

Thornton, Thomas

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Jul-28-2008 10:54 AM KANSAS BIOSCIENCE AUTHORITY 9133978003

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FD0003



KANSAS BIOSCIENCE  
AUTHORITY

*Partners in Bioscience Growth*

**Fax**

To: Under Secretary Cohen From: Tom Thornton

Fax: (202) 254-8172 Pages: 2 (including cover)

Phone: Date: July 28, 2008

Re: cc:

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• Comments

This document was originally transmitted via e-mail on July 3. It has come to our attention that it was not received electronically, so we are providing a copy via fax as well.

Thornton, Thomas

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Jul-28-2008 10:54 AM KANSAS BIOSCIENCE AUTHORITY 9133978003

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Partners in Bioscience Growth

FD0003

RECEIVED BY S&T EXEC SEC  
July 3, 2008 2008 JUL 28 P 3:48

The Honorable Jay Cohen  
Under Secretary for Science and Technology  
U.S. Department of Homeland Security  
Washington, DC 20528

Dear Under Secretary Cohen:

1|24.4

I recently wrote to let you know about the growth of the Heartland BioAgro Consortium, made up of governors, university officials, research institutions, animal health industry members, and others from around the country who are speaking out about the importance of the NBAF mission and supporting Kansas as the best place to advance that mission.

I can report the consortium continues to be active — and vocal in its support of the NBAF. In June, we organized an NBAF briefing at the Bio International Convention in San Diego in order to update the Heartland BioAgro Consortium and invite additional states and organizations to become involved in the effort to ensure the NBAF moves forward without delay.

Amidst intense competition at the 20,000-attendee convention, our successful NBAF briefing attracted strong participation and tangibly contributed to the outreach and education efforts your Department has been undertaking with strong support from Kansas. Among those in attendance were the Wisconsin secretary of commerce, the chief veterinarian of the National Beef Cattlemen's Association, elected officials from Kansas, the Kansas secretary of agriculture, and university officials from states such as Nebraska, Colorado, and Iowa. Participants were eager to hear the update and expressed enthusiasm for the goal of protecting the American food supply through accelerated animal-disease research. There also continued to be very strong understanding of the strengths Kansas offers to this important project.

Indeed, on the merits, Kansas is the best home for the NBAF, and we want you to know we and the Heartland BioAgro Consortium are standing side-by-side with you in vigorously making the case at the Bio International Convention — and around the country — that the NBAF is a critical national priority.

Regards,

Tom Thornton  
President and CEO

cc: NBAF Program Manager Jamie Johnson

Kansas Bioscience Authority

Comment No: 1

Issue Code: 24.4

DHS notes the commentor's support for the Manhattan Campus Site Alternative.

Thornton, Thomas

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WD0770

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**From:** thomas thornton [REDACTED]  
**Sent:** Monday, August 25, 2008 4:00 PM  
**To:** NBAFProgramManager  
**Subject:** NBAF Public Comment  
**Attachments:** NBAF Public Comment Thornton.doc

Jamie, attached are my personal comments submitted as part of the NBAF DEIS public comment period. Thank you for your dedication and hard work on this important national investment.

Regards,

Tom Thornton

## Thornton, Thomas

## Page 2 of 3

WD0770

Monday, August 25, 2008

James V. Johnson  
 U.S. Department of Homeland Security  
 Science and Technology Directorate  
 Mail Stop #2100, 245 Murray Lane, SW; Building 410  
 Washington, DC 20528

Dear Jamie,

I'm pleased to submit this comment as part of the official comment period for the National Bio and Agro-defense Facility Draft Environmental Impact Statement. At the outset, I want to express my personal appreciation for the commitment and professionalism you have shown throughout the NBAF site selection process.

- 1| 15.4 | Kansas considers the National Bio and Agro-Defense Facility a critical national investment. Governor Sebelius and the Kansas Legislature have joined the Kansas Bioscience Authority in recognizing the NBAF as our state's highest bioscience priority.
- 2| 1.0 | With our strong agriculture heritage, we understand our nation's agricultural and food infrastructure is potentially susceptible to terrorist attack using biological pathogens. In addition to the devastating impacts of such an attack on the economy, some animal diseases could potentially be transmitted to humans. Kansans embrace the NBAF as part of an urgently needed effort to modernize homeland security facilities and research to ensure public health and the safety and security of our state's and nation's food supply.
- 3| 21.4 |
- 4| 8.4 | Kansas' proposed site for the NBAF is on the campus of Kansas State University, immediately adjacent to the Biosecurity Research Institute (BRI). The BRI is a \$54 million research/education facility having biosafety level 3 (BSL-3), BSL-3 Enhanced (BSL-3E), and BSL-3 Agriculture (BSL-3Ag) state-of-the-art research space funded by the federal government and the State of Kansas. No other state in the U.S. has a comparable state-of-the-art facility with this capability and homeland security directed mission emphasis. The campus culture and experience in successfully gaining community and other requisite support, and in designing and building an agricultural biological defense facility is unequalled elsewhere. The 44 acre site borders on the research laboratories and teaching hospital of the Kansas State University College of Veterinary Medicine. Adjacent land is available for pasturing animals.
- 5| 8.4 | Kansas offers a number of unique advantages, including its central location, the world's largest concentration of animal-health vaccine manufacturers in the area's Animal Health Corridor, strong transportation infrastructure, highly skilled bioscience workforce, integrated human-health and agriculture biosecurity research capacity and facilities, and strong support at all levels of local, state and federal government, as well as agriculture producer groups.
- 6| 8.4 | Kansas will partner with the Department of Homeland Security and U.S. Department of Agriculture, investing over \$105 to advance the NBAF's critical mission. Subject to a record of decision siting NBAF in Kansas, Kansas will do the following:
- Convey, improve and provide utility access as specified by DHS to a 60-acre site, including the BRI.
  - Contribute adjacent land available for pasturing animals as required.
  - Provide the critical site-related infrastructure to support the construction of the NBAF.
- 7| 1.0 | America cannot wait to advance zoonotic disease research and meet the obligations of HSPD-9. Kansas' plan will allow DHS to assemble and integrate the NBAF research team, define the NBAF research plan and initiate research at the BRI well in advance of the facility's proposed commissioning in 2014. Our approach offers DHS, its partner agencies and the federal government the most cost-effective and flexible pathway to accelerate the fulfillment of an integrated homeland security mission comprising research, development, testing, evaluation and response.
- 8| 8.4 |
- 9| 8.4 | Importantly, as a part of its \$581.8 million bioscience initiative, Kansas is making substantial investments to advance its already established capabilities in animal health, infectious diseases, vaccines, and food safety. The Kansas Bioscience Authority has approved \$8.5 million this year alone, more than any state in the union, for programs critical to the success of the NBAF, including:

NBAF DEIS Public Comment

Comment No: 1      Issue Code: 15.4

DHS notes the commentor's support for the Manhattan Campus Site Alternative. The economic effects of construction of the NBAF at the Manhattan Campus Site Alternative are included in Section 3.10.4 of the NBAF EIS.

Comment No: 2      Issue Code: 1.0

DHS notes the commentor's statement. DHS's mission is to study foreign animal and zoonotic (transmitted from animals to humans) diseases that threaten our agricultural livestock and agricultural economy. The purpose of the NBAF would be to develop tests to detect foreign animal and zoonotic diseases and develop vaccines (or other countermeasures such as antiviral therapies) to protect agriculture and food systems in the United States.

Comment No: 3      Issue Code: 21.4

DHS notes the commentor's support for the research to be conducted at the NBAF and the Manhattan Campus Site Alternative.

Comment No: 4      Issue Code: 8.4

DHS notes the information provided by the commentor.

Comment No: 5      Issue Code: 8.4

DHS notes the commentor's statement.

Comment No: 6      Issue Code: 8.4

DHS notes the commentor's statement.

Comment No: 7      Issue Code: 1.0

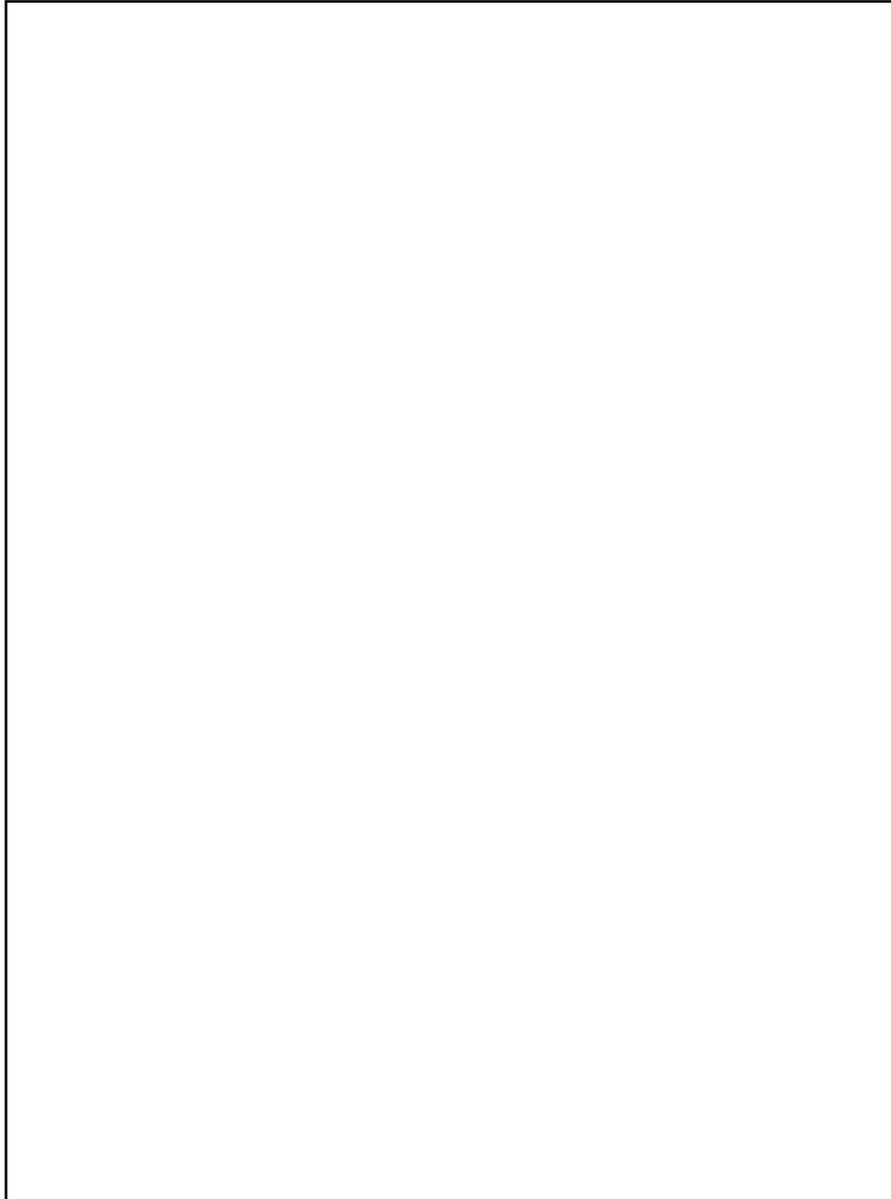
DHS notes the commentor's support for the research to be conducted at the NBAF. As described in Chapter 1 of the NBAF EIS, DHS's mission is to study foreign animal, zoonotic (transmitted from animals to humans) and emerging diseases that threaten our agricultural livestock and agricultural economy. The NBAF would enable research on the transmission of these animal diseases and support development of diagnostic tests, vaccines, and antiviral therapies for foreign animal, zoonotic and emerging diseases. By proposing to construct the NBAF, DHS is following policy direction established by the Congress and the President.

Comment No: 7      Issue Code: 1.0

DHS notes the commentor's statement.

Comment No: 8      Issue Code: 8.4

DHS notes the commentor's statement.



Comment No: 9                      Issue Code: 8.4  
DHS notes the commentor's statement

Thornton, Thomas

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- \$2.5 million for the Collaborative Biosecurity Research Initiative, a program to foster collaboration with researchers nationwide to create products that protect Americans from the intentional use of animal-borne diseases to infect humans or to disrupt the national economy. Based on the substantial national interest for this program, the KBA will invest an additional \$2.5 million to initiate another round of proposals in the spring.
- \$2 million to attract Dr. Juergen Richt, lead scientist with the U.S. Department of Agriculture's National Animal Disease Center, to KSU as a KBA Eminent Scholar. Based on its research capabilities and specialized facilities, KSU estimates it may attract 2-4 additional world-class zoonotic disease researchers this year.
- \$1.5 million to implement technologies, programs and hire personnel at the BRI to position KSU as the national leader in biosafety and biocontainment training to meet growing national demand for qualified biocontainment personnel.

10| 1.0 | When these programs are taken with the State of Kansas' investment in the Biosecurity Research Institute, Kansas has invested more in zoonotic disease research than any state in the union. This investment reflects Kansas' commitment to protecting the nation's food and agriculture economy from the foreign animal diseases.

11| 8.4 | Beyond financial support, Kansas offers strong, stable and predictable public support for the NBAF. In Manhattan, KSU has demonstrated experience in successfully gaining community and other requisite support for the BRI. With a proactive communications plan in place, we expect continued support for the project. You can also expect us to continue to correct misstatements and refute aggressively inaccuracies. At the state level, Governor Kathleen Sebelius and the Kansas Bioscience Authority have taken the initiative to create a task force of prominent industry leaders, public officials, including the entire Kansas congressional delegation, representatives from the Kansas Legislature, producer groups and leaders of prominent academic institutions. The Kansas Legislature has unanimously supported the NBAF, passing key legislation related to the project in record time. Kansas is proud to have the support of major agriculture producer groups in its efforts to site the NBAF.

12| 5.4 | Beyond financial support, Kansas offers strong, stable and predictable public support for the NBAF. In Manhattan, KSU has demonstrated experience in successfully gaining community and other requisite support for the BRI. With a proactive communications plan in place, we expect continued support for the project. You can also expect us to continue to correct misstatements and refute aggressively inaccuracies. At the state level, Governor Kathleen Sebelius and the Kansas Bioscience Authority have taken the initiative to create a task force of prominent industry leaders, public officials, including the entire Kansas congressional delegation, representatives from the Kansas Legislature, producer groups and leaders of prominent academic institutions. The Kansas Legislature has unanimously supported the NBAF, passing key legislation related to the project in record time. Kansas is proud to have the support of major agriculture producer groups in its efforts to site the NBAF.

13| 1.0 | The time for NBAF is now, and Kansas is working hard to ensure the most cost-effective and flexible pathway to accelerate NBAF's allow basic research; diagnostic development, testing, and validation; advanced countermeasure development; and training for high-consequence livestock diseases.

Regards,

Tom Thornton

Comment No: 10                      Issue Code: 1.0

DHS notes the commentor's statement.

Comment No: 11                      Issue Code: 8.4

DHS notes the commentor's statement.

Comment No: 12                      Issue Code: 5.4

DHS notes the commentor's support for the Manhattan Campus Site Alternative.

Comment No: 13                      Issue Code: 1.0

DHS notes the commentor's statement.

Thornton, Thomas

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WD0881

**From:** Shavitz, Ian [mailto:IShavitz@AKINGUMP.com]  
**Sent:** Monday, August 25, 2008 4:38 PM  
**To:** NBAFProgramManager  
**Subject:** Submission of Kansas Bioscience Authority's NBAF DEIS comments

Attached please find the Kansas Bioscience Authority comments (submitted on behalf of the Heartland Bio-Agro Consortium) on the U.S. Department of Homeland Security's National Bio and Agro-Defense Facility Draft Environmental Impact Statement. Additional copies of the KBA's DEIS Comments (with attachments) have been hand-delivered to DHS.

<<KBA DEIS comments.pdf>>

IRS Circular 230 Notice Requirement: This communication is not given in the form of a covered opinion, within the meaning of Circular 230 issued by the United States Secretary of the Treasury. Thus, we are required to inform you that you cannot rely upon any tax advice contained in this communication for the purpose of avoiding United States Federal tax penalties. In addition, any tax advice contained in this communication may not be used to promote, market or recommend a transaction to another party.

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WD0881

August 25, 2008

Public Comment Receipt

Mr. Jamie Johnson  
NBAF Program Manager  
Department of Homeland Security  
245 Murray Ln, SW, Bldg. 410  
Washington, DC 20528

Dear Mr. Johnson:

1/24.4

The Kansas Bioscience Authority, on behalf of the Heartland BioAgro Consortium, hereby submits Kansas' comments on the U.S. Department of Homeland Security's National Bio and Agro-Defense Facility (NBAF) draft environmental impact statement.

As you fully consider our comments in the preparation of the final EIS, and as you review the distinctive capabilities Kansas brings to the critical NBAF mission, we believe you will conclude that no other state is more prepared, willing, and able than Kansas to protect the American food supply and agriculture economy.

We are uniquely positioned to provide everything the federal government is looking for with close proximity to animal-health research and existing infrastructure; a workforce with relevant expertise; strong private and public support; a safe and secure environment; and a significant cost-share offer that demonstrates deep commitment.

Further, with its proud agriculture heritage, Kansas has consistently demonstrated its vision and investment in animal health as evidenced by projects such as the Biosecurity Research Institute, which would allow the NBAF to begin with a running start from day one. This is a game-changing advantage that would seriously accelerate the achievement of the NBAF's research goals.

Kansas is the ideal partner for this integrated homeland security mission. We understand the work, have the best tools to accomplish it, and stand ready to begin tomorrow.

Regards,

Thomas V. Thornton  
President and CEO

cc: Kansas Bioscience Authority board of directors

Kansas Bioscience Authority

Comment No: 1 Issue Code: 24.4

DHS notes the commentor's support for the Manhattan Campus Site Alternative.

Thornton, Thomas

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COMMENTS OF THE HEARTLAND BIOAGRO CONSORTIUM  
ON THE  
U.S. DEPARTMENT OF HOMELAND SECURITY  
NATIONAL BIO AND AGRO-DEFENSE FACILITY  
DRAFT ENVIRONMENTAL IMPACT STATEMENT

August 25, 2008

The Kansas Bioscience Authority (KBA), on behalf of the Heartland BioAgro Consortium (HBAC), hereby submits its comments on the U.S. Department of Homeland Security's National Bio and Agro-Defense Facility (NBAF) Draft Environmental Impact Statement (June 2008) (the DEIS).

In addition to the comments on the DEIS, HBAC also provides initial comments on the following five reports that DHS made available to the public on August 12, 2008: (i) *Biodefense Knowledge Center Rapid Response - Lawrence Livermore Study* (May 22, 2008); (ii) *Biodefense Knowledge Center Rapid Response* (May 29, 2008); (iii) *Site Cost Analysis* (July 25, 2008); (iv) *Site Characterization Study* (July 25, 2008); and (v) *Plum Island Animal Disease Center (PIADC) Closure and Transition Cost Study* (July 2008). DHS indicated that these reports support the DEIS and will be considered in selecting a location for the NBAF, yet made these reports available with less than two weeks left in the DEIS comment period; DHS made the reports available on August 12, 2008 and the DEIS comment period ended on August 25, 2008. As a result, it is not possible for HBAC to review and prepare adequate comments on these reports within the DEIS comment period. Nor is it reasonable for DHS to expect the public to be able to review, assess and prepare comments on these technical reports in the 13-day time period provided. Accordingly, HBAC reserves the right to submit additional comments on these reports, and requests that DHS consider and address or otherwise respond to such comments in the Final Environmental Impact Statement.

21260

Even with the release of these reports, DHS has not provided sufficient information to allow for adequate comments on the DEIS. KBA has made several requests during the DEIS comment period for additional information regarding the Foot and Mouth (FMD) analyses and methodologies employed in the DEIS. In correspondence to the NBAF Program Manager, dated August 15, 2008, the KBA reiterated its request for the additional information, stating that the requested information was essential in order to develop a timely, accurate and complete response to the DEIS. (Attachment 1). This request was denied in full by the NBAF Program Manager. (Attachment 2). As discussed in detail below, DHS's failure to provide this information has limited the ability of KBA and the public to adequately comment on the DEIS.

**I. Potential Economic Consequences of Pathogen Releases from the Proposed NBAF**

**1. The DEIS' Analysis of Foot and Mouth Disease Contains Serious Flaws**

Several central components of the site-specific analysis of FMD in the DEIS are flawed and therefore the DEIS does not accurately project the impacts of the NBAF.

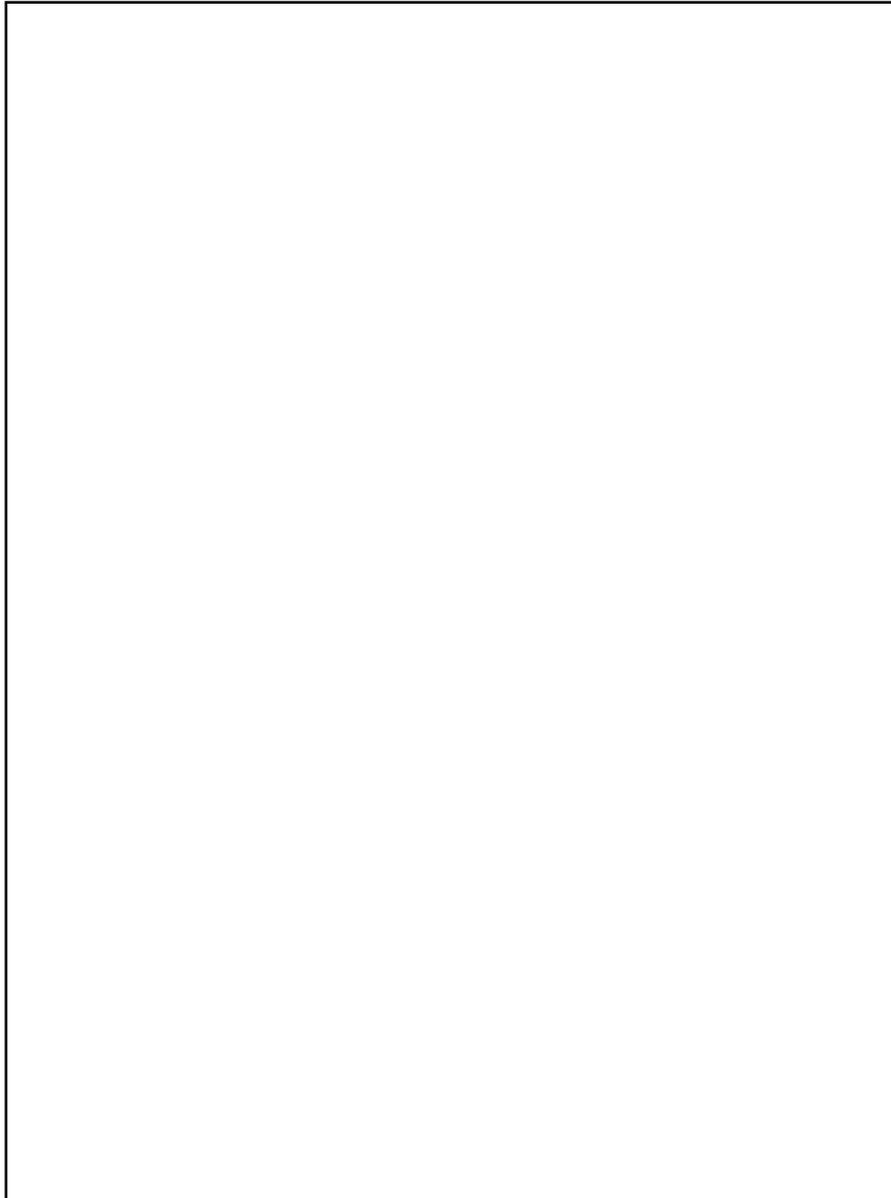
Comment No: 2                      Issue Code: 26.0

DHS notes the commentor's concerns. The scope of Appendix D of the NBAF EIS was not to perform a comprehensive impacts assessment of a pathogen release but rather to provide readers with a summary of the range of possible outcomes of such a release based on studies, simulations and documented outbreaks in other countries. DHS acknowledges that other factors could influence the economic impact of a release and the study completed by Lawrence Livermore National Laboratory does not fully predict losses to individual industries. However, the study does account for the closure of borders once borders have been shut down due to a diagnosis of a foreign animal disease. As stated in Section D.1 of the NBAF EIS, the assessment was limited to a case study and literature review as the basis for assessing the potential economic damage to the U.S. economy if one of the pathogens proposed for study at the NBAF were to be released into the surrounding environment. Any comments regarding the report prepared by the Lawrence Livermore National Laboratory should be addressed separately outside of the EIS public comment forum.

The proximity of the Texas Research Park Site to the Mexican border is approximately 150 miles. Any FAD outbreak, regardless of the location, would require coordination with foreign governments, including Mexico.

DHS notes the commentor's concern that avian diseases are not studied in the NBAF EIS. The pathogens to be studied at the NBAF as provided in Section 2.2.1 of the NBAF EIS include Foot and Mouth Disease virus, Classical Swine Fever virus, Vesicular Stomatitis virus, Rift Valley Fever virus, Nipah virus, Hendra virus, and African Swine Fever virus. Should the NBAF be directed to study any pathogens not included in the list of pathogens included in the NBAF EIS, DHS and USDA would conduct an evaluate of the new pathogen(s) to determine if the potential challenges and consequences were bounded by the current study. If not, a new risk assessment would be prepared and a separate NEPA evaluation may be required.

While the potential costs of proposed actions are not a factor in the environmental impact analysis presented in the NBAF EIS, cost information and the scope of the cost analysis performed is summarized in Section 2.5 of the NBAF EIS to provide pertinent information to the DHS Under Secretary for Science and Technology so that he may make a more informed decision with respect to the alternatives presented in the NBAF EIS. Funding for the design, construction, and operations for the NBAF will come from the Federal Government. Proposals for offsets to the site infrastructure (part of the construction costs) were requested by the Federal government. The decision as to what to offer (land donation, funding, other assets) is solely as the discretion of the consortium, state and local officials as part of the consortium bid site package. The amount of funding and how the funding is paid for (bonds, taxes, etc) is determined by the state and local government officials and not the decision of the Federal government. Cost information is included in the Site Cost Analysis and is available online through the NBAF Web page (<http://www.dhs.gov/nbaf>). Several factors will affect the decision on whether or not the NBAF is built, and, if so, where. The NBAF EIS itself will not be the



sole deciding factor. The decision will be made based on the following factors: 1) analyses from the EIS; 2) the four evaluation criteria discussed in Section 2.3.1; 3) applicable federal, state, and local laws and regulatory requirements; 4) consultation requirements among the federal, state, and local agencies, as well as federally recognized American Indian Nations; 5) policy considerations; and 6) public comment.

Disclosure statements from the contractors preparing the NBAF EIS are included in Appendix F of the NBAF EIS.

