

**SAFETY
NET**



ACE
alternatives for
community &
environment

Building Power Together for Environmental Justice

May 14, 2004

Name of City Councilor
One City Hall Plaza
5th Floor
Boston, MA 02201

Re: Boston University's proposed bioterrorism laboratory

Dear Name of City Councilor:

We are writing on behalf of Safety Net and the Stop the BU Bioterrorism Lab campaign to follow up on the April 20 City Council hearing about the health and safety threats posed by Boston University's proposed bioterrorism laboratory. We appreciate the opportunity to have presented important information about the proposed laboratory and would like to elaborate briefly.

There are two key health and safety questions to consider: 1) Might the proposed bioterrorism laboratory release dangerous pathogens into the community? 2) Why does the laboratory have to be so close to residential neighborhoods?

BU itself has answered the first question. It readily admits that there is a chance of a release from the laboratory. It has failed to answer the second question. Even if the laboratory belongs in the Boston region, there is no compelling reason to place the laboratory in a densely populated neighborhood rather than in a more secure, more easily monitored, and less densely populated location.

RELEASES OCCUR: Contrary to BU's statements, there is a history of reported releases from secure biological research laboratories. Releases occur by many means, including breach of the containment system, infection of a worker who leaves the facility, escape of an infected research animal, and while viruses are being transported to the laboratory. BSL4 laboratories use sophisticated technologies and procedures to decrease the risk of an accidental or intentional release of pathogens and to prevent a release resulting from a terrorist attack, but as we have seen in many other instances, accidents occur, sophisticated technologies are imperfect and fail, and some people have nefarious motives. Enclosed is a compilation of reported releases, prepared by the Council for Responsible Genetics (CRG), a well respected national organization that provides information and analyses on biotechnology issues. (Because there is no requirement to report releases, we do not know whether there have been other, unreported, releases. The CRG compilation was completed before the recent SARS releases from a BSL4 laboratory in Taiwan and from a similar laboratory in China. Enclosed is an April 27, 2004, Boston Globe editorial about the SARS release.)

A release from BU's proposed laboratory might be significantly more deadly than a release from a standard BSL3 laboratory because the biodefense research to be conducted in BU's lab, unlike the research performed in other labs, will involve the study and sometimes the genetic manipulation and weaponization of the most lethal pathogens known. It is understood that a release might cause deaths. The 1979 accidental aerosol release from a Soviet microbiology facility that was researching a vaccine for anthrax caused an epidemic in which 96 people contracted anthrax and 64 people died in an area directly downwind of the facility.

TRANSPORT OF DEADLY AGENTS: BU explained that it was concerned about the current transportation requirements for lethal pathogens and agreed that current federal rules allow delivery by means such as Federal Express. BU's investigation of more secure methods of delivery, without a change in federal regulations, would continue to allow the pathogens to be shipped by common carrier. In addition, the federal hazardous materials transportation law specifically preempts state and local laws, which means that a carrier need only follow federal requirements. When the federal government adopted the transportation regulations in 2002, it noted that the pathogens "are materials that may pose a potential security risk..." and that the packaging requirements were sufficient to "contain the material under normal conditions of transportation." Notwithstanding the regulations, in 2003 a package of anthrax exploded in a Federal Express building in Ohio.

BU CANNOT PROMISE WHAT WILL TAKE PLACE IN THE LABORATORY: During its presentation on April 20, BU admitted that it cannot say whether it will operate the laboratory. Mr. Towle explained that both BU and the University of Texas, the other entity funded to build a bioterrorism laboratory, have told the National Institute of Allergy and Infectious Diseases (NIAID) that they would not build the laboratory if they would not operate the laboratory. They had that conversation because they are being funded by NIAID to construct, not operate, the laboratory. The NIAID Request for Proposals and Applications (RFPA), to which they applied for funding, specifically stated that there would be a separate RFPA to operate the laboratory and no guarantee that the entity that constructed the laboratory would operate the laboratory. The April 22, 2004, South End News quotes a senior program officer in NIAID's office of biodefense research as saying that no decision has been made on who will operate the laboratory and that an open and competitive process would take place at a future date to make that determination.

Even if NIH chooses BU to operate the laboratory, the RFPA specifically requires the laboratory to give preference to the research required by the federal government for at least the first twenty years the laboratory operates. BU makes claims to the contrary, but any oral or written statement from BU or NIAID would contradict the officially published documents. **Of course, whether BU or another entity operates the laboratory, there will be research conducted in the BSL4 on bioweapons agents. Research on those agents poses serious risks to the community in the event of a release.**

MORE INFORMATION IS REQUIRED: BU is required to submit a proposed Final Environmental Impact Report (FEIR) under the Massachusetts Environmental Policy Act that includes an evaluation of a worst-case safety event involving the loss of physical integrity of the laboratory's containment systems. In addition, BU will include a risk assessment and threat

analysis for the laboratory in either the FEIR or the Final Environmental Impact Statement (FEIS) that it must file under the National Environmental Policy Act. It is essential that the City Council and public have the opportunity to review and analyze the FEIR and FEIS before a City Council vote on whether the laboratory poses a threat to public health and safety.

ADDITIONAL DOCUMENTS: In addition to the CRG compilation of releases and the Boston Globe editorial, both mentioned above, enclosed is a written copy of the presentation that Professor Jonathan King of MIT made to the City Council on April 13 about the health and safety threats posed by BU's proposed laboratory and written testimony of Professor Sheldon Krimsky of Tufts University. Professors King and Krimsky were unable to attend the April 20 City Council meeting.

At Councilor Kelly's request, we delivered to his office a copy of the RFPA and amendment under which BU applied for federal funding to construct the bioterrorism laboratory. Those documents contradict BU's statements about operation of the laboratory and control of the laboratory's research agenda.

At Councilor Flaherty's request, we delivered to his office a copy of the federal and state documents that show the large number of environmental, health, and safety violations at BU's medical campus between August 2000 and February 2004. As we stated at the April 20 City Council hearing, BU should not be allowed to own or operate a bioterrorism laboratory that will house and research the most deadly and exotic disease causing agents when it has proven that it is incapable of complying with routine environmental, health, and safety regulations at its medical and research facilities.

Thank you for your interest in, and continued attention to, this most important matter. Please contact Klare Allen, ACE community organizer for Safety Net, at 617-442-3343 x25, for additional documents and information or to arrange a meeting with representatives of the campaign against the laboratory.

Sincerely,

Safety Net and Stop the BU Bioterrorism Campaign

Signed by members of the Safety Net Steering Committee and district captains of Stop the BU Bioterrorism Lab campaign on behalf of Safety Net and the Stop the BU Bioterrorism Lab campaign: