.

About 1 percent of the people now hold nearly half the wealth, while 80 percent of the people have an average income of $40 a year, said Chavannes.

A member of the negotiating team for exiled President Jean-Bertrand Aristide, he visited with Aristide before coming to Boston last week.

And in addition to the material gains the MPP (Mouvman Peyizan Papaye) tries to bring to peasants in a country with a life expectancy of 48 years and an illiteracy rate of 77 percent, Chavannes and Bazelais are working to see democracy restored. Aristide was ousted in 1991, a year after he won in the country's first democratic elections.

"The fight of the people is to return to democracy and the return means respect for the vote," Chavannes said at the UUSC office during his one-week visit to Boston last week. "There can be no talk of democracy without a return of elected officials from the first free election."

Haitians who had seen Clinton as a likely rescuer were disappointed when he reneged on a promise to open the door to Haitian refugees.

"When he won, the military came to the streets to prevent the people from demonstrating with happiness," said Chavannes, whose organization includes 25,000 peasant members.

Now, Haitians are skeptical about whether Clinton will support the movement toward democracy in Haiti.

"We can't believe his words 100 percent because he changed," said Chavannes.

But the Jean-Baptiste brothers both emphasized that support from people in the United States is critical to restoring democracy to Haiti. And in their eyes, that means bringing back Aristide, "the symbol of the fight against the system."

"A telephone call is enough," said Chavannes. "It is a question of the will of the American people."

Although MPP survived under the economic and political hardships of the Duvalier dictatorship that prompted its formation, all hell broke lose at MPP headquarters after the 1991 coup, related Chavannes, a bearded man with calm, intense eyes, and a patient way of explaining his country's tragic history.

Soldiers wrecked the MPP office, stole all the funds and equipment and harassed peasants who participated in the group, according to the Jean-Baptistes.

Haitian supporters say the MPP has long been a focus of the government and military.

"The [group is] always targeted by the government or dictatorship because in Haiti ... the oligarchy wants to keep people away from how to write and read," said Frantz Charlot, a Haitian activist in Cambridge.

"Every Haitian knows about Chavannes. He's like ... I would want to say Sandino, but not quite Sandino," said Charlot, referring to the Nicaraguan revolutionary hero.

Bazelais, a student in the international community economic development program at New Hampshire College, came to the United States in the winter of 1991, and was unable to return because of the coup and violence against the MPP.

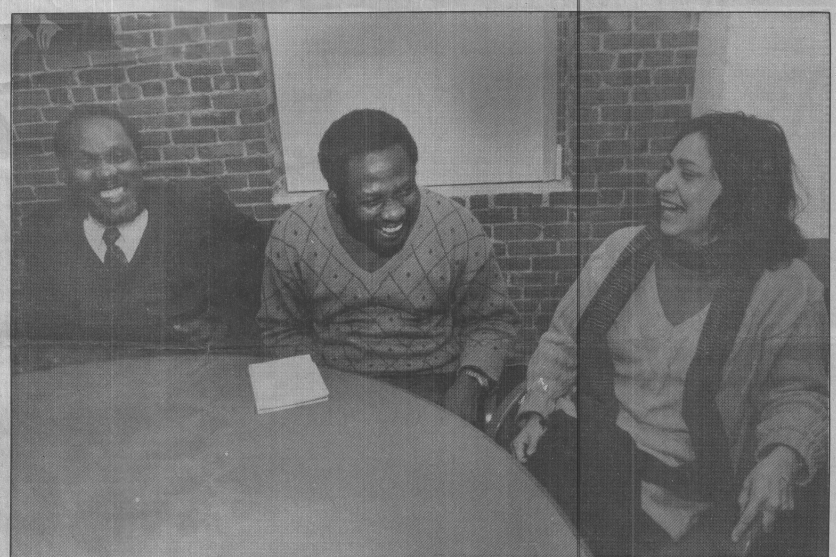
He had been trained as an engineer in Haiti and worked from 1978 until he left in 1991 as a technical trainer for peasants.

Bazelais, who speaks fluent English, saw work to be done in the north and found a friend in the Unitarian service group and in Guadalupe Lopez, a West Cambridge resident who is leader for the UUSC's Caribbean and Central American programs.

The UUSC, a 54-year-old human rights and development organization, has self-help projects in 14 countries.

After Chavannes talked to local activists last Wednesday at the UUSC, the Haitian-based brother stressed that his country needs the kind of support from outside that Bazelais is trying to nourish here.

"[We need] solidarity of all the people of the world and especially the support of the American people," he said. "We can't return to democracy without the support of the American people."



Chavannes Jean-Baptiste of Haiti, his brother Bazelais Jean-Baptiste of Boston, and Guadalupe Lopez of Cambridge share a laugh during a discussion of the political situation in Haiti.

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. PROBATE COURT
Case No. 93A0091-T1

To the alleged father of parts unknown represented to be the parents of **Joshua Kimery**, a minor child received by the Adoption Center, Inc. under the provisions of General Laws, Chapter 119, Section 23.

A petition has been presented to said Court by Judith Muzzioli Bailey, Executive Director of Cambridge praying that said Court establish that the consent of said parents shall not be required upon a petition for adoption of said minor sponsored by your petitioner, as provided by the General Laws, Chapter 210, Section 3, as most recently amended.

If you desire to object thereto, you or your attorney should file a written appearance in said Court at Cambridge before ten o'clock in the forenoon on the 22nd day of April 1993, the return day of this citation.

Witness, Sheila E. McGovern, Esquire, First Judge of said Court, this 4th day of February 1993.

Donna M. Lambert
Register

(C)Feb.18,25,Mar.4
#22598

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. PROBATE COURT
Case No. 93A0094-T1

To the alleged father of parts unknown represented to be the parents of **Jon Michael Braellero**, a minor child received by the Adoption Center, Inc. under the provisions of General Laws, Chapter 119, Section 23.

A petition has been presented to said Court by Judith Muzzioli Bailey, Executive Director of Cambridge praying that said Court establish that the consent of said parents shall not be required upon a petition for adoption of said minor sponsored by your petitioner, as provided by the General Laws, Chapter 210, Section 3, as most recently amended.

If you desire to object thereto, you or your attorney should file a written appearance in said Court at Cambridge before ten o'clock in the forenoon on the 22nd day of April 1993, the return day of this citation.

Witness, Sheila E. McGovern, Esquire, First Judge of said Court, this 4th day of February 1993.

Donna M. Lambert
Register

(C)Feb.18,25,Mar.4
#22599

COMMONWEALTH OF MASSACHUSETTS
MIDDLESEX ss. PROBATE COURT
No. 93D 0370 D1

Summons by Publication
Ranford Blydgen Plaintiff
vs.
Veronica Blydgen Defendant

To the above-named Defendant:

A complaint has been presented to this Court by your spouse, Ranford Blydgen, seeking an action to dissolve the bonds of matrimony.

You are required to serve upon Joseph F. Flynn, of Flynn & Clark, P.C., plaintiff's attorney, whose address is One Main Street, Cambridge, MA 02142 your answer on or before May 10, 1993. If you fail to do so, the Court will proceed to the hearing and adjudication of this action. You are also required to file a copy of your answer in the office of the Register of this Court at Cambridge.

Witness, Sheila E. McGovern, Esq., First Judge of said Court at Cambridge.

February 9, 1993
Donna M. Lambert
Register of Probate

(C)Feb.18,25,Mar.4
#22620

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss Probate Court 93A0031-C1

To all persons interested in a petition for adoption of **Hayley Rose Minear of Cambridge** in said County

A petition has been presented to said Court by **Philip B. Evans** and **Jennifer L. Edbrooke** his wife, of **Cambridge** in said County, praying for leave to adopt said Hayley Rose Minear a child of Dennis C. Minear of Des Moines, Iowa and Jennifer L. Edbrooke-Minear of Cambridge in the County of Middlesex and that the name of said child be changed to Hayley Rose Edbrooke.

If you desire to object thereto you or your attorney should file a written appearance in said Court at Cambridge before ten o'clock in the forenoon on the 19th day of March 1993, the return day of this citation.

Witness, SHEILA E. McGOVERN, Esquire, First Judge of said Court, this 28th day of January 1993.

Donna M. Lambert
Register

(C)Feb.11,18,25
#22646

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. PROBATE COURT
Case No. 93A0093-T1

To the alleged father of parts unknown represented to be the parents of **Jacob Ryan Layfield**, a minor child received by the Adoption Center, Inc. under the provisions of General Laws, Chapter 119, Section 23.

A petition has been presented to said Court by Judith Muzzioli Bailey, Executive Director of Cambridge praying that said Court establish that the consent of said parents shall not be required upon a petition for adoption of said minor sponsored by your petitioner, as provided by the General Laws, Chapter 210, Section 3, as most recently amended.

If you desire to object thereto, you or your attorney should file a written appearance in said Court at Cambridge before ten o'clock in the forenoon on the 22nd day of April 1993, the return day of this citation.

Witness, Sheila E. McGovern, Esquire, First Judge of said Court, this 4th day of February 1993.

Donna M. Lambert
Register

(C)Feb.18,25,Mar.4
#22601

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. PROBATE COURT
Case No. 93A0095-T1

To the alleged father of parts unknown represented to be the parent of **Baby Girl Clendenen**, a minor child received by the Adoption Center, Inc. under the provisions of General Laws, Chapter 119, Section 23.

A petition has been presented to said Court by Judith Muzzioli Bailey, Executive Director of Cambridge praying that said Court establish that the consent of said parents shall not be required upon a petition for adoption of said minor sponsored by your petitioner, as provided by the General Laws, Chapter 210, Section 3, as most recently amended.

If you desire to object thereto, you or your attorney should file a written appearance in said Court at Cambridge before ten o'clock in the forenoon on the 4th day of April 1993, the return day of this citation.

Witness, Sheila E. McGovern, Esquire, First Judge of said Court, this 4th day of February 1993.

Donna M. Lambert
Register

(C)Feb.18,25,Mar.4
#22700

CITY OF CAMBRIDGE
CONSERVATION COMMISSION
NOTICE OF PUBLIC HEARING

Notice is hereby given, pursuant to the provisions of the Wetlands Protection Act, M.G.L. ch. 131, sec. 40, that the Cambridge Conservation Commission will hold a public meeting on Thursday, March 4, 1993 at 7:30 p.m. in the Third Floor Conference Room, City Hall Annex, 57 Inman Street.

The meeting will consider a Request for Determination of Applicability filed by the **Boston & Maine Railroad Corporation.** The applicant has asked for verification of its delineation of sensitive areas along Fresh Pond, areas in which herbicide spraying is regulated. The herbicide application is for the **maintenance of the railroad's right-of-way.**

Copies of the applicant's Notice of Intent and additional materials are available for review at the Conservation Commission's office, 57 Inman Street, second floor, 349-4680.

(C)Feb.25
#22532

CITY OF CAMBRIDGE
CONSERVATION COMMISSION
NOTICE OF PUBLIC HEARING

Notice is hereby given, pursuant to the provisions of the Wetlands Protection Act, M.G.L. ch. 131, sec. 40, that the Cambridge Conservation Commission will hold a public hearing on Thursday, March 4, 1993 at 8:30 p.m. in the Third Floor Conference Room, City Hall Annex, 57 Inman Street.

The hearing will consider a Notice of Intent filed by the **Massachusetts Highway Department,** DEP File No. 123-96. The applicant has proposed **to construct temporary loop ramp connectors,** with associated structures, between the existing I-93/Route 1 Charles River Bridge and the nearly-completed Route 1 tunnel under City Square in Charlestown. The work would occur in the Buffer Zones of the Charles and Millers Rivers. This hearing is continued from Wednesday, February 10, 1993.

Copies of the applicant's Notice of Intent and additional materials are available for review at the Conservation Commission's office, 57 Inman Street, second floor, 349-4680.

(C)Feb.25
#22533

Mid Cambridge Neighborhood Conservation District Commission

Notice is hereby given that the Mid Cambridge Neighborhood Conservation District Commission will hold a Public Hearing on Monday, March 1, 1993 at 5:30 P.M. to consider the following applications for Certificate of Appropriateness under Article III, Section 2.78 of the Code of the City of Cambridge and the order establishing the district:

MC-618: 1368 Cambridge Street: For binding review of alterations to storefront of National Register-listed building. By David Chilinski for Gary Mitchell.

John A. Moos
Chairman

(C)Feb.18,25
#22602

CITY OF CAMBRIDGE
BOARD OF LICENSE COMMSSIONERS

Notice is hereby given under General Laws, Chapter 138, as amended, that L. & T. & T., Inc. d/b/a **House of Blues, James Dunn, manager,** holder of an al alcoholic beverages as a restaurant license, 2 a.m. closing, at 96 Winthrop Street has applied for a change of premises description and a change of corporation. (Tables and chairs will be removed from the second floor of the premises after 9:00 p.m. on evenings when there is live entertainment. There is no increase in capacity)

The premises are described as follows: Basement: storage, retail, entrance at front; First floor: dining room, kitchen and lounge; Second floor: dining room, stage and lounge; Third floor: storage/office.

The change in corporation from L. T. & T, Inc. to House of Blues Cambridge Restaurant Corp.

Officers and Directors of Massachusetts House of Blues Restaurant Corp., Inc. are: Isaac B. Tigrett, President, Treasurer, Clerk and Director.

This application will be heard on Tuesday evening, March 9, 1993, at six o'clock, in the Michael J. Lombardi Municipal Building, 2nd floor, 831 Massachusetts Avenue, Cambridge, Mass., 02139.

Alex Rodriguez
Kevin Fitzgerald
William R. Burke, Jr.
License Commission

(C)Feb.25
#22538

COMMONWEALTH OF MASSACHUSETTS
The Trial Court
Probate and Family Court Department
Middlesex Division Docket No. 93C0038
Notice Of Change Of Name

To all persons interested in the petition hereinafter described.

A petition has been presented to said Court by **Micaela Garzoni** of 20 Fairfield St., Cambridge, Middlesex 02140, and **Myles Andrea Garzoni** by Micaela Garzoni, his mother and next friend, praying that their names be changed as follows:

Micaela Garzoni to Micaela Garzoni-Lawrence;
Myles Andrea Garzoni to Myles Andrea Garzoni-Lawrence.

If you desire to object thereto you or your attorney should file a written appearance in said Court at Cambridge before ten o'clock in the forenoon on the Twenty-sixth day of March, 1993.

Witness, Sheila E. McGovern, Esquire, First Judge of said Court, this Fifth day of February 1993.

Donna M. Lambert
Register of Probate

(C)Feb.25
#22562

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. PROBATE COURT
Case No. 93A0092-T1

To the alleged father of parts unknown represented to be the parents of **Cassandra Lynn Kappel**, a minor child received by the Adoption Center, Inc. under the provisions of General Laws, Chapter 119, Section 23.

A petition has been presented to said Court by Judith Muzzioli Bailey, Executive Director of Cambridge praying that said Court establish that the consent of said parents shall not be required upon a petition for adoption of said minor sponsored by your petitioner, as provided by the General Laws, Chapter 210, Section 3, as most recently amended.

If you desire to object thereto, you or your attorney should file a written appearance in said Court at Cambridge before ten o'clock in the forenoon on the 22nd day of April 1993, the return day of this citation.

Witness, Sheila E. McGovern, Esquire, First Judge of said Court, this 4th day of February 1993.

Donna M. Lambert
Register

(C)Feb.18,25,Mar.4
#22600

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY
COURT DEPARTMENT
ADMINISTRATION WITHOUT SURETIES
Middlesex Division Docket No. 93P0628A
Estate of Nathan Hersh
died June 18, 1992
late of Cambridge
in the County of Middlesex
NOTICE

A petition has been presented in the above-captioned matter praying that **Gail Paula Hirschenfang of Southfield** in the State of Michigan be appointed administrator of said estate without giving surety on her bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on March 16, 1993.

Witness, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the sixteenth day of February in the year of our Lord one thousand nine hundred and ninety three.

Donna M. Lambert
Register of Probate

(C)Feb.25
#22559

CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS

Notice is hereby given under General Laws, Chapter 138, as amended that 1274 Massachusetts Avenue Corporation d/b/a **One Potato-Two Potato, John Chapralis, manager,** holder of an all alcoholic beverages as a restaurant at 1280 Massachusetts Avenue has applied for a change of premises description. (Moved bar to opposite side of room)

The premises are described as follows: Dining room, kitchen, bar and lounge on first floor.

The hearing on this application will be held on Tuesday evening, March 9, 1993, six o'clock, in the Michael J. Lombardi Municipal Building, 2nd floor hearing room, 831 Massachusetts Avenue, Cambridge.

Alex Rodriguez
Kevin Fitzgerald
William R. Burke, Jr.
License Commission

(C)Feb.25
#22570

LEGAL NOTICE
U-HAUL COMPANY
SELF-STORAGE FACILITY SALE

Self-Storage Facility Operator's Sale for non-payment of storage Charges pursuant to the power of sale contained in M.G.L., Chapter 105-A, Section 4. The following property will be sold at Public Auction at 1:00 P.M. on Thursday, March 18, 1993, on the premises of Central Square Moving & Storage Center, 844 Main Street, Cambridge, MA: All household furniture, trunks, books, tools, appliances, clothes, antiques, collectables, bric-a-brac and miscellany held for the accounts of **William Haynes,** Unit 131; Charles Rubin, Unit 284; Larry Bailey, Unit 326; Charles Beckles, Unit 462; Thomas MacDougall, Unit 395; Leslie McGrath, Unit 116. Sale per order of U-Haul Company of Boston, Inc. Terms: Cash. Sale subject to cancellation. Wm. F. Moon & Co., Auctioneers, North Attleboro MA 02760. Lic. #151.
(C)Feb.25,Mar.4
#19923

COMMONWEALTH OF MASSACHUSETTS
Middlesex ss. PROBATE COURT
No. 93D0399-D1

Summons by Publication
Gloria P. Alvarez Becerra Plaintiff
vs.
Clro H. Becerra Defendant

To the above-named Defendant:

A complaint has been presented to this Court by your spouse, Gloria P. Alvarez Becerra, seeking to dissolve the bonds of matrimony.

You are required to serve upon Gloria P. Alvarez Becerra, plaintiff, whose address is Mullins Court, Apt. #3, Cambridge, MA 02141 your answer on or before May 10, 1993. If you fail to do so, the Court will proceed to the hearing and adjudication of this action. You are also required to file a copy of your answer in the office of the Register of this Court at Cambridge.

Witness Sheila E. McGovern, Esq., First Judge of said Court at Cambridge.

Feb. 16, 1993

Donna M. Lambert
Register of Probate

(C)Feb.18,25,Mar.4
#22587

Cambridge Historical Commission

Notice is hereby given that a public hearing will be held on Thursday, March 4, at 4:00 PM in the third floor conference room at the City Hall Annex, 57 Inman Street, to consider the following matters under M.G.L. Ch. 40C and the Ordinances governing the Cambridge Historical Commission.

4:00 P.M. For Certificate of Appropriateness in the Old Cambridge Historic District:

Case 476: 10 Follen Street. Expand kitchen and construct porte-cochere, by Mary A. Wolff on behalf of Robert and Dale Mnookin.

William B. King
Chairman

(C)Feb.18,25
#23441

CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS

Notice is hereby given under General Laws, Chapter 138 as amended that **Chef Chow's House of Harvard Square, Inc., Alan Chow,** manager holder of an all alcoholic beverages as a restaurant license at 50 Church Street has applied for an increase in capacity from 160 to 225.

The hearing on this application will be held on Tuesday evening, March 9, 1993, at six o'clock, in the Michael J. Lombardi Municipal Building, 2nd floor, 831 Massachusetts Avenue, Cambridge, Mass., 02139.

Alex Rodriguez
Kevin Fitzgerald
William R. Burke, Jr.
License Commission

(C)Feb.25
#22569

Have You Been Ripped Off?
Call the SMALL CLAIMS ADVISORY SERVICE
• 617-497-5690 •
ALL ADVICE FREE OF CHARGE

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

D. MARGARET DRURY
CITY CLERK

FAX (617) 349-4307

JOHN E. FLYNN
DEPUTY CITY CLERK

February 25, 1993

Mr. Russell B. Higley
City Solicitor
City Hall
Cambridge, MA 02139

Dear Russ:

Enclosed you will find a proposed amendment to the Municipal Code of the City of Cambridge relative to Recombinant DNA Technology which was passed to be ordained at the City Council meeting held on February 22, 1993.

Also enclosed you will find a proposed amendment to the Municipal Code of the City of Cambridge entitled "Refuse and Litter" which was passed to a second reading at the City Council meeting held on February 22, 1993.

Would you kindly review this amendment and indicate your approval or disapproval on the bottom and return to this office.

Your kind attention in this matter will be greatly appreciated.

Very truly yours,

D. Margaret Drury

D. Margaret Drury
City Clerk

DMD/dl

Enc. Ordinance # 1148 and First publication # 2612.

c.c. Councillor Wolf, Chair, Committee on Ordinances
Inspectional Services Commissioner
Birge Albright, Law Dept.

3/9/93

APPROVED AS TO FORM

Russell B Higley

CITY SOLICITOR

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

D. MARGARET DRURY
CITY CLERK

FAX (617) 349-4307

JOHN E. FLYNN
DEPUTY CITY CLERK

February 25, 1993

Mr. Russell B. Higley
City Solicitor
City Hall
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Would you kindly review this amendment and indicate your approval or disapproval on the bottom and return to this office.

Your kind attention in this matter will be greatly appreciated.

Very truly yours,

D. Margaret Drury

D. Margaret Drury
City Clerk

DMD/dl

Enc. Ordinance # 1148 and First publication # 2612.

c.c. Councillor Wolf, Chair, Committee on Ordinances
Inspectional Services Commissioner
Birge Albright, Law Dept.

ORDINANCE NO. 1169

Final Publication No. 2611. First publication in the Chronicle on February 4, 1993.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Three

AN ORDINANCE

In amendment to the Municipal Code of the City of Cambridge

Be it ordained by the City Council of the City of Cambridge as follows:

Title 8 of the Code (Health and Safety) is hereby amended by striking out Chapter 8.20 of the Code (Recombinant DNA Technology) and substituting the following new Chapter 8.20:

Chapter 8.20

RECOMBINANT DNA TECHNOLOGY

Sections:

8.20.010	Purpose.
8.20.020	Definitions.
8.20.030	Cambridge Biosafety Committee - Membership - Staff.
8.20.040	Cambridge Biosafety Committee - Duties and responsibilities.
8.20.050	Permit requirements.
8.20.060	Institutional Biosafety Committees.
8.20.070	Reports.
8.20.080	Medical surveillance program.
8.20.090	Violation of guidelines - Notification.
8.20.100	Protection against rodents and insects.
8.20.110	Restrictions.
8.20.120	Enforcement.
8.20.130	Severability.

8.20.010 Purpose.

All use of recombinant DNA (RDNA) in the City of Cambridge shall be undertaken only in strict conformity with the Guidelines set out in Section 8.20.020, the other requirements of this Chapter and health regulations promulgated by the Cambridge Commissioner of Health and Hospitals (the Commissioner).

8.20.020 Definitions.

a) "Guidelines" are defined as:

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 Molecules 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, and April 22, 1992.

3) Such amendments to (1) and (2) above which are adopted by the National Institutes of Health (NIH) and approved by the Commissioner. Amendments not acted upon by the Commissioner within sixty days shall be considered approved. In the event that the NIH shall discontinue or abolish its guidelines, those guidelines in effect at the time of such discontinuance shall remain in effect in Cambridge.

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 Commissioner. Amendments not acted upon by the Commissioner within sixty days shall be considered approved.

8.20.030 Cambridge Biosafety Committee - Membership - Staff.

A. The Cambridge Biosafety Committee (CBC) (formerly known as the Cambridge Biohazards Committee) shall be composed of the Commissioner or his/her designee, the Chairperson of the Cambridge Health Policy Board, or a Board member designated by the Chairperson, and a minimum of three other members to be appointed by the City Manager. The City Manager is authorized to provide for the adequate staffing of the CBC. Members of the CBC shall be Special Municipal Employees.

B. The CBC and the Commissioner are authorized to retain competent professional assistance in carrying out their duties under this Chapter.

C. The salaries and expenses of the staff and consultants of the CBC under this Chapter shall be apportioned to the persons holding permits under Section 8.20.050.

8.20.040 Cambridge Biosafety Committee - Duties and Responsibilities.

The responsibilities of the CBC 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 CBC, 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 Chapter.

D. Developing a procedure for persons to report to the CBC violations of this Chapter, the Guidelines or any health regulation.

8.20.050 Permit requirements.

All persons proposing to use RDNA must obtain a permit from the Commissioner with the approval of the CBC. Permit requirements shall, at a minimum, include written agreement to:

A. Follow the Guidelines as defined in this Chapter.

B. Follow other conditions set forth in this Chapter.

C. Allow reasonable inspections of facilities and pertinent records by the CBC.

D. Prepare a Health and Safety Manual which contains all procedures relevant to the use of RDNA at all levels of containment in use at the facility, and a program for waste disposal in compliance with all applicable federal, state and local laws. the Manual shall be submitted to the CBC for review.

E. Establish a training program of safeguards and procedures for personnel using RDNA.

Permits shall be issued and renewed on an annual basis. The Commissioner may establish fees for the issuance and renewal of permits.

8.20.060 Institutional Biosafety Committees.

The Institutional Biosafety Committees (IBC) shall be established in accordance with the Guidelines, except that the required composition of each IBC shall include at least one representative from the surrounding community approved by the Health Policy Board. The IBC shall be the final arbiter within an institution with regard to the implementation of this Chapter and the Guidelines.

8.20.070 Reports.

Each holder of a permit shall file regular reports with the CBC, in a manner to be determined by the CBC. All minutes of IBC meetings must be sent to the Commissioner and the CBC.

8.20.080 Medical surveillance program.

Each permit-holder must provide an appropriate medical surveillance program as determined by its IBC and consistent with the Guidelines. Such programs must be approved by the CBC.

8.20.090 Violation of Guidelines - Notification.

The permit-holder shall report, within thirty days, to the Commissioner and the CBC any significant problems with or violations of the Guidelines and any significant RDNA-related accidents or illnesses.

8.20.100 Protection against rodents and insects.

Effective rodent and insect control programs must be in place on premises where RDNA use under this Chapter takes place.

8.20.110 Restrictions.

A. RDNA use requiring containment defined by the Guidelines as "BL4" shall not be permitted in Cambridge.

B. Any accidental release which represents a significant potential hazard to employees or the public shall be reported to the Commissioner immediately, and in no case more than 24 hours after the release.

8.20.120 Enforcement.

A. Any person who violates any provision of this Chapter shall be subject to a fine of three hundred dollars ($300.00) per violation. Each day of violation shall constitute a separate and distinct offense.

B. Once a permit has been issued, it may be revoked, suspended, modified or not renewed by the Commissioner only upon a determination by the Commissioner and the CBC, after due notice and hearing, that the permit-holder has materially failed to comply with this Chapter, the permit agreements or the Guidelines.

C. Notwithstanding the above, the Commissioner, upon a determination that any violation constitutes an immediate and severe threat to the public health and safety, may order the immediate closure of any premises or laboratory engaging in or contributing to such threat, without prior notice and hearing but with subsequent notice and hearing.

8.20.130 Severability.

If any section, subsection, sentence, clause, or portion of this Chapter is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

In City Council February 22, 1993.

Passed to be ordained by a yea and nay vote:- Yeas 9; Nays 0; Absent 0.

Robert W. Healy, City Manager.

ATTEST:- D. Margaret Drury
City Clerk

FIRST PUBLICATION NO. 2612

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Three

AN ORDINANCE

In amendment to an ordinance entitled "The Municipal Code of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:

That Chapter 8.24 entitled Rubbish, Garbage and Litter be and hereby is deleted and substituted in place there of a new chapter 8.24 entitled Refuse and Litter.

Passed to a second reading at the City Council meeting held on Feburary 22, 1993 and on or after March 8, 1993 the question comes on passing to be ordained.

ATTEST:- D. Margaret Drury, City Clerk.

NOTE: Pursuant to the provisions of General Laws, Chapter 40, Section 32A, Tercentenary Edition, the ordinance as aforesaid which exceeds in length eight octavo pages of ordinary book print may be summarized for publication in a newspaper of general circulation in the city with the further provision that said ordinance may be examined and obtained at the City Clerk's Office during office hours and that any objection to its invalidity by reason of any defect in the procedure of adoption may only be made within ninety days after the posting or the second publication.

ATTEST:- D. Margaret Drury, City Clerk.

ORDINANCE NO. 1148

Final Publication No. 2611. First publication in the Chronicle on February 4, 1993.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Three

AN ORDINANCE

In amendment to the Municipal Code of the City of Cambridge

Be it ordained by the City Council of the City of Cambridge as follows:

Title 8 of the Code (Health and Safety) is hereby amended by striking out Chapter 8.20 of the Code (Recombinant DNA Technology) and substituting the following new Chapter 8.20:

Chapter 8.20

RECOMBINANT DNA TECHNOLOGY

Sections:

8.20.010	Purpose.
8.20.020	Definitions.
8.20.030	Cambridge Biosafety Committee - Membership - Staff.
8.20.040	Cambridge Biosafety Committee - Duties and responsibilities.
8.20.050	Permit requirements.
8.20.060	Institutional Biosafety Committees.
8.20.070	Reports.
8.20.080	Medical surveillance program.
8.20.090	Violation of guidelines - Notification.
8.20.100	Protection against rodents and insects.
8.20.110	Restrictions.
8.20.120	Enforcement.
8.20.130	Severability.

8.20.010 Purpose.

All use of recombinant DNA (RDNA) in the City of Cambridge shall be undertaken only in strict conformity with the Guidelines set out in Section 8.20.020, the other requirements of this Chapter and health regulations promulgated by the Cambridge Commissioner of Health and Hospitals (the Commissioner).

8.20.020 Definitions.

a) "Guidelines" are defined as:

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 Molecules 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, and April 22, 1992.

3) Such amendments to (1) and (2) above which are adopted by the National Institutes of Health (NIH) and approved by the Commissioner. Amendments not acted upon by the Commissioner within sixty days shall be considered approved. In the event that the NIH shall discontinue or abolish its guidelines, those guidelines in effect at the time of such discontinuance shall remain in effect in Cambridge.

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 Commissioner. Amendments not acted upon by the Commissioner within sixty days shall be considered approved.

8.20.030 Cambridge Biosafety Committee - Membership - Staff.

A. The Cambridge Biosafety Committee (CBC) (formerly known as the Cambridge Biohazards Committee) shall be composed of the Commissioner or his/her designee, the Chairperson of the Cambridge Health Policy Board, or a Board member designated by the Chairperson, and a minimum of three other members to be appointed by the City Manager. The City Manager is authorized to provide for the adequate staffing of the CBC. Members of the CBC shall be Special Municipal Employees.

B. The CBC and the Commissioner are authorized to retain competent professional assistance in carrying out their duties under this Chapter.

C. The salaries and expenses of the staff and consultants of the CBC under this Chapter shall be apportioned to the persons holding permits under Section 8.20.050.

8.20.040 Cambridge Biosafety Committee - Duties and Responsibilities.

The responsibilities of the CBC 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 CBC, 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 Chapter.

D. Developing a procedure for persons to report to the CBC violations of this Chapter, the Guidelines or any health regulation.

8.20.050 Permit requirements.

All persons proposing to use RDNA must obtain a permit from the Commissioner with the approval of the CBC. Permit requirements shall, at a minimum, include written agreement to:

A. Follow the Guidelines as defined in this Chapter.

B. Follow other conditions set forth in this Chapter.

C. Allow reasonable inspections of facilities and pertinent records by the CBC.

D. Prepare a Health and Safety Manual which contains all procedures relevant to the use of RDNA at all levels of containment in use at the facility, and a program for waste disposal in compliance with all applicable federal, state and local laws. the Manual shall be submitted to the CBC for review.

E. Establish a training program of safeguards and procedures for personnel using RDNA.

Permits shall be issued and renewed on an annual basis. The Commissioner may establish fees for the issuance and renewal of permits.

8.20.060 Institutional Biosafety Committees.

The Institutional Biosafety Committees (IBC) shall be established in accordance with the Guidelines, except that the required composition of each IBC shall include at least one representative from the surrounding community approved by the Health Policy Board. The IBC shall be the final arbiter within an institution with regard to the implementation of this Chapter and the Guidelines.

8.20.070 Reports.

Each holder of a permit shall file regular reports with the CBC, in a manner to be determined by the CBC. All minutes of IBC meetings must be sent to the Commissioner and the CBC.

8.20.080 Medical surveillance program.

Each permit-holder must provide an appropriate medical surveillance program as determined by its IBC and consistent with the Guidelines. Such programs must be approved by the CBC.

8.20.090 Violation of Guidelines - Notification.

The permit-holder shall report, within thirty days, to the Commissioner and the CBC any significant problems with or violations of the Guidelines and any significant RDNA-related accidents or illnesses.

8.20.100 Protection against rodents and insects.

Effective rodent and insect control programs must be in place on premises where RDNA use under this Chapter takes place.

8.20.110 Restrictions.

A. RDNA use requiring containment defined by the Guidelines as "BL4" shall not be permitted in Cambridge.

B. Any accidental release which represents a significant potential hazard to employees or the public shall be reported to the Commissioner immediately, and in no case more than 24 hours after the release.

8.20.120 Enforcement.

A. Any person who violates any provision of this Chapter shall be subject to a fine of three hundred dollars ($300.00) per violation. Each day of violation shall constitute a separate and distinct offense.

B. Once a permit has been issued, it may be revoked, suspended, modified or not renewed by the Commissioner only upon a determination by the Commissioner and the CBC, after due notice and hearing, that the permit-holder has materially failed to comply with this Chapter, the permit agreements or the Guidelines.

C. Notwithstanding the above, the Commissioner, upon a determination that any violation constitutes an immediate and severe threat to the public health and safety, may order the immediate closure of any premises or laboratory engaging in or contributing to such threat, without prior notice and hearing but with subsequent notice and hearing.

8.20.130 Severability.

If any section, subsection, sentence, clause, or portion of this Chapter is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

In City Council February 22, 1993.

Passed to be ordained by a yea and nay vote:- Yeas 9; Nays 0; Absent 0.

Robert W. Healy, City Manager.

ATTEST:- D. Margaret Drury
City Clerk

ORDINANCE NO. 1148

Final Publication No. 2611. First publication in the Chronicle on February 4, 1993.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Three

AN ORDINANCE

In amendment to the Municipal Code of the City of Cambridge

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Chapter 8.20

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Sections:

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8.20.030	Cambridge Biosafety Committee - Membership - Staff.
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8.20.110	Restrictions.
8.20.120	Enforcement.
8.20.130	Severability.

8.20.010 Purpose.

All use of recombinant DNA (RDNA) in the City of Cambridge shall be undertaken only in strict conformity with the Guidelines set out in Section 8.20.020, the other requirements of this Chapter and health regulations promulgated by the Cambridge Commissioner of Health and Hospitals (the Commissioner).

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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 Molecules 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, and April 22, 1992.

3) Such amendments to (1) and (2) above which are adopted by the National Institutes of Health (NIH) and approved by the Commissioner. Amendments not acted upon by the Commissioner within sixty days shall be considered approved. In the event that the NIH shall discontinue or abolish its guidelines, those guidelines in effect at the time of such discontinuance shall remain in effect in Cambridge.

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 Commissioner. Amendments not acted upon by the Commissioner within sixty days shall be considered approved.

8.20.030 Cambridge Biosafety Committee - Membership - Staff.

A. The Cambridge Biosafety Committee (CBC) (formerly known as the Cambridge Biohazards Committee) shall be composed of the Commissioner or his/her designee, the Chairperson of the Cambridge Health Policy Board, or a Board member designated by the Chairperson, and a minimum of three other members to be appointed by the City Manager. The City Manager is authorized to provide for the adequate staffing of the CBC. Members of the CBC shall be Special Municipal Employees.