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1 cont.] 26.0	<ul style="list-style-type: none"> <li>• <u>First</u>, the model DHS employed randomly generated an outbreak event somewhere within the county housing the NBAF or at multiple sites within surrounding counties. However, the location of the NBAF site will be known, and therefore the most appropriate way to assess the impact of outbreak events would be to generate the FMD release as a single point source release from a laboratory;</li> <li>• <u>Second</u>, the methodology for calculating the number of livestock that a release would potentially affect is arbitrary, overly expansive, and inconsistently applied; and</li> <li>• <u>Third</u>, DHS failed to consider many likely factors that would limit or mitigate the impacts of a FMD release. Specifically, the use of robust FMD disease surveillance strategies around the NBAF site was not considered nor was the response capability of the host state or the soon-to-be available recombinant FMD vaccine. All would serve to mitigate the outcomes significantly, and therefore should have been factored into the analysis.</li> </ul> <p>Taken together, these flaws are fatal to the FMD analysis, resulting in the DEIS grossly exaggerating the probability, severity and potential impacts of a FMD release. This clearly disadvantages Kansas in the site selection process. Moreover, these flaws could result in reduced public support for the NBAF, which is significant because public support is a factor that DHS will use in evaluating the alternative sites.</p>
3] 4.4	<p>HBAC's comments regarding FMD are based primarily upon information included in the DEIS. While DHS has made available the <i>Biodefense Knowledge Center Rapid Response - Lawrence Livermore Study (LLNL Study)</i> and the <i>Biodefense Knowledge Center Rapid Response Report</i>, the agency did so only 13 days before the close of the DEIS comment period, effectively precluding the public from adequately assessing and commenting on DHS' FMD analyses. This has also hampered potential NBAF sites with FMD susceptible populations from challenging a number of assertions in the DEIS.</p>
4] 21.4	<p><b>a. Use of an Inappropriate Model</b></p> <p>The DEIS FMD model does not adequately project potential impacts that could result from an FMD outbreak from the NBAF.</p>
4] 21.4	<p>The DEIS improperly models an FMD release based on a 2001 FMD outbreak in the United Kingdom. This 2001 outbreak is not analogous to a potential outbreak from an NBAF facility, and therefore cannot be used to accurately project the impacts from an outbreak originating from the NBAF. Consistent with the 2001 outbreak, DHS' modeling assumed a random FMD outbreak in a large area. However, a release from the NBAF would involve a known single point source laboratory release. This is significant because the accompanying level of protection and biocontainment protocols such as surveillance and monitoring that would be in place at a single laboratory were not present in the 2001 outbreak. The lack of surveillance and monitoring in the 2001 outbreak prohibited authorities from readily identifying the source or sources of the outbreak and promptly isolating and effectively containing the outbreak. In contrast, the NBAF would have active in-depth surveillance and monitoring in place to allow authorities to <u>immediately</u> identify and isolate a release (as opposed to the many months that it took officials in Great Britain to isolate and contain the 2001 outbreak). Moreover, unlike the 2001 outbreak, a</p>
	2

Comment No: 3	Issue Code: 4.4
DHS notes the commentor's statement. The supporting documents, including the LLNL study, were released following a request under the Freedom of Information Act. DHS believes that sufficient time was provided for review of the documents.	
Comment No: 4	Issue Code: 21.4
DHS notes the commentor's concerns. Any comments regarding the report prepared by the Lawrence Livermore National Laboratory should be addressed separately outside of the EIS public comment forum.	

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4 cont.  
21.4

release from a single point source laboratory such as the NBAF would most readily impact a defined set of animals closest to the site and allow for an exceedingly swift response and mitigation, resulting in minimum local impact.

While the likelihood of a FMD release at the NBAF is extremely low, if such a release were to occur, the more analogous situation – and thus the release scenario that should have served as the basis for DHS FMD model – was the 2007 release at the Pirbright laboratory in Great Britain. Because there was monitoring and surveillance in place at Pirbright, authorities were able to immediately identify Pirbright as the hot zone and were able to rapidly apply countermeasures to contain the release and minimize the effects of the outbreak. Thus, the Pirbright release is a far greater indicator of the potential impacts of an unlikely release from the NBAF, and should be the basis for DHS' FMD release scenario modeling.

2 cont.  
28.0

DHS improperly relies upon the *LLNL Study* in the DEIS. By DHS' own admission in the DEIS, (at 3-306) the *LLNL Study* is a "very limited preliminary study. . . ." Indeed, DHS provided Lawrence Livermore National Laboratory with less than one day to complete its analysis. (The inquiry date is 5/21/2008 at 12:30 p.m. PST, with a requested response date of 5/22/2008 at 8 a.m. PST). See *LLNL Study* at 1. Even a cursory review of the *LLNL Study* demonstrates the preliminary nature of the study. The *LLNL Study* indicates that it is only an "initial evaluation" that "summarizes the result from only one potential introduction scenario." *LLNL Study* at 2. The report expressly recommends that "additional work should be evaluated to provide a more comprehensive understanding of the potential impact of an accidental release from each site." *LLNL Study* at 2. The report goes on to identify three additional scenarios that "should be completed" and to note that "[a] full understanding of the impact of an accidental aerosol release may be hampered by a lack of readily available information on the exact location of livestock premises at risk in those areas." *LLNL Study* at 2. Given these facts, it is clear that DHS' use of the *LLNL Study* as a basis for its FMD analysis, or to otherwise support or validate the DEIS FMD analysis, was not appropriate.

5/ 5.6

Moreover, an additional flaw with the *LLNL Study* is that its "Number of Markets" data for the Texas site is incorrect. As discussed on page 3 of the *Biodefense Knowledge Center Rapid Response Report*, DHS' analysis assessed the likelihood that an aerosol release would result in a major outbreak using the following metrics: (1) total number of markets and (2) swine operations of above 1,000 head. Table 3 of this report indicates that for the Texas site there are no "Large Pig Farms" or "Markets" within the host county or "Counties within 50 km" of the proposed site. Table 3 also indicates that there are no Markets and only two "Large Pig Farms" within 100 km of the proposed site. The data for Texas in Table 3 however, is incorrect, as it fails to recognize that the Pleasanton Livestock Auction is in Atascosa County, the Gonzales Livestock Auction is in Gonzales County, Lockhart Livestock Auction is in Caldwell County, and Three Rivers Livestock Auction is in Live Oak County. DHS should have considered (and now must re-run its analysis to consider) these and any other "Markets" or "Large Pig Farms" in the 50 km or 100km radii.

2 cont. | 28.0

Finally, it is improper to use sheep as an indicator in the model. The *Biodefense Knowledge Center Rapid Response Report* notes that sheep were used in the model, but at the same time concludes that "in sheep, clinical disease is difficult to detect." This would result in an

3

Comment No: 5

Issue Code: 5.6

DHS notes the commentor's concerns. Any comments regarding the report prepared by the Lawrence Livermore National Laboratory should be addressed separately outside of the EIS public comment forum.

Thornton, Thomas

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unrealistic delay in response time. Moreover, the number of sheep near any of the potential NBAF sites is too low to warrant their inclusion in an outbreak scenario model.

**b. Inappropriate Livestock Counts**

There are significant problems with the way DHS calculated the number of livestock around the proposed NBAF site in Kansas, which has resulted in the DEIS over-estimating livestock that could be impacted by a release. This has significant ramifications within the DEIS given that FMD is used as a bounding (or worst case) scenario for numerous DEIS analyses. As a case in point, in discussing economic impacts of an accidental release scenario, the DEIS (at 3-306) states: "Because the industry disruption costs are generally related to the size of livestock operations, the size of the local livestock industry serves as the leading discriminator among the candidate sites." Thus, grossly over-estimating livestock counts skews the FMD analysis in the DEIS. Moreover, over-estimating livestock counts severely prejudices Kansas in the site selection process.

2 cont|  
280

An additional problem with the livestock counts is that DHS appears to have used different methods for calculating the number of livestock throughout the DEIS. In some instances, DHS has used an "all adjoining counties" methodology (discussed below). In other instances, DHS has used a 50 kilometer radius and a 100 kilometer radius (see *Biodefense Knowledge Center Rapid Response Report* at 3-4).<sup>1</sup>

Most troubling, however, is DHS' use of a combination of the 50 km radius and the adjoining county methodology whereby DHS included in its livestock counts all of the livestock within adjacent counties that are in a 50 km radius of the proposed NBAF site. See DEIS at 3-457. This approach is extremely arbitrary. In the case of Kansas, for example, this approach results in the livestock counts including all of the livestock in Washington County, KS, when only the smallest sliver of Washington County is within the 50 km radius. See DEIS at 3-457.<sup>2</sup> Conversely, in the case of North Carolina, the vast majority of the state's livestock is highly concentrated in counties within the 50 km radius in close proximity to the proposed site (Nash, Johnston and Hartnett), but these counties are not counted because these counties are not adjacent to Granville.<sup>3</sup> Similar omissions can be found for the other sites as well.

Indeed, DHS' own report (the *Biodefense Knowledge Center Rapid Response Report*, at 3) concedes the limitations of at least one of the approaches used to calculate livestock:

All metrics were compiled for the immediate area (i.e., the county in which the facility was located) and for animals housed in counties within 50 and 100 km rings about the facility. This approach likely overestimates the number of animals within a 50 and 100 km radius, particularly for counties with only a small portion within the specified range, but was adopted as the precise animal locations were not available. While the impact of a national scale FMD outbreak can be

<sup>1</sup> It is significant to note that 50 km and 100 km are large areas for a non-vector-borne, single point source outbreak.

<sup>2</sup> This approach is particularly troubling given that 155,747 of the 542,507 livestock identified for the Kansas site (i.e., approximately 30%) come from Washington County. See DEIS at 3-457.

<sup>3</sup> Other counties that are within the 50 km radius of the North Carolina Site, but are similarly not counted, include Orange County, Caswell County, and Alamance County.

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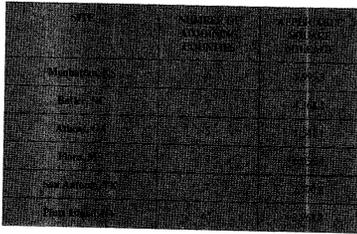
effectively assessed utilizing the county level data, the exact herd locations in proximity to the proposed NBAF sites would be needed to perform a more detailed quantitative assessment of the impact of an aerosol release from each site.

To try and reconcile these approaches and inconsistencies, KBA requested additional information from DHS on the methodologies underlying the DEIS' FMD analyses, including the manner in which DHS calculated livestock. DHS refused to provide this information, hampering the ability of HBAC to understand, and fully comment on, the livestock counts. DHS should address these issues in the FEIS.

**i. All Adjoining Counties Methodology Is Arbitrary**

The DEIS uses the number of livestock in the NBAF host county and all adjoining counties as a basis for calculating the number of animals that could be exposed to a disease. This approach is arbitrary. Counties are not of uniform size and the number of adjoining counties is not consistent between sites. As shown in the table below, the potential NBAF sites are surrounded by different numbers of counties that are of different sizes.

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\* Adjacent counties are: Middlesex, New Haven, and New London, CT; Washington, Rhode Island, and Suffolk, NY. Sources: ESRI 2006; U.S. Census Bureau 2000, 2007.

Thus, the DEIS creates unrealistic boundary limits for impacts that are completely artificial given the types of impacts involved – *i.e.*, the pathogen spread will not be influenced by municipal boundaries. As discussed below, a standard 6 mile radius around each site should be used to properly compare the sites.

**ii. Use of the 6 Mile (10 km) Radius Standard Is Appropriate**

A more appropriate methodology is the standard 6 mile radius that is used for disease containment by USDA and in state consequence management plans. For example, the USDA *National Emergency Response to a Highly Contagious Animal Disease*, which includes a Concept of Operations, Movement Control Guidelines and Foot-and-Mouth Disease Operational Guidelines, states that "the infected zone should extend at least 6 miles beyond the infected

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premises." In the *Kansas Foreign Animal Disease Plan*, a 6 mile radius from an infected premise is also specified; 1.5 miles is considered "exposed" and 4.5 miles for surveillance of disease spread. As an additional example, the *Georgia Foot and Mouth Disease Emergency Response Plan* calls for a quarantine zone of 6.2 miles.

Comparing the results for Kansas using the DEIS "all adjacent counties" approach and the 6 mile radius approach demonstrates the arbitrary nature of the approach used in the DEIS. The "all adjoining counties" approach in the DEIS yields 542,507 susceptible species surrounding the proposed NBAF site in Kansas. Based upon current wildlife estimates per unit acres supplied by the Kansas Department of Wildlife and Parks, information provided by producers/owners, and counts from the Manhattan Sunset Zoo, 13,236 susceptible species (cattle, swine, sheep, goats, deer, elk, bison, llamas, peccaries and wallabies) were identified using the 6 mile radius approach. This obviously represents a great disparity. DHS should therefore obtain current counts of susceptible species within a 6 mile radius of each of the sites under consideration, and then perform a *single point source* FMD analysis using these data.

An alternative approach could entail using the most recent susceptible species data from the county in which the NBAF would be located and any adjacent counties that are within a 6 mile radius of the NBAF. A 6-mile radius for the Manhattan site encompasses two counties, Riley and Pottawatomie. Using existing USDA data for those counties for cattle, swine, and sheep (the FMD susceptible species for which data have been published), total susceptible species comes to 83,250 (as compared to the 542,507 susceptible species under the DEIS approach). While this approach is significantly less precise than the 6-mile radius, it is far more appropriate at projecting the impact of a *single point source* laboratory FMD release scenario than the "all adjoining counties" (50/100 km) approach used in the DEIS.

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**c. Failure to Consider All Reasonable Limiting or Mitigating Factors**

DHS has not provided adequate information on the methodology, assumptions and inputs regarding the FMD modeling to allow HBAC to determine exactly what DHS considered and did not consider in projecting impacts from FMD release scenarios. It is therefore not possible to determine whether the FMD model considered all of the factors that would mitigate or limit the impacts of an FMD outbreak. Consideration of realistic mitigating and limiting factors is imperative to understanding how an FMD outbreak would impact health and safety, biological resources and the economy.

**i. DEIS should consider each state's current capability to respond to an FMD outbreak.**

At numerous points in the DEIS, DHS describes the importance of emergency planning and response:

- Emergency planning and rapid response to a possible release will afford an opportunity to mitigate the consequences of the postulated accidents. DEIS at 3-443.
- In the event this accident occurs, there is a good chance that the viruses will not be contained without timely emergency response. DEIS at 3-443.

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Comment No: 6      Issue Code: 22.4

DHS notes the commentor's concerns. Any comments regarding the report prepared by the Lawrence Livermore National Laboratory should be addressed separately outside of the EIS public comment forum.

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However, the DEIS improperly excludes any analysis of each sites' capabilities to identify, manage and respond to a foreign animal disease outbreak that is specific to each site as a relevant model input. Clearly, the manner in which a foreign animal disease is managed has a substantial mitigating effect on the potential impacts of such an outbreak. For each potential NBAF site, it is imperative that DHS identify and consider the relevant foreign animal disease plans that are in place to respond to and to mitigate an outbreak. This analysis should consider:

- Whether the host state has a statutorily designated standing public agency or department responsible for monitoring and controlling the spread of foreign animal diseases currently planned for study at the NBAF.
- Whether the host county, and contiguous counties, have county-level foreign animal disease plans (defined as containing elements related to preparedness, response recovery and mitigation).
- Whether the host state has conducted recent and regular foreign animal disease response exercises bringing together relevant State and Federal agencies, local governments, producers groups, individual producers, and private practitioners.

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Undertaking this analysis for Kansas will show that Kansas has a comprehensive plan in place to ensure public health and the safety and security of the State's and nation's food supply, as well as preparedness to respond to naturally occurring or intentional foreign animal disease threats. In fact, the Kansas foreign animal disease response and mitigation plan is world-renowned, and has been a model for other countries including Canada and Australia. Moreover, the National Institute of Justice has recognized Kansas for bringing together the relevant public and private stakeholders to address mitigation, preparedness, response and recovery.

Notwithstanding Federal and State efforts to prevent a foreign animal disease from entering the U.S., it is impossible to oversee every aspect of our livestock industry. Because Kansas' livestock industry is a major contributor to the economy of the State, the nation and the world, preparedness to respond quickly to such an event is critical. Kansas has taken a proactive approach, which has been recognized as a national model, to protect public health and safety and the economic vitality of the State's livestock industry.

The Kansas Animal Health Department (KAHD) leads the State's foreign animal disease control efforts. To monitor and control the spread of foreign animal disease, the agency licenses and regulates public livestock markets, feedlots, disposal plants and trucks, and livestock dealers. All livestock sold at a public livestock market are inspected for contagious and infectious diseases. Field staff also investigates any suspicious disease or ailment that is reported by private practitioners. Quarantines are imposed on livestock being imported from areas of high disease and are re-tested to insure that Kansas does not import diseased animals.

Perhaps more importantly, KAHD has developed, implemented and practiced a foreign animal disease emergency plan. Kansas is constantly working to improve upon that plan through cooperative emergency planning and exercises with Kansas counties, and other Kansas agencies, producer groups and private entities that would be involved in a response. In his comments provided at the July 31, 2008, public meeting in Manhattan, KAHD director George Teagarden noted that every county in Kansas has developed a foreign animal disease response plan.

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DHS notes the information provided by the commentator.

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including the counties contiguous to Riley County. A copy of KAHD's statewide plan is attached as Attachment 3.

Additionally, Kansas State University has been focused on protecting the nation's food supply and agricultural infrastructure from terrorism since before September 11, 2001. The University's National Agricultural Biosecurity Center (NABC) has played a critical role in facilitating coordination between local, State and Federal officials to plan effectively for high consequence foreign animal disease outbreak scenarios, including FMD. In the last five years, the NABC has utilized federal grants to lead four exercises to address a hypothetical outbreak scenario. In all, the NABC's expertise has been tapped for 13 exercises at the local, state, and national level ranging from radiological contamination of the water supply to a nationwide outbreak of FMD. The NABC is considered by many to be the first place for advice on how to mitigate agro terrorism. A summary of foreign animal disease exercises organized by the NABC is attached as Attachment 4. Final reports from some of those exercises are included as Attachment Item 5.

**ii. DEIS does not consider the status of a new FMD vaccine under development by a private biotechnology company funded by DHS.**

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The *LLNL Study*, at page 2, indicates that the FMD modeling assumed "no vaccination" as a baseline control measure. The *LLNL Study*, and, consequently, the DEIS, however, ignore the positive impact of the new recombinant FMD vaccine that would likely limit or mitigate the impacts of a FMD release. A representative of the USDA discussed this new and efficacious FMD vaccine at DHS's NBAF meeting in Washington, DC. This new vaccine developed by scientists with the USDA's Agricultural Research Service (ARS), DHS and GenVec, a U.S. biopharmaceutical company, holds great promise for protection against FMD and/or a much more successful response and mitigation of the disease.

Dr. Steve Kappes (Deputy Director, General Biological Science Animal Production and Protection, National Program Staff, ARS) noted at the Washington, DC, meeting that the new recombinant vaccine is in final development and will likely be placed in the U.S. veterinary strategic stockpile by 2010, which is several years before DHS will complete the NBAF. This is a key point, and should have been considered in the DEIS for several related reasons: First, such a development may eliminate FMD as a disease that would need to be studied at the NBAF; Second, FMD research could be very limited as an efficacious vaccine would significantly reduce the potential impacts of an FMD outbreak of the kind modeled in the DEIS; Third, the vaccine could allow a rapid return to an unencumbered internationally accepted trade status for FMD susceptible animals and products; Fourth, the vaccine could limit the potential economic and livestock impacts of an FMD release.

ARS has stated:

[T]he new vaccine works quickly, demonstrating effectiveness within seven days. Tests thus far have shown that vaccinated cattle retain immunity for at least 21 days, but scientists expect that future studies will show that the new vaccine at least matches the six months of immunity provided by current vaccines. The new vaccine has been tested on cattle and swine, and is equally effective in both species.

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Significantly, as this is the first FMD vaccine produced in the United States, the federal government can plan adequate supplies for the veterinary strategic stockpile. The vaccine is the first molecular-based FMD vaccine for cattle, developed by scientists with ARS, the Department of Homeland Security's Targeted Advanced Development Unit (TAD) and GenVec, Inc., a biopharmaceutical company based in Gaithersburg, MD. The new vaccine has many benefits. It is administered in a nonreplicating adenovirus. It does not require expensive, high-containment production facilities, and it can be produced safely in the United States because it can be made without using infectious FMD materials.

In addition, the vaccine also makes it possible for scientists to determine whether an animal found to have FMD antibodies acquired them through vaccination or from infection—an important piece of information because of the trade restrictions associated with using current vaccines.

<http://www.ars.usda.gov/is/pr/2007/070531.htm>

The vaccine overcomes each of the major issues associated with current FMD vaccines:

- It is effective with one inoculation and induces rapid and long-lasting protection.
- It allows unequivocal differentiation of vaccinated from infected animals, (i.e., develop a marker vaccine).
- It can be produced without the need for high-containment facilities because the new vaccine would not require infectious FMD virus for production.
- It prevents development of carrier state.
- The production should be cost effective.

GenVec executed a \$17 million development contract with DHS in January 2007. Additional testing is ongoing to examine the vaccine's commercial viability and effectiveness against the various serotypes of FMD virus. The company intends to seek a conditional license for vaccines against FMD and will seek to generate initial sales of its FMD vaccines to the USDA Animal and Plant Health Inspection Services (APHIS), which is responsible for maintaining the North American Vaccine Bank.

Given the potential ability of this vaccine to influence the necessary FMD research at the NBAF and to mitigate the impacts of a FMD release, DHS should have considered this vaccine in its FMD analysis.

**iii. The DEIS ignores the ability of surveillance to detect and allow early containment of an FMD release.**

The DEIS FMD modeling also ignores the fact that surveillance would be in place to detect and allow early containment of an FMD release.

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Although there have been no recorded cases of pathogens escaping from modern biocontainment facilities in the U.S., placing sentinel animals around the NBAF site would provide an important surveillance capability in the event of a release. Daily surveillance of sentinel species around the NBAF would ensure a rapid response to any improbable escape of a pathogen, thereby preventing the modeled worst-case scenario.

The events of September 11, 2001 and the anthrax attacks soon thereafter have resulted in the development and dispersion of physical detectors for biological agents. Such detectors have been deployed in major metropolitan areas and other high traffic areas of concern. Air sampling and follow-on laboratory analyses are used to identify select agents of interest, and remote sensing tools are evolving and improving. Surveillance technologies of this type will undoubtedly be used around the NBAF site where new mitigation technologies will be perfected. Ignoring surveillance tools that will be utilized at the NBAF skews the NBAF analysis, and for this reason, such mitigation strategies should have been part of the modeling criteria.

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**d. The DEIS ignores the potential implications of locating the NBAF near the United States-Mexico Border.**

In addition to focusing on each state's capability to respond to an FMD outbreak, DHS failed to consider the possibility that an FMD release from a San Antonio NBAF could have implications beyond the U.S. border in Mexico. Given the close proximity of the proposed San Antonio site to the US-Mexico border, a "worst case scenario" could involve livestock exposure in Mexico. It is unclear how, or indeed whether, U.S., Texas and Mexico officials would be able to coordinate efforts to address such a release scenario. If left unaddressed, the impacts in Mexico could be significant.

Moreover, since the mid-1980s, the pace of North American food market integration has rapidly accelerated, due in part to Mexico entering the General Agreement on Tariffs and Trade (GATT) in 1986 and the North American Free Trade Agreement (NAFTA) in 1994. Cattle and beef have become one of the most highly traded and deeply integrated sectors in the North American market. About 99% of all cattle imported by the United States come from Canada and Mexico. An average of 821,000 Mexican cattle has come to U.S. pastures and feedlots each year since 1970. Almost all Mexican cattle entering the U.S. market are of stocker/feeder weight and are sold to feedlots in the southwest. If Mexico's FMD consequence management plan is not adequate, DHS could lose the ability to effectively contain an FMD outbreak and risk its spread across our national border.

**2. Failure to Provide Necessary FMD Analysis Information**

The failure of DHS to include information in the DEIS on the methodologies it used to analyze the impacts of a FMD outbreak runs counter to NEPA's mandate to disclose this information, precludes the public from adequately commenting on the DEIS' methodologies and has prejudiced potential NBAF sites with FMD susceptible species.

Section 1502.24 of the Council on Environmental Quality's (CEQ) NEPA regulations states:

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Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements. They shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement. An agency may place discussion of methodology in an appendix.

40 CFR 1502.24 (emphasis added). Despite multiple requests, DHS has not made the necessary FMD modeling information available for review, and, accordingly, has failed to provide the required "methodologies" upon which it bases its conclusions (see Attachments 1 and 2 for correspondence from the KBA requesting additional information and DHS' response).

Without the information NEPA requires, HBAC has been limited in its ability to provide comments on (and explain to the public, including those with susceptible species in the vicinity of Manhattan, Kansas) how DHS came up with potential impacts resulting from a potential FMD release and why the impacts may be over-exaggerated.

#### II. Failure to Include Avian Diseases in DEIS Modeling

DHS has improperly excluded avian diseases from the "release scenario" analyses included in the DEIS. This exclusion denies the public of critical information concerning the potential consequences of a release of high consequence avian diseases that could occur from the NBAF, and which could severely impact poultry and possibly prove deadly for humans as well.

It is likely that the NBAF will study avian influenza viruses and Newcastle disease viruses, both of which affect poultry and are highly transmittable by aerosol and oral contact, and are capable of greatly impacting the U.S. poultry industry. Indeed, DHS's own 2007 NBAF Feasibility Study proposes that the NBAF study avian influenza viruses and Newcastle disease viruses. See *Feasibility Study* Table entitled "Agents and Pathogen Status" (in 4.1.1.c, Bio-Safety Requirements).

A BSL-4 level facility will be required for the study of these avian diseases. Current agricultural research with emerging high consequence avian diseases is carried out at the USDA's Southeast Poultry Research Laboratory in Athens, Georgia and other laboratories, but only up to the BSL-3 level. One of the key justifications for establishing a BSL-4 capability for the NBAF was that no such agricultural facility exists in the United States. Thus, NBAF will be the only agricultural laboratory where studies and medical countermeasure development efforts can be carried out safely (*i.e.*, at the required BSL-4 level) with deadly zoonotic avian viruses. Such viruses could include a highly pathogenic avian influenza H5N1 that could evolve to a lethal pandemic state, and that could be readily transmitted not only from birds-to-humans, but human-to-human. The Feasibility Study confirms this (in 4.1.1.c, Bio-Safety Requirements.) stating: "Human highly pathogenic [avian influenza] viruses require BSL-4 biocontainment." The existing BSL-3 level facility would be insufficient for the necessary avian research for the additional reason that, because the existing facilities lack the space and proper containment areas to accommodate the significant numbers of poultry and other susceptible birds that will be needed for this research.

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Consequently, DHS should plan for (and, per the *Feasibility Study*, appears to have planned for) research with this deadly class of viruses concentrating on agent and host disease characterization, modes of transmission, medical countermeasures (to include vaccines and antiviral agents) and numerous other issues specific to agriculture in poultry and other birds. This research is entirely consistent with (and indeed is a critical component of) the NBAF mission.

