APPENDIX D

SCOPING COMMENTS AND RESPONSES

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COMMENTER 1

COMMENTS ORALLY SUBMITTED AT SCOPING MEETING

JUNE 22, 2004

(Excerpted from original transcript)

MR. TIGHE: First to the microphone, though, is Paul Gordon out of Frederick, Maryland.

MR. GORDON: Paul Gordon. I live less than a third of a mile from the site where the proposed lab is going to be. I have a daughter and her husband and three grandchildren that live less than a third of a mile from the site. And, as a former elected official I feel I have a responsibility to these fifty thousand residents to speak up.

The world has changed since 9/11 and yet our government agencies still think in mostly in conventional ways. Our bureaucracy advocates laboratory handling hazardous materials in one spot, because it allows better communication and saves money is their bucks thinking.

1-1 If terrorists detonate a dirty bomb or fire a dirty rocket and pierces the shell of a single lab and releases biological materials into the atmosphere they have created the first (*worst*) biological radioactive contamination in history by hitting on lab at Detrick.

They will have contaminated and disabled a laboratory center for months, if not years. Spread fear throughout the country. Perhaps kill thousands of people. That is the reality of today and all agencies, including Homeland Security, should be leading the pack to see that doesn't happen instead of creating attraction for terrorists.

Despite the safety that has been developed within the laboratories handling hazardous materials and (inaudible) at Detrick the world has changed. Whether it's a dirty bomb or a plane crashing into such a facility pierces the shell of the laboratory, what use are present safety standards? This is why such facilities belong in places far from populated areas. They belong in air space that's restricted -- Detrick is not -- with hazardous research done in bomb proof bunkers. They belong under a large perimeter of security to be maintained instead of in the midst of sixty thousand people.

1-2 Of course you can respond by the Department of Health & Human Services has from their environmental impact statement dated September 19th, 2003 for their lab proposed at Detrick. Quote *"Terrorists acts. It is clear that the United States is vulnerable to significant acts of terrorism. In the context of MCE analysis, acts of terrorism are not considered as reasonably foreseeable events." The probability of such attacks upon the proposed IRF is impossible to predict."* They couldn't predict the hazard. They didn't ask your agency or any other for your opinion on how they might handle the terrorists.

1-2 If you can tell the residents of this city with reasonable assurance that such concerns that I present then move forward with that phase. If you can't, then you either need to create a structure on a site which is 99% foolproof in this new age or adjust your plans to place the facility away from populated areas where less-than-full protection won't have the same threat for populated areas.

Ignoring of probability of terrorist attack and its predictability as I just read to you, that's unacceptable regardless of the cost of hardships it may require of your agency. That is the reality of this post-9/11 world.

DHS RESPONSE TO COMMENTER 1

1-1 Fort Detrick is a secure installation and has significantly upgraded security measures since September 11, 2001. Security measures that will be employed at the NIBC during the operation of the proposed NBACC Facility are summarized in Section 2.3.4.7 (Security) of the Draft EIS.

1-2 The events of September 11, 2001 and the subsequent mailing of anthrax-containing letters have made it clear that United States is vulnerable to terrorist attacks. However, terrorist attacks are not evaluated in NEPA analyses are focused on *reasonably foreseeable* events. Although terrorist attacks may be credible threats, they are not reasonably foreseeable in that there are not enough historical data to extrapolate conclusions about either the probability of possible terrorist acts occurring at any given locale within the United States or the nature of such acts. Therefore, there is some speculation involved in suggesting the likelihood or nature of such an attack. Nevertheless, DHS will conduct a Vulnerability Assessment to determine what, if any, security weaknesses exist for the proposed NBACC Facility and develop appropriate countermeasures. As appropriate, the USAG or the City of Frederick may be involved in the countermeasures. However, the Vulnerability Assessment document and its associated details will not be available for public review, since that would make all security measures public knowledge and available to potential terrorists.

See Appendix G of the Draft EIS for hazard analyses specific to the NBACC facility.

COMMENTER 2

COMMENTS ORALLY SUBMITTED AT SCOPING MEETING

JUNE 22, 2004

(Excerpted from original transcript)

MR. TIGHE: Thank you, sir. Next, I call Mr. Henry Erbes from Frederick, Maryland.

MR. ERBES: Good evening, my name is Henry Erbes; I live at (inaudible) Frederick, Maryland. My concern is rather mundane dealing with the water system. In the past analysis have [not included] cumulative effects. Since the (inaudible) there's currently a commissary enlargement being constructed, and a PX is being constructed. I believe twenty-four to sixty housing units plus the operation that's going to add another bunch of houses, plus the DHHS facility, and now this facility, and probably more to come. **2-1**

All these facilities have increased the demand on our water supply. Now, it may sound mundane, but there's a narrow choking point in the system. Currently the water comes from the Monocacy River going into the system. Basic sanitary engineering would (inaudible) has certain evaluation criteria for evaluating a maximum flow.

I know we've evaluated maximum monthly water pressure criteria, average monthly criteria, daily criteria, but I don't believe you've evaluated maximum daily flows in a fire event. Even if maximum flows from a single transmission line and this increased demand I suspect, although I'm not sure, I haven't seen any analysis, but does the system pressure drop significantly? And with this drop in the water system pressure, how does that affect the system assets for the fire protection? Specifically, most facilities at Fort Detrick have sprinkler systems which are designed based upon a minimum water pressure in the mains. Has that been evaluated? **2-2**

Now, the other issue is the transmission line is a single (inaudible) for the entire system. Should that single (inaudible) fail for whatever reason, they are sixty years old this year using cast iron and lead joints. Should that system fail at Fort Detrick, can it continue to perform its mission with adequate safety? Yes, the Fort has a cooperative agreement with the City to provide the water from the City. However, the City system has ten pounds per square inch less [pressure] than Fort Detrick's. Again, you have this issue of fire and safety with the system. Thank you.

DHS RESPONSE TO COMMENTER 2

2-1 Cumulative impacts on water supply due to the proposed NBACC Facility and other planned projects are discussed in Section 5.2.19 (Cumulative Impacts) of the Draft EIS.

2-2 Water supply contingencies and fire protection are discussed in Section 5.2.5.4 (Drinking Water Supplies) of the Draft EIS.

Note: Mr. Erbes submitted written comments June 25, 2004. See Commenter 17.

COMMENTER 3

COMMENTS ORALLY SUBMITTED AT SCOPING MEETING

JUNE 22, 2004

(Excerpted from original transcript)

MR. TIGHE: Next is Lillian Herz from Frederick, Maryland.

MRS. HERZ: Thank you for allowing us to speak tonight. I feel like this is a repeat. I spoke at the first public meeting and I spoke at (inaudible), but the issues are the same in that the things that they were saying at that meeting. Somehow the introduction got cut off, so I'd like to repeat a few of that. I've lived in Frederick for over twenty-five years. I'm going to be a grandmother for the first time in December and my grandbaby will live right across from the entrance. I've been concerned about Fort Detrick the entire time I've lived here, and I'm even more concerned now with having it expanding the militarization of our medical research.

3-1 I don't agree with Homeland Security's approach of biodefense. We went to a war in Iraq looking for weapons of mass destruction saying that there were weapons of mass destruction in Iraq. We didn't find them. So we are serious as a result of our own efforts at Fort Detrick with the anthrax outbreak, the postal workers, citizens doing their jobs, and it's going to happen again.

My fear is that we need to turn around and start respecting the natural environment and not playing with it thinking that we can control everything we do. We know better. We can control this little aspect and we can control that little aspect and perhaps we can address the wide issues that the gentleman before me brought to our attention. Perhaps we can even afford to build what Mr. Gordon has suggested needs to be built in order to really provide safety for the citizens of Frederick. But, you know, we're not in charge. And, I just think we need to remember that. We need to remember that the world at war creates more war, and our real defense is in a security of citizens who are knowing what the problems are in other countries, what the problems are with other people so that we can help them to address their issues so that they don't have to (inaudible) so that they don't have to use our airplanes again so that we can live in a world of peace. Thank you.

DHS RESPONSE TO COMMENTER 3

3-1 The NBACC Facility is a part of a larger national policy on biodefense described in Section 1.1 (Background) of the EIS. This policy involves multiple Federal agencies to address the issues raised by this commenter. The mission of NBACC is to provide an integrated and responsive biodefense resource for the homeland security, law enforcement, medical and veterinary communities by understanding classical, engineered, and emerging threats from biological terrorism; providing the scientific basis and operational capability to prevent technology surprise, detect events rapidly, respond effectively, and attribute use; and developing deployable technologies and systems in partnership with operational end-users, to protect the people, agriculture, and economy of the United States against biological terrorism.

