EXHIBIT 1

ROBERT J. SCHWARTZ (CSB #254778)
TRI-VALLEY CARES
2582 Old First Street
Livermore, California 94551
Telephone: (925) 443-7148
Facsimile: (925) 443-0177
Email: rob@trivalleycares.org

STEVEN SUGARMAN (*Pro Hac Vice*)
BELIN & SUGARMAN
618 Paseo de Peralta
Santa Fe, New Mexico 87501
Telephone: (505) 983-1700
Facsimile: (505) 983-0036
Email: sugarman@bs-law.com

Attorneys for Plaintiffs
TRI-VALLEY CARES, MARYLIA KELLEY,
JANIS KATE TURNER, and JEDIDJAH DE VRIES

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

TRI-VALLEY CARES, MARYLIA KELLEY, JANIS KATE TURNER, and JEDIDJAH DE VRIES, Plaintiffs, vs. UNITED STATES DEPARTMENT OF ENERGY, NATIONAL NUCLEAR SECURITY ADMINISTRATION, and LAWRENCE LIVERMORE NATIONAL LABORATORY, Defendants	Case No.: DECLARATION OF EDWARD HAMMOND IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

1. I am Director of the Sunshine Project, whose primary place of business is P.O. Box 41987, Austin, Texas 78704. The Sunshine Project is a 501(c)3 non-profit, non-governmental organization that works to prevent the development and use of biological weapons, avert the use of biotechnology for hostile purposes, and to uphold and strengthen international agreements prohibiting biological warfare.

2. Since 1995, I have worked as Director and Program Officer of non-profit organizations specializing in international policy issues related to biotechnology, participating in that capacity at intergovernmental meetings of the Biological and Toxin Weapons Convention, the Chemical Weapons Convention, the World Health Assembly of the World Health Organization, the Commission on Plant Genetic Resources for Food and Agriculture, the International Plant Protection Convention of the United Nations Food and Agriculture Organization, the Convention on Biological Diversity and its Cartagena Biosafety Protocol of the United Nations Environment Program, and policy and legal development bodies of the Association of South East Asian Nations and the Organization of African Unity.

3. In my capacity as Director of the Sunshine Project, it has been my responsibility to advocate for a strengthened and verifiable Biological and Toxin Weapons Convention (BTWC) and to monitor U.S.-based research on biological weapons agents and delivery technologies for the purpose of identifying any aberration from strict compliance by the United States with its commitments as a state party to the BTWC. Because many of the technologies and knowledge generated in the course of biological defense research have applicability to offensive weapons programs (i.e. are "dual-use"), monitoring of biological defense research is an important element of my work. Through monitoring U.S. biodefense programs, I have gained detailed knowledge of the functions and capabilities of biological defense research facilities operated by the U.S. government and by educational institutions and private entities. Because of the impact of new federal appropriations made following September 11, 2001, and the subsequent anthrax mailings, for the past several years, I have dedicated a large amount of time identifying and tracking the numerous new proposals for construction of biological defense research facilities. Among the venues before which I have appeared, I provided written and spoken expert testimony on

biological defense facilities and programs for the U.S. Congress, Subcommittee on Oversight and Investigations, House Committee on Energy and Commerce on October 4, 2007.

4. There has been a large and unsafe expansion of U.S. laboratories handling biological weapons agents since 2002. This expansion poses significant risks to the public through accidents and incidents of domestic source criminality (bioterrorism). It should be noted that the still-unsolved 2001 anthrax mailings are widely believed to have been perpetrated and/or assisted by a current or former U.S. biological defense worker.

5. The unprecedented expansion of biological weapons agent research has been conducted without a national laboratory needs assessment and appears to far exceed that which is prudent and necessary for our national needs. Alarmingly, there is no comprehensive government source of information available on where these laboratories are and are being built. Inadequate transparency exacerbates risks to the public and threatens international confidence in the objectives and activities of this U.S. research, damaging prospects of improving global biosecurity. This is also highlighted in the testimony of the U.S. Government Accountability Office, "High-Containment Biosafety Laboratories, Preliminary Observations of the Oversight of the Proliferation of BSL-3 and BSL-4 Laboratories in the United States," October 4, 2007 (GAO-08-108T).