B. The CBC and the Commissioner are authorized to retain competent professional assistance in carrying out their duties under this Chapter.

C. The salaries and expenses of the staff and consultants of the CBC under this Chapter shall be apportioned to the persons holding permits under Section 8.20.050.

8.20.040 Cambridge Biosafety Committee - Duties and Responsibilities.

The responsibilities of the CBC 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 CBC, 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 Chapter.

D. Developing a procedure for persons to report to the CBC violations of this Chapter, the Guidelines or any health regulation.

8.20.050 Permit requirements.

All persons proposing to use RDNA must obtain a permit from the Commissioner with the approval of the CBC. Permit requirements shall, at a minimum, include written agreement to:

A. Follow the Guidelines as defined in this Chapter.

B. Follow other conditions set forth in this Chapter.

C. Allow reasonable inspections of facilities and pertinent records by the CBC.

D. Prepare a Health and Safety Manual which contains all procedures relevant to the use of RDNA at all levels of containment in use at the facility, and a program for waste disposal in compliance with all applicable federal, state and local laws. the Manual shall be submitted to the CBC for review.

E. Establish a training program of safeguards and procedures for personnel using RDNA.

Permits shall be issued and renewed on an annual basis. The Commissioner may establish fees for the issuance and renewal of permits.

8.20.060 Institutional Biosafety Committees.

The Institutional Biosafety Committees (IBC) shall be established in accordance with the Guidelines, except that the required composition of each IBC shall include at least one representative from the surrounding community approved by the Health Policy Board. The IBC shall be the final arbiter within an institution with regard to the implementation of this Chapter and the Guidelines.

8.20.070 Reports.

Each holder of a permit shall file regular reports with the CBC, in a manner to be determined by the CBC. All minutes of IBC meetings must be sent to the Commissioner and the CBC.

8.20.080 Medical surveillance program.

Each permit-holder must provide an appropriate medical surveillance program as determined by its IBC and consistent with the Guidelines. Such programs must be approved by the CBC.

8.20.090 Violation of Guidelines - Notification.

The permit-holder shall report, within thirty days, to the Commissioner and the CBC any significant problems with or violations of the Guidelines and any significant RDNA-related accidents or illnesses.

8.20.100 Protection against rodents and insects.

Effective rodent and insect control programs must be in place on premises where RDNA use under this Chapter takes place.

8.20.110 Restrictions.

A. RDNA use requiring containment defined by the Guidelines as "BL4" shall not be permitted in Cambridge.

B. Any accidental release which represents a significant potential hazard to employees or the public shall be reported to the Commissioner immediately, and in no case more than 24 hours after the release.

8.20.120 Enforcement.

A. Any person who violates any provision of this Chapter shall be subject to a fine of three hundred dollars ($300.00) per violation. Each day of violation shall constitute a separate and distinct offense.

B. Once a permit has been issued, it may be revoked, suspended, modified or not renewed by the Commissioner only upon a determination by the Commissioner and the CBC, after due notice and hearing, that the permit-holder has materially failed to comply with this Chapter, the permit agreements or the Guidelines.

C. Notwithstanding the above, the Commissioner, upon a determination that any violation constitutes an immediate and severe threat to the public health and safety, may order the immediate closure of any premises or laboratory engaging in or contributing to such threat, without prior notice and hearing but with subsequent notice and hearing.

8.20.130 Severability.

If any section, subsection, sentence, clause, or portion of this Chapter is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

In City Council February 22, 1993.

Passed to be ordained by a yea and nay vote:- Yeas 9; Nays 0; Absent 0.

Robert W. Healy, City Manager.

ATTEST:- D. Margaret Drury
City Clerk

C. C. 106

C Russell moved

City of Cambridge

MASSACHUSETTS

Unfinished # 8

In City Council 2/22 1993

YEA	NAY	ABSENT	PRESENT	
✓				Mr. Ed Cyr
✓				Mr. Francis H. Duehay
✓				Mr. Jonathan S. Myers
✓				Mrs. Sheila T. Russell
✓				Mr. Walter J. Sullivan
✓				Mr. Timothy J. Toomey, Jr.
✓				Mr. William H. Walsh
✓				Ms. Alice K. Wolf
✓	~~W~~			Mayor Kenneth E. Reeves
9	0	0	0	

C Wolf m. recsid VV/9-0

C Wolf RF VV/0-9

Linda B. Wolfe
15 Raleigh Road
Belmont, MA 02178
7 February 1993

CITY CLERK
1993 FEB 10 AM 9:30
CAMBRIDGE MA.

Margaret Drury
City Clerk
795 Massachusetts Ave.
Cambridge, MA 02139

Dear Ms. Drury:

Please accept my testimony supporting revisions to Chapter 8.20, Recombinant DNA Technology. I have worked in Cambridge in research laboratories or related fields since 1976.

It is appropriate to reconsider the basis of the Cambridge RDNA Ordinance in the light of the knowledge and experience of the last 16 years. In the 1970's there was concern that recombinants would display "super characteristics" which would render them difficult to control. Cambridge reacted to this by passing an Ordinance which required more safeguards than the federal guidelines. Experience has shown that recombinant organisms display predictable characteristics and that the risks associated with manipulating them are those of the parent organisms. Not only are the risks predictable; but also controllable. There has been no recombinant DNA related harm or injury to personnel during this time. The technology has shown an exceptional safety record.

Over the years the federal guidelines have changed in response to safety feedback and advances in technology. For example on July 18, 1991, the National Institute of Health adopted Good Large Scale Practice (GLSP) Guidelines. GLSP affects businesses producing products and research institutions engaged in training process development scientists. GLSP cannot be adopted in Cambridge under the current Ordinance. Cambridge may feel it has no responsibility to those commercial institutions, despite the increased tax base and real estate improvements. However, the current Ordinance also places unnecessary restrictions on the people of Cambridge in that they cannot take full advantage of the benefits of recombinant DNA organisms in products and in high school training laboratories. Biotechnology lab exercises are currently taught in surrounding Communities' schools, however, not in Cambridge partly due to the overly restrictive ordinance.

Public safety is adequately guarded by the federal standards. Cambridge is no safer than Arlington or North Carolina where the federal guidelines are followed without the extra precautions required in Cambridge. Please vote to accept the revision of the RDNA Ordinance. It will improve the climate for business and education in Cambridge while maintaining public safety.

Yours truly,

Linda B. Wolfe

Linda B. Wolfe

Consent Communications #6

Supporting DNA Ordinance

In City Council,

February 22, 1993

Referred to the petition

CITY OF CAMBRIDGE

Office of the City Solicitor
City Hall
795 Massachusetts Avenue
Cambridge, Massachusetts 02139
Tel. (617) 349-4121
Fax. (617) 349-4307

Russell B. Higley
City Solicitor

Donald A. Drisdell
Deputy City Solicitor

Michael C. Costello
Assistant City Solicitor

Birge Albright
Legal Counsel

Gail S. Gabriel
Legal Counsel

Diane Wynshaw-Boris
Legal Counsel

Laura H. Yager
Legal Counsel

Linda A. Stamper
Legal Counsel

Arthur J. Goldberg
Legal Counsel

August 5, 1992

TO: Donald A. Drisdell

FROM: Birge Albright BA

RE: Amendments to Chapter 8.20 of the Code
Recombinant DNA Technology

Recently, at the request of Dr. Chalfen, I drafted an ordinance which amends Chapter 8.20 of the Code (Recombinant DNA Technology). This ordinance, which was based on a draft prepared by Dr. Chalfen, was submitted to the City Council on August 3, 1992.

In this memorandum, I will go through the current Chapter 8.20 and explain how each section has been amended.

8.20.010 Purpose

In this section, the words "the other requirements of this Chapter" have been added.

8.20.020 Guidelines

The title of this section has been changed to Definitions.

The definitions of "Recombinant DNA molecules" and "organisms and viruses containing RDNA" have been amended to reflect recent

amendments to the NIH Guidelines. The phrase, "such amendments ... as may be approved by the Cambridge Biohazards Committee" has been amended to read, "such amendments as may be approved by the Commissioner". The sentence, "Amendments not acted upon by the Commissioner within sixty days shall be considered approved" has been added.

The definition of "institution" has been eliminated.

The definition of "Guidelines" has been amended to reflect recent amendments to the NIH Guidelines. In paragraph C(4), the phrase "approved by the Cambridge Biohazards Committee" has been amended to read "approved by the Commissioner", and the following new sentence has been added: "Amendments not acted upon by the Commissioner within sixty days shall be considered approved".

The following new definition of "person" has been added:

> 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.

8.20.030 Cambridge Biohazards Committee - Established - Membership

Title changed to Cambridge Biosafety Committee - Membership - Staff.

A. Eliminated

B. becomes A. Add a new sentence at the end: "Members of the CBC shall be Special Municipal Employees".

C. becomes B. Substitute "authorized" for "empowered".

D. becomes C. Substitute "persons" for "institutions".

8.20.040 Cambridge Biohazards Committee - Duties and responsibilities

Title changed to Cambridge Biosafety Committee - Duties and responsibilities.

A. Remains essentially unchanged.

B. Eliminated.

C. Eliminated.

D. becomes C. Substitute "procedures required by this Chapter" for "procedures required by Section 8.20.010, 8.20.010 (sic), 8.20.030 and 8.20.050 through 8.20.110 of this chapter".

E. becomes B. Substitute "permit-holders" for "institutions" and "permitted" for "institutional".

F. becomes D. Paragraph has been shortened.

8.20.050 Permit - Required

Title changed to Permit requirements.

In the first line, substitute "persons" for "institutions".

C. Substitute "reasonable inspections" for "inspection".

D. At the end of the first sentence, substitute "facility" for "institution", and add: "and a program for waste disposal in compliance with all applicable federal, state and local laws".

At the end of the section, add the following new paragraph:

> Permits shall be issued and renewed on an annual basis. The Commissioner may establish fees for the issuance and renewal of permits.

8.20.060 Institutional Biosafety Committee - Membership

Title changed to Institutional Biosafety Committees.

Strike the first sentence and replace it with the following:

> The Institutional Biosafety Committees (IBC) shall be established in accordance with the Guidelines, except that the required composition of each IBC shall include at least one representative from the surrounding community approved by the Health Policy Board.

8.20.070 Institutional Biosafety Committee - Meetings - Report Filing

Title changed to Reports.

This section has been rewritten to read as follows:

> Each holder of a permit shall file regular reports with the CBC, in a manner to be determined by the CBC. All minutes of IBC meetings must be sent to the Commissioner and the CBC.

The meaning of the section remains the same.

8.20.080 Screening and testing for purity

Title changed to Medical surveillance program.

The section entitled Screening and testing for purity has been eliminated, and section 8.20.090 and all subsequent sections have been renumbered.

8.20.090 Medical surveillance program

This section is now 8.20.080.

The first sentence has been rewritten as follows:

> Each permit-holder must provide an appropriate medical surveillance program as determined by its IBC and consistent with the Guidelines.

The meaning remains the same.

8.20.100 Violation of Guidelines - Notification

This section is now 8.20.090.

Substitute "permit-holder" for "institution".

8.20.110 Protection against rodents and insects

This section is now 8.20.100.

Old section:

> The premises in which RDNA is used must be totally and completely free of rodent and insect infestation.

New section:

> Effective rodent and insect control programs must be in place on premises where RDNA use under this Chapter takes place.

8.20.120 Large-scale operations - Special permit required

Title changed to Enforcement.

The section entitled Large-scale operations - Special permit required has been eliminated.

8.20.130 Restrictions

This section is now 8.20.110.

Old section:

> A. RDNA use classified by the guidelines as requiring P3 physical containment and biological containment greater than HV2 shall not be permitted without prior approval of the CBC. RDNA use requiring P4 containment shall not be permitted in the City.
>
> B. There shall be no deliberate release into the environment, that is, the sewers, drains or the air, of any organism containing recombinant DNA and further that any accidental release shall be reported to the Commissioner of Health and Hospitals within five days.

New section:

> A. RDNA use requiring containment defined by the Guidelines as "BL4" shall not be permitted in Cambridge.

B. Any accidental release which represents a significant potential hazard to employees or the public shall be reported to the Commissioner immediately, and in no case more than 24 hours after the release.

8.20.140 Violation - Penalty

This section is now 8.20.120, and the title has been changed to Enforcement.

Old section:

A. Violation of the conditions of this chapter shall subject the violator to a fine of two hundred dollars per day and in addition the facility in which the violation occurs may be closed by the Commissioner of Health and Hospitals. Each day of violation shall constitute a separate and distinct offense.

B. Once a permit has been issued it may be revoked by the Commissioner of Health and Hospitals only upon a determination (subject to judicial review) by the CBC and the Commissioner of Health and Hospitals after due notice and hearing, that the institution involved has materially failed to comply with the City ordinance, the permit agreements or the guidelines (not withstanding reasonable notice and an opportunity to correct such failures to comply with the provisions of this chapter).

New section:

A. Any person who violates any provision of this Chapter shall be subject to a fine of three hundred dollars ($300.00) per violation. Each day of violation shall constitute a separate and distinct offense.

B. Once a permit has been issued, it may be revoked, suspended, modified or not renewed by the Commissioner only upon a determination by the Commissioner and the CBC, after due notice and hearing, that the permit-holder has materially failed to comply with this Chapter, the permit agreements or the Guidelines.

C. Notwithstanding the above, the Commissioner, upon a determination that any violation constitutes an immediate and severe threat to the public health and safety, may order the immediate closure of any premises or laboratory engaging in or contributing to such threat, without prior notice and hearing but with subsequent notice and hearing.

The following new section has been added:

8.20.130 Severability.

If any section, subsection, sentence, clause, or portion of this Chapter is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

ORD#3\DNA\DAD.mmo

Chapter 8.20

RECOMBINANT DNA TECHNOLOGY

Sections:

8.20.010 Purpose.
8.20.020 Guidelines.
8.20.030 Cambridge Biohazards Committee—Established—Membership.
8.20.040 Cambridge Biohazards Committee—Duties and responsibilities.
8.20.050 Permit—Required.
8.20.060 Institutional Biosafety Committee—Membership.
8.20.070 Institutional Biosafety Committee—Meetings—Report filing.
8.20.080 Screening and testing for purity.
8.20.090 Medical surveillance program.
8.20.100 Violation of guidelines—Notification.
8.20.110 Protection against rodents and insects.
8.20.120 Large-scale operations—Special permit required.
8.20.130 Restrictions.
8.20.140 Violation—Penalty.

8.20.010 Purpose.

All use of RDNA by institutions in the City shall be undertaken only in strict conformity with the guidelines set out in Section 8.20.020 of this chapter, and in conformity also with such other health regulations as the Commissioner of Health and Hospitals may from time to time promulgate. (Ord. 955 (part), 1981: prior code § 11-7(II))

8.20.020 Guidelines.

In the context of this chapter the following definitions are adopted:

A. Recombinant DNA molecules (RDNA) and organisms and viruses containing RDNA are those defined in the National Institutes of Health Guidelines promulgated in the Federal Register on November 21, 1980, and such amendments thereto as may be approved by the Cambridge Biohazards Committee.

B. An institution is any single individual, group of individuals or organization.

C. "Guidelines" are defined as:

1. National Institutes of Health Guidelines for Research Involving Recombinant DNA Molecules published in the Federal Register of November 21, 1980;

2. National Institutes of Health Physical Containment Recommendations for large-scale use of organisms containing recombinant DNA molecules as published in the Federal Register of April 11, 1980;

3. Administrative Practices Supplement to the National Institutes of Health Guidelines for Research Involving Recombinant DNA Molecules as issued by the Office of Recombinant DNA Activities, November, 1980;

4. Such amendments to subsections C1, C2 and C3 of this section adopted by the National Institutes of Health as may be approved by the Cambridge Biohazards Committee. In the event that the National Institutes of Health shall discontinue or abolish their guidelines, those guidelines in effect at the time of such discontinuance shall remain in effect in the City. (Ord. 955 (part), 1981: prior code § 11-7(I))

8.20.030 Cambridge Biohazards Committee—Established—Membership.

A. A Cambridge Biohazards Committee ("CBC") shall be established for the purpose of overseeing all use of RDNA in the City and of advising the Commissioner of Health and Hospitals and the Health Policy Board.

B. The CBC shall be composed of the Commissioner of Health and Hospitals or his/her designee, the Chairperson of the Health Policy Board or a board member designated by the Chairperson and a minimum of three other

members to be appointed by the City Manager. The City Manager is authorized to provide for the adequate staffing of the CBC.

C. The CBC and the Commissioner of Health and Hospitals are empowered to retain competent professional assistance in carrying out their duties under this chapter.

D. The salaries and expenses of the staff and consultants of the CBC under this chapter shall be apportioned to the institutions holding permits under this chapter. (Ord. 955 (part), 1981: prior code § 11-7(III))

8.20.040 Cambridge Biohazards Committee—Duties and responsibilities.

Specific responsibilities of the CBC shall include:

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

B. Approving all amendment to the guidelines before their implementation in the City. In the event that the National Institutes of Health discontinues or abolishes their guidelines, those guidelines in effect at the time of such discontinuance shall remain in effect in the City;

C. Reviewing all proposals for RDNA use in the City for compliance with the guidelines and conformity with such other regulations as the Commissioner of Health and Hospitals may from time to time promulgate;

D. Reviewing manuals and worker training programs and approving health-safety programs and monitoring procedures required by Sections 8.20.010, 8.20.010, 8.20.030 and 8.20.050 through 8.20.110 of this chapter;

E. Determining the manner in which institutions make reports or applications to the CBC, and the type of information required in such reports or applications. Reviewing reports, applications and recommendations by IBC and approving where appropriate. Carrying out site visits to institutional facilities;

F. Developing a procedure for members of institutions where RDNA is used to report to the CBC violations of this chapter, the guidelines or any other health regulations as the Commissioner of Health and Hospitals may promulgate. (Ord. 955 (part), 1981: prior code § 11-9))

8.20.050 Permit—Required.

All institutions proposing to use RDNA must obtain a permit from the Commissioner of Health and Hospitals with the approval of the CBC. Permit requirements include written agreement to:

A. Follow the guidelines;

B. Follow other conditions set forth in this chapter;

C. Allow inspection of facilities and pertinent records by the Cambridge Biohazards Committee;

D. Prepare a health and safety manual which contains all procedures relevant to the use of RDNA at all levels of containment in use at the institution. The manual shall be submitted to the Cambridge Biohazards Committee for review;

E. Establish a training program of safeguards and procedures for personnel using RDNA. (Ord. 955 (part), 1981: prior code § 11-7(IV))

8.20.060 Institutional Biosafety Committee—Membership.

The Institutional Biosafety Committee ("IBC") required by the National Institutes of Health Guidelines shall have at least one member who is a nondoctoral person from a laboratory technical staff and one representative approved by the Health Policy Board. The IBC shall be the final arbiter within an institution, with regard to the implementation of this chapter and the guidelines. (Ord. 955 (part), 1981: prior code § 11-7(V))

8.20.070 Institutional Biosafety Committee—Meetings—Report filing.

All minutes of the IBC meetings must be forwarded to the Commissioner of Health and

Hospitals and the CBC. It shall also be the responsibility of the institution to file regular reports with the Cambridge Biohazards Committee, in a manner to be determined by the CBC. (Ord. 955 (part), 1981: prior code § 11-7(VI))

8.20.080 Screening and testing for purity.

Institutions using RDNA shall perform adequate screening to insure the purity of the strain of host organisms used in the experiments and shall test organisms resulting from such experiments for their resistance to commonly used therapeutic antibiotics. (Ord. 955 (part), 1981: prior code § 11-7(VII))

8.20.090 Medical surveillance program.

All institutions are to provide an appropriate medical surveillance program as determined by the Institutional Biosafety Committee for all persons engaged in the use of RDNA. Such programs must be approved by the CBC. (Ord. 955 (part), 1981: prior code § 11-7(VIII))

8.20.100 Violation of guidelines—Notification.

The institution shall report within thirty days to the CBC and the Commissioner of Health and Hospitals any significant problems with or violations of the guidelines and any significant RDNA related accidents or illnesses. (Ord. 955 (part), 1981: prior code § 11-7(IX))

8.20.110 Protection against rodents and insects.

The premises in which RDNA is used must be totally and completely free of rodent and insect infestation. (Ord. 955 (part), 1981: prior code § 11-7(X))

8.20.120 Large-scale operations—Special permit required.

A. All institutions using RDNA on a "large-scale," as defined in the guidelines, must adhere to the requirements of this section in addition to those stated in Sections 8.20.010, 8.20.020, 8.20.030 and 8.20.050 through 8.20.110 of this chapter.

B. All institutions must obtain a special large-scale permit ("LS permit") from the Commissioner of Health and Hospitals with the approval of the CBC, after the Commissioner and the CBC have conducted an appropriate public hearing. LS permit requirements include written agreement to:

1. Identify clearly all large-scale RDNA use in the IBC minutes;

2. Develop procedures through the IBC for monitoring of large-scale operations, for compliance with this chapter and the guidelines. These procedures shall be approved by the CBC and the Commissioner of Health and Hospitals.

3. a. Allow an annual inspection and review of the procedures and practices of large-scale RDNA use for compliance with this chapter. The scope of this inspection and review shall be mutually agreed upon by the institution and the CBC.

b. The CBC shall retain a professionally competent person, persons, agency or institution to perform this inspection and review. The results shall be reported to the CBC, the Commissioner of Health and Hospitals and the institution involved.

c. The institution shall reimburse the City for the expense of this inspection and review including an apportionment of the salaries of the staff of the CBC under subsections B and C of Section 8.20.030 of this chapter.

4. Establish a health-safety program for appropriate employees. Such a program is to include safety training, periodic retraining and periodic health surveillance. Details and procedures are to be established by each institution and approved by the CBC and the Commissioner of Health and Hospitals.

5. Advance approval must be given by the CBC for large-scale uses of RDNA requiring P2 or P3 physical containment. (Ord. 955 (part), 1981: prior code § 11-8))

8.20.130 Restrictions.

A. RDNA use classified by the guidelines as requiring P3 physical containment and biological containment greater than HV2 shall not be permitted without prior approval of the CBC. RDNA use requiring P4 containment shall not be permitted in the City.

B. There shall be no deliberate release into the environment, that is, the sewers, drains or the air, of any organism containing recombinant DNA and further that any accidental release shall be reported to the Commissioner of Health and Hospitals within five days. (Ord. 955 (part), 1981: prior code § 11-10))

8.20.140 Violation—Penalty.

A. Violation of the conditions of this chapter shall subject the violator to a fine of two hundred dollars per day and in addition the facility in which the violation occurs may be closed by the Commissioner of Health and Hospitals. Each day of violation shall constitute a separate and distinct offense.

B. Once a permit has been issued it may be revoked by the Commissioner of Health and Hospitals only upon a determination (subject to judicial review) by the CBC and the Commissioner of Health and Hospitals after due notice and hearing, that the institution involved has materially failed to comply with the City ordinance, the permit agreements or the guidelines (not withstanding reasonable notice and an opportunity to correct such failures to comply with the provisions of this chapter). (Ord. 955 (part), 1981: prior code § 11-11))

MORTGAGEE'S SALE OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain mortgage given by **Jack W. Kraiger** and **Elaine W. Kraiger** to Woburn Five Cents Savings Bank dated December 11, 1987 and recorded with the Middlesex South Registry of Deeds in Book 18753, Page 604, of which mortgage the undersigned is the present holder, for breach of the conditions of said mortgage and for the purpose of foreclosing, the same will be sold at Public Auction at 12:00 p.m. on Wednesday, the third (3rd) day of March, 1993, on the mortgaged premises now known and numbered **Unit 8B, 1105 Massachusetts Avenue Condominium, 1105 Massachusetts Avenue, Cambridge,** Middlesex County, Massachusetts 02138, all and singular the premises described in said Mortgage:

The Condominium Unit #8B in the 1105 Massachusetts Avenue Condominium ("the Condominium") situated at and with a post office address of Unit #8B, 1105 Massachusetts Avenue, Cambridge, Massachusetts, created by Master Deed recorded with the Middlesex South Registry of Deeds in Book 12630, Page 273, as amended from time to time (collectively, the "Master Deed") in accordance with and subject to the provisions of Massachusetts General Laws Chapter 183A, as amended ("Chapter 183A"). The Unit is more particularly described in the Master Deed, as shown on the plans recorded simultaneously with the Master Deed, and is hereby conveyed together with the Unit Owner's undivided interest in the common areas and facilities (the "common areas and facilities") as set forth in the Master Deed and together with any other rights set forth in the Master Deed or the Unit Deed, including the exclusive easements to parking spaces and storage spaces, if any.

Said premises will be sold subject to the matters above and to all restrictions, easements, improvements, attachments, outstanding tax titles, municipal or public taxes, assessments, liens or claims in the nature of liens, and existing encumbrances of record, if there be any, and all encumbrances of record which are prior to said mortgage.

Two Thousand Five Hundred ($2,500.00) Dollars will be required to be paid in cash or by certified or bank treasurer's or cashier's check by the purchaser at the time and place of sale as earnest money to be held at the option of the mortgagee as liquidated damages for any breach by the buyer. The balance is to be paid in cash or by certified or bank treasurer's or cashier's check within forty-five (45) days thereafter to be deposited in escrow with the firm of Kaye, Fialkow, Richmond & Rothstein at 100 Federal Street, Boston, Massachusetts 02110. The deed is to be delivered within forty-five (45) days from the date of sale.

Other terms, if any, to be announced at sale.

Mortgage Properties Corp.
c/o Peter Wittenborg
Attorney for Mortgagee
Kaye, Fialkow, Richmond & Rothstein
100 Federal Street
Boston, MA 02110
Telephone (617) 482-6800

(C)Feb.4,11,18,25
#22431

MORTGAGEE'S SALE OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain mortgage given by **Jack W. Kraiger and Elaine W. Kraiger** to **Woburn Five Cents Savings Bank dated April 1, 1988 and** recorded with the Middlesex Registry of Deeds in Book 18962, Page 438, of which mortgage the undersigned is the present holder, by virtue of an assignment dated December 17, 1992 and recorded with said Deeds as Instrument No. 707, for breach of the conditions of said mortgage and for the purpose of foreclosing, the same will be sold at Public Auction at 11:00 a.m. on Wednesday the third (3rd) day of March, 1993, on the mortgaged premises now known and numbered as **Unit 203, 44 Concord Avenue, Cambridge, Middlesex County, Massachusetts,** all and singular the premises described in said Mortgage:

Unit 203 (the "Unit") in the building at 44 Concord Avenue, Cambridge, Middlesex County, Massachusetts in a condominium known as Observatory Hill Condominium ("the Condominium") created by a Master Deed (the "Master Deed") dated November 30, 1983, and recorded with Middlesex (South District) Registry of Deeds on December 1, 1983 in Book 15341, Page 001, in accordance with and subject to the provisions of Massachusetts General Laws, Chapter 183A ("Chapter 183A").

The Unit contains 998 square feet and is laid out as shown on a plan recorded with the first unit deed in Book 16008, Page 532, which is a copy of a portion of the plans filed with the said Master Deed and to which is affixed a verified statement in the form provided for in M.G.L. c. 183A, Section 9.

The Unit is conveyed together with an undivided 4.68% interest (a) in the common areas and facilities of the Condominium, as described in said Master Deed, and (b) in the Observatory Hill Condominium Trust, recorded with said Registry of Deeds, Book 15341, Page 022, and with the exclusive right and easement in gross to use the parking space above listed, and any other exclusive easements in gross specified in the aforesaid Master Deed.

The Unit may be used for all purposes permitted from time to time by the zoning law of the City of Cambridge and for no other purpose, except as may be expressly permitted by the Trustees in accordance with the provisions of the aforesaid trust.

Said premises will be sold subject to the matters above and to all restrictions, easements, improvements, attachments, outstanding tax titles, municipal or public taxes, assessments, liens or claims in the nature of liens, and existing encumbrances of record, if there be any, and all encumbrances of record which are prior to said mortgage.

Two Thousand Five Hundred ($2,500.00) Dollars will be required to be paid in cash or by certified or bank treasurer's or cashier's check by the purchaser at the time and place of sale as earnest money to be held at the option of the mortgagee as liquidated damages for any breach by the buyer. The balance is to be paid in cash or by certified or bank treasurer's or cashier's check within forty-five (45) days thereafter at the firm of Kaye, Fialkow, Richmond & Rothstein at 100 Federal Street, Boston, Massachusetts 02110 at which **time the deed is to be delivered.**

Other terms, if any, to be announced at sale.

Mortgage Properties Corp.
c/o Lisa A. Ferrara
Attorney for Mortgagee
Kaye, Fialkow, Richmond & Rothstein
100 Federal Street
Boston, MA 02110
Telephone (617) 482-6800

(C)Feb.4,11,18
#22467

MORTGAGEE'S NOTICE OF SALE OF REAL ESTATE

PREMISES: 28 River Street
Cambridge, MA 02139

By virtue and in execution of the POWER OF SALE contained in a certain MORTGAGE given by **Werner H. Grundl** and **Sami Herbawi** to Northeastern Mortgage Company, Inc. dated September 26, 1989 and recorded with the Middlesex County Southern District Registry of Deeds in Book 20112 Page 62 of which the undersigned Federal National Mortgage Association is the present holder, for breach of the conditions of said mortgage and for the purpose of foreclosing the same will be SOLD at PUBLIC AUCTION at 9:00 am, on February 24, 1993 upon the mortgaged premises: **28 River Street, Cambridge, MA 02139 as described** below, all and singular the premises described in said mortgage, TO WIT: A parcel of land with the buildings thereon situated and presently numbered 28 River Street, Cambridge, being shown as Lot B on a "Subdivision of Land in Cambridge, Mass." dated December 20, 1961, by Edward F. Carney, Surveyor, recorded with Middlesex South District Deeds October 1, 1962 as Plan #1393 of 1962, in Book 10134, Page 113, bounded:

NORTHERLY by River Street, twenty-four and 67/100 (24.67) feet;

NORTHEASTERLY by Lot A on said plan, seventy-five and 85/100 (75.85) feet;

SOUTHEASTERLY by the center line of a passageway as shown on said plan, twenty-two and 86/100 (22.86) feet;

SOUTHWESTERLY by Lot C on said plan, eighty-six and 86/100 (86.86) feet.

Containing according to said plan, 1795 square feet of land. Be all said measurements more or less or however otherwise bounded and described. The second and fourth courses pass in part through the center line of a brick partition walls. Subject to restrictions of record in so far as the same are in force and applicable. Together with and subject to rights of way and otherwise in said passageway in common with others entitled thereto to and from Franklin Street.

TERMS OF SALE: Said premises will be sold and conveyed subject to any and all outstanding municipal or other public taxes, tax titles, assessments, liens or claims in the nature of liens, rights of tenants and parties in possession, and existing encumbrances of record, if any, which take precedence over the said mortgage above described and also to all laws and ordinances including but not limited to, all building and zoning ordinances.

The highest bidder shall be required to deposit the amount of $10,000.00 by cash, certified check, bank treasurer's check or bank cashier's check at the time and place of the sale. The balance of the purchase price shall be paid in or within 60 days thereafter at the Law Offices of Elliot S. Topkis, 255 Bear Hill Road, Waltham, MA 02154. Other terms to be announced at the sale.

LAND COURT CASE NUMBER: 186550
PRESENT HOLDER OF SAID MORTGAGE:
Federal National Mortgage Association
3900 Wisconsin Avenue N.W.
Washington, DC 20016
AUCTIONEER:
Hatfield Associates (AB)

(C)Jan.21,28,Feb.4
#22270

MORTGAGEE'S NOTICE OF SALE OF REAL ESTATE

Premises: 47 Wallingford Road
Brighton, Massachusetts

By virtue and in execution of the Power of Sale contained in a certain mortgage given by **Anil Sakhuja** to ComFed Savings Bank dated October 29, 1987 and recorded with Suffolk County Registry of Deeds in Book 14209, Page 97, of which mortgage the undersigned is the present holder, for breach of the conditions of said mortgage and for the purpose of foreclosing the same will be sold at Public Auction at 11:00 A.M., on the 18th day of February, A.D., 1993, upon the mortgaged premises, **47 Wallingford Road, Brighton, Massachusetts,** as described below, all and singular the premises described in said mortgage,

To wit:

A certain parcel of land in that part of said Boston, formerly Brighton, together with the buildings thereon, being Lot numbered 72, on a plan by C.H./W. Wood, Co., dated October 24, 1908, recorded with Suffolk Deeds at the end of the Book 3312, and bounded and described as follows:

NORTHWESTERLY on Wallingford Road, sixty five and 70/100 (65.70) feet;

SOUTHWESTERLY on land now or late of Brock, one hundred and fifteen and 51/100 (115.51) feet;

EASTERLY on lots 34 and 35 on said plan, eighty seven and 89/100 (87.89) feet;

NORTHEASTERLY on Lot 71 on said plan, eighty seven and 6/100 (87.06) feet;

Containing 7494 square feet.

This conveyance is subject to the restrictions and easements of record, if any insofar as the same are now in force and applicable.

TERMS OF SALE: Said premises will be sold and conveyed subject to all outstanding municipal or other public taxes, tax titles, assessments, liens or claims in the nature of liens, rights of tenants and parties in possession, and existing encumbrances of record, if any, which take precedence over the said mortgage above described.

FIVE THOUSAND DOLLARS and NO/100 ($5,000.00) must be paid by certified, bank, treasurer's or cashier's check at the time and place of the sale by the purchaser as a deposit. The balance of the purchase price is to be paid in cash, or by certified check, bank cashier's check or bank treasurer's check within 30 days thereafter at the Law Offices of Shapiro & Kreisman, 492 Old Connecticut Path, Framingham, MA 01701 (508) 872-0221.

Other terms to be announced at the sale.

Land Court Case Number 181644.

STATE STREET BANK AND TRUST COMPANY,
AS TRUSTEE U/A DATED DECEMBER 1, 1987,
PRESENT HOLDER OF SAID MORTGAGE

(C)Jan.28,Feb.4,11
#22051

MORTGAGEE'S NOTICE OF SALE OF REAL ESTATE

By virtue and in execution of the POWER OF SALE contained in a certain mortgage given by **Rafael Riquelme** and **Vilma Riquelme** to North Eastern Mortgage Company, Inc. dated July 7, 1987 and recorded with Middlesex County (Southern District) Registry District of the Land Court as Document No. 749844 and noted on Certificate of Title No. 105595, of which mortgage the undersigned is the present holder, for breach of the conditions of said mortgage and for the purpose of foreclosing the same will be sold at Public Auction at 2:00 o'clock P.M. on the 25th day of February A.D. 1993, on the mortgaged premises, to wit: **Unit 42-1 in the Linnaean Street Condominium, 42 Linnaean Street, Cambridge, Massachusetts** all and singular the premises described in said mortgage,

To Wit:

Condominium Unit 42-1 in the Linnaean Street Condominium ("the Condominium"), situated at and with a post office address of Unit 42-1, 42 Linnaean Street, Cambridge, Middlesex County, Massachusetts, created by Master Deed recorded with Middlesex South Registry of Deeds in the Land Registration Office of the Land Court as Document No. 612875, as amended by instruments of record, if any ("Master Deed") in accordance with and subject to the provisions of Massachusetts General Laws, Chapter 183A, as amended ("Chapter 183A"). The Unit is more particularly described in the Master Deed, as shown on the plans recorded simultaneously with the Master Deed, and is hereby conveyed together with the Unit Owner's undivided interest in the common areas and facilities (the "common areas and facilities") as set forth in the Master Deed and together with any other rights set forth in the Master Deed or the Unit Deed, including the exclusive easements to parking spaces and storage spaces, if any.

