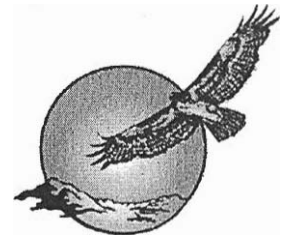


# Tri-Valley CAREs

Communities Against a Radioactive Environment

---

2582 Old First Street, Livermore, CA 94551 • (925) 443-7148 • [www.trivalleycares.org](http://www.trivalleycares.org)



*Pence Justice Environment  
since 1983*

## **Statement to the Review Conference for the Biological and Toxin Weapons Convention**

By Loulena Miles  
Staff Attorney for Tri-Valley CAREs -November 2006

Mr. Chairman, Excellencies, Ladies and Gentlemen, my name is Loulena Miles and I am the Staff Attorney at Tri-Valley CAREs in Livermore, California. Tri-Valley CAREs is a non-governmental organization (NGO) founded in 1983 to monitor activities at the U.S. Department of Energy's (DOE) two primary nuclear weapon research and development facilities.

I come here on behalf of ordinary Americans across the US who believe that this world needs fresh and careful leadership toward a Bioweapons Free Future. With your vision and courage, I believe that it is absolutely possible that this leadership will come from this very conference.

I very much appreciate this opportunity to speak to you today. I bring good news and bad news and a recommendation for you to take decisive actions to strengthen the implementation of this instrument.

Some of you may recall that I addressed the Meeting of States Parties in 2004. At that time, I spoke about the emerging collocation problem with "bugs and bombs" in the United States. By "collocation" I mean specifically the construction and operation of advanced bio-warfare agent research facilities inside both of the two top secret US nuclear weapon design laboratories. This is significant, because this would have been the first time that this type of sophisticated research would be located inside a U.S. nuclear weapons laboratory.

The good news is that neither of these bio-labs has been allowed to operate to this day, thanks to a lawsuit that Tri-Valley CAREs and Nuclear Watch of New Mexico brought against the US government in 2003. We sued the U.S. government on behalf of the surrounding communities for failing to do sufficient environmental review and for failing to study the proliferation impacts that these advanced bio-labs could have internationally.

The U.S. 9th Circuit Federal Court of Appeals ruled in our favor on October 16, 2006 and forced the Department of Energy to halt its plans until it conducts additional environmental review and accepts public comment.

The significance of the Court's October 16th decision for this forum is that there remains a "bright line" in that nuclear weapons research has not yet been collocated with advanced bio-warfare agent research. Nuclear Weapons States that are parties to this treaty still have time to consider adopting a confidence and transparency building measure according to which they foreswear collocating these types of activities. We urge Nuclear Weapons States today to maintain that important "bright line" and foreswear collocating nuclear weapons labs with advanced biowarfare agent research.

The bad news for the BWC is that we have seen significant strides forward in the attempt to collocate these types of activities in the US. In fact, there is now a new proposal on the table to build one of the world's largest animal, human (i.e., zoonotic) and agricultural biowarfare agent research labs at the Dept. of Energy's Lawrence Livermore Lab's "Site 300" which is the Lab's high explosives testing range where mock nuclear tests are conducted.

So, as it presently stands, there are three proposals to collocate advanced bio-warfare agent research facilities at nuclear weapons labs. Beyond the obvious concern that collocation may make it less desirable for the United States to agree to a stringent inspection regime under the BWC, the collocation of advanced biowarfare agent facilities at classified nuclear weapons laboratories presents a whole host of other problems that could undermine the implementation of this treaty.

There are four problems associated with collocation that I would like to present today:

First, the dual-use problem: When defensive programs, methods, training and equipment meet the requirements of offensive programs, the potential for offensive uses for the program in a future crisis is evident. As a confidence building measure, States Parties can protect against this type of potential violation by voluntarily forswearing collocation of this type of research with nuclear weapons now.

Second, the verification problem: Collocation within highly classified facilities may pose unique problems for verification and enforcement of the Biological Weapons Convention. It may be extremely difficult for anyone outside of the facility to verify that the purpose of the program is exclusively defensive.

Third, the perception problem: Irrespective of whether offensive or defensive work is conducted inside a classified nuclear weapons lab, other states and groups may perceive that new biological weapons are under development or production behind closed doors.

Fourth, the secrecy problem: Collocation with nuclear weapons undermines efforts to evaluate a state's compliance with the BWC. Openness, transparency and public accountability are essential to establish confidence that states are complying with the Biological Weapons Convention.

