

CHAPTER 5

RESPONSE TO COMMENTS

DEIS Comment Period

The comment period on the DEIS began on May 23, 2003, with the Notice of Availability that appeared in the Federal Register.

In response to comments on the DEIS, NIH decided to issue a Supplemental Draft EIS (SDIES), which provided more information and more clearly displayed how scoping comments and comments on the DEIS were addressed.

SDEIS Comment Period

The SDEIS was issued on December 29, 2003, with a Notice of Availability that appeared in the Federal Register. A 45-day comment period was allowed. Comments postmarked (or e-mailed or faxed) by February 11, 2004, appear in this chapter. Comments postmarked or received after February 11, 2004, were considered, but no formal response appears. Comments in late responses were similar to the comments below. A public meeting was held on January 22, 2004, where oral comments were taken. Comment from the public meeting can be found in Letter 39 - Public Meeting beginning on page 5-54.

Response to Comments

Each comment letter, e-mail or fax was given a document number and electronically scanned. Minor adjustments may have been made to the scanned file for size, or removing smudges or lines to improve the appearance. Substantive comments were marked with a bracket and given a number, which corresponds with a response found on the right side of the page. No other changes, such as editing or deletions, were made to the documents before they were inserted into this chapter.

Substantive comments were also given sequential numbers, starting over with "1" at each new letter. Comments appear with their letter number followed by the comment.

Agencies must assess and consider comments received on a DEIS. The Council on Environmental Quality NEPA implementing regulations §1503.4(a) lists the following possible responses:

- 1) Modify alternatives including the proposed action.
- 2) Develop and evaluate alternatives not previously given serious consideration by the agency.
- 3) Supplement, improve, or modify its analyses.
- 4) Make factual corrections.
- 5) Explain why the comments do not warrant further agency response, citing the sources, authorities, or reasons which support the agency's position and, if appropriate, indicate those circumstances which would trigger agency reappraisal or further response.

Comments were reviewed to determine where flaws in the analysis may have occurred or where mitigation measures may be necessary. When appropriate, changes have been made in the FEIS to address comments. The responses to individual comments reflect where changes have been made or why no change was made. Many comments were addressed in the SDEIS, but were made again. The response to these comments points to the location in the SDEIS where these comments were addressed. The same sections appear in the FEIS.

Many other comments were made which did not merit a response, although they will be considered by NIH in their final decision. These comments generally show support for or opposition to the project, provide personal background information, or contain other information to which a response is not needed.

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Nottingham, Valerie (NIH/OD/ORF)

From: Ira T. Holt [irachar@bitterroot.net]
Sent: Monday, January 19, 2004 2:10 PM
To: ORS RMLEIS (NIH/OD/ORS)
Subject: Supplemental Draft EIS for RML

I have reviewed the Dec 2003 copy of the EIS and believe that the few shortcomings I thought were in the original have been taken care of. The additional data on existing level 4 facilities was the main thing I thought lacking in the original. I have nothing further to add to my original comment that I fully support the proposed action. Thank you-
Ira T. Holt
548 Cielo Vista
Hamilton, MT 59840
406-961-3302

002

Nottingham, Valerie (NIH/OD/ORF)

From: WWFE [wwfe@ism.net]
Sent: Friday, January 16, 2004 9:25 AM
To: ORS RMLEIS (NIH/OD/ORS)
Subject: Rocky Mountain Labs

Hello Valerie Nottingham,

I wish to state my opposition to building a high containment facility at the Rocky Mountain Laboratories in Hamilton, Montana.

2-1 { The most dangerous pathogens in the world should be studied in the very locations most likely to be attacked. This lab should be built, for example, in the Pentagon, in Washington DC, not in rural Montana. This is a safety issue. If the pathogen labs are housed in a vitally critical location such as The Pentagon, I would be most assured of the absolute safety of the research.

Please do not permit a BSL-4 lab to be built in Hamilton, Montana.

Sincerely,

Gene Bernofsky
243 Mount Avenue
Missoula, Montana 59801

LETTER 1 - IRA T. HOLT

LETTER 2 - GENE BERNOFSKY

Comment

Response

2-1 Please see Sections 2.2.2 and 4.2.1 where this comment was addressed.

