NIH Guidelines (https://osp.od.nih.gov/biotechnology/nih-guidelines/)**:**
Please use the below guidelines as a reference to accurately assign the proper selection of the NIH Guidelines that is applicable to your rDNA work. The proper NIH Guideline section should be indicated on the application form.

Section III-A. Experiments that Require Institutional Biosafety Committee Approval, RAC Review, and NIH Director Approval Before Initiation (See Section IV-C-1-b-(1), Major Actions).

- ☐ **III-A-1-a.** The deliberate transfer of a drug resistance trait to microorganisms that are not known to acquire the trait naturally (see Section V-B, *Footnotes and References of Sections I-IV*), if such acquisition could compromise the ability to control disease agents in humans, veterinary medicine, or agriculture, will be reviewed by the RAC.

Section III-B. Experiments That Require NIH OSP and Institutional Biosafety Committee Approval Before Initiation

- ☐ **III-B-1.** Deliberate formation of recombinant or synthetic nucleic acid molecules containing genes for the biosynthesis of toxin molecules lethal for vertebrates at an LD_{50} of less than 100 nanograms per kilogram body weight (e.g., microbial toxins such as the botulinum toxins, tetanus toxin, diphtheria toxin, and *Shigella* dysenteriae neurotoxin). Specific approval has been given for the cloning in *Escherichia coli* K-12 of DNA containing genes coding for the biosynthesis of toxic molecules which are lethal to vertebrates at 100 nanograms to 100 micrograms per kilogram body weight. Specific experiments already approved under this section may be obtained from the Office of Science Policy, National Institutes of Health, preferably by submitting a request for this information to: NIHGuidelines@od.nih.gov; additional contact information is also available here and on the OSP website (www.osp.od.nih.gov).

Section III-C. Experiments that Require Institutional Biosafety Committee and Institutional Review Board Approvals and RAC Review (if applicable) Before Research Participant Enrollment

- ☐ **III-C-1.** Experiments Involving the Deliberate Transfer of Recombinant or Synthetic Nucleic Acid Molecules, or DNA or RNA Derived from Recombinant or Synthetic Nucleic Acid Molecules, into One or More Human Research Participants

Section III-D. Experiments that Require Institutional Biosafety Committee Approval Before Initiation

- ☐ **III-D-1-a.** Experiments involving the introduction of recombinant or synthetic nucleic acid molecules into Risk Group 2 agents will usually be conducted at Biosafety Level (BL) 2 containment. Experiments with such agents will usually be conducted with whole animals at BL2 or BL2-N (Animals) containment.
- ☐ **III-D-1-b.** Experiments involving the introduction of recombinant or synthetic nucleic acid molecules into Risk Group 3 agents will usually be conducted at BL3 containment. Experiments with such agents will usually be conducted with whole animals at BL3 or BL3-N containment.
- ☐ **III-D-2-a.** Experiments in which DNA from Risk Group 2 or Risk Group 3 agents (see Section II-A, *Risk Assessment)* is transferred into nonpathogenic prokaryotes or lower eukaryotes may be performed under BL2 containment. Experiments in which DNA from Risk Group 4 agents is transferred into nonpathogenic prokaryotes or lower eukaryotes may be performed under BL2 containment after demonstration that only a totally and irreversibly defective fraction of the agent's genome is present in a given recombinant. In the absence of such a demonstration, BL4 containment shall be used. The Institutional Biosafety Committee may approve the specific lowering of containment for particular experiments to BL1. Many experiments in this category are exempt from the *NIH Guidelines* (see Section III-F, *Exempt Experiments*). Experiments involving the formation of

recombinant or synthetic nucleic acid molecules for certain genes coding for molecules toxic for vertebrates require NIH OSP approval (see Section III-B-1, *Experiments Involving the Cloning of Toxin Molecules with LD_{50} of Less than 100 Nanograms Per Kilogram Body Weight*) or shall be conducted under NIH specified conditions as described in Appendix F, *Containment Conditions for Cloning of Genes Coding for the Biosynthesis of Molecules Toxic for Vertebrates*.