The Unit and such undivided 1.717980% percent interest in the common areas and facilities are conveyed with the benefit of and subject to the rights, easements, restrictions, covenants, agreements, obligations, conditions, and other provisions referred to or set forth in the Master Deed, the provisions of the instrument establishing the Unit Owner's organization formed in accordance with Section 10 of Chapter 183A, the By-Laws contained therein and any rules and regulations promulgated thereto, insofar as the same are now in force and applicable.

Being the same premises conveyed to Mortgagor by Deed recorded with said Registry as Document No. 749842.

Said premises will be sold together with and subject to and/or with the benefit of any and all easements and restrictions of record created prior to the aforesaid mortgage, if any, to the extent that the same are now in force and applicable. Said premises will be sold subject to all unpaid taxes, outstanding tax titles and municipal liens and assessments, if any.

Terms of Sale: FIVE THOUSAND DOLLARS ($5,000.00) will be required to be paid in cash or certified check or treasurer's check at the time and place of sale. The balance of the purchase price shall be paid within twenty-one (21) days thereafter. In the event that the successful bidder at the public auction shall default in purchasing the premises according to the terms of this Notice of Mortgagee's Sale of Real Estate and/or the terms of the Memorandum of Sale executed at the public auction, the Mortgagee reserves the right, at its election, to sell the property by foreclosure deed to the second highest bidder at the public auction provided that said second highest bidder shall pay the amount of the required deposit as set forth herein within three (3) business days after written notice to the second highest bidder of the default of the previous highest bidder. The terms of sale with regard to the consideration paid by the second highest bidder shall be the same as described above.

Other terms to be announced at the sale.

January 27, 1993

Marine Midland Bank, N.A.
Current Mortgage Holder
by its attorney,
Samuel D. Shriro, Esquire
31 Milk Street
Boston, MA 02109
(617) 542-3481

(C)Feb.4,11,18
#22989

CITY OF CAMBRIDGE
REQUEST FOR DESIGN SERVICES

The City of Cambridge invites applications from qualified architects to carry out the following assignments.

1. Gold Star Pool, Cambridge and Berkshire Streets.
   Assignment is to develop barrier free path(s) from sidewalk through showers to pool deck and pool proper.
   Improve ventilation as necessary.
   Improve general condition of exterior and interior surfaces.
   Improve or replace showers.
   Improve use of entrance and ticket booth.
   Phase 1 to be planning, cost estimate, bid documents and possible partial execution. Full execution to follow.
2. War Memorial Building, 1640 Cambridge Street.
   Assignment is to study and make recommendations with particular respect to the following items.
   Improve handicapped accessibility with particular respect to internal conditions and lockers, showers and toilets.
   Reduce the areas devoted to lockers, showers and toilets so that supervision is improved, damage is reduced and the saved space can be put to other uses.
   Assessment of building envelope and systems, and recommendations for improvements.
   Improve entrance way and front desk area.
   Owner reserves the right to extend the War Memorial contract to construction documents and administration.
   The War Memorial Building lies within the jurisdiction of the MidCambridge Neighborhood Conservation District Commission which must approve the project via a public hearing process.

A briefing session will convene at the War Memorial at 10:00 A.M. on Wednesday, February 10, 1993 and will then move to the Gold Star Pool.

Applications shall be submitted not later than Friday, February 19, 1993 at 5:00 P.M. in six (6) copies. Minimum application shall be Commonwealth of Massachusetts Form DSB-1. Supplemental material may be submitted at the applicant's option.

Material shall be submitted to Paul G. Feloney, City Architect, Public Works Department, 147 Hampshire Street, Cambridge, MA 02139.

The Owner prefers when possible to award contracts to firms and/or architects that are located in Cambridge.

(C)Feb.4
#23002

CITY OF CAMBRIDGE
PUBLIC HEARING
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM
WEDNESDAY, FEBRUARY 17, 1993
AT 7:00 P.M.
CITY HALL ANNEX (57 INMAN STREET)
3RD FLOOR CONFERENCE ROOM

This hearing will provide an opportunity for Cambridge Community Development Department and the Department of Human Services to obtain citizen views on Housing and Community Development Needs in Cambridge. The first hour and a half will be scheduled for residents' input into Community needs in the following areas: Housing, Economic Development and Open Space Rehab. The second hour and a half will be for resident's input into the Community needs for Human Service programs. Citizen testimony on these needs will serve as a basis for preparing the City Manager's proposal to Cambridge residents and groups for the forthcoming Federal CDBG Grant to Cambridge (Fiscal Year July 1, 1993 to June 30, 1994). The Federal Governments current estimate of the grant amount is $3,432,000.

The City's application for the grant will be submitted to the U.S. Department of Housing and Urban Development on or about May 28, 1993. The February 17th public hearing is the first step in the application process, and a memorandum from the City's Assistant City manager for Community Development about the full process will be available on Tuesday, February 9th at the City Manager's Office (City Hall), at the Community Development Department (City Hall Annex), and at the Department of Human Services (51 Inman Street). The City Manager's proposal for the application will be published in abbreviated form in the Cambridge TAB on March 15th and in the Cambridge Chronicle on March 18th for citizen review and comment.

Questions about the public hearing, as well as about the application process, the City's current and past use of CDBG funds, and the Federal regulations governing the use CDBG funds, can be answered Janet Reale or by Edward Handy at 349-4600. With adequate advance notice, the City will provide, as needed, transportation for the handicapped, a sign language interpreter, and foreign language translation service.

Michael H. Rosenberg
Assistant City Manager for
Community Development

(C)Feb.4
#22463

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND
FAMILY COURT DEPARTMENT
PROBATE OF WILL WITHOUT SURETIES
Middlesex Division Docket No. 93P0052E
Estate of **William F. Rooney**
Also known as **William Rooney**
died Dec. 5, 1992
late of Cambridge
in the County of **Middlesex**
NOTICE

A petition has been presented in the above-captioned matter praying that a certain instrument purporting to be the last will of said deceased may be proved and allowed and that **James F. O'Brien** of **Boston** in the County of Suffolk be appointed executor without giving surety on his bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on February 16, 1993.

In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.

Witness, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the nineteenth day of January in the year of our Lord one thousand nine hundred and ninety-three.

Donna M. Lambert
Register of Probate

(C)Feb.4
#23093

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND
FAMILY COURT DEPARTMENT
PROBATE OF WILL WITHOUT SURETIES
Middlesex Division Docket No. 93P0108E
Estate of **John M. McGovern**
Also known as **John Marshall McGovern**
died Dec. 5, 1992
late of Cambridge
in the County of **Middlesex**
NOTICE

A petition has been presented in the above-captioned matter praying that a certain instrument purporting to be the last will of said deceased may be proved and allowed and that **William J. McGovern** of **Cambridge** in the County of **Middlesex** be appointed executor without giving surety on his bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on February 23, 1993.

In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.

Witness, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the twenty-sixth day of January in the year of our Lord one thousand nine hundred and ninety-three.

Donna M. Lambert
Register of Probate

(C)Feb.4
#22995

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY
COURT DEPARTMENT
PROBATE OF WILL WITHOUT SURETIES
Middlesex Division Docket No. 93P0160E
Estate of **Mary Louise Lynch**
died Dec. 10, 1992
late of Cambridge
in the County of **Middlesex**
NOTICE

A petition has been presented in the above-captioned matter praying that a certain instrument purporting to be the last will of said deceased may be proved and allowed and that **Marry E. Kannally** of Walpole in the County of Norfolk be appointed executrix without giving surety on her bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on February 23, 1993.

In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.

WITNESS, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the twenty-sixth day of January in the year of our Lord one thousand nine hundred and ninety-three.

Donna M. Lambert
Register of Probate

(C)Feb.4
#22423

COMMONWEALTH OF MASSACHUSETTS
Middlesex, SS. Probate Court
No. 188735

NOTICE OF FIDUCIARY'S ACCOUNT

To all persons interested in the estate of **Frances W. Russell** -late- of Cambridge, in said County, deceased.

You are hereby notified pursuant to Mass. R.Civ.P. Rule 72 that the 54th thru 57th accounts of State Street Bank and Trust Company of said estate as Trustee (the fiduciary) under the will of said deceased for the benefit of Winsor J. Cook and others has - have been presented to said Court for allowance.

You desire to preserve your right to file an objection to said accounts, you or your attorney must file a written appearance in said Court at Cambridge on or before the 24th day of February, 1993, the return day of this citation. You may upon written request by registered or certified mail to the fiduciary, or to the attorney for the fiduciary, obtain without cost a copy of said accounts. If you desire to object to any item of said accounts, you must, in addition to filing a written appearance as aforesaid, file within thirty days after said return day or within such other time as the Court upon motion may order a written statement of each such item together with the grounds for each objection thereto, a copy to be served upon the fiduciary pursuant to Mass. R.Civ.P. Rule 5.

Witness, Sheila E. McGovern, Esquire, First Judge of said Court, this 20th day of January, 1993.

Donna M. Lambert
Register.

(C)Feb.4
#22993

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY
COURT DEPARTMENT
PROBATE OF WILL WITHOUT SURETIES
Middlesex Division Docket No. 93P0072E
Estate of **Marion G. Bever**
also known as **Marion Gordon Bever**
died Dec. 17, 1992
late of Cambridge
in the County of Middlesex
NOTICE

A petition has been presented in the above-captioned matter praying that a certain instrument purporting to be the last will of said deceased may be proved and allowed and that **Thomas G. Bever** of Rochester in the State of New York, **Ivers Bever** of Cambridge in the County of Middlesex + Virginia F. Coleman of Boston in the County of Suffolk be appointed executors without giving surety on their bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on February 18, 1993.

In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.

WITNESS, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the twenty-first day of January in the year of our Lord one thousand nine hundred and ninety-three.

Donna M. Lambert
Register of Probate

(C)Feb.4
#22425

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY
COURT DEPARTMENT
PROBATE OF WILL WITHOUT SURETIES
Middlesex Division Docket No. 93P0245E
Estate of **James Robinson St. Clair Browne, Senior**
also known as **James Robinson Browne**
died Mar. 11, 1992
late of Cambridge
in the County of Middlesex
NOTICE

A petition has been presented in the above-captioned matter praying that a certain instrument purporting to be the last will of said deceased may be proved and allowed and that **Eulene V. Jones** of Cambridge in the County of Middlesex be appointed executrix without giving surety on her bond.

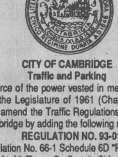
If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on February 25, 1993.

In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.

WITNESS, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the twenty-eighth day of January in the year of our Lord one thousand nine hundred and ninety-three.

Donna M. Lambert
Register of Probate

(C)Feb.4
#22466



CITY OF CAMBRIDGE
Traffic and Parking

By force of the power vested in me by Special Act of the Legislature of 1961 (Chapter 455), I hereby amend the Traffic Regulations of the City of Cambridge by adding the following regulation.

REGULATION NO. 93-01

Regulation No. 66-1 Schedule 6D "Parking Prohibited At All Times On Certain Sides Of Certain Streets, Tow Away Zone" (Handicapped Persons and Disabled Veterans) is amended by removing the following:

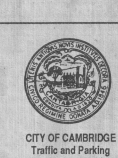
Spring Street, 108'W of Sciarappa Street to 130'W of Sciarappa Street.

This regulation shall take effect 2 February 1993.

PROMULGATED DATE
Jan. 13, 1993

George Teso
Traffic Director

(C)Jan.28,Feb.4,11
#23040



CITY OF CAMBRIDGE
Traffic and Parking

By force of the power vested in me by Special Act of the Legislature of 1961 (Chapter 455), I hereby amend the Traffic Regulations of the City of Cambridge by adding the following regulation.

REGULATION NO. 93-00

Regulation No. 66-1 Schedule 6D "Parking Prohibited On Certain Sides Of Certain Streets, Tow Away Zone" is hereby amended by adding the following:

Franklin Street, north side, 160'W of **Bay** Street to 182'W of Bay Street.

This regulation shall take effect 18 February 1993.

PROMULGATED DATE
Jan. 21, 1993

George Teso
Traffic Director

(C)Jan.28,Feb.4,11
#23024

COMMONWEALTH OF MASSACHUSETTS
LAND COURT
DEPARTMENT OF THE TRIAL COURT
(SEAL) **Case No. 168719**

To The Heirs, Devisees and Legal Representatives of the Estate of **Dorothy M. Murphy; Joseph B. Murphy;** and to all persons entitled to the benefit of the Soldiers' and Sailors' Civil Relief Act of 1940 as amended: Diversified Financial Partners III, LP claiming to be the holder of a mortgage covering real property in Cambridge, numbered **81 Cedar Street,** given by Dorothy M. Murphy and Joseph B. Murphy to Capitol Bank and Trust Company, dated April 15, 1983, recorded with Middlesex County (Southern District) Registry of Deeds in Book 14974, Page 035, and now held by Plaintiff by assignment, has filed with said court a complaint for authority to foreclose said mortgage in the manner following: by entry and possession and exercise of power of sale.

If you are entitled to the benefits of the Soldiers' and Sailors' Civil Relief Act of 1940 as amended and you object to such foreclosure you or your attorney should file a written appearance and answer in said court at Boston on or before the 8th day of March 1993, or you may be forever barred from claiming that such foreclosure is invalid under said act.

Witness, ROBERT V. CAUCHON, Chief Justice of said Court this 25th day of January 1993.

Charles W. Trombly, Jr.
Recorder

(C)Feb.4
#22426

COMMONWEALTH OF MASSACHUSETTS
Middlesex, SS. Probate Court
No. 92P1067

NOTICE OF FIDUCIARY'S ACCOUNT

To all persons interested in the estate of **Martha Taylor** -late- of Cambridge, in said County, deceased.

You are hereby notified pursuant to Mass. R.Civ.P. Rule 72 that the 1st and 1st account of Raymond F. Beaton as Executor (the fiduciary) of said estate under the will of said deceased has been presented to said Court for allowance.

If you desire to preserve your right to file an objection to said account, you or your attorney must file a written appearance in said Court at Cambridge on or before the 12th day of February, 1993, the return day of this citation. You may upon written request by registered or certified mail to the fiduciary, or to the attorney for the fiduciary, obtain without cost a copy of said account. If you desire to object to any item of said account, you must, in addition to filing a written appearance as aforesaid, file within thirty days after said return day or within such other time as the Court upon motion may order a written statement of each such item together with the grounds for each objection thereto, a copy to be served upon the fiduciary pursuant to Mass. R.Civ.P. Rule 5.

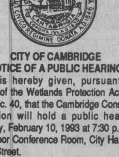
Witness, Sheila E. McGovern, Esquire, First Judge of said Court, this 8th day of January, 1993.

Donna M. Lambert
Register.

(C)Feb.4
#23001

EMPLOYMENT RESOURCES INC.
LEGAL NOTICE
REQUEST FOR PROPOSALS - SUMMER YOUTH PROGRAM. Employment Resources, Inc. (ERI) has approximately $200,000 available in federal funds for Special Youth Projects for its Summer Youth Employment and Training Program. ERI is seeking proposals from interested parties to provide short-term basic and remedial education, skills training and/or a combination of these activities during the summer to economically disadvantaged youth of the following cities and towns: Arlington, Belmont, Burlington, Cambridge, Chelsea, Everett, Malden, Medford, Melrose, North Reading, Reading, Revere, Somerville, Stoneham, Wakefield, Watertown, Wilmington, Winchester, Winthrop, Woburn. Private profit or non-profit firms, public organizations, women-and minority-owned businesses are encouraged to apply. Some restrictions may apply. Deadline for submission of proposals is March 19, 1993. For more information, contact Ron Eydenberg at 494-1154 or c/o ERI, 432 Columbia Street, Cambridge, MA 02141. A bidder's conference will be held at ERI on February 10, 1993 at 3:00 p.m. and repeated at 6:00 p.m. Specification packages will be distributed at the conference.

(C)Feb.4
#23010



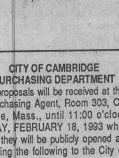
CITY OF CAMBRIDGE
NOTICE OF A PUBLIC HEARING

Notice is hereby given, pursuant to the provisions of the Wetlands Protection Act, M.G.L. ch. 131, sec. 40, that the Cambridge Conservation Commission will hold a public hearing on Wednesday, February 10, 1993 at 7:30 p.m. in the Second Floor Conference Room, City Hall Annex, 57 Inman Street.

The hearing will consider a **Notice of Intent** filed by the **Massachusetts Highway Department.** The applicant has proposed to construct temporary loop ramp connectors, with associated structures, between the existing I-93/Route 1 Charles River Bridge and the newly-completed Route 1 tunnel under City Square in Charlestown. The work would occur in the Buffer Zones of the Charles and Millers Rivers.

Copies of the applicant's Notice of Intent and additional materials are available for review at the Conservation Commission's office, 57 Inman Street, second floor, 349-4680.

(C)Feb.4
#22997



CITY OF CAMBRIDGE
PURCHASING DEPARTMENT

Sealed proposals will be received at the Office of the Purchasing Agent, Room 303, City Hall, Cambridge, Mass., until 11:00 o'clock A.M. THURSDAY, FEBRUARY 18, 1993 which time and place they will be publicly opened and read for furnishing the following to the City of Cambridge.

VENOUS CATHETER SETS
HEMODYNAMIC MONITORING KITS

See proposal for bid deposit.

The City of Cambridge reserves the right to waive any informalities or to reject any or all proposals.

Specifications may be obtained at the Office of the Purchasing Agent, Room 303, City Hall, Cambridge, Mass.

Each proposal must be in a sealed envelope plainly marked "Proposal for 'Designate Item'" and addressed to Diane Wynshaw-Boris, Acting Purchasing Agent, City Hall, Cambridge, Massachusetts.

Diane Wynshaw-Boris
Acting Purchasing Agent

(C)Feb.4
#22432

MWRA closes window on bidding process

MWRA, from page 1

The effect of the MWRA's action was to close out competition for the work. Kalwall was granted all six contracts to provide and install panels in early and mid-1991.

The way Kalwall obtained the relatively small contracts for the window panels at Deer Island underscores questions about the performance of the MWRA in its management of the largest and most expensive public works project of its kind in the nation. Hundreds of contracts the size of Kalwall's have been or are about to be awarded by the independent authority.

Privately owned by the Keller brothers, Kalwall is a major corporation within the translucent panel industry, with a large and growing share of the market. Kalwall has been notably successful recently in obtaining government contracts, not only in Massachusetts, but nationwide.

Kalwall has obtained contracts for work at Treasure Island Naval Station in California; Sheppard Air Force Base in Texas; the state Correctional Institute at Somerset in Pennsylvania; a Veterans Administration hospital and an elementary school in Arkansas; and, the University of Georgia Space Center.

In all instances, the contract specifications contained language virtually identical to that used by the MWRA and written by Kalwall.

In an interview, Bruce Keller, representing Kalwall, acknowledged his company created the specs adopted by the MWRA. He said he was proud of Kalwall's success, which he attributed to a superior product and hard work.

He said his company's reputation is that "the Kellers are a bunch of bastards. We have to be. We operate within the law. But we're very aggressive."

THE MWRA is a creature of the state legislature which created it in 1984 to handle the state's sewer and water operations. It is an independent authority, empowered to sell bonds and enter into contracts.

The MWRA's purpose was to organize and bring about a federal court ordered cleanup of Boston Harbor. The cost of the cleanup, conservatively estimated to be more than $3 billion, is borne almost entirely by ratepayers in the 61 Eastern Massachusetts communities of the MWRA district.

Because water and sewer bills here are among the highest in the nation, the performance of the MWRA is a major concern to citizens and the business community.

The Kalwall contract and other recent developments have raised questions about the MWRA's operation.

Last month, evidence was published that showed the MWRA's long-held and controversial determination to build a sludge dump in Walpole posed a threat to the town's drinking water. Tests that produced the evidence had been deemed unnecessary by the MWRA.

On Jan. 25, the Boston Herald reported that the state attorney general's office was conducting a criminal investigation into the performance of a Quincy firm operating under no-bid contracts with the MWRA worth more than $3 million for hauling gravel to Deer Island.

But the creation of contracts which benefited Kalwall has implications beyond Massachusetts. Two industry giants, BP Chemicals and Dupont, have alleged in letters to the commonwealth that Kalwall is using the MWRA's action to "discredit" competitors' products and "influence" other contracts "throughout the US."

Kalwall's competitors use BP and Dupont products to produce their translucent windows.

In Massachusetts and nationally, the field of major competitors offering industrial window panels is small — no more than a handful, including Kalwall. Founded 38 years ago, Kalwall claims the largest share of the national market and has been involved in state work in Massachusetts since the 1970s.

The major fiberglass panel manufacturers, with the single important exception of Kalwall, coat their product with "Tedlar," a patented Dupont polymer which, among other things, insulates against ultra-violet light and inhibits discoloration.

IN 1991, the MWRA issued specs for six contracts for installation of translucent windows in buildings to be constructed for the harbor cleanup on Deer Island. The specs excluded products coated with Tedlar. Contained within the pages of the lengthy specifications is the following paragraph for each contract:

"The exterior faces shall have a self-cleaning thermoset acrylic urethane surface molecularly bonded under factory controlled conditions, minimum thickness 1.2 mills thick, fully field restorable if worn or damaged. Tedlar film is not acceptable."

The wording of that paragraph in the MWRA specs is virtually identical to the wording of the proposed specs written by Kalwall and found in an internal Kalwall memo to its specification writers, dated January, 1991. (The only difference: The MWRA inexplicably added the word "thickness" to Kalwall's specs.)

The final sentence — "Tedlar film is not acceptable" — was the key; its presence in the MWRA specs effectively ensured Kalwall monopoly status with the authority. As a result, the MWRA left itself no way to determine the fairness of the price of the work to be done by Kalwall or overall quality of the proposal.

To prevent excessive charges to the commonwealth and encourage fair access to state work, Massachusetts general law Chapter 30, section 39M(b), written to ensure open competition for state contracts, prohibits so-called "proprietary" specifications that can be met by only one firm.

The only circumstance that can legally justify a proprietary spec is a written finding by the contracting authority of "sound reasons in the public interest." (For example, a written finding that a specific detergent with unique biodegradable qualities satisfies the "sound reason" exemption from the competitive bidding law could justify a proprietary spec for a cleaning agent.)

The MWRA made no such finding in publishing contract language for translucent windows; indeed, the MWRA has denied that the specs for the Deer Island window work were proprietary.

The MWRA took that position Nov. 1, 1991, in a hearing before the state Department of Labor and Industries. L&I was conducting an investigation into a complaint brought against the MWRA by a Kalwall competitor that had effectively been prevented by the anti-Tedlar language in the specs from bidding on the contracts.

L&I REJECTED the MWRA's claim that the specs were "generic" and its argument that the contract, therefore, was not proprietary.

"...that generic description contains an express prohibition against using Tedlar ... and Kalwall is the only manufacturer which does not use Tedlar," concluded Sheila L. Morton, senior counsel to L&I. In her legal opinion, she found that the specs were, in fact, proprietary.

However, L&I decided against "imposing the draconian remedy of rebidding the project." Morton based that ruling on her finding that the MWRA, when asked at the hearing, had presented a case that "minimally" met the legal standard to justify proprietary language (which the MWRA had denied it had written.)

To rationalize the contract for Kalwall which excluded competitors who use Tedlar i.e. all competitors, the MWRA, according to the statute, would have had to believe that Tedlar-coated units were so inferior that "for sound reasons" it was "in the public interest" to prohibit their use.

At the L&I hearing, the MWRA produced copies of two letters from Dupont which, according to the MWRA, indicate "problems with Tedlar." The MWRA testified it was Metcalf and Eddy, its design consultant for the Boston Harbor cleanup project, that recommended prohibiting Tedlar (and therefore competition for the contracts), and that the two letters "served as the basis" of that decision by the MWRA.

However, the letters, copies of which have been obtained by the Chronicle, make no reference to the field or bench tests of Tedlar, nor do they contain information remotely relevant to the Deer Island projects. In fact, the letters provide no basis for a judgment against Tedlar, which has been widely accepted as the industry standard for the exterior protection of panels for more than 15 years.

One letter, written in 1980, was two paragraphs in length. In it, a Dupont marketing representative, writing to Kalwall President Richard Keller, did nothing but respond informally to a question about warrantees.

The second letter, written in 1986, was five paragraphs long. In it a senior technical services specialist, Donald D. Wilson (now retired), responding to a request, offered a competitor to Kalwall informal guidance in the field repair of Tedlar-coated sheets.

The process, Dupont's Wilson wrote, "is much the same as is commonly done in automotive refinish shops."

Late last February, approximately 12 weeks after L&I declined to invalidate the contracts held by Kalwall, Dupont and BP Chemicals filed vigorous objections.

Wilson, in a letter to L&I, said Dupont was deeply distressed" by the MWRA's decision and the L&I ruling. He charged that the letters cited by the MWRA were quoted "out of context" and used in a "misleading way.

He also asserted: "This ruling is now being used to influence other specifications throughout the US."

BP Chemicals, which makes panels coated with Tedlar, warned the commonwealth of "serious concerns that have arisen in the translucent panel industry," since the L&I ruling that allowed Kalwall to keep its MWRA contracts.

"The Kalwall Corporation has been using the Department of Labor and Industries decision to discredit" BP wall and skylight products "throughout American markets," wrote BP Chemicals vice president Larry Wentz.

After chastising L&I for a decision "devoid of any substantive technological justification," and instead based on "letters taken out of context," Wentz said L&I "could better serve the public interest by examining the detrimental effects a ruling such as this has had on competition in the marketplace through its misuse by Kalwall."

When asked if he was aware that beyond the MWRA, government contracting agencies nationally were using the anti-Tedlar language in specs, Kalwall's Bruce Keller said, "Right. We hope so."

He said BP's and Dupont's complaint reflected frustration over Kalwall's recent successes. "The customer is not getting screwed. It's free choice. People can do what they want."

Retired Boston Globe reporter Bill Coughlin assisted in the development of this story.

Food For Free to buy refrigerated van

Food For Free has been selected as one of 24 food rescue programs nationwide for 1993 funding in the second phase of a hunger relief initiative by The UPS Foundation, the charitable arm of United Parcel Service.

The Cambridge-based Food For Free Commitee, Inc., will use a one-year grant of $12,000 to purchase its first refrigerated truck. The truck will be an improvement over the unrefrigerated cargo van the program currently uses for food pickups and deliveries.

With the truck, the committee will be able to increase its collection and distribution of high-quality prepared food donations — a category of food that it could not actively solicit without a refrigerated vehicle due to health-safety concerns. The foundation's grant matches funds previously raised by the committee for the purchase of the truck.

"This grant allows us to carry greater amounts of food with greater efficiency," said Janet Murray, a Food For Free staff member. "One of the notions that is very important to us is that there is so much food out there and so many people going hungry. That is one of the contradictions that we are trying to correct."

Founded in 1980, the Food For Free Committee is one of the oldest prepared and perishable food programs in the nation.

In 1992, the committee distributed approximately 350,000 pounds of surplus perishable food. This food was received from 16 donors and distributed to 30 agencies. In 1993, the committee hopes to distribute 375,000 pounds of surplus prepared and perishable food.

Through its Prepared and Perishable Food Program initiative, The UPS Foundation has supported the development and expansion of programs that provide safe, effective and efficient channels for redistributing surplus cooked and fresh foods to people in need.

Walsh motions rejected by fellow councilors

WALSH, from page 1

Citing the popular trend as having "pros and cons," Walsh urged the body to put the issue to a vote.

Not surprisingly, the council quickly extinguished the motion, with only Sheila Russell supporting Walsh's effort.

"Term limits are already in place. The voters have that power in their hands," said Councilor Tim Toomey.

Once rejected, Walsh tried again with a motion to tax university-owned property that is currently tax-exempt. The idea, said Walsh, would be to create legislation which would tax university real estate not used for educational or housing purposes. The tax rate, he added, would be based on 50 percent of fair market value.

But Vice Mayor Ed Cyr raised questions on the order's legality. And with councilors supporting another order by Councilors Alice Wolf and Toomey that asked for a special legislation package that targeted tax-exempt universities, Walsh's motion was doomed.

Rather than take three strikes, Walsh called it a night by tabling his third order. That, a request to hold city council meetings every first and third Monday of each month and use the other sessions for public hearings, is on tap for next week.

But a week's wait probably won't do the measure any good, not with the provision Walsh included calling for councilors to cut their own salaries in half to hire additional council support staff.

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FRESH, GRADE A CHICKEN BREAST DRUMSTICK THIGH COMBINATION 59¢
FRESH, GRADE A CHICKEN LEG QUARTERS 39¢ lb.
GRADE A CHICKEN DRUMSTICKS OR THIGHS 49¢ lb.
FRESH, GRADE A PERDUE ROASTING CHICKEN 69¢ lb.
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BACON 1.49 lb.
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See next week's paper for more information

CAMBRIDGE TRUST COMPANY
CAMBRIDGE, MIDDLESEX, MASSACHUSETTS 02238
FEDERAL RESERVE DISTRICT NO. 011300595
CLOSE OF BUSINESS DATE 12/31/92

Dollar Amount in Thousands

	Bil.	Mil.	Thou.	
ASSETS				
1. Cash and balances due from depository institutions:				
a. Noninterest - bearing balances and currency and coin			27,566	1.a.
b. Interest - bearing balances			0	1.b.
2. Securities			131,862	2.
3. Federal funds sold and securities purchased under agreements to resell in domestic offices of the bank and of its Edge and Agreement subsidiaries, and in IBFs			14,600	3.
4. Loans and lease financing receivables:				
a. Loans and leases, net of unearned income			152,474	4.a.
b. LESS: Allowance for loan and lease losses			2,700	4.b.
c. LESS: Allocated transfer risk reserve			0	4.c.
d. Loans and leases, net of unearned income, allowance, and reserve (Item 4.a minus 4.b and 4.c)			149,774	4.d.
5. Assets held in trading accounts			0	5.
6. Premises and fixed assets (including capitalized leases)			6,695	6.
7. Other real estate owned			0	7.
8. Investments in unconsolidated subsidiaries and associated companies			0	8.
9. Customers' liability to this bank on acceptances outstanding			0	9.
10. Intangible assets			0	10.
11. Other assets			6,185	11.
12. Total assets (sum of items 1 through 11)			336,682	12.
LIABILITIES				
13 Deposits:				
a. In domestic offices			306,558	13.a
(1) Noninteresting - bearing			68,684	13.a.(1)
(2) Interest - bearing			237,874	13.a.(2)
b. In foreign offices, Edge and Agreement subsidiaries and IBFs				13.b.
(1) Noninterest - bearing				13.b.(1)
(2) Interest - bearing				13.b.(2)
14. Federal funds purchased and securities sold under agreement to repurchase in domestic offices of the bank and of its Edge and Agreement subsidiaries, and in IBFs			0	14.
15. Demand notes issued to the U.S. Treasury			0	15.
16. Other borrowed money			3,243	16.
17. Mortgage indebtedness and obligations under capitalized leases			0	17.
18. Bank's liability on acceptances executed and outstanding			0	18.
19. Notes and debentures subordinated to deposits			0	19.
20 Other liabilities			2,876	20.
21. Total liabilities (sum of items 13 through 20)			312,677	21.
22. Limited - life preferred stock			0	22.
EQUITY CAPITAL				
23. Perpetual preferred stock (No. of shares outstanding 0)			0	23.
24. Common stock (No. of shares a. Authorized 2,000 b.Outstanding 674)			674	24.
25. Surplus			4,634	25.
26. Undivided profits and capital reserves			18,697	26.
27. Cumulative foreign currency translation adjustments				27.
28. Total equity capital (sum of items 23 through 27)			24,005	28.
29. Total liabilities, limited - life preferred stock, and equity capital (sum of items 21, 22, and 28)			336,682	29.
MEMORANDA: Amounts outstanding as of Report Date:				MEMO
1.a Standby letters of credit, Total			3,947	1.a
1.b Amount of Standby letters of credit in memo 1.a conveyed to others through participations			0	1.b

NOTE: This report must be signed by an authorized officer(s) and attested by not less than three directors other than the officer(s) signing the report.

We, the undersigned officer(s), do hereby declare that this Report of Condition has been prepared in conformance with official instructions and is true to the best of my knowledge and belief.

SIGNATURE OF OFFICER(S) AUTHORIZED TO SIGN REPORT	DATE SIGNED
Robert P. McDonald	1/27/93
NAME AND TITLE OF OFFICER(S) AUTHORIZED TO SIGN REPORT	AREA CODE/PHONE NO.
Robert P. McDonald, Sr. Vice President/Treasurer	(617) 349-1537

We, the undersigned directors, attest the correctness of this Report of Condition and declare that it has been examined by us and to the best of our knowledge and belief has been prepared in conformance with official instructions and is true and correct.

SIGNATURE OF DIRECTOR	SIGNATURE OF DIRECTOR
James F. Dwinell, III	Lewis H. Clark

(NOTARY'S SEAL)

State of Massachusetts, County of Middlesex ss.

Sworn to and subscribed before me this 27th day of January 1993 and I hereby certify that I am not an officer or director of this bank.

My commission expires February 8, 1995.

SCHEDULE R - STATEMENT OF TRUST DEPARTMENT

CAMBRIDGE TRUST COMPANY — **CLOSE OF BUSINESS 12/31/92**

		BOOK VALUES ("000" omitted)
		DISCRETIONARY
		Bil. Mil. Thou.
Demand Deposits	H010	19,229
Time Deposits	H020	327
Savings Deposits	H030	0
U. S. Government and Agency Obligations	H040	69,130
S.C.M. Obligations	H050	21,188
Other Bonds and Notes	H060	5,430
Stocks	H070	100,280
Real Estate Owned	H080	2,342
Real Estate Receivables	H090	2,096
All Other Assets	H100	3,100
TOTAL ASSETS	H110	223,122
Trusts, Estates, Agencies, etc.	H120	215,244
Employee Benefit Trusts	H130	4,666
Employee Benefit Agencies	H140	3,212
All Others	H150	0
TOTAL LIABILITIES	H160	223,122

MEMORANDUM		Bil. Mil. Thou.	Number of Accounts/Funds
Common Trust Funds, less unit values	H170	948	
Corporate Trust Cash and Assets	H180	0	0
Discretionary Accounts	H190		536
Non-Discretionary Accounts	H200	267,643	408
Deposits in Commercial Department (*)	H210	1,899	
Market Value of Securities Pledged (*)	H220	10,530	

(*) Per requirements of General Laws, Chapter 167G, Section 8.

NOTE:

For purposes of this report, "discretionary accounts" are deemed to be any account in which the bank has investment discretion solely, or jointly with another.

In order to avoid duplication of common trust fund asset values, unit values should not be included in stock category. Common trust funds assets are to be slotted in their respective categories.

I, Robert P. McDonald, Sr. Vice President/Treas. of the above-named bank, do solemnly (swear) (affirm) that this report of the trust department is true and correct, to the best of my knowledge and belief.

Signature of officer authorized to sign the report:
Robert P. McDonald

(C)Feb.4
#22474

FIRST PUBLICATION NUMBER 2610
CITY OF CAMBRIDGE
In the Year One Thousand, Nine Hundred Ninety-Three
AN ORDINANCE

In amendment to the Municipal Code of the City of Cambridge

Be it ordained by the City Council of the City of Cambridge as follows:

Title 8 of the Code (Health and Safety) is hereby amended by striking out Chapter 8.20 of the Code (Recombinant DNA Technology) and substituting the following new Chapter 8.20:

Chapter 8.20
RECOMBINANT DNA TECHNOLOGY

Sections:

8.20.010 Purpose.
8.20.020 Definitions.
8.20.030 Cambridge Biosafety Committee-Membership - Staff.
8.20.040 Cambridge Biosafety Committee - Duties and responsibilities.
8.20.050 Permit requirements.
8.20.060 Institutional Biosafety Committees.
8.20.070 Reports.
8.20.080 Medical surveillance program.
8.20.090 Violation of guidelines - Notification.
8.20.100 Protection against rodents and insects.
8.20.110 Restrictions.
8.20.120 Enforcement.
8.20.130 Severability.