COMMENTER 4

COMMENTS ORALLY SUBMITTED AT SCOPING MEETING

JUNE 22, 2004

(Excerpted from original transcript)

MR. TIGHE: Thank you, ma'am. Next to the microphone, Malgo Schmidt of Frederick, Maryland.

MS. SCHMIDT: (Inaudible)

DHS RESPONSE TO COMMENTER 4

Ms. Schmidt submitted written comments July 6, 2004. See Commenter 19.

COMMENTER 5

COMMENTS ORALLY SUBMITTED AT SCOPING MEETING

JUNE 22, 2004

(Excerpted from original transcript)

MR. TIGHE: Next to the microphone, Liz Cameron, Frederick, Maryland.

MS. CAMERON: Hi. My name's Liz, forget the stuttering, I don't speak in front of people. But I will try. But this has been enough to make me try. [I was here for a Math class] I saw what people were doing from the window and all I see is they're building a new building and that was enough to make me come out and say something. You know this is wrong, to a certain extent he knows it is wrong. You must or you wouldn't be here. (inaudible). Put us in even more danger than we already are. **5-1**

We have the ability to change and grow and expand, which is stretched out. We simply must pursue this or find another way. (inaudible). I don't want you to [do us this favor]. **5-2**

DHS RESPONSE TO COMMENTER 5

5-1 See response to Comment 1-2.

5-2 The process of preparing an EIS provides for public input. DHS chose to also hold a public meeting to receive public comments as part of the preparation of its EIS. See response to Comment 3-1.

COMMENTER 6

COMMENTS ORALLY SUBMITTED AT SCOPING MEETING

JUNE 22, 2004

(Excerpted from original transcript)

MR. TIGHE: Next to the microphone, Richard Ochs of Baltimore, Maryland.

MR. OCHS: Good evening. I'm past president of the Aberdeen (inaudible) [Proving Ground Hazardous Materials…] Citizens Coalition and I've been researching into hazards on military bases in Maryland for six years. I'm worried about (inaudible) escaping by accident or design. One year after the anthrax letters and the tightening up of security at Fort Detrick anthrax was discovered in the non-secure areas inside Fort Detrick. That was after the tightening up of security. **6-1**

So accidents happen and happen in spite of even taking secure measures and now we find this year live anthrax was sent to California by mistake from the subcontractor here in Frederick.

This doesn't give me confidence that the security measures are really secure. Germs can also get out by design. That's what the anthrax letters were all about. Some disgruntled person or some conspiracy, we don't know yet who did it, but someone with a probably (inaudible) agenda deliberately mailed those anthrax letters from U.S. Laboratories. **6-1**

That can happen again. And, as the U.S. Government throws billions of dollars building these labs all over the place on campuses around the country. This is not the only one. The likelihood of accidents and designed escapes increases.

Now, we would recommend that instead of taking this approach to security, which is a false sense of security, that the United States instead ratify the international agreement on biological weapons that can be worked out and that the United States ratify a protocol on verification and enforcement that's been sabotaged.

If you want to know the details on this you can go to my website which is called free from terror dot net, and I have literature here about that website.

The Federation of American Scientists on density labs are (inaudible) that by designing new diseases genetically modifying anthrax and other terrible diseases, presumably to design vaccines. But first we have to invent a new genetically modified disease before you can design a vaccine or any (inaudible) and meanwhile if this gets out before vaccine you have something horrible on your hands. To be inventing new diseases in this world is a crime against humanity. **6-2**

This (inaudible) an international biological arms race so while the United States and the Bush Administration walked out and sabotaged these international treaties and is taking this dangerous route. Why shouldn't all the other countries around the world take the same approach? This is going to tip off an international biological arms race, and maybe our labs might be safe, we hope. But these labs around the world, will they be safe? We don't know, so may we suggest that we cooperate internationally instead of taking a rogue state approach. **6-3**

DHS RESPONSE TO COMMENTER 6

6-1 As discussed in Section 5.2.17.2 (Public Health and Safety) of the Draft EIS, no impacts to public health and safety are anticipated with implementation of the Proposed Action. Every effort is being made to plan and design the proposed NBACC Facility so that it will be secure and not place Frederick residents at any increased risk due to the biodefense research planned to take place in the new facility. See Section 2.3.4 (Safety and Security) of the Draft EIS for more details on the measures that are planned. In addition to design features and security procedures, operational protocols will be employed within the NBACC Facility to reduce the risk of any potential public health impact from operations. This is in addition to the other security programs operated by the USAG on Fort Detrick itself. Detailed hazard analyses (see Appendix G of the Draft EIS) indicate that the operation of the NBACC Facility presents no credible risks to members of the public. Also see response to comment 1-2.

6-2 We are concerned about the possibility that genetically engineered organisms could be used by terrorists against the United States. Therefore, research performed at NBACC may use recombinant DNA techniques, commonly called genetic engineering, as a tool to fully understand the ways in which organisms could be altered to defeat our countermeasures. This type of research is necessary to ensure we develop and maintain defensive countermeasures that are effective against the threats we might face. It would be irresponsible of us not to focus on protection of the American people from these threats.

Any genetically engineered biological threat agents that qualify as “Select Agents” will be registered with the Centers for Disease Control or U.S. Department of Agriculture (USDA) in accordance with 42 CFR 73. Research performed with these agents will comply with the “National Institutes of Health Guidelines for Research Involving Recombinant DNA Molecules.”

In order to develop strategies and countermeasures to these threats, we need, at a minimum, to understand the principles that

DHS RESPONSE TO COMMENTER 6 (continued)

apply to them. That means that we need to have some understanding of the characteristics that make them a threat – for example, their virulence or toxicity, environmental persistence, or ease or difficulty of production. We need to have animal models that allow us to predict their effects on humans. We will not attempt to understand a bioterrorism threat by undertaking the entire process to create the threat, but we need to focus on and answer specific questions that will allow us to formulate preventive strategies and guide the development of countermeasures.

All research conducted at NBACC will be for defensive purposes, as permitted by the Biological Weapons Convention, and will be consistent with existing US policy. The programs executed at NBACC support national defense and will assist the U.S. government efforts to identify and defend against biological threats. The Department of Homeland Security is developing formal processes to review critical aspects of proposed projects for the BTCC, including technical, safety, ethical, policy and legal issues. These processes will be transparent within the US government and coordinated with other federal agencies, to include the Department of State, as appropriate. Criteria for evaluation will include those developed by the National Science Advisory Board for Biosecurity. By signing and ratifying the Biological and Toxin Weapons Convention (BWC), the United States renounced the use and possession of such offensive weapons and methods to disseminate and deliver them.

The BWC states in Article I:

In accordance to the Biological Weapons Convention (BWC), each State Party to this Convention undertakes never in any circumstances to develop, produce, stockpile or otherwise acquire or retain:
(1) Microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes;
(2) Weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict.

DHS RESPONSE TO COMMENTER 6 (continued)

The BWC encourages defensive work "for prophylactic, protective or other peaceful purposes" and the NBACC will conduct such a defensive research program.

6-3 NBACC's mission is biodefensive and does not involve offensive bioweapons research. The *Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction*, also known as the Biological and Toxin Weapons Convention or BWC, prohibits the development, production, stockpiling, and acquisition of offensive biological weapons. The United States is a signatory to this treaty, and all activities performed at the NBACC Facility will comply with this treaty and all other applicable laws.

COMMENTER 7

COMMENTS ORALLY SUBMITTED AT SCOPING MEETING

JUNE 22, 2004

(Excerpted from original transcript)

MR. TIGHE: Next to the microphone, John Darnell of Myersville, Maryland.

MR. DARNELL: I'm John Darnell from Myersville, Maryland. I'm a former resident of Frederick and a former employee at the Frederick Cancer Research Center, biochemist by trade. I'm currently employed by our local Congressman, Roscoe Bartlett, as his energy and environment project coordinator. And, I'd like to focus tonight on an opportunity this project represents apart from other issues which have been raised.

7-1 It seems to me that this is actually one of many or another of projects being proposed for the site, general site at Fort Detrick which could have a fairly massive impact on the environment. And, I'd like to direct your attention to the fact that the Congressman has secured funding to build a prototype building right here in Frederick County at the current (inaudible) which will serve as a visitor center as well as a showcase for technologies which will allow the site to be developed with zero impact on the environment.

That is to say that the facility is going to be designed to get everything it needs from what nature delivers to the site. That is to say, water supply will have to meet the water table and will come from rainfall. It will not discharge any polluting materials into the environment. It will recycle, reuse water on site. The heating and cooling, the electric power will all come from the sun and wind and perhaps even bio (inaudible) energy and there is technology out there which is probably not ready for prime time, but has the potential to take trash and convert it into hydrogen or fuel and to generate electricity. These are all technologies that are currently available and not widely known. So this facility will be designed to be a demonstration sites for these concepts.