Given the likelihood that avian diseases will be studied at the NBAF, failure to analyze a potential avian disease release in identifying and evaluating the NBAF's impacts greatly compromises the adequacy of the DEIS. This is especially true in the failure to include avian diseases in the bounding release scenarios used to identify potential biological resources, economic, and public health and safety impacts of the NBAF.

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The DEIS uses release scenarios to determine potential NBAF impacts. Section 3.10.9 of the DEIS indicates that DHS has used a "worst case scenario [that] centers on the possible effects of an outbreak on human and animal populations to assess the economic consequences of an accidental release scenario. Similarly, section 3.14, which addresses the impacts of a release scenario on human health, states that in order to provide a "realistic assessment of risks associated with the NBAF," the analysis was prepared "such that both a wide range of realistic hazard scenarios were considered, as well as the identification and detailed evaluation of a select number of high consequence accidents" (DEIS at 3-362). The DEIS uses the viruses that cause FMD, RVF, and Nipah as the pathogens for the release scenario analyses because these pathogens "present the most significant and unique challenges compared to any of the other pathogens currently proposed for study at the NBAF" (DEIS at 3-366).

Utilizing these standards in the DEIS, and given the likelihood that the full spectrum of avian diseases will be studied at the NBAF and the significant impacts that an avian outbreak could have on animal and human populations, the DEIS should have included highly lethal zoonotic human and avian diseases in the release scenario analyses. Only with an analysis of a potential avian disease release will DHS be able to adequately identify and evaluate the potential impacts of the NBAF on a host community and make an informed site selection decision.

A properly designed and operated NBAF will minimize the risk of a release of any pathogen to an acceptable level, and, therefore, the likelihood of a release of any pathogens studied at the NBAF resulting in widespread or significant consequences is extremely low. However, the failure to include avian disease modeling in the DEIS improperly skews the analysis against sites that are located near cattle and swine populations (and in favor of sites with high poultry populations) because the "worst case scenario" impact of an avian disease release are not presented.

The USDA/NASS website demonstrates the significance of this particular oversight. (See [http://www.nass.usda.gov/Charts\\_and\\_Maps/Poultry/brlmap.asp](http://www.nass.usda.gov/Charts_and_Maps/Poultry/brlmap.asp)). Among the NBAF finalist sites for "Broiler Production by State," Georgia is ranked 1<sup>st</sup>, Mississippi 4<sup>th</sup>, North Carolina 5<sup>th</sup>, and Texas 6<sup>th</sup>; total poultry numbers are in the billions. Kansas is not ranked among the 20 high production states or among the 9 other production states.

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An avian pathogen release from an NBAF site and the resulting poultry disease outbreak could have significant detrimental economic and public health effects, but these were not identified or evaluated in the DEIS. Moreover, the failure to consider avian diseases will unfairly skew public acceptance of the facility, one of the site selection criterion identified by DHS. If avian information had been included, it is possible that poultry producers in poultry producing states would have greater concern regarding the location of the NBAF. Thus, this is a serious omission.

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DHS is responsible for mitigating vulnerabilities at the U.S. borders. With regard to high consequence biological threat agents, there may be no greater vulnerability for their delivery across our borders than via the migratory bird flyways. HPAI could arrive that way; West Nile virus might have. Defense against these avian bio and agro threats will almost certainly occur at NBAF, especially for those requiring BSL-4 containment. But, other BSL-3 and 3Ag aspects requiring large numbers of migratory waterfowl and birds may also be done at the NBAF due to the vital homeland security issues involved.

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### III. Building Cost Issues

To compare the costs at each site, the DEIS includes cost estimates for construction, systems maintenance, utilities and salaries, but it includes virtually no information about how DHS arrived at these cost estimates. While DHS has recently made the *Site Cost Analysis* available, much of the data needed to compare and evaluate the sites has been redacted. Again, DHS has failed to meet the mandate of Section 1502.24 of CEQ's NEPA regulations, which require agencies to identify methodologies used and sources relied upon for analyses and conclusions in an EIS. Absent a full explanation of how DHS calculated site costs, it is not possible for the decision-maker or the public to determine if the costs included in the DEIS are accurate.

#### I. Cost Estimates Ignore Cost Share and In-Kind Contributions

In comparing the costs at each site, DHS improperly ignored the cost share and in-kind contribution offers that DHS specifically requested, and that, at least in the case of Kansas' no-contingency offer, significantly offset DHS' costs.

From the outset, DHS has made it clear that DHS *strongly encourages cost sharing including cost sharing in kind from state and local jurisdictions that could be applied toward construction and operations of the NBAF*. On February 29, 2008, Under Secretary Jay Cohen asked each of the proposed sites to submit a final site offer by March 31, 2008 that addressed the provision of the NBAF site, related utilities, and site infrastructure, as well as any contingencies affecting that offer.

In its March 31, 2008 final site offer, the Kansas Bioscience Authority, on behalf of the State of Kansas, made the following financial commitment (subject only to a Record of Decision selecting Kansas as the NBAF site): (1) convey to DHS the 48,409-acre site on the campus of Kansas State University (KSU) in Manhattan, and additional acreage, if required, to construct the NBAF, (2) fund DHS infrastructure acquisition, utility and site improvement costs, and (3) make unique programmatic investments to ensure a smooth transition of research projects to the

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DHS notes the information submitted by the commentor.

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NBAF, including developing and retaining an experienced workforce at the NBAF. No aspect of the Kansas final site offer has a contingency.

Specifically, the KBA offer includes:

- A commitment to fund all of the DHS' stated infrastructure and site improvements such as earthwork, roads, parking, fencing, on-site and off-site utilities and the on-site central utility plant;
- A commitment to provide the BRI, an in-place, BSL-3 / BSL-3 Ag bio-containment facility, with a total construction cost valued at \$58 million;
- A research program to support NBAF-related research and development at the BRI;
- A commitment to further develop a biosafety training program; and
- Conveyance of the 48.4 acre site, and additional acreage if requested by DHS.

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In its March 31, 2008 final site offer, the Kansas Bioscience Authority stated that Kansas is willing to re-allocate portions of its cost share between and among these categories, or fund such other acquisition, construction and operations investments as may be requested by DHS.

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The DEIS also ignored the cost savings opportunities associated with specialized staff training, an earlier NBAF start-up and the Plum Island transition. DHS would realize significant cost savings in these areas by locating the NBAF in Kansas by virtue of its co-location with the BRI. The recently released *Plum Island Animal Disease Center (PIADC) Facility Closure and Transition Study* (July 2008) confirms there is a value to and cost off-sets from in-kind contributions such as those offered by locating the NBAF in Kansas with the BRI. The report, however, fails to consider these costs because they are "difficult to quantitatively assess and are outside of the scope of [the] report." The report states:

Some of the consortia have offered funding to directly support training that would offset approximately 10% of the estimated training costs. In addition, the contributions that offer utilization of nearby facilities would likely offset an additional portion of this training burden based upon the facility's ability to provide the required course curriculum for the NBAF's BSL-4 environment. These facilities could alleviate a portion of the startup operational burdens by limiting potential interruptions to commissioning activities by concurrently performing non-site-specific, but necessary activities (laboratory and emergency planning procedure development, development of simulated practice environments, administrative duties, etc.). These activities provide value to the government by reducing the risk of delays during the construction, commissioning or operational start-up periods. However, these benefits to NBAF construction or operational costs are difficult to quantitatively assess and are outside the scope of this report. Therefore, although no significant cost reductions are accounted for in the estimates developed during this study, the in-kind contributions still provide benefit to the government.

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*Plum Island Animal Disease Center (PIADC) Facility Closure and Transition Study* (July 2008) at 24-25 (emphasis added)

DHS cannot simply ignore these benefits because they are *difficult* to assess. Nor can DHS avoid its obligations to consider necessary information or analyses by excluding such information or analyses from the scope of a report. In-kind contributions to the NBAF were always considered a key source selection consideration and were the subject of significant effort and investment among community stake-holders. To properly evaluate site costs, DHS must quantify and consider cost savings associated with in-kind contributions.

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What makes this omission more troubling is that the *Site Characterization Study* (at Section 2E.7.1) considers the cost off-set opportunities provided by the Plum Island Existing Infrastructure, while ignoring similar offsets for other sites. The *Site Characterization Study*, at 2E.7.1-2, assumes that

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the current 1994 Administration Building (Building 101) would be utilized to the greatest extent feasible to offset NBAF administration construction needs [and that this space can be] utilized as a direct offset to current proposed NBAF space to support the following functions as identified in Section 4.11 of the Conceptual Design Feasibility Study: Training Module Classroom Support, . . . Office and Auxiliary Space, . . . General Building Support Space, [and] Out Building Support Space.

The BRI, which Kansas has offered to convey, would provide even greater opportunities because it is a new state-of-the-art BSL-3 facility. DHS cannot include existing Plum Island Infrastructure as an offset without similarly including the offset potential of the BRI.

It is only when DHS considers the value of cost share and in-kind contributions that the agency can arrive at a "true cost" for each site. And it is this "true cost" that DHS should use to realistically compute and compare site costs.

## 2. The DEIS Greatly Overestimates the Cost of Siting the NBAF in Kansas

### a. Incorrect Area Adjustment Factors

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DHS explained in a July 21, 2008, letter to KBA (Attachment 6) that construction costs were determined by totaling estimated building costs and site specific costs and then applying an area adjustment factor and an escalation factor. To determine the appropriate adjustment factor, DHS applied adjustment factors from "larger metropolitan areas that would most likely provide the prime trade contractors to support the NBAF project." See also *Site Characterization Study* at Section 2.8, page 2. The *Site Characterization Study* further indicates that the city that is expected to provide the majority of the labor should be "cities with a population over 150,000, [with less than] 250,000 preferred, and within 100 miles of the site." In the case of the Manhattan, Kansas, site, the DHS determined that Kansas City would provide the prime trade contractors for the NBAF project and, accordingly, used the Kansas City area adjustment factor of 0.97. DHS selected Kansas City notwithstanding that it failed to meet the *Site Characterization Study* population and distance criteria. Kansas City has a population of 450,375 and is 120 miles from the site. See *Site Characterization Study*, Table 2.8.2.

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- Actual data from two recent projects in Manhattan, Kansas, however, demonstrate that the majority of the prime trade contractors for the NBAF would not come from Kansas City but instead would come from smaller cities with significantly lower area adjustment factors.
- The most analogous project, based upon similar design and proximate location, is the BRI completed in 2006. The BRI is a \$58 million BSL-3 high containment facility located approximately 750 feet from the proposed Manhattan NBAF site on KSU's campus. Given the similarities between the BRI and the NBAF facilities, the source of the labor force used for the BRI facility would be an accurate indicator of the labor force that would likely compete to construct the NBAF. Turner Construction, the prime contractor for the BRI facility construction, has verified that 60 percent of the contract volume on the BRI project was performed by subcontractors from less expensive markets than Kansas City, including Emporia, Hutchinson, Salina, Topeka and Wichita, which have R.S. Means area adjustment factors ranging from 0.79 to 0.85 (0.18 to 0.12 lower than Kansas City). (Attachment 7) Thus, use of the Kansas City area adjustment factor inaccurately inflated cost projections for developing the NBAF in Kansas.
- The ongoing Fort Riley Base Realignment and Closure project similarly shows that using Kansas City data does not accurately reflect the cost of developing the NBAF at the Manhattan site. For this \$150 million project, which is less than 20 miles from the proposed Manhattan NBAF site, 77 percent of the subcontractors are from outside the Kansas City metropolitan area and approximately 90 percent of the dollar volume of the work is being done by subcontractors from outside the Kansas City metropolitan area. Like the BRI project, the subcontractors for the Fort Riley project are from smaller cities such as Emporia, Hutchinson, Salina, Topeka and Wichita, with R.S. Means area adjustment factors ranging from 0.79 to 0.85.
- DHS must utilize the best and most accurate data in analyzing and evaluating the alternative sites. The BRI and Fort Riley projects, in which the majority of the prime trade contractors did not come from Kansas City, demonstrate that the Kansas City adjustment factor of 0.97 is not the most accurate adjustment factor to estimate the cost of constructing the BRI in Kansas. Indeed, DHS in the *Site Characterization Study* (at Section 2.8, page 2) identified Topeka (with a factor of 0.849) and Wichita (with a factor of 0.838) as potential cities from which labor likely will originate. While Topeka and Wichita were cited as alternate cities to use for area adjustment factor purposes, DHS summarily rejected Topeka and Wichita in favor of Kansas City.
- Because DHS has not provided full details of its cost assessment methodology, it is not possible in these comments to accurately estimate the construction cost for the Kansas site. Given the similarities between the BRI and the NBAF facilities, the cost of the BRI would serve as an accurate indicator of the cost of the NBAF. Construction costs for the BRI in 2006 were \$306 per square foot (which would be equivalent to \$506 per square foot in the 2014 NBAF completion date). The FEIS should provide a cost per square foot for the NBAF and compare that cost to the BRI, to confirm the validity and accuracy of DHS' cost projection.
- b. Incorrect Construction Cost Escalation Factors**
- DHS further explained (in its July 21, 2008 letter) that it used an escalation factor to determine site costs. DHS improperly used Engineering News Record (ENR) percentages as a basis for identifying and comparing escalation between the sites. ENR specifically states that its indexes

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Comment No: 9 Issue Code: 5.4

DHS notes the commentor's statement. The commentor does not agree with the assumptions used in the Site Characterization Study, a document outside of the NEPA process to determine preliminary cost estimates for each site alternative. The cost estimate figures included in Section 2.5 were used for informational purposes only to inform the reader of the potential cost of building and maintaining the NBAF.

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should not be used for cost comparisons between cities. ENR has included the following question and answer on its Web page:

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*Q: Do the indexes measure cost differentials between cities?*

*A: No. This is one of the more common errors in the application of ENR's indexes, which only measure the trend in an individual city and in the U.S. as a whole. Differentials between cities may reflect differences in labor productivity and building codes. Moreover, quoting bases for lumber and cement vary from one city to another. One city may report list prices while in another prices for the same material may include discounts.*

2 cont | 28.0

<http://enr.construction.com/features/conEco/indexFAQ.asp>

To illustrate this further, the table in Attachment 8 details the escalation for the four major cities used by the DHS evaluation as being "representative" of the potential NBAF site locations. The table shows that using the escalation from the previous five years to predict the escalation for the next five years (which appears to be the methodology DHS relied upon) is flawed. For example, based on 1998-2003 data, one would expect future escalation in Dallas to be flat or slightly negative, when in fact escalation increased significantly in the following 5-year period. Similar differences can be found throughout this table, no matter which time period or which cities are chosen.

Only an in-depth city-by-city comparison is valid to compare or determine escalation costs between cities for this kind of forecasting. This would require a detailed labor study for each site, addressing the effect of competing work in the area and corresponding subcontracting community reaction. A study like this might discover, for example, that all the qualified pipefitters in the area are already working, so that per diem pay to offset travel and living expenses will be required to attract qualified workers from other parts of the nation. Notwithstanding that the sites should not be "equalized" for all analyses in the DEIS, in the absence of a detailed study such as this, a single national escalation – possibly the ENR 20-city average – should be applied to every location.

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With respect to the Manhattan, Kansas, site specifically, DHS used an escalation factor of 5.54 percent that corresponds to Kansas City. DHS has not, however, provided any support or evidence to show that the Kansas City escalation factor is representative of escalation in Manhattan. And, indeed, as shown above, actual data demonstrates that adjustment factors differ for Kansas City and Manhattan.

**c. Incorrect Maintenance Costs**

Given the dearth of information regarding cost estimates, the KBA requested from DHS information regarding the factors that comprised maintenance costs. DHS responded in its July 21, 2008 letter, as follows:

The maintenance costs originated with the same base line and then the site cost factor was applied. This was 0.97 for Kansas. Escalation factors used for maintenance costs were uniform across all six sites.

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This explanation raises several concerns with respect to calculating maintenance costs for Kansas. First, like the area adjustment factor, the maintenance costs are flawed because the 0.97 Kansas City factor was applied. Next, DHS used escalation factors for maintenance costs that were "uniform across all sites" but used area specific escalation factors for construction costs. The DEIS fails to provide, and we cannot find any reasonable explanation for, this inconsistency.

**d. Improper Building Layout for Kansas**

The Draft EIS shows a "radial" floor plan on five of the six potential NBAF sites but shows a "linear" plan for the Kansas site. According to the *Site Cost Analysis*, the linear plan was used because a more compact footprint was needed to accommodate the NBAF on the Kansas Site. See *Site Cost Analysis* at Section 2 pages 7 and 10. This is not correct. As shown in Attachment 9, the radial plan fits well on the Manhattan site. Moreover, as indicated in the March 31, 2008, final site offer, additional land has been offered for the Manhattan site if needed.

Given the topography of the Kansas site, placing the linear building as shown in the DEIS results in increased construction costs due to the need for excessive earthwork and retaining walls. Placing the radial plan on the Manhattan site as shown in Attachment 9 would reduce the construction costs for the Kansas site by \$6 million to \$7 million. (Using the DEIS placement, earthwork costs range from \$14,177,521 to \$17,013,025; using the radial plan results in earthwork costs of \$8,293,101 to \$10,136,013.)

In addition to the cost savings, DHS should assess the Kansas site using the radial plan for the following reasons as well. First, a radial plan fits on the Manhattan site and results in a cost savings, so there is no reason not to use the radial plan for the Manhattan site. Second, the Feasibility Report demonstrates that the radial plan is further along in the design process than the linear plan. Indeed, the dimensioned layouts, design loads, building codes and detailed program for the radial plan reflect a document that could be turned over to an Architectural/Engineering firm to begin the design process. (Using the linear plan would require DHS to expend time and money to similarly advance the linear plan.) Finally, the fact that DHS proposed the radial plan for five of the six sites at least suggests that this is the preferred design plan.

**3. Specific Cost Comments**

In addition to the comments above, HBAC has the following specific comments on cost-related issues in the DEIS, *Site Characterization Study* and *Site Cost Analysis*:

- *Site Characterization Study*, Section 2B.3.1 and *Site Cost Analysis* Section 2.3.3.b state that 285,000 cubic yards of cut will be required. As shown in Exhibit 7 of the Kansas March 31, 2008 Final Site Offer, only 217,000 cubic yards of cut will be required.
- *Site Characterization Study*, Section 2B.3.2 states that "the sanitary sewer . . . would . . . be routed . . . to an existing 8-inch gravity sewer line along Denison Avenue." As noted in Section 1.e of the Kansas March 31, 2008 Final Site Offer, this 8-inch line is not suitable for connection by this project. We note that a lift station should be installed, which we estimated in Exhibit 7 of our Final Site Offer to cost \$50,000. DHS has incorporated this \$50,000 cost in Table 2.3.7.B1 of the *Site Cost Analysis*.

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Comment No: 10      Issue Code: 8.4

DHS notes the commentor's statement regarding information from the Site Characterization Study and is therefore outside the scope of comment responses to the NBAF EIS.

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11 7.4	<ul style="list-style-type: none"> <li>• <i>Site Cost Analysis</i>, Table 2.3.7.B1 shows that "Parking" area has increased to 105,000 square feet from the 63,417 square feet shown in the February 29, 2008, letter from Under Secretary Jay Cohen to Tom Thornton. Similarly the "Site lighting, per paved area" increased to 374,750 square feet from 351,126 square feet in the same documents. Although the Kansas March 31, 2008 Final Site Offer was based on the lower figures, we confirm that our offer will cover the increased costs associated with these quantity increases.</li> </ul>
10 cont  18.4	<ul style="list-style-type: none"> <li>• DEIS Section 3.3.4.3.4 includes new sanitary sewage criteria. The City of Manhattan has confirmed in their letter dated August 15, 2008 that their current wastewater treatment plant is capable of treating the waste from the NBAF with its current plant capacity. Additionally, a contract has been awarded to design an expansion to the existing plant which will further increase its capacity. (Attachment 10)</li> </ul>
8 cont  23.0	<ul style="list-style-type: none"> <li>• <i>Site Cost Analysis</i>, Section 3.3.2. Westar Energy has confirmed in their letter dated August 15, 2008 that they will meet the updated NBAF electrical requirements. (Attachment 11)</li> <li>• DEIS Sections 3.3.4.1.3 and 3.3.4.3.3. Kansas Gas Service has confirmed in an email dated August 13, 2008 from Pam Stone to Travis Barta that they will meet the updated NBAF natural gas requirements. (Attachment 12)</li> </ul>
10 cont  18.4	<ul style="list-style-type: none"> <li>• <i>Site Characterization Study</i>, Section 2B.4.3 states "In the event of loss of sanitary service to the facility, the effluent decontamination system (EDS) would allow for up to 48 hours of storage of effluent . . ." We understand this storage capacity is provided within the EDS, which is furnished by DHS.</li> </ul>
8 cont  23.0	<ul style="list-style-type: none"> <li>• <i>Site Characterization Study</i>, Section 2B.4.4 states "Utility rates were obtained from the Energy Information Administration website . . . Actual consortia provided rate structures may differ significantly. The energy model will be updated as new information becomes available." The latest rate information was provided as part of the Kansas March 31, 2008 Final Site Offer and should be used. Annual electrical cost in our March 31, 2008, offer is \$1,232,344, which is far below the \$2.5-3.5 million in the Site Characterization Study. The case for natural gas is similar.</li> </ul>
	<p><b>IV. Wind Loads</b></p>
4 cont  21.4	<p>Page 3-427 of the DEIS states "all of the proposed NBAF sites are located within regions that experience severe weather where wind speeds could exceed the 90 mph criteria specified in the Feasibility Study for the NBAF. Tornado and hurricane events are a significant potential at the proposed sites and can occur with wind speeds in excess of 150 mph." Page E-138 of the DEIS states: "Since the conceptual design of the NBAF is currently identified for 119 mph winds (156 mph for Plum Island), it is credible to estimate unmitigated consequences associated with catastrophic failure of the NBAF structure." The DEIS implies that the NBAF must be designed to withstand higher wind speeds than 119 mph regardless of where the NBAF is located.</p>
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<p>Comment No: 11                      Issue Code: 7.4</p> <p>DHS notes the commentor's statement.</p>
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4 cont  21.4	<p>Containment areas for all sites should be designed to one common standard. The FEMA 361 <i>Design and Construction Guidance for Community Shelters</i> (July 2000) includes an appropriate standard of design for an ASCE 7-98 wind speed of 200 mph, as well as the effects of an F3 tornado (which is the equivalent of an EF-4 tornado under NOAA's new scale). The NBAF, regardless of where it is located, should be designed to this standard. As shown by items H.1 and H.2 on Attachment 13, the BRI was designed to this appropriate standard.</p> <p>The following design concepts identified in the Feasibility Study are prudent and necessary.</p> <ul style="list-style-type: none"> <li>• Design all critical zones as a sealed "box within a box" with fail safe interlocks at all points of access.</li> <li>• To withstand seismic and or other external threats, use hardened structural systems that will mitigate progressive collapse.</li> </ul> <p>Utilizing these design principles and the appropriate containment area wind design criteria, the risk of a pathogen release due to a tornado or other weather event is greatly minimized.</p>
	<p><b>V. Site Evaluations</b></p>
2 cont  0	<p>The DEIS does not adequately address the site evaluation and site selection processes. The DEIS (at 2-10) provides only very general information about the process DHS used to evaluate and eliminate (<i>i.e.</i>, screen out) 23 of the 29 sites that were originally under consideration. On August 18, 2008, only seven days before the close of the DEIS comment period, DHS made available on its website its <i>Final Selection Memorandum for Site Selection for the Second Round Potential Sites for the National Bio and Agro-defense Facility (NBAF)</i>, dated July 2007. This <i>Final Selection Memorandum</i> indicates that DHS advanced the Mississippi site for analysis in the DEIS notwithstanding that the Mississippi site was rated lower than other sites that were not carried forward. Full disclosure in the FEIS on this decision and on the screening process is necessary to allow the public and the decision-maker to determine whether the screening process was appropriate.</p>
12 5.0	<p>The DEIS similarly fails to evaluate and compare the alternative sites carried forward into the DEIS based upon the criteria that DHS will use to select the location of the NBAF facility. Such an evaluation and comparison is critical so that DHS can determine the site that best meets the agency's purpose and need, as well as the stated NBAF mission. DHS should have included this evaluation and comparison in the DEIS to allow stakeholders and the public can provide comments on these issues. DHS cannot properly select a preferred alternative until it undertakes and provides adequate discussion of this evaluation process.</p>
	<p><b>1. Failure to Disclose Site Evaluation Criteria</b></p>
2 cont  26.0	<p>The DEIS fails to identify the factors and criteria that DHS will use to select a site for the NBAF. The DEIS states (at 2-50) that the DEIS "will be used in conjunction with other factors to assist DHS in selecting the Preferred Alternative" in the Final EIS," but fails to identify the "other factors" that DHS will consider. The DEIS (at 2-50) is similarly vague in stating that the ROD</p>
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Comment No: 12 Issue Code: 5.0

DHS notes the commentor's statement. DHS prepared the NBAF EIS in accordance with the provisions of NEPA (42 U.S.C. 4321 et seq.) and CEQ's regulations for implementing NEPA (40 CFR 1500 et seq.). The primary objective of the EIS is to evaluate the environmental impacts of the no action and site alternatives for locating, constructing and operating the NBAF. As summarized in Section 3.1 of the NBAF EIS, DHS analyzed each environmental resource area in a consistent manner across all the alternatives to allow for a fair comparison among the alternatives. The decision on whether to build the NBAF will be made based on the following factors: 1) analyses from the EIS and support documents; 2) the four evaluation criteria discussed in section 2.3.1; 3) applicable federal, state, and local laws and regulatory requirements; 4) consultation requirements among the federal, state, and local agencies, as well as federally recognized American Indian Nations; 5) policy considerations; and 6) public comment.

The Department of Homeland Security Under Secretary for Science and Technology Jay M. Cohen, with other Department officials, will consider the factors identified above in making final decisions regarding the NBAF. A Record of Decision (ROD) that explains the final decisions will be made available no sooner than 30 days after the NBAF Final EIS is published.

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will address "[o]ther factors involved in the decision as to whether and where the NBAF should be built, including considerations of national policy, lifestyle costs, site characterizations, security, and other programmatic considerations."

2 cont.]  
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The need to identify the appropriate evaluation criteria is even greater given the similarities between threat risks and environmental impacts at the sites. Section 3.14 of the DEIS, which considers and ranks sites according to site-specific risks, indicates that all the proposed sites, (with the exception of Plum Island) have the very same Risk Rank of II-Moderate. Table 3.14.4-7 - Summary of Site-Specific Risk Ranks, which provides a summary of site-specific risk ranks, notes: "The evaluation of site-specific consequences in Section 3.14.4.1 - 3.14.4.6 illustrates that with the exception of Plum Island, each of the proposed sites resides in an area where the wildlife, vegetation, agriculture, and human populations provide ample opportunity for each of the viruses (FMDV, RVFV, and Nipah virus) to become established and spread once released from the NBAF."