8.20.010 Purpose.

All use of recombinant DNA (RDNA) in the City of Cambridge shall be undertaken only in strict conformity with the Guidelines set out in Section 8.20.030 Cambridge Biosafety Committee - Membership - Staff.

A. The Cambridge Biosafety Committee (CBC) (formerly known as the Cambridge Biohazards Committee) shall be composed of the Commissioner or his/her designee, the Chairperson of the Cambridge Health Policy Board, or a board member designated by the Chairperson, and a minimum of three other members to be appointed by the City Manager. The City Manager is authorized to provide for the adequate staffing of the CBC. Members of the CBC shall be Special Municipal Employees.

B. The CBC and the Commissioner are authorized to retain competent professional assistance in carrying out their duties under this Chapter.

C. The salaries and expenses of the staff and consultants of the CBC under this Chapter shall be apportioned to the persons holding permits under Section 8.20.050.

8.20.040 Cambridge Biosafety Committee-Duties and Responsibilities.

The responsibilities of the CBC 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 CBC, 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 as permitted below.

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

D. Developing a procedure for persons to report to the CBC violations of this Chapter, the Guidelines or permit conditions.

8.20.050 Permit requirements.

All persons proposing to use RDNA must obtain a permit from the Commissioner with the approval of the CBC. Permit requirements shall, at a minimum, include written agreement to:

A. Follow the Guidelines as defined in this Chapter.

B. Follow other conditions set forth in this Chapter.

C. Allow reasonable inspections of facilities and pertinent records by the CBC.

D. Prepare a Health and Safety Manual which contains all procedures relevant to the use of RDNA at all levels of containment in use at the facility, and a program for waste disposal in compliance with all applicable federal, state and local laws. The Manual shall be submitted to the CBC for review.

E. Establish a training program of safeguards and procedures for personnel using RDNA.

Permits shall be issued and renewed on an annual basis. The Commissioner may establish fees for the issuance and renewal of permits.

8.20.060 Institutional Biosafety Committees.

The Institutional Biosafety Committees (IBC) shall be established in accordance with the Guidelines, except that the required composition of each IBC shall include at least one representative from the surrounding community approved by the Health Policy Board. The IBC shall be the final arbiter within an institution with regard to the implementation of this Chapter and the Guidelines.

8.20.070 Reports.

Each holder of a permit shall file regular reports with the CBC, in a manner to be determined by the CBC. All minutes of IBC meetings must be sent to the Commissioner and the CBC.

8.20.080 Medical surveillance program.

Each permit-holder must provide an appropriate medical surveillance program as determined by its IBC and consistent with the Guidelines. Such programs must be approved by the CBC.

8.20.090 Violation of Guidelines - Notification.

The permit-holder shall report, within thirty days, to the Commissioner and the CBC any significant problems with or violations of the Guidelines and any significant RDNA-related accidents or illnesses.

8.20.100 Protection against rodents and insects.

Effective rodent and insect control programs must be in place on premises where RDNA use under this Chapter takes place.

8.20.110 Restrictions.

A. RDNA use requiring containment defined by the Guidelines as "BL4" shall not be permitted in Cambridge.

B. Any accidental release which represents a significant potential hazard to employees or the public shall be reported to the Commissioner immediately, and in no case more than 24 hours after the release.

8.20.120 Enforcement.

A. Any person who violates any provision of this Chapter shall be subject to a fine of three hundred dollars ($300.00) per violation. Each day of violation shall constitute a separate and distinct offense.

B. Once a permit has been issued, it may be revoked, suspended, modified or not renewed by the Commissioner only upon a determination by the Commissioner and the CBC, after due notice and hearing, that the permit-holder has materially failed to comply with this Chapter, the permit agreements or the Guidelines.

C. Notwithstanding the above, the Commissioner, upon a determination that any violation constitutes an immediate and severe threat to the public health and safety, may order the immediate closure of any premises or laboratory engaging in or contributing to such threat, without prior notice and hearing but with subsequent notice and hearing.

8.20.130 Severability.

If any section, subsection, sentence, clause, or portion of this Chapter is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Passed to a second reading at the City Council meeting held on January 25, 1993 and on or after February 15, 1993 the question comes on passing to be ordained.

ATTEST:-
D. Margaret Drury
City Clerk

(C)Feb.4
#23011

CAMBRIDGE HOUSING AUTHORITY
OFFICE OF PLANNING AND DEVELOPMENT
INVITATION TO BID
Newtowne Court (MA 3-5)
Comprehensive Modernization

The Cambridge Housing Authority, Cambridge, Massachusetts (the Owner) invites sealed bids for the Newtowne Court (MA 3-5) Comprehensive Modernization Project.

This project consists of comprehensive modernization of 282 existing units to result in 266 renovated units and will include extensive site work, utility and landscape improvements; construction of porch and ramped entries at select locations; abatement of lead based paint and asbestos; and plumbing and electrical upgrade.

Estimated cost of this project is $14 million. The category for which the General Bidder must be DCPO-certified is General Building Construction.

General Bids will be accepted from bidders only when accompanied by a Certificate of Eligibility and an Update Statement (DCPO Forms CO7 and CO3).

Plans and Specifications will be available on Tuesday, January 26, 1993 after 10:00 AM at the Office of Planning and Development, Cambridge Housing Authority, 2nd Floor, 17 Sellers Street, Cambridge, Massachusetts. Bidders may obtain Plans and Specifications weekdays, between the hours of 9:00 AM and 5:00 PM by depositing $250.00 per set. This fee shall be refundable upon the return of the documents in usable condition within (30) days of the General Bid Opening, after which all deposits become the property of the Cambridge Housing Authority. Contract Documents will not be mailed. They may be examined at the plan room of Dodge Construction Reports, Prudential Tower, Suite 320, 800 Boylston Street, Boston, Massachusetts or at the Office of Planning and Development of the Cambridge Housing Authority.

Site Inspection will be held as follows:

Prior to Sub-Bid Opening: 10:00 AM Tuesday, February 2, 1993, 1:00 PM Monday, February 8, 1993

Prior to General Bid Opening: 10:00 AM Thursday, February 18, 1993, 1:00 PM Wednesday, February 24, 1993

Interested parties will meet at:

Pisani Center, 131 Washington Street, Cambridge, Massachusetts

Each bidder shall visit the site of the proposed work and become fully acquainted with conditions as they exist in order to fully understand the conditions, difficulties and restrictions attending the execution of the work under this contract. By submitting a bid, the bidder agrees and warrants that he has examined the site, specifications and drawings, that the specifications and drawings are adequate and that the required result can be produced under the specifications and drawings. No increase in the contract sum nor claim for damages due to delay will be permitted as a result of the contractor's failure to accomplish any or all of these requirements.

Each bidder shall base his/her bid on the timely progression and completion of the work within the time for completion stated within the specification.

Bid Documents submitted by all bidders shall be in a sealed envelope, which shall be clearly labeled with the words "Bid Documents for Comprehensive Modernization of Newtowne Court (MA 3-5)," and the firm name of the bidder. In addition, sub-bids shall state on the envelope the sub-contract section to which their bid applies.

Filed Sub Bid Sections for this Work are:

* Masonry	* Resilient Flooring
* Misc. Metal	* Painting
* Roofing	* Plumbing
* Aluminum Windows	* HVAC
* Ceramic Tile	* Electrical

Filed Sub Bids for the trades listed above will be received no later than 10:00 AM on Friday February 12, 1993 at 17 Sellers Street at the CHA's Office of Planning and Development. Sub-bids shall be clearly marked "Sub-bid for Section _____ (name of sub-trade)."

Only sub-contract bids for trades which are listed above shall be submitted to the Authority.

General Bids shall be submitted with DCPO Forms CQ7 (Certificate of Eligibility) and CQ3 (Update Statement) no later than 10:00 AM on Wednesday, March 3, 1993 at the above address of the CHA's Office of Planning and Development. Bids not accompanied by DCPO forms CQ7 and CQ3 will be rejected by the Authority.

Every General Bid and Filed Sub Bid shall be accompanied by a Bid Deposit payable to the CHA in the form of cash, certified check payable to the order of the Cambridge Housing Authority, bid bond with acceptable sureties, or treasurer's or cashier's check issued by a responsible bank or trust company qualified to do business in Massachusetts, in the amount of 5% of the bid. The bid security shall secure the execution of the contract and the furnishing of performance and payment bonds by the successful General Bidder as specified in the Contract Documents. All general bids and sub-bids are subject to the provisions of M.G.L., Chapter 30, Section 39M, and Chapter 149, Section 44A to J inclusive. All other applicable state laws, municipal ordinances, and the rules and regulations of all authorities having jurisdiction over construction of the project shall apply to the contract throughout, and they will be deemed to be included in the contract as if written out in full.

Bids may be mailed to the Cambridge Housing Authority, 17 Sellers Street, Cambridge Massachusetts 02139 Attention: Louise Ortler.

The successful bidder will be required to furnish a Performance Bond and Payment Bond as set forth in the Specifications, each in the full amount of the contract.

General Bidders must agree to contract with minority and woman-owned businesses as certified by the State Office of Minority and Women Business Assistance (SOMWBA). The amount of participation reserved for such enterprises shall not be less than $502,495.00 contracted with minority-owned business enterprises and not less than $209,373.00 contracted with women-owned business enterprises.

The Awarding Authority reserves the right to reject any and all bids and to waive any informalities in the bidding if it is in the public interest to do so. The Cambridge Housing Authority also reserves the right to reject the bids if less than three bids are received.

The wages paid to all employees on this project shall not be less than the U.S. Department of Labor Minimum Wage Rates. Refer to wage rate schedule in the project Specification.

The Cambridge Housing Authority is a tax-exempt organization. Bids shall not include sales tax on any and all building materials and supplies required for the work of this project. The exemption number assigned to the Authority will be given to the General Contractor at the Preconstruction Conference.

No interpretations of the meaning of the plans, specifications or other pre-bid documents will be made to any bidder orally. Every request for such interpretation must be in writing and addressed to the Architect:

Steffian Bradley Associates, Inc.
100 North Washington Street
Boston, Massachusetts 02114-8959

ALL BIDDERS PLEASE NOTE: EQUAL EMPLOYMENT OPPORTUNITY GUIDELINES REGARDING EMPLOYMENT OF MINORITIES AND FEMALES SHALL BE STRICTLY ENFORCED ON THIS PROJECT. PLEASE REFER TO LABOR REGULATIONS SECTION OF THE SPECIFICATION.

ALL BIDDERS PLEASE NOTE: THIS SPECIFICATION CONTAINS NEWLY REVISED HUD DOCUMENTS, INCLUDING "INSTRUCTIONS TO BIDDERS", "REPRESENTATIONS, CERTIFICATIONS AND OTHER STATEMENTS OF BIDDERS", AND "GENERAL CONDITIONS OF THE CONTRACT FOR CONSTRUCTION". BIDDERS ARE EXPLICITLY CAUTIONED TO READ THESE SECTIONS CAREFULLY AND TO CONFORM TO ALL REQUIREMENTS INCLUDED THEREIN.

(C)Jan.28,Feb.4
#22929

CAMBRIDGE HOUSING AUTHORITY
OFFICE OF PLANNING AND DEVELOPMENT
INVITATION TO BID
John F. Kennedy Apartments (MA 3-2)
Modernization of Balcony Egress and Associated Work

The Cambridge Housing Authority, Cambridge, Massachusetts invites sealed bids for John F. Kennedy Apartments (MA 3-2) Modernization of Balcony Egress and Associated Work in accordance with the documents prepared by Downer and Mostue Architects, Inc.

This project generally consists of the installation of approximately 84 new aluminum clad/ wood framed sliding door and window units, repair of existing aluminum double hung windows (approximately 250 locations), and repair of damaged and spalled areas of existing concrete balconies.

Estimated cost of this project is $185,000. The category for which the General Bidder must be DCPO-certified is General Building Construction. General Bids will be accepted from bidders only when accompanied by a Certificate of Eligibility and an Update Statement (DCPO Forms CO7 and CO3).

Plans and Specifications will be available on Wednesday, February 10, 1993 after 10:00 AM at the

Office of Planning and Development,
Cambridge Housing Authority
17 Sellers Street, 2nd floor
Cambridge, Massachusetts

Bidders may obtain Plans and Specifications weekdays, between the hours of 9:00 AM and 5:00 PM by depositing $50.00 per set. This fee shall be refundable upon the return of the documents in usable condition within (30) days of the General Bid Opening, after which all deposits become the property of the Cambridge Housing Authority. Contract Documents will not be mailed. They may be examined at the plan room of Dodge Construction Reports, Prudential Tower, Suite 320, 800 Boylston Street, Boston, Massachusetts or at the Office of Planning and Development of the Cambridge Housing Authority.

Site Inspection will be held as follows:

Wednesday, February 17, 1993
10:00 am-11:30 am
John F. Kennedy Apartments
55 Essex Street, Cambridge, Massachusetts

Each bidder shall visit the site of the proposed work and become fully acquainted with conditions as they exist in order to fully understand the conditions, difficulties and restrictions attending the execution of the work under this contract. By submitting a bid, the bidder agrees and warrants that s/he has examined the site, specifications and drawings, that the specifications and drawings are adequate, and that the required result can be produced under the specifications and drawings. No increase in the contract sum nor claim for damages due to delay will be permitted as a result of the contractor's failure to accomplish any or all of these requirements.

Each bidder shall base his/her bid on the timely progression and completion of the work within the time for completion stated within the specifications.

Bid Documents submitted by all bidders shall be in a sealed envelope which shall be clearly labeled with the words "Bid Documents for John F. Kennedy Apartments (MA 3-2) Modernization of Balcony Egress and Associated Work," and the firm name of the bidder.

General Bids shall be submitted with DCPO Forms CQ7 (Certificate of Eligibility) and CQ3 (Update Statement) no later than 10:00 AM on Wednesday, February 24th, 1993 at the above address of the CHA's Office of Planning and Development. Bids not accompanied by DCPO forms CQ7 and CQ3 will be rejected by the Authority.

Every General Bid shall be accompanied by a Bid Deposit payable to the CHA in the form of cash, certified check payable to the order of the Cambridge Housing Authority, bid bond with acceptable sureties, or treasurer's or cashier's check issued by a responsible bank or trust company qualified to do business in Massachusetts, in the amount of 5% of the bid. The bid security shall secure the execution of the contract and the furnishing of performance and payment bonds by the successful General Bidder as specified in the Contract Documents. All general bids and sub-bids are subject to the provisions of M.G.L., Chapter 30, Section 39M, and Chapter 149, Section 44A to J inclusive. All other applicable state laws, municipal ordinances, and the rules and regulations of all authorities having jurisdiction over construction of the project shall apply to the contract throughout, and they will be deemed to be included in the contract as if written out in full.

Bids may be mailed to the Cambridge Housing Authority, 17 Sellers Street, Cambridge Massachusetts 02139 Attention: Jen Feigel. Mailed bids must be received by the time and date of the above deadline to be considered valid.

The successful bidder will be required to furnish a Performance Bond and Payment Bond as set forth in the Specifications, each in the full amount of the contract.

The Awarding Authority reserves the right to reject any and all bids and to waive any informalities in the bidding if it is in the public interest to do so. The Cambridge Housing Authority also reserves the right to reject the bids if less than three bids are received.

The wages paid to all employees on this project shall not be less than the U.S. Department of Labor Minimum Wage Rates. Refer to wage rate schedule in the project Specification.

The Cambridge Housing Authority is a tax-exempt organization. Bids shall not include sales tax on any and all building materials and supplies required for the work of this project. The exemption number assigned to the Authority will be given to the General Contractor at the Preconstruction Conference.

No interpretations of the meaning of the plans, specifications or other pre-bid documents will be made to any bidder orally. Every request for such interpretation must be in writing and addressed to the Architect:

Downer and Mostue Architects, Inc.
13 Regent Street
Cambridge, Massachusetts

ALL BIDDERS PLEASE NOTE: EQUAL EMPLOYMENT OPPORTUNITY GUIDELINES REGARDING EMPLOYMENT OF MINORITIES AND FEMALES SHALL BE STRICTLY ENFORCED ON THIS PROJECT. Please refer to LABOR REGULATIONS section of the specification.

ALL BIDDERS PLEASE NOTE: This specification contains newly revised HUD documents, including "INSTRUCTIONS TO BIDDERS", "REPRESENTATIONS, CERTIFICATIONS AND OTHER STATEMENTS OF BIDDERS", and "GENERAL CONDITIONS OF THE CONTRACT FOR CONSTRUCTION". BIDDERS ARE EXPLICITLY CAUTIONED TO READ THESE SECTIONS CAREFULLY AND TO CONFORM TO ALL REQUIREMENTS INCLUDED THEREIN.

(C)Feb.4
#22472

NOTICE OF MORTGAGEE'S SALE OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain mortgage given by **James H. Platt and Patricia A. Cole-Platt a/k/a Patricia A. Cole** to Mortgage Investors Corporation, dated November 24, 1986 and recorded with the Middlesex County (Southern District) Registry of Deeds, at Book 17617, Page 297, and an amended and restated mortgage dated November 27, 1987 and recorded with Middlesex County (Southern District) Registry of Deeds, at Book 18736, Page 243, and a first amended and restated mortgage dated March 9, 1988 and recorded with Middlesex County (Southern District) Registry of Deeds, at Book 18934, Page 186, and a second amended and restated mortgage dated December 29, 1988 and recorded with Middlesex County (Southern District) Registry of Deeds, at Book 19596, Page 253, of which mortgage Mortgage Investors Funding Trust I by: Congress Realty Financial Limited Partnership by: Congress Realty Financial Corp., its General Partner is the present holder, for breach of the conditions of said mortgage and for the purpose of foreclosing, the same will be sold at Public Auction at 10:00 a.m. on February 11, 1993, on the mortgaged premises located at **50 Grozier Road, Unit 2, Cambridge,** Middlesex **County, Massachusetts,** all and singular the premises described in said mortgage,

TO WIT:

The following premises in the Day's Light Townhouse Condominium created by Master Deed recorded in Middlesex South Registry of Deeds, Book 14735, Page 475, as follows:

Unit No. 2, containing Two Thousand One Hundred Ninety (2190) square feet, more or less, the address of which is 50 Grozier Road, said Cambridge, and is laid out and as shown on the plan recorded with mortgagor's unit deed referred to below, and which plan is a copy of the plan filed with said Master Deed.

the said Unit is conveyed together with: (a) An undivided interest of 50% in the common areas and facilities described in said Master Deed, and (b) the benefit of and subject to all easements, rights, reservations, restrictions, agreements and provisions contained in the said Master Deed, the Declaration of Trust creating the Day's Light Townhouse Condominium Trust, and the by-laws contained therein, all duly filed with said Registry, or as the same may be amended of record, and the Rules and Regulations from time to time promulgated thereunder as authorized therein, and including, without limitation, the restrictions set forth in said Master Deed that this Unit may be used only for residential purposes except as prescribed therein. The provisions of said Master Deed, the Plans filed therewith, and of said Declaration of Trust and the By-Laws contained therein (as the same may from time to time be amended by instrument duly filed with said Land Registration Office) are hereby incorporated by reference and constitute covenants running with the land and are and shall remain binding upon any person or persons having at any time any interest or estate in this Unit and persons claiming through or under them.

This mortgage is also made subject to and with the benefit of the provisions of General Laws Chapter 183A as now in force and as from time to time amended;

For title see deed recorded with Middlesex County (Southern District) Registry of Deeds, Book 14737, Page 304, and confirmatory deed recorded in said Deeds, Book 14831, Page 541.

The unit is subject to and has the benefit of all rights, restrictions, easements, agreements, interests and provisions contained in the Master Deed, the Declaration of Trust and the Rules and Regulations and By-Laws adopted thereto, as any of the same may be amended from time to time, as well as the provisions of Chapter 183A of the Massachusetts General Laws, as the same may be amended from time to time.

These premises will be sold and conveyed subject to and with the benefit of all rights, rights of way, restrictions, easements, covenants, liens or claims in the nature of liens; improvements, public assessments, any and all unpaid taxes, tax titles, tax liens, water and sewer liens and any other municipal assessments or liens, or existing encumbrances of record, which are in force and are applicable, created prior to the said mortgage which is being foreclosed whether or not reference to such restrictions, easements, improvements, liens or encumbrances is made in the deed.

TERMS OF SALE: A deposit of Seven Thousand Five Hundred ($7,500.00) Dollars by certified or bank check will be required to be paid by the purchaser at the time and place of sale. The balance is to be paid by bank or certified check at the Law Offices of Mark P. Harmon, 27 Needham Street, P.O. Box 339, Newton Highlands, Massachusetts 02161, within thirty (30) days from the date of sale. Deed will be prepared by purchaser for recording upon receipt in full of the purchase price.

Other terms, if any, to be announced at the sale.

MORTGAGE INVESTORS
FUNDING TRUST I
BY: CONGRESS REALTY
FINANCIAL LIMITED
PARTNERSHIP BY: CONGRESS
REALTY FINANCIAL CORP.,
ITS GENERAL PARTNER
Present holder of said mortgage
By its Attorneys,
LAW OFFICES OF MARK P. HARMON
Stanley S. Freedman, Esquire
27 Needham Street
P.O. Box 339
Newton Highlands, MA 02161
(617) 244-7505

(C)Jan.21,28,Feb.4
#23200

ADVERTISEMENT
CAMBRIDGE HOUSING AUTHORITY
OFFICE OF PLANNING AND DEVELOPMENT
INVITATION TO BID

The Cambridge Housing Authority, Cambridge, Massachusetts (the Owner) will receive sealed bids for: **Moving Services for the Newtowne Court (MA 3-5) Modernization Project** in accordance with documents prepared by the Cambridge Housing Authority. The number of families to be moved under this contract will range between 25 and 300.

Specifications and Contract Documents will be available on Monday, February 8, 1993 after 9:00 a.m. at the Office of Planning and Development, Cambridge Housing Authority, 2nd Floor, 17 Sellers Street, Cambridge, Massachusetts. Bidders may obtain Specifications and Contract Documents weekdays, between the hours of 9:00 AM and 5:00 PM. Specification and contract documents will not be mailed.

Interested parties should call Jen Faigel, Office of Planning and Development, at (617) 497-6800 with any questions regarding the project.

Site Inspection will be held on February 16, 1993, at 10:00 a.m. Interested parties will meet at:

Pisani Center, 131 Washington Street, Cambridge, Massachusetts

Bids shall be submitted no later than 10:00 am on Friday, February 22, 1993 and shall be received at the Office of Planning and Development, 17 Sellers Street, Cambridge, Massachusetts, 02139. Bids may be mailed to the attention of Jen Faigel at this address.

No bid deposit is required.

All bidding and contractual procedures included in the General Law of the Commonwealth of Massachusetts and United States of America shall be strictly adhered to, all as most recently amended.

The Awarding Authority reserves the right to reject any and all bids and waive any informalities in the bidding if it is in the public interest to do so. The Cambridge Housing Authority reserves the right to reject all bids if less than three bids are received.

Please note that any firm under contract for moving services at Newtowne Court (MA 3-5) is ineligible to bid on this project.

(C)Feb.4
#22464

Journey to Colombia yields new awareness of life

One Cantabrigian's sobering excursion to a beautiful South American country torn by poverty, drugs, and violence

BY AMY MILLER
Chronicle Staff

I wanted to go to Medellin so I could see the orchids that gave this city its nickname and smell the rich aroma of coffee that grows in surrounding hillsides.

I wanted to visit a city whose name brings to most minds throughout the world little besides cocaine and drug lords, but whose residents are known in South America as hard and honest workers whose ancestors refused to take on slaves when they settled the land in the 17th century.

My resolve to submerge myself in the utterly untold beauty of the home of the world's most famous drug cartel was strengthened several days beforehand by a 12-hour stay in Bogota, Colombia's capital and contender with Medellin for title as the hemisphere's most dangerous city.

I was in a bar in the Zona Rosa of Bogata, when the piercing black eyes of a vibrant young woman fell on me, a gringo where gringos don't tread. Recognizing me as a visitor, Margueritta told me, among other things, that she had been treated badly when she traveled. People assume, she said, "If I am Colombian, I am bad." She had promised herself while in Greece that she would bestow only kindness on visitors to her own country.

Thus Margueritta and her boyfriend, an Eye, Ear and Nose doc, bought me drinks, introduced their friends and offered to show me their city — the same city that has been victim to several bomb explosions creating dozens of fatalities in the two weeks since I left.

No matter, Margueritta and Gustavo became the first in a long line of Colombians — cab drivers, police officers, hotel clerks and people on the street — who made special efforts to keep me safe, and to show me a warm and friendly Colombia.

With such an introduction to this ruggedly beautiful Andes country, I stubbornly quashed signs of the poverty, cocaine trafficking and violence that have torn Colombia's justice system, cities, reputation and economy to shreds. Determinedly I headed to Medellin, land of eternal spring 5,405 feet up in the Andes.

Like Mr. Magoo walking blindly through the chaos of life, I wandered through a land unknown, oblivious and secure. Just as I have in so many cities, I headed into the streets to absorb the energy, sights and smells. I have studied drug policy, and I have a close friend from Medellin who is now living in Connecticut, so I was no stranger to the tragic history and story of this city of 2 million people.

But Medellin is no place for children.

I had walked beyond where the men with machine guns stood at least one per corner. I had passed from the streets lined with shoppers, flower vendors, clothing stores and restaurants. When I reached the furniture outlets and bars below Calle 46, I should have known to turn back.

The man grabbed the bag from my arms, facing me directly as he did so. Don't scream, don't run after him, several other men warned me. He'll kill you if you try. I didn't know if they were helping me, or him. Either way, I believed them.

In that minute, my rose-colored glasses were gone. A woman who had walked carefree through the city by morning, I was afraid to leave the car to get a new plane ticket and change dollars to pesos that afternoon. A visitor who had 12 hours earlier considered my hosts silly for locking their car doors in the traffic-filled downtown, I now pleaded with them to roll up the windows before we left the garage.

In the evening, we drove to the nearby town of Enviagado, home of the Escobars, one of three leading Medellin cartel families and site of the country-club jail from which Pablo Escobar ran his army, his cartel and his empire before he escaped this winter. From here, my hosts took me to Itagüi, "the land of the Ochoas." On the way home, they pointed to the district known as Pob ado which is made up of apartment buildings filled with mafiosa.

As we drove through the city, signs of security I had taken in stride elsewhere in Latin America — military officers with what I guessed to be M-16s, and street-level steel bars protecting stores and cashiers — loomed as reminders of my fragile mortality.

But the older couple hosting me wanted me to see that their city, like all the world's great cities, is safe if you know how to move in it. I no long believed them. They have lived most of a century in Medellin, in a country where violence is part of the landscape. And they have absorbed the increasing danger like a body absorbs and adjusts to toxins.

This gentle couple that treats me like a daughter travels several times a week between their elegant 10th floor apartment above the Parque de Bolivar to their Renoir-esq*efinca* in the hills, a Spanish colonial country home where they retreive flowers and fresh milk the caretakers have gathered and prepared.

I could see they did not feel a loss of freedom as the garage door clanked open, then shut behind them. On the way to the finca, with sensual Latin boleros whispering from the car radio, el Señor pointed to the parcel where he and his family once lived It was blown up, he said, by guerrillas — rebels angry at aristocracy like those who are now blowing up the electric plants.

Like many other Colombians whose homes were no longer safe, this couple has adjusted to an apartment in El Centro, where security is less of a daily threat.

From my perch in this Medellin apartment, I remembered the words of John Kenneth Galbraith, the Harvard economist whom I heard speak last fall at First Church Congregational.

In his recent work, the "The Culture of Contentment," Galbraith warned — with a poignancy that was alarming as I stared at the vendors, beggars and pedestrians from a balcony above El Parque Bolivar — that the more equal distribution of wealth is not a question of justice, but ultimately of freedom.

"What is perhaps most certain is the reaction of the community of contentment [the comfortable] to the miseries and violence of the urban slums and the probable reaction if the violence becomes more extreme," Galbraith said in his 1992 book.

Galbraith described a kind of prison defined by the haves protecting themselves from the have-nots. "The first development," he wrote, "one we can already see, is resort by the contented in the larger cities to ... the hiring of personal, neighborhood or apartment security guards or the escape to the preemptively safe suburbs... Something of the same can now be seen in the modern American city, and this development could be, and one can doubtless say will be, greatly extended."

Medellin was a caricature of Galbraith's warning.

Although the couple hosting me had been threatened by leftist rebels, it is the cocaine trade and cartels that have fueled Colombian violence in recent years. I wondered how much the two were intertwined, how much poverty fertilizes the ground for the cartels.

In Medellin, a pedestrian with one leg and a crutch weaseled between car lanes, vehicles passed regularly on curved, single-lane highways and people in wheelchairs selling lottery tickets appeared lucky to live at all.

To a North American, life looks like a cheap commodity in Colombia. People die daily from unnatural causes that have become natural in their world. Violent deaths are listed daily in El Mundo, and the nightly television news notes that Escobar is waging war on the country — again — and the death tally is growing daily.

I can imagine my hosts watching the news this week after two bombs exploded across town in Poblado — planted by Escobar, Escobar's enemies or the government. No one ever knows.

Watching the newscast, these life-long Medellin residents will shake their heads, pretty much like my parents do when CBS brings news of shootings in Harlem, or photos of starvation in Somalia.

By the time I left Colombia, my view was no longer rational, or in perspective. I was frightened by a land I could not understand, a world I had ceased to control.

On the Avianca plane to Cucuta, a city near the Venezuelan border, a brother and sister from Medellin befriended me. With sorrow for my lost bag, they drove me to the border and asked whether I'd ever go back to Medellin, the city of eternal spring.

Yes, of course, I told them. Robberies happen to all travelers at some point or another; it's all a part of discovery.

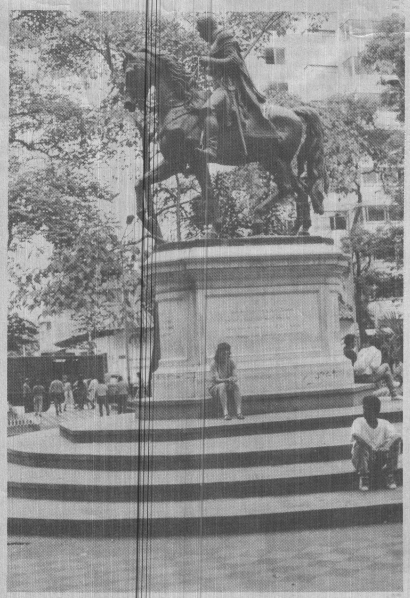
But in my heart, and in their eyes, is the knowledge that Medellin is not the same. The money and power of drugs, set in a country already ripped apart by unimaginable material inequities, have created a society lacking precedent.

When Avensa flight 800 from Caracas lands at Kennedy Airport, I feel something that others might call patriotism. I want to hug the immigration officer, if not kiss the ground.

A day later, as the first beggar approaches me back in Harvard Square, I avert my eyes and think of Colombia.

Looking away is a tiny, subtle move to avoid the truth, to protect the fortune in my relative comfort.

But I know more than ever how very delicate are my freedom and my existence, so incredibly peaceful by comparison.



Reporter Amy Miller sits by the monument to liberator Simon Bolivar. The marble pedestal, dedicated in 1923, is located in el Parque de Bolivar in the center of Medellin.

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CITY OF CAMBRIDGE
NOTICE OF A PUBLIC HEARING

Notice is hereby given, pursuant to the provisions of the Wetlands Protection Act, M.G.L. ch. 131, sec. 40, that the Cambridge Conservation Commission will hold a public hearing on Wednesday, February 10, 1993 at 7:30 p.m. in the Second Floor Conference Room, City Hall Annex, 57 Inman Street.

The hearing will consider a request for an Amended Order of Conditions for DEP File No. 123-91 by the management of the **Fresh Pond Golf Course.** The applicant has proposed additional drainage improvement work along the ninth fairway at the golf course, located on Fresh Pond Reservation. The work would occur on the Bank and in Buffer Zone of Little Fresh Pond.

Copies of the applicant's Notice of Intent and additional materials are available for review at the Conservation Commission's office, 57 Inman Street, second floor, 349-4680.

(C)Feb.4
#22469

THE COMMONWEALTH OF MASSACHUSETTS
LAND COURT
DEPARTMENT OF THE TRIAL COURT
(SEAL) **Case No. 189061**

To **Irene Splagounias,** Trustee of M and B Realty Trust and all persons entitled to the benefit of the Soldiers' and Sailors' Civil Relief Act of 1940 as amended: National Bank of Greece, S.A.; claiming to be the holder of a mortgage covering real property in **Cambridge,** Middlesex County at **50 Regent Street** given by Irene Splagounias, Trustee of M and B Realty Trust to National Bank of Greece, S.A., dated May 22, 1989, recorded with Middlesex Registry of Deeds (Southern District) at Book 19835, Page 339, has filed with said court a complaint for authority to foreclose said mortgage in the manner following; by entry and possession and exercise of power of sale.

If you are entitled to the benefits of the Soldiers' and Sailors' Civil Relief Act of 1940 as amended and you object to such foreclosure you or your attorney should file a written appearance and answer in said court at Boston on or before the 15th day of March 1993 or you may be forever barred from claiming that such foreclosure is invalid under said act.

Witness, ROBERT V. CAUCHON, Chief Justice of said Court this 28th day of January 1993.

Charles W. Trombly, Jr.
Recorder

(C)Feb.4
#22475

CITY OF CAMBRIDGE
Traffic and Parking

By force of the power vested in me by Special Act of the Legislature of 1961 (Chapter 455), I hereby amend the Traffic Regulations of the City of Cambridge by adding the following regulation.

REGULATION NO. 93-02

Regulation No. 66-1 Schedule 6A "Parking Prohibited At All Times On Certain Sides Of Certain Streets, Tow Away Zone" is hereby amended by adding the following:

Columbia Street, east side, 442'N of Cambridge Street to 466'N of Cambridge Street.

This regulation shall take effect 10 February 1993.

PROMULGATED DATE
Jan. 13, 1993

George Teso
Traffic Director

(C)Jan.28,Feb.4,11
#23039

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. Probate Court Case No. 92A0013-T1

To the alleged father of parts unknown represented to be the father of **Baby Boy Bukovnik,** a minor child received by the Adoption Center, Inc. under the provisions of General Laws, Chapter 119, Section 23.

A petition has been presented to said Court by Judith Muzzioli Bailey, Executive Director of Cambridge praying that said Court establish that the consent of said alleged father shall not be required upon a petition for adoption of said minor sponsored by your petitioner, as provided by the General Laws, Chapter 210, Section 3, as most recently amended.

If you desire to object thereto, you or your attorney should file a written appearance in said Court at Cambridge before ten o'clock in the forenoon on the 31st day of March 1993, the return day of this citation.

Witness Sheila E. McGovern, Esquire, First Judge of said Court, this 15th day of January 1993.

Donna M. Lambert
Register

(C)Jan.28,Feb.4,11
#23032

COMMONWEALTH OF MASSACHUSETTS
Middlesex ss. Probate Court No. 92D2167-D1
Shifa Salih Plaintiff
vs.
Nauria Neurhissien Defendant

To the above-named Defendant:

A complaint has been presented to this Court by your spouse, Shifa Salih, seeking a divorce.