- **III-D-3-a.** Experiments involving the use of infectious or defective Risk Group 2 viruses (see Appendix B-II, *Risk Group 2 Agents*) in the presence of helper virus may be conducted at BL2.
- **III-D-3-b.** Experiments involving the use of infectious or defective Risk Group 3 viruses (see Appendix B-III-D, *Risk Group 3 (RG3) - Viruses and Prions*) in the presence of helper virus may be conducted at BL3.
- **III-D-3-d.** Experiments involving the use of infectious or defective restricted poxviruses in the presence of helper virus shall be determined on a case-by-case basis following NIH OSP review. A U.S. Department of Agriculture permit is required for work with plant or animal pathogens (see Section V-G, *Footnotes and References of Sections I-IV*).
- **III-D-3-e.** Experiments involving the use of infectious or defective viruses in the presence of helper virus which are not covered in Sections III-D-3-a through III-D-3-d may be conducted at BL1.
- **III-D-4-a.** Recombinant or synthetic nucleic acid molecules, or DNA or RNA molecules derived therefrom, from any source except for greater than two-thirds of eukaryotic viral genome may be transferred to any non-human vertebrate or any invertebrate organism and propagated under conditions of physical containment comparable to BL1 or BL1-N and appropriate to the organism under study (see Section V-B, *Footnotes and References of Sections I-IV*). Animals that contain sequences from viral vectors, which do not lead to transmissible infection either directly or indirectly as a result of complementation or recombination in animals, may be propagated under conditions of physical containment comparable to BL1 or BL1-N and appropriate to the organism under study. Experiments involving the introduction of other sequences from eukaryotic viral genomes into animals are covered under Section III-D-4-b, *Experiments Involving Whole Animals*. For experiments involving recombinant or synthetic nucleic acid molecule-modified Risk Groups 2, 3, 4, or restricted organisms, see Sections V-A, V-G, and V-L, *Footnotes and References of Sections I-IV*. It is important that the investigator demonstrate that the fraction of the viral genome being utilized does not lead to productive infection. A U.S. Department of Agriculture permit is required for work with plant or animal pathogens (see Section V-G, *Footnotes and References of Sections I-IV*).
- **III-D-4-b.** For experiments involving recombinant or synthetic nucleic acid molecules, or DNA or RNA derived therefrom, involving whole animals, including transgenic animals, and not covered by Section III-D-1, *Experiments Using Human or Animal Pathogens (Risk Group 2, Risk Group 3, Risk Group 4, or Restricted Agents as Host-Vector Systems),* or Section III-D-4-a, the appropriate containment shall be determined by the Institutional Biosafety Committee.
- **III-D-4-c-(1).** Experiments involving the generation of transgenic rodents that require BL1 containment are described under Section III-E-3, *Experiments Involving Transgenic Rodents*.
- **III-D-4-c-(2).** The purchase or transfer of transgenic rodents is exempt from the *NIH Guidelines* under Section III-F, *Exempt Experiments* (see Appendix C-VII, *The Purchase or Transfer of Transgenic Rodents*).
- **III-D-5.** Experiments to genetically engineer plants by recombinant or synthetic nucleic acid molecule methods, to use such plants for other experimental purposes (e.g., response to stress), to propagate such plants, or to use plants together with microorganisms or insects containing recombinant or synthetic nucleic acid molecules, may be conducted under the containment conditions described in Sections III-D-5-a through III-D-5-e. If experiments involving whole plants are not described in Section III-D-5 and do not fall under Sections III-A, III-B, III-D or III-F, they are included in Section III-E.
- **III-D-6.** Experiments Involving More than 10 Liters of Culture**.** The appropriate containment will be decided by the Institutional Biosafety Committee.

- **III-D-7.** Experiments Involving Influenza Viruses**.** Experiments with influenza viruses generated by recombinant or synthetic methods (e.g., generation by reverse genetics of chimeric viruses with reassorted segments, introduction of specific mutations) shall be conducted at the biosafety level containment corresponding to the Risk Group of the virus that was the source of the majority of segments in the recombinant or synthetic virus (e.g., experiments with viruses containing a majority of segments from a RG3 virus shall be conducted at BL3). Experiments with influenza viruses containing genes or segments from 1918-1919 H1N1 (1918 H1N1), human H2N2 (1957-1968) and highly pathogenic avian influenza H5N1 strains within the Goose/Guangdong/96-like H5 lineage (HPAI H5N1), including, but not limited to, strains of HPAI H5N1 virus that are transmissible among mammals by respiratory droplets, as demonstrated in an appropriate animal model or clinically in humans (hereinafter referred to as mammalian-transmissible HPAI H5N1 virus), shall be conducted at BL3 enhanced containment (see Appendix G-II-C-5, Biosafety Level 3 Enhanced for Research Involving Risk Group 3 Influenza Viruses) unless indicated below.
- **III-D-7-a.** Human H2N2 (1957-1968). Experiments with influenza viruses containing the H2 hemagglutinin (HA) segment shall be conducted at BL3 enhanced (see Appendix G-II-C-5, Biosafety Level 3 Enhanced for Research Involving Risk Group 3 Influenza Viruses). Experiments with the H2 HA gene in cold-adapted, live attenuated vaccine strains (e.g., A/Ann Arbor/6/60 H2N2) may be conducted at BL2 containment provided segments with mutations conferring temperature sensitivity and attenuation are not altered in the recombinant or synthetic virus. Experiments with Risk Group 2 influenza viruses containing genes from human H2N2 other than the HA gene can be worked on at BL2.
- **III-D-7-b.** Highly Pathogenic Avian Influenza H5N1 strains within the Goose/Guangdong/96-like H5 lineage (HPAI H5N1). Experiments involving influenza viruses containing a majority of genes and/or segments from a HPAI H5N1 influenza virus shall be conducted at BL3 enhanced containment, Experiments involving influenza viruses containing a minority of genes and/or segments from a HPAI H5N1 influenza virus shall be conducted at BL3 enhanced unless a risk assessment performed by the IBC determines that they can be conducted safely at biosafety level 2 and after they have been excluded pursuant to 9 CFR 121.3(e).
- **III-D-7-c.** 1918 H1N1. Experiments involving influenza viruses containing any gene or segment from 1918 H1N1 shall be conducted at BL3 enhanced containment (see Appendix G-II-C-5, Biosafety Level 3 Enhanced for Research Involving Risk Group 3 Influenza Viruses).
- **III-D-7-d.** Antiviral Susceptibility and Containment**.** The availability of antiviral drugs as preventive and therapeutic measures is an important safeguard for experiments with 1918 H1N1, HPAI H5N1, and human H2N2 (1957-1968). If an influenza virus containing genes from one of these viruses is resistant to both classes of current antiviral agents, adamantanes and neuraminidase inhibitors, higher containment may be required based on the risk assessment considering transmissibility to humans, virulence, pandemic potential, alternative antiviral agents if available, etc.