6. Because no one knows how many existing BSL-3 laboratories there are in the U.S. and where they are all located, as well as gaps in public information on new federally-funded facilities to study biological weapons agents, it is not possible to calculate the total increase in BSL-3 capacity; however, it is plainly very large. The National Institutes of Health ("NIH") has funded 13 new Regional Biocontainment Laboratories, plus its own new facilities and others constructed by government agencies, including the Departments of Defense, Energy, and Agriculture. In addition, many universities and other institutes have constructed BSL-3 and BSL-4 laboratories with their own funds, seeking to use the existence of the facility as leverage for federal research funding.

7. It is important to note that while BSL-4 labs are most frequently in the public eye because they are purpose-built to handle the most dangerous biological agents, BSL-3 laboratories handle

diseases that are also extremely dangerous to both researchers and the public and which pose potentially catastrophic risks if released by accident or malfeasance. These include diseases capable of transmission through the general population, including pandemic strains of influenza such as 1918 "Spanish" Flu, SARS coronavirus, and plague (*Yersinia pestis*), as well as animal and/or human threats such as Foot and Mouth Disease and H5N1 "Bird Flu" strains.

8. Although the United States clearly needs a biological defense program, in the past six years laboratory expansion has gone far beyond what is prudent and necessary, and without an adequate regulatory framework. According to the most recent statements by the Centers for Disease Control and Prevention ("CDC"), there are now approximately 400 facilities and 15,000 people in the United States handling biological weapons agents. The proposed upgrades and new facilities for biological defense research will facilitate access to biological weapons agents and knowledge of their use for a greatly increased number of individuals. Examples of these skills include growing and purifying large quantities of highly infectious agent in containment, agent aerosolization (in, for example, challenge tests), and genetic alteration of weapons agents. It is plain to see that our own scores of laboratories that study biological weapons agents represent the easiest avenue by which a would-be bioterrorist could obtain the materials and knowledge necessary to commit crime in the United States.

9. In light of the above, a reduction in the number of facilities and persons handling biological weapons agents is a highly desirable step for both safety and security. This could include cancellation or conversion of some planned and under construction facilities and rerouting of some appropriations toward basic research and public health, in order to help address problems that Americans most frequently face, which are not at all typically caused by biological weapons agents.

10. The Department of Energy ("DOE" or "Department") has developed biological weapons agent detection equipment and decontamination equipment. However, this work has little need for its own BSL-3 facilities. Many of the agents considered to be a bioterrorism threat can effectively be simulated by benign organisms or simulant organisms that pose much lower levels of risk to people, animals, and the environment. The U.S. Army maintains facilities (at Dugway

Proving Ground in Utah and elsewhere) for testing detection and decontamination equipment when the need to do so arises. Moreover, the recent proliferation of BSL-3 laboratories suggests there is no merit in DOE's assertion that there is a lack of capacity at offsite commercial or governmental BSL-3 facilities to perform such research on the Department's behalf.

11. The proposed BSL-3 facility at Lawrence Livermore National Laboratory ("LLNL" or "Livermore Lab") will work with a large number of, by DOE's own admission, pathogens "historically used as biological weapons." These are euphemistically termed "select agents" under 42 C.F.R. § 73 (2005).

12. The final Revised Environmental Assessment ("EA") for the proposed BSL-3 facility at LLNL indicates that laboratory cultures of biological weapons agents may be as large as 1 liter of cultured microorganisms (maximum cell density of about 10^8 cells per ml) in each of the laboratories within the BSL-3 facility. Final Revised EA at 20. It is extremely difficult to envisage a legitimate prophylactic use for this quantity of pathogen. For example, *Coxiella burnetii*, the causative agent of Q fever, is among the agents Livermore Lab intends to study at the proposed BSL-3 facility. The human inhalation infectious dose for *Coxiella burnetii* is considered to be 10 organisms. If LLNL produced cultures of *Coxiella burnetii* in one liter quantities, with an assumed saturated solution of 108 organisms per milliliter, the 1 liter culture of *Coxiella burnetii* would have enough organisms to cause 10 billion human infections.