You are required to serve upon Shifa Salih, plaintiff, whose address is 808 Memorial Dr., Apt. B505, Cambridge, MA 02139 your answer on or before April 20, 1993. If you fail to do so, the Court will proceed to the hearing and adjudication of this action. You are also required to file a copy of your answer in the office of the Register of this Court at Cambridge.

Witness, Sheila E. McGovern, Esq., First Judge of said Court at Cambridge.
Jan.26,1993

Donna M. Lambert
Register of Probate

(C)Jan.28,Feb.4,11
#23014

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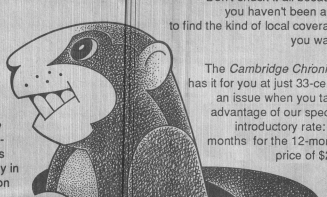

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MAIL TO: CAMBRIDGE CHRONICLE, CIRCULATION DEPT. , PO BOX 192, IPSWICH, MA 01938

CAMBRIDGE CHRONICLE

11/17 ①

Ord. Comm.
11/17/92
5:30

Proposed Changes to Recomb. DNA Ord

Present: C. Wolf C Dooley, C. Wood, C. Russell

Introduced Dr. Chalfin, Comm. of Health + Hosp
Spoke on behalf of Comb. Biohazards Committee
Introd Oliver Fortuna - also mem Health Policy
Alan Steinert

Dr. Chalfin introduced letter of Nov 17 describing the changes proposed

- amended ord. retains present strength
  - guidelines continue in force
  - Biohazards Committee has similar powers
- proposed various changes
  - def. of DNA amended to reflect recent changes
  - change in def. of releases to the environment
  - amendment process is changed
  - Comb. Biohazards Comm is renamed Comb Biosafety Committee
- also some changes in other regs + laws

C. Wolf noted letter for Cmb. Chamber of Commerce supporting proposed ordinance

~~Also noted letter~~ for

Don Drisdell proposed addit'l sentence to be added to 8.20.110.B

C. Wolf - will be incorporated in draft before us

C. Wolf asked M. Chalfin to explain elimination of large scale practice

Appendix K takes into acct the volumes covered by previous def. of large scale + ~~defines~~ sets out criteria for dealing w/ physical + biological containment of the various volumes

At the time the ord. was enacted, there was more uncertainty ~~Now guidelines~~

Believes pub. health + safety well preserved

C. Duckey: Ho there been any probs re health + safety

M. Chalfin - minor spills

C. Duckey: Are biotech companies supporting

MC Yes

C. Duckey: Are other changes requested not being recommended

MC ~~Basically~~ Generally all there.

11/17 (3)

Anthony Gennalbano
Mass Biotechnology Council Inc
One Kendall Square

Submitted letter on behalf of Mass Biotechnology Council Inc

Supports ordinance proposed changes
There has been a positive trade record over the past 17 yrs of no illnesses or injuries.

John Burn
76 Sparks St
Isle Dir
Whitehead Institute
Cmb.

Spoke in support of ord.

Daniel Libbenow
Biosafety officer
MIT

Supports ordinance
Important to our researchers
Protects safety

Susan Lee
Mgr of Environ Health + Safety
Biogen
14 Cambridge Center

Supports proposed amend
More efficient
Submitted written testimony

11/17 (4)

Jonathan Ginsberg
Camb. Chamber of Commerce

Read letter in support of ord.

Mary Splain
Camb. Kindge + Latin

Spoke in favor of ord. Benefits to biotech indust. that are safe are beneficial to youth

Phil Dussault
148 ~~Highlands~~ ?

Spoke in support of ordinance
~~Hu[illegible]~~

No testimony in opposition

C. Duehay m. that proposed ord change referred w/ recommend for its passage

~~UV/9-0~~

C. Duehay: Sat here when ord. was 1st proposed. Nobel prize winners speaking on various sides
Enthusiastic abt new biotech firms + safety record of industry

C. Wolf. When regulation is well thought thru, it

UV / ~~9~~-0
4

FOURTEEN CAMBRIDGE CENTER, CAMBRIDGE, MA 02142 • 617-252-9200 • FAX 617-252-9617

BIOGEN

My Name is Susan Lee. I am the Manager of Environmental Health and Safety and Biosafety Officer at Biogen. I would like to thank you for the opportunity to give Biogen's support of the proposed amendment to the rDNA Ordinance at this time.

Biogen is one of the original permitholders in Cambridge and our relationship with the Cambridge Biohazards Committee has been an effective one. Biogen has grown from a research "boutique" employing fewer than 20 people in 1981 to a company just shy of being a fully integrated pharmaceutical manufacturer employing more than 330 people. We sell drug and vaccines through our licensees generating the revenues to continue building the business. We are in the clinic testing the next generation of Biogen products and we are building the facilities to manufacture medicine here in Cambridge. The Cambridge rDNA Ordinance did not hinder development, but rather it made for a level playing field and a single, consistent set of standards by which to do our research. The NIH Guidelines which are the basis for the local ordinance were quite conservative at the outset, but prudent, given the lack of knowledge about risks of the technology at the time.

The proposed amendment brings 1981 rDNA ordinance up to date with current practice in the rest of the country and it puts into place a more efficient mechanism for adopting future changes. It uses the knowledge gained over the years about biological science and biological safety.

The adoption by NIH of Good Large Scale Practice (GLSP) level of containment more than one year ago is of particular practical importance to Biogen and, I expect, to other companies moving towards scale-up and full scale production. Containment facilities, equipment, and procedures continue where necessary, based on the hazard potential of the organisms involved. Under GLSP, some containment requirements are relaxed, making it significantly easier and less costly to make products using those organisms which have a long history of safe use at large scale. In our case, those products are human pharmaceuticals. GLSP makes sense from both a scientific and a business point of view.

In summary, the proposed change to the rDNA Ordinance will not diminish worker or public health since compliance with NIH Guidelines continues as the the basic requirement. Furthermore, IBC's and CBC continue their safety management and oversight responsibilities. This amendment brings the rDNA Ordinance to the present with respect to biosafety practice, and it provides the mechanism to stay up to date. The changes are good for Cambridge and good for the industry and Biogen supports this proposal.

MBC

Massachusetts Biotechnology Council, Inc.

One Kendall Square
Building 1400
Cambridge, MA 02139
(617) 577-8198
FAX 577-8985

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Garen G. Bohlin
Genetics Institute, Inc.

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Alison Taunton-Rigby
Genzyme Corp.

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Feinstein Partners Inc.

Marc E. Goldberg
MBRI

Ramesh L. Ratan
Repligen Corp.

James P. Sherblom
TSI Corp.

Alan W. Tuck
T Cell Sciences, Inc.

November 17, 1992

The Honorable Ordinance Committee
The Honorable City Council
City of Cambridge
Cambridge, Massachusetts 02139

My name is Anthony Gemmellaro. I am the Biosafety Officer and Environmental Health and Safety Specialist at Genetics Institute. Tonight, I represent the member companies of the Massachusetts Biotechnology Council (MBC) which is a statewide trade association representing more than 30 biotechnology companies in Cambridge. The MBC is committed to helping communities, local and state governments, and regulatory agencies understand biotechnology, its realized and potential contributions to society, the impetus it gives the economy, and the needs of the industry. A number of Biotechnology companies, including the president of the MBC, have sent letters to Dr. Chalfen in support of the proposed changes to the RDNA Ordinance.

Biotechnology has given medical science the opportunity to detect, and in some cases treat, diseases such as sickle-cell anemia, Tay-Sacks disease, diabetes and cystic fibrosis. Following initial concerns that genetic engineering could give rise to infectious organisms, a stringent set of guidelines was drawn up by the government and leading scientists in the mid-1970s to self-regulate research in this field. This became the National Institutes of Health (NIH) Guidelines for RDNA Research. The NIH Guidelines are the foundation of the current ordinance passed in 1981.

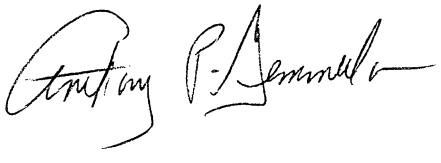
Can biotechnology risks be controlled? There has been a positive track record over the past 17 years with no illnesses or injuries associated with biotechnology.
The NIH has recently concluded that recombinant DNA techniques show no evidence that unique hazards exist. This is a key reason for updating guidelines and certain practices. They also stated that there is adequate scientific knowledge to guide the safe and prudent use of such organisms in the research and manufacturing laboratories.

By accepting the current guidelines and subsequent final notices, there would be a more efficient and effective system for adopting current regulations, rather than voting sections of the new NIH guideline as amendments to the ordinance. A change in the RDNA ordinance would help us understand compliance for industry by making guidelines easier to administer and more consistent, as well as improve the understanding of responsibilities for individual institutions.

This proposed amendment continues to require the IBC's to oversee the recombinant biosafety programs and review new and existing projects on an annual basis. Together, the IBC and CBC will continue to act in the best interest of the community.

The potential benefits of biotechnology includes improvements in medicine, agriculture and veterinary sciences. As a result, there are also benefits for the City of Cambridge, research institutions, and the biotechnology industry.

On behalf of the MBC, I strongly recommend and support the proposed changes to the RDNA Ordinance.



CAMBRIDGE CHAMBER OF COMMERCE

November 16, 1992

NOV 16 PM 1:35
CAMBRIDGE MA.

The Honorable Alice Wolf
Chair, Ordinance Committee
Cambridge City Council
City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

Dear Councillor Wolf:

The Chamber supports the proposed ordinance that seeks to alter Chapter 8.20 relative to Recombinant DNA Technology. The City Manager submitted the changes, as recommended by the Cambridge Biohazards Committee, on August 3, 1992.

The current ordinance is no longer consistent with new technological advances and recently promulgated federal regulations. Specifically, Chapter 8.20 was enacted prior to new amendments to the National Institute of Health Guidelines for Research Involving Recombinant DNA Molecules. The proposed ordinance would revise certain meanings and delineation in order to focus on safety rather than dictating specific compositions and substances. These changes are clearly acceptable for public health and safety and are in line with the NIHG amendments.

Passage of the revised ordinance would send a positive signal to the Bio-Tech and other high-tech industries in Cambridge. Expansion and recruitment of these firms will help to improve the economic health and well being of our city and state. The Chamber urges passage of this important proposed ordinance.

Sincerely,

Jonathan Ginsberg

Jonathan Ginsberg
Director of Public Affairs/Community Relations

859 MASSACHUSETTS AVE. CAMBRIDGE, MA 02139 (617) 876-4100

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

FAX (617) 349-4307

D. MARGARET DRURY
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

January 28, 1993

Mr. Russell B. Higley
City Solicitor
City Hall
Cambridge, MA 02139

Dear Russ:

Enclosed you will find a copy of a proposed amendment to the Municipal Code of the City of Cambridge which was passed to a second reading at the City Council meeting held on January 25, 1993 relative to Recombinant DNA Technology.

Would you kindly review this amendment and indicate your approval or disapproval on the bottom and return to this office.

Your kind attention in this matter will be greatly appreciated.

Very truly yours,

D. Margaret Drury

D. Margaret Drury
City Clerk

DMD/dl

Enc. First publication number 2610

c.c. Councillor Wolf, Chair, Committee on Ordinances
Joseph Cellucci, Inspectional Services Commissioner
Birge Albright, Law Dept.

FIRST PUBLICATION NUMBER 2610

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Three

AN ORDINANCE

In amendment to the Municipal Code of the City of Cambridge

Be it ordained by the City Council of the City of Cambridge as follows:

Title 8 of the Code (Health and Safety) is hereby amended by striking out Chapter 8.20 of the Code (Recombinant DNA Technology) and substituting the following new Chapter 8.20:

Chapter 8.20

RECOMBINANT DNA TECHNOLOGY

Sections:

8.20.010	Purpose.
8.20.020	Definitions.
8.20.030	Cambridge Biosafety Committee - Membership - Staff.
8.20.040	Cambridge Biosafety Committee - Duties and responsibilities.
8.20.050	Permit requirements.
8.20.060	Institutional Biosafety Committees.
8.20.070	Reports.
8.20.080	Medical surveillance program.
8.20.090	Violation of guidelines - Notification.
8.20.100	Protection against rodents and insects.
8.20.110	Restrictions.
8.20.120	Enforcement.
8.20.130	Severability.

8.20.010 Purpose.

All use of recombinant DNA (RDNA) in the City of Cambridge shall be undertaken only in strict conformity with the Guidelines set out in Section 8.20.020, the other requirements of this Chapter and health regulations promulgated by the Cambridge Commissioner of Health and Hospitals (the Commissioner).

8.20.020 Definitions.

a) "Guidelines" are defined as:

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 Molecules 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, and April 22, 1992.

3) Such amendments to (1) and (2) above which are adopted by the National Institutes of Health (NIH) and approved by the Commissioner. Amendments not acted upon by the Commissioner within sixty days shall be considered approved. In the event that the NIH shall discontinue or abolish its guidelines, those guidelines in effect at the time of such discontinuance shall remain in effect in Cambridge.

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 Commissioner. Amendments not acted upon by the Commissioner within sixty days shall be considered approved.

8.20.030 Cambridge Biosafety Committee - Membership - Staff.

A. The Cambridge Biosafety Committee (CBC) (formerly known as the Cambridge Biohazards Committee) shall be composed of the Commissioner or his/her designee, the Chairperson of the Cambridge Health Policy Board, or a Board member designated by the Chairperson, and a minimum of three other members to be appointed by the City Manager. The City Manager is authorized to provide for the adequate staffing of the CBC. Members of the CBC shall be Special Municipal Employees.

B. The CBC and the Commissioner are authorized to retain competent professional assistance in carrying out their duties under this Chapter.

C. The salaries and expenses of the staff and consultants of the CBC under this Chapter shall be apportioned to the persons holding permits under Section 8.20.050.

8.20.040 Cambridge Biosafety Committee - Duties and Responsibilities.

The responsibilities of the CBC 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 CBC, 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 Chapter.

D. Developing a procedure for persons to report to the CBC violations of this Chapter, the Guidelines or any health regulation.

8.20.050 Permit requirements.

All persons proposing to use RDNA must obtain a permit from the Commissioner with the approval of the CBC. Permit requirements shall, at a minimum, include written agreement to:

A. Follow the Guidelines as defined in this Chapter.

B. Follow other conditions set forth in this Chapter.

C. Allow reasonable inspections of facilities and pertinent records by the CBC.

D. Prepare a Health and Safety Manual which contains all procedures relevant to the use of RDNA at all levels of containment in use at the facility, and a program for waste disposal in compliance with all applicable federal, state and local laws. the Manual shall be submitted to the CBC for review.

E. Establish a training program of safeguards and procedures for personnel using RDNA.

Permits shall be issued and renewed on an annual basis. The Commissioner may establish fees for the issuance and renewal of permits.

8.20.060 Institutional Biosafety Committees.

The Institutional Biosafety Committees (IBC) shall be established in accordance with the Guidelines, except that the required composition of each IBC shall include at least one representative from the surrounding community approved by the Health Policy Board. The IBC shall be the final arbiter within an institution with regard to the implementation of this Chapter and the Guidelines.

8.20.070 Reports.

Each holder of a permit shall file regular reports with the CBC, in a manner to be determined by the CBC. All minutes of IBC meetings must be sent to the Commissioner and the CBC.

8.20.080 Medical surveillance program.

Each permit-holder must provide an appropriate medical surveillance program as determined by its IBC and consistent with the Guidelines. Such programs must be approved by the CBC.

8.20.090 Violation of Guidelines - Notification.

The permit-holder shall report, within thirty days, to the Commissioner and the CBC any significant problems with or violations of the Guidelines and any significant RDNA-related accidents or illnesses.

8.20.100 Protection against rodents and insects.

Effective rodent and insect control programs must be in place on premises where RDNA use under this Chapter takes place.

8.20.110 Restrictions.

A. RDNA use requiring containment defined by the Guidelines as "BL4" shall not be permitted in Cambridge.

B. Any accidental release which represents a significant potential hazard to employees or the public shall be reported to the Commissioner immediately, and in no case more than 24 hours after the release.

8.20.120 Enforcement.

A. Any person who violates any provision of this Chapter shall be subject to a fine of three hundred dollars ($300.00) per violation. Each day of violation shall constitute a separate and distinct offense.

B. Once a permit has been issued, it may be revoked, suspended, modified or not renewed by the Commissioner only upon a determination by the Commissioner and the CBC, after due notice and hearing, that the permit-holder has materially failed to comply with this Chapter, the permit agreements or the Guidelines.

C. Notwithstanding the above, the Commissioner, upon a determination that any violation constitutes an immediate and severe threat to the public health and safety, may order the immediate closure of any premises or laboratory engaging in or contributing to such threat, without prior notice and hearing but with subsequent notice and hearing.

8.20.130 Severability.

If any section, subsection, sentence, clause, or portion of this Chapter is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Passed to a second reading at the City Council meeting held on January 25, 1993 and on or after February 15, 1993 the question comes on passing to be ordained.

ATTEST:- D. Margaret Drury
City Clerk

FIRST PUBLICATION NUMBER 2610

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Three

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

D. Developing a procedure for persons to report to the CBC violations of this Chapter, the Guidelines or any health regulation.

8.20.050 Permit requirements.

All persons proposing to use RDNA must obtain a permit from the Commissioner with the approval of the CBC. Permit requirements shall, at a minimum, include written agreement to:

A. Follow the Guidelines as defined in this Chapter.

B. Follow other conditions set forth in this Chapter.

C. Allow reasonable inspections of facilities and pertinent records by the CBC.

D. Prepare a Health and Safety Manual which contains all procedures relevant to the use of RDNA at all levels of containment in use at the facility, and a program for waste disposal in compliance with all applicable federal, state and local laws. the Manual shall be submitted to the CBC for review.

E. Establish a training program of safeguards and procedures for personnel using RDNA.

Permits shall be issued and renewed on an annual basis. The Commissioner may establish fees for the issuance and renewal of permits.

8.20.060 Institutional Biosafety Committees.

The Institutional Biosafety Committees (IBC) shall be established in accordance with the Guidelines, except that the required composition of each IBC shall include at least one representative from the surrounding community approved by the Health Policy Board. The IBC shall be the final arbiter within an institution with regard to the implementation of this Chapter and the Guidelines.

8.20.070 Reports.

Each holder of a permit shall file regular reports with the CBC, in a manner to be determined by the CBC. All minutes of IBC meetings must be sent to the Commissioner and the CBC.

8.20.080 Medical surveillance program.

Each permit-holder must provide an appropriate medical surveillance program as determined by its IBC and consistent with the Guidelines. Such programs must be approved by the CBC.

8.20.090 Violation of Guidelines - Notification.

The permit-holder shall report, within thirty days, to the Commissioner and the CBC any significant problems with or violations of the Guidelines and any significant RDNA-related accidents or illnesses.

8.20.100 Protection against rodents and insects.

Effective rodent and insect control programs must be in place on premises where RDNA use under this Chapter takes place.

8.20.110 Restrictions.

A. RDNA use requiring containment defined by the Guidelines as "BL4" shall not be permitted in Cambridge.

B. Any accidental release which represents a significant potential hazard to employees or the public shall be reported to the Commissioner immediately, and in no case more than 24 hours after the release.

8.20.120 Enforcement.

A. Any person who violates any provision of this Chapter shall be subject to a fine of three hundred dollars ($300.00) per violation. Each day of violation shall constitute a separate and distinct offense.

B. Once a permit has been issued, it may be revoked, suspended, modified or not renewed by the Commissioner only upon a determination by the Commissioner and the CBC, after due notice and hearing, that the permit-holder has materially failed to comply with this Chapter, the permit agreements or the Guidelines.

C. Notwithstanding the above, the Commissioner, upon a determination that any violation constitutes an immediate and severe threat to the public health and safety, may order the immediate closure of any premises or laboratory engaging in or contributing to such threat, without prior notice and hearing but with subsequent notice and hearing.

8.20.130 Severability.

If any section, subsection, sentence, clause, or portion of this Chapter is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Passed to a second reading at the City Council meeting held on January 25, 1993 and on or after February 15, 1993 the question comes on passing to be ordained.

ATTEST:- D. Margaret Drury
City Clerk

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety Two

AN ORDINANCE

In amendment to the Municipal Code of the City of Cambridge

Be it ordained by the City Council of the City of Cambridge as follows:

Title 8 of the Code (Health and Safety) is hereby amended by striking out Chapter 8.20 of the Code (Recombinant DNA Technology) and substituting the following new Chapter 8.20:

Chapter 8.20

RECOMBINANT DNA TECHNOLOGY

Sections:

8.20.010	Purpose.
8.20.020	Definitions.
8.20.030	Cambridge Biosafety Committee - Membership - Staff.
8.20.040	Cambridge Biosafety Committee - Duties and responsibilities.
8.20.050	Permit requirements.
8.20.060	Institutional Biosafety Committees.
8.20.070	Reports.
8.20.080	Medical surveillance program.
8.20.090	Violation of guidelines - Notification.
8.20.100	Protection against rodents and insects.
8.20.110	Restrictions.
8.20.120	Enforcement.
8.20.130	Severability.

8.20.010 Purpose.

All use of recombinant DNA (RDNA) in the City of Cambridge shall be undertaken only in strict conformity with the Guidelines set out in Section 8.20.020, the other requirements of this Chapter and health regulations promulgated by the Cambridge Commissioner of Health and Hospitals (the Commissioner).

8.20.020 Definitions.

a) "Guidelines" are defined as:

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 Molecules 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, and April 22, 1992.

3) Such amendments to (1) and (2) above which are adopted by the National Institutes of Health (NIH) and approved by the Commissioner. Amendments not acted upon by the Commissioner within sixty days shall be considered approved. In the event that the NIH shall discontinue or abolish its guidelines, those guidelines in effect at the time of such discontinuance shall remain in effect in Cambridge.

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 Commissioner. Amendments not acted upon by the Commissioner within sixty days shall be considered approved.

8.20.030 Cambridge Biosafety Committee - Membership - Staff.

A. The Cambridge Biosafety Committee (CBC) (formerly known as the Cambridge Biohazards Committee) shall be composed of the Commissioner or his/her designee, the Chairperson of the Cambridge Health Policy Board, or a Board member designated by the Chairperson, and a minimum of three other members to be appointed by the City Manager. The City Manager is authorized to provide for the adequate staffing of the CBC. Members of the CBC shall be Special Municipal Employees.

B. The CBC and the Commissioner are authorized to retain competent professional assistance in carrying out their duties under this Chapter.

C. The salaries and expenses of the staff and consultants of the CBC under this Chapter shall be apportioned to the persons holding permits under Section 8.20.050.

8.20.040 Cambridge Biosafety Committee - Duties and Responsibilities.

The responsibilities of the CBC 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 CBC, 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 Chapter.

D. Developing a procedure for persons to report to the CBC violations of this Chapter, the Guidelines or any health regulation.

8.20.050 Permit requirements.

All persons proposing to use RDNA must obtain a permit from the Commissioner with the approval of the CBC. Permit requirements shall, at a minimum, include written agreement to:

A. Follow the Guidelines as defined in this Chapter.

B. Follow other conditions set forth in this Chapter.

C. Allow reasonable inspections of facilities and pertinent records by the CBC.

D. Prepare a Health and Safety Manual which contains all procedures relevant to the use of RDNA at all levels of containment in use at the facility, and a program for waste disposal in compliance with all applicable federal, state and local laws. the Manual shall be submitted to the CBC for review.

E. Establish a training program of safeguards and procedures for personnel using RDNA.

Permits shall be issued and renewed on an annual basis. The Commissioner may establish fees for the issuance and renewal of permits.

8.20.060 Institutional Biosafety Committees.

The Institutional Biosafety Committees (IBC) shall be established in accordance with the Guidelines, except that the required composition of each IBC shall include at least one representative from the surrounding community approved by the Health Policy Board. The IBC shall be the final arbiter within an institution with regard to the implementation of this Chapter and the Guidelines.

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Each holder of a permit shall file regular reports with the CBC, in a manner to be determined by the CBC. All minutes of IBC meetings must be sent to the Commissioner and the CBC.

8.20.080 Medical surveillance program.

Each permit-holder must provide an appropriate medical surveillance program as determined by its IBC and consistent with the Guidelines. Such programs must be approved by the CBC.

8.20.090 Violation of Guidelines - Notification.

The permit-holder shall report, within thirty days, to the Commissioner and the CBC any significant problems with or violations of the Guidelines and any significant RDNA-related accidents or illnesses.

8.20.100 Protection against rodents and insects.

Effective rodent and insect control programs must be in place on premises where RDNA use under this Chapter takes place.

8.20.110 Restrictions.

A. RDNA use requiring containment defined by the Guidelines as "BL4" shall not be permitted in Cambridge.

B. There shall be no deliberate release, except in accord with Appendix K of the NIHG. Any accidental release which represents a significant potential hazard to employees or the public shall be reported to the Commissioner immediately, and in no case more than 24 hours after the release.

8.20.120 Enforcement.

A. Any person who violates any provision of this Chapter shall be subject to a fine of three hundred dollars ($300.00) per violation. Each day of violation shall constitute a separate and distinct offense.

B. Once a permit has been issued, it may be revoked, suspended, modified or not renewed by the Commissioner only upon a determination by the Commissioner and the CBC, after due notice and hearing, that the permit-holder has materially failed to comply with this Chapter, the permit agreements or the Guidelines.

C. Notwithstanding the above, the Commissioner, upon a determination that any violation constitutes an immediate and severe threat to the public health and safety, may order the immediate closure of any premises or laboratory engaging in or contributing to such threat, without prior notice and hearing but with subsequent notice and hearing.

8.20.130 Severability.

If any section, subsection, sentence, clause, or portion of this Chapter is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

FIRST PUBLICATION NUMBER 2610

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Three

AN ORDINANCE

In amendment to the Municipal Code of the City of Cambridge

Be it ordained by the City Council of the City of Cambridge as follows:

Title 8 of the Code (Health and Safety) is hereby amended by striking out Chapter 8.20 of the Code (Recombinant DNA Technology) and substituting the following new Chapter 8.20:

Chapter 8.20

RECOMBINANT DNA TECHNOLOGY

Sections:

8.20.010	Purpose.
8.20.020	Definitions.
8.20.030	Cambridge Biosafety Committee - Membership - Staff.
8.20.040	Cambridge Biosafety Committee - Duties and responsibilities.
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8.20.100	Protection against rodents and insects.
8.20.110	Restrictions.
8.20.120	Enforcement.
8.20.130	Severability.

8.20.010 Purpose.

All use of recombinant DNA (RDNA) in the City of Cambridge shall be undertaken only in strict conformity with the Guidelines set out in Section 8.20.020, the other requirements of this Chapter and health regulations promulgated by the Cambridge Commissioner of Health and Hospitals (the Commissioner).

8.20.020 Definitions.

a) "Guidelines" are defined as:

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 Molecules 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, and April 22, 1992.

3) Such amendments to (1) and (2) above which are adopted by the National Institutes of Health (NIH) and approved by the Commissioner. Amendments not acted upon by the Commissioner within sixty days shall be considered approved. In the event that the NIH shall discontinue or abolish its guidelines, those guidelines in effect at the time of such discontinuance shall remain in effect in Cambridge.

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 Commissioner. Amendments not acted upon by the Commissioner within sixty days shall be considered approved.

8.20.030 Cambridge Biosafety Committee - Membership - Staff.

A. The Cambridge Biosafety Committee (CBC) (formerly known as the Cambridge Biohazards Committee) shall be composed of the Commissioner or his/her designee, the Chairperson of the Cambridge Health Policy Board, or a Board member designated by the Chairperson, and a minimum of three other members to be appointed by the City Manager. The City Manager is authorized to provide for the adequate staffing of the CBC. Members of the CBC shall be Special Municipal Employees.

B. The CBC and the Commissioner are authorized to retain competent professional assistance in carrying out their duties under this Chapter.

C. The salaries and expenses of the staff and consultants of the CBC under this Chapter shall be apportioned to the persons holding permits under Section 8.20.050.

8.20.040 Cambridge Biosafety Committee - Duties and Responsibilities.

The responsibilities of the CBC 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 CBC, 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 Chapter.

D. Developing a procedure for persons to report to the CBC violations of this Chapter, the Guidelines or any health regulation.

8.20.050 Permit requirements.

All persons proposing to use RDNA must obtain a permit from the Commissioner with the approval of the CBC. Permit requirements shall, at a minimum, include written agreement to:

A. Follow the Guidelines as defined in this Chapter.

B. Follow other conditions set forth in this Chapter.

C. Allow reasonable inspections of facilities and pertinent records by the CBC.

D. Prepare a Health and Safety Manual which contains all procedures relevant to the use of RDNA at all levels of containment in use at the facility, and a program for waste disposal in compliance with all applicable federal, state and local laws. the Manual shall be submitted to the CBC for review.

E. Establish a training program of safeguards and procedures for personnel using RDNA.

Permits shall be issued and renewed on an annual basis. The Commissioner may establish fees for the issuance and renewal of permits.

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The permit-holder shall report, within thirty days, to the Commissioner and the CBC any significant problems with or violations of the Guidelines and any significant RDNA-related accidents or illnesses.

8.20.100 Protection against rodents and insects.

Effective rodent and insect control programs must be in place on premises where RDNA use under this Chapter takes place.

8.20.110 Restrictions.

A. RDNA use requiring containment defined by the Guidelines as "BL4" shall not be permitted in Cambridge.

B. Any accidental release which represents a significant potential hazard to employees or the public shall be reported to the Commissioner immediately, and in no case more than 24 hours after the release.

8.20.120 Enforcement.

A. Any person who violates any provision of this Chapter shall be subject to a fine of three hundred dollars ($300.00) per violation. Each day of violation shall constitute a separate and distinct offense.

B. Once a permit has been issued, it may be revoked, suspended, modified or not renewed by the Commissioner only upon a determination by the Commissioner and the CBC, after due notice and hearing, that the permit-holder has materially failed to comply with this Chapter, the permit agreements or the Guidelines.

C. Notwithstanding the above, the Commissioner, upon a determination that any violation constitutes an immediate and severe threat to the public health and safety, may order the immediate closure of any premises or laboratory engaging in or contributing to such threat, without prior notice and hearing but with subsequent notice and hearing.

8.20.130 Severability.

If any section, subsection, sentence, clause, or portion of this Chapter is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Passed to a second reading at the City Council meeting held on January 25, 1993 and on or after February 15, 1993 the question comes on passing to be ordained.

ATTEST:- D. Margaret Drury
City Clerk

FIRST PUBLICATION NUMBER 2610

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Three

AN ORDINANCE

In amendment to the Municipal Code of the City of Cambridge

Be it ordained by the City Council of the City of Cambridge as follows:

Title 8 of the Code (Health and Safety) is hereby amended by striking out Chapter 8.20 of the Code (Recombinant DNA Technology) and substituting the following new Chapter 8.20:

Chapter 8.20

RECOMBINANT DNA TECHNOLOGY

Sections:

8.20.010	Purpose.
8.20.020	Definitions.
8.20.030	Cambridge Biosafety Committee - Membership - Staff.
8.20.040	Cambridge Biosafety Committee - Duties and responsibilities.
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B. The CBC and the Commissioner are authorized to retain competent professional assistance in carrying out their duties under this Chapter.

C. The salaries and expenses of the staff and consultants of the CBC under this Chapter shall be apportioned to the persons holding permits under Section 8.20.050.

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The responsibilities of the CBC shall include:

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8.20.110 Restrictions.

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C. Notwithstanding the above, the Commissioner, upon a determination that any violation constitutes an immediate and severe threat to the public health and safety, may order the immediate closure of any premises or laboratory engaging in or contributing to such threat, without prior notice and hearing but with subsequent notice and hearing.

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If any section, subsection, sentence, clause, or portion of this Chapter is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Passed to a second reading at the City Council meeting held on January 25, 1993 and on or after February 15, 1993 the question comes on passing to be ordained.

ATTEST:- D. Margaret Drury
City Clerk

CITY OF CAMBRIDGE
DEPARTMENT OF HEALTH AND HOSPITALS
1493 CAMBRIDGE STREET, CAMBRIDGE, MASSACHUSETTS 02139

Melvin H. Chalfen, M.D.
Commissioner

November 17,1992

The Honorable Alice Wolf, Chair
The Ordinance Committee
Cambridge City Council
Cambridge, Massachusetts 02139

Proposed changes in the RDNA Ordinance.

Dear Councillor Wolf:

The present ordinance has worked well for the City for 11 years. It was the product of changes made to the previous ordinance enacted 14 years ago. Now, however, it should be changed to reflect recent amendments to the National Institutes of Health Guidelines for Research Involving Recombinant DNA Molecules (NIHG) and to permit certain laboratory procedures as they are generally practiced in other parts of the country.

The NIHG are at the core of the Cambridge ordinance. In some cities they are voluntary. In Cambridge and certain other cities they are the law. Any changes to the Guidelines in the form of amendments go through a rigorous public review process. These amendments add to the NIHG methods of dealing with change in a safe manner that is consistent with national and international experience.

This proposed ordinance continues the oversight and regulatory function of the past while adopting current NIHG definitions that focus on safety and hazard of organisms and materials whether or not they contain recombinant DNA material.

The amended ordinance retains the basic strengths of the present ordinance in the following ways:

1) the NIHG continues to have the force of law in Cambridge.

2) The Cambridge Biohazard Committee (renamed the Cambridge Biosafety Committee) (CBC) has similar functions and powers as the present Committee.

3) The application process for a permit to use rDNA materials in Cambridge remains as do provisions for inspections of permitted facilities from time to time.

4) The approval of a community member of the

Institutional Biosafety Committee (at each permitted institution) by the Cambridge Health Policy Board remains.

5) The Institutional Biosafety Committee (IBC) continues to send reports and IBC meeting minutes to the Commissioner.

6) Certain restrictions, which are stronger than the NIHG regulations remain. For example, Biosafety Level IV activity, the highest and most dangerous level, remains prohibited in Cambridge.

Proposed changes in the amended ordinance include:

1) Definitions of recombinant DNA molecules and their categorization have been amended to reflect recent amendments to the NIHG.

These changes take into account the establishment by the NIHG of both exempt and Good Large Scale Practice (GLSP) categories. Large Scale (LS) refers to volumes over 10 liters. Both of these categories have definitions that only allow well-known, non-pathogenic organisms or material to be handled in those categories, organisms that do not have safety or hazardous properties that would require special containment other than good laboratory practice.

The new Biosafety Level category called GLSP precedes the Biosafety Levels I, II, III LS categories in a ranking of less to more.

2) A change of definition of releases to the environment, focusing on safety and hazard, brings Cambridge in conformity with the NIHG. A reporting mechanism remains in place in certain circumstances.

3) The amendment process is changed. If there are no objections to changes of NIHG within 60 days by the Commissioner or the CBC, the NIHG amendment shall be considered approved.

4) The CBC is renamed the Cambridge Biosafety Committee, as noted above.

5) The section on large scale is eliminated.

NIHG treatment of large scale processes are incorporated into their Appendix K which addresses the 4 categories under Good Large Scale Practice as noted above. In essence the safety and hazard of materials are categorized by their intrinsic properties rather than by the volume or composition.

6) The public hearing process for large scale use is eliminated. The NIHG Appendix K provides the same safety to the public in assessing the potential hazard of the material itself.

7) Permit renewals are made on an annual basis rather than open ended.

8) Levels of potential fines for violations are made current.

There are also some changes in other laws and regulations which strenghthen the City's control over environmental issues.

The Federal laws and regulatory processes in existence now are more stringent and sophisticated in the control and surveillance of environmental issues and hazardous materials than they were in 1976 to 1981. For example, The EPA Superfund Amendments Reconciliation Act of 1986, known as SARA TITLE III, mandates a Local Emergency Planning Committee (LEPC). The LEPC plans for various eventualities based on large volumes of chemicals on an EPA list. Those companies or organizations within that municipality which possess or use the listed chemicals must report the types and amounts to the LEPC. The Cambridge LEPC, which has been working and training for three years, has recently added a biotechnology committee which includes all the rDNA permittees as well as biotech companies which do not use rDNA materials and therefore are not covered under the rDNA ordinance.