Since 2004, the United States has moved closer to the brink of collocation, but I am here to submit to you that there is still an important opportunity for change. Now is the time to press for concrete steps to build trust and accountability among states parties. In two years or five years from now, it may be more difficult if not impossible to address this important collocation problem.

Now is such an essential time for you to urge diplomacy and cooperation so that biological weapons do not have a resurgence of legitimacy worldwide. Our recommendation to you today is two-fold.

One recommendation is to the Nuclear Weapons States: Take a leadership role and voluntarily pledge to geographically segregate advanced bio-defense research from nuclear weapons programs as a transparency and confidence building measure.

Our second recommendation is to the non-nuclear weapons states: Begin discussing this issue with the nuclear weapons states now before it becomes a "fait accompli" and standard practice to locate advanced biowarfare agent research at classified nuclear weapons labs.

I thank you in advance for your attention to this serious, looming threat to the BWC. Thank you for your attention today.

(See Attachment)

# San Francisco Chronicle

LIVERMORE

## Biodefense lab plan survives to short list

Key Davidson, Chronicle Science Writer

Thursday, August 10, 2006

Plans for a controversial second biodefense laboratory at Lawrence Livermore National Laboratory moved closer to realization Wednesday, when the U.S. Department of Homeland Security announced it was putting the proposal on a short list of candidate sites.

At the lab proposed for a facility near Tracy on Livermore lab property known as Site 300, researchers would expose cattle and other animals to some of the world's deadliest diseases and then try to develop defenses against such lethal microorganisms, whether unleashed by terrorists or Mother Nature.

With Wednesday's announcement, Homeland Security officials whittled the number of candidate sites from 29 to 18. A single winner will be chosen from that group, possibly as early as 2008. The 300-employee facility could open for business by 2013.

The National Bio and Agro-Defense Facility, as it will be called, would be "the size of a large Wal-Mart," said Livermore spokesperson Susan Houghton.

Livermore became a candidate in March when the University of California president's office filed an application for it.

"The need for this (lab) is, I think, huge," said Bill Colston, a biomedical engineer who is division leader for chemical and biological countermeasures at Livermore lab. "If we were to have a foot-and-mouth outbreak in this country, it'd be much worse than what they had in the United Kingdom (in 2001). The U.K. is an island -- and how much more square footage does the U.S. have?"

Colston said all animals infected in the lab experiments would be kept indoors, away from open air. The lab would be "boxes inside of boxes ... multiple layers of containment," he said.

Laboratory critics question the need for building the research lab in a populated region between the Bay Area and the Central Valley, where, they fear, killer bugs could escape from the lab and wreak havoc on farms and cattle lands.

The proposed lab is part of a building boom of biodefense facilities funded by the federal government, and the risk is that the boom could lead to willy-nilly construction of sites that aren't all necessarily in the best or safest locations, said Marylia Kelley of Tri-Valley Communities Against a Radioactive Environment.

"Tri-Valley CARES is not opposed to biodefense research," Kelley said. Rather, "we believe that the first thing this nation should do is to undertake a detailed analysis of what new biodefense capabilities are needed.

"No one is doing any planning, no one is looking at what's needed, no one is looking at the big picture."

Kelley's group has sued Livermore over its plans to open another **biodefense** lab on the main lab campus in Livermore. That lab would be technically known as a Biosafety Level Three lab, which federal law authorizes to deal with pathogens up to a specified level of deadliness.

As a court hearing in June in San Francisco, Chief Judge Mary Schroeder of the Ninth U.S. Circuit Court of Appeals hinted of concern about the proposed biodefense facility on the main Livermore campus being "built in a very highly populated area of Northern California." A ruling by the court is expected later this summer or in early autumn.

The Ninth Circuit is not currently examining plans for the proposed second biodefense lab at Site 300, which Homeland Security began pursuing earlier this year. Kelley said her group won't decide until later whether to take legal action against plans for that site.

According to Homeland Security officials, the proposed Site 300 lab might be authorized to work as high as Biosafety Level Four, where it could study even scarier microorganisms -- "the kind of lab where the researchers use 'moon suits' for their protection," Kelley said.

University of California spokesperson **Chris Harrington** said in a statement Wednesday that the lab would be a nice fit for California, which has one of the largest economies in the world and is a leading agricultural state.

It "will create local capabilities to respond quickly to any future diseases that may result from accidental or deliberate contagion," Harrington said. "In addition, this facility would further attract new biotechnology industry ... creating thousands of new jobs."

Besides **Livermore** lab, the other 17 candidates remaining are in 10 other states. Texas has four sites under consideration, the most of any competing state.

E-mail Keay Davidson at [kdavidson@sfchronicle.com](mailto:kdavidson@sfchronicle.com).