13. Production of gram or sub-gram quantities of any pathogen is sufficient for defensive biological weapons work, particularly for the development of biological weapons agent detection equipment and decontamination equipment.

14. The EA for the proposed BSL-3 facility at Livermore Lab indicates that aerosol challenge tests on rodents are planned for the facility. In order for this type of testing to yield useful information for a biological defense program, the challenge agent (e.g., *Coxiella burnetii*) must be prepared in a manner to simulate warfare conditions and technologies used by potential enemies. Such research poses greater than normal health risks to laboratory workers and the

surrounding communities because it is designed to render the agents more infectious and pervasive in an open environment.

15. The EA mentions a number of organisms likely to be cultured in the near term. Of these, *Coccidioides immitis*, the causative agent of Valley Fever, and *Brucella spp.*, the causative agent of brucellosis, are regarded as incapacitating, rather than lethal, biological weapons and are unusual choices for defensive biological weapons work, particularly at a DOE facility. Both pathogens are readily treatable and rarely fatal. *Brucella spp.* is only known to have been weaponized by the U.S. and the former Soviet Union. It is thought that *Brucella spp.* was the first agent weaponized by the U.S., which has a long history and extensive knowledge of the agent and the disease that it causes.

16. Incapacitating agents, particularly those with long incubation periods like *Brucella spp.*, are extremely unlikely to be used against the U.S. A terrorist posing a biological threat will choose lethal agents over incapacitating ones. Militarily, incapacitating biological agents are far better suited for use to "soften" (weaken) a civilian population or an opponent's military prior to invasion with a large force. Using such a weapon against the United States simply is not practical, nor, since the disease produces only a low level of fatalities and is readily treatable, does it serve the purposes of terrorists.

17. Accidents and other safety and security problems have resulted from the expansion of research involving biological weapons agents. These include laboratory-acquired infections with biological weapons agents, unauthorized persons handling biological weapons agents, failure to account for stocks of biological weapons agents, and other problems. Due to a lack of transparency in this area, in general, it is only possible for the public to acquire information about laboratory mishaps in the limited number of cases where laboratories are (a) subject to open records rules sufficiently forceful to enable access to accident documentation and (b) have policies to record such incidents. There is mounting evidence that, at many facilities, there have been *de facto* policies not to record accidents, including accidents with biological weapons agents.

18. The following is a listing of accidents and other incidents involving select agents and/or BSL-3 labs prompted by the expansion of biological weapons agent research since 2002. Select agents are those biological agents and toxins designated by the Secretary of the Department of Health and Human Services ("HHS") as having "the potential to pose a severe threat to public health and safety." 42 C.F.R. § 73.3 (2005).

- In August-September 2005, Lawrence Livermore National Laboratory ("LLNL" or "Livermore Lab") was responsible for an anthrax release. On September 24, 2007, the Regents of the University of California, Lawrence Livermore National Laboratory agreed to resolve its liability for this alleged violation of the Select Agent Program. The HHS Office of Inspector General ("OIG") alleged that LLNL transferred vials of anthrax to two laboratories located in Florida and Virginia. During the transfers, anthrax was released from the approximately 4,000 shipped vials. Five workers were exposed to anthrax while unpacking the shipments and required treatment with the antibiotic Cipro for a week. As a result of this incident, CDC suspended all transfers of select agents, and Livermore Lab issued a full stand-down of all select agent work. CDC sent LLNL a report listing 29 points that needed to be addressed. It should be noted that this incident occurred while the prior lawsuit involving the proposed BSL-3 facility at Livermore Lab was pending, and LLNL failed to inform either the plaintiffs or the court of the anthrax release. The OIG specifically alleged that Livermore Lab violated the transfer requirements of the select agent regulations by failing to comply with the applicable shipping and packaging laws when transferring a select agent. In addition, the OIG also alleged that LLNL failed to comply with security and access requirements by allowing an individual not authorized to have access to select agents to package the shipments of anthrax, and that LLNL's Responsible Official—the individual designated by Livermore Lab with the authority and control to ensure compliance with the select agent regulations—failed to ensure compliance with the shipping and packaging requirements of the

select agent regulations. Under the terms of the settlement, LLNL agreed to pay the OIG $450,000 to resolve these allegations.