In addition, the LEPC has recently formed a group, known as the Hazardous Materials Task Force, to manage incidents involving small quantities of hazardous materials in a coordinated manner.

There is also a state hazardous waste statute which covers hazardous materials from cradle to grave. That is to say there are requirements for the documentation of the purchase, site of use, storage, transportation and disposal of all such materials. This statute mandates the issuance of categories of generators of hazardous wastes by volumes from large, down to very small quantity

generators.

In addition, in Cambridge we are on the verge of implementing the Environmental Program which has been developing over the past two years with the initiative of members of the City Council and the support and leadership of the City Manager and the Deputy City Manager. This Program further coordinates proactive analysis of environmental issues, identifies responsibilities of specific city departments to manage those issues and promotes the interdisciplinary approach which can not only tap the creative talents within the city but also do it in the cost-effective way demanded for excellent management, especially in times of tight budgetary restraints.

Yours sincerely,

Melvin H. Chalfen, M.D.

MHC:vs
cc: Members of the City Council.
Robert W. Healy, City Manager

MBC

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Peter Feinstein
Feinstein Partners Inc.

Marc E. Goldberg
MBRI

Ramesh L. Ratan
Repligen Corp.

James P. Sherblom
TSI Corp.

Alan W. Tuck
T Cell Sciences, Inc.

November 17, 1992

The Honorable Ordinance Committee
The Honorable City Council
City of Cambridge
Cambridge, Massachusetts 02139

My name is Anthony Gemmellaro. I am the Biosafety Officer and Environmental Health and Safety Specialist at Genetics Institute. Tonight, I represent the member companies of the Massachusetts Biotechnology Council (MBC) which is a statewide trade association representing more than 30 biotechnology companies in Cambridge. The MBC is committed to helping communities, local and state governments, and regulatory agencies understand biotechnology, its realized and potential contributions to society, the impetus it gives the economy, and the needs of the industry. A number of Biotechnology companies, including the president of the MBC, have sent letters to Dr. Chalfen in support of the proposed changes to the RDNA Ordinance.

Biotechnology has given medical science the opportunity to detect, and in some cases treat, diseases such as sickle-cell anemia, Tay-Sacks disease, diabetes and cystic fibrosis. Following initial concerns that genetic engineering could give rise to infectious organisms, a stringent set of guidelines was drawn up by the government and leading scientists in the mid-1970s to self-regulate research in this field. This became the National Institutes of Health (NIH) Guidelines for RDNA Research. The NIH Guidelines are the foundation of the current ordinance passed in 1981.

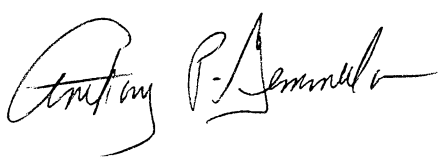
Can biotechnology risks be controlled? There has been a positive track record over the past 17 years with no illnesses or injuries associated with biotechnology.
The NIH has recently concluded that recombinant DNA techniques show no evidence that unique hazards exist. This is a key reason for updating guidelines and certain practices. They also stated that there is adequate scientific knowledge to guide the safe and prudent use of such organisms in the research and manufacturing laboratories.

By accepting the current guidelines and subsequent final notices, there would be a more efficient and effective system for adopting current regulations, rather than voting sections of the new NIH guideline as amendments to the ordinance. A change in the RDNA ordinance would help us understand compliance for industry by making guidelines easier to administer and more consistent, as well as improve the understanding of responsibilities for individual institutions.

This proposed amendment continues to require the IBC's to oversee the recombinant biosafety programs and review new and existing projects on an annual basis. Together, the IBC and CBC will continue to act in the best interest of the community.

The potential benefits of biotechnology includes improvements in medicine, agriculture and veterinary sciences. As a result, there are also benefits for the City of Cambridge, research institutions, and the biotechnology industry.

On behalf of the MBC, I strongly recommend and support the proposed changes to the RDNA Ordinance.



FOURTEEN CAMBRIDGE CENTER, CAMBRIDGE, MA 02142 • 617-252-9200 • FAX 617-252-9617

BIOGEN

My Name is Susan Lee. I am the Manager of Environmental Health and Safety and Biosafety Officer at Biogen. I would like to thank you for the opportunity to give Biogen's support of the proposed amendment to the rDNA Ordinance at this time.

Biogen is one of the original permitholders in Cambridge and our relationship with the Cambridge Biohazards Committee has been an effective one. Biogen has grown from a research "boutique" employing fewer than 20 people in 1981 to a company just shy of being a fully integrated pharmaceutical manufacturer employing more than 330 people. We sell drug and vaccines through our licensees generating the revenues to continue building the business. We are in the clinic testing the next generation of Biogen products and we are building the facilities to manufacture medicine here in Cambridge. The Cambridge rDNA Ordinance did not hinder development, but rather it made for a level playing field and a single, consistent set of standards by which to do our research. The NIH Guidelines which are the basis for the local ordinance were quite conservative at the outset, but prudent, given the lack of knowledge about risks of the technology at the time.

The proposed amendment brings 1981 rDNA ordinance up to date with current practice in the rest of the country and it puts into place a more efficient mechanism for adopting future changes. It uses the knowledge gained over the years about biological science and biological safety.

The adoption by NIH of Good Large Scale Practice (GLSP) level of containment more than one year ago is of particular practical importance to Biogen and, I expect, to other companies moving towards scale-up and full scale production. Containment facilities, equipment, and procedures continue where necessary, based on the hazard potential of the organisms involved. Under GLSP, some containment requirements are relaxed, making it significantly easier and less costly to make products using those organisms which have a long history of safe use at large scale. In our case, those products are human pharmaceuticals. GLSP makes sense from both a scientific and a business point of view.

In summary, the proposed change to the rDNA Ordinance will not diminish worker or public health since compliance with NIH Guidelines continues as the the basic requirement. Furthermore, IBC's and CBC continue their safety management and oversight responsibilities. This amendment brings the rDNA Ordinance to the present with respect to biosafety practice, and it provides the mechanism to stay up to date. The changes are good for Cambridge and good for the industry and Biogen supports this proposal.

CAMBRIDGE CHAMBER OF COMMERCE

November 16, 1992

The Honorable Alice Wolf
Chair, Ordinance Committee
Cambridge City Council
City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

Dear Councillor Wolf:

The Chamber supports the proposed ordinance that seeks to alter Chapter 8.20 relative to Recombinant DNA Technology. The City Manager submitted the changes, as recommended by the Cambridge Biohazards Committee, on August 3, 1992.

The current ordinance is no longer consistent with new technological advances and recently promulgated federal regulations. Specifically, Chapter 8.20 was enacted prior to new amendments to the National Institute of Health Guidelines for Research Involving Recombinant DNA Molecules. The proposed ordinance would revise certain meanings and delineation in order to focus on safety rather than dictating specific compositions and substances. These changes are clearly acceptable for public health and safety and are in line with the NIHG amendments.

Passage of the revised ordinance would send a positive signal to the Bio-Tech and other high-tech industries in Cambridge. Expansion and recruitment of these firms will help to improve the economic health and well being of our city and state. The Chamber urges passage of this important proposed ordinance.

Sincerely,

Jonathan Ginsberg

Jonathan Ginsberg
Director of Public Affairs/Community Relations

859 MASSACHUSETTS AVE. CAMBRIDGE, MA 02139 (617) 876-4100

City of Cambridge

The Ordinance Committee held a public hearing on November 17, 1992 beginning at 5:30 p.m. in the Sullivan Chamber for the purpose of considering proposed amendments to the Recombinant DNA Ordinance. Present at the hearing were: Councillor Alice K. Wolf, Chair of the Committee, Councillor Francis H. Duehay, Councillor Sheila T. Russell, Councillor William H. Walsh and City Clerk Margaret Drury.

Councillor Wolf convened the hearing and explained its purpose. She then introduced Dr. Melvin Chalfin, Commissioner of Health and Hospitals. Dr. Chalfin noted that he was also speaking on behalf of the Cambridge Biohazards Committee and introduced a letter dated November 17, 1992 describing the proposed amendments to the ordinance and explaining why they are being proposed. Dr. Chalfin said that the ordinance has worked well for the city for eleven years; now, however, it should be changed to reflect recent amendments to the National Institutes of Health Guidelines for Research Involving Recombinant DNA Molecules (NIHG) and to permit certain laboratory procedures as they are generally practiced in other parts of the country.

Proposed changes to the ordinance include amending the definitions of recombinant DNA molecules and their categorization to reflect recent amendments to the NIHG; changing the definition of releases to the environment, focusing on safety and hazard, to bring Cambridge into conformity with the NIHG; changing the amendment process to incorporate NIHG changes to which there has been no objection within 60 days by the Commissioner of the Cambridge Biohazards Committee, which is renamed the Cambridge Biosafety Committee; eliminating the section on large scale use and the public hearing process for the large scale use and incorporating the NIHG treatment of large scale processes; providing for renewal of permits annually; and updating of fines.

Deputy City Solicitor Donald Drisdell proposed an addition of a clarifying sentence to Sec. 8.20.110.13, which Councillor Wolf stated would be incorporated in the proposed amendments to be considered.

Councillor Wolf asked Dr. Chalfin to explain the elimination of those sections of the present ordinance pertaining to large scale practice. Dr. Chalfin explained that the NIHG guidelines cover large scale processes in Appendix K, in which safety and hazard of materials are categorized by their intrinsic properties rather than by the volume.

Councillor Duehay asked whether there had been any health and safety problems. Dr. Chalfin responded that there had been some minor spills.

Councillor Wolf then opened the hearing to public testimony.

Anthony Gemmalo, Massachusetts Biotechnology Council, Inc., One Kendall Square, submitted a letter and spoke in support of the proposed amendments. He noted that there has been a positive track record over the past seventeen years with no illnesses or injuries associated with biotechnology.

John Brown, 76 Sparks Street, Associated Director of the Whitehead Institute, spoke in support of the amendments.

Daniel Lebberman, MIT Biosafety Officer, said that the proposed amendments both protect safety and make changes which are important to the researchers in the field.

Susan Lee, Manager of Environmental Health & Safety, Biogen, 14 Cambridge Center, submitted written testimony and spoke in support of the amendments. She said that the proposed amendments will bring the DNA Ordinance up to date with current practice in the rest of the country and put into place a more efficient mechanism for adopting future changes.

Jonathan Ginsberg, Director of Public Affairs, Cambridge Chamber of Commerce, submitted a letter and spoke in support of the proposed amendments.

Mary Splain, Science faculty, Cambridge Rindge and Latin, urged adoption of the proposed amendments. She said that the amendments are safe and provide benefits to the biotechnology industry which is an important resource for the youth of Cambridge who are seeking careers in this industry.

Phil Dussault, 148 Highland Avenue, also spoke in support of the proposed amendments.

At the close of the public testimony, Councillor Duehay moved that the proposed amendments be referred to the City Council with a recommendation that they be ordained. The motion carried on a unanimous voice vote.

Councillor Wolf thanked those present for their attendance and the hearing was adjourned at 6:25 p.m.

For the Committee,

Councillor Alice K. Wolf
Chair

1-D

COMMITTEE REPORTS

Ordinance Committee Report for a hearing held on November 17, 1992 relative to a proposed amendment to the Municipal Code regarding Recombinant DNA Ordinance.

In City Council,

January 25, 1993

Report accepted
Passed to a second
reading
2/4/93 - Published - Chronicle
2/15/93 - Ready for ordination

CITY OF CAMBRIDGE

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Linda A. Stamper
Legal Counsel

Arthur J. Goldberg
Legal Counsel

August 5, 1992

TO: Donald A. Drisdell

FROM: Birge Albright BA

RE: Amendments to Chapter 8.20 of the Code
Recombinant DNA Technology

Recently, at the request of Dr. Chalfen, I drafted an ordinance which amends Chapter 8.20 of the Code (Recombinant DNA Technology). This ordinance, which was based on a draft prepared by Dr. Chalfen, was submitted to the City Council on August 3, 1992.

In this memorandum, I will go through the current Chapter 8.20 and explain how each section has been amended.

8.20.010 Purpose

In this section, the words "the other requirements of this Chapter" have been added.

8.20.020 Guidelines

The title of this section has been changed to Definitions.

The definitions of "Recombinant DNA molecules" and "organisms and viruses containing RDNA" have been amended to reflect recent

amendments to the NIH Guidelines. The phrase, "such amendments ... as may be approved by the Cambridge Biohazards Committee" has been amended to read, "such amendments as may be approved by the Commissioner". The sentence, "Amendments not acted upon by the Commissioner within sixty days shall be considered approved" has been added.

The definition of "institution" has been eliminated.

The definition of "Guidelines" has been amended to reflect recent amendments to the NIH Guidelines. In paragraph C(4), the phrase "approved by the Cambridge Biohazards Committee" has been amended to read "approved by the Commissioner", and the following new sentence has been added: "Amendments not acted upon by the Commissioner within sixty days shall be considered approved".

The following new definition of "person" has been added:

> 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.

8.20.030 Cambridge Biohazards Committee - Established - Membership

Title changed to Cambridge Biosafety Committee - Membership - Staff.

A. Eliminated

B. becomes A. Add a new sentence at the end: "Members of the CBC shall be Special Municipal Employees".

C. becomes B. Substitute "authorized" for "empowered".

D. becomes C. Substitute "persons" for "institutions".

8.20.040 Cambridge Biohazards Committee - Duties and responsibilities

Title changed to Cambridge Biosafety Committee - Duties and responsibilities.

A. Remains essentially unchanged.

B. Eliminated.

C. Eliminated.

D. becomes C. Substitute "procedures required by this Chapter" for "procedures required by Section 8.20.010, 8.20.010 (sic), 8.20.030 and 8.20.050 through 8.20.110 of this chapter".

E. becomes B. Substitute "permit-holders" for "institutions" and "permitted" for "institutional".

F. becomes D. Paragraph has been shortened.

8.20.050 Permit - Required

Title changed to Permit requirements.

In the first line, substitute "persons" for "institutions".

C. Substitute "reasonable inspections" for "inspection".

D. At the end of the first sentence, substitute "facility" for "institution", and add: "and a program for waste disposal in compliance with all applicable federal, state and local laws".

At the end of the section, add the following new paragraph:

> Permits shall be issued and renewed on an annual basis. The Commissioner may establish fees for the issuance and renewal of permits.

8.20.060 Institutional Biosafety Committee - Membership

Title changed to Institutional Biosafety Committees.

Strike the first sentence and replace it with the following:

> The Institutional Biosafety Committees (IBC) shall be established in accordance with the Guidelines, except that the required composition of each IBC shall include at least one representative from the surrounding community approved by the Health Policy Board.

8.20.070 Institutional Biosafety Committee - Meetings - Report Filing

Title changed to Reports.

This section has been rewritten to read as follows:

> Each holder of a permit shall file regular reports with the CBC, in a manner to be determined by the CBC. All minutes of IBC meetings must be sent to the Commissioner and the CBC.

The meaning of the section remains the same.

8.20.080 Screening and testing for purity

Title changed to Medical surveillance program.

The section entitled Screening and testing for purity has been eliminated, and section 8.20.090 and all subsequent sections have been renumbered.

8.20.090 Medical surveillance program

This section is now 8.20.080.

The first sentence has been rewritten as follows:

> Each permit-holder must provide an appropriate medical surveillance program as determined by its IBC and consistent with the Guidelines.

The meaning remains the same.

8.20.100 Violation of Guidelines - Notification

This section is now 8.20.090.

Substitute "permit-holder" for "institution".

8.20.110 Protection against rodents and insects

This section is now 8.20.100.

Old section:

> The premises in which RDNA is used must be totally and completely free of rodent and insect infestation.

New section:

> Effective rodent and insect control programs must be in place on premises where RDNA use under this Chapter takes place.

8.20.120 Large-scale operations - Special permit required

Title changed to Enforcement.

The section entitled Large-scale operations - Special permit required has been eliminated.

8.20.130 Restrictions

This section is now 8.20.110.

Old section:

> A. RDNA use classified by the guidelines as requiring P3 physical containment and biological containment greater than HV2 shall not be permitted without prior approval of the CBC. RDNA use requiring P4 containment shall not be permitted in the City.
>
> B. There shall be no deliberate release into the environment, that is, the sewers, drains or the air, of any organism containing recombinant DNA and further that any accidental release shall be reported to the Commissioner of Health and Hospitals within five days.

New section:

> A. RDNA use requiring containment defined by the Guidelines as "BL4" shall not be permitted in Cambridge.

B. Any accidental release which represents a significant potential hazard to employees or the public shall be reported to the Commissioner immediately, and in no case more than 24 hours after the release.

8.20.140 Violation - Penalty

This section is now 8.20.120, and the title has been changed to Enforcement.

Old section:

A. Violation of the conditions of this chapter shall subject the violator to a fine of two hundred dollars per day and in addition the facility in which the violation occurs may be closed by the Commissioner of Health and Hospitals. Each day of violation shall constitute a separate and distinct offense.

B. Once a permit has been issued it may be revoked by the Commissioner of Health and Hospitals only upon a determination (subject to judicial review) by the CBC and the Commissioner of Health and Hospitals after due notice and hearing, that the institution involved has materially failed to comply with the City ordinance, the permit agreements or the guidelines (not withstanding reasonable notice and an opportunity to correct such failures to comply with the provisions of this chapter).

New section:

A. Any person who violates any provision of this Chapter shall be subject to a fine of three hundred dollars ($300.00) per violation. Each day of violation shall constitute a separate and distinct offense.

B. Once a permit has been issued, it may be revoked, suspended, modified or not renewed by the Commissioner only upon a determination by the Commissioner and the CBC, after due notice and hearing, that the permit-holder has materially failed to comply with this Chapter, the permit agreements or the Guidelines.

C. Notwithstanding the above, the Commissioner, upon a determination that any violation constitutes an immediate and severe threat to the public health and safety, may order the immediate closure of any premises or laboratory engaging in or contributing to such threat, without prior notice and hearing but with subsequent notice and hearing.

The following new section has been added:

8.20.130 Severability.

If any section, subsection, sentence, clause, or portion of this Chapter is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

ORD#3\DNA\DAD.mmo

Chapter 8.20

RECOMBINANT DNA TECHNOLOGY

Sections:

8.20.010 Purpose.
8.20.020 Guidelines.
8.20.030 Cambridge Biohazards Committee—Established—Membership.
8.20.040 Cambridge Biohazards Committee—Duties and responsibilities.
8.20.050 Permit—Required.
8.20.060 Institutional Biosafety Committee—Membership.
8.20.070 Institutional Biosafety Committee—Meetings—Report filing.
8.20.080 Screening and testing for purity.
8.20.090 Medical surveillance program.
8.20.100 Violation of guidelines—Notification.
8.20.110 Protection against rodents and insects.
8.20.120 Large-scale operations—Special permit required.
8.20.130 Restrictions.
8.20.140 Violation—Penalty.

8.20.010 Purpose.

All use of RDNA by institutions in the City shall be undertaken only in strict conformity with the guidelines set out in Section 8.20.020 of this chapter, and in conformity also with such other health regulations as the Commissioner of Health and Hospitals may from time to time promulgate. (Ord. 955 (part), 1981: prior code § 11-7(II))

8.20.020 Guidelines.

In the context of this chapter the following definitions are adopted:

A. Recombinant DNA molecules (RDNA) and organisms and viruses containing RDNA are those defined in the National Institutes of Health Guidelines promulgated in the Federal Register on November 21, 1980, and such amendments thereto as may be approved by the Cambridge Biohazards Committee.

B. An institution is any single individual, group of individuals or organization.

C. "Guidelines" are defined as:

1. National Institutes of Health Guidelines for Research Involving Recombinant DNA Molecules published in the Federal Register of November 21, 1980;

2. National Institutes of Health Physical Containment Recommendations for large-scale use of organisms containing recombinant DNA molecules as published in the Federal Register of April 11, 1980;

3. Administrative Practices Supplement to the National Institutes of Health Guidelines for Research Involving Recombinant DNA Molecules as issued by the Office of Recombinant DNA Activities, November, 1980;

4. Such amendments to subsections C1, C2 and C3 of this section adopted by the National Institutes of Health as may be approved by the Cambridge Biohazards Committee. In the event that the National Institutes of Health shall discontinue or abolish their guidelines, those guidelines in effect at the time of such discontinuance shall remain in effect in the City. (Ord. 955 (part), 1981: prior code § 11-7(I))

8.20.030 Cambridge Biohazards Committee—Established—Membership.

A. A Cambridge Biohazards Committee ("CBC") shall be established for the purpose of overseeing all use of RDNA in the City and of advising the Commissioner of Health and Hospitals and the Health Policy Board.

B. The CBC shall be composed of the Commissioner of Health and Hospitals or his/her designee, the Chairperson of the Health Policy Board or a board member designated by the Chairperson and a minimum of three other

members to be appointed by the City Manager. The City Manager is authorized to provide for the adequate staffing of the CBC.

C. The CBC and the Commissioner of Health and Hospitals are empowered to retain competent professional assistance in carrying out their duties under this chapter.

D. The salaries and expenses of the staff and consultants of the CBC under this chapter shall be apportioned to the institutions holding permits under this chapter. (Ord. 955 (part), 1981: prior code § 11-7(III))

8.20.040 Cambridge Biohazards Committee—Duties and responsibilities.

Specific responsibilities of the CBC shall include:

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

B. Approving all amendment to the guidelines before their implementation in the City. In the event that the National Institutes of Health discontinues or abolishes their guidelines, those guidelines in effect at the time of such discontinuance shall remain in effect in the City;

C. Reviewing all proposals for RDNA use in the City for compliance with the guidelines and conformity with such other regulations as the Commissioner of Health and Hospitals may from time to time promulgate;

D. Reviewing manuals and worker training programs and approving health-safety programs and monitoring procedures required by Sections 8.20.010, 8.20.010, 8.20.030 and 8.20.050 through 8.20.110 of this chapter;

E. Determining the manner in which institutions make reports or applications to the CBC, and the type of information required in such reports or applications. Reviewing reports, applications and recommendations by IBC and approving where appropriate. Carrying out site visits to institutional facilities;

F. Developing a procedure for members of institutions where RDNA is used to report to the CBC violations of this chapter, the guidelines or any other health regulations as the Commissioner of Health and Hospitals may promulgate. (Ord. 955 (part), 1981: prior code § 11-9))

8.20.050 Permit—Required.

All institutions proposing to use RDNA must obtain a permit from the Commissioner of Health and Hospitals with the approval of the CBC. Permit requirements include written agreement to:

A. Follow the guidelines;

B. Follow other conditions set forth in this chapter;

C. Allow inspection of facilities and pertinent records by the Cambridge Biohazards Committee;

D. Prepare a health and safety manual which contains all procedures relevant to the use of RDNA at all levels of containment in use at the institution. The manual shall be submitted to the Cambridge Biohazards Committee for review;

E. Establish a training program of safeguards and procedures for personnel using RDNA. (Ord. 955 (part), 1981: prior code § 11-7(IV))

8.20.060 Institutional Biosafety Committee—Membership.

The Institutional Biosafety Committee ("IBC") required by the National Institutes of Health Guidelines shall have at least one member who is a nondoctoral person from a laboratory technical staff and one representative approved by the Health Policy Board. The IBC shall be the final arbiter within an institution, with regard to the implementation of this chapter and the guidelines. (Ord. 955 (part), 1981: prior code § 11-7(V))

8.20.070 Institutional Biosafety Committee—Meetings—Report filing.

All minutes of the IBC meetings must be forwarded to the Commissioner of Health and

Hospitals and the CBC. It shall also be the responsibility of the institution to file regular reports with the Cambridge Biohazards Committee, in a manner to be determined by the CBC. (Ord. 955 (part), 1981: prior code § 11-7(VI))

8.20.080 Screening and testing for purity.

Institutions using RDNA shall perform adequate screening to insure the purity of the strain of host organisms used in the experiments and shall test organisms resulting from such experiments for their resistance to commonly used therapeutic antibiotics. (Ord. 955 (part), 1981: prior code § 11-7(VII))

8.20.090 Medical surveillance program.

All institutions are to provide an appropriate medical surveillance program as determined by the Institutional Biosafety Committee for all persons engaged in the use of RDNA. Such programs must be approved by the CBC. (Ord. 955 (part), 1981: prior code § 11-7(VIII))

8.20.100 Violation of guidelines—Notification.

The institution shall report within thirty days to the CBC and the Commissioner of Health and Hospitals any significant problems with or violations of the guidelines and any significant RDNA related accidents or illnesses. (Ord. 955 (part), 1981: prior code § 11-7(IX))

8.20.110 Protection against rodents and insects.

The premises in which RDNA is used must be totally and completely free of rodent and insect infestation. (Ord. 955 (part), 1981: prior code § 11-7(X))

8.20.120 Large-scale operations—Special permit required.

A. All institutions using RDNA on a "large-scale," as defined in the guidelines, must adhere to the requirements of this section in addition to those stated in Sections 8.20.010, 8.20.020, 8.20.030 and 8.20.050 through 8.20.110 of this chapter.

B. All institutions must obtain a special large-scale permit ("LS permit") from the Commissioner of Health and Hospitals with the approval of the CBC, after the Commissioner and the CBC have conducted an appropriate public hearing. LS permit requirements include written agreement to:

1. Identify clearly all large-scale RDNA use in the IBC minutes;

2. Develop procedures through the IBC for monitoring of large-scale operations, for compliance with this chapter and the guidelines. These procedures shall be approved by the CBC and the Commissioner of Health and Hospitals.

3. a. Allow an annual inspection and review of the procedures and practices of large-scale RDNA use for compliance with this chapter. The scope of this inspection and review shall be mutually agreed upon by the institution and the CBC.

b. The CBC shall retain a professionally competent person, persons, agency or institution to perform this inspection and review. The results shall be reported to the CBC, the Commissioner of Health and Hospitals and the institution involved.

c. The institution shall reimburse the City for the expense of this inspection and review including an apportionment of the salaries of the staff of the CBC under subsections B and C of Section 8.20.030 of this chapter.

4. Establish a health-safety program for appropriate employees. Such a program is to include safety training, periodic retraining and periodic health surveillance. Details and procedures are to be established by each institution and approved by the CBC and the Commissioner of Health and Hospitals.

5. Advance approval must be given by the CBC for large-scale uses of RDNA requiring P2 or P3 physical containment. (Ord. 955 (part), 1981: prior code § 11-8))

8.20.130 Restrictions.

A. RDNA use classified by the guidelines as requiring P3 physical containment and biological containment greater than HV2 shall not be permitted without prior approval of the CBC. RDNA use requiring P4 containment shall not be permitted in the City.

B. There shall be no deliberate release into the environment, that is, the sewers, drains or the air, of any organism containing recombinant DNA and further that any accidental release shall be reported to the Commissioner of Health and Hospitals within five days. (Ord. 955 (part), 1981: prior code § 11-10))

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A. Violation of the conditions of this chapter shall subject the violator to a fine of two hundred dollars per day and in addition the facility in which the violation occurs may be closed by the Commissioner of Health and Hospitals. Each day of violation shall constitute a separate and distinct offense.

B. Once a permit has been issued it may be revoked by the Commissioner of Health and Hospitals only upon a determination (subject to judicial review) by the CBC and the Commissioner of Health and Hospitals after due notice and hearing, that the institution involved has materially failed to comply with the City ordinance, the permit agreements or the guidelines (not withstanding reasonable notice and an opportunity to correct such failures to comply with the provisions of this chapter). (Ord. 955 (part), 1981: prior code § 11-11))

CITY OF CAMBRIDGE

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Legal Counsel

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August 5, 1992

TO: Donald A. Drisdell

FROM: Birge Albright BA

RE: Amendments to Chapter 8.20 of the Code
Recombinant DNA Technology

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8.20.030 Cambridge Biohazards Committee - Established - Membership

Title changed to Cambridge Biosafety Committee - Membership - Staff.

A. Eliminated

B. becomes A. Add a new sentence at the end: "Members of the CBC shall be Special Municipal Employees".

C. becomes B. Substitute "authorized" for "empowered".

D. becomes C. Substitute "persons" for "institutions".

8.20.040 Cambridge Biohazards Committee - Duties and responsibilities

Title changed to Cambridge Biosafety Committee - Duties and responsibilities.

A. Remains essentially unchanged.

B. Eliminated.

C. Eliminated.

D. becomes C. Substitute "procedures required by this Chapter" for "procedures required by Section 8.20.010, 8.20.010 (sic), 8.20.030 and 8.20.050 through 8.20.110 of this chapter".

E. becomes B. Substitute "permit-holders" for "institutions" and "permitted" for "institutional".

F. becomes D. Paragraph has been shortened.

8.20.050 Permit - Required

Title changed to Permit requirements.

In the first line, substitute "persons" for "institutions".

C. Substitute "reasonable inspections" for "inspection".

D. At the end of the first sentence, substitute "facility" for "institution", and add: "and a program for waste disposal in compliance with all applicable federal, state and local laws".

At the end of the section, add the following new paragraph:

> Permits shall be issued and renewed on an annual basis. The Commissioner may establish fees for the issuance and renewal of permits.

8.20.060 Institutional Biosafety Committee - Membership

Title changed to Institutional Biosafety Committees.

Strike the first sentence and replace it with the following:

> The Institutional Biosafety Committees (IBC) shall be established in accordance with the Guidelines, except that the required composition of each IBC shall include at least one representative from the surrounding community approved by the Health Policy Board.

8.20.070 Institutional Biosafety Committee - Meetings - Report Filing

Title changed to Reports.

This section has been rewritten to read as follows:

> Each holder of a permit shall file regular reports with the CBC, in a manner to be determined by the CBC. All minutes of IBC meetings must be sent to the Commissioner and the CBC.

The meaning of the section remains the same.

8.20.080 Screening and testing for purity

Title changed to Medical surveillance program.

The section entitled Screening and testing for purity has been eliminated, and section 8.20.090 and all subsequent sections have been renumbered.

8.20.090 Medical surveillance program

This section is now 8.20.080.

The first sentence has been rewritten as follows:

> Each permit-holder must provide an appropriate medical surveillance program as determined by its IBC and consistent with the Guidelines.

The meaning remains the same.

8.20.100 Violation of Guidelines - Notification

This section is now 8.20.090.

Substitute "permit-holder" for "institution".

8.20.110 Protection against rodents and insects

This section is now 8.20.100.

Old section:

> The premises in which RDNA is used must be totally and completely free of rodent and insect infestation.

New section:

> Effective rodent and insect control programs must be in place on premises where RDNA use under this Chapter takes place.

8.20.120 Large-scale operations - Special permit required

Title changed to Enforcement.

The section entitled Large-scale operations - Special permit required has been eliminated.

8.20.130 Restrictions

This section is now 8.20.110.

Old section:

> A. RDNA use classified by the guidelines as requiring P3 physical containment and biological containment greater than HV2 shall not be permitted without prior approval of the CBC. RDNA use requiring P4 containment shall not be permitted in the City.
>
> B. There shall be no deliberate release into the environment, that is, the sewers, drains or the air, of any organism containing recombinant DNA and further that any accidental release shall be reported to the Commissioner of Health and Hospitals within five days.

New section:

> A. RDNA use requiring containment defined by the Guidelines as "BL4" shall not be permitted in Cambridge.

B. Any accidental release which represents a significant potential hazard to employees or the public shall be reported to the Commissioner immediately, and in no case more than 24 hours after the release.

8.20.140 Violation - Penalty

This section is now 8.20.120, and the title has been changed to Enforcement.

Old section:

A. Violation of the conditions of this chapter shall subject the violator to a fine of two hundred dollars per day and in addition the facility in which the violation occurs may be closed by the Commissioner of Health and Hospitals. Each day of violation shall constitute a separate and distinct offense.

B. Once a permit has been issued it may be revoked by the Commissioner of Health and Hospitals only upon a determination (subject to judicial review) by the CBC and the Commissioner of Health and Hospitals after due notice and hearing, that the institution involved has materially failed to comply with the City ordinance, the permit agreements or the guidelines (not withstanding reasonable notice and an opportunity to correct such failures to comply with the provisions of this chapter).

New section:

A. Any person who violates any provision of this Chapter shall be subject to a fine of three hundred dollars ($300.00) per violation. Each day of violation shall constitute a separate and distinct offense.

B. Once a permit has been issued, it may be revoked, suspended, modified or not renewed by the Commissioner only upon a determination by the Commissioner and the CBC, after due notice and hearing, that the permit-holder has materially failed to comply with this Chapter, the permit agreements or the Guidelines.

C. Notwithstanding the above, the Commissioner, upon a determination that any violation constitutes an immediate and severe threat to the public health and safety, may order the immediate closure of any premises or laboratory engaging in or contributing to such threat, without prior notice and hearing but with subsequent notice and hearing.

The following new section has been added:

8.20.130 Severability.

If any section, subsection, sentence, clause, or portion of this Chapter is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Chapter 8.20

RECOMBINANT DNA TECHNOLOGY

Sections:

8.20.010	Purpose.
8.20.020	Guidelines.
8.20.030	Cambridge Biohazards Committee—Established—Membership.
8.20.040	Cambridge Biohazards Committee—Duties and responsibilities.
8.20.050	Permit—Required.
8.20.060	Institutional Biosafety Committee—Membership.
8.20.070	Institutional Biosafety Committee—Meetings—Report filing.
8.20.080	Screening and testing for purity.
8.20.090	Medical surveillance program.
8.20.100	Violation of guidelines—Notification.
8.20.110	Protection against rodents and insects.
8.20.120	Large-scale operations—Special permit required.
8.20.130	Restrictions.
8.20.140	Violation—Penalty.

8.20.010 Purpose.

All use of RDNA by institutions in the City shall be undertaken only in strict conformity with the guidelines set out in Section 8.20.020 of this chapter, and in conformity also with such other health regulations as the Commissioner of Health and Hospitals may from time to time promulgate. (Ord. 955 (part), 1981: prior code § 11-7(II))

8.20.020 Guidelines.

In the context of this chapter the following definitions are adopted:

A. Recombinant DNA molecules (RDNA) and organisms and viruses containing RDNA are those defined in the National Institutes of Health Guidelines promulgated in the Federal Register on November 21, 1980, and such amendments thereto as may be approved by the Cambridge Biohazards Committee.

B. An institution is any single individual, group of individuals or organization.

C. "Guidelines" are defined as:

1. National Institutes of Health Guidelines for Research Involving Recombinant DNA Molecules published in the Federal Register of November 21, 1980;

2. National Institutes of Health Physical Containment Recommendations for large-scale use of organisms containing recombinant DNA molecules as published in the Federal Register of April 11, 1980;

3. Administrative Practices Supplement to the National Institutes of Health Guidelines for Research Involving Recombinant DNA Molecules as issued by the Office of Recombinant DNA Activities, November, 1980;

4. Such amendments to subsections C1, C2 and C3 of this section adopted by the National Institutes of Health as may be approved by the Cambridge Biohazards Committee. In the event that the National Institutes of Health shall discontinue or abolish their guidelines, those guidelines in effect at the time of such discontinuance shall remain in effect in the City. (Ord. 955 (part), 1981: prior code § 11-7(I))

8.20.030 Cambridge Biohazards Committee—Established—Membership.

A. A Cambridge Biohazards Committee ("CBC") shall be established for the purpose of overseeing all use of RDNA in the City and of advising the Commissioner of Health and Hospitals and the Health Policy Board.