What I'm proposing tonight is that the process here which is designed to look at the environmental impact consider the possibility that is possible. It's feasible actually to have almost no impact on the environment if we do things carefully and with some foresight.

There is a website, if you go to the Congressman's website you can find out information about the project. It's the website of the Maryland State Highway Administration, this is with FHA projects overlook. So I encourage you all to think a little outside the box here tonight. There are proposed billions of dollars for the development for future facility and I would hope that we can be enlightened enough that that facility, as well as the housing for the thousands of people who may become residents of this area to serve that facility be considered it possible for applications of these technologies. Thank you.

DHS RESPONSE TO COMMENTER 7

7-1 See discussion of “Low Impact Development” in Section 2.3.1.4 (Construction Standards and Requirements – Stormwater Management, Erosion, and Sediment Control).

COMMENTER 8

COMMENTS ORALLY SUBMITTED AT SCOPING MEETING

JUNE 22, 2004

(Excerpted from original transcript)

MR. TIGHE: Next to the microphone, Barry Kissin, Frederick, Maryland.

MR. KISSIN: Good evening. I'm also a person who is very upset about this proposed expansion. I don't think this kind of facility belongs anywhere, not in the remotest part of the world. What it is devoted to doing, as I understand it, is it's devoted to developing potential biological threats so as to figure out the antidote. **8-1**

If we look at the history of the biological warfare world I think what you'll find is that most of the technology comes from here. Comes from Fort Detrick. It's generated by this country. Everybody knows that the biological weapons that Saddam Hussein used against the Kurds and the Iranians was designed and supplied and approved by this country.

We've got a terrible (inaudible) here. We're not just playing defense, we're playing offense too. We think that we're going to gain (inaudible) by dominating the entire circle and what we're doing is adding another threat to everybody's survival. **8-2**

I looked (inaudible) the definition of bio war is no antidote. What are we doing? We've got people with natural diseases that need health care here in this country, all over the world. Why aren't we using this expertise that you want to develop biowarfare, to helping people and supporting life.

There's a logical disconnect, gentlemen and ladies, there's a logical disconnect. You're telling our brother Paul Gordon that terrorism is not a reasonable foreseeability. Well, if it isn't what are we doing? I can give you a lot of -- I can rattle off ad nauseam, there are a lot more major events. **8-3**

Today in the mainstream newspaper in Frederick we have an article sitting right on the editorial page. The earth is becoming more and more desert by the hundreds and thousands of square miles as we speak. It's called (inaudible). Are we going to get together and continue things like that? Are we going to spend the rest of our resources looking for better ways to kill each other?

DHS RESPONSE TO COMMENTER 8

8-1 See response to Comment 3-1 and 6-2.

8-2 See response to Comment 6-3.

8-3 See response to Comment 1-2.

Mr. Kissin submitted written comments July 1, 2004, see Commenter 18.

COMMENTER 9

COMMENTS ORALLY SUBMITTED AT SCOPING MEETING

JUNE 22, 2004

(Excerpted from original transcript)

MR. TIGHE: Next to the microphone, Robin Buck of Frederick, Maryland.

9-1 **MS. BUCK:** Hi. Barry's a tough act to follow. He's much more informed about the center of disease. I guess all I can do is speak from my heart and that is it's deeply disturbing to me that we need these resources, the intellectual resources, the financial resources and the natural resources that we have in this country.

If you just emulate that we do to create more (inaudible) of destruction. That we use half of our Federal budget goes for defense. But when you look at the actual facts of the matter we build bigger bombs. It's just, as Barry was saying, the cycle just increases. So now we're adding another level, another domain to explore opportunities for our eventual annihilation. I just -- it seems to me that there is a history that the more that we develop a potential for something, the greater the likelihood that that potential is used.

It is very disturbing to me that there is so little conversation on what would it take to create a conversation of peace? Just briefly, when 9/11 happened I happened to be in Michigan. I was in my folks' home. I had been living in New York. That afternoon, the next day I got a call (inaudible) one of my cousins called and I was very close with him. He was relieved to find out that I wasn't in New York. He didn't realize that I was in Michigan.

But his question was "why?" And, I keep asking that question, why. Why is it that as a nation we're reviled by others? Why is that? I think it's a question that bears looking into.

I lived in Norway back in the early '70's, I went to school there and I was approached one evening in a coffee house by a man eighteen years old and he just lit into me. I had never heard anything like this before. He just lit into me, he said, "the United States is no better than the Soviet Union." And, I was stunned. Nobody had ever spoken to me that way.

We're the good guys. And, in the intervening years I've had time to look and I've had time to learn into our history and I'm deeply, deeply disturbed. The other night in the park the second to the last song was "I'm Proud To Be An American." Everybody stood and I couldn't bring myself to stand, because right now I'm not. I'm very ashamed and (inaudible) and I'd like that to be done. Thank you.

DHS RESPONSE TO COMMENTER 9

9-1 See response to Comment 3-1.

COMMENTER 10

COMMENTS ORALLY SUBMITTED AT SCOPING MEETING

JUNE 22, 2004

(Excerpted from original transcript)

MR. TIGHE: Next to the microphone, Helen Alexander, Frederick, Maryland.

10-1 **MS. ALEXANDER:** I'm Helen Alexander; I was born in Frederick County. (inaudible). This whole project to me seems to be a re-entrenchment of chemical and biological warfare. It seems that the U.S. is the only country which can have WMD, weapons of mass destruction.

Yet the U.S. will not sign the pact against CB warfare. Who are we fooling? The whole world realizes where the present administration is headed regarding its foreign policies and the world does not trust us. I'm tired of the blarney about Fort Detrick always working on quote "defensive" unquote measures. It has always been offensive and looks as if it's going to continue on that basis in an even more pronounced way.

10-2 I'm really sorry my Congressman, Roscoe Bartlett, I don't know if he's (inaudible), pushed this project so vigorously. We already have the second largest city in Maryland. It used to be Rockville. It's Frederick, Maryland now. We don't need to create a second city devoted to chemical and biological warfare. Thank you.

DHS RESPONSE TO COMMENTER 10

10-1 See response to Comment 6-3.

10-2 See response to Comment 3-1.

COMMENTER 11

COMMENTS ORALLY SUBMITTED AT SCOPING MEETING

JUNE 22, 2004

(Excerpted from original transcript)

MR. TIGHE: Next to the microphone, Chris Hines of Frederick, Maryland.

MR. HERZ: First of all, my name's Chris Herz, H-E-R-Z.

MR. TIGHE: Excuse me, Chris Herz, thank you.

MR. HERZ: And, I'm at my family residence at 636 Lee Place. It's less than a long city block (inaudible). This family home will be shortly inhabited by the fourth generation of my family. I want to express -- well, first of all I wanted to express my thanks to the many eloquent speakers who have preceded me. I think they have given you some sense of the lack of confidence that exists in substantial sections of this community about your installation and about your mission.

11-1 All I can add to this is to suggest that your government, its major leaders in their own writings have indicated their interest in offensive biological warfare. They have called a project for a new American Century from which comes many policy-making officials in the Defense Department. Will it develop into weapons whose very existence is enhanced by genetic manipulation and which can be targeted to specific ethnicities. I assume that means other than white Americans or Europeans.

I also have no confidence in the scientific credentials of the persons here present or of their leaders who, after all, for the most part seem to believe that dinosaur bones were put in the universe by the government to seduce us in Scripture.

I have no confidence in your honor, your integrity or your morals. For after all what can be a more egregious crime against humanity than to turn loose, by accident or design, the agents of death and diseases. It's my earnest belief that your national leadership are an aggressive cabal, interested in the domination of other countries and the forceful seizure of their resources.

I believe that this is a supreme crime against humanity and at the same time for which we (inaudible) in our more humble days, the leadership of not governing. Is it [not] possible to find words strong enough to condemn the work that we do or do we know that there is [in] military tactics no difference between defense and offense.

I call upon all my fellow citizens to remember the salient facts and to remember your history. Thank you.

DHS RESPONSE TO COMMENTER 11

11-1 See response to Comment 6-3.

COMMENTER 12

COMMENTS ORALLY SUBMITTED AT SCOPING MEETING

JUNE 22, 2004

(Excerpted from original transcript)

MR. TIGHE: Next to the microphone is Victor Kurz of Dixon, Missouri.

MR. KURZ: I'm Victor Kurz of Dixon, Missouri. I'll probably be the only (inaudible) speaking here. My family lives about ten miles from the live agent training facility for (inaudible) [*at Fort Leonard Wood*]. When I heard what the project was, it interested me, I wanted to come here and hear what you had to say about what was being proposed at this facility since I'm also a former Department of Defense employee who had worked for the chemical school and had some interaction at Fort Detrick.