- Texas A&M University ("TAMU") is a Department of Homeland Security (DHS) National Center of Excellence in the study of biological weapons agents and is the lead institution in the DHS National Center for Foreign Animal and Zoonotic Disease Defense. Through the Texas Public Information Act, and significant pressure on TAMU officials, it was established that in 2006 and 2007 the University committed numerous violations of the Bioterrorism Act of 2002 (implemented by the select agent regulations). The most serious of these included an unreported lab-acquired infection with *Brucella sp.* and multiple unreported exposures to Q fever (*Coxiella burnetii*). CDC investigations prompted by Sunshine Project news releases documented additional serious violations that included more unreported lab exposures, irregularities in accounting for biological weapons agents, and, importantly, revelations that TAMU repeatedly permitted access to and handling of biological weapons agents by persons lacking federal permission to do so. In fact, the brucellosis victim was one such person.
- At the University of Wisconsin at Madison in 2005 and 2006, researchers handled genetic copies of the entire Ebola virus (called "full length cDNAs") at BSL-3, despite the fact that the NIH Guidelines require handling at BSL-4 because the genetic constructs had not been rendered irreversibly incapable of producing live virus. The University of Wisconsin at Madison Institutional Biosafety Committee reviewed and approved this research despite federal guidelines to the contrary. The problem was not detected by NIH. On the contrary, NIH funded the research.
- There is evidence that a situation similar to Wisconsin's exists or existed at Tulane University in New Orleans, Louisiana, which also does not have appropriate facilities for such research. Tulane officials refused a half dozen requests to clarify the research, again with Ebola cDNAs, as well as constructs for Lassa fever virus, another BSL-4 hemorrhagic fever agent.

- At the University of Texas at Austin in April 2006, human error and equipment (centrifuge) malfunction combined in an incident in a BSL-3 laboratory handling potentially very dangerous genetically-engineered crosses between H5N1 "bird flu" and typical (H3N2) human influenza. The researcher was placed on drugs, and the laboratory was shut down and decontaminated. The University did not report the incident to the federal government and has since produced conflicting accounts of exactly what happened.
- In mid-2003, a University of New Mexico (UNM) researcher was jabbed with an anthrax-laden needle. The following year, another UNM researcher experienced a needle stick with an unidentified (redacted) pathogenic agent that had been genetically engineered.
- At the Medical University of Ohio in late 2004, a researcher was infected with Valley Fever (*Coccidioides immitis*), a BSL-3 biological weapons agent. The following summer (2005), a serious laboratory accident occurred that resulted in exposure of one or more workers to an aerosol of the same agent.
- In mid-2005, a lab worker at the University of Chicago punctured his or her skin with an infected instrument bearing a BSL-3 biological weapons agent. It was likely a needle contaminated with either anthrax or plague bacteria.
- In October and November of 2005, the University of California at Berkeley received dozens of samples of what it thought was a relatively harmless organism. In fact, the samples contained Rocky Mountain Spotted Fever bacteria, classified as a BSL-3 bioweapons agent because of its potential for transmission by aerosol. As a result, the samples were handled without adequate safety precautions until the mistake was discovered. Unlike nearby Oakland Children's Hospital, which previously experienced a widely reported anthrax bacteria mixup, UC Berkeley never told the community.

19. In addition to laboratory-acquired infections and exposures, other types of dangerous problems have occurred at these facilities, such as unauthorized research, equipment malfunction, and disregard for safety protocols.