B. The CBC shall be composed of the Commissioner of Health and Hospitals or his/her designee, the Chairperson of the Health Policy Board or a board member designated by the Chairperson and a minimum of three other

members to be appointed by the City Manager. The City Manager is authorized to provide for the adequate staffing of the CBC.

C. The CBC and the Commissioner of Health and Hospitals are empowered to retain competent professional assistance in carrying out their duties under this chapter.

D. The salaries and expenses of the staff and consultants of the CBC under this chapter shall be apportioned to the institutions holding permits under this chapter. (Ord. 955 (part), 1981: prior code § 11-7(III))

8.20.040 Cambridge Biohazards Committee—Duties and responsibilities.

Specific responsibilities of the CBC shall include:

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

B. Approving all amendment to the guidelines before their implementation in the City. In the event that the National Institutes of Health discontinues or abolishes their guidelines, those guidelines in effect at the time of such discontinuance shall remain in effect in the City;

C. Reviewing all proposals for RDNA use in the City for compliance with the guidelines and conformity with such other regulations as the Commissioner of Health and Hospitals may from time to time promulgate;

D. Reviewing manuals and worker training programs and approving health-safety programs and monitoring procedures required by Sections 8.20.010, 8.20.010, 8.20.030 and 8.20.050 through 8.20.110 of this chapter;

E. Determining the manner in which institutions make reports or applications to the CBC, and the type of information required in such reports or applications. Reviewing reports, applications and recommendations by IBC and approving where appropriate. Carrying out site visits to institutional facilities;

F. Developing a procedure for members of institutions where RDNA is used to report to the CBC violations of this chapter, the guidelines or any other health regulations as the Commissioner of Health and Hospitals may promulgate. (Ord. 955 (part), 1981: prior code § 11-9))

8.20.050 Permit—Required.

All institutions proposing to use RDNA must obtain a permit from the Commissioner of Health and Hospitals with the approval of the CBC. Permit requirements include written agreement to:

A. Follow the guidelines;

B. Follow other conditions set forth in this chapter;

C. Allow inspection of facilities and pertinent records by the Cambridge Biohazards Committee;

D. Prepare a health and safety manual which contains all procedures relevant to the use of RDNA at all levels of containment in use at the institution. The manual shall be submitted to the Cambridge Biohazards Committee for review;

E. Establish a training program of safeguards and procedures for personnel using RDNA. (Ord. 955 (part), 1981: prior code § 11-7(IV))

8.20.060 Institutional Biosafety Committee—Membership.

The Institutional Biosafety Committee ("IBC") required by the National Institutes of Health Guidelines shall have at least one member who is a nondoctoral person from a laboratory technical staff and one representative approved by the Health Policy Board. The IBC shall be the final arbiter within an institution, with regard to the implementation of this chapter and the guidelines. (Ord. 955 (part), 1981: prior code § 11-7(V))

8.20.070 Institutional Biosafety Committee—Meetings—Report filing.

All minutes of the IBC meetings must be forwarded to the Commissioner of Health and

Hospitals and the CBC. It shall also be the responsibility of the institution to file regular reports with the Cambridge Biohazards Committee, in a manner to be determined by the CBC. (Ord. 955 (part), 1981: prior code § 11-7(VI))

8.20.080 Screening and testing for purity.

Institutions using RDNA shall perform adequate screening to insure the purity of the strain of host organisms used in the experiments and shall test organisms resulting from such experiments for their resistance to commonly used therapeutic antibiotics. (Ord. 955 (part), 1981: prior code § 11-7(VII))

8.20.090 Medical surveillance program.

All institutions are to provide an appropriate medical surveillance program as determined by the Institutional Biosafety Committee for all persons engaged in the use of RDNA. Such programs must be approved by the CBC. (Ord. 955 (part), 1981: prior code § 11-7(VIII))

8.20.100 Violation of guidelines—Notification.

The institution shall report within thirty days to the CBC and the Commissioner of Health and Hospitals any significant problems with or violations of the guidelines and any significant RDNA related accidents or illnesses. (Ord. 955 (part), 1981: prior code § 11-7(IX))

8.20.110 Protection against rodents and insects.

The premises in which RDNA is used must be totally and completely free of rodent and insect infestation. (Ord. 955 (part), 1981: prior code § 11-7(X))

8.20.120 Large-scale operations—Special permit required.

A. All institutions using RDNA on a "large-scale," as defined in the guidelines, must adhere to the requirements of this section in addition to those stated in Sections 8.20.010, 8.20.020, 8.20.030 and 8.20.050 through 8.20.110 of this chapter.

B. All institutions must obtain a special large-scale permit ("LS permit") from the Commissioner of Health and Hospitals with the approval of the CBC, after the Commissioner and the CBC have conducted an appropriate public hearing. LS permit requirements include written agreement to:

1. Identify clearly all large-scale RDNA use in the IBC minutes;

2. Develop procedures through the IBC for monitoring of large-scale operations, for compliance with this chapter and the guidelines. These procedures shall be approved by the CBC and the Commissioner of Health and Hospitals.

3. a. Allow an annual inspection and review of the procedures and practices of large-scale RDNA use for compliance with this chapter. The scope of this inspection and review shall be mutually agreed upon by the institution and the CBC.

b. The CBC shall retain a professionally competent person, persons, agency or institution to perform this inspection and review. The results shall be reported to the CBC, the Commissioner of Health and Hospitals and the institution involved.

c. The institution shall reimburse the City for the expense of this inspection and review including an apportionment of the salaries of the staff of the CBC under subsections B and C of Section 8.20.030 of this chapter.

4. Establish a health-safety program for appropriate employees. Such a program is to include safety training, periodic retraining and periodic health surveillance. Details and procedures are to be established by each institution and approved by the CBC and the Commissioner of Health and Hospitals.

5. Advance approval must be given by the CBC for large-scale uses of RDNA requiring P2 or P3 physical containment. (Ord. 955 (part), 1981: prior code § 11-8))

8.20.130 Restrictions.

A. RDNA use classified by the guidelines as requiring P3 physical containment and biological containment greater than HV2 shall not be permitted without prior approval of the CBC. RDNA use requiring P4 containment shall not be permitted in the City.

B. There shall be no deliberate release into the environment, that is, the sewers, drains or the air, of any organism containing recombinant DNA and further that any accidental release shall be reported to the Commissioner of Health and Hospitals within five days. (Ord. 955 (part), 1981: prior code § 11-10))

8.20.140 Violation—Penalty.

A. Violation of the conditions of this chapter shall subject the violator to a fine of two hundred dollars per day and in addition the facility in which the violation occurs may be closed by the Commissioner of Health and Hospitals. Each day of violation shall constitute a separate and distinct offense.

B. Once a permit has been issued it may be revoked by the Commissioner of Health and Hospitals only upon a determination (subject to judicial review) by the CBC and the Commissioner of Health and Hospitals after due notice and hearing, that the institution involved has materially failed to comply with the City ordinance, the permit agreements or the guidelines (not withstanding reasonable notice and an opportunity to correct such failures to comply with the provisions of this chapter). (Ord. 955 (part), 1981: prior code § 11-11))

CITY OF CAMBRIDGE

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August 5, 1992

TO: Donald A. Drisdell

FROM: Birge Albright BA

RE: Amendments to Chapter 8.20 of the Code
Recombinant DNA Technology

Recently, at the request of Dr. Chalfen, I drafted an ordinance which amends Chapter 8.20 of the Code (Recombinant DNA Technology). This ordinance, which was based on a draft prepared by Dr. Chalfen, was submitted to the City Council on August 3, 1992.

In this memorandum, I will go through the current Chapter 8.20 and explain how each section has been amended.

8.20.010 Purpose

In this section, the words "the other requirements of this Chapter" have been added.

8.20.020 Guidelines

The title of this section has been changed to Definitions.

The definitions of "Recombinant DNA molecules" and "organisms and viruses containing RDNA" have been amended to reflect recent

amendments to the NIH Guidelines. The phrase, "such amendments ... as may be approved by the Cambridge Biohazards Committee" has been amended to read, "such amendments as may be approved by the Commissioner". The sentence, "Amendments not acted upon by the Commissioner within sixty days shall be considered approved" has been added.

The definition of "institution" has been eliminated.

The definition of "Guidelines" has been amended to reflect recent amendments to the NIH Guidelines. In paragraph C(4), the phrase "approved by the Cambridge Biohazards Committee" has been amended to read "approved by the Commissioner", and the following new sentence has been added: "Amendments not acted upon by the Commissioner within sixty days shall be considered approved".

The following new definition of "person" has been added:

> 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.

8.20.030 Cambridge Biohazards Committee - Established - Membership

Title changed to Cambridge Biosafety Committee - Membership - Staff.

A. Eliminated

B. becomes A. Add a new sentence at the end: "Members of the CBC shall be Special Municipal Employees".

C. becomes B. Substitute "authorized" for "empowered".

D. becomes C. Substitute "persons" for "institutions".

8.20.040 Cambridge Biohazards Committee - Duties and responsibilities

Title changed to Cambridge Biosafety Committee - Duties and responsibilities.

A. Remains essentially unchanged.

B. Eliminated.

C. Eliminated.

D. becomes C. Substitute "procedures required by this Chapter" for "procedures required by Section 8.20.010, 8.20.010 (sic), 8.20.030 and 8.20.050 through 8.20.110 of this chapter".

E. becomes B. Substitute "permit-holders" for "institutions" and "permitted" for "institutional".

F. becomes D. Paragraph has been shortened.

8.20.050 Permit - Required

Title changed to Permit requirements.

In the first line, substitute "persons" for "institutions".

C. Substitute "reasonable inspections" for "inspection".

D. At the end of the first sentence, substitute "facility" for "institution", and add: "and a program for waste disposal in compliance with all applicable federal, state and local laws".

At the end of the section, add the following new paragraph:

> Permits shall be issued and renewed on an annual basis. The Commissioner may establish fees for the issuance and renewal of permits.

8.20.060 Institutional Biosafety Committee - Membership

Title changed to Institutional Biosafety Committees.

Strike the first sentence and replace it with the following:

> The Institutional Biosafety Committees (IBC) shall be established in accordance with the Guidelines, except that the required composition of each IBC shall include at least one representative from the surrounding community approved by the Health Policy Board.

8.20.070 Institutional Biosafety Committee - Meetings - Report Filing

Title changed to Reports.

This section has been rewritten to read as follows:

> Each holder of a permit shall file regular reports with the CBC, in a manner to be determined by the CBC. All minutes of IBC meetings must be sent to the Commissioner and the CBC.

The meaning of the section remains the same.

8.20.080 Screening and testing for purity

Title changed to Medical surveillance program.

The section entitled Screening and testing for purity has been eliminated, and section 8.20.090 and all subsequent sections have been renumbered.

8.20.090 Medical surveillance program

This section is now 8.20.080.

The first sentence has been rewritten as follows:

> Each permit-holder must provide an appropriate medical surveillance program as determined by its IBC and consistent with the Guidelines.

The meaning remains the same.

8.20.100 Violation of Guidelines - Notification

This section is now 8.20.090.

Substitute "permit-holder" for "institution".

8.20.110 Protection against rodents and insects

This section is now 8.20.100.

Old section:

> The premises in which RDNA is used must be totally and completely free of rodent and insect infestation.

New section:

> Effective rodent and insect control programs must be in place on premises where RDNA use under this Chapter takes place.

8.20.120 Large-scale operations - Special permit required

Title changed to Enforcement.

The section entitled Large-scale operations - Special permit required has been eliminated.

8.20.130 Restrictions

This section is now 8.20.110.

Old section:

> A. RDNA use classified by the guidelines as requiring P3 physical containment and biological containment greater than HV2 shall not be permitted without prior approval of the CBC. RDNA use requiring P4 containment shall not be permitted in the City.
>
> B. There shall be no deliberate release into the environment, that is, the sewers, drains or the air, of any organism containing recombinant DNA and further that any accidental release shall be reported to the Commissioner of Health and Hospitals within five days.

New section:

> A. RDNA use requiring containment defined by the Guidelines as "BL4" shall not be permitted in Cambridge.

B. Any accidental release which represents a significant potential hazard to employees or the public shall be reported to the Commissioner immediately, and in no case more than 24 hours after the release.

8.20.140 Violation - Penalty

This section is now 8.20.120, and the title has been changed to Enforcement.

Old section:

A. Violation of the conditions of this chapter shall subject the violator to a fine of two hundred dollars per day and in addition the facility in which the violation occurs may be closed by the Commissioner of Health and Hospitals. Each day of violation shall constitute a separate and distinct offense.

B. Once a permit has been issued it may be revoked by the Commissioner of Health and Hospitals only upon a determination (subject to judicial review) by the CBC and the Commissioner of Health and Hospitals after due notice and hearing, that the institution involved has materially failed to comply with the City ordinance, the permit agreements or the guidelines (not withstanding reasonable notice and an opportunity to correct such failures to comply with the provisions of this chapter).

New section:

A. Any person who violates any provision of this Chapter shall be subject to a fine of three hundred dollars ($300.00) per violation. Each day of violation shall constitute a separate and distinct offense.

B. Once a permit has been issued, it may be revoked, suspended, modified or not renewed by the Commissioner only upon a determination by the Commissioner and the CBC, after due notice and hearing, that the permit-holder has materially failed to comply with this Chapter, the permit agreements or the Guidelines.

C. Notwithstanding the above, the Commissioner, upon a determination that any violation constitutes an immediate and severe threat to the public health and safety, may order the immediate closure of any premises or laboratory engaging in or contributing to such threat, without prior notice and hearing but with subsequent notice and hearing.

The following new section has been added:

8.20.130 Severability.

If any section, subsection, sentence, clause, or portion of this Chapter is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

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Chapter 8.20

RECOMBINANT DNA TECHNOLOGY

Sections:

8.20.010 Purpose.
8.20.020 Guidelines.
8.20.030 Cambridge Biohazards Committee—Established—Membership.
8.20.040 Cambridge Biohazards Committee—Duties and responsibilities.
8.20.050 Permit—Required.
8.20.060 Institutional Biosafety Committee—Membership.
8.20.070 Institutional Biosafety Committee—Meetings—Report filing.
8.20.080 Screening and testing for purity.
8.20.090 Medical surveillance program.
8.20.100 Violation of guidelines—Notification.
8.20.110 Protection against rodents and insects.
8.20.120 Large-scale operations—Special permit required.
8.20.130 Restrictions.
8.20.140 Violation—Penalty.

8.20.010 Purpose.

All use of RDNA by institutions in the City shall be undertaken only in strict conformity with the guidelines set out in Section 8.20.020 of this chapter, and in conformity also with such other health regulations as the Commissioner of Health and Hospitals may from time to time promulgate. (Ord. 955 (part), 1981: prior code § 11-7(II))

8.20.020 Guidelines.

In the context of this chapter the following definitions are adopted:

A. Recombinant DNA molecules (RDNA) and organisms and viruses containing RDNA are those defined in the National Institutes of Health Guidelines promulgated in the Federal Register on November 21, 1980, and such amendments thereto as may be approved by the Cambridge Biohazards Committee.

B. An institution is any single individual, group of individuals or organization.

C. "Guidelines" are defined as:

1. National Institutes of Health Guidelines for Research Involving Recombinant DNA Molecules published in the Federal Register of November 21, 1980;

2. National Institutes of Health Physical Containment Recommendations for large-scale use of organisms containing recombinant DNA molecules as published in the Federal Register of April 11, 1980;

3. Administrative Practices Supplement to the National Institutes of Health Guidelines for Research Involving Recombinant DNA Molecules as issued by the Office of Recombinant DNA Activities, November, 1980;

4. Such amendments to subsections C1, C2 and C3 of this section adopted by the National Institutes of Health as may be approved by the Cambridge Biohazards Committee. In the event that the National Institutes of Health shall discontinue or abolish their guidelines, those guidelines in effect at the time of such discontinuance shall remain in effect in the City. (Ord. 955 (part), 1981: prior code § 11-7(I))

8.20.030 Cambridge Biohazards Committee—Established—Membership.

A. A Cambridge Biohazards Committee ("CBC") shall be established for the purpose of overseeing all use of RDNA in the City and of advising the Commissioner of Health and Hospitals and the Health Policy Board.

B. The CBC shall be composed of the Commissioner of Health and Hospitals or his/her designee, the Chairperson of the Health Policy Board or a board member designated by the Chairperson and a minimum of three other

members to be appointed by the City Manager. The City Manager is authorized to provide for the adequate staffing of the CBC.

C. The CBC and the Commissioner of Health and Hospitals are empowered to retain competent professional assistance in carrying out their duties under this chapter.

D. The salaries and expenses of the staff and consultants of the CBC under this chapter shall be apportioned to the institutions holding permits under this chapter. (Ord. 955 (part), 1981: prior code § 11-7(III))

8.20.040 Cambridge Biohazards Committee—Duties and responsibilities.

Specific responsibilities of the CBC shall include:

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

B. Approving all amendment to the guidelines before their implementation in the City. In the event that the National Institutes of Health discontinues or abolishes their guidelines, those guidelines in effect at the time of such discontinuance shall remain in effect in the City;

C. Reviewing all proposals for RDNA use in the City for compliance with the guidelines and conformity with such other regulations as the Commissioner of Health and Hospitals may from time to time promulgate;

D. Reviewing manuals and worker training programs and approving health-safety programs and monitoring procedures required by Sections 8.20.010, 8.20.010, 8.20.030 and 8.20.050 through 8.20.110 of this chapter;

E. Determining the manner in which institutions make reports or applications to the CBC, and the type of information required in such reports or applications. Reviewing reports, applications and recommendations by IBC and approving where appropriate. Carrying out site visits to institutional facilities;

F. Developing a procedure for members of institutions where RDNA is used to report to the CBC violations of this chapter, the guidelines or any other health regulations as the Commissioner of Health and Hospitals may promulgate. (Ord. 955 (part), 1981: prior code § 11-9))

8.20.050 Permit—Required.

All institutions proposing to use RDNA must obtain a permit from the Commissioner of Health and Hospitals with the approval of the CBC. Permit requirements include written agreement to:

A. Follow the guidelines;

B. Follow other conditions set forth in this chapter;

C. Allow inspection of facilities and pertinent records by the Cambridge Biohazards Committee;

D. Prepare a health and safety manual which contains all procedures relevant to the use of RDNA at all levels of containment in use at the institution. The manual shall be submitted to the Cambridge Biohazards Committee for review;

E. Establish a training program of safeguards and procedures for personnel using RDNA. (Ord. 955 (part), 1981: prior code § 11-7(IV))

8.20.060 Institutional Biosafety Committee—Membership.

The Institutional Biosafety Committee ("IBC") required by the National Institutes of Health Guidelines shall have at least one member who is a nondoctoral person from a laboratory technical staff and one representative approved by the Health Policy Board. The IBC shall be the final arbiter within an institution, with regard to the implementation of this chapter and the guidelines. (Ord. 955 (part), 1981: prior code § 11-7(V))

8.20.070 Institutional Biosafety Committee—Meetings—Report filing.

All minutes of the IBC meetings must be forwarded to the Commissioner of Health and

Hospitals and the CBC. It shall also be the responsibility of the institution to file regular reports with the Cambridge Biohazards Committee, in a manner to be determined by the CBC. (Ord. 955 (part), 1981: prior code § 11-7(VI))

8.20.080 Screening and testing for purity.

Institutions using RDNA shall perform adequate screening to insure the purity of the strain of host organisms used in the experiments and shall test organisms resulting from such experiments for their resistance to commonly used therapeutic antibiotics. (Ord. 955 (part), 1981: prior code § 11-7(VII))

8.20.090 Medical surveillance program.

All institutions are to provide an appropriate medical surveillance program as determined by the Institutional Biosafety Committee for all persons engaged in the use of RDNA. Such programs must be approved by the CBC. (Ord. 955 (part), 1981: prior code § 11-7(VIII))

8.20.100 Violation of guidelines—Notification.

The institution shall report within thirty days to the CBC and the Commissioner of Health and Hospitals any significant problems with or violations of the guidelines and any significant RDNA related accidents or illnesses. (Ord. 955 (part), 1981: prior code § 11-7(IX))

8.20.110 Protection against rodents and insects.

The premises in which RDNA is used must be totally and completely free of rodent and insect infestation. (Ord. 955 (part), 1981: prior code § 11-7(X))

8.20.120 Large-scale operations—Special permit required.

A. All institutions using RDNA on a "large-scale," as defined in the guidelines, must adhere to the requirements of this section in addition to those stated in Sections 8.20.010, 8.20.020, 8.20.030 and 8.20.050 through 8.20.110 of this chapter.

B. All institutions must obtain a special large-scale permit ("LS permit") from the Commissioner of Health and Hospitals with the approval of the CBC, after the Commissioner and the CBC have conducted an appropriate public hearing. LS permit requirements include written agreement to:

1. Identify clearly all large-scale RDNA use in the IBC minutes;

2. Develop procedures through the IBC for monitoring of large-scale operations, for compliance with this chapter and the guidelines. These procedures shall be approved by the CBC and the Commissioner of Health and Hospitals.

3. a. Allow an annual inspection and review of the procedures and practices of large-scale RDNA use for compliance with this chapter. The scope of this inspection and review shall be mutually agreed upon by the institution and the CBC.

b. The CBC shall retain a professionally competent person, persons, agency or institution to perform this inspection and review. The results shall be reported to the CBC, the Commissioner of Health and Hospitals and the institution involved.

c. The institution shall reimburse the City for the expense of this inspection and review including an apportionment of the salaries of the staff of the CBC under subsections B and C of Section 8.20.030 of this chapter.

4. Establish a health-safety program for appropriate employees. Such a program is to include safety training, periodic retraining and periodic health surveillance. Details and procedures are to be established by each institution and approved by the CBC and the Commissioner of Health and Hospitals.

5. Advance approval must be given by the CBC for large-scale uses of RDNA requiring P2 or P3 physical containment. (Ord. 955 (part), 1981: prior code § 11-8))

8.20.130 Restrictions.

A. RDNA use classified by the guidelines as requiring P3 physical containment and biological containment greater than HV2 shall not be permitted without prior approval of the CBC. RDNA use requiring P4 containment shall not be permitted in the City.

B. There shall be no deliberate release into the environment, that is, the sewers, drains or the air, of any organism containing recombinant DNA and further that any accidental release shall be reported to the Commissioner of Health and Hospitals within five days. (Ord. 955 (part), 1981: prior code § 11-10))

8.20.140 Violation—Penalty.

A. Violation of the conditions of this chapter shall subject the violator to a fine of two hundred dollars per day and in addition the facility in which the violation occurs may be closed by the Commissioner of Health and Hospitals. Each day of violation shall constitute a separate and distinct offense.

B. Once a permit has been issued it may be revoked by the Commissioner of Health and Hospitals only upon a determination (subject to judicial review) by the CBC and the Commissioner of Health and Hospitals after due notice and hearing, that the institution involved has materially failed to comply with the City ordinance, the permit agreements or the guidelines (not withstanding reasonable notice and an opportunity to correct such failures to comply with the provisions of this chapter). (Ord. 955 (part), 1981: prior code § 11-11))

27.

CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139

TEL. 349-4300
FAX. 349-4307

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

August 3, 1992

To The Honorable, The City Council:

I am hereby transmitting recommended changes to the Ordinance on Recombinant DNA Technology, formerly Ordinance 955 of April, 1981, now Chapter 8.20, received by the Cambridge Biohazards Committee and Melvin H. Chalfen, Commissioner of Health & Hospital.

Passage is strongly recommended.

Very truly yours,

Robert W. Healy
City Manager

RWH/mev
attachments

CITY OF CAMBRIDGE
DEPARTMENT OF HEALTH AND HOSPITALS
1493 CAMBRIDGE STREET CAMBRIDGE, MASSACHUSETTS 02139

Melvin H. Chalfen, M.D.
Commissioner

RECEIVED
92 JUL 30 PM 1:46
OFFICE OF THE CITY MANAGER

Robert W. Healy
City Manager
City Hall
Cambridge, Massachusetts 02139

July 29, 1992

Dear Mr. Healy;

I am enclosing changes recommended by the Cambridge Biohazards Committee and myself for the Ordinance on Recombinant DNA Technology, formerly Ordinance 955 Of April, 1981, now Chapter 8.20. The changes have been put into appropriate language and form by members of the Law Department.

This Ordinance which has worked well for the City for many years now does not reflect the changes in science and technology which have occurred over the past fourteen years. It is also divergent from the amendments to the National Institutes of Health Guidelines for Research Involving Recombinant DNA Molecules (NIHG).

The NIHG, as you know, are at the core of our ordinance and similar ordinances in other cities. The Guidelines set forth the standards which institutions using recombinant DNA materials follow by law in Cambridge and certain other cities with such ordinances. Institutions receiving NIH grants for rDNA projects also must follow the Guidelines. The NIH amendments to the Guidelines are published in the Federal Register, reviewed in public meetings before acceptance, and reflect acquired knowledge, and national and international experience.

The result is that the Ordinance has become difficult to administer in a satisfactory manner. These disadvantages, that is differences between ordinances and the current NIHG, has been noted in other cities. Boston, for example, is in the process of changing their Ordinance, which was originally patterned on our Ordinance, to be consonant with the NIHG.

The recommendations are to change certain definitions to focus on safety and hazard rather than on specific compositions, in accord with the NIHG and its amendments. The sections on large scale are no longer necessary as industry and scientific practice have shown no increased or unknown hazard in comparison to small scale.

CITY OF CAMBRIDGE

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City Solicitor

Donald A. Drisdell
Deputy City Solicitor

Michael C. Costello
Assistant City Solicitor

Birge Albright
Legal Counsel

Gail S. Gabriel
Legal Counsel

Diane Wynshaw-Boris
Legal Counsel

Laura H. Yager
Legal Counsel

Linda A. Stamper
Legal Counsel

Arthur J. Goldberg
Legal Counsel

RECEIVED
92 JUL 30 AM 9:25
OFFICE OF THE CITY MANAGER

July 29, 1992

Robert W. Healy
City Manager
City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

Re: Recombinant DNA Technology

Dear Mr. Healy:

I enclose, for submission to the Council, an ordinance which makes certain amendments to Chapter 8.20 of the Code (Recombinant DNA Technology). I understand that Dr. Chalfen is sending you a letter which will give you some of the background for the amendments.

Very truly yours,

Russell B. Higley

RBH/jab
Enclosure

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety Two

AN ORDINANCE

In amendment to the Municipal Code of the City of Cambridge

Be it ordained by the City Council of the City of Cambridge as follows:

Title 8 of the Code (Health and Safety) is hereby amended by striking out Chapter 8.20 of the Code (Recombinant DNA Technology) and substituting the following new Chapter 8.20:

Chapter 8.20

RECOMBINANT DNA TECHNOLOGY

Sections:

8.20.010	Purpose.
8.20.020	Definitions.
8.20.030	Cambridge Biosafety Committee - Membership - Staff.
8.20.040	Cambridge Biosafety Committee - Duties and responsibilities.
8.20.050	Permit requirements.
8.20.060	Institutional Biosafety Committees.
8.20.070	Reports.
8.20.080	Medical surveillance program.
8.20.090	Violation of guidelines - Notification.
8.20.100	Protection against rodents and insects.
8.20.110	Restrictions.
8.20.120	Enforcement.
8.20.130	Severability.

8.20.010 Purpose.

All use of recombinant DNA (RDNA) in the City of Cambridge shall be undertaken only in strict conformity with the Guidelines set out in Section 8.20.020, the other requirements of this Chapter and health regulations promulgated by the Cambridge Commissioner of Health and Hospitals (the Commissioner).

8.20.020 Definitions.

a) "Guidelines" are defined as:

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 Molecules 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, and April 22, 1992.

3) Such amendments to (1) and (2) above which are adopted by the National Institutes of Health (NIH) and approved by the Commissioner. Amendments not acted upon by the Commissioner within sixty days shall be considered approved. In the event that the NIH shall discontinue or abolish its guidelines, those guidelines in effect at the time of such discontinuance shall remain in effect in Cambridge.

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 Commissioner. Amendments not acted upon by the Commissioner within sixty days shall be considered approved.

8.20.030 Cambridge Biosafety Committee - Membership - Staff.

A. The Cambridge Biosafety Committee (CBC) (formerly known as the Cambridge Biohazards Committee) shall be composed of the Commissioner or his/her designee, the Chairperson of the Cambridge Health Policy Board, or a Board member designated by the Chairperson, and a minimum of three other members to be appointed by the City Manager. The City Manager is authorized to provide for the adequate staffing of the CBC. Members of the CBC shall be Special Municipal Employees.

B. The CBC and the Commissioner are authorized to retain competent professional assistance in carrying out their duties under this Chapter.

C. The salaries and expenses of the staff and consultants of the CBC under this Chapter shall be apportioned to the persons holding permits under Section 8.20.050.

8.20.040 Cambridge Biosafety Committee - Duties and Responsibilities.

The responsibilities of the CBC 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 CBC, 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 Chapter.

D. Developing a procedure for persons to report to the CBC violations of this Chapter, the Guidelines or any health regulation.

8.20.050 Permit requirements.

All persons proposing to use RDNA must obtain a permit from the Commissioner with the approval of the CBC. Permit requirements shall, at a minimum, include written agreement to:

A. Follow the Guidelines as defined in this Chapter.

B. Follow other conditions set forth in this Chapter.

C. Allow reasonable inspections of facilities and pertinent records by the CBC.

D. Prepare a Health and Safety Manual which contains all procedures relevant to the use of RDNA at all levels of containment in use at the facility, and a program for waste disposal in compliance with all applicable federal, state and local laws. the Manual shall be submitted to the CBC for review.

E. Establish a training program of safeguards and procedures for personnel using RDNA.

Permits shall be issued and renewed on an annual basis. The Commissioner may establish fees for the issuance and renewal of permits.

8.20.060 Institutional Biosafety Committees.

The Institutional Biosafety Committees (IBC) shall be established in accordance with the Guidelines, except that the required composition of each IBC shall include at least one representative from the surrounding community approved by the Health Policy Board. The IBC shall be the final arbiter within an institution with regard to the implementation of this Chapter and the Guidelines.

8.20.070 Reports.

Each holder of a permit shall file regular reports with the CBC, in a manner to be determined by the CBC. All minutes of IBC meetings must be sent to the Commissioner and the CBC.

8.20.080 Medical surveillance program.

Each permit-holder must provide an appropriate medical surveillance program as determined by its IBC and consistent with the Guidelines. Such programs must be approved by the CBC.

8.20.090 Violation of Guidelines - Notification.

The permit-holder shall report, within thirty days, to the Commissioner and the CBC any significant problems with or violations of the Guidelines and any significant RDNA-related accidents or illnesses.

8.20.100 Protection against rodents and insects.

Effective rodent and insect control programs must be in place on premises where RDNA use under this Chapter takes place.

8.20.110 Restrictions.

A. RDNA use requiring containment defined by the Guidelines as "BL4" shall not be permitted in Cambridge.

B. Any accidental release which represents a significant potential hazard to employees or the public shall be reported to the Commissioner immediately, and in no case more than 24 hours after the release.

8.20.120 Enforcement.

A. Any person who violates any provision of this Chapter shall be subject to a fine of three hundred dollars ($300.00) per violation. Each day of violation shall constitute a separate and distinct offense.

B. Once a permit has been issued, it may be revoked, suspended, modified or not renewed by the Commissioner only upon a determination by the Commissioner and the CBC, after due notice and hearing, that the permit-holder has materially failed to comply with this Chapter, the permit agreements or the Guidelines.

C. Notwithstanding the above, the Commissioner, upon a determination that any violation constitutes an immediate and severe threat to the public health and safety, may order the immediate closure of any premises or laboratory engaging in or contributing to such threat, without prior notice and hearing but with subsequent notice and hearing.

8.20.130 Severability.

If any section, subsection, sentence, clause, or portion of this Chapter is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

CAMBRIDGE CHAMBER OF COMMERCE

November 16, 1992

RECEIVED
CAMBRIDGE, MA.
1992 NOV 16 PM 1:35
CITY CLERK'S OFFICE

The Honorable Alice Wolf
Chair, Ordinance Committee
Cambridge City Council
City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

Dear Councillor Wolf:

The Chamber supports the proposed ordinance that seeks to alter Chapter 8.20 relative to Recombinant DNA Technology. The City Manager submitted the changes, as recommended by the Cambridge Biohazards Committee, on August 3, 1992.

The current ordinance is no longer consistent with new technological advances and recently promulgated federal regulations. Specifically, Chapter 8.20 was enacted prior to new amendments to the National Institute of Health Guidelines for Research Involving Recombinant DNA Molecules. The proposed ordinance would revise certain meanings and delineation in order to focus on safety rather than dictating specific compositions and substances. These changes are clearly acceptable for public health and safety and are in line with the NIHG amendments.

Passage of the revised ordinance would send a positive signal to the Bio-Tech and other high-tech industries in Cambridge. Expansion and recruitment of these firms will help to improve the economic health and well being of our city and state. The Chamber urges passage of this important proposed ordinance.

Sincerely,

Jonathan Ginsberg

Jonathan Ginsberg
Director of Public Affairs/Community Relations

859 MASSACHUSETTS AVE. CAMBRIDGE, MA 02139 (617) 876-4100

CAMBRIDGE CHAMBER OF COMMERCE

December 10, 1992

To the Honorable Members of the Cambridge City Council:

The Chamber supports the proposed ordinance that seeks to alter Chapter 8.20 relative to Recombinant DNA Technology. The City Council's Ordinance Committee gave the proposal a favorable recommendation on November 17, 1992.

The current ordinance is no longer consistent with new technological advances and recently promulgated federal regulations. Specifically, Chapter 8.20 was enacted prior to new amendments to the National Institute of Health Guidelines for Research Involving Recombinant DNA Molecules. The proposed ordinance would revise certain meanings and delineation in order to focus on safety rather than dictating specific compositions and substances. These changes are clearly acceptable for public health and safety and are in line with the NIHG amendments.

Passage of the revised ordinance would send a positive signal to the Bio-Tech and other high-tech industries in Cambridge. Expansion and recruitment of these firms will help to improve the economic health and well being of our city and state. The Chamber urges passage of this important proposed ordinance.

Sincerely,

Jonathan Ginsberg

Jonathan Ginsberg
Director of Public Affairs/Community Relations

RECEIVED BY
OFFICE OF CITY CLERK
1992 DEC 10 PM 3:41
CAMBRIDGE MA.

859 MASSACHUSETTS AVE. CAMBRIDGE, MA 02139 (617) 876-4100

Comm. from Jonathan Ginsberg, Director of Public Affairs/Community Relations, Cambridge Chamber of Commerce, in support of the proposed ordinance amendment regarding Recombinant DNA Technology.

In City Council,

Dec. 14, 1992

Referred to the petition

CITY OF CAMBRIDGE

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Birge Albright
Legal Counsel

Gail S. Gabriel
Legal Counsel

Diane Wynshaw-Boris
Legal Counsel

Laura H. Yager
Legal Counsel

Linda A. Stamper
Legal Counsel

Arthur J. Goldberg
Legal Counsel

August 5, 1992

TO: Donald A. Drisdell

FROM: Birge Albright BA

RE: Amendments to Chapter 8.20 of the Code
Recombinant DNA Technology

Recently, at the request of Dr. Chalfen, I drafted an ordinance which amends Chapter 8.20 of the Code (Recombinant DNA Technology). This ordinance, which was based on a draft prepared by Dr. Chalfen, was submitted to the City Council on August 3, 1992.

In this memorandum, I will go through the current Chapter 8.20 and explain how each section has been amended.

8.20.010 Purpose

In this section, the words "the other requirements of this Chapter" have been added.

8.20.020 Guidelines

The title of this section has been changed to Definitions.