The DEIS is also generally correct in concluding that "[o]verall, the adverse effects for the site alternatives are minimal . . ." (at ES-7). The DEIS (at ES-10) continues:

No significant adverse effects to environmental or human resources would be expected from any of the alternatives with normal operation of the NBAF. . . . Significant beneficial effects to biological resources (wildlife), economics, and health and safety could occur with the development of new vaccines, diagnostic procedures or rapid responses to potential FAD outbreaks.

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Table ES-3, *Comparison of Environmental Effects*, shows that there will only be minor environmental impacts from an NBAF - regardless of where it is located, and thus the sites stand relatively equal on environmental grounds. Similarly, the DEIS ranks the socioeconomic effects from the normal operations of the NBAF as "Minor" among all of the proposed sites, except Plum Island. See DEIS Table 2.5.1-4 - Summary of Environmental Effects.

The one exception to the environmental similarities is that developing the NBAF on the Georgia site would require filling of wetlands. This filling, which would not be necessary at any of the other sites, would require DHS to secure a Clean Water Act (CWA) Section 404 permit from the U.S. Army Corps of Engineers. The Corps of Engineers may only issue a CWA Section 404 permit for an alternative that represents the least environmentally damaging practicable alternative. See 40 CFR § 230.10(a). Since each of the other sites meets DHS' purpose and need and none require a CWA Section 404 permit, the Corps of Engineers could refuse to issue a permit for the Georgia site.

While not identified as the ultimate site selection criteria, Page 2-10 of the DEIS identifies the following four evaluation criteria that DHS has used to date in the Alternative Site Selection Process: (1) proximity to research capabilities, (2) proximity to workforce, (3) acquisition /

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8 cont | construction / operations and (4) community acceptance, DHS confirmed at the NBAF DEIS  
23.0 | meeting in Manhattan, Kansas, that these four criteria would be used in final site selection.<sup>4</sup>

3 cont | In addition to failing to identify the factors and criteria DHS will use to make its site selection,  
26.0 | the DEIS also makes vague references to other studies that will be considered but are outside of  
the NEPA process.

The DEIS (at 2-50) states that:

Additional studies are being performed concurrently with this EIS that will provide important decision-making information. Results of these studies along with agency and public input will be used in the development of the Final EIS and ROD.

If these "additional studies" are not the reports that DHS released on August 12, 2008, DHS should make such studies available. Each of the studies and reports upon which DHS will make its site decision should be made part of the NEPA record to allow for necessary public review and comment. This will assure that DHS is fully informed when making its NBAF decision.

**2. Improperly Redacted Information**

13 | 3.0 | On July 25, 2008, a Freedom of Information Request was submitted requesting:

all records, including studies, analyses and reports, that DHS will consider in making its decision whether to develop and/or where to site the NBAF. This FOI request includes, but is not limited to, the following records: (i) Threat Risk Assessment, (ii) Life Cycle Cost Assessment, (iii) Site Characterization Study, and (iv) PIADC Facility Closure and Transition Costs.

In response to this request, DHS made certain of the requested materials available on the NBAF Web site. In making these materials available, DHS redacted much of the most relevant material that would identify the evaluation criteria that DHS will use to make its NBAF siting decision, as well as necessary information to evaluate the sites. While redacting certain types of information is appropriate, some of the information that DHS redacted (concerning the site evaluation criteria) does not appear to fall within the allowable categories at 5 U.S.C. § 552(b). DHS should make the improperly-redacted evaluation criteria information available, or otherwise state why this information can be properly redacted. In the alternative, DHS should at least make available to each of the potential NBAF sites the evaluation criteria information concerning their respective sites.

<sup>4</sup> At that same meeting, DHS indicated that DHS would also consider the following other criteria in selecting a site: (i) safety and security of the facility, (ii) protection of workers and the public, (iii) risk assessment costs, (iv) site assessment, (v) security features, and (vi) threat in the community. DHS has also indicated on the NBAF website that DHS will consider other factors as well. While these pronouncements provide some additional information about the selection process, the factors that DHS has identified are overly "general," and DHS has not indicated what these factors mean or how they will be considered.

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Comment No: 13 Issue Code: 3.0

DHS notes the commentor's request. The information is available online through the NBAF Web page (<http://www.dhs.gov/nbaf>).

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Information that appears to be improperly redacted in the version of the *Site Cost Analysis* made public on August 12th includes:

13 cont.] 3.0

- Site Cost Analysis at Section 1 Page 5. DHS has redacted the design goals against which each site would be evaluated. This redaction is puzzling given that the publicly-available Feasibility Report provides significant detail about the proposed NBAF radial design.
- Site Cost Analysis Section 2 pages 27, 30-41 and 43-44. DHS has redacted the Site Specific Cost Estimates. This information is critical to determining whether DHS properly computed costs for the sites, and should therefore be made available. In the alternative, HBAC requests that the site specific cost estimate information for Kansas be provided to HBAC.
- Site Cost Analysis Section 3 pages 2-10 and 28-29. DHS has redacted the Operations and Maintenance Costs. This information is critical to determining whether DHS properly computed costs for the sites, and should therefore be made available. In the alternative, HBAC requests that the operations and maintenance cost information for Kansas be provided to HBAC.

**3. Necessary Considerations in Evaluating the Kansas Site**

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Because the DEIS fails to identify the full set of site evaluation criteria and fails to evaluate the sites using such criteria, it is not possible for the public to know whether DHS has properly evaluated the sites. For this reason, HBAC includes the following information regarding the Kansas site that is relevant to the four evaluation criteria that DHS has identified to date and that DHS used in the selection of finalist NBAF sites (*i.e.*, proximity to research capabilities, proximity to workforce, acquisition / construction / operations, and community support).

**a. Proximity to Research Capabilities**

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DHS (at 2-10 in the DEIS) has indicated that the selected location should be close to existing BSL-3 and BSL-4 research programs that could be linked to NBAF mission requirements and within a comprehensive research community that has existing research programs in areas related to the NBAF mission and facilities. DHS also indicated, at the Kansas site visit, that DHS will give this criterion twice the weight of the remaining three.

The Kansas site is located on the Kansas State University (KSU) campus in Manhattan, a campus that includes a comprehensive research community with existing research programs in areas related to the NBAF mission requirements. Manhattan's proposed NBAF site is located next to the College of Veterinary Medicine, which has broad vaccinology and pharmacology expertise, and offers a veterinary fellowship focused on biodefense and emerging infectious diseases. The University also has many degree programs that dovetail precisely with the NBAF mission and future work, including interdisciplinary doctoral and master's programs in pathobiology; an interdisciplinary MPH degree (that allows students to concentrate on either infectious and zoonotic diseases or food safety); and graduate certificate programs in food safety and security and feedlot production management. In addition to KSU, there are four other major research

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universities with animal science and/or veterinary medicine programs within a 300-mile radius of the proposed Kansas NBAF site.

The proposed NBAF site in Kansas would also be adjacent to the Biosecurity Research Institute (BRI), which is a BSL-3/BSL-3Ag biocontainment facility with ongoing research on animal infectious diseases that threaten agricultural livestock and agricultural economy and on zoonotic diseases. The work and research capabilities at the BRI are virtually identical to the work proposed for the NBAF. Additional details are provided in Attachment 14.

An NBAF in Manhattan would also be proximate to non-university research capabilities as well. The NBAF would be located at the western edge of the Animal Health Corridor, which encompasses the largest concentration of animal health companies in the world. Most leading animal vaccine and pharmaceutical producers have significant capabilities within this corridor; one is investing \$40 million to consolidate those efforts next to KSU's new Olathe campus.

7 cont | 8 4

The Midwest Research Institute (MRI), a lead member of the HBAC along with KSU, also has world-renowned biocontainment operations experts within its Center for Biological Safety and Security, located in Kansas City. MRI has managed the National Renewable Energy Laboratory for the Department of Energy since 1977, and also manages and staffs Department of Defense laboratory operations at the Pentagon, Camp Lejeune, North Carolina, and at OCONUS laboratory sites. MRI has also successfully operated U.S. government-certified multiple biological safety and chemical surety laboratories.

Finally, NanoScale Corporation, a private nanotechnology company that specializes in reactive nanomaterials that mitigate chemical and biological hazards, would be located adjacent to the NBAF as well.

**b. Proximity to Workforce**

DHS has indicated that the NBAF location should be able to attract world-class researchers, scientists and a skilled and experienced workforce, and be near skilled research and technical staff with expertise in operations conducted at biological and agricultural research facilities (DEIS at 2-10). The NBAF should also be near training programs for such expertise.

The plethora of world-class researchers, scientists, and a skilled and experienced workforce in and around Manhattan goes hand-in-hand with the multitude of research capabilities at and in the vicinity of Manhattan, Kansas. None of the other sites under consideration have near the concentration of appropriately trained workers to staff the NBAF. KSU itself offers innumerable cutting-edge post-doctoral, graduate, undergraduate, and non-degree programs that produce graduates that are trained in the very areas that are needed to advance the NBAF's mission. The nearby major research universities with animal science and/or veterinary medicine programs would also provide trained workers. The region has approximately 13,000 private sector animal health and nutrition workers and as a result, education and training programs have proliferated regionally to support this industry. These education and training programs include two-year and four-year offerings of relevance to NBAF as well as professional (DVM, MD, etc.), master's, and doctoral degrees. Additional details are provided in Attachment 14.

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Moreover, the BRI was recently selected as the National Biosafety and Biocontainment Training Program's first designated training facility in the country. This program was established by the Division of Occupational Health and Safety at the National Institutes of Health to ensure the availability of a highly skilled workforce trained in biocontainment and biosafety.

The recent investments that Kansas has made in animal health, infectious diseases, vaccines, and food safety programs and in attracting the Nation's pre-eminent professionals to Manhattan should also go far in attracting a highly qualified workforce. As a part of its \$581.8 million bioscience initiative, Kansas is already making substantial investments to advance its already established capabilities in animal health, infectious diseases, vaccines, and food safety. The Kansas Bioscience Authority has approved \$8.5 million this year alone for programs that are critical to the success of the NBAF, and which would entice world-class researchers and a trained workforce to an NBAF in Kansas, including:

- \$5 million for the Collaborative Biossecurity Research Initiative, a program to foster collaboration with researchers nationwide to create products that protect Americans from the intentional use of animal-borne diseases to infect humans or to disrupt the national economy.
- \$2 million to attract Dr. Juergen Richt, lead scientist with the U.S. Department of Agriculture's National Animal Disease Center, to KSU as a KBA Eminent Scholar. Based on its research capabilities and specialized facilities, KSU estimates it may attract 2-4 additional world-class zoonotic disease researchers this year.
- \$1.5 million to implement technologies, programs and hire personnel at the BRI to position KSU as the national leader in biosafety and biocontainment training to meet growing national demand for qualified biocontainment personnel.

When these programs are taken with the State of Kansas' investment in the BRI, Kansas has invested more in zoonotic disease research than any other State. This investment reflects Kansas' commitment to protecting the nation's food and agriculture economy from the foreign animal diseases and attracting world class researchers.

**c. Acquisition / Construction / Operations**

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As stated, all finalist sites appear to meet the DHS acquisition stipulations in this category: "The title to the proposed minimum 30 acre site would be deeded at no cost or minimal cost to the Federal Government (in-kind contribution, sale, or quit claim). DHS would be able to construct the entire NBAF (BSL-3 and BSL-4 laboratories) at the 30 acre site." Additionally, the draft EIS delineated no significant environmental differences in any of the sites.

Regarding construction, in information provided during the down selection process, Kansas noted that there are 15 veterinary biological manufacturing facilities and 11 BSL-3 laboratories in Kansas. (These figures do not account for the BSL-3 laboratories at collaborating institutions). Six Kansas-based construction firms have experience in designing and building 31 BSL-3 laboratories, and one BSL-4 laboratory. This density of investment and experience highlights the state's construction expertise in this area.

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The BRI would allow DHS to begin operating and addressing all four of its stated goals immediately, rather than having to wait until the NBAF is funded, constructed and operational. Because HBAC has offered the BRI as an in-kind contribution, DHS could:

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- Begin the development of counter-measures against at least five of the eight foreign animal/zoonotic diseases targeted for the NBAF – Japanese Encephalitis, African Swine Fever, Classical Swine Fever, Contagious Bovine Pleuropneumonia, and Rift Valley Fever. The BRI's BSL-3Ag infrastructure might also allow work on Foot and Mouth Disease.
- Undertake advanced testing and evaluation to detect foreign animal and zoonotic diseases.
- Conduct basic and applied research on the high threat foreign animal diseases listed above.

America cannot wait to advance zoonotic disease research and meet the obligations of HSPD-9. Kansas' plan will allow DHS to assemble and integrate the NBAF research team, define the NBAF research plan and initiate research at the BRI well in advance of the facility's proposed commissioning in 2014-2015. Kansas' approach offers DHS, its partner agencies and the federal government the most cost-effective and flexible pathway to accelerate the fulfillment of an integrated homeland security mission comprising research, development, testing, evaluation and response.

Moreover, synergies between the BRI and the College of Veterinary Medicine provide the capability for DHS to train veterinarians in foreign animal disease and zoonotic disease threats immediately. Accelerating the mission will allow the needs and vulnerabilities identified in HSPD-9 to be addressed now, not in 5-7 years. Additional details are provided in Attachment 14.

**d. Community Acceptance**

1 cont.  
24.4

The DEIS states that the proposing consortia should demonstrate local and national stakeholder community members' support.

There is strong public and private support for locating the NBAF in Kansas. This is most evident by the multitude of letters and actions by Federal, State and local officials; Kansas State University officials; producer groups; and civic organizations that overwhelmingly support locating the NBAF in Kansas.

For example:

- The Kansas Congressional delegation has unanimously urged DHS to select Kansas for the NBAF.
- The Kansas Legislature passed unanimous resolutions in support of the NBAF in Kansas in both 2007 and 2008.
- Riley County and the City of Manhattan passed resolutions in support of NBAF in Kansas.

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- The KSU Student Senate passed a resolution in support of NBAF in Kansas, and the student body president spoke in favor of the NBAF at the DHS public hearings in Kansas.
- The Kansas Farm Bureau and Kansas Livestock Association passed resolutions in support of the NBAF in Kansas.
- More than 30 leading executives in the Kansas City Animal Health Corridor submitted a letter of support for NBAF in Kansas.
- Additional resolutions or expressions of support of NBAF in Kansas have been made by the Manhattan Chamber of Commerce, Business Executives for National Security, the Greater Kansas City Chamber of Commerce, the Kansas City Area Development Council, the Kansas City Area Life Sciences Council, and the Kansas Board of Regents, which represents 36 higher education institutions in Kansas.

Additional details are provided in Attachment 14.

1 cont.]  
244

Locating the NBAF in Kansas is also firmly backed by the NBAF in Kansas Task Force. This task force is led by honorary chairman U.S. Senator Pat Roberts and Co-Chairmen Lieutenant Governor Mark Parkinson and former U.S. Secretary of Agriculture Dan Glickman, and includes other leaders from government, industry, research institutions, and producer groups. All members of the Kansas Congressional delegation are active task force participants. Kansas is the only state in the final site selection phase to have developed such a broad-based group of public and private leaders to support the NBAF. (Attachment 15).

Under legislation passed by the Kansas Legislature, Gov. Kathleen Sebelius formed the NBAF Interagency Working Group comprised of local and state agencies to assist the Kansas Bioscience Authority and the Department of Homeland Security during the EIS process. Kansas is the only state in the final site selection phase to have developed such an organization. The Interagency Working Group's activities have included: (1) providing information, at the request of DHS, for the development of the EIS; (2) reviewing the DEIS; (3) interfacing with our respective agencies on Kansas' response to the DEIS; and (4) serving as a regulatory resource if the Kansas site is selected as the preferred alternative. (Attachment 16).

The Heartland BioAgro Consortium has been successful in attracting support for the NBAF both in Kansas and in other states (Attachment 16). Individually and through the Midwestern Governors Association, the governors of 15 states (Colorado, Connecticut, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Ohio, South Dakota, and Wisconsin) have urged DHS to select Kansas for the NBAF. The value of this national consortium cannot be underestimated. This consortium represents a vital force in support of the NBAF, and a key component of advancing NBAF-related research. These 15 governors are a diverse, bipartisan coalition offering an impressive range of support for Kansas (Attachment 17).

Importantly, commodity producer groups in Kansas have expressed strong support for the NBAF. These include:

- Kansas Livestock Association
- Kansas Farm Bureau

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1 cont|  
24.4

- Kansas Corn Growers Association
- Kansas Sorghum Growers Association
- Kansas Wheat Commission
- Kansas Department of Agriculture

Finally, Kansans spoke overwhelmingly in favor of the NBAF at the DHS' public comment meetings, and many have submitted letters and editorials to local media in support of the NBAF. (Attachment 18).

The key to a high degree of public support for the NBAF in Kansas has been an aggressively executed public participation plan. This public participation plan (PPP) has been designed to facilitate and encourage early, ongoing, and meaningful participation throughout the NBAF NEPA planning process.

This plan includes opportunities for participation to: 1) accommodate the varying needs and desires of those who wish to participate; and 2) reflect the wide range of interests and influences that will enhance the planning process and the ultimate success of the NBAF project.

Specifically, the objectives of the PPP for the NBAF are to:

1. Ensure that interested parties receive accurate, timely information that clearly identifies the scope and purpose of the NBAF throughout the life of the project.
2. Promote an understanding of the technical aspects of the project and the full range of potential effects.
3. Provide opportunities for interested parties to voice concerns or opinions and to ask questions. Provide opportunities for the HBAC to receive and understand the concerns of interested parties. Provide opportunities for HBAC to receive and understand ideas or information that may improve the plan or planning process.
4. Clearly communicate what type of input is requested at each stage and explain how that input will be used.
5. Comply with the National Environmental Policy Act and applicable Kansas environmental laws and regulations.
6. Develop and maintain agency credibility in the eyes of interested parties.

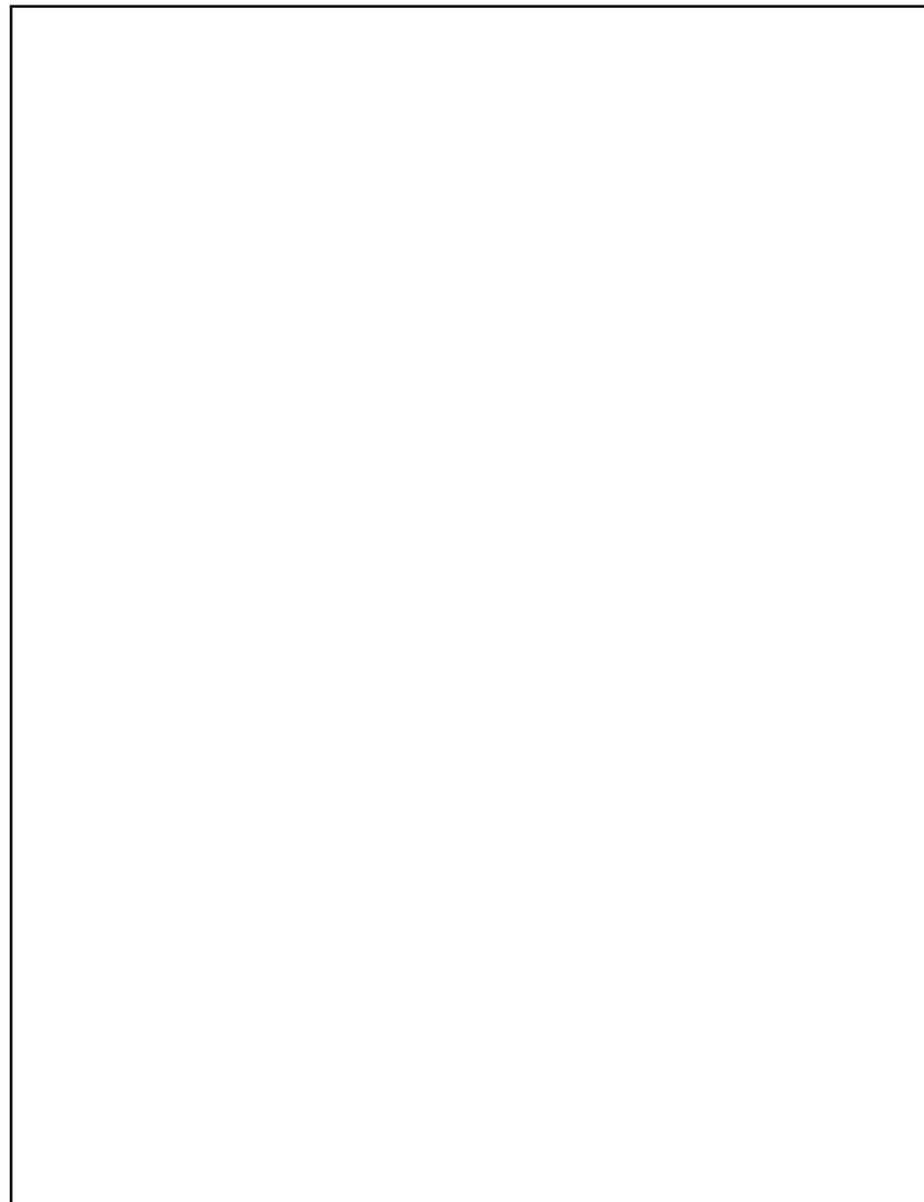
In addition to regular community communications, and outreach meetings, the HBAC maintains an information website related to the NBAF: <http://www.nbaufkansans.org>.

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26.0

**VI. Failure to Include Required Disclosure Statements**

Section 1506.5(c) of CEQ's NEPA regulations requires all contractors involved in the EIS to "execute a disclosure statement . . . specifying that they have no financial or other interest in the

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2 cont.  
280

outcome of the project." CEQ's guidance document, titled *NEPA Forty most Asked Questions* indicates that the "financial or other interest" is to be interpreted broadly:

17a. **Disclosure Statement to Avoid Conflict of Interest.** If an EIS is prepared with the assistance of a consulting firm, the firm must execute a disclosure statement. What criteria must the firm follow in determining whether it has any "financial or other interest in the outcome of the project" which would cause a conflict of interest?

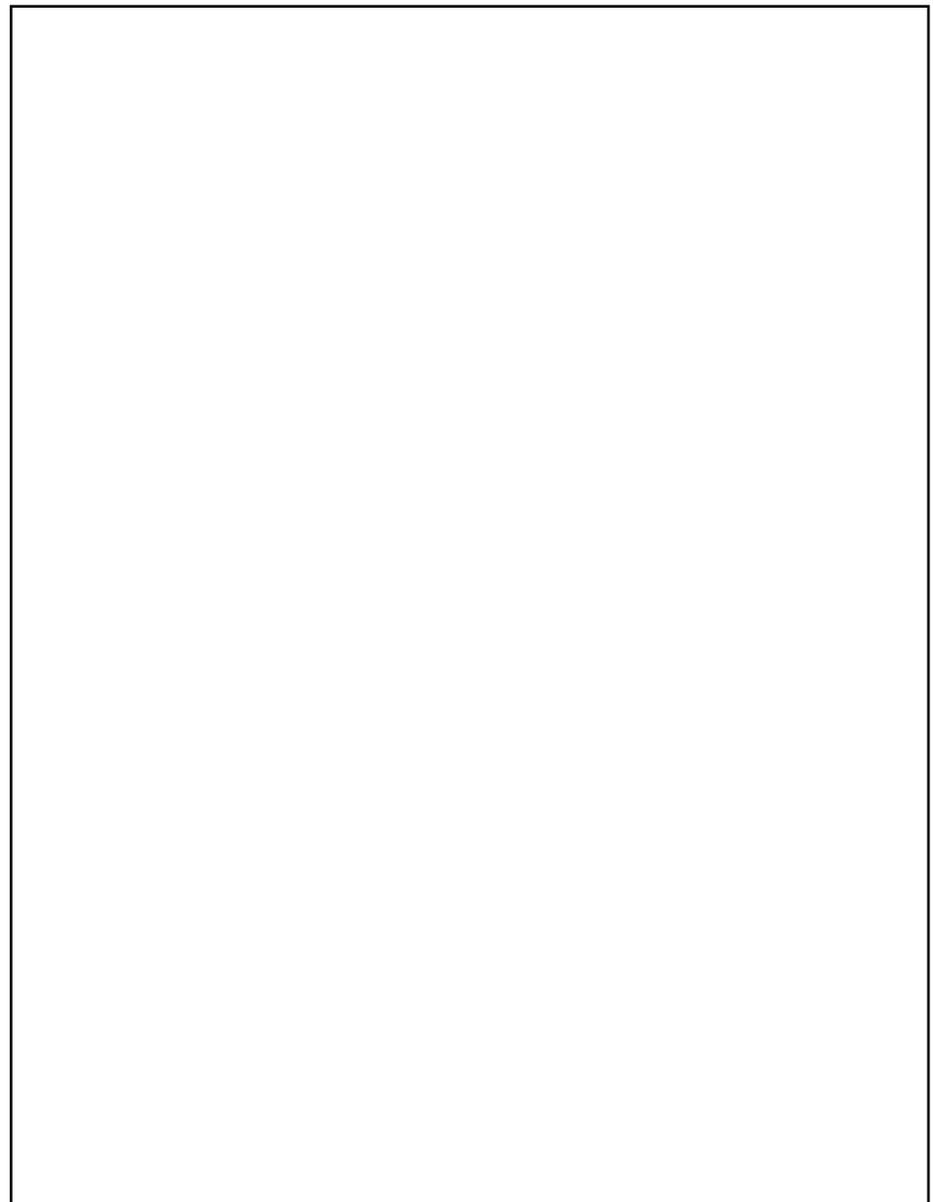
A. Section 1506.5(c), which specifies that a consulting firm preparing an EIS must execute a disclosure statement, does not define "financial or other interest in the outcome of the project." The Council interprets this term broadly to cover any known benefits other than general enhancement of professional reputation. This includes any financial benefit such as a promise of future construction or design work on the project, as well as indirect benefits the consultant is aware of (e.g., if the project would aid proposals sponsored by the firm's other clients).

*NEPA Forty most Asked Questions* (at Question and Answer 17).

It appears that the DHS has not included the required disclosure statements with the DEIS. Such statements should be made available as soon as possible.

The disclosure statement by Lawrence Livermore National Laboratory is especially important. Lawrence Livermore National Laboratory, which was responsible for the DEIS' FMD analysis, is currently managed by Lawrence Livermore National Security LLC. Lawrence Livermore National Security LLC is made up of a team that includes Battelle, and a Battelle executive sits on Lawrence Livermore National Security LLC's Board of Governors. See <http://www.llnslc.com/>. At the same time, Battelle is a partner in the consortium proposing the Mississippi site, and will play a prominent role in establishing research programs that can be linked to the NBAF, and in training, recruiting and providing a workforce for the NBAF.