There's several questions I have and several things that concern me. One: I'm not a proponent or fan of large government. So I hear that the Department of Homeland Security has proposed a facility out here at Fort Detrick with the size and the scope of the work I saw on your slide and I know that the presidential decision (inaudible) record was signed back in April. I wonder how Homeland Security got involved in this project in a matter of several months and how far back that was planned.

The second thing that would concern me is that the two largest government agencies that we have right now, the Department of Homeland Security and the Department of Defense, which seem to be at odds in working in an integrated fashion, as you say. DOD has to submit to like the defense production agency, the Soldier Biological Chemical Command, and I'm interested in hearing how all of those are going to be integrated into the workings of this facility. **12-1**

The last thing that I would be concerned about is that the Department of Homeland Security is entering into the biological terrorism area, whether this is going to include the development of biological weapons or biological anti-weapons because the United States had a moratorium on for so many years. Is that going to continue or is it going to be cast aside to the wind. Thank you. **12-2**

DHS RESPONSE TO COMMENTER 12

12-1 The DOD Biological Defense Program and DHS Biodefense programs are separate and complementary. See discussion in Sections 1.2 (Purpose and Need for the Proposed Action) and 3.1 of the Draft EIS.

12-2 See response to Comment 6-3.

COMMENTER 13

COMMENTS ORALLY SUBMITTED AT SCOPING MEETING

JUNE 22, 2004

(Excerpted from original transcript)

MR. TIGHE: Sally Familton of Frederick, Maryland.

MS. FAMILTON: Thank you, my name is Sally Familton; I live just north of here in the Clover Hill community so I am one of the other folks here who cross the community from the other end. I'm on the north side. I've been on the Clover Hill Board for several years and president for two years. So I spend time representing that community, but really I'm here as a concerned resident of the community.

First thank you for, I feel like I'm getting a real education listening to people who come from other locations, Aberdeen, Missouri. I'm trying to seek some (inaudible) in what's going on here. I served on the Chamber of Commerce board in this community and I know they're all interested in good jobs here in Frederick. And, many people feel that this is a great opportunity for us to have additional employment at high levels. **13-1**

But I have a series of questions. I didn't realize this was as much as to make a statement. I'd like to pose some questions here. One question I have is what labs, CDC or who else has this number of the BSL 3 and 4, particularly level labs that are being proposed here. Are these -- I get the impression this is fairly rare and I'd like to just know how this would relate to other communities across the country. **13-2**

The joke has been, living in Clover Hill, that if we took a wire cutter we could all get onto the Fort Detrick campus fairly readily by moving through some of our neighbors' back yards.

What's going to be done if this is going to be moved forward about security on the campus? I realize some of the buildings are more secure, but the general sentiment is things have not been as secure. I know people, the scientists on the NCI campus and other places with their badges have been able to access these buildings. Just a practical consideration. **13-3**

I didn't hear any mention of Department Agriculture and I thought there was a piece of Department of Agriculture that was fitting here and again I'm just trying to figure this all out. **13-2**

And, finally, I think we've heard some statements from people here who have information that I certainly don't. In the article in last week's Frederick News Post there was comments made by several biochemists or people who are professionals in this field really expressing some grave concerns about a facility such as this and I would just like to know, I guess I could call the newspaper, but we looked at what some of those questions are. What would be the department's response to those questions? **13-4**

I think some of the things that were raised earlier, such as by somebody who is a biochemist himself, the potential for accidents. We all know that the more you have things occurring the more likelihood something inadvertently can go wrong. And, there's just so many concerns with these safety hazards.

And, finally I guess I got here you were talking about approximately a hundred and twenty new jobs for the Homeland Security Agency. I mean including construction, whatever, but how many more jobs are we talking about overall being created, because if we're going to be absorbing a huge amount of risk and community concerns what's the payoff. And, aside from people have used the National Homeland Security (inaudible) just kind of a conventional Frederick County or Frederick City, what other payoffs are for the community other than a hundred and twenty plus jobs. I guess that's my question. **13-1**

Thank you for this opportunity and I think we all have a lot to learn from each other. And, I look forward to learning the answers to these questions. Thank you. **13-5**

DHS RESPONSE TO COMMENTER 13

13-1 Analysis of Socioeconomic Impacts of the proposed NBACC Facility appears in Section 5.2.10 (Socioeconomic Environment) of the Draft EIS.

13-2 This information is included in Section 1.2 (Purpose and Need for the Proposed Action) of the Draft EIS.

13-3 Security policies and procedures of the proposed NBACC Facility are discussed in Section 2.3.4.7 (Security) of the EIS.

13-4 An article entitled "Detrick center's impact studied; Environment among issues," which appeared in the Frederick News-Post on June 15, 2004, cited quotations by several scientists on issues raised by previous commenters. See responses to Comments 6-1 and 6-3.

13-5 See response to Comment 3-1.

Ms. Familton submitted written comments July 7, 2004. See Commenter 22.

COMMENTER 14

COMMENTS ORALLY SUBMITTED AT SCOPING MEETING

JUNE 22, 2004

(Excerpted from original transcript)

MR. TIGHE: To the microphone is Karen Skinner, Frederick, Maryland.

MS. SKINNER: Hi, I am Karen Skinner. I'm a chemist by training and I work at NIH in Rockville now. So I would like to address the fact that this is the environmental impact statement meeting and I feel personally lacking a lot of information and request that (inaudible) and I'd like to reinforce what the previous speaker said and some of the other speakers as well. I'd like to request that several issues you've specifically addressed in this environmental impact evaluation.

14-1 The first is about the (inaudible) of containment, but I also heard that (inaudible) was going to be developed. So, what special containment procedures will be applied to all of the different animals and vectors that will be studied? Will insect vectors be studied? Fish, what will be studied and how will they be contained, particularly (inaudible) emergencies, electricity

14-2 goes out, the refrigeration, that sort of thing. How would those models be destroyed if it becomes necessary?

14-3 No. 2 is who will be the people responsible for maintaining the facility and the animal facilities, will they be low paid fully trained employees or will they be contractors, will they be government employees who remain accountable?

14-4 What commission should be made to assure that the Frederick area has adequate medical facilities should there be an emergency and the citizens of Frederick be effected? What would be available to us?

14-5 Will this facility study only human diseases or will it be studying animal and plant diseases as well? And, will the transportation pattern be altered for the removal of hazardous

14-6 waste and the delivery of reagents and materials? Will there be any alteration and how will that affect us?

DHS RESPONSE TO COMMENTER 14

14-1 This is presented in Sections 2.3.4.1 (Biosafety Levels) and 2.3.4.2 (Special Engineering Features) of the Draft EIS.

14-2 Emergency power supply provisions are described in Section 2.3.4.2 (Special Engineering Features) of the Draft EIS.

14-3 Policies and procedures for Animal Care and Use in the proposed NBACC Facility are discussed in Section 2.3.4.4 (Animal Care and Use) of the Draft EIS.

14-4 Impacts of the proposed NBACC Facility on Human Health and Safety in the community are discussed in Section 5.2.17 (Human Health and Safety) of the Draft EIS.

14-5 Only human diseases will be studied.

14-6 Handling and disposal of hazardous waste and Special Medical Waste (as defined by COMAR) are discussed in Sections 2.3.3.3 (Medical Waste) and 2.3.3.4 (Hazardous Waste), respectively.

COMMENTER 15

3352 Clay St.
San Francisco
CA 94118

Juliette Hayes
private citizen
San Francisco, CA

15-1 - what will be the impact on traffic and air quality?

15-2 - what will be the economic impact of increased employment on land / home prices

15-3 - research for public health is already taking place at the CDC, how will this facility improve or contribute to public health?

15-4 - what contingency plans will be developed in the event of a release or failure in containment?

DHS RESPONSE TO COMMENTER 15

15-1 Impacts of the proposed NBACC Facility on traffic are discussed in Section 5.2.13 (Transportation) of the Draft EIS. The impacts on air quality are discussed in Section 5.2.8 (Air Quality).

15-2 Impacts of the proposed NBACC Facility on land use within and adjoining Fort Detrick are discussed in Section 5.2.1 (Land Use) of the Draft EIS. Also see the discussion of Socioeconomic Impacts in Section 5.2.10 (Socioeconomic Environment).

15-3 Benefits resulting from the proposed NBACC Facility are discussed in Section 1.2 (Purpose and Need for the Proposed Action) of the Draft EIS. Also see response to Comment 3-1.

15-4 See response to Comment 14-4.

COMMENTER 16

Jennifer P. Dougherty
Mayor

THE City OF Frederick

Aldermen
William G. Hall
President Pro Tem
Donna Kuzemchak Ramsburg
Joseph W. Baldi
Marcia A. Hall
David G. Lenhart

June 24, 2004

Kevin Anderson, Ph.D.
Department of Homeland Security
7435 New Technology Way, Suite A
Frederick, MD 21703

Re: National Biodefense Analysis and Countermeasures Center

Dear Dr. Anderson:

On June 22, 2004 City Staff attended the scoping meeting for the National Biodefense Analysis and Countermeasures Center at Frederick Community College. The presentation outlined the environmental study process and indicted that there was a comment period thought July 8 for the scope preparation. The majority of the public comments heard at the meeting focused on topics other than what staff was in attendance to learn about.