- In February 2005, researchers at the University of Iowa performed genetic engineering experiments with tularemia bacteria without permission. These experiments included mixing genes from tularemia species and introducing antibiotic resistance.
- At the University of Illinois at Chicago in September 2004, laboratory workers at a BSL-3 facility propped open doors of the laboratory and its anteroom, a major violation of safety procedures. An alarm that should have sounded did not.
- In March 2005, lab workers at the University of North Carolina at Chapel Hill were exposed to tuberculosis when the BSL-3 laboratory's exhaust fan failed. Due to deficiencies in the lab, a blower continued to operate, pushing disease-laden air out of a safety cabinet and into the room. An alarm, which would have warned of the problem, had been turned off. The lab had been inspected and approved by the U.S. Army one month earlier.
- In December 2005, three lab workers at the Albert Einstein College of Medicine at Yeshiva University in New York City were exposed (seroconverted) to the tuberculosis bacterium following experiments in a BSL-3 laboratory. The experiments involved a Madison Aerosol Chamber, the same device used in the February 2006 experiments that resulted in the Texas A&M brucella case, again underscoring the additional risks of research involving deliberate aerosolization of biological weapons agents.
- In mid-2004, a steam valve from the biological waste treatment tanks failed at Building 41A on the NIH Campus in Bethesda, Maryland. The building houses BSL-3 and BSL-4 laboratories. Major damage was caused, and the building was closed for repairs.

- In April 2007, a centrifuge problem exposed several laboratory workers at the University of Texas Health Science Center in Houston to anthrax.
- Also in April 2007, three laboratory workers entered a facility studying tularemia at the University of Texas at San Antonio to repair faulty air filters. The workers did not wear respiratory protection and handled the filter equipment without gloves.

20. It is very important to note that these and other examples of laboratory mishaps are drawn from biosafety committee meeting minutes of institutions that actually record such incidents in records that are—at least nominally—available to the public. Often, this is not the case, such as that of Texas A&M, which only released accident information under threat of indictment by the Brazos County, Texas District Attorney. Thus, the sample of institutions named above is (mostly) skewed toward those that have been more open about their mishaps than others.

21. There are major gaps in the oversight system for government and corporate laboratories. Lawrence Livermore National Laboratory recently delayed nearly 17 months before replying to a request for its Institutional Biosafety Committee ("IBC") minutes and then provided heavily and inconsistently redacted material that suggests significant problems handling biological weapons agents and with its laboratory equipment. The redactions are so heavy, however, that a more specific description of the problems cannot be discerned. IBCs are local committees operating under the NIH Guidelines for Research Involving Recombinant DNA Molecules. By grant contract, IBCs are mandatory for institutions receiving NIH funding involving recombinant DNA (genetic engineering) and for certain other laboratories by departmental rule or regulation. It is also federal policy that IBCs review not only genetic engineering projects but also those involving biological weapons agents.

22. Also, there are major gaps in the assumptions underlying the accident analysis in the final Revised EA for the proposed BSL-3 facility at Livermore Lab. For example, on page 51, the final Revised EA states that "[a]ccident scenarios usually envisioned for DOE facilities would normally be seen to exacerbate or enhance a release or spread of the hazardous materials, but for the BSL-3 facility would potentially render these materials innocuous (hear, fire, sunlight and

wind). These would be avoided when working with microorganisms and would usually result in microorganisms being killed. Consequently, catastrophic events such as earthquake, fire, explosions and airplane crashes, normally considered as initiating events in DOE radiological or chemical accident analyses, were viewed as having the potential to actually reduce the consequences of microbial material releases. An earthquake, explosion, or similar event that would result in a breech [sic] or rupture of the facility's walls would be bounded by the hypothetical centrifuge-accident analysis of a *Coxiella burnetii* release for the proposed BLS-3 facility structure . . . ."

I declare under penalty of perjury that the foregoing is true and correct, and if called as a witness I could competently testify hereto.

Executed on (date) 3/10/08, (city) Livermore, (state) California

EDWARD HAMMOND
(approved telephonically)

EXHIBIT 2

ROBERT J. SCHWARTZ (CSB #254778)
TRI-VALLEY CARES
2582 Old First Street
Livermore, California 94551
Telephone: (925) 443-7148
Facsimile: (925) 443-0177
Email: rob@trivalleycares.org

STEVEN SUGARMAN (*Pro Hac Vice*)
BELIN & SUGARMAN
618 Paseo de Peralta
Santa Fe, New Mexico 87501
Telephone: (505) 983-1700
Facsimile: (505) 983-0036
Email: sugarman@bs-law.com

Attorneys for Plaintiffs
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TRI-VALLEY CARES, MARYLIA KELLEY, JANIS KATE TURNER, and JEDIDJAH DE VRIES,

Plaintiffs,

vs.