Section III-E. Experiments that Require Institutional Biosafety Committee Notice Simultaneous with Initiation

- **III-E** Experiments not included in Sections III-A, III-B, III-C, III-D, III-F, and their subsections are considered in Section III-E. All such experiments may be conducted at BL1 containment.
- **III-E-1.** Recombinant or synthetic nucleic acid molecules containing no more than two-thirds of the genome of any eukaryotic virus (all viruses from a single Family being considered identical [see Section V-J, *Footnotes and References of Sections I-IV]*) may be propagated and maintained in cells in tissue culture using BL1 containment. For such experiments, it must be demonstrated that the cells lack helper virus for the specific Families of defective viruses being used. If helper virus is present, procedures specified under Section III-D-3, *Experiments Involving the Use of Infectious*

Animal or Plant DNA or RNA Viruses or Defective Animal or Plant DNA or RNA Viruses in the Presence of Helper Virus in Tissue Culture Systems, should be used. The DNA may contain fragments of the genome of viruses from more than one Family but each fragment shall be less than two-thirds of a genome.

- **III-E-2.** This section covers experiments involving nucleic acid molecule-modified whole plants, and/or experiments involving recombinant or synthetic nucleic acid molecule-modified organisms associated with whole plants, except those that fall under Section III-A, III-B, III-D, or III-F.
- **III-E-3.** Experiments involving the generation of rodents in which the animal's genome has been altered by stable introduction of recombinant or synthetic nucleic acid molecules, or nucleic acids derived therefrom, into the germ-line (transgenic rodents). Only experiments that require BL1 containment are covered under this section; experiments that require BL2, BL3, or BL4 containment are covered under Section III-D-4, *Experiments Involving Whole Animals*.
- **III-E-3-a.** Experiments involving the breeding of certain BL1 transgenic rodents are exempt under Section III-F, *Exempt Experiments* (See Appendix C-VIII, *Generation of BL1 Transgenic Rodents via Breeding*).

Section III-F. Exempt Experiments. Registration with the IBC is not required

- **III-F-1**. Those synthetic nucleic acids that: (1) can neither replicate nor generate nucleic acids that can replicate in any living cell (e.g., oligonucleotides or other synthetic nucleic acids that do not contain an origin of replication or contain elements known to interact with either DNA or RNA polymerase), and (2) are not designed to integrate into DNA, and (3) do not produce a toxin that is lethal for vertebrates at an LD50 of less than 100 nanograms per kilogram body weight. If a synthetic nucleic acid is deliberately transferred into one or more human research participants and meets the criteria of Section III-C, it is not exempt under this Section.
- **III-F-2.** Those that are not in organisms, cells, or viruses and that have not been modified or manipulated (e.g., encapsulated into synthetic or natural vehicles) to render them capable of penetrating cellular membranes.
- **III-F-3.** Those that consist solely of the exact recombinant or synthetic nucleic acid sequence from a single source that exists contemporaneously in nature.
- **III-F-4.** Those that consist entirely of nucleic acids from a prokaryotic host, including its indigenous plasmids or viruses when propagated only in that host (or a closely related strain of the same species), or when transferred to another host by well-established physiological means.
- **III-F-5.** Those that consist entirely of nucleic acids from a eukaryotic host including its chloroplasts, mitochondria, or plasmids (but excluding viruses) when propagated only in that host (or a closely related strain of the same species).
- **III-F-6.** Those that consist entirely of DNA segments from different species that exchange DNA by known physiological processes, though one or more of the segments may be a synthetic equivalent. A list of such exchangers will be prepared and periodically revised by the NIH Director with advice of the RAC after appropriate notice and opportunity for public comment (see Section IV-C-1-b-(1)-(c), *Major Actions*). See Appendices A-I through A-VI, *Exemptions under Section III-F-6--Sublists of Natural Exchangers*, for a list of natural exchangers that are exempt from the *NIH Guidelines*.
- **III-F-7.** Those genomic DNA molecules that have acquired a transposable element, provided the transposable element does not contain any recombinant and/or synthetic DNA.
- **III-F-8.** Those that do not present a significant risk to health or the environment (see Section IV-C-1-b-(1)-(c), *Major Actions*), as determined by the NIH Director, with the advice of the RAC, and following appropriate notice and opportunity for public comment. See Appendix C, *Exemptions under Section III-F-8* for other classes of experiments which are exempt from the *NIH Guidelines*.