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Partners in Biotechnology Research

MD0053

August 15, 2008

Mr. Jamie Johnson  
 NBAF Program Manager  
 Department of Homeland Security  
 245 Murray Ln. SW, Bldg. 410  
 Washington, DC 20528

Dear Mr. Johnson:

I write to reiterate a request made by the Kansas Bioscience Authority for information related to the Department of Homeland Security's (DHS) modeling of the economic impact of a foot-and-mouth disease (FMD) outbreak characterized in the National Bio and Agro-Defense Facility (NBAF) Draft Environmental Impact Statement (DEIS) issued on June 20, 2008.

On June 26, we participated in a conference call with you to request additional information on two matters addressed in the DEIS: 1) the variables used to determine the estimated NBAF construction and maintenance costs at the proposed Kansas site and 2) the variables used to determine the economic impact of a laboratory-associated FMD outbreak at the same site. We were informed on that call that DHS would provide construction and maintenance cost factor information in two weeks and the variables used in the FMD outbreak economic impact analysis the following week. In both cases it was represented that the information provided by DHS would allow us to draw relevant comparisons to the other sites.

With respect to our request for additional information on the estimated construction and maintenance costs, two weeks after the June 26 conference call, we reiterated our request for this information. On July 16, you informed us that DHS would provide this information the next day. After not receiving this information, we made a written request on July 18. On July 21, a DHS consultant provided a response containing construction and maintenance data, but this response omitted any data that would allow us to draw relevant comparisons to the other alternative sites.

On July 16, Ron Trewyn reiterated via email to the NBAF program manager our request for information on the model DHS used to determine the economic impact of a laboratory-related FMD outbreak, specifically, the input variables and assumptions that went into the analyses in the DEIS. Dr. Trewyn reiterated again his request for such information via email on August 6. Despite these repeated requests, DHS has still failed to provide input and assumption information associated with our request for the variables used in the FMD outbreak economic impact analysis. Nor has DHS provided any reason why it cannot or will not provide this requested information.

Kansas Bioscience Authority

Thornton, Thomas

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MD0053

On August 12, DHS made the following reports available on its Web site: (i) Biodefense Knowledge Center Rapid Response (May 22, 2008); (ii) Biodefense Knowledge Center Rapid Response (May 29, 2008); (iii) Site Cost Analysis; (iv) Site Characterization Study; and (v) Plum Island Animal Disease Center Closure and Transition Cost Study. While these reports provide some of the information requested, the reports do not provide all of the FMD modeling information necessary to fully assess whether DHS used the proper model and inputs to determine the potential impacts of a FMD release at the proposed NBAF sites.

1| 4.0

Thus, by this letter, we specifically request the following information: (1) a list of all data inputs/variables by site that went into the model (e.g., livestock numbers by species, counties included, etc.); (2) a sensitivity analysis showing the impact of each model input on outputs (e.g., an analysis documenting which inputs are driving the outputs); and (3) a list of all model assumptions by site that may have influenced/alterd the outcomes (e.g., cow/calf operations, buffer zone surveillance alterations, etc.).

In addition, when we spoke yesterday afternoon, you indicated that the FMD model was going to be re-run in the near future. Based upon our review of the DEIS and the recently released reports, we have identified several concerns with the FMD model and its inputs that we will discuss in detail in our DEIS comments. It is possible others will address FMD model issues as well in their comments. The issues that our DEIS comments will address include, but are not limited to:

2| 21.4

- The rationale for using livestock numbers for countries within 50 km and 100 km when the standard quarantine zone is 10 km;
- The rationale for using the 2001 Great Britain FMD outbreak as the model for a laboratory release when the more recent Pirbright FMD event in Great Britain was a laboratory release;
- The arbitrary use of all adjoining counties to determine livestock numbers;
- The use of outdated 2002 data when more recent data are available; and
- The choice of factors that would mitigate an outbreak.

Given these issues, we request that the department delay re-running any FMD model scenarios until after it has the opportunity to review the comments on this issue and to determine, in light of such comments, whether the model and its inputs are correct and appropriate. Keep in mind that the comment period ends in 10 days, so this request would not result in an unreasonable delay. Moreover, running the model before considering relevant DEIS comments, and then having to run the model yet a third time in light of the DEIS comments, is a waste of funds and resources.

Regarding construction and maintenance costs, while DHS has made the Site Cost Analysis and Site Characterization Study available, it appears DHS has redacted much of the information that would be most responsive to our requests. The reports also raise additional questions. Based upon our review of these reports, we request:

2

Comment No: 1                      Issue Code: 4.0

DHS notes the commentor's request. The documents and studies used in the preparation of the NBAF EIS are included in the Administrative Record and will be available to public. However, while some of the information requested is located in the documents cited by the commentor, not all of the information is included in the documents or may not be immediately apparent. DHS believes that the NBAF NEPA process is not the proper forum for this request and the commentor is directed to contact the individual document preparers for the information.

Comment No: 2                      Issue Code: 21.4

See response to Comment No. 1.

Thornton, Thomas

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MD0053

1 cont | 4.0

1. A copy of the in-kind evaluation referenced in Section 2B.4, page 1, of the Site Characterization Study.
2. A copy of the operations and maintenance report provided for the Canadian Science Centre for Human and Animal Health Laboratory in Winnipeg, as referenced in Section 3.2, page 2, of the Site Cost Analysis.

3 | 4.4

The department's delay in providing the information we have been requesting since late June and the disclosure of five technical reports (that DHS has indicated it will rely upon in selecting a site for the NBAF) with less than two weeks left in the DEIS comment period make it impossible for Heartland BioAgro Consortium to provide adequate comments on this information and these reports during the DEIS comment period.

Assuming a timely response by DHS to our information requests, we intend to respond to any material information provided by DHS on these topics and the newly disclosed reports within two weeks after the expiration of the NBAF DEIS public comment period. Given that this is not a hardship of our own making, we expect that DHS will consider our comments and address or otherwise respond to these comments in the FEIS. If DHS will refuse to consider our comments, I respectfully request that you indicate this to me in writing prior to August 25, 2008.

In closing, I hope you appreciate that our requests are essential in order for the Kansas Bioscience Authority to develop a timely, accurate and complete response to the DEIS. Furthermore, they are offered in the spirit of the authority's continued effort to offer DHS and the federal government the most cost-effective and flexible pathway to accelerate the fulfillment of an integrated homeland security mission comprising research, development, testing, evaluation and response.

Regards,



Thomas V. Thornton  
President and CEO

3

Comment No: 3

Issue Code: 4.4

DHS notes the commentor's statement. DHS prepared the NBAF EIS in accordance with the provisions of NEPA (42 U.S.C. 4321 et seq.) and CEQ's regulations for implementing NEPA (40 CFR 1500 et seq.). All comments received during the public comment period were addressed and are included in the Comment Response Document.

Thrasher, III, Grady

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WD0088

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**From:** Grady Thrasher, III [REDACTED]  
**Sent:** Monday, July 21, 2008 8:57 AM  
**To:** NBAFProgramManager  
**Subject:** Emailing: printme2005  
**Attachments:** printme2005.htm

1 | 25.2 | Please add this letter to the editor published today in the Athens  
Banner-Herald to the anti-NBAF in Athens scoping comments.

Thank you.

Comment No: 1      Issue Code: 25.2  
DHS notes the commentor's opposition to the South Milledge Avenue Site Alternative.

## Thrasher, III, Grady

## Page 2 of 2

WD0088

**Richard Hargrove: Locating NBAF in Athens would come at great cost**

| | Story updated at 9:12 PM on Sunday, July 20, 2008

As a Tuesday letter to the editor contended, opposition to siting the proposed National Bio- and Agro-Defense Facility in Athens-Clarke County should be focused on local decision-makers, because the majority of area citizens didn't consent to any invitation to the federal Department of Homeland Security to locate potential pestilence in our midst.

Homeowners should be duly concerned, and not because of alarmists, but because of evidence. Politicians have tried to ignore genuine concerns with the hope that critics would just go away. Many people, legitimately concerned about the slow local economy, are tempted by golden promises regarding NBAF. The spectacle of seeing academics losing objectivity through exaggeration about NBAF, and favoring secrecy, hasn't been pretty to watch.

One need not go beyond statements within the Draft Environmental Impact Statement released by DHS that indicate wildlife, vegetation, agriculture and human populations provide ample opportunity for viruses to spread rapidly in the event of a release. Mosquitoes infected with pathogenic organisms could lead to a "permanent reservoir of virus." According to the draft statement, NBAF would be safer for animal and human populations if located offshore - particularly at Plum Island, N.Y.

Local NBAF proponents point to the Centers for Disease Control and Prevention in Atlanta as an example of a safe research facility. Recent news stories, however, have exposed problems with power outages and air leaks.

In addition, estimates of water consumption at NBAF have grown from 28,000 gallons per day to 43 million gallons per year. What will happen to property values in the Athens area when possible threats to safety are added to drought conditions?

While there is no doubt NBAF construction and employment eventually would bring money to the area, the requirements for infrastructure additions and changes inevitably would require an unknown, immediate increase in taxation.

Economic and academic enhancements should be pursued when they are in the best interests of our wonderful community. But how many risks, and what costs, must be borne by a community in pursuit of illusory benefits? Clearly, the NBAF proposal is one best left on the doorstep.

**Richard Hargrove** - Watkinville

Published in the Athens Banner-Herald on 072108

Click here to return to story:

[http://onlineathens.com/stories/072108/letters\\_2008072100143.shtml](http://onlineathens.com/stories/072108/letters_2008072100143.shtml)

Thrasher, III, Grady

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WD0089

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**From:** Grady Thrasher, III [REDACTED]  
**Sent:** Wednesday, July 16, 2008 5:46 PM  
**To:** [REDACTED]  
**Subject:** FW: FYI - Funding snag could delay review of Detrick lab

FYI.....

-----Original Message-----

**From:** Matt DeGennaro [REDACTED]  
**Sent:** Wednesday, July 16, 2008 4:00 PM  
**To:** Grady Thrasher, III; Kathy Prescott; Nancy zechella  
**Subject:** FYI - Funding snag could delay review of Detrick lab

**FREDERICK, Md.** ([Map, News](#)) - The [National Academy of Sciences](#) says a safety review of Army plans for a new biodefense laboratory at [Fort Detrick](#) could be delayed by congressional foot-dragging.

1| 27.0

An academy official told the Frederick County Commissioners at a meeting Tuesday in Frederick that some congressional members want to postpone budget decisions until after a new president takes office next year.

Such a delay could affect funding for the study, which could cost \$250,000 to \$400,000.

[Sen. Barbara Mikulski](#) requested the review in April amid **citizen complaints that an environmental impact statement for the project doesn't fully address the risk of terrorist attacks, the actions of disgruntled workers and the possibility of water pollution.**

Comment No: 1      Issue Code: 27.0  
DHS notes the information submitted by the commentor.

Thrasher, III, Grady

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WD0090

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**From:** Grady Thrasher, III [REDACTED]  
**Sent:** Monday, July 21, 2008 6:20 PM  
**To:** NBAFProgramManager  
**Subject:** FAQinc Scoping comment from Athens, GA  
**Attachments:** FAQinc11.doc

Dear NBAF Program Manager,

1| 27.2 | Please add the attached letter to the scoping record for Athens, GA re the NBAF DEIS.

Thank you,

Grady Thrasher and Kathy Prescott  
For Athens Quality-of-life

Comment No: 1      Issue Code: 27.0  
DHS notes the information submitted by the commentor.

Thrasher, III, Grady

Page 2 of 4

WD0090

Kathy Prescott  


Honorable John D. Dingell, Chairman  
Committee on Energy and Commerce  
U.S. House of Representatives  
Washington, DC 20515

May 18, 2008

Honorable Bart Stupak, Chairman  
Subcommittee on Oversight and Investigations  
Committee on Energy and Commerce  
U.S. House of Representatives  
Washington, DC 20515

Dear Chairman Dingell and Chairman Stupak:

As a concerned citizen of Athens, Georgia, I'd like to thank you for sponsoring investigative hearings into the reason and necessity for the National Bio and Agro-Defense Facility being promoted by the Department of Homeland Security.

The proposed Athens NBAF site is less than five miles from our downtown. The site drains downhill into the Middle Oconee River and abuts the State Botanical Garden of Georgia. If NBAF is built there, it will bisect the newly designated Audubon Important Bird Area.

Our mayor signed a letter of support to DHS in March 2006 assuring "community acceptance" (one of DHS's criteria for advancing the ongoing "competition" for NBAF) *before* our community knew anything about NBAF. The first I heard of NBAF was in August 2007. Following your October hearing, my husband and I invited Edward Hammond of The Sunshine Project to speak in Athens. This effort to inform the community of the many complex issues NBAF represents was dismissed by the mayor and local newspaper as "fear mongering", "cynicism" and "politically motivated". The publisher of the local newspaper is a member of the Georgia consortium that is pushing for NBAF to locate in Athens. The projected benefits of NBAF are marketed to the community while the concerns and risks are downplayed (edited out in some cases).

The University of Georgia (the leading proponent of bringing NBAF to Athens) generated an economic impact analysis through its Carl Vinson Institute of Government using guesswork input that grossly exaggerated the projected overall economic impact of NBAF to Athens and to the State of Georgia. These erroneous numbers were trumpeted all over the state. These numbers were repeated in the press as if authentically derived and, therefore, given further credibility. So successful was the advertising that several

Thrasher, III, Grady

Page 3 of 4

WD0090

other states picked up the overblown numbers as economic gospel and used them for their purposes, citing the CVIQG "experts".

Employees of the University have been warned to NOT voice opposition to NBAF.

Because all sides of this controversial issue were not being heard, my husband and I formed FAQinc "*For Athens Quality-of-life*", as a non-profit citizens' information and awareness group. We are complaining loudly about DHS's flawed site selection process, believing this aggressive competition for NBAF is completely wrongheaded. Isn't this BACKWARDS? If NBAF is necessary and foot and mouth disease needs to be moved onto the mainland (questionable), shouldn't an environmental assessment be done in ADVANCE of selecting final sites to find the safest and most environmentally sound location? Here is a quote from the DHS Exhibit 300 BY08, "Competitive Sourcing: NBAF's mission is to produce a unique, currently lacking, facility through the use of *highly competitive acquisition strategies*". This competitive approach is expensive, creates stress, controversy and mistrust in the affected communities between those who have a financial stake in NBAF and those who want to avoid the environmental degradation and risk to public health and safety.

Secrecy abounds. Despite assurances of "openness and transparency", DHS does NOT want to answer questions. Disingenuousness and misinformation prevail. At the last Athens "Town Hall" meeting in February – while touting the safety of HEPA filter systems – Dr. Larry Barrett (head of Plum Island Animal Disease Center) said, "If you look at the eight diseases that we're going to work with in this facility, there's only one of those diseases that is transmitted through aerosol – FMD ... the only one we're worried about coming out in an aerosol would be FMD." Not one mention was made of the other listed diseases that could spread through aerosol or of changing risk assessments that could alter the list of diseases. After the meeting, I asked Jamie Johnson (DHS NBAF Manager) why DHS did not appear at your October 4, 2007 hearing. He blamed "a confusion with scheduling". When asked why DHS didn't at least answer your pre-submitted questions, Mr. Johnson said that Undersecretary Jay Cohen would deal with that later. After filing a Georgia Open Records Request to the University of Georgia, we were denied relevant information concerning the costs of NBAF to the community of an additional incentives package (onsite power plant/ "utilities node" requested by DHS and offered by UGA) on the grounds of "critical infrastructure" and "ongoing real estate feasibility studies". DHS likewise refused to release its letter requesting the added incentives on the grounds that it was "official communication" not available to the public. A FOIA request was also denied.

The NBAF site selection process is NOT being conducted fairly. Please, you can help us by exposing DHS's disregard for the general public's legitimate NBAF concerns.

Sincerely,

Kathy Prescott

Thrasher, III, Grady

Page 4 of 4

WD0090

Thrasher, III, Grady

Page 1 of 4

WD0091

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**From:** Grady Thrasher, III [REDACTED]  
**Sent:** Monday, July 21, 2008 5:47 PM  
**To:** NBAFProgramManager  
**Subject:** Emailing: BSL.042908.AgCmte.ltr  
**Attachments:** BSL.042908.AgCmte.ltr.pdf

1| 27.2 | Please add the attached letter to the scoping comments on the NBAF DEIS from Athens, GA.

Comment No: 1      Issue Code: 27.0  
DHS notes the information submitted by the commentor.

Thrasher, III, Grady

Page 2 of 4

WD0091

ONE HUNDRED TENTH CONGRESS  
**U.S. House of Representatives**  
**Committee on Energy and Commerce**  
**Washington, DC 20515-6115**

JOHN D. DINGELL, MICHIGAN  
 CHAIRMAN

April 29, 2008

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 MICHAEL C. BURGESS, TEXAS  
 MARSHA BLACKBURN, TENNESSEE

DENNIS B. FITZGERIBBONS, CHIEF OF STAFF  
 GREGG A. NOTHSCHILD, CHIEF COUNSEL

The Honorable Collin C. Peterson  
 Chairman  
 Committee on Agriculture  
 U.S. House of Representative  
 Washington, D.C. 20515

The Honorable Bob Goodlatte  
 Ranking Member  
 Committee on Agriculture  
 U.S. House of Representatives  
 Washington, D.C. 20515

Dear Chairman Peterson and Ranking Member Goodlatte:

We understand that the House-Senate Joint Conference Committee on H.R. 2419 (the Farm bill) may be close to agreement on the major provisions of this important legislation. Among the unresolved issues, however, are provisions contained in Section 11016 of the Senate version of the bill and in Section 7108 of the House version that would provide for the transfer of live virus of foot-and-mouth disease from the animal disease research laboratory on Plum Island, N.Y., to the mainland United States. These proposals are highly controversial, yet neither has been the subject of hearings nor open debate.<sup>1</sup> Decisions on these issues could have grave implications for the livestock industry and for the national economy. It is for this reason that we write to urge you to drop both the House and the Senate provisions until such time as these matters can be fully examined and debated.

By way of background, for more than 50 years the Federal Government has conducted animal disease research on Plum Island under the U.S. Department of Agriculture (USDA). In 2003, Plum Island was transferred from USDA to the Department of Homeland Security (DHS), while the research staff continued to be employed by USDA. *The majority of the research at Plum Island is concentrated on foot-and-mouth disease, one of the most contagious animal viruses in the world.*

The lab was originally sited on Plum Island to isolate foot-and-mouth disease from the mainland. Our investigation shows that this has been a very successful strategy, as foot-and-mouth disease has never escaped from the island, despite at least one instance in which it was accidentally released from the laboratory building.

<sup>1</sup>Although an administration bill addressing similar issues, H.R. 1717, was considered in markup last year by the House Committee on Homeland Security, no committee report has ever been filed, and the single hearing held on the bill featured only Administration witnesses.

Thrasher, III, Grady

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WD0091

The Honorable Collin C. Peterson  
The Honorable Bob Goodlatte  
Page 2

The isolation of foot-and-mouth disease on Plum Island was further ensured by a Federal statute enacted many years ago, which prohibits research on foot-and-mouth anywhere in the U.S. except on Plum Island, unless the Secretary of Agriculture finds it is both necessary and in the public interest to move it elsewhere (21 U.S.C. 113a).

DHS now wants to eliminate this protection and take over research on foot-and-mouth disease and other dangerous animal and zoonotic diseases. To accomplish this, Section 11016 of the Senate version of the bill *directs* the Secretary of Agriculture to do what no previous Secretary has ever done—issue a permit to DHS at its own discretion to transfer foot-and-mouth disease from Plum Island to the mainland United States.

DHS intends to transfer foot-and-mouth disease to a new lab it proposes to build on the mainland U.S., to be called the National Bio and Agro-Defense Facility (NBAF). The NBAF would be the world's largest animal disease research center, and include the world's largest Biosafety Level-4 laboratory (BSL-4). BSL-4 labs handle the most deadly diseases for which there is no cure.

There is a serious question as to whether DHS has the expertise, understanding, and technical capability for conducting animal disease research, especially on this scale. The stakes are not small—as you are aware, foot-and-mouth disease is among the most highly contagious animal diseases in the world. The 2001 outbreak of foot-and-mouth disease in the United Kingdom caused at least \$16 billion in damage, devastated the economy, and nearly brought down the government. Experts in the U.S. estimate that a similar release in the U.S. would be even more destructive.

The Committee on Energy and Commerce and its Subcommittee on Oversight and Investigations are investigating these and related issues as part of a series of hearings on the proliferation of bio-research laboratories. The Subcommittee is holding a hearing on May 22, 2008, to examine these and related issues:

- Has DHS given adequate consideration to the hazards of shutting down Plum Island and transferring foot-and-mouth disease to the mainland?
- Can foot-and-mouth disease and other exotic animal disease research be carried out safely in bio containment facilities on the mainland?
- What are the views of the livestock industry about the plan to transfer foot-and-mouth disease research to the mainland?
- Have the direct and indirect costs of shutting down Plum Island and building the NBAF on the U.S. mainland been fully considered?

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WD0091

The Honorable Collin C. Peterson  
The Honorable Bob Goodlatte  
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- Is there an agricultural need for a BSL-4 lab at the NBAF?
- Is the NBAF site-selection process being conducted fairly?
- Does DHS have adequate experience and expertise to lead Federal research on dangerous animal diseases, or should that responsibility more properly reside with USDA?

We believe these issues should be thoroughly examined before the proposal to transfer foot-and-mouth disease to the mainland is permitted. As part of our investigation, we have sent detailed requests for information and records pertaining to this matter to DHS and USDA. Moreover, we have sent letters to more than 100 livestock associations asking for their views on the issue of transferring foot-and-mouth disease research to the mainland, along with research on other animal diseases.

We recommend that you reject provisions in H.R. 2419 that would require the transfer of foot-and-mouth disease to the mainland until such time that DHS and USDA, at a minimum, have performed the necessary risk and consequence assessments, explained why it is necessary and in the public interest to move foot-and-mouth disease and other dangerous animal viruses to the mainland, and performed the necessary environmental impact studies.

Sincerely,

  
John D. Dingell  
Chairman  
Bart Stupak  
Chairman  
Subcommittee on Oversight and Investigations

cc: The Honorable Joe Barton, Ranking Member  
Committee on Energy and Commerce

The Honorable John Shimkus, Ranking Member  
Subcommittee on Oversight and Investigations

All House conferees to H.R. 2419

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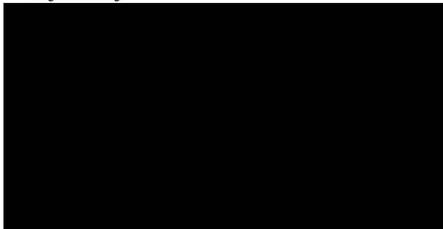
WD0092

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**From:** Grady Thrasher, III [REDACTED]  
**Sent:** Monday, July 21, 2008 5:47 PM  
**To:** NBAFProgramManager  
**Subject:** FW: Dangers of mainld disease lab debated at hearing

1) 27.2 | Please add the following to the scoping comments on the DEIS as it applies to Athens, GA.

-----Original Message-----



Subject: Dangers of mainld disease lab debated at hearing

Dangers of mainland disease lab debated at hearing  
Sign In to E-Mail or Save This Print By THE ASSOCIATED PRESS  
Published: May 22, 2008  
Filed at 4:44 p.m. ET

WASHINGTON (AP) -- One of the nation's oldest farm groups said Thursday a proposed foot-and-mouth disease research laboratory on the U.S. mainland, near livestock, could be an inviting target for terrorists. Commercial livestock representatives and the Bush administration insisted it would be safe to move an island lab to sites near animals.

Testimony at a House hearing showed deep divisions between farmers and ranchers over where to conduct research on the most infectious animal-only disease in the world.

Such work now is confined to the 840-acre Plum Island, N.Y., off the northeastern tip of Long Island. The administration has spent time and money to announce five finalist sites on the mainland for a new lab. A new facility on Plum Island to replace the current, outmoded lab remains a possibility.

All sides agreed that the wrong decision would bring an economic catastrophe if a new lab failed to contain the virus within the facility. An epidemic could ruin farmers and ranchers as well as related industries in feed, transportation, exports and retail.

Leroy Watson, legislative director of the National Grange, which was founded in 1867, raised the terrorism danger in testimony opposing moving the lab to the mainland.

The location of a new laboratory near livestock "would provide an inviting vicinity for the release of FMD (foot-

Comment No: 1      Issue Code: 27.0  
DHS notes the information submitted by the commentor.

## Thrasher, III, Grady

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and-mouth disease) by terrorist or criminal elements that would be looking to maximize not only the economic damage ... but also the social and political confusion and fallout," Watson said.

Domestic groups opposed to animal research also could target a new lab, he said.

Foot-and-mouth disease has been classified as a national security issue at least since 2003, when the Homeland Security Department took control of the island from the Agriculture Department, which had run it since the mid-1950s.

Gary Voogt, president-elect of the National Cattlemen's Beef Association, said his group did not oppose the move.

"Plum Island is not the fortress some people may contend," he said. "The island has long had a problem with wildlife swimming over from the mainland at low tide, and there have been numerous reports of how close boaters can get to the island without any warning or consequences."

Like other witnesses who support a move, he said modern virus containment methods would make a new lab secure.

Jay Cohen, a homeland undersecretary, said, "I have every reason to believe that the assessments will show that, from a biosecurity and public safety perspective, siting the (new laboratory) on the U.S. mainland is a viable alternative."

Rep. John Dingell, the House Energy and Commerce Committee chairman, accused Cohen of withholding documents from the committee.

"It sounds rather arrogant to me," said Dingell, D-Mich.

Cohen responded, "It sounds arrogant to me" that congressional investigators failed to "show me the courtesy to contact me" about the documents.

Dingell: "I will see to it we will lay subpoenas on you."

Cohen: "I have nothing to hide here."

The committee wants documents assessing the risk and benefits of locating a new lab on the mainland near animals, and the potential environment impact on each proposed location. Cohen said he would provide all the documents he has, but that a draft environmental statement would not be finished until mid-June.

Not long after the earlier exchange Dingell launched another tirade, facetiously comparing the Homeland Security Department's handling of the Plum Island matter to its well-documented mistakes after Hurricane Katrina.

"You already have a fine record on Katrina and I want to see that you don't have a fine record on foot-and-mouth," Dingell said.

Cohen said the committee would get more information "with honey than with vinegar."

"We're going to use the nice way or the nasty way," Dingell said.

Dr. Larry Barrett, director of the Plum Island Animal Disease Center, said the advantage of a mainland site would be the proximity to veterinary schools and medical research facilities, where homes were affordable.

Barrett said that Plum Island has attracted top researchers, but housing costs on Long Island and Connecticut --

Thrasher, III, Grady

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where workers live -- are too expensive for lower-paid employees including dozens of animal handlers.

While the disease does not sicken humans, an outbreak on the U.S. mainland -- avoided since 1929 -- could lead to slaughter of millions of animals, a halt in U.S. livestock movements, a ban on exports and severe losses in the production of meat and milk.