16-1 Our comments on the environmental study are very brief and specific. With the additional 120 employees at the installation and the trip-attraction associated with the national center, there will be traffic impacts on our local road network. Our road network in the vicinity of the Fort is very fragile and requires constant considerations for improvements of all sorts. Staff respectfully requests that the DEIS address exactly what sort of impacts will be felt on the road network.

In the past, Fort Detrick has been very forthcoming in their consideration of the City roads that serve the garrison. We are certain that the Center will have the same or even greater attention paid for the greater good of the community. We look forward to the draft document being sent to our City in the time frame indicated in the literature provided at the public meeting.

Sincerely,

Charles Boyd, AICP
Director of Planning and Community Development

CC: Jennifer Dougherty, Mayor
Timothy P. Davis, City Transportation Planner

PLANNING DEPARTMENT CHARLES W. BOYD, DIRECTOR
City Hall • 101 North Court Street • Frederick, Maryland 21701-5415 • 301-694-1499 • Fax: 301-694-1837 • www.cityoffrederick.com

DHS RESPONSE TO COMMENTER 16

16-1 DHS and USAG both recognize that the NBACC Facility will impact traffic. Existing traffic conditions in the vicinity of Fort Detrick and impacts of the proposed NBACC Facility are discussed in Sections 4.13.1 (Access to Fort Detrick) and 5.2.13 (Transportation), respectively, of the Draft EIS.

COMMENTER 17

25 June 2004

Kevin Anderson
Department of Homeland Security
7435 New Technology Way
Frederick, MD 21703

Re: Public Scoping Meeting for EIS, NBACC located at Fort Detrick MD

This is to clarify and reiterate my comments given at the meeting on 22 June 2004. Apparently this is necessary as some of significant aspects my verbal comments given at the scoping meeting for the NIAID facility were not addressed in the Final EIS. Unfortunately my briefcase with the Draft EIS was stolen while on travel and there was insufficient time to get another copy and respond during the comment period for the Draft EIS for the NIAID.

Issue 1

17-1 What is the cumulative impact of this facility, the NIAID facility, the recent Housing Project, the Housings Partnerships proposed construction of approx. 200 additional units, the new indoor swimming pool, the new Commissary and PX, new and future barracks, and dining facility and other projects, on the reliability of the water system to meet fire protection requirements?

To adequately address this, some specific analyses are required. What is the MAXIMUM DAY DEMAND? This does not refer to the average month, average day, the maximum year, or maximum month, which have been covered generally in previous NEPA documents. See any basic Sanitary Engineering textbook, such as any of the texts by Clark, Viessman and/or Hammer, e.g. Water Supply and Pollution Control. Can the existing system supply the MAXIMUM DAY DEMAND? Even during drought? What is the nominal system pressure during the MAXIMUM DAY? What are the water distribution system pressure requirements (design basis/assumptions) for the various automatic fire sprinkler systems on Fort Detrick? What are the pressures in the systems at the point these automatic fire sprinkler system draw water from the system during the MAXIMUM DAY? How do these values compare? What is the margin of error?

Between 1990 and 2001, a comprehensive MAXIMUM DAY DEMAND analysis had not been prepared for Fort Detrick. And I seriously doubt has been done since then, or it would have been included in the NIAID EIS. This issue requires a real analysis and evaluation. Assurances by Dave Gram or other DIS personnel of the existing or past conditions and capabilities will not substitute for an analysis. Neither will the observation that this project "only increases the demand by less than 1%", or similar, since the issue is cumulative effects. Nor will Col. Ball's statement that was quoted in the Gazette on June 24, 2004, be adequate, as in fact this issue has not been addressed.

There is a second portion of this issue. During MAXIMUM DAY water distribution system conditions, which are a result of the cumulative effects of the various projects, will the system be able to provide adequate water at adequate pressures for firefighting purposes for those facilities that do not have automatic fire sprinkling systems?

To recap the entire issue, which is a safety issue, not a water quantity issue; do this project and all other "recent" and planned federal activities and projects have any significant adverse impact on

DHS RESPONSE TO COMMENTER 17

17-1 See responses to Comments 2-1 and 2-2.

COMMENTER 17 (continued)

the fire protection characteristics of the water system with respect to existing, new or proposed users and tenants?

Issue 2

17-2 The Water Transmission Main from the water treatment facility on the Monacacy River is a single point of failure for the water system. What contingencies are in place should a failure occur? Can the existing and planned missions located at Fort Detrick continue? Even during the MAXIMUM DAY DEMAND? And provide the required level of fire protection?

Again, this requires a real analysis. The analysis with sufficient backup and detail, as well as the analysis and detail for Issue 1, should be provided for pubic comment, as the choice of methodologies and assumptions can be carefully selected and adjusted to shift the analysis results towards the desired result. These analyses could be issued as a separate document or as an annex or appendix to the EIS.

Issue 3

17-3 While not being able to estimate the probability of an attack may be adequate to address some issues, it does not provide Carte Blanc to dismiss all such concerns. For example, Fort Detrick still has security forces around the post, and individual buildings have their own security systems, even though the probability of an actual incident can not be reasonably calculated. Similarly, the Pentagon has hardened its facilities including explosion resistant windows, and the State Department continues to do the same to our Embassies, even without an estimation of likely attack.

While the likelihood of an attack by crashing a plane into this facility cannot be reasonably estimated, the probability of an accidental plane crash can be estimated. See Document ORNL/TM-2002/285 prepared at the Oak Ridge National Laboratory by R. J. Moses and R. L. Reid, which calculates the frequency of accidental plane crashes at a number of Department of Energy facilities.

Also the likelihood of an engine or other component falling from an airplane into the new facility, as happened in McLean Virginia some 15 or 30 years ago, would be difficult to estimate, as would the likelihood of a mortar or rocket attack from a backyard off of Wilson Place. Nevertheless, the common aspect of all these, a significant breaching of a BL-4 laboratory is something that is a credible event, even though it is unlikely. The impact of such an event should be analyzed, and mitigations developed if necessary. At a minimum it will inform the decision maker and the public of exactly the consequences should this unlikely event occur.

Thank you,

Heinrich E. Erbes, P.E., Ph.D.
Frederick, Maryland

DHS RESPONSE TO COMMENTER 17 (continued)

17-2 See response to Comment 2-2.

17-3 Impacts of potential airplane crashes are discussed in Appendix G.

COMMENTER 18

BARRY J.C. KISSIN
Attorney at Law
148 West Patrick Street
Frederick, Maryland 21701
(301) 694-8922 fax (301)694-8771

July 1, 2004

(VIA E-MAIL AND FIRST CLASS MAIL)
Kevin Anderson
Department of Homeland Security
7435 New Technology Way, Suite A
Frederick, MD. 21703

Re: NBACC at FORT DETRICK

Gentlepersons:

I am writing to comment upon plans to expand research facilities related to biological warfare at Fort Detrick.

I have been a resident of Frederick County, Maryland for the past thirty years. I currently reside approximately one mile from Fort Detrick.

On October 23, 2003, The Gazette published an article entitled "Public comment still being accepted for Detrick expansion plans." This article was about the proposed construction of an Integrated Research Facility (IRF) by the National Institute of Health (NIH). Said article contains the following sentence: "Potential risks to the public and to the scientists are being weighed against the benefits that would result from increased knowledge of dangerous biological agents." The proposed construction of the National Biosecurity Analysis and Countermeasures Center (NBACC) by the Department of Homeland Security (DHS) raises the same issues.

18-1 I expect that most of the comments in opposition to NBACC will address the "potential risks." I will leave it to others to discuss in more detail about matters such as the following: a) the very high incidence of cancer among neighbors of Fort Detrick, which officials on behalf of Fort Detrick blithely expect people to believe is a mere coincidence – see the front page article in the Frederick News Post of July 1, 2003 entitled "Cancer questions;" b) the sloppiness on the part of various Fort Detrick personnel in the handling of terribly deadly biological agents, as exposed in the best selling book, "The Hot Zone;" c) the fact that in April 2002, anthrax spores were twice found outside secure areas at Fort Detrick – the Army has yet to disclose the cause of the accident; d) the more recent mishap in which lethal anthrax was inadvertently shipped from Frederick across the country; e) the fact that the proposed expansion includes the construction of additional biosafety Level 4 facilities, designed to grow liters of concentrated organisms like Ebola, 20 liters of which would be enough to infect every person on the planet.

1

DHS RESPONSE TO COMMENTER 18

18-1 See response to Comment 3-1.

