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PRESS RELEASE

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ENVIRONMENTAL GROUPS APPEAL COURT RULING ALLOWING OPERATION OF BIO-WARFARE AGENT FACILITIES AT LAWRENCE LIVERMORE AND LOS ALAMOS NATIONAL LABORATORIES

OAKLAND, CA — Late yesterday Tri-Valley CAREs of Livermore, California and Nuclear Watch of New Mexico filed an appeal to the Ninth Circuit Court of Appeals challenging a ruling on September 10, 2004, by Federal District Judge Sandra Armstrong allowing the federal Department of Energy (“DOE”) to operate a contested bio-warfare agent facility at Lawrence Livermore National Laboratory in California. The bio-warfare agent research facility, styled a “Biosafety Level-3” (“BSL-3”), would be used for experiments, including genetic modification, with live anthrax, botulism, bubonic plague and other agents. Some of these agents would be aerosolized for use with live animals to ascertain how effective the agents would be in killing humans.

The environmental groups oppose these experimentation facilities because the DOE failed to prepare an Environmental Impact Statement (“EIS”) evaluating their potential adverse impacts on the environment. Among the many potential adverse consequences of operation of these facilities would be the release of deadly pathogens as a result of an earthquake, fire, sabotage, or other accidental or deliberate release. Two active earthquake faults are located near the Lawrence Livermore Laboratory and, according to U.C. Santa Cruz Research Professor Robert Curry, could generate lateral accelerations of up to 1.3 gs. The BSL-3 facility is only engineered for a maximum g-force of just 0.6.

Although DOE withdrew its approval of a similar BSL-3 laboratory in Los Alamos last January in response to this litigation, the environmental groups are concerned that the government might decide to reapprove and begin operation of that facility without preparation of an EIS.

“Although we are very pleased that DOE has withdrawn its approval of the Los Alamos bio-warfare agent facility, we remain concerned that construction continues on the extremely dangerous Livermore facility,” stated Marylia Kelley, the Executive Director of Tri-Valley

CAREs. “The serious risks to public health and safety posed by the deadly pathogens that the Department of Energy proposes to use at Livermore could not be greater. This laboratory is located adjacent to the active Los Positas and other earthquake faults, and next to a large metropolitan area,” explained Ms. Kelley. “Our community deserves no less than an immediate halt to the construction of the Livermore bio-warfare agent facility and for DOE to withdraw its approval,” Ms. Kelley added.

“We are concerned that the District Court declined to consider testimony from a number of world-class experts regarding the health and safety risks posed by the Livermore bio-warfare lab,” commented plaintiffs’ lead attorney Stephan Volker of Oakland, California. “We believe that Judge Armstrong’s decision not to consider this testimony defeats the purpose of the National Environmental Policy Act (“NEPA”), which is intended to force federal agencies to consider the environmental impacts of their programs. This bio-warfare agent lab could become a magnet for terrorist attacks, exposing the entire Bay Area to potential contamination,” added Mr. Volker. “Unless DOE promptly withdraws its approval of the Livermore bio-warfare agent lab, we will ask the Ninth Circuit Court of Appeals to bar operation of this lab to protect the public’s safety,” Volker stated.

The groups’ litigation, filed August 26, 2003 in the Federal District Court in Northern California, charges DOE with violating NEPA by approving advanced research on bio-weapon agents at its two principal nuclear weapon design labs without conducting a thorough review of the resulting environmental risks and impacts. Their lawsuit asked the Court to order DOE to prepare an EIS on each proposed bio-warfare facility.

For further information, please call Tri-Valley CAREs at (925) 443-7148 or Nuclear Watch of New Mexico at (505) 989-7342. Or, visit their websites at www.trivalleycares.org and www.nukewatch.org.