The definitions of "Recombinant DNA molecules" and "organisms and viruses containing RDNA" have been amended to reflect recent

amendments to the NIH Guidelines. The phrase, "such amendments ... as may be approved by the Cambridge Biohazards Committee" has been amended to read, "such amendments as may be approved by the Commissioner". The sentence, "Amendments not acted upon by the Commissioner within sixty days shall be considered approved" has been added.

The definition of "institution" has been eliminated.

The definition of "Guidelines" has been amended to reflect recent amendments to the NIH Guidelines. In paragraph C(4), the phrase "approved by the Cambridge Biohazards Committee" has been amended to read "approved by the Commissioner", and the following new sentence has been added: "Amendments not acted upon by the Commissioner within sixty days shall be considered approved".

The following new definition of "person" has been added:

> 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.

8.20.030 Cambridge Biohazards Committee - Established - Membership

Title changed to Cambridge Biosafety Committee - Membership - Staff.

A. Eliminated

B. becomes A. Add a new sentence at the end: "Members of the CBC shall be Special Municipal Employees".

C. becomes B. Substitute "authorized" for "empowered".

D. becomes C. Substitute "persons" for "institutions".

8.20.040 Cambridge Biohazards Committee - Duties and responsibilities

Title changed to Cambridge Biosafety Committee - Duties and responsibilities.

A. Remains essentially unchanged.

B. Eliminated.

C. Eliminated.

D. becomes C. Substitute "procedures required by this Chapter" for "procedures required by Section 8.20.010, 8.20.010 (sic), 8.20.030 and 8.20.050 through 8.20.110 of this chapter".

E. becomes B. Substitute "permit-holders" for "institutions" and "permitted" for "institutional".

F. becomes D. Paragraph has been shortened.

8.20.050 Permit - Required

Title changed to Permit requirements.

In the first line, substitute "persons" for "institutions".

C. Substitute "reasonable inspections" for "inspection".

D. At the end of the first sentence, substitute "facility" for "institution", and add: "and a program for waste disposal in compliance with all applicable federal, state and local laws".

At the end of the section, add the following new paragraph:

> Permits shall be issued and renewed on an annual basis. The Commissioner may establish fees for the issuance and renewal of permits.

8.20.060 Institutional Biosafety Committee - Membership

Title changed to Institutional Biosafety Committees.

Strike the first sentence and replace it with the following:

> The Institutional Biosafety Committees (IBC) shall be established in accordance with the Guidelines, except that the required composition of each IBC shall include at least one representative from the surrounding community approved by the Health Policy Board.

8.20.070 Institutional Biosafety Committee - Meetings - Report Filing

Title changed to Reports.

This section has been rewritten to read as follows:

> Each holder of a permit shall file regular reports with the CBC, in a manner to be determined by the CBC. All minutes of IBC meetings must be sent to the Commissioner and the CBC.

The meaning of the section remains the same.

8.20.080 Screening and testing for purity

Title changed to Medical surveillance program.

The section entitled Screening and testing for purity has been eliminated, and section 8.20.090 and all subsequent sections have been renumbered.

8.20.090 Medical surveillance program

This section is now 8.20.080.

The first sentence has been rewritten as follows:

> Each permit-holder must provide an appropriate medical surveillance program as determined by its IBC and consistent with the Guidelines.

The meaning remains the same.

8.20.100 Violation of Guidelines - Notification

This section is now 8.20.090.

Substitute "permit-holder" for "institution".

8.20.110 Protection against rodents and insects

This section is now 8.20.100.

Old section:

> The premises in which RDNA is used must be totally and completely free of rodent and insect infestation.

New section:

> Effective rodent and insect control programs must be in place on premises where RDNA use under this Chapter takes place.

8.20.120 Large-scale operations - Special permit required

Title changed to Enforcement.

The section entitled Large-scale operations - Special permit required has been eliminated.

8.20.130 Restrictions

This section is now 8.20.110.

Old section:

> A. RDNA use classified by the guidelines as requiring P3 physical containment and biological containment greater than HV2 shall not be permitted without prior approval of the CBC. RDNA use requiring P4 containment shall not be permitted in the City.
>
> B. There shall be no deliberate release into the environment, that is, the sewers, drains or the air, of any organism containing recombinant DNA and further that any accidental release shall be reported to the Commissioner of Health and Hospitals within five days.

New section:

> A. RDNA use requiring containment defined by the Guidelines as "BL4" shall not be permitted in Cambridge.

B. Any accidental release which represents a significant potential hazard to employees or the public shall be reported to the Commissioner immediately, and in no case more than 24 hours after the release.

8.20.140 Violation - Penalty

This section is now 8.20.120, and the title has been changed to Enforcement.

Old section:

A. Violation of the conditions of this chapter shall subject the violator to a fine of two hundred dollars per day and in addition the facility in which the violation occurs may be closed by the Commissioner of Health and Hospitals. Each day of violation shall constitute a separate and distinct offense.

B. Once a permit has been issued it may be revoked by the Commissioner of Health and Hospitals only upon a determination (subject to judicial review) by the CBC and the Commissioner of Health and Hospitals after due notice and hearing, that the institution involved has materially failed to comply with the City ordinance, the permit agreements or the guidelines (not withstanding reasonable notice and an opportunity to correct such failures to comply with the provisions of this chapter).

New section:

A. Any person who violates any provision of this Chapter shall be subject to a fine of three hundred dollars ($300.00) per violation. Each day of violation shall constitute a separate and distinct offense.

B. Once a permit has been issued, it may be revoked, suspended, modified or not renewed by the Commissioner only upon a determination by the Commissioner and the CBC, after due notice and hearing, that the permit-holder has materially failed to comply with this Chapter, the permit agreements or the Guidelines.

C. Notwithstanding the above, the Commissioner, upon a determination that any violation constitutes an immediate and severe threat to the public health and safety, may order the immediate closure of any premises or laboratory engaging in or contributing to such threat, without prior notice and hearing but with subsequent notice and hearing.

The following new section has been added:

8.20.130 Severability.

If any section, subsection, sentence, clause, or portion of this Chapter is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

ORD#3\DNA\DAD.mmo

Chapter 8.20

RECOMBINANT DNA TECHNOLOGY

Sections:

8.20.010 Purpose.
8.20.020 Guidelines.
8.20.030 Cambridge Biohazards Committee—Established—Membership.
8.20.040 Cambridge Biohazards Committee—Duties and responsibilities.
8.20.050 Permit—Required.
8.20.060 Institutional Biosafety Committee—Membership.
8.20.070 Institutional Biosafety Committee—Meetings—Report filing.
8.20.080 Screening and testing for purity.
8.20.090 Medical surveillance program.
8.20.100 Violation of guidelines—Notification.
8.20.110 Protection against rodents and insects.
8.20.120 Large-scale operations—Special permit required.
8.20.130 Restrictions.
8.20.140 Violation—Penalty.

8.20.010 Purpose.

All use of RDNA by institutions in the City shall be undertaken only in strict conformity with the guidelines set out in Section 8.20.020 of this chapter, and in conformity also with such other health regulations as the Commissioner of Health and Hospitals may from time to time promulgate. (Ord. 955 (part), 1981: prior code § 11-7(II))

8.20.020 Guidelines.

In the context of this chapter the following definitions are adopted:

A. Recombinant DNA molecules (RDNA) and organisms and viruses containing RDNA are those defined in the National Institutes of Health Guidelines promulgated in the Federal Register on November 21, 1980, and such amendments thereto as may be approved by the Cambridge Biohazards Committee.

B. An institution is any single individual, group of individuals or organization.

C. "Guidelines" are defined as:

1. National Institutes of Health Guidelines for Research Involving Recombinant DNA Molecules published in the Federal Register of November 21, 1980;

2. National Institutes of Health Physical Containment Recommendations for large-scale use of organisms containing recombinant DNA molecules as published in the Federal Register of April 11, 1980;

3. Administrative Practices Supplement to the National Institutes of Health Guidelines for Research Involving Recombinant DNA Molecules as issued by the Office of Recombinant DNA Activities, November, 1980;

4. Such amendments to subsections C1, C2 and C3 of this section adopted by the National Institutes of Health as may be approved by the Cambridge Biohazards Committee. In the event that the National Institutes of Health shall discontinue or abolish their guidelines, those guidelines in effect at the time of such discontinuance shall remain in effect in the City. (Ord. 955 (part), 1981: prior code § 11-7(I))

8.20.030 Cambridge Biohazards Committee—Established—Membership.

A. A Cambridge Biohazards Committee ("CBC") shall be established for the purpose of overseeing all use of RDNA in the City and of advising the Commissioner of Health and Hospitals and the Health Policy Board.

B. The CBC shall be composed of the Commissioner of Health and Hospitals or his/her designee, the Chairperson of the Health Policy Board or a board member designated by the Chairperson and a minimum of three other

members to be appointed by the City Manager. The City Manager is authorized to provide for the adequate staffing of the CBC.

C. The CBC and the Commissioner of Health and Hospitals are empowered to retain competent professional assistance in carrying out their duties under this chapter.

D. The salaries and expenses of the staff and consultants of the CBC under this chapter shall be apportioned to the institutions holding permits under this chapter. (Ord. 955 (part), 1981: prior code § 11-7(III))

8.20.040 Cambridge Biohazards Committee—Duties and responsibilities.

Specific responsibilities of the CBC shall include:

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

B. Approving all amendment to the guidelines before their implementation in the City. In the event that the National Institutes of Health discontinues or abolishes their guidelines, those guidelines in effect at the time of such discontinuance shall remain in effect in the City;

C. Reviewing all proposals for RDNA use in the City for compliance with the guidelines and conformity with such other regulations as the Commissioner of Health and Hospitals may from time to time promulgate;

D. Reviewing manuals and worker training programs and approving health-safety programs and monitoring procedures required by Sections 8.20.010, 8.20.010, 8.20.030 and 8.20.050 through 8.20.110 of this chapter;

E. Determining the manner in which institutions make reports or applications to the CBC, and the type of information required in such reports or applications. Reviewing reports, applications and recommendations by IBC and approving where appropriate. Carrying out site visits to institutional facilities;

F. Developing a procedure for members of institutions where RDNA is used to report to the CBC violations of this chapter, the guidelines or any other health regulations as the Commissioner of Health and Hospitals may promulgate. (Ord. 955 (part), 1981: prior code § 11-9))

8.20.050 Permit—Required.

All institutions proposing to use RDNA must obtain a permit from the Commissioner of Health and Hospitals with the approval of the CBC. Permit requirements include written agreement to:

A. Follow the guidelines;

B. Follow other conditions set forth in this chapter;

C. Allow inspection of facilities and pertinent records by the Cambridge Biohazards Committee;

D. Prepare a health and safety manual which contains all procedures relevant to the use of RDNA at all levels of containment in use at the institution. The manual shall be submitted to the Cambridge Biohazards Committee for review;

E. Establish a training program of safeguards and procedures for personnel using RDNA. (Ord. 955 (part), 1981: prior code § 11-7(IV))

8.20.060 Institutional Biosafety Committee—Membership.

The Institutional Biosafety Committee ("IBC") required by the National Institutes of Health Guidelines shall have at least one member who is a nondoctoral person from a laboratory technical staff and one representative approved by the Health Policy Board. The IBC shall be the final arbiter within an institution, with regard to the implementation of this chapter and the guidelines. (Ord. 955 (part), 1981: prior code § 11-7(V))

8.20.070 Institutional Biosafety Committee—Meetings—Report filing.

All minutes of the IBC meetings must be forwarded to the Commissioner of Health and

Hospitals and the CBC. It shall also be the responsibility of the institution to file regular reports with the Cambridge Biohazards Committee, in a manner to be determined by the CBC. (Ord. 955 (part), 1981: prior code § 11-7(VI))

8.20.080 Screening and testing for purity.

Institutions using RDNA shall perform adequate screening to insure the purity of the strain of host organisms used in the experiments and shall test organisms resulting from such experiments for their resistance to commonly used therapeutic antibiotics. (Ord. 955 (part), 1981: prior code § 11-7(VII))

8.20.090 Medical surveillance program.

All institutions are to provide an appropriate medical surveillance program as determined by the Institutional Biosafety Committee for all persons engaged in the use of RDNA. Such programs must be approved by the CBC. (Ord. 955 (part), 1981: prior code § 11-7(VIII))

8.20.100 Violation of guidelines—Notification.

The institution shall report within thirty days to the CBC and the Commissioner of Health and Hospitals any significant problems with or violations of the guidelines and any significant RDNA related accidents or illnesses. (Ord. 955 (part), 1981: prior code § 11-7(IX))

8.20.110 Protection against rodents and insects.

The premises in which RDNA is used must be totally and completely free of rodent and insect infestation. (Ord. 955 (part), 1981: prior code § 11-7(X))

8.20.120 Large-scale operations—Special permit required.

A. All institutions using RDNA on a "large-scale," as defined in the guidelines, must adhere to the requirements of this section in addition to those stated in Sections 8.20.010, 8.20.020, 8.20.030 and 8.20.050 through 8.20.110 of this chapter.

B. All institutions must obtain a special large-scale permit ("LS permit") from the Commissioner of Health and Hospitals with the approval of the CBC, after the Commissioner and the CBC have conducted an appropriate public hearing. LS permit requirements include written agreement to:

1. Identify clearly all large-scale RDNA use in the IBC minutes;

2. Develop procedures through the IBC for monitoring of large-scale operations, for compliance with this chapter and the guidelines. These procedures shall be approved by the CBC and the Commissioner of Health and Hospitals.

3. a. Allow an annual inspection and review of the procedures and practices of large-scale RDNA use for compliance with this chapter. The scope of this inspection and review shall be mutually agreed upon by the institution and the CBC.

b. The CBC shall retain a professionally competent person, persons, agency or institution to perform this inspection and review. The results shall be reported to the CBC, the Commissioner of Health and Hospitals and the institution involved.

c. The institution shall reimburse the City for the expense of this inspection and review including an apportionment of the salaries of the staff of the CBC under subsections B and C of Section 8.20.030 of this chapter.

4. Establish a health-safety program for appropriate employees. Such a program is to include safety training, periodic retraining and periodic health surveillance. Details and procedures are to be established by each institution and approved by the CBC and the Commissioner of Health and Hospitals.

5. Advance approval must be given by the CBC for large-scale uses of RDNA requiring P2 or P3 physical containment. (Ord. 955 (part), 1981: prior code § 11-8))

8.20.130 Restrictions.

A. RDNA use classified by the guidelines as requiring P3 physical containment and biological containment greater than HV2 shall not be permitted without prior approval of the CBC. RDNA use requiring P4 containment shall not be permitted in the City.

B. There shall be no deliberate release into the environment, that is, the sewers, drains or the air, of any organism containing recombinant DNA and further that any accidental release shall be reported to the Commissioner of Health and Hospitals within five days. (Ord. 955 (part), 1981: prior code § 11-10))

8.20.140 Violation—Penalty.

A. Violation of the conditions of this chapter shall subject the violator to a fine of two hundred dollars per day and in addition the facility in which the violation occurs may be closed by the Commissioner of Health and Hospitals. Each day of violation shall constitute a separate and distinct offense.

B. Once a permit has been issued it may be revoked by the Commissioner of Health and Hospitals only upon a determination (subject to judicial review) by the CBC and the Commissioner of Health and Hospitals after due notice and hearing, that the institution involved has materially failed to comply with the City ordinance, the permit agreements or the guidelines (not withstanding reasonable notice and an opportunity to correct such failures to comply with the provisions of this chapter). (Ord. 955 (part), 1981: prior code § 11-11))

genzyme

GENZYME CORPORATION
ONE KENDALL SQUARE
CAMBRIDGE, MA 02139-1562, U.S.A.
617-252-7500
TLX 201223 GENCAMB
FAX 617-252-7600

November 17, 1992

Alice Wolf
Chairman
City Council Ordinance Committee
City of Cambridge
Cambridge, MA 02139

Dear Ms. Wolf:

On behalf of Genzyme Corporation, I would like to express the company's opposition to the zoning petition submitted to the City Council by Debra McManus, et al, in connection with the inclusion of parking garages, or portions of structures devoted to parking automobiles, in the calculation of floor area ratio (F.A.R.) computations.

In the current climate of economic recession, it is important to offer competitive advantages to attract and keep new and existing companies. We believe that if this petition for downzoning were adopted, it would have a significantly negative effect on the city's economy by discouraging the expansion of existing businesses and inhibiting the potential for other businesses to locate in Cambridge; it would prevent Cambridge from being able to offer companies the best opportunities for growth.

In addition, adoption of this amendment would impact the value of undeveloped property, the tax base expansion, and ultimately multiple service delivery.

We urge you to consider the negative repercussions that the proposed zoning amendment would have on the city of Cambridge if it were adopted.

Sincerely,

Donna LaVoie

Donna L. LaVoie
Manager, Public Relations
Genzyme Corporation

FOURTEEN CAMBRIDGE CENTER, CAMBRIDGE, MA 02142 • 617-252-9200 • FAX 617-252-9617

BIOGEN

My Name is Susan Lee. I am the Manager of Environmental Health and Safety and Biosafety Officer at Biogen. I would like to thank you for the opportunity to give Biogen's support of the proposed amendment to the rDNA Ordinance at this time.

Biogen is one of the original permitholders in Cambridge and our relationship with the Cambridge Biohazards Committee has been an effective one. Biogen has grown from a research "boutique" employing fewer than 20 people in 1981 to a company just shy of being a fully integrated pharmaceutical manufacturer employing more than 330 people. We sell drug and vaccines through our licensees generating the revenues to continue building the business. We are in the clinic testing the next generation of Biogen products and we are building the facilities to manufacture medicine here in Cambridge. The Cambridge rDNA Ordinance did not hinder development, but rather it made for a level playing field and a single, consistent set of standards by which to do our research. The NIH Guidelines which are the basis for the local ordinance were quite conservative at the outset, but prudent, given the lack of knowledge about risks of the technology at the time.

The proposed amendment brings 1981 rDNA ordinance up to date with current practice in the rest of the country and it puts into place a more efficient mechanism for adopting future changes. It uses the knowledge gained over the years about biological science and biological safety.

The adoption by NIH of Good Large Scale Practice (GLSP) level of containment more than one year ago is of particular practical importance to Biogen and, I expect, to other companies moving towards scale-up and full scale production. Containment facilities, equipment, and procedures continue where necessary, based on the hazard potential of the organisms involved. Under GLSP, some containment requirements are relaxed, making it significantly easier and less costly to make products using those organisms which have a long history of safe use at large scale. In our case, those products are human pharmaceuticals. GLSP makes sense from both a scientific and a business point of view.

In summary, the proposed change to the rDNA Ordinance will not diminish worker or public health since compliance with NIH Guidelines continues as the the basic requirement. Furthermore, IBC's and CBC continue their safety management and oversight responsibilities. This amendment brings the rDNA Ordinance to the present with respect to biosafety practice, and it provides the mechanism to stay up to date. The changes are good for Cambridge and good for the industry and Biogen supports this proposal.

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

OCTOBER 26, 1992

TO: ESTELLE PARIS, CHAIR
HEALTH POLICY BOARD

FROM: DMD
D. MARGARET DRURY
CITY CLERK

SUBJECT: CHANGES TO THE RECOMBINANT DNA ORDINANCE.

Please be advised that Councillor Alice K. Wolf, Chair of the Ordinance Committee has scheduled a public hearing for Tuesday, November 17, 1992 at 5:30 P. M. in the Sullivan Chamber on the proposed changes to the Recombinant DNA Ordinance.

You are requested to attend this hearing.

Thank you for your cooperation in this regard.

CITY OF CAMBRIDGE
DEPARTMENT OF HEALTH AND HOSPITALS
1493 CAMBRIDGE STREET, CAMBRIDGE, MASSACHUSETTS 02139

November 17,1992

Melvin H. Chalfen, M.D.
Commissioner

The Honorable Alice Wolf, Chair
The Ordinance Committee
Cambridge City Council
Cambridge, Massachusetts 02139

Proposed changes in the RDNA Ordinance.

Dear Councillor Wolf:

The present ordinance has worked well for the City for 11 years. It was the product of changes made to the previous ordinance enacted 14 years ago. Now, however, it should be changed to reflect recent amendments to the National Institutes of Health Guidelines for Research Involving Recombinant DNA Molecules (NIHG) and to permit certain laboratory procedures as they are generally practiced in other parts of the country.

The NIHG are at the core of the Cambridge ordinance. In some cities they are voluntary. In Cambridge and certain other cities they are the law. Any changes to the Guidelines in the form of amendments go through a rigorous public review process. These amendments add to the NIHG methods of dealing with change in a safe manner that is consistent with national and international experience.

This proposed ordinance continues the oversight and regulatory function of the past while adopting current NIHG definitions that focus on safety and hazard of organisms and materials whether or not they contain recombinant DNA material.

The amended ordinance retains the basic strengths of the present ordinance in the following ways:

1) the NIHG continues to have the force of law in Cambridge.

2) The Cambridge Biohazard Committee (renamed the Cambridge Biosafety Committee) (CBC) has similar functions and powers as the present Committee.

3) The application process for a permit to use rDNA materials in Cambridge remains as do provisions for inspections of permitted facilities from time to time.

4) The approval of a community member of the

Institutional Biosafety Committee (at each permitted institution) by the Cambridge Health Policy Board remains.

5) The Institutional Biosafety Committee (IBC) continues to send reports and IBC meeting minutes to the Commissioner.

6) Certain restrictions, which are stronger than the NIHG regulations remain. For example, Biosafety Level IV activity, the highest and most dangerous level, remains prohibited in Cambridge.

Proposed changes in the amended ordinance include:

1) Definitions of recombinant DNA molecules and their categorization have been amended to reflect recent amendments to the NIHG.

These changes take into account the establishment by the NIHG of both exempt and Good Large Scale Practice (GLSP) categories. Large Scale (LS) refers to volumes over 10 liters. Both of these categories have definitions that only allow well-known, non-pathogenic organisms or material to be handled in those categories, organisms that do not have safety or hazardous properties that would require special containment other than good laboratory practice.

The new Biosafety Level category called GLSP precedes the Biosafety Levels I, II, III LS categories in a ranking of less to more.

2) A change of definition of releases to the environment, focusing on safety and hazard, brings Cambridge in conformity with the NIHG. A reporting mechanism remains in place in certain circumstances.

3) The amendment process is changed. If there are no objections to changes of NIHG within 60 days by the Commissioner or the CBC, the NIHG amendment shall be considered approved.

4) The CBC is renamed the Cambridge Biosafety Committee, as noted above.

5) The section on large scale is eliminated.

NIHG treatment of large scale processes are incorporated into their Appendix K which addresses the 4 categories under Good Large Scale Practice as noted above. In essence the safety and hazard of materials are categorized by their intrinsic properties rather than by the volume or composition.

6) The public hearing process for large scale use is eliminated. The NIHG Appendix K provides the same safety to the public in assessing the potential hazard of the material itself.

7) Permit renewals are made on an annual basis rather than open ended.

8) Levels of potential fines for violations are made current.

There are also some changes in other laws and regulations which strenghthen the City's control over environmental issues.

The Federal laws and regulatory processes in existence now are more stringent and sophisticated in the control and surveillance of environmental issues and hazardous materials than they were in 1976 to 1981. For example, The EPA Superfund Amendments Reconciliation Act of 1986, known as SARA TITLE III, mandates a Local Emergency Planning Committee (LEPC). The LEPC plans for various eventualities based on large volumes of chemicals on an EPA list. Those companies or organizations within that municipality which possess or use the listed chemicals must report the types and amounts to the LEPC. The Cambridge LEPC, which has been working and training for three years, has recently added a biotechnology committee which includes all the rDNA permittees as well as biotech companies which do not use rDNA materials and therefore are not covered under the rDNA ordinance.

In addition, the LEPC has recently formed a group, known as the Hazardous Materials Task Force, to manage incidents involving small quantities of hazardous materials in a coordinated manner.

There is also a state hazardous waste statute which covers hazardous materials from cradle to grave. That is to say there are requirements for the documentation of the purchase, site of use, storage, transportation and disposal of all such materials. This statute mandates the issuance of categories of generators of hazardous wastes by volumes from large, down to very small quantity

generators.

In addition, in Cambridge we are on the verge of implementing the Environmental Program which has been developing over the past two years with the initiative of members of the City Council and the support and leadership of the City Manager and the Deputy City Manager. This Program further coordinates proactive analysis of environmental issues, identifies responsibilities of specific city departments to manage those issues and promotes the interdisciplinary approach which can not only tap the creative talents within the city but also do it in the cost-effective way demanded for excellent management, especially in times of tight budgetary restraints.

Yours sincerely,

Melvin H. Chalfen, M.D.

MHC:vs
cc: Members of the City Council.
Robert W. Healy, City Manager

CITY OF CAMBRIDGE
DEPARTMENT OF HEALTH AND HOSPITALS
1493 CAMBRIDGE STREET, CAMBRIDGE, MASSACHUSETTS 02139

RECEIVED BY
OFFICE OF CITY CLERK
1992 NOV 17 PM 12:40
CAMBRIDGE MA.

November 17,1992

Melvin H. Chalfen, M.D.
Commissioner

The Honorable Alice Wolf, Chair
The Ordinance Committee
Cambridge City Council
Cambridge, Massachusetts 02139

Proposed changes in the RDNA Ordinance.

Dear Councillor Wolf:

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Yours sincerely,

Melvin H. Chalfen, M.D.

MHC:vs
cc: Members of the City Council.
Robert W. Healy, City Manager

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

OCTOBER 26, 1992

TO: MELVIN H. CHALFEN
COMMISSIONER OF HEALTH AND HOSPITAL

FROM: D. MARGARET DRURY (DMD)
CITY CLERK

SUBJECT: CHANGES TO THE RECOMBINANT DNA ORDINANCE.

Please be advised that Councillor Alice K. Wolf, Chair of the Ordinance Committee has scheduled a public hearing for Tuesday, November 17, 1992 at 5:30 P. M. in the Sullivan Chamber on the proposed changes to the Recombinant DNA Ordinance.

You are requested to attend this hearing.

Thank you for your cooperation in this regard.

CITY OF CAMBRIDGE
DEPARTMENT OF HEALTH AND HOSPITALS
1493 CAMBRIDGE STREET CAMBRIDGE, MASSACHUSETTS 02139

RECEIVED
92 JUL 30 PM 1:46
OFFICE OF THE CITY MANAGER

Melvin H. Chalfen, M.D.
Commissioner

Robert W. Healy
City Manager
City Hall
Cambridge, Massachusetts 02139

July 29, 1992

Dear Mr. Healy;

I am enclosing changes recommended by the Cambridge Biohazards Committee and myself for the Ordinance on Recombinant DNA Technology, formerly Ordinance 955 Of April, 1981, now Chapter 8.20. The changes have been put into appropriate language and form by members of the Law Department.

This Ordinance which has worked well for the City for many years now does not reflect the changes in science and technology which have occurred over the past fourteen years. It is also divergent from the amendments to the National Institutes of Health Guidelines for Research Involving Recombinant DNA Molecules (NIHG).

The NIHG, as you know, are at the core of our ordinance and similar ordinances in other cities. The Guidelines set forth the standards which institutions using recombinant DNA materials follow by law in Cambridge and certain other cities with such ordinances. Institutions receiving NIH grants for rDNA projects also must follow the Guidelines. The NIH amendments to the Guidelines are published in the Federal Register, reviewed in public meetings before acceptance, and reflect acquired knowledge, and national and international experience.

The result is that the Ordinance has become difficult to administer in a satisfactory manner. These disadvantages, that is differences between ordinances and the current NIHG, has been noted in other cities. Boston, for example, is in the process of changing their Ordinance, which was originally patterned on our Ordinance, to be consonant with the NIHG.

The recommendations are to change certain definitions to focus on safety and hazard rather than on specific compositions, in accord with the NIHG and its amendments. The sections on large scale are no longer necessary as industry and scientific practice have shown no increased or unknown hazard in comparison to small scale.

Robert W. Healy RDNA Ordinance July 29,1992

The record of work with rDNA materials in this city, in the United States and across the world has not shown dangers or risks of unacceptable, unmanageable or unexpected types. Much of the work now is similar to pharmaceutical work. Work done in accordance with the NIHG is clearly acceptable for public health and safety.

Yours sincerely,

Melvin H. Chalfen MD

Melvin H Chalfen, M.D.
Commissioner, for the
Cambridge Biohazards
Committee.

MHC:vs
cc: CBC

CITY OF CAMBRIDGE

Office of the City Solicitor
City Hall
795 Massachusetts Avenue
Cambridge, Massachusetts 02139
Tel. (617) 349-4121
Fax. (617) 349-4307

Russell B. Higley
City Solicitor

Donald A. Drisdell
Deputy City Solicitor

Michael C. Costello
Assistant City Solicitor

Birge Albright
Legal Counsel

Gail S. Gabriel
Legal Counsel

Diane Wynshaw-Boris
Legal Counsel

Laura H. Yager
Legal Counsel

Linda A. Stamper
Legal Counsel

Arthur J. Goldberg
Legal Counsel

RECEIVED
92 JUL 30 AM 9:25
OFFICE OF THE CITY MANAGER

July 29, 1992

Robert W. Healy
City Manager
City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

Re: Recombinant DNA Technology

Dear Mr. Healy:

I enclose, for submission to the Council, an ordinance which makes certain amendments to Chapter 8.20 of the Code (Recombinant DNA Technology). I understand that Dr. Chalfen is sending you a letter which will give you some of the background for the amendments.

Very truly yours,

Russell B. Higley

RBH/jab
Enclosure

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety Two

AN ORDINANCE

In amendment to the Municipal Code of the City of Cambridge

Be it ordained by the City Council of the City of Cambridge as follows:

Title 8 of the Code (Health and Safety) is hereby amended by striking out Chapter 8.20 of the Code (Recombinant DNA Technology) and substituting the following new Chapter 8.20:

Chapter 8.20

RECOMBINANT DNA TECHNOLOGY

Sections:

8.20.010	Purpose.
8.20.020	Definitions.
8.20.030	Cambridge Biosafety Committee - Membership - Staff.
8.20.040	Cambridge Biosafety Committee - Duties and responsibilities.
8.20.050	Permit requirements.
8.20.060	Institutional Biosafety Committees.
8.20.070	Reports.
8.20.080	Medical surveillance program.
8.20.090	Violation of guidelines - Notification.
8.20.100	Protection against rodents and insects.
8.20.110	Restrictions.
8.20.120	Enforcement.
8.20.130	Severability.

8.20.010 Purpose.

All use of recombinant DNA (RDNA) in the City of Cambridge shall be undertaken only in strict conformity with the Guidelines set out in Section 8.20.020, the other requirements of this Chapter and health regulations promulgated by the Cambridge Commissioner of Health and Hospitals (the Commissioner).

8.20.020 Definitions.

a) "Guidelines" are defined as:

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 Molecules 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, and April 22, 1992.

3) Such amendments to (1) and (2) above which are adopted by the National Institutes of Health (NIH) and approved by the Commissioner. Amendments not acted upon by the Commissioner within sixty days shall be considered approved. In the event that the NIH shall discontinue or abolish its guidelines, those guidelines in effect at the time of such discontinuance shall remain in effect in Cambridge.

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 Commissioner. Amendments not acted upon by the Commissioner within sixty days shall be considered approved.

8.20.030 Cambridge Biosafety Committee - Membership - Staff.

A. The Cambridge Biosafety Committee (CBC) (formerly known as the Cambridge Biohazards Committee) shall be composed of the Commissioner or his/her designee, the Chairperson of the Cambridge Health Policy Board, or a Board member designated by the Chairperson, and a minimum of three other members to be appointed by the City Manager. The City Manager is authorized to provide for the adequate staffing of the CBC. Members of the CBC shall be Special Municipal Employees.

B. The CBC and the Commissioner are authorized to retain competent professional assistance in carrying out their duties under this Chapter.

C. The salaries and expenses of the staff and consultants of the CBC under this Chapter shall be apportioned to the persons holding permits under Section 8.20.050.

8.20.040 Cambridge Biosafety Committee - Duties and Responsibilities.

The responsibilities of the CBC 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 CBC, 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 Chapter.

D. Developing a procedure for persons to report to the CBC violations of this Chapter, the Guidelines or any health regulation.

8.20.050 Permit requirements.

All persons proposing to use RDNA must obtain a permit from the Commissioner with the approval of the CBC. Permit requirements shall, at a minimum, include written agreement to:

A. Follow the Guidelines as defined in this Chapter.

B. Follow other conditions set forth in this Chapter.

C. Allow reasonable inspections of facilities and pertinent records by the CBC.

D. Prepare a Health and Safety Manual which contains all procedures relevant to the use of RDNA at all levels of containment in use at the facility, and a program for waste disposal in compliance with all applicable federal, state and local laws. the Manual shall be submitted to the CBC for review.

E. Establish a training program of safeguards and procedures for personnel using RDNA.

Permits shall be issued and renewed on an annual basis. The Commissioner may establish fees for the issuance and renewal of permits.

8.20.060 Institutional Biosafety Committees.

The Institutional Biosafety Committees (IBC) shall be established in accordance with the Guidelines, except that the required composition of each IBC shall include at least one representative from the surrounding community approved by the Health Policy Board. The IBC shall be the final arbiter within an institution with regard to the implementation of this Chapter and the Guidelines.

8.20.070 Reports.

Each holder of a permit shall file regular reports with the CBC, in a manner to be determined by the CBC. All minutes of IBC meetings must be sent to the Commissioner and the CBC.

8.20.080 Medical surveillance program.

Each permit-holder must provide an appropriate medical surveillance program as determined by its IBC and consistent with the Guidelines. Such programs must be approved by the CBC.

8.20.090 Violation of Guidelines - Notification.

The permit-holder shall report, within thirty days, to the Commissioner and the CBC any significant problems with or violations of the Guidelines and any significant RDNA-related accidents or illnesses.

8.20.100 Protection against rodents and insects.

Effective rodent and insect control programs must be in place on premises where RDNA use under this Chapter takes place.

8.20.110 Restrictions.

A. RDNA use requiring containment defined by the Guidelines as "BL4" shall not be permitted in Cambridge.

B. Any accidental release which represents a significant potential hazard to employees or the public shall be reported to the Commissioner immediately, and in no case more than 24 hours after the release.

8.20.120 Enforcement.

A. Any person who violates any provision of this Chapter shall be subject to a fine of three hundred dollars ($300.00) per violation. Each day of violation shall constitute a separate and distinct offense.

B. Once a permit has been issued, it may be revoked, suspended, modified or not renewed by the Commissioner only upon a determination by the Commissioner and the CBC, after due notice and hearing, that the permit-holder has materially failed to comply with this Chapter, the permit agreements or the Guidelines.

C. Notwithstanding the above, the Commissioner, upon a determination that any violation constitutes an immediate and severe threat to the public health and safety, may order the immediate closure of any premises or laboratory engaging in or contributing to such threat, without prior notice and hearing but with subsequent notice and hearing.

8.20.130 Severability.

If any section, subsection, sentence, clause, or portion of this Chapter is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139
TEL. 349-4300
FAX. 349-4307

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

August 3, 1992

To The Honorable, The City Council:

I am hereby transmitting recommended changes to the Ordinance on Recombinant DNA Technology, formerly Ordinance 955 of April, 1981, now Chapter 8.20, received by the Cambridge Biohazards Committee and Melvin H. Chalfen, Commissioner of Health & Hospital.

Passage is strongly recommended.

Very truly yours,

Robert W. Healy
City Manager

RWH/mev
attachments

100% Recycled Paper

CONSENT AGENDA ITEM #27 04

Communication from Robert W. Healy, City Manager, relative to recommended changes to the Ordinance on Recombinant DNA Technology.

2/22/93 Passed to be Ordained 9-0-0.

Referred to the Ordinance Committee
copy sent to Ord Comm.
8/10/92 dc

In City Council,

August 3, 1992