COMMENTER 18 (continued)

18-1 I propose to focus, instead, upon the supposed "benefits." In anticipation of the reaction that public comment is supposed to relate to environmental impact and not to issues that might bear upon military policy, I submit that these two matters cannot and will not be separated – clearly, the risks will be measured against the interest in "national security" – an interest that is mindlessly treated as beyond debate at the same time as it is treated as worthy of practically unlimited investment.

18-2 My premise is that the only real defense against biological warfare is the enforcement of the international treaty that bans such weapons, and a real commitment to forge peace in the world. As the richest and most powerful country in the world, we should be devoting our resources to these objectives, rather than to expanding "research facilities" whose ultimate effect will only be to further incite a biological weapons arms race.

The Biological and Toxin Weapons Convention (BTWC) bans the development, production, stockpiling, acquisition and retention of microbial or other biological agents or toxins, in types and in quantities that have no justification for prophylactic, protective or other peaceful purposes. It also bans weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict. The actual use of biological weapons is prohibited by the 1925 Geneva Protocol. 162 countries have signed the BTWC, among which 144 countries have ratified it, including the U.S.A. However, in 2001, the Bush administration rejected an effort by other signatories to conclude a protocol that would provide verification measures. At the time, the U.S.A. was the only country to favor terminating efforts to create a legally binding verification mechanism to strengthen the BTWC.

The United States rejects a mandatory declaration regime to further the transparency of countries' biological programs. The basis for this is said to be the U.S. commitment to "biodefense" work, and the belief that the declaratory regime risks American security information and biotechnology firms' intellectual property. But as reports have surfaced of U.S. biodefense programs carried out in secret to replicate offensive biological measures, arms control experts have begun to question whether these biodefense measures are in compliance with the fundamental obligations of the BTWC. In the late 1990s, the United States undertook secret programs to construct a model biobomb, build a bioweapons lab, and replicate a super-strain of anthrax. In 2001, a variety of anthrax was discovered in envelopes addressed to members of Congress – associated with this was the deaths of a number of postal workers. There are strong indications that this variety of anthrax originated at Fort Detrick. This brought to light the secret U.S. program to produce weapons-grade anthrax. When in December of 2001, the U.S. Army admitted that it had manufactured "weapons-grade" anthrax, this was the first acknowledgement that the government had weaponized anthrax since the United States committed to banning biological weapons in 1969.

Secrecy appears to shield the fact that American research has reached the outer limits of compliance with the BTWC. This situation puts the prohibition of biological weapons in a precarious state: apart from assurances that the projects are for defensive

2

DHS RESPONSE TO COMMENTER 18 (continued)

18-1 See response to Comment 3-1.

18-2 See response to Comment 6-3.

COMMENTER 18 (continued)

purposes, they are not easily distinguishable from offensive measures that a country might take to develop bioweapons. If another country were to commit to similar endeavors, would the United States rely on assurances that they are for defensive purposes without any evidence?

In May of 2003, it was reported that the United States Army has developed and patented a new grenade that it says can be used to wage biowarfare. This is in explicit violation of the BTWC, which explicitly prohibits all development of bioweapons delivery devices. US Patent #6,523,478, granted on February 25th 2003, covers a "rifle launched non lethal cargo dispenser" that is designed to deliver aerosols, including – according to the patent's claims - "crowd control agents, biological agents, [and] chemical agents..."

These revelations about the U.S. development of biological weapons capability, including highly dispersible anthrax, explain the Bush administration's rejection of the BTWC Protocol on verification. This rejection of verification of compliance comes from a desire to prevent inspections of American facilities.

I am attaching to this letter a copy of an article that appeared in the June 27, 2004 edition of the Baltimore Sun entitled "Bioterror fight may spawn new risks." I believe it should be included in the record of your proceedings. This article illustrates the point I tried to make during public comment at the Public Scoping meeting on June 22, 2004. DHS tells us that part of its mission is to invent deadlier pathogens so as to then be able to develop a defense. The Baltimore Sun article tells us that according to various scientists, "the proliferation of places and people involved in germ experiments in the United States – 11,119 workers in 317 labs approved to date – inevitably boosts the chance of accidental leaks or deliberate diversion of germs." In other words, at the cost of billions, we are developing pernicious technologies that may very well end up under the control of the "enemy," technologies that the "enemy" probably would never be able to develop on its own. On top of this, at the cost of more billions, we then plan to develop defenses to all of these possible varieties of pathogens, defenses that have as much chance of being effective as the National Missile Defense project ("Star Wars"). Instead of chasing all the missiles and all of the decoys that might enter our air space at any time, any angle, any speed, we will be chasing the endless variety of pathogens, of unpredictable genetic make-up, that at least theoretically can be delivered at any time, in any place, by an endless variety of means. This is the military approach to satisfying the insatiable, boundless demand for security on our own terms.

The proposed expansion of "research facilities" at Fort Detrick is part of a strategy that rejects arms control, in favor of arms race. This strategy not only subjects the now densely populated community of Frederick to unacceptable risk – it subjects the entire country, for that matter the entire world, to the unacceptable risks inherent in the proliferation of biological warfare.

3

COMMENTER 18 (continued)

Respectfully submitted,

Barry J.C. Kissin

cc: Mayor Jennifer Dougherty
Senator Paul Sarbanes
Senator Barbara Mikulski
Representative Roscoe Bartlett
Editor, Frederick News Post
Editor, The Gazette

4

COMMENTER 19

From: malgorzata [mailto:mrzatas@netscape.net]
To: Anderson, Kevin
Sent: Mon 7/5/2004 11:08 PM
Cc:
Subject: NBACC

Kevin Anderson
Department of Homeland Security

July 5, 2004

Dear Mr. Anderson,

I am a biomedical researcher willing to express the following comments on the environmental impact of the National Biosecurity Analysis and Countermeasures Center Facility in Frederick, MD.

19-1

* The evidence that any country or organization is equipped with biowarfare that can endanger the US is missing.

* Effectiveness and reliability of biological warfare is very low which makes it an unlikely choice as a terrorist weapon. It is illogical to expect biological rather than chemical or conventional attack.

* The prospect of a successful defense against the release of a specific biological agent is very low.

19-2

* The probability of accidental or deliberate release of biological agents under study is very high. It is much higher than the likelihood of an external attack. This should be obvious to anybody after the highly publicized release of anthrax in 2001 and recently.

19-3

* The proposed program encourages other unethical governments into violation of the international treaties banning biological weapons.

In summary: The proposal carries a high health hazard on the local and global scale. It provides no benefits.

Yours sincerely

Malgorzata Schmidt, MD, Ph.D
244 Dill Ave
Frederick, MD 21701
Ph: (301)698-0688
mrzatas@netscape.net

DHS RESPONSE TO COMMENTER 19

19-1 See response to Comment 3-1.

19-2 Biosurety policies and procedures to address personnel reliability and accountability for biological agents are discussed in Section 2.3.4.8 (Biosurety) of the Draft EIS. Also see response to Comment 6-1.

19-3 See response to Comment 6-3.

COMMENTER 20

Frederick Police Department
City of Frederick, Maryland

Kim C. Dine
Chief of Police

Bryan C. Brown
Captain
Operations Bureau

James P. Ledwell
Captain
Administrative Bureau

Stephen W. Haller
Administrator
Support Services Bureau

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July 8, 2004

Kevin Anderson
Department of Homeland Security
7435 New Technology Way, Suite A
Frederick, MD 21703

Dear Mr. Anderson:

The City of Frederick, and in particular the Frederick Police Department (FPD), would like to respond with some comments and ask that they be given serious and specific consideration during the preparation of the Environmental Impact Statement (EIS) for the proposed National Biosecurity Analysis and Countermeasures Center (NBACC) at Fort Detrick. While we cannot refute that the proposed location for the NBACC seems to make perfect sense based, as is stated in your Notice of Intent (NOI), on its "unique" mission, and "is critical to filling current national capability gaps", the Department sees the NBACC as having a significant, and potentially serious, environmental impact in terms of public safety within the City of Frederick.

With that said, please do not interpret any portion of these comments as being confrontational, or of a "not in my backyard" nature. On the contrary, the City and FPD's sincere desire is to work in concert with the Department of Homeland Security in fulfilling its mission to, in part, "prevent terrorist attacks…" and "reduce America's vulnerability to terrorism…" It is hoped that through focusing on these efforts in a cooperative manner, the remainder of the DHS mission, "to minimize the damage and assist in recovery efforts from attacks that may occur" becomes unnecessary for Ft. Detrick, as well as the City of Frederick.

