

# **Tri-Valley CAREs**

Communities Against a Radioactive Environment

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## **Biological Weapons Convention: 2008 Meeting of Experts**

Statement by Robert Schwartz  
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Mr. Chairman, Excellencies, Ladies and Gentlemen, my name is Robert Schwartz, and I am presenting this statement on behalf of Tri-Valley CAREs, a non-governmental organization based in Livermore, California, in the United States of America. Among other endeavors, for the past twenty-five years, Tri-Valley CAREs has monitored activities at the United States Department of Energy's Lawrence Livermore National Laboratory (LLNL), one of the U.S.'s two primary nuclear weapons research and development facilities, both of which are seeking to operate biodefense laboratories.

To begin, I would like to thank all of you for gathering here in Geneva for the 2008 Meeting of Experts. The importance of your work and the gravity of the threat posed by biological and toxin weapons cannot be overstated; nor can the value of international cooperation in this area. In particular, I am heartened by the topics to be considered at this year's meeting. It is absolutely essential that any research involving biological and toxin weapon agents must take place within a principled framework that establishes boundaries and provides a moral compass in a sometimes murky area of research. Scientific innovation may be laudable, yet we must also recognize that humankind's very existence could be imperiled by that pursuit, particularly in light of the recent advances in the areas of genomic technologies, synthetic biology, and open-source publication of research data.

Since the anthrax mailings in October 2001, the United States has spent almost \$50 billion to build new laboratories, develop vaccines, and stockpile drugs. Many in the U.S. have questioned whether these funds have been directed toward the most pressing medical contingencies, and whether these efforts have actually magnified the threat to public health and safety. As the Government Accountability Office (GAO), the investigative arm of the U.S. Congress, has recognized, the increasing number of these facilities has created more opportunities for an accident or intentional misuse of bioagents or biotoxins by an insider. Indeed, it was recently reported that the individual responsible for the anthrax mailings may have worked at the U.S. Army Medical Research Institute for Infectious Diseases (USAMRIID), a facility that was formerly engaged in offensive bioweapons research and development. Furthermore, the number of accidents has risen steadily in conjunction with the recent increase in the number of these facilities.

An anthrax release by the Lawrence Livermore National Laboratory in 2005 illustrates the validity of these concerns. The LLNL was recently fined \$450,000 for a shipping mishap that led to the exposure of several workers at another facility to anthrax. A subsequent investigation uncovered lax oversight at the LLNL, including the failure to comply with applicable regulations governing the possession and transfer of select agents, which are biological agents and toxins designated by the U.S. government as having the potential to pose a severe threat to public health and safety. Alarming, an unauthorized individual was allowed to package the anthrax, a potentially disastrous violation of the select agent regulations.

Despite the tremendous expenditure of resources by the U.S. government in recent years, the GAO has reported that no single agency has the mission to track and determine the risk associated with the expansion of biodefense facilities in the U.S. Moreover, no single federal agency even monitors the number of these facilities. These systemic failures of oversight demonstrate the need for a comprehensive regime to regulate all activities involving potentially dangerous bioagents and biotoxins. Such a regime should cover the possession and transfer of these pathogenic materials; oversight of any facilities engaged in bioagent or biotoxin research; and mandatory and consistent reporting of accidents. In addition, these regulations should ensure a proper level of transparency, where information is presumed to be publicly available absent a compelling and verifiable reason to withhold disclosure. On top of this base layer of regulation, codes of conduct may be developed by appropriate bodies that will protect public health and safety without stifling scientific innovation.

Relatedly, Tri-Valley CAREs has long opposed the co-location of biodefense facilities and nuclear weapons laboratories. By locating such facilities inside nuclear weapons laboratories, where a culture of secrecy prevails, the transparency of any biodefense programs is necessarily curtailed. This is a concern for the communities surrounding these facilities, which seek assurances that biodefense research will not endanger public health and safety, as well as the international community, which may question whether this research will truly be defensive in nature. But perhaps more importantly, such co-location may undermine efforts to negotiate a verification instrument for the Convention, since the U.S. government, and any other co-locating nation, would likely have grave concerns about opening up a nuclear weapons laboratory to outside inspectors. For these reasons, Tri-Valley CAREs urges all nations to geographically segregate biodefense facilities and nuclear weapons laboratories.

Thank you for your consideration.