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LETTER 3 - DAVID BALTIMORE

Nottingham, Valerie (NIH/OD/ORF)

From: Baltimore, David
Sent: Monday, January 19, 2004 1:20 PM
To: ORS RMLEIS (NIH/OD/ORS)
Subject: to Valerie Nottingham, Re: SDEIS for RML

Dear Ms. Nottingham,

I have read the Supplemental Draft EIS for the proposed BSL-4 facility at the Rocky Mountain Laboratories in Hamilton, MT. I own property and a home in Hamilton and am in the process of making a major investment in the property. I am also a virologist, in fact a Nobel Laureate for my work in virology, and the President of the California Institute of Technology.

I am totally convinced by the SDEIS and by everything I know about high containment facilities that the proposed laboratory will be safe for the residents of Hamilton, even those living closest to the laboratory. The danger in such facilities is quite minimal and then wholly focused on the workers who actually manipulate the virus and virus-infected materials. The idea that an epidemic might occur deriving from activities in the laboratory is not a credible concern to me.

I strongly urge that the BSL-4 facility in Hamilton be built. It will be an important contribution to the national effort to combat terrorism. It will also be of great assistance in dealing with emerging infectious agents like the SARS virus, which are sure to continue to be a problem in America and the world. America needs such facilities. Finally, the existence of the facility in Hamilton will attract skilled personnel to the area and increase the economic, educational and cultural base of Hamilton and Ravalli County.

Thank you for giving me the opportunity to comment on this issue.

Sincerely,

David Baltimore

--

David Baltimore
President
California Institute of Technology
Mail Code 204-31
Pasadena, CA 91125

Phone: 626-395-6301
Fax: 626-449-9374

LETTER 4 - EARL POLLARD

Nottingham, Valerie (NIH/OD/ORF)

From: Earl Pollard [emp@cybernet1.net]
Sent: Saturday, January 03, 2004 11:44 AM
To: ORS RMLEIS (NIH/OD/ORS)
Cc: Bloom, Marshall (NIH/NIAID)
Subject: Fw: Response to RML/ EIS
Follow Up Flag: Follow up
Flag Status: Flagged

Vallerie Nottingham:

My original comments I sent Friday, January 02, 2004, 3:24PM contained a serious omission of the word "not" which I have corrected herein. The second paragraph, 7th line should now read ".....he does not speak for even one percent of the citizens of the area...." I appologize for the blunder. Please destroy the initial letter and replace it with these corrected comments.

Earl Pollard

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

From: Earl Pollard
To: orsrmleis-r@mail.nih.gov
Cc: mbloom@niaid.nih.gov
Sent: Friday, January 02, 2004 3:24 PM
Subject: Response to RML/ EIS

Vallerie Nottingham:

I have received a copy of the EIS and read the entire publication. The previous draft was a good document. The latest report is better. Specifically, the deeper coverage of safety considerations is more comprehensive and should be of great benefit to the vary few detractors who oppose the project. I have written before so I am repeating myself when I write that I reside approximately 100 yards from the North boundary fence line of the RML campus with a direct line of sight to the new level 3 installation. As a member of the Hamilton community with the aforementioned special circumstance I am perfectly at ease with the EIS and look forward to the new facility. My wife and I moved into our new home during the construction of the level 3 lab and watched that project develop to completion.

Now a word about the so-called opposition to the level 4 lab and the entire RML facility. The principle local opposition claims to be the Friends Of The Bitterroot (FOB). Because of my interest in this organization's opposition I attempted to obtain a membership list. Such a list was not available. Apparently the individual who claims to be the spokesman is speaking for himself, which in this case I expect nothing more from this person. Even if he is an authentic spokesman for something called the FOB, he does not speak for even one percent of the citizens of the area including Hamilton. I seriously question that he even speaks for the members of the FOB, whomever they may be. So, when he complains about the lack of attention to the concerns of the citizens of the area I believe he is talking nonsensical claptrap. The second most prominent opponent claimed to represent a shadow organization that stated their goal was a safe lab. Again, a roster of this organization is not available. Actually this spokesperson is on record calling for closing the entire RML.

