



ONE HUNDRED SEVENTEENTH CONGRESS
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December 15, 2022

Marc N. Casper
President and Chief Executive Officer
Thermo Fisher Scientific
168 Third Avenue
Waltham, MA USA 02451

Dear Mr. Casper:

We are writing to express our concerns that your company's DNA kits and replacement parts for sequencers were sold directly to police in the Tibet Autonomous Region (TAR) in the People's Republic of China (PRC).¹ Sales of replacement parts implies that security authorities in the TAR already possess your company's DNA sequencers as well. As you may know, the bipartisan leadership of the Congressional-Executive Commission on China has taken a keen interest in the U.S. exports that facilitate the PRC's mass biometric collection and surveillance efforts, in particular after the September 2022 report² by Toronto-based Citizen Lab which found that between June 2016 and August 2022 police in the TAR collected between roughly 900,000 and 1.2 million DNA samples. There are so few safeguards for how DNA is gathered and used in the PRC that we are alarmed that U.S. companies, including Thermo Fisher Scientific, may be wittingly or unwittingly aiding or abetting human rights abuses.

The targeting of Tibetans in this case is particularly troubling, as the Tibetan people have been subject to successive, and sometimes brutal, campaigns of repression and social control over the decades. Two recent studies have documented evidence of mass collection of DNA from residents in the TAR. A September 2022 report³ by Human Rights Watch identified DNA collection drives in 14 distinct localities across the seven prefecture-level areas of the TAR. Blood samples were systematically collected from children at kindergartens and from other local residents, and available information suggested the collection was involuntary and that evidence of criminal conduct was not required for collection.

¹ The Intercept, "Tibetan Police Bought Thermo Fisher DNA Equipment, Chinese Government Documents Show," September 13, 2022, <https://theintercept.com/2022/09/13/china-tibet-police-dna-thermo-fisher/>

² Citizen Lab, "Mass DNA Collection in the Tibet Autonomous Region from 2016-2022," September 13, 2022, <https://citizenlab.ca/2022/09/mass-dna-collection-in-the-tibet-autonomous-region/>

³ Human Rights Watch, "China: New Evidence of Mass DNA Collection in Tibet," September 5, 2022, <https://www.hrw.org/news/2022/09/05/china-new-evidence-mass-dna-collection-tibet>

Likewise, the Citizen Lab report referenced above found that police collected DNA samples from roughly a quarter to a third of the population of the TAR. Citizen Lab's analysis determined that the activity was not apparently related to any criminal activity and that police targeted men, women, and children for DNA collection.

We are concerned that Thermo Fisher's products could once again be implicated in human rights abuses in China. A 2017 Human Rights Watch report⁴ found that Thermo Fisher Scientific had supplied police in the Xinjiang Uyghur Autonomous Region (XUAR) with some of the DNA sequencers used in a mass DNA collection campaign in the region. In subsequent months, reports emerged that the Chinese Communist Party established a system of mass surveillance and mass detention of Uyghurs and other predominantly Muslim Turkic peoples. This and other evidence of gross violations of human rights led the U.S. State Department to declare that the Chinese government was committing genocide in the XUAR.

In February 2019, your company announced that it would stop selling or servicing genetic sequencers in the XUAR as "consistent with Thermo Fisher's values, ethics code and policies," according to the Wall Street Journal.⁵

We hope that Thermo Fisher will apply these values, ethics code and policies to a rigorous review of the reported use of your products and equipment in the TAR, and that your company will take steps to stop further use. A June 2021 New York Times investigation⁶ which found that police in the XUAR were still purchasing equipment made by Thermo Fisher and another U.S. company strongly suggests that the safeguards that have been employed by the company are not sufficient.

We do not yet know what Chinese authorities intend to do with the information they obtain from the mass collection of Tibetan DNA. The Congressional-Executive Commission on China has extensively monitored the policies and methods that PRC security forces have employed to exert intrusive social controls over minority populations like Uyghurs and Tibetans. We fear that DNA collection could enable further gross violations of their human rights.

To this end, we ask that you provide answers to the following questions:

- Has Thermo Fisher conducted an investigation into how its products reportedly came to be purchased by police in the Tibet Autonomous Region, and if so, what conclusions did you reach?
- Has the company conducted an investigation into how its products reportedly came to be used in the XUAR even after its statement that it would no longer sell there? If so, what did you conclude?

⁴ Human Rights Watch, "China: Minority Region Collects DNA from Millions," December 13, 2017, <https://www.hrw.org/news/2017/12/13/china-minority-region-collects-dna-millions>

⁵ Wall Street Journal, "American Firm, Citing Ethics Code, Won't Sell Genetic Sequencers in Xinjiang," February 20, 2019, <https://www.wsj.com/articles/thermo-fisher-to-stop-sales-of-genetic-sequencers-to-chinas-xinjiang-region-11550694620>

⁶ The New York Times, "China Still Buys American DNA Equipment for Xinjiang Despite Blocks," June 11, 2022, <https://www.nytimes.com/2021/06/11/business/china-dna-xinjiang-american.html>

- Has the company taken any action with users of its products inside China to ensure that such equipment is not used to aid or abet human rights abuses? If so, what actions did you take?
- To what extent are the company's products used to support the operations and activities of the Ministry of Public Security, the Ministry of State Security, or the People's Armed Police?
- Would the company consider implementing a blanket prohibition on all sales of its products to state and non-state entities in the PRC in order to assure its shareholders and the American public that its products cannot be used in the commitment of human rights abuses in that country? If not, why not?

Thank you in advance for your consideration of these questions.

Sincerely,



Senator Jeffrey A. Merkley
Chairman



Representative James P. McGovern
Cochair



Senator Marco Rubio
Ranking Member



Representative Christopher H. Smith
Ranking Member