To avoid an epidemic, foot-and-mouth research has been confined since 1955 to Plum Island. The facility will be replaced by a National Bio-and-Agro-Defense Facility that also will study diseases that can be transferred from animals to humans.

The finalist sites are Flora, Miss.; Athens, Ga.; Manhattan, Kan.; Butler, N.C.; and San Antonio. One Homeland Security study found the numbers of livestock in the counties and surrounding areas of the finalists ranged from 542,507 in Kansas to 132,900 in Georgia.

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On the Net:

House Energy and Commerce Committee: <http://energycommerce.house.gov/>

Plum Island: <http://tinyurl.com/3k2r22>

More Articles in Washington »

Thrasher, III, Grady

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WD0094

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**From:** Grady Thrasher, III [hgt@thrasher.com]  
**Sent:** Monday, July 21, 2008 5:56 PM  
**To:** NBAFProgramManager  
**Subject:** FW: Emailing: CDC's special biolab not ready after 2 1-2 years ajc.com  
**Attachments:** CDC's special biolab not ready after 2 1-2 years ajc.com.htm

1|27.2 | Please add the following letter and attachment to the Athens, GA scoping record re the NBAF DEIS.

Thank you.

-----Original Message-----

From: Grady Thrasher, III [mailto:hgt@thrasher.com]  
Sent: Thursday, May 15, 2008 10:51 AM  
To: Mayor@Athensclarkecounty.Com  
Cc: Khoard@Charter.Net  
Subject: Emailing: CDC's special biolab not ready after 2 1-2 years ajc.com

Dear Heidi and Kathy,

I'm sure you've seen this AJC article, but here it is (below) in case you haven't. You won't see it in the ABH. Please note that when the CDC official talks about difficulties because of "scale", he's talking about constructing a facility only 2/3 the size of the proposed NBAF. And it's an undertaking of the CDC, the respected, 60 year old agency. NBAF is the brainchild and responsibility of the dysfunctional Dept. of Homeland Security.

Best regards,

Grady and Kathy  
for FAQinc "For Athens Quality-of-life"

Comment No: 1      Issue Code: 27.0  
DHS notes the information submitted by the commentor.

## Thrasher, III, Grady

## Page 2 of 4

**CDC biolab not ready after 2 1/2 years**

By [ALISON YOUNG](#)  
The Atlanta Journal-Constitution  
Published on: 05/15/08

The Centers for Disease Control and Prevention's new maximum-security laboratories in Atlanta were supposed to open in the fall of 2005.

But the suite of Biosafety Level 4 labs — designed to contain the world's most dangerous germs — still haven't been certified as ready to operate. The \$214 million building they're in was completed 2 1/2 years ago.

CDC officials say nothing is amiss. But the delays have raised concerns about potential construction or design flaws in labs destined to handle smallpox and Ebola viruses.

"The CDC's new lab has been troubled almost from its inception," said U.S. Rep. John Dingell (D-Mich.), chairman of the House Committee on Energy and Commerce, which oversees federal agencies and has been examining bioterror lab safety nationally.

"Its history of contracting problems, design flaws and construction delays does not engender confidence and is worthy of a closer look by this committee," Dingell said this week.

CDC officials no longer will estimate when the labs will open. They prefer to say simply: as soon as possible.

"Commissioning a lab, particularly on this scale, is a complex process," said Stephan Monroe, the CDC official who oversees the division of scientists who will work in the unopened labs. "We won't take any shortcuts, jeopardize our workers or the safety of the public."

CDC scientists are still able to use other nearby BSL-4 labs, built in 1988. CDC officials say they need the additional lab space to do more experiments, but said work is not going undone as a result of the delays.

Construction began in 2001 on the new 368,000-square-foot building — called the Emerging Infectious Diseases Laboratory — at the CDC's Clifton Road campus. The building — including the wing containing the BSL-4 labs — was completed in September 2005. CDC officials signed off on the work of its construction contractors at that time.

While the BSL-4 labs remained unoccupied, about 500 CDC scientists and staff moved into the rest of the building, which includes other labs that work with less dangerous pathogens.

CDC initially said the BSL-4 labs would open in the fall of 2005, then the summer of 2006, then by the end of 2007.

**Thrasher, III, Grady****Page 3 of 4**

"It's clear that, looking back, we communicated a date that was clearly unrealistic knowing what we know now," said Monroe, director of the CDC's Division of Viral and Rickettsial Diseases. But CDC officials said the delays aren't unusual.

Yet, at the University of Texas Medical Branch in Galveston, it took less than seven months for its BSL-4 lab to become operational after construction was finished on that building in late 2003, said Michael Holbrook, the lab's BSL-4 director.

Richard Ebright, a biosafety expert at Rutgers University in New Jersey, questioned whether the delay at the CDC's labs is the result of trying to resolve significant problems.

"The extent of this delay suggests there may be fundamental issues regarding infrastructure or safety or security that need to be addressed," said Ebright.

CDC officials dispute any major problems. Yet, last June, the building housing the CDC's unopened BSL-4 labs suffered an hourlong power outage when backup power failed after a lightning strike. The BSL-4 suite lost its negative air pressure, one of several safety features that prevent air and germs from flowing out. CDC officials say the backup power problem has been fixed.

Nearly a year ago, The Atlanta Journal-Constitution requested the CDC release records about the power outage and the safety of the new BSL-4 labs under the Freedom of Information Act. The agency hasn't yet released any documents.

CDC spokesman Tom Skinner said the BSL-4 delays are not due to any critical safety or construction problems. Changes made since the CDC took possession of the building from contractors involve "enhancements" for additional worker safety and convenience and some additional security measures.

"It's not that the building would not have been operational without them. These were steps we took to make the lab better — more efficient and safer than the original design," Skinner said.

The cost of the changes was not immediately available, Skinner said, but came from the CDC's maintenance and repair budgets.

Skinner and Monroe said the physical changes in the labs are complete, but now additional time is needed to complete inspections and paperwork for certification to work with bioterror agents.

Dingell said he's concerned that the CDC is the federal agency charged with doing these lab inspections — even when it involves its own labs. He said it "makes for a peculiar arrangement in which the agency is inspecting itself — a built-in conflict of interest."

The CDC officials disagree there's a conflict, saying inspectors work for a different arm than the one that will operate the labs.

**Thrasher, III, Grady**

**Page 4 of 4**

Dingell, his committee and the Government Accountability Office have been investigating whether the proliferation of public and private bioterrorism labs poses public safety risks. In recent weeks, he also has been among several members of Congress who have questioned the CDC's delay in releasing a report on environmental dangers in Great Lakes states. Dingell is a Democrat from Michigan, one of the states in the report.

To reach staff writer Alison Young call 404-526-7372.

Thrasher, III, Grady

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WD0095

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**From:** Grady Thrasher, III [REDACTED]  
**Sent:** Monday, July 21, 2008 5:59 PM  
**To:** NBAFProgramManager  
**Subject:** FW: Emailing: The House Committee on Energy and Commerce Committee Schedule  
**Attachments:** The House Committee on Energy and Commerce Committee Schedule.htm

1| 27.2 | Please add the following to the scoping record from Athens, GA re the NBAF DEIS.

Thank you.

-----Original Message-----

**From:** Grady Thrasher, III [REDACTED]  
**Sent:** Thursday, May 22, 2008 8:55 AM  
**To:** Preskat@Bellsouth.Net  
**Subject:** Emailing: The House Committee on Energy and Commerce Committee Schedule

A reminder that the Congressional hearing on "Germs, Viruses and Secrets: Government Plans to Move Exotic Disease Research to the Mainland United States" will be held today beginning at 10 am. The attached page has a link to the video webcast of the hearing. The hearing, originally began in October 2007, was continued because DHS officials refused to appear or even answer pre-submitted written questions. Perhaps they will show and testify this time.

The hearing should provide interesting insight into the many still unanswered technical, safety, impact and cost questions regarding NBAF as well as an examination of the motives and rationale of those promoting the facility.

Best regards,

Grady Thrasher and Kathy Prescott  
for FAQinc. "For Athens Quality-of-life"

Comment No: 1      Issue Code: 27.0  
DHS notes the information submitted by the commentor.

Thrasher, III, Grady

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[Home Page](#) > [Committee Schedule](#) ( May 21, 2008 6:39 PM )

## Committee on Energy and Commerce -- Schedule

(Note: All hearings and markups will be available via either video or audio Web cast. The Web cast will begin generally 10 minutes before the meeting begins. **Windows Media Player** is required to view the Web cast. The archived Web cast should generally be posted to this site by close of business on the day the hearing or markup is held.)

### THURSDAY, MAY 22, 2008

**Germes, Viruses, and Secrets: Government Plans to Move Exotic Disease Research to the Mainland United States**

Subcommittee on Oversight and Investigations Hearing  
10:00 a.m. in room 2123 Rayburn House Office Building

[Witness List](#)

[Connect to the Video Webcast](#) (128 kbps)

The Committee on Energy and Commerce endeavors to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, or have any questions regarding special accommodations generally, please contact the Committee in advance of the scheduled event (5 business days notice is requested) at (202) 225-2927; TTY # (202) 225-1904; or 2125 Rayburn House Office Building, Washington, D.C. 20515.

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WD0109

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**From:** Grady Thrasher, III [REDACTED]  
**Sent:** Saturday, July 26, 2008 7:56 AM  
**To:** NBAFProgramManager  
**Subject:** Emailing: OnlineAthens.com Letters to the Editor Matt DeGennaro NBAF certainly could bring unwanted change 07-25-08  
**Attachments:** OnlineAthens.com Letters to the Editor Matt DeGennaro NBAF certainly could bring unwanted change 07-25-08.htm

1| 25.2 | Please include this letter and the comments attached as part of the NBAF scoping record for Athens, GA.

Thank you.

Comment No: 1      Issue Code: 25.2  
DHS notes the commentor's opposition to the South Milledge Avenue Site Alternative.

## Thrasher, III, Grady

## Page 2 of 2

WD0109

**Matt DeGennaro: NBAF certainly could bring unwanted change**

Story updated at 9:14 PM on Thursday, July 24, 2008

In his critique of my July 13 opinion piece headlined "NBAF isn't best idea for development," on the risks of bringing the National Bio- and Agro-Defense Facility to Athens-Clarke County, University of Georgia Vice President for Research David Lee writes I "fail(ed) to distinguish between a live, infectious virus and the attenuated or inactivated/non-infectious viruses mentioned in the EIS (the Draft Environmental Impact Statement on NBAF)."

Ambiguities and open-ended implications like these make it difficult for ordinary citizens to make informed decisions about the risks associated with NBAF. What does my "failure" actually mean in terms of the lab's procedures? Is Lee implying live virus will not be used in vaccine production at NBAF?

Lee (Forum, "NBAF risks, if any, small, manageable with training, technology," July 15) cites the redundancy built into research buildings, but that's not the issue I raised when I said the Department of Homeland Security didn't put safety first in choosing a location for NBAF. Distance from livestock, wildlife, pet and human population in case of accidental pathogen release or terrorism was not one of the stated site selection factors in the DHS call for applications. The convenience of scientists and lower costs - not safety - are driving the move to relocate the lab from an isolated island setting.

My point about the few permanent jobs at the lab open to local residents was not to analyze the economic benefits of NBAF, but to note the DEIS cites few permanent jobs at the lab open to local residents.

Supporters for months have been touting NBAF as a major local employer. It won't be.

And it is not "hyperbole" to say NBAF will change the face of Athens. No one can know what businesses, current and future residents, students, artists, musicians and others will simply be scared away if NBAF locates here, thereby - yes - changing the face of Athens.

**Matt DeGennaro** - Watkinsville

Published in the Athens Banner-Herald on 072508

Thrasher, III, Grady

Page 1 of 2

WD0123

From: Grady Thrasher, III [REDACTED]  
 Sent: Saturday, July 26, 2008 8:04 AM  
 To: NBAFProgramManager  
 Subject: FAQinc "For Athens Quality-of-life" letter to John Dingell (to be added to NBAF DEIS scoping record)

1) 25.2

FAQinc. "For Athens Quality-of-life"  
 196 Alps Road, Suite 2, Box 205  
 Athens, Georgia 30606  
[www.athensfaq.org](http://www.athensfaq.org)  
 [REDACTED]

July 23, 2008

Honorable John D. Dingell  
 Chairman, Committee on Energy and Commerce  
 U. S. House of Representatives  
 Washington, DC 20515

Dear Chairman Dingell:

Thank you for your actions to cause the Department of Homeland Security to be more forthcoming about its misguided effort to move the study of live foot and mouth disease virus (along with a changing list of foreign animal and zoonotic diseases) from the Plum Island Animal Disease Center to one of five targeted communities on the U.S. mainland.

We are particularly grateful for your efforts because we are from Athens, Georgia, one of the locations DHS is considering for its proposed National Bio and Agro Defense Facility, expected to be the world's largest BSL-4 and BSL-3AG biocontainment laboratory—exceeding the size of 2 ½ Super Wal-Mart's.

The University of Georgia, located in Athens, along with a consortium of most of Georgia's political representatives and a group of financially interested backers, are working in collusion with DHS to place this giant, unproven facility in the middle of our community, close to our schools, neighborhoods, recreational areas and places of worship. The site selection process thus far has been politically and financially motivated and has shown little concern for the safety of the community. Safety issues have been relegated to "trust technological advances".

We have now learned through your investigation with the Government Accountability Office that such blanket assurances of safety are disingenuous, at best. We've also learned, as a result of your Committee's action, information now confirmed by the recently released draft

Comment No: 1 Issue Code: 25.2

DHS notes the commentor's opposition to the South Milledge Avenue Site Alternative.

Thrasher, III, Grady

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WD0123

Environmental Impact Statement, that a release of FMD virus from NBAF could cause billions in economic losses. Further, a release involving any of the other pathogens to be studied at NBAF, some of which can be fatal to humans, have no known cure or remedy and are spread by mosquitoes and other insects (which will be bred in profusion in NBAF's "insectary), could cause the released pathogen to become permanently established in our environment because of Athens' warm, humid climate. And yet, DHS's misguided NBAF effort continues on—sort of a "Damn the facts, full speed ahead!" approach.

We are two retired citizens of Athens who have taken it upon ourselves to organize, inform and motivate our community at the grassroots level to oppose such foolish action by DHS and its enabling office holders, "stakeholders" and gainseekers. We have had to overcome disinformation from our University (exaggeration of economic benefit projections and understated safety concerns) and DHS, the disdain of local and state politicians and biased local press coverage to gain credible attention. But it was the action of your Committee and the report and testimony of the GAO during your and Representative Stupak's investigative hearings held in May this year that have done so much to uncover truth and turn the tide in favor of the people of Athens. For this, you have our sincere gratitude and appreciation.

Whether we win this fight remains to be seen. We are hopeful that the collective intelligence of those ultimately in power in Washington will agree with you, us and even DHS's own DEIS that Plum Island is the safest place to study live FMD virus and to locate NBAF. We hope a responsible Congress and administration will ultimately require DHS to cease its foolish "competition" the results of which could endanger the public health, safety and environment of Athens. And, as you know, an accident or intentional release of live FMD virus on the mainland in the middle of livestock country could catastrophically affect *the entire nation's* economy.

Sincerely,

(signed)

Kathy Prescott and Grady Thrasher

Thrasher, III, Grady

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WD0141

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**From:** [REDACTED]  
**Sent:** Friday, August 01, 2008 3:28 PM  
**To:** NBAFProgramManager  
**Subject:** OnlineAthens E-Mail a story to a friend

You've received a story from a friend.  
 Grady Thrasher [REDACTED] has sent you an article

1|25.2 | Grady Thrasher says: Please add this to the scoping record for Athens NBAF DEIS.  
 | Thank you.

\*\*\*\*\*

**RICHARD HARGROVE: LOCATING NBAF IN ATHENS WOULD COME AT GREAT COST**

As a Tuesday letter to the editor contended, opposition to siting the proposed National Bio- and Agro-Defense Facility in Athens-Clarke County should be focused on local decision-makers, because the majority of area citizens didn't consent to any invitation to the federal Department of Homeland Security to locate potential pestilence in our midst.

Homeowners should be duly concerned, and not because of alarmists, but because of evidence. Politicians have tried to ignore genuine concerns with the hope that critics would just go away. Many people, legitimately concerned about the slow local economy, are tempted by golden promises regarding NBAF. The spectacle of seeing academics losing objectivity through exaggeration about NBAF, and favoring secrecy, hasn't been pretty to watch.

One need not go beyond statements within the Draft Environmental Impact Statement released by DHS that indicate wildlife, vegetation, agriculture and human populations provide ample opportunity for viruses to spread rapidly in the event of a release. Mosquitoes infected with pathogenic organisms could lead to a "permanent reservoir of virus." According to the draft statement, NBAF would be safer for animal and human populations if located offshore - particularly at Plum Island, N.Y.

This article is continued... To read the rest of the article, please visit:  
[http://www.onlineathens.com/stories/072108/letters\\_2008072100143.shtml](http://www.onlineathens.com/stories/072108/letters_2008072100143.shtml)

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<http://onlineathens.com>

Comment No: 1      Issue Code: 25.2  
 DHS notes the commentor's opposition to the South Milledge Avenue Site Alternative.

Thrasher, III, Grady

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WD0143

Part Four -

**Myth #3 - NBAF will replace Plum Island, making this a one-for-one swap or zero-sum process**

Part Five -

**Myth #4 - Facilities like NBAF are tightly regulated by the Federal Government to prevent accidents and domestic terrorism**

Part Six -

**Myth #5 Facilities like NBAF are hubs for economic development/Biotech industry**

Part Seven

**Myth #6 - NBAF will conduct valuable research, bringing prestige and enhanced educational opportunity for UGA/Athens**

Part Eight

**Question and answer - What is the worst case release scenario?**

Part Nine

**Dr. Corrie Brown of UGA responds**

Part Ten

**Kathy Prescott and Grady Thrasher of FAQ regarding the economic impact of NBAF**

John Monroe of **GNAT** interviews Congressional Candidate **William Lawson, MD** on the proposed National Bio- & Agro-Defense Facility in Butner, North Carolina

Thrasher, III, Grady

Page 2 of 4

WD0143

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**From:** Grady Thrasher, III [REDACTED]  
**Sent:** Friday, August 01, 2008 4:05 PM  
**To:** NBAFProgramManager  
**Subject:** Videos | AthensFAQ

<http://athensfaq.org/content/video>

1|25.2 | Please include the videos shown at the above link on the scoping record for the NBAF DEIS relative to the Athens, GA location.

Thank you,

Grady Thrasher  
for Athens Quality-of-Life

Comment No: 1      Issue Code: 25.2

DHS notes the commentor's request. The transcripts of the scoping meetings will be included in the Administrative Record.

Thrasher, III, Grady

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WD0143

**Videos <http://athensfaq.org/content/video>**

**Plum Island: Deadly Diseases on the Move?**

AP Video - Government research on the feared foot-and-mouth virus may move from isolated Plum Island, N.Y. to a site on the mainland. The question is if the virus escaped, could an outbreak be contained? (April 11 2008)

**Proposed NBAF Site**

Currently used as pasture for up to 100 horses stabled at the UGA Livestock Arena at S. Milledge Ave. and Simonton Bridge Rd./Whitehall Rd.

**Bio-Lab in Athens Creates Concern - WNEG TV**

Kathy Prescott and Grady Thrasher of AthensFAQ discuss NBAF on News Channel 32 WNEG-TV

**MYTHS ABOUT NBAF**

Edward Hammond of [The Sunshine Project](#) - the international watchdog organization that monitors the proliferation and mismanagement of highly dangerous pathogen laboratories in the U.S and abroad - speaks at The University of Georgia January 22, 2008. 10 Parts.

Part One - Intro

Part Two -

**Myth #1 - Because NBAF will work on animal diseases, the risks to humans are fewer and there is less reason for community concern**

**Myth #2(A) -(Lie) NBAF will have only small quantities of bioweapons agents**

**Myth #2(B) - The infections can't spread**

Part Three -

**Myth #2(C) - If released, the bugs will die before they can cause harm**

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WD0143

VVH-TV News Chief Investigative Reporter Karl Grossman interviews author Long Island native and lawyer **Michael Christopher Carroll** about his work "[Lab 257](#)". This work takes us on a shocking journey inside the notorious Plum Island biological research facility.

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exposed in a future attack, including enough antibiotics to treat more than 40 million Americans who might be exposed to anthrax and nearly five million bottles of a special potassium iodide liquid that helps protect infants from harm caused by nuclear fallout.

The deal for the \$877 million contract that included Dr. Ivins's vaccine collapsed in 2006 after the contractor, VaxGen of Brisbane, Calif., missed deadlines. VaxGen, in a licensing agreement with the Army to produce the vaccine, listed two patents held by Dr. Ivins and his colleagues. The possibility that Dr. Ivins could earn royalties from the patents was first reported by The Los Angeles Times.

Arthur Friedlander, one of Dr. Ivins's collaborators in the work that led to the anthrax vaccine patent in 2002, declined to comment when asked Saturday if he and others who had worked on the project stood to gain financially. He referred the question to an Army spokeswoman, who did not respond to a request for comment.

Dr. Ivins's lawyer, Mr. Kemp, said he could not comment on the notion that Dr. Ivins stood to earn royalties from vaccine patents because of attorney-client privilege.

VaxGen had agreed to pay royalties to the Army in exchange for the license to produce the new anthrax vaccine, according to federal financial disclosure it filed. And Army policy would allow the inventor to receive up to \$150,000 a year "of any royalties/payments resulting from commercial licensure."

It is unclear what the deal in this case might have been, or how the royalties might have been split among the five researchers whose names were on the patent.

Addressing the issue of bioterrorism spending, Michael Greenberger, director of the Center for Health and Homeland Security at the [University of Maryland](#), said he was convinced that the increase had left the nation better prepared for an attack, without creating significant new vulnerabilities.

"You can never say that the system is 100 percent secure," Mr. Greenberger said. "But the research ethic today is one of much greater discipline and focus on security than was true prior to the anthrax attacks."

Mr. Stupak, the congressman from Michigan, remains concerned.

Thrasher, III, Grady

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WD0154

From: Grady Thrasher, III [REDACTED]  
Sent: Saturday, August 02, 2008 7:26 PM  
To: [REDACTED]  
Subject: FW: LOOK AT THIS - "Anthrax Case Renews Questions on Bioterror Effort"

1|27.0

-----Original Message-----

From: Matt DeGennaro [REDACTED]  
Sent: Saturday, August 02, 2008 6:33 PM  
To: Grady Thrasher, III; Kathy Prescott; Judiawriter; Nancy zechella  
Subject: LOOK AT THIS - "Anthrax Case Renews Questions on Bioterror Effort"

THIS LOOKS LIKE IT'S GOING TO BE IN TOMORROW'S SUNDAY TIMES!

"Anthrax Case Renews Questions on Bioterror Effort"

[http://www.nytimes.com/2008/08/03/us/03anthrax.html?pagewanted=2&\\_r=1&hp](http://www.nytimes.com/2008/08/03/us/03anthrax.html?pagewanted=2&_r=1&hp)

stupak at end of article:

**"You have all these universities tripping over each other trying to be high-level biosecurity labs," he said. "What the nation gets is a very expensive bill, less security and a greater risk to the surrounding communities."**

Comment No: 1      Issue Code: 27.0  
DHS notes the information submitted by the commentor.

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nytimes.com

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August 3, 2008

## Anthrax Case Renews Questions on Bioterror

By [ERIC LIPTON](#) and [SCOTT SHANE](#)

WASHINGTON — Until the anthrax attacks of 2001, [Bruce E. Ivins](#) was one of just a few dozen American bioterrorism researchers working with the most lethal biological pathogens, almost all at high-security military laboratories.

Today, there are hundreds of such researchers in scores of laboratories at universities and other institutions around the United States, preparing for the next bioattack.

But the revelation that [F.B.I.](#) investigators believe that the anthrax attacks were carried out by Dr. Ivins, an Army biodefense scientist who committed suicide last week after he learned that he was about to be indicted for murder, has already re-ignited a debate: Has the unprecedented boom in biodefense research made the country less secure by multiplying the places and people with access to dangerous germs?

“We are putting America at more risk, not less risk,” said Representative Bart Stupak, Democrat of Michigan and chairman of a House panel that has investigated recent safety lapses at biolabs.

F.B.I. investigators have long speculated that the motive for the attacks, if carried out by a biodefense insider like Dr. Ivins, might have been to draw public attention to a dire threat, attracting money and prestige to a once-obscurer field.

If that was the motive, it succeeded. In the years since anthrax-laced letters were sent to members of Congress and news organizations in late 2001, killing five people, almost \$50 billion in federal money has been spent to build new laboratories, develop vaccines and stockpile drugs.

After the attacks, for example, an experimental vaccine Dr. Ivins had spent years working on moved from the laboratory to a proposed \$877 million federal contract, though the deal collapsed two years later. Federal documents suggest that Dr. Ivins,

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along with several colleagues, might have earned royalties had the contract gone forward, but the deal ultimately collapsed.

Dr. Ivins's lawyer, Paul F. Kemp, and some of the scientist's colleagues insist that he was innocent. Mr. Kemp said by e-mail on Saturday that news reports that his client had considered agreeing to a plea bargain were "entirely spurious." And a senior law enforcement official said that discussions between investigators and Mr. Kemp were "preliminary" and routine and did not represent any active discussion of a plea bargain.

But officials at the Justice Department and the Federal Bureau of Investigation on Saturday appeared confident that they had the right man. They said they were still weighing how and when to seek an end to the grand jury investigation.

"That's not a decision we're going to make lightly," said one Justice Department official who spoke on condition of anonymity because he was not authorized to discuss internal deliberations. "There won't be a rush to judgment."

As prosecutors consider how to proceed in the wake of Dr. Ivins's death, federal officials say they are convinced that the increase in biodefense spending has brought real gains.

"Across the spectrum of biothreats we have expanded our capacity significantly," said Craig Vanderwagen, an assistant secretary at the [Department of Health and Human Services](#) who oversees the biodefense effort. Systems to detect an attack, investigate it and respond with drugs, vaccines and cleanup are all hugely improved, Dr. Vanderwagen said. "We can get pills in the mouth," he said.

Supporters of the spending increase cite studies that project apocalyptic tolls from a large-scale biological attack. One 2003 study led by a Stanford scholar, for instance, found that just two pounds of anthrax spores dropped over an American city could kill more than 100,000 people, even if [antibiotic](#) distribution began quickly.

And there is ample evidence that Qaeda leaders have shown interest in using biological weapons. Yazid Sufaat, a Malaysian-born Qaeda biochemist who trained in the United States, spent several months in 2001 trying to cultivate anthrax in Kandahar, Afghanistan.

Yet nearly seven years have passed without another biological attack, which has reduced

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the sense of urgency about the bioterrorist threat, even among some specialists.

"I think it's an important risk, but frankly I'm more concerned about bombs and guns, which are easily available and can be very destructive," said Randall S. Murch, a former F.B.I. scientist who has studied ways to trace a bioterrorist attack to its source.

