



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

ALEX VILLANUEVA, SHERIFF



November 29, 2021

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

COMPROMISED FULGENT REGISTRATION/TESTING SYSTEM

This letter is to inform you the Los Angeles County Sheriff's Department (Department) will not participate in COVID-19 registering or testing with Fulgent Genetics Corporation (Fulgent), due to the fact the DNA data obtained is not guaranteed to be safe and secure from foreign governments and "will likely be shared with the Republic of China."¹

On November 24, 2021, I was contacted by the Federal Bureau of Investigation (FBI) Weapons of Mass Destruction Coordinator, who shared with me the FBI's need to brief Los Angeles County (County) leaders as to "very concerning information" they learned regarding the COVID-19 testing of County employees by Fulgent.

On November 26, 2021, I attended a briefing at the FBI Los Angeles Field Office, as did Los Angeles County Counsel Rodrigo A. Castro-Silva and Chief Executive Officer Fesia Davenport. An invitation was also extended to each of you and the head of the Department of Public Health.

The FBI stated the purpose of the meeting was to inform County leaders of the serious risks associated with allowing Fulgent to conduct COVID-19 testing of County employees.

I was shocked to learn Fulgent had strong ties with BGI², WuXi³, and Huawei Technology⁴, all of which are linked to the Chinese Academy of Medical Sciences, the

¹ FBI briefing, November 26, 2021, "Safeguarding the Bio-Economy"

² <https://www.bgi.com/global/>

³ <https://www.wuxibiologics.com/>

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Peoples Republic of China (PRC) State Council and are under the control of the PRC. I was even more shocked to learn Fulgent made no attempt to disguise the fact they will use the genetic information obtained in future studies. On the Fulgent public website, the following statement can easily be found, *"I also give permission for my specimen and clinical information to be used in de-identified studies at Fulgent and for publication, if appropriate."* Additionally, the 2017 China Cyber-Security Law⁵ makes it legal for PRC to seize any data stored within China, or stored outside of China by an entity which has a presence in China, and that organizations and network operators submit to government-conducted security checks.

This is further explained recently in a New York Times article from October 22, 2021, *U.S. Warns of Efforts by China to Collect Genetic Data*. This article explained, *"Chinese companies are collecting genetic data from around the world, part of an effort by the Chinese government and companies to develop the world's largest bio-database."*

I am deeply concerned as to the vetting process which either failed to discover this, or discovered it, but chose to ignore it. A simple internet search would have uncovered all of the above facts. On or about October 19, 2021, our Department reached out to the County's Department of Human Resources liaison of Fulgent, Mr. Ben Kempner, to ask him to respond to the questions stated in the news article, *L.A. first responders ordered to turn over personal and genetic data to China-linked company or face firing*,⁶ but we were provided no response. I am equally concerned by the inclusion of an "equity survey" to the mandatory Fulgent database registration process. How can one provide informed consent when participation is mandatory, under penalty of discipline?

Entering into a no-bid contract with Fulgent Genetics and allowing them to have the DNA data obtained from mandatory COVID-19 testing, for unknown purposes, has shattered all confidence my personnel have in this entire process under the County mandate. Many personnel have long suspected this information was being used in an unnecessary manner due to a rushed mandate that we now know will have long-term unintended consequences that will not be fully known for some time.

The FBI felt strongly enough regarding Fulgent being used to test County personnel that they held an emergency briefing to disclose their concerns. I trust you will take steps to immediately assess and mitigate any further risk before any personnel are disciplined under the mandate for refusing to subject their information to the Fulgent system. The Board of Supervisors needs to determine the risk to the County as a whole to correct

⁴ <https://www.huawei.com/en/>

⁵ <https://fortune.com/2021/09/01/china-data-security-law-beijing-management-regulation-internet/>

⁶ <https://www.lawenforcementtoday.com/l-a-first-responders-ordered-to-turn-over-personal-and-genetic-data>

this issue, as well as inform the collective bargaining units of this new information in order for us to move forward in light of this information.

The Department will remove itself from working with Fulgent and continue with our own proprietary registration system. The Department will continue to work with properly vetted testing companies with no association to Fulgent.

Should you have any questions or would like to discuss further, please feel free to contact me at (213) 229-3000.

Sincerely,



ALEX VILLANUEVA
SHERIFF