This "organization" has now metamorphosed into a collection of "professional" protestors who have no connection to Hamilton or the surrounding area. I understand the original spokesperson is at this time one a group of plaintiffs suing the Federal Government for multimillion dollars stemming from the fires of 2000. This would seem to raise a question of conflict of interest.

These words about the opponents to the RML are provided because in my experience your bureaucratic remoteness from the Bitterroot Valley may make it very difficult for you to appreciate the dynamics of the area and possibly cause a distortion of your impressions of the true import of the RML opposition. If I have raised some questions check them out yourself.

Earl Pollard
691 Desta St.
Hamilton

005

Nottingham, Valerie (NIH/OD/ORF)

From: jill davies [rivercare@blackfoot.net]
Sent: Monday, January 12, 2004 12:42 PM
To: Ask RML (NIH/NIAD); ORS RMLEIS (NIH/OD/ORS)
Subject: disease agents at RML

Follow Up Flag: Follow up
Flag Status: Flagged

5-1 { folks - I have the Supplemental Draft EIS for the RML proposal to become a Level 4 lab. App B - Characteristics of Diseases Studied at RML - lists the disease agents that are at RML, but does not indicate what biosafety level they are considered to be. The biosafety level information would tell the public how each organism is to be handled. Please send this information to me, either by email or by snail mail:

2397 Chief Victor Camp Rd.
Victor, Mt. 59875

Also, the SDEIS does not indicate exactly when the comment period closes. Please advise.