20-1 To that end, the Frederick Police Department is requesting to be considered an integral part of the overall security plan for the NBACC. We would ask that this include serious consideration for funding of efforts that, while outside the gates of the post, would greatly enhance and ensure the safety and security of the center and its personnel within. And, just as we acknowledge that the proposed location makes practical sense for the NBACC for reasons stated in the NOI such as, "…promoting interagency integration, cooperation and coordination…" as well as "…potential cost savings…", we would ask that the Department of Homeland Security likewise acknowledge the very real risks associated with being a potential target for terrorist activity. In these times that one high-ranking police official in a major city recently referred to as "Terror Oriented Policing" (TOP), rather than the more contemporary characterization of the current law enforcement era as "Community Oriented Policing" (COP), we are forced to spend more time considering the WMD's and terrorism during our discussions, as opposed to the less serious issues of the past.

DHS RESPONSE TO COMMENTER 20

20-1 DHS and USAG are jointly responsible for security of the NBACC Facility, and recognize FPD's concerns. As described in Section 2.3.4.3 (Other Safety Requirements) of the Draft EIS, detailed security measures are planned to ensure that public health and safety will not be impacted by construction and operation of the NBACC Facility.

The NBACC Facility is expected to be included in the overall safety and security plan for Ft. Detrick and, as a result, would be expected to cooperate with arrangements between the USAG and the City of Frederick. The Frederick Police Department and the Fort Detrick USAG both participate in Frederick County's Local Emergency Planning Committee and have been involved in preparation of contingency plans.

COMMENTER 20 (continued)

With Ft. Detrick's location being adjacent to, and virtually geographically within the boundaries of the City of Frederick, our reason(s) for concern become as obvious as our need to plan and make every attempt to prevent all threats. Many residential areas and planned neighborhoods that house more than 57,000 citizens, as well as businesses that employ approximately 37,000 more exist just outside the gates. By 2030, according to the City's Comprehensive Plan, these figures should, conservatively, double.

20-2 In addition to the potential, albeit unforeseeable, risks alluded to above, the fact is that the City of Frederick and its Police Department has historically had to factor Ft. Detrick into any and all discussions and decisions regarding subjects that run the gambit from traffic flow and control to hazardous materials issues – without direct support from

20-3 Federal Government after considering Ft. Detrick's impact on the surrounding community. For instance, when threat levels change from yellow to orange, a greater burden is placed on the FPD to handle traffic problems and make additional security checks that are often on the direct perimeter of the installation. Also, we have found it necessary to devote much more time and resources, to include personnel, to planning efforts that must be done.

Further, we have some other actual recent experiences with specific events that impact the FPD and the community due to its proximity to Ft. Detrick, and based on its mission. Just a few examples include, but are not limited to: policing protestors outside the gates of the base; devoting high-ranking personnel to "anthrax-type" situations and FBI, HSD operations in the City Watershed; and, on September 11, 2001, dealing with any and all issues caused by the virtual "lock-down" of the base for understandable, yet burdensome, reasons. While I believe additional Homeland Security Funding is forthcoming, thus far we have received very little Federal support since 9/11, and certainly no more than any other national jurisdiction despite our "special" situation. In fact, because we are considered to be "outside" the "Baltimore/Washington Metropolitan Region" for most funding purposes, even less support reaches us in proportion to other "risk-comparable" jurisdictions. To date, grant monies given to the County (not the City) provided us with $20 kits containing Personal Protective Equipment (PPE's) for our personnel. Additionally, the City (FPD) was able to acquire approximately $100,000 for Homeland Security Overtime. No other support has reached the City thus far.

However, the City of Frederick and the FPD see this situation as an opportunity to correct this inequity during the EIS, subsequent security planning, and operation of the NBACC in a mutually beneficial manner that continues our long-standing relationship as good neighbors with Ft. Detrick. Specifically, we would like consideration for funding of one, or several, proposed efforts/strategies to better secure the "exterior perimeter" (the City) through enhanced surveillance/intelligence efforts, acquisition of a "Reverse 911" system for our Department to allow our Communications Division to notify City residents of emergencies and critical notifications (a tool clearly of use to both Fort Detrick and to the City), and/or increased staffing and equipment, i.e., transport, emergency operations vehicle for our SWAT Team. For instance, a local broad-based video surveillance system, to be incorporated into efforts already underway in our low income housing areas and a few city-owned facilities, could dramatically increase the "buffer zone" around Ft. Detrick. Obviously, crime reduction can be achieved with proper intelligence, just as this intelligence is the key to preventing terrorist activity.

The City views this opportunity as a "win-win" situation for the involved parties, and would welcome the opportunity to have specific discussions about some substantial and meaningful measures that could be taken by the FPD, and the potential costs and benefits associated with them. As previously stated, the City's unmitigated desire is to work cooperatively with Ft. Detrick and DHS to create the best possible situation to maximize public safety for the NBACC, as well as the surrounding community. After all, being part of the effort to help secure and protect our Nation, along with all the freedoms and liberties that our citizens enjoy, is truly the essence of "Homeland Security." We look forward to partnering with you in that regard.

Respectfully,

Kim C. Dine
Chief of Police

DHS RESPONSE TO COMMENTER 20 (continued)

20-2 Impacts of the proposed NBACC Facility on traffic flow and hazardous materials management are discussed in Sections 5.2.13 (Transportation) and 5.2.16 (Hazardous Material Management), respectively, of the Draft EIS.

20-3 The Frederick Police Department and the Fort Detrick USAG both participate in Frederick County's Local Emergency Planning Committee and have been involved in preparation of contingency plans. See Section 2.3.4.3 (Other Safety Requirements) of the Draft EIS.

COMMENTER 21

DHS RESPONSE TO COMMENTER 21

Fax Cover Sheet for Commenter 21

TO
Kevin Anderson
Department of Homeland Security
7435 New Technology Way, Suite A
Frederick, MD 21703

FAX 301 682 3662

From Barbara Hatch Rosenberg, PhD
Fax 914 251 6635
brosenberg@armscontrolcenter.org

for the Scientists Working Group on Biological and Chemical Weapons, Center for Arms Control and Non-Proliferation

8 July 2004

COMMENTER 21 (continued)

Comments on the intent of DHS to prepare an EIS to evaluate the construction and operation of the proposed new NBACC facility

Scientists Working Group on Biological and Chemical Weapons,
Center for Arms Control and Non-Proliferation
cbw@armscontrolcenter.org

8 July 2004

These comments are directed specifically to one component of the National Biosecurity Analysis and Countermeasures Center (NBACC), namely, the Biological Threat Characterization Center (BTCC). Although biological threat characterization is a significant part of the mission of DHS to reduce America's vulnerability to terrorism, its potential to exacerbate the danger must also be recognized. Terrorists, and States, are not likely to develop biological weapons from scratch when relevant information and materials for copying or modifying well-studied threats can be bought, stolen or leaked. Such secrets do not remain long in the sole possession of their developer, as nuclear weapons have demonstrated. The following critical steps to minimize the potential negative impact of the BTCC program need to be taken before construction and operation of the program is authorized.

21-1 1. Parts of the BTCC program, as presently planned, appear to signal a change in the US interpretation of the Biological Weapons Convention and raise questions regarding US compliance with the Convention. A throughgoing legal review, with publication of its results specifying any necessary limits to the planned activities, is essential in order to avoid any actions that could threaten the norm against biological weapons, encourage biological weapons programs elsewhere, or raise concerns among US allies.

21-2 **21-3** 2. An effective ongoing oversight mechanism is required to ensure that the program remains within legal limits, that it is conducted as safely and securely as possible, and that the value of the BTCC program for public protection exceeds any risks. The oversight mechanism should include review of new projects before their inception and periodic reviews as projects progress. Oversight should be conducted by an independent body of neutral experts, perhaps established by the National Academy of Sciences. To facilitate oversight, biological threat characterization and assessment work should be budgeted as a separate line item.

21-4 3. Some elements in the BTCC program have been and are being conducted by US agencies other than DHS. To eliminate duplication, which unnecessarily increases the risks inherent in threat characterization and makes oversight more difficult, all such activities should be administered and budgeted by a single entity. Will BTCC take on this role? If not, will its program be limited to aspects of biothreat characterization for homeland security that differ from those for any other purpose? If the latter, the necessity **21-3** for separate threat characterization programs requires justification.

DHS RESPONSE TO COMMENTER 21 (continued)

21-1 See response to Comment 3-1. A substantial level of legal review went into the development of the national policy.

21-2 Oversight through the Institutional Biosafety Committee (IBC), which includes outside members not affiliated with the NBACC Facility other than their IBC membership, is discussed in Section 2.3.4.3 (Other Safety Requirements), under *Biological Safety.* See also responses to comments 6-2 and 6-3.

21-3 See responses to Comments 6-2, and 6-3. The development of such an oversight mechanism is outside the scope of this EIS.

21-4 The activities to be conducted at the NBACC facility will be performed within the national policy framework established by National Security Directive, *Biodefense for the Twenty-first Century*. See Sections 1.2 (Purpose and Need for the Proposed Action) and 3.1 of the draft EIS. See response to Comment 12-1.

