

## Boston University Proposed Bioterrorism Laboratory Regulatory and Public Processes

### National Environmental Policy Act (NEPA)

- Requires filing an Environmental Impact Statement (EIS) that examines the potential environmental impact of the lab. The National Institutes of Health (NIH) must review and approve.
- February 17, 2004: BU and the National Institutes of Health (NIH) held a scoping session for the EIS, accepting comments on what it should include in the EIS. It also accepted written comments.
- Current status: BU/NIH preparing EIS. There will be an opportunity for public comment on the EIS.

### Massachusetts Environmental Policy Act (MEPA)

- Requires filing an Environmental Impact Report (EIR) with the Mass. Secretary of Environmental Affairs (the Secretary) that examines the potential environmental impact of BioSquare Phase II. The Secretary must determine whether the EIR meets MEPA requirements.
- September 1999: BU filed an Environmental Notification Form (ENF) for Biosquare Phase II, describing its then proposed project, which did not include the bioterrorism lab. The Secretary issued a certificate in October 1999 approving the ENF and requiring the preparation of an EIR.
- June 2003: BU tells the MEPA Office that Biosquare Phase II now includes the proposed bioterrorism lab. MEPA Office tells BU that the draft EIR must include a description of the changes in the proposed project since the Secretary's October 1999 certificate.
- September 2003: BU files draft EIR (DEIR) for BioSquare Phase II. We comment in November 2003.
- December 2003: The Secretary finds that the DEIR complies with MEPA and that BU must prepare a final EIR (FEIR) that, among other items, responds to ACE's comments.
- Current status: BU preparing FEIR. There will be opportunity for public comment on the FEIR.

### Boston Redevelopment Authority (BRA) Large Project Review

- Requires filing a Final Project Impact Report (FPIR) with the BRA that reviews the impacts of the project. After BRA final approval, a cooperation agreement, and certification by BRA, the applicant can obtain a building permit
- Project Notification Form (PNF) and Draft Project Impact Report (DPIR) filed as part of ENF and DEIR, respectively. We commented on the DPIR.
- January 2004: BRA issued Preliminary Adequacy Determination (PAD), finding the DPIR sufficient, subject to some required corrections, clarifications, and additional information required for the FPIR.
- Current status: BU preparing FPIR.

### BRA and Zoning Commission Planned Development Area (PDA) Review

- Applicant files a PDA Development Plan with BRA. BRA must vote on the Development Plan (and zoning map amendment if establishing a new PDA)
- BRA petitions Zoning Commission for approval of Development Plan (and map amendment if applicable). Zoning Commission must vote on the Development Plan, and map amendment if any. If approved, Development Plan and map amendment go to Mayor for approval.
- Current status: ?
- Zoning Board of Appeals: ?

### Boston City Council

- Proposed ordinance to prohibit research in BSL4 laboratories filed by City Councilors Turner, Arroyo, and Hennigan.
- Hearing Order on health and safety implications of lab filed by City Councilor Kelly.
- Hearing on proposed ordinance not yet scheduled
- March 31, 2004: City Council working session with BU
- April 13, 2004: City Council working session with lab opponents
- April 20, 2004: Public Hearing on Hearing Order

### Site Remediation

- The site has had a pollution release
- March 2004: Ten residents requested a Public Involvement Plan (PIP)
- April 1-May 30, 2004: draft PIP to be prepared and presented. There is a public comment period for 20 days after the PIP meeting

### Permits

- Highway Department curb cut permit
- Sewer Connection permit
- Other?