And Congressional investigators recently warned that the proliferation of biodefense research laboratories presents real threats, too.

More people in more places handling toxic agents create more opportunities for an accident or intentional misuse by an insider, Keith Rhodes, an investigator with the [Government Accountability Office](#), said at a Congressional hearing in October.

Nationwide, an estimated 14,000 people work at about 400 laboratories and have permission to work with so-called select agents, which could be used in a bioterror attack, although not all are authorized to handle the most toxic substances, like anthrax. With so many people involved, there is insufficient federal oversight of biodefense facilities to make sure the laboratories follow security rules and report accidents that might threaten lab workers or lead to a release that might endanger the public, Mr. Rhodes testified.

In effect, the government may be providing the tools that a would-be terrorist could use, said Richard H. Ebright, a [Rutgers University](#) biochemist and vocal critic of the federal increase in biodefense spending.

"One well-placed student, technician or senior scientist — no cost, with the salary being provided courtesy of the U.S. taxpayer — and no risk, no difficulty," Mr. Ebright said. "That is all it takes."

Heightening the concern has been a string of accidents at certain new or expanded biodefense laboratories, several of which were not properly reported to the authorities when they took place.

One of the first accidents was in Dr. Ivins's lab in late 2001, when he and his colleagues were aiding the federal investigation of the anthrax attacks and spores accidentally spilled outside the secure area. He failed to report the event to his superiors and instead tried to disinfect the contaminated areas, according to an Army report, which

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concluded, "Adherence to institute safety procedures by laboratory personnel is lax."

In early 2006, at [Texas A&M University](#), a worker was infected with Brucella bacteria, a pathogen common in livestock that can cause flulike symptoms like [fever](#), fatigue and [joint pain](#), although it is rarely fatal. Later, three researchers at the same lab were infected with [Q fever](#), another cattle-borne disease that can cause serious but generally not fatal illness in humans.

After the two incidents belatedly became public, federal officials temporarily shut down the laboratory, citing a series of safety shortcomings, like unapproved experiments and staff members given access to the dangerous agents even though they had not been approved to handle them.

Apart from the insider threat, some public health experts believe money used to study obscure pathogens that are not a major disease problem could be better directed to study known killers like [influenza](#) or [AIDS](#).

Partly in response to this criticism, government officials now often talk about how strengthening the systems necessary to respond to a terror attack would also prepare the country for a natural epidemic like avian [flu](#).

As experts debate threats, nervous neighbors of expanding biodefense facilities have repeatedly rallied to try to defeat them. At Fort Detrick in Maryland, some residents have opposed the construction of a "national biodefense campus" slated to include a new building to house the [United States Army](#) Medical Research Institute of Infectious Diseases, where Dr. Ivins worked for many years before his suicide. Three other new laboratories on the campus will be operated by the Departments of Homeland Security, Health and Human Services, and Agriculture.

Proponents say clustering the laboratories on a military base will encourage safe scientific collaboration and save money through sharing of some facilities.

The buildup, and the related increase in research, has brought some important advances, federal officials argue, like promising new experimental vaccines or therapies to treat [smallpox](#) or Ebola virus.

The country now also has an expanded stockpile of vaccines and drugs to treat anyone

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“You have all these universities tripping over each other trying to be high-level biosecurity labs,” he said. “What the nation gets is a very expensive bill, less security and a greater risk to the surrounding communities.”

*Eric Lichtblau and William J. Broad contributed reporting.*

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WD0155

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**From:** Grady Thrasher, III [REDACTED]  
**Sent:** Sunday, August 03, 2008 7:33 AM  
**To:** davison@athensclarkecountyga.gov; hoard@athensclarkecountyga.gov;  
lynn@athensclarkecountyga.gov; herod@athensclarkecountyga.gov;  
girtz@athensclarkecountyga.gov; kinman@athensclarkecountyga.gov;  
jordan@athensclarkecountyga.gov  
**Cc:** mdavis@oconee.ga.us; jluke@oconee.ga.us; dnorris@oconee.ga.us;  
margarethale@oconee.ga.us; chorton@oconee.ga.us  
**Subject:** FW: accidents at Fort D

1 | 27.0

[And who wants NBAF in our community?](#)

-----Original Message-----

**From:** Nancy zechella [REDACTED]  
**Sent:** Saturday, August 02, 2008 10:57 PM  
**To:** Grady Thrasher; Kathy Prescott; matt degennaro  
**Subject:** accidents at Fort D

Hey you all,  
This tells you some of the accidents at Fort D. It had never entered my mind the the sewer pipes might leak.  
Nancy  
<http://www.washingtonpost.com/wp-dyn/content/article/2008/08/01/AR2008080101616.html?hpid=topnews&sid=ST2008080101023&pos=>

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Comment No: 1      Issue Code: 27.0  
DHS notes the information submitted by the commentor.

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### Lab and Community Make for Uneasy Neighbors

*By Aaron Davis, Michael E. Ruane and Nelson Hernandez*  
Washington Post Staff Writers  
Saturday, August 2, 2008; Page A10

Across the street from the razor wire guarding Fort Detrick, the people living along Military Road would see the strange cars and SUVs with the tinted glass come and go like clockwork.

**THIS STORY**

[Scientist Set to Discuss Plea Bargain In Deadly Attacks Commits Suicide](#)

[BRUCE E. IVINS: A Scientist's Quiet Life Took a Darker Turn](#)

[For Survivors and Families, Some Relief, Mixed Emotions](#)

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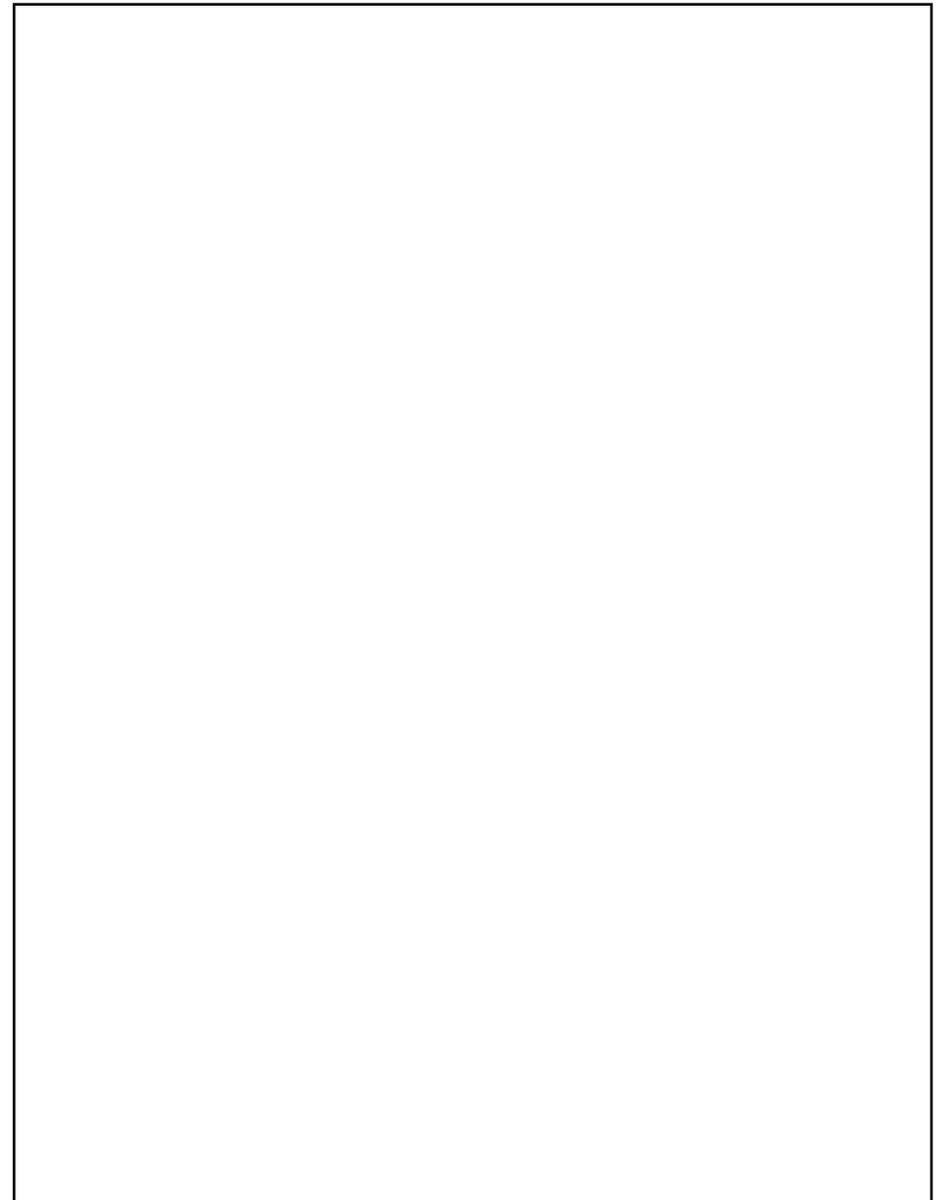


Near the Frederick County home of Bruce E. Ivins, a suspect in the anthrax attacks who committed suicide, a woman rides a scooter past a line of television satellite trucks and other vehicles. (By Susan Biddle - The Washington Post)

[Buy Photo](#)

Sometimes the neighbors could tell the hour of the day by the 4 p.m. shift change of the mysterious cars staking out the home of microbiologist Bruce E. Ivins.

"One car would pull up and the other would pull away," recalled neighbor Natalie Duggan, 16.



## Thrasher, III, Grady

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At other times, the cars would block a driveway, and residents would ask the drivers to move. Then the cars would vanish for a few days, only to return.

Early Sunday morning, the cars were replaced by a firetruck and ambulance, neighbors said, after Ivins, 62, was found unconscious from an overdose of acetaminophen. Ivins, who had become a leading suspect in the 2001 anthrax attacks, died Tuesday. He had committed suicide, officials said.

His death and its link to the anthrax attacks raised again the underlying tension between Fort Detrick and the community around it. The Army post is at once Frederick County's largest employer and its biggest worry, given the dangerous pathogens handled at the bioweapons laboratory and a large expansion now planned.

"There's always been an uneasiness," County Commissioner David P. Gray said yesterday. "Fort Detrick is surrounded by residential communities."

It was there in 1989 that experts identified the deadly Ebola virus in a monkey imported to the area from the Philippines.

It was there in 1992 that groundwater was found to be contaminated and in 1995 that a tiny but worrisome leak was found in a sewer line leading from laboratories that handled deadly microbes.

It was there in 2002 that old syringes and vials containing live bacteria and rat embryos in formaldehyde were found during cleanup of a dump site, and anthrax spores were found to have been accidentally released in a building on the base.

And it was only a few miles away in 2003 that the FBI drained 1.45 million gallons of water from a pond in a bizarre search for clues in the anthrax case. Investigators found a bicycle, a gun and some fishing lures, none related to the probe.

In June, the government agreed to pay former Fort Detrick biological-weapons expert Steven J. Hatfill a

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settlement valued at \$5.85 million to drop a lawsuit he filed after the Justice Department named him a "person of interest" in the anthrax investigation.

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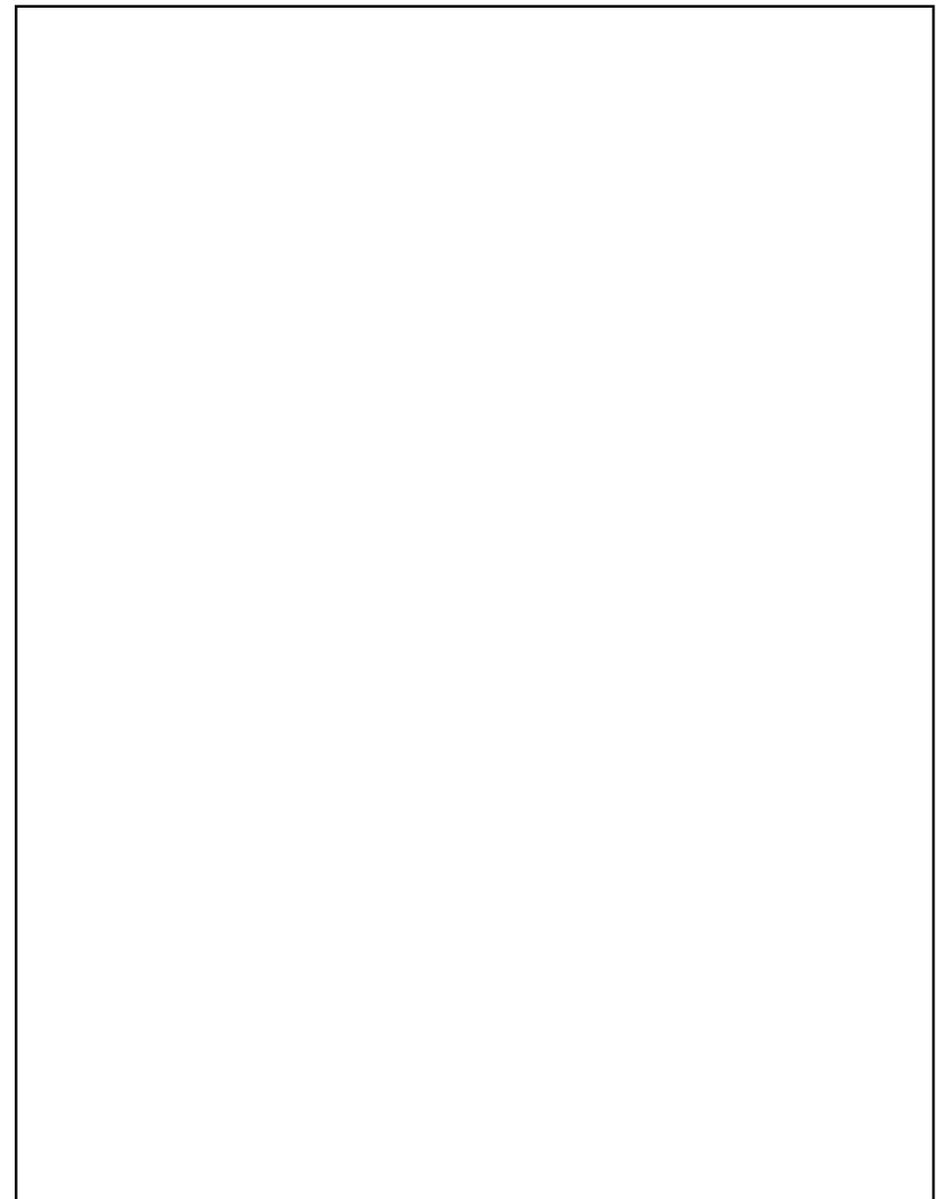
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Thrasher, III, Grady

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WD0156

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**From:** Grady Thrasher, III [REDACTED]  
**Sent:** Sunday, August 03, 2008 8:01 PM  
**To:** [REDACTED] Mayor@Athensclarkecounty. Com; mdavis@oconee.ga.us  
**Subject:** Emailing: The Associated Press Is another Bruce Ivins lurking in a biolab?  
**Attachments:** The Associated Press Is another Bruce Ivins lurking in a biolab.htm

1| 27.0 | Some more required reading relevant to NBAF.

Comment No: 1      Issue Code: 27.0  
DHS notes the information submitted by the commentor.

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WD0156

## Is another Bruce Ivins lurking in a biolab?

By LARRY MARGASAK and DAVID DISHNEAU – 2 hours ago

WASHINGTON (AP) — There could be another Bruce Ivins lurking in a biodefense laboratory anywhere in America.

These research facilities have expanded so quickly since the anthrax attacks in 2001 that the U.S. government cannot keep close tabs on the sites or their thousands of scientists. At most labs, security procedures are designed to prevent accidents, not weed out people like Ivins who work with deadly toxins while privately battling dark psychological problems.

Military laboratories have policies intended to spot mentally troubled scientists. But those policies apparently weren't enough to flag Ivins, with his reported history of homicidal and sociopathic behavior. He killed himself Tuesday, knowing prosecutors were about to charge him with murder.

At private and academic labs, the policies are even more lax.

An estimated 14,000 scientists are cleared by the government to work with the most dangerous substances known as "select agents." Nearly all of them have access to potential biological weapons.

There is little to stop one of them, especially an investigator in charge of his own lab, from smuggling out an anthrax spore, for example, on a cotton swab.

"You cannot persuade me there are not more disturbed or disgruntled persons with a political agenda in such a large group," Richard Ebright, a chemistry professor at Rutgers University who has closely followed the lab expansion, said in an interview Sunday.

Ebright said President Bush's response to the 2001 anthrax cases increased the risk of further attack. While a biodefense program is needed, he said the president should have reduced — not increased — the number of scientists with access to potential biological weapons. Yet the administration pumped billions of dollars into the program, swelling the number of labs to nearly 1,400.

Rep. Elijah Cummings, D-Md., a member of the House Armed Services Committee, said the Ivins case revealed a potential security flaw in the biological defense system. He said it would be irresponsible for Congress not to investigate.

"People given these kinds of responsibilities, with this kind of power at their fingertips, we have to make sure that they are not likely to do harm to others or misuse that authority — be it intentionally or be it because of some mental problem," he said. "These kinds of situations cry out for reexamination of our standards."

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Ivins worked at an Army biodefense laboratory at Fort Detrick for 35 years. During that tenure, authorities twice tightened policies aimed at barring mentally unstable workers handling the world's deadliest pathogens.

In 2003, as a result of the anthrax attacks, the FBI began conducting security risk assessments. Ivins would have filled out a form inquiring, among things whether he had ever "been adjudicated as a mental defective or been committed to any mental institution." There is no indication Ivins fell into either category.

A senior FBI official, speaking on condition of anonymity because he was not authorized to speak about the ongoing investigation, confirmed that Ivins' mental health problems probably would not have been flagged by the standard FBI review.

Yet Ivins had attempted to poison people as far back as 2000 and his therapist said she was "scared to death" of him, according to court testimony that emerged Saturday. Social worker Jean Duley testified at a court hearing in Frederick, Md., on July 24 in a successful bid for a protective order from Ivins that he "actually attempted to murder several other people."

In 2005, the Pentagon ordered new "biosurety" safeguards requiring workers such as Ivins to be "mentally alert, mentally and emotionally stable." The program was meant to ferret out workers with mental problems and those who attempted or threatened suicide.

Kathleen Carr, a former Army medical research official who helped implement the biosurety program at Fort Detrick, said it was up to Ivins to self-report any problems that might disqualify him from his work. Carr, a former colleague of Ivins, acknowledged that workers can ignore the self-reporting rule.

She said she never saw signs of Ivins' mental illness, even as recently as April.

"He seemed his usual collegial self," she said.

Dr. W. Russell Byrne, who worked with Ivins before retiring four years ago, said a mental illness could have escaped detection during the annual physicals required of those working with biosafety level 3 pathogens such as anthrax, but "hiding it from your co-workers — that would have been very, very difficult."

For the thousands of scientists working outside the Pentagon system, the rules are even more lax. Federal law restricts access to biological agents if scientists have been judged mentally defective or committed to a mental institution. Felons, fugitives, drug users, illegal immigrants and those from countries supporting terrorism are also barred.

These limitations would not exclude a white supremacist, a radical Islamist or someone with homicidal tendencies who was not declared mentally ill, indicted or convicted of a felony.

Rep. Bart Stupak, D-Mich., who has been investigating biodefense lab safety, said much of the expansion has been at university facilities that have students from many countries.

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"Universities are pretty sloppy. It's an academic setting, not a security setting," said Stupak, who heads the investigative panel of the House Energy and Commerce Committee.

Jonathan B. Tucker, a Washington expert on biological weapons, said stricter rules will come with a price.

"You're basically going to scare off any scientist from wanting to work in this field if it becomes even more stringent," he said. "It is a balance. It's a policy decision about how stringent we want to be."

Edward Hammond, who has followed biolab safety since 1999 as head of the Sunshine Project, said the culture at bioweapons laboratories works against spotting a senior scientist who wants to do harm.

"The principal investigators rule the roost in their labs," Hammond said. "One of the complaints by people who work in safety and security is, they can't get the time of day from people running the labs."

Security questions "are viewed as deeply offensive by a lot of scientists, as if their patriotism is being questioned," Hammond said.

The Government Accountability Office reported last fall that no federal agency is responsible for determining the risks associated with the proliferation of labs.

"Though several agencies have a need to know, no one agency knows the number and location of these labs in the United States," according to the investigative arm of Congress.

Ivins took a fatal dose of acetaminophen, the active drug in Tylenol, as federal authorities monitored his movements and prepared to charge him with the murder of five people who died from anthrax poisoning in the weeks after the Sept. 11 attacks.

*Associated Press writers Matt Apuzzo and Lara Jakes Jordan contributed to this report. David Dishneau reported from Hagerstown, Md.*

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Thrasher, III, Grady

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WD0166

**HOMELAND SECURITY, WITHOUT MEANINGFUL  
COMMUNITY OVERSIGHT, FOREVER.**

8/5/2008

Thrasher, III, Grady

Page 2 of 2

WD0166

From: Grady Thrasher, III [REDACTED]  
 Sent: Monday, August 04, 2008 8:12 AM  
 To: NBAFProgramManager  
 Subject: WHY NBAF IS NOT RIGHT FOR ATHENS (Please add this to the scoping record for the NBAF DEIS for Athens, GA--thank you)

### WHY NBAF IS NOT RIGHT FOR ATHENS

- 1| 23.2 | **1. It will be HUGE (the size of 5 “regular” Wal-marts or 2 ½ SUPER Wal-marts).**
- 2| 23.2 | **2. It’s CONSTRUCTION, alone, will degrade our fragile environment, stress our utilities infrastructure, threaten our limited water resources (the Oconee River) and adversely affect our quality of life for YEARS.**
- 3| 21.2 | **3. It will be DANGEROUS. Experimenting on herds of large animals with many of the world’s most lethal, incurable and contagious germs and viruses creates a potential, however remote, of an accident or malicious act which could be catastrophic to the community.**
- 4| 23.2 | **4. It’s LOCATION would be too close to our schools, churches, neighborhoods and ecological recreation centers (such as the STATE BOTANICAL GARDEN). Why? “For the convenience of researchers and to promote collaboration with UGA staff”.**
- 5| 23.2 | **5. It will be a federal BIO-TERROR DEFENSE FACILITY, operated by the DEPARTMENT OF**

Comment No: 1 Issue Code: 23.0

DHS notes the commentor’s concern regarding the visual effects of the NBAF at the South Milledge Avenue Site, which are described in Section 3.2.3 of the NBAF EIS. The NBAF would be similar in size to a 400-bed hospital or 1,600 student high school. DHS recognizes that the NBAF would be a distinctive, visible feature and would alter the viewshed of the area.

Comment No: 2 Issue Code: 23.0

DHS notes the commentor’s concern regarding effects of the NBAF to the environment. As indicated in Sections 3.8.3.2 and 3.8.3.3 of the NBAF EIS, construction and normal operations of the NBAF would have no direct impact on the State Botanical Garden or IBA. The NBAF would affect primarily pasture areas that have low wildlife habitat value due to their disturbed condition, lack of native vegetation, and lack of wildlife food and cover. The forested portion of the NBAF site along the Oconee River is a high-value riparian wildlife corridor that connects the State Botanical Garden with the IBA. However, impacts to the forested riparian area would be minor (0.2 acre), and these impacts would occur within the existing pasture fence-line in areas that have been disturbed by grazing. The high-value forested riparian corridor would be preserved; and therefore, the NBAF would not have significant direct impacts on wildlife dispersal between the State Botanical Garden and the IBA. The potential impacts of an accidental release on wildlife are addressed in Section 3.8.9. Birds are not susceptible to diseases that are currently designated to be studied at the NBAF. Although the NBAF EIS acknowledges the potential for significant impacts on other species of wildlife in the event of an accidental release, the risk of such a release is extremely low (see Section 3.14). It has been shown that modern biosafety laboratories can be safely operated in populated areas and in areas with abundant wildlife. State-of-the-art biocontainment facilities such as the Centers for Disease Control and Prevention in downtown Atlanta, Georgia, employ modern biocontainment technologies and safety protocols, such as would be employed in the design, construction, and operation of the NBAF. Furthermore, the purpose of the NBAF is to combat diseases that could have significant effects on wildlife. Section 3.13.8 describes the waste management processes that would be used to control and dispose of NBAF’s liquid and solid waste. Sections 3.3.3 and 3.7.3 describe standard methods used to prevent and mitigate potential spills and runoff affects. Section 3.10.3.1.3 describes local response capabilities and Section 3.14.4.5 describes an accidental release’s site specific consequences.

Comment No: 3 Issue Code: 21.2

DHS notes the commentor’s concern regarding the NBAF. The purpose and need for the proposed action is discussed in Chapter 1 of the NBAF EIS. DHS can not guarantee that the NBAF would never experience an accident. However, as discussed in Section 2.2.1.1, modern biosafety design substantially diminishes the chances of a release as the primary design goal is to provide an adequate level of redundant safety and biocontainment that would be integrated into every component of the building. A discussion of human health and safety is included in Section 3.14. Accidents could occur in the form of procedural violations (operational accidents), natural phenomena

accidents, external events, and intentional acts. Although some accidents are more likely to occur than others (e.g., safety protocol not being followed), the chances of an accidental release are low. The specific objective of the hazard identification, accident analysis, and risk assessment is to identify the likelihood and consequences from accidents or intentional subversive acts. In addition to identifying the potential for or likelihood of the scenarios leading to adverse consequences, this analysis provides support for the identification of specific engineering and administrative controls to either prevent a pathogen release or mitigate the consequences of such a release. The risk of an accidental release of a pathogen is extremely low.

Comment No: 4                      Issue Code: 23.0

As described in Section 2.3.1, DHS's site selection criteria included, but were not limited to, such factors as proximity to research capabilities and workforce. As such, some but not all of the sites selected for analysis as reasonable alternatives in the NBAF EIS are located in suburban or semi-urban areas. Nevertheless, it has been shown that modern biosafety laboratories can be safely operated in populated areas. An example is the Centers for Disease Control and Prevention in downtown Atlanta, Georgia, where such facilities employ modern biocontainment technologies and safety protocols, such as would be employed in the design, construction, and operation of the NBAF.

Comment No: 5                      Issue Code: 23.0

DHS notes the commentor's question regarding whether oversight of NBAF operations would include representatives from local municipalities. Procedures and plans to operate the NBAF will include the Institutional Biosafety Committee, which will include community representatives as described in Section 2.2.2.6 of the NBAF EIS. Should a decision be made to build NBAF and the site selected, DHS would begin transition and operational planning which would include consideration of policies and procedures for public participation, education, and also public advisory initiatives. After DHS determines the viability and nature of such a public advisory and oversight function, appropriate roles and responsibilities would be defined.