COMMENTER 22

From: Sally Familton
To: nbacc.noi@dhs.gov
Sent: Thursday, July 08, 2004 11:23 PM
Subject: Comments for DHS environmental impact statement

July 7, 2004
Kevin Anderson. Ph.D.
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Dear Dr. Anderson:

Thank you and your colleagues for this opportunity to comment about the U.S. Department of Homeland Security's plans for the proposed National Biodefense Analysis and Countermeasures Center (NBACC) and National Interagency Biodefense Campus (NIBC) at Fort Detrick.

At the DHS's June 22, 2004 meeting, I spoke briefly about several issues. I respectfully ask that these be examined as the Environmental Impact assessment for NBACC is performed. My concerns fall into two areas: Public health and safety, and Availablility of information to decision-makers justifying NBACC and its stated agenda.

Of course, concerned citizens are well aware that biodefense work has been underway at USAMRIID at Fort Detrick for quite some time. The U.S. Army's willingness to provide public information to allay community fears about USAMRIID has been helpful and is certainly commendable.

22-1 However, it appears that the planned NBACC will expand the amount of work, the range of projects, and sophistication of the work performed exponentially from what is now taking place at USAMRIID. Common sense suggests that as labs and facilities are added and the amount of high-level biodefense work is increased, the possibility for accidents similarly grows. This assertion is underscored by the Sunshine Project, a biodefense watchdog organization.

I. Public health—water, dangerous contaminants, and air quality.

I live in Clover Hill, a community of some 1000 homes located just north of the Fort. Some of my neighbors' homes abut the perimeter fence. I am a past president and board member of the Clover Hill Civic Association (CHCA) , which is served by a voluntary board of directors. The current CHCA leadership is aware that I am submitting this letter with questions of possible consequence to the Clover Hill community— I refer only to those included in Part I of this letter -- so that they may be addressed in the NBACC environmental impact assessment. The CHCA board plans to discuss this issue and is interested in seeing the draft report due in Fall 2004. However, while I do represent the views of many neighbors, I do not speak formally for the CHCA in this letter.

22-2 The older sections of the community, Clover Hill I and II, which comprised about 60% of the homes in the neighborhood, are on private wells. Some of these wells are only 100 feet or so in depth. The newer Clover Hill III section is on a public well, with some treatment provided to the water, but I believe that water's source is still the local acquifer. Consequently, groundwater safety affects the entire neighborhood. Since the new biosafety levels 3 and 4 labs will be built deep underground, I am concerned this could have repercussions on groundwater, both during the building stage and, more importantly, when they are operational in the future.

How will our water supply be kept safe, and how will we know it remains safe?

DHS RESPONSE TO COMMENTER 22

22-1 See responses to Comments 1-1 and 1-2.

22-2 As described in Section 2.3 (Proposed Activities) of the draft EIS, the NBACC facility will be constructed above ground. The impacts on groundwater are discussed in Section 5.2.5 (Water Resources).

COMMENTER 22 (continued)

22-3 Accidents involving biohazards, transport of dangerous materials used for biodefense work into and from NABCC, and disposal of research waste are of serious concern. I'm sure those planning NBACC have every intention of insuring the safety of the public's health when the program becomes operational, yet questions must be considered: How can military and civilian personnel at the Fort, as well inhabitants and businesses close by, remain safe if an accident releases biohazards or contaminates those in close proximity? What is the probability that this might occur once the NIBC is built, compared to current risks associated with USAMRIID? How will safety be assured when dangerous materials are in transit, both within the Fort perimeter and in the overall region, especially if criminal activity or terror is visited upon those carrying dangerous materials?

22-4 Thanks to information provided by the Army, I have a layperson's understanding of disposal processes, including autoclaving, used for biohazardous wastes generated by USAMRIID. I assume far more waste would be generated at NIBC than is currently produced. Although thorough disposal procedures are now routine, the possibility of error exists, as it does with any complex operation involving numerous people.

22-5 Further, I believe the last phase of disposal requires incineration. What is the projected increase in volume of materials to be incinerated? What effect will this have on regional air quality? Will radioactive materials be used extensively in research, and if so, how will these be disposed? And finally, as some of the materials that will be worked with, say 10 to 20 years from now, are as yet unknown, could containment and disposal processes become increasingly difficult and expensive?

II. Availablility of information to decision-makers justifying NBACC and its stated agenda.

22-6 It is most appealing to defer to the knowledge and expertise of government leaders, career military officers, and scientists planning our national biodefense strategy. And yet others, including past government leaders and academics and scientists of considerable stature, have raised what appear to be legitimate questions about the proposed NBACC program. I am referring here, primarily, to publications of the Center for International and Security Studies at University of Maryland's School of Public Policy. These writings question the appropriateness of the NBACC's stated mission to our national security, especially with respect to the possibility that biodefense research could become entwined with bioffensive technology. Most relevant here, however, is that they question whether there is sufficient intelligence to suggest that an aggressive biodefense agenda, such as that planned at NIBC, is warranted, or if our national security would be better served by other measures.

22-6 Our nation's intelligence capabilities, while formidable, are still limited. The complexity, number and veracity of sources, and many other factors make it extremely difficult to identify and understand potential threats precisely. The logic of how available intelligence fits together to identify a specific threat makes perfect sense – in hindsight. Of course, DHS, DOD and intelligence leaders and officials at the top levels of government have access to highly classified intelligence as they make decisions concerning national security – information that citizens cannot, and should not, have access to. And yet news coverage of the war on terror has unearthed a great deal of information, which allows citizens the opportunity to learn a great deal. From the perspective of a reasonably informed citizen -- certainly no national security expert – I see an imbalance between information available publicly about bioterrorist threats and the huge NBACC initiative. I assume that either I am not studying the news as extensively as I'd thought, or there is a great deal of highly classified information on bioterrorism threats, and the press has been unsuccessful at gleaning much of it. On the other hand, the Center for Securities Studies at University of Maryland asserts that terrorist organizations, including Al Qaeda, do not have the capability to work with bioweapons agents, according to recently declassified U.S. intelligence documents.

If there is any question here, it is indeed a matter of concern for an environmental impact assessment. It should be crystal clear to decision-makers that building extensive new biodefense capability in the immediate future is warranted -- even at the cost of other homeland security efforts, and with awareness of the possible health risks to the community mentioned earlier in this letter.

Assuming that NBACC proceeds as planned, decision-makers must continually, and carefully, evaluate what research should be conducted in light of clear national security information warranting such

DHS RESPONSE TO COMMENTER 22 (continued)

22-3 See responses to Comments 1-2 and 6-1.

Also see response to Comment 14-6.

22-4 Disposal of Special Medical Waste, as defined by COMAR, is discussed in Section 2.3.3.3 (Medical Waste) of the Draft EIS.

22-5 Impacts on air quality are discussed in Section 5.2.8 (Air Quality) of the Draft EIS. Handling and disposal of radioactive materials are discussed in Sections 2.3.3.5 (Radiological Waste) and 4.15.5 (Radiological Waste) of the Draft EIS.

22-6 See response to Comment 3-1.

Also see response to Comment 6-3.

COMMENTER 22 (continued)

research, factor in the possibility of unintended consequences, and explicitly weigh risk to the community at large.

22-7 While acknowledging the security concerns that may be posed by this suggestion, the public at large would be well served if scientific peer review were used on NBACC projects. Allowing the participation of scientists from a variety of national security organizations, academic institutions, but most importantly, with varying values and perspectives would go a long way to create positive public opinion about NBACC's work. These decisions are far too important to be made without the consensus of our best national security and scientific minds representing the breadth of professional opinion. If USAMRIID has generated rumors, disquietude and anxiety over the past decades, i'm afraid that NBACC might be expected to be the subject of far greater public alarm.

22-8 A few final thoughts -- As the nation's pre-eminent biodefense location, NIBC will be a one-of-a-kind target for terrorism, with high symbolic value. Even if the labs are deep underground and safe from attack, much of NIBC, the Fort, and the overall Frederick community is not. Lastly, friends and neighbors who know about the project express concern about increased car traffic and congestion on surface roads, particularly Rosemont Avenue and Opossumtown Pike.

These comments are provided with immense respect for all the public officials and military and civilian leaders involved in this project. I take the responsibility and privilege of liberty seriously in offering these comments. I am thankful to live in a nation where a public process like this occurs, even for agencies as powerful as the nation's Departments of Defense and Homeland Security. I truly appreciate DHS's interest in my views.

Very truly yours,

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Copies –

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President, CHCA Board of Directors

DHS RESPONSE TO COMMENTER 22 (continued)

22-7 See responses to Comments 6-2, 21-3, and 21-4.

22-8 See response to Comment 15-1.