UNITED STATES DEPARTMENT OF ENERGY, NATIONAL NUCLEAR SECURITY ADMINISTRATION, and LAWRENCE LIVERMORE NATIONAL LABORATORY,

Defendants

Case No.:

DECLARATION OF MARYLIA KELLEY IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

I, Marylia Kelley, declare as follows:

1. I am a named plaintiff in this action, and I have personal knowledge of the following and could and would competently testify thereto if called upon to do so.

2. I am Executive Director of Tri-Valley CAREs (Communities Against a Radioactive Environment), a California non-profit corporation based in Livermore, California and founded in 1983, that is a plaintiff in this action. I am a co-founder of Tri-Valley CAREs and have served as its Executive Director for most of the group's 25 years.

3. The Department of Energy's (DOE) Lawrence Livermore National Laboratory (LLNL or Livermore Lab) was founded in 1952 and is one of the country's two principal nuclear weapons design labs.

4. As Tri-Valley CAREs' Executive Director, I serve on the LLNL-sponsored Community Work Group (CWG) to advise state and federal regulatory agencies, DOE and Livermore Lab on the "Superfund" cleanup of toxic and radioactively contaminated soil and groundwater at the site, some of which is emanating into the Livermore community. LLNL was named to the federal Environmental Protection Agency's National Priorities List (also called the "Superfund") in 1987. I have held a seat on the CWG since its inception in 1989. I was invited by state and county health officials to sit on the Alameda County plutonium sludge task force to address the public's questions and potential hazards posed by the distribution of sewage sludge contaminated with plutonium from LLNL. I was appointed by Congressman Ron Dellums to serve on the East Bay Conversion and Reinvestment Commission to advise it on LLNL programs. I have served in similar capacities on other advisory boards and commissions.

5. In my role as Tri-Valley CAREs' Executive Director, I have also testified on the environmental and health impacts of LLNL programs to committees of the California legislature, the National Academies of Science and other administrative, law-making, technical and scientific bodies.

6. I and other Tri-Valley CAREs staff, board and members reviewed the draft Revised Environmental Assessment for the DOE's proposed Biosafety Level 3 (BSL-3) facility at LLNL

and offered public comments on it. This process was made difficult because DOE did not publish in the draft Revised Environmental Assessment a postal address, email address or fax number to which members of the public could send comments. Nor was the due date for public comment published in that document. These crucial pieces of information were limited to the DOE press release. Tri-Valley CAREs requested that DOE remedy the situation and extend the public comment period, but the agency refused to do so. Nor did DOE take the modest step of informing those members of the public who had submitted comments on the original Environmental Assessment that a draft revised version was available for comment.

7. Tri-Valley CAREs took numerous steps to inform the public of the comment process and of where to send comments, although the 30-day period meant that the deadline had passed by the time our monthly newsletter, sent bulk mail, reached many of our members. Further, the DOE facsimile number listed in their press release did not operate on May 11, 2007, the final day of the comment period (and perhaps did not operate earlier). I have personal knowledge that the DOE facsimile number was out of commission on May 11 because approximately 13 people called or came to the Tri-Valley CAREs office that day to alert us to the problem they were encountering. I repeatedly called the DOE document manager in charge of the process and also emailed him, but received no response that day. I later learned that he was not in the office at all on May 11. I know of at least one member of the public who gave up and at least one other who had assumed her fax to DOE went through when it could not have. I believe that this series of obstacles to public comment may have prevented other members of the public from participating.

8. I and other Tri-Valley CAREs staff, board and members have reviewed the subsequent final Revised Environmental Assessment (EA) and Revised Finding of No Significant Impact (FONSI) for the proposed LLNL BSL-3 facility. I and other Tri-Valley CAREs staff, board and members have participated in all administrative proceedings related to the BSL-3 facility at LLNL.