Thrasher, III, Grady

Page 1 of 2

WD0198

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**From:** Grady Thrasher, III [REDACTED]  
**Sent:** Thursday, August 07, 2008 4:17 PM  
**To:** davison@athensclarkecountyga.gov; Mayor@AthensClarkecounty. Com  
**Cc:** hoard@athensclarkecountyga.gov  
**Subject:** Emailing: OnlineAthens.com News Officials doubt lab a danger 01-24-08  
**Attachments:** OnlineAthens.com News Officials doubt lab a danger 01-24-08.htm

Dear Heidi,

1|27.0

I just reread your quotes in the ABH article re NBAF (attached) dated January 24, 2008. Can you elaborate, now that you actually have before you in reports from the Congressional Accountability Office and the DEIS itself containing facts you previously chose to ignore or trivialize, to just what "misinformation and hyperbole" were you referring in the ABH article? Later, you were quoted as saying that if you heard anything (about NBAF) that "might compromise our community", you would change your mind about supporting NBAF in Athens. Have you heard or read anything from credible sources since January about NBAF that "might compromise our community"? Will the ACC Commissioners take any official action on the issues presented in the NBAF DEIS?

Just wondering. I hope you have read the copy we gave you of the GAO report delivered to Congress in May, and that some disinterested, qualified expert is guiding you through the DEIS.

Look forward to seeing you at the scoping meetings August 14.

Best regards,

Grady Thrasher  
"For Athens Quality-of-life"  
www.athensfaq.org

Comment No: 1      Issue Code: 27.0  
DHS notes the information submitted by the commentor.

## Thrasher, III, Grady

## Page 2 of 2

WD0198

**Officials doubt lab a danger****Won't oppose NBAF**

By Blake Aued | [blake.aued@onlineathens.com](mailto:blake.aued@onlineathens.com) | Story updated at 11:58 PM on Thursday, January 24, 2008

Opponents of a proposed bioresearch lab in Athens are using scare tactics to fight it, and they're not working, Athens-Clarke Mayor Heidi Davison said Wednesday.

Davison supports the National Bio- and Agro-defense Facility, but has said she could be persuaded to change her mind. A speech Tuesday by Edward Hammond, a critic of biodefense programs, did nothing to sway her, she said.

"I've heard a lot of misinformation and hyperbole, but I haven't heard any facts," she said.

Elected officials in the towns of Creedmoor and Stem, N.C., and Granville County, N.C., another finalist for NBAF, have passed resolutions opposing the \$450 million facility. Athens-Clarke commissioners will not follow suit, she said.

Many of NBAF's opponents are critical of President Bush and the U.S. Department of Homeland Security, which would build and run the lab, but are using similar fear mongering to fight it by spreading rumors of armed guards and deadly strains of influenza, she said.

"The very thing they despise is the very tactic they're using," she said. "They're not open to anything but their own cynicism."

Davison and at least four commissioners - Kelly Girtz, Kathy Hoard, Andy Herod and Alice Kinman - attended all or part of the Tuesday meeting at the Georgia Center for Continuing Education, sponsored by a new citizens' group called For Athens Quality-of-life, or FAQ.

Girtz and Herod said they think most of the opposition to NBAF is because it's proposed by DHS. If another agency wanted to build it, the facility would attract little notice, they said.

"I'm really concerned about the accuracy of every piece of information on this" that was presented Tuesday night, Girtz said.

Hoard, who sits on a citizens' advisory committee for another high-security bioresearch lab, the University of Georgia Animal Health Research Center, said she has heard nothing to lead her to reverse her support of NBAF.

"Certainly there are some concerns, but the merits of the project far outweigh the concerns at this point," she said.

Kathy Prescott, the organizer behind Tuesday's meeting, could not be reached for comment Wednesday.

Hammond, U.S. director of the Sunshine Project, a Texas watchdog group, said Tuesday that he thinks researchers at NBAF will study biological weapons such as anthrax. Homeland Security's official list of eight diseases that will be studied at NBAF does not include any that are used as weapons or that can be transmitted from human to human.

Federal officials fear terrorists could bring a disease like foot-and-mouth into the United States, and want to build the lab to research cures and vaccines. The 500,000-square-foot lab will be Bio-Safety Levels 3 and 4 - the highest possible security standard - but Hammond and other critics contend that disease outbreaks still occur.

DHS is considering a 67-acre UGA-owned site off South Milledge Avenue, along with sites in Butner, N.C.; Manhattan, Kan.; San Antonio and Flora, Miss., along with Plum Island, N.Y., the site of an existing federal animal disease research lab. The department is expected to release an Environmental Impact Statement on the finalists this spring, and make a final decision this fall.

Published in the Athens Banner-Herald on 012408

## Thrasher, III, Grady

## Page 1 of 3

WD0209

**From:** Grady Thrasher, III [REDACTED]  
**Sent:** Thursday, August 07, 2008 6:01 PM  
**To:** NBAFProgramManager  
**Subject:** FW: DEIS vs. Federal Register language

Dear Mr. Johnson,

115.0 The email below contains a couple of important questions regarding the DEIS. In addition, two more basic questions about the DEIS are: Although inaccurate in many respects (which we will demonstrate in detail at the Athens scoping meetings), the DEIS seems to go to great lengths to show all 5 potential sites as essentially "equal", with Plum Island a better choice because of safety considerations. So, just what new information will the FEIS contain, and from what sources, that will cause a "preferred alternative" to become apparent? Given the catastrophic scope of a potential accident with FMD virus or vector-borne BSL-4 diseases on the mainland, what rationale would be used to place NBAF in any location less safe than Plum Island?

I look forward to your response.

Grady Thrasher  
 for FAQinc. "For Athens Quality-of-life"

-----Original Message-----

**From:** Kathy Prescott [REDACTED]  
**Sent:** Thursday, August 07, 2008 4:08 PM  
**Subject:** DEIS vs. Federal Register language

This is interesting. The language is different from page 2-50 in the DEIS (that talks about a Preferred Alternative and the Record of Decision). I was looking for the threat and risk assessment and came up with this.

FIRST: It says to ASK QUESTIONS contact James Johnson at that address!!!! WE HAVE LOTS OF QUESTIONS!!!!

THEN: It lists 6 reports that will be considered - not 5. Why leave the last one out of the DEIS?

AND: Fed. Register says, "... USDA, A MAJOR STAKEHOLDER IN THIS ENDEAVOR  
 DEIS says, "... USDA, A CONSULTING AGENCY IN THIS ENDEAVOR

1. Why the distinction? Isn't the Federal Register the document of record?

*DHS has not identified a Preferred Alternative. The evaluation conducted during the NEPA process will be used in conjunction with other factors to assist DHS in selecting the proposed federal action. Additional studies are being performed concurrently with this EIS that will provide important decision-making information. Results of these studies will be used in the development of the Final EIS and the Record of Decision (ROD). In order to make these decisions and formulate the ROD, the following reports will be considered: (1) EIS, (2) Threat and Risk Assessment, (3) Site Cost Analysis, (4) Site Characterization Study, (5) Plum Island Facility Closure and Transition Cost Study; and (6) Prior analysis of the alternative sites against DHS's site*

Comment No: 1 Issue Code: 5.0

Several factors will affect the decision on whether or not the National Bio and Agro-Defense Facility is built, and, if so, where. The environmental impact statement (EIS) itself will not be the sole deciding factor. The decision will be made based on the following factors: 1) analyses from the EIS; 2) the four evaluation criteria discussed in section 2.3.1; 3) applicable federal, state, and local laws and regulatory requirements; 4) consultation requirements among the federal, state, and local agencies, as well as federally recognized American Indian Nations; 5) policy considerations; and 6) public comment. The Department of Homeland Security Under Secretary for Science and Technology Jay M. Cohen, with other Department officials, will consider the factors identified above in making final decisions regarding the NBAF. A Record of Decision (ROD) that explains the final decisions will be made available no sooner than 30 days after the NBAF Final EIS is published.

Thrasher, III, Grady

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WD0209

**selection evaluation criteria.**2. Doesn't that mean COMMUNITY ACCEPTANCE?

above from the Federal Register:

[http://74.125.45.104/search?](http://74.125.45.104/search?q=cache:DfIQ9xT81RUJ:cryptome.org/dhs062708.htm+nbaft+risk+assessment&hl=en&f=clnk&cd=6&gl=us)[q=cache:DfIQ9xT81RUJ:cryptome.org/dhs062708.htm+nbaft+risk+assessment&hl=en&f=clnk&cd=6&gl=us](http://74.125.45.104/search?q=cache:DfIQ9xT81RUJ:cryptome.org/dhs062708.htm+nbaft+risk+assessment&hl=en&f=clnk&cd=6&gl=us)

and from the DEIS page 2-50

**2.6 PREFERRED ALTERNATIVE**

DHS has not identified a Preferred Alternative at this point in the evaluation process. The evaluation conducted during the NEPA process and presented in this DEIS documents the potential effects of the various alternatives on the natural and human environments on a local, regional, and national scale. This evaluation will be used in conjunction with other factors to assist DHS in selecting the Preferred Alternative. Additional studies are being performed concurrently with this EIS that will provide important decision making information. Results of these studies along with agency and public input will be used in the development of the Final EIS and the ROD.

The ROD will address the following:

- Whether or not to build the NBAF;
- Other factors involved in the decision as to whether and where the NBAF would be built, including considerations of national policy, lifecycle costs, site characterizations, security, and other programmatic considerations;
- If the decision is made to build the NBAF, where it will be built;
- How the site alternatives compare based on the environmental criteria studied; and
- Whether all practicable means to avoid or minimize environmental harm from the alternative selected have been adopted and, if not, why, as well as any required mitigation, monitoring, and enforcement programs that would be necessary to offset any environmental impacts.

In making these decisions and formulating the ROD, the following reports will be considered:

- NBAF EIS,
- Threat Risk Assessment,
- Site Cost Analysis,
- Site Characterization Study, and
- Plum Island Facility Closure and Transition Cost Study.

The information contained in these reports will assist DHS and USDA, a consulting agency in this endeavor, in considering the protection of the public and the environment while meeting the need for a domestic, modern, high-security BSL-3Ag and BSL-4 research facility with the capabilities needed to address potential threats to our agriculture.

Thrasher, III, Grady

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WD0209

A **Preferred Alternative** is the alternative that an agency believes would fulfill its statutory mission and responsibilities, giving consideration to economic, environmental, technical, and other factors. DHS will present its Preferred Alternative in the Final EIS.

Thrasher, III, Grady

Page 1 of 2

WD0218

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**From:** Grady Thrasher, III [REDACTED]  
**Sent:** Saturday, August 09, 2008 8:59 PM  
**To:** [REDACTED]  
**Subject:** 447197 6x10.5r 8.10 no NBAF.pdf - Adobe Reader  
**Attachments:** 447197 6x10.5r 8.10 no NBAF.pdf

1|27.0 | Hey Folks,  
| Watch for the (attached below)ad in Sunday's Banner-Herald.  
| Hope to see everyone at the meetings on Thursday!

Comment No: 1      Issue Code: 27.0  
DHS notes the information submitted by the commentor.

Thrasher, III, Grady

Page 2 of 2

WD0218  
THE ATHENS AREA

**To All Residents of the Athens Area Community!**

**NBAF?  
COMMUNITY ACCEPTANCE?  
NO!**

UGA and DHS are proposing to build the world's largest, experimental BSL-3AG and BSL-4 Bio-Terrorism Research Facility on S. Millidge Avenue in Athens, next to our State Botanical Garden.

*BSL 3AG refers to research involving large agricultural animals and foreign and emerging pathogens that may cause serious consequences in livestock but are not harmful to humans if protective measures are available. BSL 4 refers to facilities appropriate for handling exotic pathogens that pose a high risk of life-threatening disease in animals and humans through the aerosol route and for which there is no known cure or remedy.*

**SAY NO  
TO  
NBAF!**

The willingness of DHS and UGA to put our community at risk, using a flawed NBAF site selection "competition" in which safety of location has been an afterthought, is irresponsible and repugnant to their proper roles, respectively, of governmental protector and respected institution of higher education.

**WHAT YOU CAN DO ABOUT IT!**

Attend the public environmental impact "Scoping Meetings" this Thursday, August 14, (12:30pm and 6:00pm) at the UGA Center for Continuing Education, 1197 S. Lumpkin Street in Athens. This may be the last public forum before DHS makes its final site selection. Thousands have already given their voices to the growing chorus of "NO BIO TERROR LAB" in Athens and Oconee County. Make sure DHS hears YOUR voice!

Please visit the "For Athens Quality-of-life" website for more information. [www.athensfaq.org](http://www.athensfaq.org).  
(Also, save and wear your sticker appearing on this coming Tuesday's newspaper.)

44117 06.05.08 6.10.10 NBAF



Thrasher, III, Grady

Page 1 of 3

WD0226

From: Grady Thrasher, III [REDACTED]  
 Sent: Sunday, August 10, 2008 6:22 PM  
 To: Mayor@Athensclarkecounty.Com; HeidiDavison@co.darke.ga.us  
 Subject: FW: 40 diseases studied at PI & only 8 at NBAF, hmmmmmm?

Dear Heidi,

1|27.0

According to today's ACC article by Blake Aued, you said Homeland Security has answered your questions and that you are satisfied so far that the lab (NBAF) will be safe. You further stated, according to the article, that "Opponents aren't keeping an open mind".

Has it occurred to you that there may be questions you don't even know to ask? By relying on proponents such as DHS and UGA to "answer your questions", how do you know you are being given all the information needed to make an informed judgment? Do you think the GAO and other respected organizations questioning the wisdom of NBAF on the mainland "aren't keeping an open mind"? Do you really think that destroying the environment next to the State Botanical Garden on S. Milledge is a good idea? Have you even read the DEIS? Are these issues you would rather not face?

You may want to broaden your research to open your mind a bit before Thursday's meetings.

Best regards,

Grady Thrasher  
 for FAQinc. "For Athens Quality-of-life"

-----Original Message-----

From: Nancy zechella [REDACTED]  
 Sent: Sunday, August 10, 2008 4:55 PM  
 To: Grady Thrasher; Kathy Prescott; matt degennaro  
 Subject: 40 diseases studied at PI & only 8 at NBAF, hmmmmmm



**ICON opposes relocation of Plum Island research lab**

Nebraska  
 Since 1954 the Plum Island Animal Disease Center has operated on an

Comment No: 1      Issue Code: 27.0  
 DHS notes the information submitted by the commentor.

## Thrasher, III, Grady

## Page 2 of 3

WD0226

island off the northeast coast of Long Island, New York. Animal disease outbreaks in Canada and Mexico spurred the U.S. Army to transfer the land used as an army base to the Dept. of Agriculture for the study of foot and mouth disease in cattle. It was isolated from the mainland and able to be quarantined if a disease outbreak occurred.

Today, over 40 animal diseases are studied there, and Plum Island scientists run about 30,000 diagnostic tests in this bio-level two and three facility.

The Department of Homeland Security took over the control of Plum Island in 2002 and in 2004, President George W. Bush issued an executive order to build a new facility.

The \$450 million National Bio- and Agro-Defense Facility is being proposed by Homeland Security and alternative locations have been researched. Although Plum Island is still being considered as a location, bids from 29 mainland sites were received.

Finally, five locations are seriously being considered: Athens, Ga; Butner, N.C.; Flora, Miss.; San Antonio, Texas; and Kansas State University in Manhattan, Kan.

The Independent Cattlemen of Nebraska believe that any improvements should be built at Plum Island and not on the mainland--and especially not in the Great Plains states. This is too close to home and the center of the United States livestock industry. Although no outbreaks of the toxic diseases ever occurred off Plum Island, it is not an issue which can be ignored ICON officials believe.

In 2001 a foot and mouth disease outbreak occurred in Great Britain due to lax inspection standards, which resulted in the death of hundreds of cattle, the loss of FMD disease-status in the export market, and millions of dollars.

In 2007, two more outbreaks of FMD occurred in Great Britain as the result of human error at their own bio-security labs. Although the losses were not as significant as the 2001 outbreak, export markets were closed, cattle were restricted, and there were significant financial losses by all involved.

"I believe leaving the animal research where it is a good decision," said Al Davis, ICON director. "What if an outbreak would occur here in the middle of cattle country? How many dollars damage would be done to feeding livestock, breeding livestock and the nation's food supply?"

Kansas State officials are ecstatic with the possibility of having a bio-level

**Thrasher, III, Grady****Page 3 of 3**

WD0226

4 facility to conduct research in right near the campus. The new facility will also have the capability to research the planet's most caustic organisms and their effect on humans as well.

Kansas State officials are willing to take the risks involved with locating the toxic disease facility in the middle of the United States. They want to contribute to controlling our country's destiny.

ICON directors are not so sure. They question if all the dangers of working with these deadly diseases have been thoroughly investigated.

"There are dangers when working with large animals; and there is the possibility of humans carrying the virus outside the facility," Davis said. "Human error does happen and an accidental discharge of FMD in Kansas could wipe out the entire livestock industry on the Great Plains. Plum Island offers a natural barrier to disease and, in addition, is a long ways from the heart of the beef industry. This issue is just too important to be a part of the political spoils system" Davis finished. A decision will be made this fall by The Department of Homeland Security.

8/11/08  
6 Star Midwest Ag\14-B  
Date: 8/6/08

<http://www.hpj.com/archives/2008/aug08/aug11/ICONopposesrelocationofPlum.cfm?title=ICON%20opposes%20relocation%20of%20Plum%20Island%20research%20lab>

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Thrasher, III, Grady

Page 1 of 2

WD0259

**From:** Grady Thrasher, III [REDACTED]  
**Sent:** Saturday, August 16, 2008 8:33 AM  
**To:** [REDACTED]  
**Subject:** FW: Connecticut Attorney General

1|27.0 | Bob,

It looks like the Athens/Clarke/Oconee area is not the only community that might involve a court fight to keep NBAF at bay. The difference, of course, is that, in the case of Connecticut, the elected representatives are seeking to protect the people. In our case, the people have to take responsibility for protecting themselves.

Best regards,

Grady

-----Original Message-----

**From:** Nancy zechella [REDACTED]  
**Sent:** Friday, August 15, 2008 10:06 PM  
**To:** mayor@athensclarkecountyga.gov; heididavison@co.clarke.ga.us; lowry@athensclarkecountyga.gov; sims@athensclarkecountyga.gov; maxwell@athensclarkecountyga.gov; kinman@athensclarkecountyga.gov; lynn@athensclarkecountyga.gov; jordan@athensclarkecountyga.gov; hoard@athensclarkecountyga.gov; herod@athensclarkecountyga.gov; girtz@athensclarkecountyga.gov; dodson@athensclarkecountyga.gov; [REDACTED]  
**Subject:** Connecticut Attorney General

<http://www.ct.gov/ag/cwp/view.asp?Q=421234&A=2795>

Connecticut Attorney General's Office  
 Press Release

**Attorney General Fights Proposed Plum Island Lab That Would Study Deadliest Animal And Human Diseases**

August 14, 2008

Attorney General Richard Blumenthal today announced that his office is preparing formal comments to fight a Department of Homeland Security (DHS) proposal to develop a Level 4 research lab -- involving the study of some of the deadliest biological threats to humans -- on Plum Island.

The DHS acknowledges in its own draft environmental impact statement that the proposed Level 4 facility would deal with "microorganisms that pose a high risk of life-threatening disease and for which there is no known vaccine or therapy."

Plum Island, located about eight miles off the Connecticut shore, now operates as a Level 3 facility involving the study of only animal to animal pathogens. A Level 4 designation, the most secure, would allow scientists to study more deadly diseases that can be passed on to humans.

The DHS has identified Plum Island as one of six potential sites for the new National Bio and Agro-Defense Facility.

Comment No: 1      Issue Code: 27.0  
 DHS notes the information submitted by the commentor.

Thrasher, III, Grady

Page 2 of 2

WD0259

"I will fight this proposed Plum Island expansion -- involving insidious and deadly diseases that have no known cures, nearly eight miles off Connecticut's shore in the midst of environmentally precious and highly populated areas," Blumenthal said. "This vastly heightened risk level poses unacceptable costs and dangers. The cost of police and fire safety may be borne by local governments. Dire public health dangers of leaks or terrorist attacks make this site clearly and completely unacceptable. A Level 4 facility would make Plum Island, and surrounding areas on both sides of the Sound, a prime terrorist target.

"Connecticut has close and personal experience with pernicious diseases transmitted by animals to humans such as anthrax and Lyme -- all the more reason to challenge this proposed vast expansion. "Both sides of the Sound should join forces, as we did with Broadwater, in fighting this environmental and security threat. Our next step will be to file formal comments on the draft environmental impact statement, urging that it be sited elsewhere."

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Content Last Modified on 8/14/2008 1:39:05 PM

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Thrasher, III, Grady

Page 1 of 2

WD0238

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**From:** Grady Thrasher, III [REDACTED]  
**Sent:** Monday, August 11, 2008 6:32 PM  
**To:** [REDACTED]  
**Subject:** newspaper article scan.pdf - Adobe Reader  
**Attachments:** newspaper article scan.pdf

Hey Folks,

1|27.0

For those who didn't see the USA Today story today, attached is a scanned copy of the page. Today's AJC, ABH and this story are showing to the nation how flawed the NBAF site selection process has been. We regret our community got sucked into this mess, but we are not out of danger yet. Our fight to save Athens from this dangerous boondoggle is not over. Please all attend the DHS meetings on Thursday (12:30 and 4:00 at the UGA Center for Continuing Education, 1197 S. Lumpkin). Let your voices be heard! Maybe DHS and our misguided political leaders will listen.

See you then,

Kathy Prescott and Grady Thrasher

Comment No: 1      Issue Code: 27.0  
DHS notes the information submitted by the commentor.

Thrasher, III, Grady

Page 2 of 2

# Tug of war over relocating lab

WD0238

Five states grapple for financial and research boon, while residents rally against it

By Mimi Hall  
USA TODAY

Kathy Prescott was scared when she heard about plans for a huge, new animal disease research lab in her hometown of Athens, Ga. When she found out that Athens landed on the short list based in part because of her city's eagerness to host the government-run lab, she got angry.

"I said, 'Wait a minute, the community doesn't even know anything about it,'" says Prescott, an artist who has launched a campaign with her husband to keep the lab out of town. "We were sold down the river before anybody even knew what this thing was."

Five states are vying for the Department of Homeland Security's nearly \$500 million lab, which will study the world's deadliest and most contagious animal diseases.

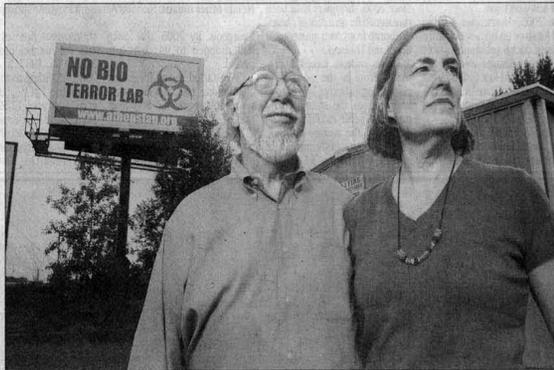
The lab's current location is Plum Island, an off-limits 840-acre government-owned island more than a mile off New York's shores.

Homeland Security says the lab is outdated and needs to be replaced with a facility that can develop vaccines and antidotes to some of the world's most exotic and dangerous foreign animal diseases. Such viruses, if released, could cause billions of dollars in damage to the economy and force the slaughter of untold numbers of cattle, sheep and pigs.

The worst of those diseases is known as foot-and-mouth disease; the world's last major outbreak occurred in Great Britain in 2001. It caused \$16 billion in losses, and 7 million animals had to be killed and burned.

The five states angling for the lab — Georgia, Kansas, Mississippi, North Carolina and Texas — say it will create jobs, economic development and cachet.

"It brings prestige in a very dynamic (biotech) industry," says Duane O'Neill, president of the Greater Jackson Chamber Partnership, which wants the lab in Mississippi.



Not in their backyard: Kathy Prescott and husband Grady Thrasher stand near their group's billboard in Watkinsville, Ga.



2004 photo by Ed Bierz, AP

**High-tech, high-security:** The storied Plum Island research facility currently sits about a mile east of New York's coast.

## Proposed lab, by the numbers

**Name:** National Bio and Agro-Defense Facility  
**Cost:** \$500 million  
**Size:** 520,000 square feet  
**Employees:** Up to 350  
**Diseases that may be studied:** foot-and-mouth, African swine fever, Japanese encephalitis, Hendra virus.

Source: Department of Homeland Security

Visit [usatoday.com](http://usatoday.com) for an interactive map of proposed sites

with Battelle Memorial Institute, a Homeland Security contractor that already manages some national labs elsewhere.

## Safety concerns

Critics say the lab is better situated on the island, where highly contagious viruses can't be easily spread.

"The risk-reward ratio is something that needs to be discussed in more detail," says Republican congressional candidate B.J. Lawson of North Carolina. "I'd be happier if it stayed offshore."

Plum Island has captured the imaginations of novelists and filmmakers over the years. Author Nelson DeMille set his 1997 thriller of the same name on Plum Island; Clarice Starling tried to entice Hannibal Lecter with the promise of annual trips to the island in the 1991 horror film

## Silence of the Lambs.

Because it would cost more than \$750 million to build a new, more secure lab on Plum Island, Homeland Security began looking two years ago for less-expensive alternatives.

It now has whittled its list down to five sites: Athens, Ga.; Manhattan, Kan.; Flora, Miss.; San Antonio, Texas; and Butner, N.C.

Elected leaders in all five states consider the lab a boon. It brings the promise of new construction, jobs, ties to research centers and more.

Last month, Kansas Gov. Kathleen Sebelius, a Democrat, called securing the National Bio and Agro-Defense Facility her state's "top bioscience priority."

Homeland Security didn't keep its plans secret from community leaders — officials from Georgia to Kansas have been wooing the lab for more than a year.

Plum Island is still in the running as well, but Jamie Johnson of Homeland Security says a new lab could be built on the mainland for about \$500 million — and, he says, it would be cheaper to run a mainland lab year to year and easier to find top-notch workers who wouldn't have to commute by boat.

Homeland Security says it can build a safe, secure lab. "We can never say it's never going to happen," Johnson says. "But we can build a safe facility."

Contributing: The Associated Press



Source: ES&I USA TODAY

## Site screening scrutinized

But some lawmakers are questioning the selection process.

An internal review conducted by a panel selected by Homeland Security officials ranked the Mississippi site in Flora 14th out of 17 sites originally considered, according to documents obtained by the Associated Press.

Homeland Security Undersecretary Jay Cohen overruled the city's low score and placed it in the top five.

"It appears that the undersecretary responsible for this program may have corrupted the site selection process by putting his thumb on the scale in favor of a particular site and its contractor, in violation of his own rules and over the objections of his own advisers," said Rep. John Dingell, D-Mich., whose House Energy and Commerce Committee held oversight hearings in May examining the risks of the new lab.

However, under the department's rules it was free to disregard the recommendations of the government experts it appointed. Homeland Security said it selected advisers who were experts and were screened carefully for any conflicts of interest, working through seven stages of recommendations over 18 months.

A department spokeswoman, Amy Kudwa, said the agency's internal committee reviews "did not appropriately consider" certain important aspects, such as Mississippi's plan to work closely