nuclear watch new mexico

Talking Points on DOE Bioagents Labs

Outline of Department of Energy Biological Efforts-Past and Present:

The Department of Energy (DOE) is quick to defend itself from any criticisms of its growing biological research programs by pointing out that it and its predecessor agencies have conducted "biological research" since the early days of the Cold War. This historic research is a far cry from the sophistication found in the advanced bio-research capabilities DOE is now seeking at Los Alamos National Laboratory (LANL) and the Lawrence Livermore National Laboratory (LLNL) in California. These new capabilities will provide DOE with the ability to study some of the deadliest diseases known (such as anthrax, tularemia, plague, and brucellosis) as well as the capability to genetically modify these diseases. One facility is currently under construction at LANL and another recently "passed" an environmental review at LLNL.

The Chemical and Biological National Security Program (CBNP):

In 1996, Congress enacted a law that enabled DOE to create the CBNP, which has now been folded into the semi-autonomous National Nuclear Security Administration (NNSA), the landlord of the three nuclear weapons labs (LANL, LLNL, and Sandia National Laboratories). Funding for the CBNP remained fairly paltry in comparison to other NNSA non weapons programs until the 9/11 terrorist attacks, following which the CBNP's budget grew by 115% in fiscal year 2002. 9/11 and the anthrax attacks have created a boom in the so-called defensive bio-threat reduction field. Agencies are scrambling for the hundreds of millions of dollars Congress is frantically lobbing at this new field. There is also a strong likelihood that the CBNP, as well as other agencies' bioresearch programs, will be incorporated in the new Department of Homeland Security for further expansion.

The New DOE Initiatives - Los Alamos and Lawrence Livermore:

In October 2001, LANL issued a draft environmental assessment (EA) for a proposed biological safety level (BSL) 3 laboratory, the second highest safety level (LANL currently operates a BSL-2, and a BSL-3 will give LANL greatly expanded research capabilities). After review of this study, LANL made the determination to go ahead and build the BSL-3 in mid-2002, the first such facility within the DOE. Similarly, LLNL released a final EA for its own BSL-3 in December 2002. LLNL's proposal is substantially more aggressive than the LANL project. It includes the capability to produce aerosols of bio-agents and the ability to test those aerosols on small mammals. The preparation of bioagents for aerosolization is the same process that is used for "weaponization." These projects could have wide ramifications on local, national, and international levels. Though Nuclear Watch of New Mexico (NWNM) recognizes the need for bio-threat reduction, such work must be conducted with a clear goal in mind and in full public view. NWNM feels that the rapidly growing efforts on the part of the DOE could have grave consequences that far outweigh the benefits DOE's programs may have on U.S. national security. In fact, NWNM believes that these efforts may have the unintended consequence of putting public health at risk and undermining efforts to curb the spread of bioweapons.

NWNM Efforts to Increase Public Scrutiny and Environmental Analysis of DOE's Bioprograms:

During 2001 and 2002 NWNM vigorously contested the arbitrary public process LANL was using to justify its decision to build the proposed BSL-3 facility. DOE failed to adequately address the many concerns raised by the public and proceeded to release a final EA, along with a "Finding of No Significant Impact," that remained relatively unchanged from the draft EA. In NWNM's view, this made illegitimate DOE's claims of commitment to transparency and public process. This had to be challenged and the only possible means was through legal action.

551 West Cordova Road #808 Santa Fe, New Mexico 87505 505.989.7342 Fax 505.989.7352
info@nukewatch.org www.nukewatch.org

No "Bugs Without Bounds."

In August 2002, NWNM filed a lawsuit (with attorney Letty Belin as counsel) in the Federal District Court of New Mexico claiming that DOE had failed to fully analyze the environmental and health risks of operating a BSL-3 facility at LANL. In effect, DOE wrote itself a blank check for a wide range of infectious disease research at the LANL facility. Furthermore, the EA concluded that the LANL facility could be used to study emerging diseases that had not yet been categorized into a "Risk Group" by the Centers for Disease Control. NWNM argued that DOE had failed to consider the risks of introducing new bioagents whose behavior is unknown and for which no cures exist. DOE also failed to address security concerns, such as the risk of intentional sabotage, theft, or a terrorist act against the facility. All these issues should have been discussed in an in-depth environmental analysis. An environmental impact statement (EIS) is a much more rigorous framework for environmental analysis and must provide an extensive discussion of several different actions, including a "No Action Alternative." Furthermore, an EIS requires that the issuing agency must host public hearings where members of the public can raise their concerns. The EIS process also requires that the agency respond to *all* comments submitted by the public, not just the general responses that are permitted in a less stringent EA. NWNM's lawsuit called for the court to order a complete EIS for the LANL facility. More extensively, NWNM requested that the court order NNSA to complete a "programmatic EIS" (PEIS) on the CBNP. At least nine DOE laboratories are conducting research for the CBNP. All those labs would have to undergo environmental analysis as part of a PEIS.

Biological Weapons Proliferation:

As a State Party to the Biological and Toxin Weapons Convention (BTWC), the U.S. is prohibited from conducting any research on offensive biological weapons. The Convention does permit limited defensive research. However, biological research is inherently dual use, meaning that any facilities conducting defensive work can be easily reoriented toward an offensive mission. The DOE's decision to locate an advanced bio-research facility at LANL and to propose one for LLNL is a terrible international precedent. Both LANL and LLNL are top secret nuclear weapons labs with dismal records of transparency. Furthermore, the massive growth in the number of federal agencies conducting biological research, most completely shrouded in secrecy, could have the unintended consequence of starting a biological arms race. If the international community, particularly 2nd and 3rd world nations that are too poor to build nuclear weapons, perceives an aggressive bio-weapons program in the U.S., they will likely embark on their own weapons program, claiming that it is for "defensive" purposes too.

Internal Threats:

The rapid growth in the U.S. bio-defense program poses an additional threat, which is internal. The proliferation of laboratories conducting research on bio agents historically used for bioweapons greatly increases the number of people who have access to materials, facilities, and knowledge with which to create bioweapons, however crude they may be. Decisionmakers must take into account the risks of theft, sabotage, and the "rogue scientist" scenario when discussing the need for greater defensive bio-research. Vulnerability is further increased through the unsecured transportation of bioagents through the U.S. Postal Service, DOE's prefferred method of shipment.

Next Steps for Nuclear Watch of New Mexico:

Shortly after filing suit, NWNM learned that LLNL was preparing an EA for its own BSL-3. After careful consideration NWNM withdrew the suit against LANL. We did not feel that feel that the suit against LANL met the desired goals of increased public awareness. We have now joined a growing coalition of national organizations dedicated to increasing the level of public participation on DOE's bioresearch programs. Through these efforts we hope to pressure DOE into providing greater transparency in its programs and officially declare that it will adhere to the most stringent environmental and safety standards, as well as refrain from research that could be used for offensive military purposes.

-- Colin King, January 2003