9. I and other Tri-Valley CAREs staff, board and members have been denied any public hearing(s) on the LLNL BSL-3 facility and the more thorough, high-level environmental review we believe is necessary to protect our health and the environment from the scores of potentially

deadly bio-warfare agents that, according to the EA, may be transported, stored, used, replicated, genetically modified, and aerosolized (sprayed) in the LLNL BSL-3 facility and that may become available to or a target of terrorists.

10. Most staff, board and members of Tri-Valley CAREs, including named plaintiffs Janis Kate Turner and Jedidjah de Vries, live or work in the vicinity of Livermore Lab. We are harmed by the increased risks to public health, safety and security posed by the start-up and operation of the LLNL BSL-3 facility in the absence of an adequate environmental review. We are harmed by the heightened threat that housing up to 50 liters of dangerous pathogens—including anthrax strains famous for their special virulence (like the Vollum strain), plague, Q Fever, and other agents and toxins historically used in biological warfare—will make LLNL a more likely target of terrorism.

11. I reside on East Avenue in the City of Livermore, approximately one-quarter mile from LLNL. I have lived at my current address since 1978. There are approximately 100 family units with 2 to 4 bedrooms each in my complex. Going east from my home to Livermore Lab, you will see a large, low-income apartment complex and then closely packed single-family homes built right up to the southwest boundary of LLNL. Other densely packed neighborhoods, along with a City park and little league fields, are also adjacent to Livermore Lab. I live in a heavily populated area—there are more than 81,000 people residing in Livermore, California, and the population is growing. There are more than 7 million people living within a 50-mile radius of LLNL.

12. Over the 30 years I have lived at my current address, the population has swelled toward and around LLNL. There are multiple new housing developments that have been built directly across the street from the LLNL fence line, and new homes are still under construction in the immediate vicinity.

13. Traffic on Vasco Road, my access route to Interstate 580 (I-580) and LLNL's western boundary, is routinely extremely busy due to the many vehicles associated with residents from the new housing, LLNL's approximately 8,000 workers, and other traffic from the new office buildings and other new construction around LLNL. During commute hours in particular, I-580

is now routinely at or near a standstill due to these and other traffic increases that have occurred during the time that I have lived at my current address. In the event of a release of deadly biological agents from the LLNL BSL-3 facility, any attempted evacuation would be chaotic if not impossible to accomplish in a timely manner, and the disruption (e.g., potential closure of I-580 and offices and businesses in the area) would be extreme.

14. I and Tri-Valley CAREs staff, board and members, along with Livermore Lab workers and the community at large, have been directly and adversely affected by past and current LLNL operations and fear additional harm from operation of the proposed BSL-3 facility.

15. Nuclear weapons work at LLNL has led to pollution released to the air, land, surface waters and groundwater, including plutonium (the radioactive core element of nuclear weapons), tritium (radioactive hydrogen), hexavalent chromium, Freon, volatile organic compounds like TCE, and numerous others. There is an off-site contaminated groundwater plume emanating from LLNL. Part of that off-site contaminant plume includes the groundwater beneath my home, which is being cleaned up under the aforementioned Superfund program that will need to continue for decades to come. For years, the creek behind my home where my son and his friends played received contaminated run-off from LLNL. Documented airborne releases of radioactivity from Livermore Lab total about 1 million curies. One curie is a large amount of radiation, equaling 37 billion radioactive disintegrations per second. The rainwater on-site at Livermore Lab and off-site in neighborhoods, including mine, has been found to contain elevated levels of tritium, with spikes as high as 7 times the state and federal maximum contaminant level for drinking water. Elevated levels of plutonium from LLNL were found in the top two inches of soil at a City park west of LLNL and in an off-site air monitor east of LLNL. For twenty years, sludge from the City sewage treatment plant, contaminated by plutonium that was dumped down LLNL drains, was given away to unsuspecting residents for use in their gardens and lawns.

16. There have been hundreds of documented violations of environmental, health and safety rules, regulations and laws at LLNL. The documentation is in state and federal notices of violation, regulatory agency inspection and enforcement reports, compliance orders, legal proceedings, DOE notices and LLNL reports, among other sources. These violations include