thanks - Jill

-- Jill Davies - - rivercare@blackfoot.net --
How we treat the Land is determined by how we view ourselves.
~~~~~The machine model kills living systems.~~~~~  
406/ 642-3259

*LETTER 5 - JILL DAVIES*

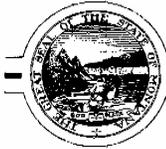
**Comment**

**Response**

**5-1** Diseases in Table B-1 are those currently or previously studied at RML. Those diseases have been studied in BSL-2 or BSL-3 laboratories. Table B-2, Characteristics of Viral Diseases Assigned to Biosafety Level 4, includes those that have to be studied in a BSL-4. The SDEIS states on page 4-5 that "it is not known specifically what agents would be studied at the Integrated Research Facility." This is because the study would depend on national needs at the time as well as emerging diseases not yet identified.

DEPARTMENT OF  
PUBLIC HEALTH AND HUMAN SERVICES

006



JUDY MARTZ  
GOVERNOR

GAIL GRAY, Ed.D.  
DIRECTOR

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January 6, 2004

Valerie Nottingham  
National Institutes for Health  
B13/2W64 9000 Rockville Pike  
Bethesda MD 20892

Re: Public Comment on DEIS for Integrated Laboratory Research Facility

Dear Ms. Nottingham:

On behalf of the Montana Department of Public Health and Human Services (DPHHS), I would like to be on record as supporting the proposed expansion of the Rocky Mountain Laboratories (RML) in Hamilton.

This recommendation comes after consulting with Dr. Michael Spence, State Medical Officer; Dr. Todd Damrow, State Epidemiologist; Mr. Terry Krantz, who is overseeing Montana's preparations for public health disaster and bioterrorism planning; and Mr. Paul Lamphier, State Public Health Laboratory Manager.

We are aware of the contents of the DEIS and find the document adequate to support the proposal to proceed.

It is our intention to enhance our relationship with the Rocky Mountain Laboratories and to partner with them in any way possible as we continue our preparedness efforts that have been intensified the past year and a half. We do envision benefits to Montana and the nation overall in terms of scientific advances, bioterrorism preparedness and response capacity. To further that effort, DPHHS employees will be contacting staff at the Rocky Mountain Laboratories to schedule joint meetings between DPHHS preparedness staff and RML staff.

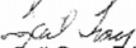
01-09-04R03:15 RCVD

LETTER 6 - GAIL GRAY, MONTANA  
DEPARTMENT OF PUBLIC  
HEALTH AND HUMAN  
SERVICES

Valerie Nottingham  
Page 2 of 2  
January 6, 2004

Overall, we believe the proposed Integrated Research Facility would directly benefit state and national response and preparedness efforts to prevent future outbreaks involving emerging and re-emerging infectious diseases.

Thank you for this opportunity.



Gail Gray, Ed.D.  
Director  
Montana Department of Public Health and Human Services

cc Dr. Michael Spence  
Dr. Todd Damrow  
Terry Krantz  
Paul Lamphier

LETTER 7 - GILBERT JELINEK

411 So. 2nd St.  
Hamilton  
Ga. 6

Dear Dr. Bloom -

Thanks very much for publicly pointing out that Jim Olson is spokesman for a small group of people opposed to the proposed level 4 construction program. I am sure that you remember that Olson was also one of the vocal critics of 4-laning Highway 93.

Also, thanks for including me on the list of people receiving the Supplemental E.I.S. I find it very informative and the result of a lot of work.

Here's hoping that it won't be long before the level 4 program gets underway - so that you medical researchers are handed more tools with which to do your work.

Thanks, again -

Gilbert Jelinek

01-09-04P12:08 RCVD

JAN -7 2004

**RML Integrated Research Facility**

**Public Meeting - January 22, 2004**

**Comments on the Supplemental Draft Environmental Impact Statement**

IN FAVOR OF LAB EXPANSION  
EIS WAS VERY WELL DONE  
OVERALL SAFETY RECORD WAS VERY GOOD

LETTER 8 - DENNIS BARBIAN

Name: DENNIS BARBIAN  
Company/Organization: 766 WILLOUGHBY  
Address: STEVENSVILLE, MT 59870  
City, State, Zip:

Please send comments to: Valerie Nottingham  
NIH, B13/2W64  
9000 Rockville Pike  
Bethesda, MD 20892

Please note that this document will become  
part of the administrative record for the EIS  
and will be subject to public review.

Comments must be post marked by February 11, 2004

*LETTER 9 - L. W. ENQUIST*

**Nottingham, Valerie (NIH/OD/ORF)**

**From:** Enquist, Lynn [lenquist@molbio.Princeton.EDU]  
**Sent:** Friday, January 23, 2004 9:17 AM  
**To:** ORS RMLEIS (NIH/OD/ORS)  
**Cc:** Enquist, Lynn; Bloom, Marshall (NIH/NIAID)  
**Subject:** BSL4 facility in Hamilton

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Ms. Nottingham,

I have read the Supplemental Draft Environmental Impact Statement for the proposed BSL-4 facility at the Rocky Mountain Laboratories in Hamilton, MT.

I am a virologist in the Molecular Biology department at Princeton University. I am the associate chair of the department, the president elect of the American Society for Virology, an author of a popular virology textbook, and the editor in chief of the Journal of Virology. I also am a dedicated fly fisherman who has, many summers over the years, spent many happy hours fly fishing on the Bitterroot River, enjoying the ambience of Hamilton and the Bitterroot valley. I have long time friends in Hamilton and also have a Princeton undergrad from Hamilton in my lab learning basic virology right now.

I worked in two BSL4 facilities in the 1970's , at the NIH campus, (Building 41; where I was then on the research staff) and also at Fort Detrick. In those days, recombinant DNA technology using viruses was done in high containment. Therefore I am familiar with the concept of high containment research and have worked in what were in the mid 1970's, state of the art facilities. It is my judgment that the facility in Hamilton is superior to those old facilities and will be safe for the residents of Hamilton.

I recognize that the world we live in is full of risks and nothing can be guaranteed as risk-free. Indeed, we all must assess relative risks daily and determine when a risk is low or when it is high. In my opinion, the risk of a Hamilton resident encountering an infectious agent from the BSL4 facility is exceedingly low, if not vanishingly small. The scientists who work in the facility will deal directly with infectious agents and the risk to them is also very low as they understand the agents and also are protected by many levels of physical and biological safeguards.

The BSL4 facility in Hamilton is an essential part of our national research effort. The only counter to those who will use science against us is to fight back with research. Knowledge is power, indeed. Research done is this

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RML-Integrated Research Facility FEIS

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facility will go far to help us understand how to control natural diseases that plague human-kind like pandemic influenza, SARS, Dengue fever, and West Nile virus. The Hamilton facility will provide essential resources to carry out this specialized research. In addition, this facility will attract new skilled workers and their families to Hamilton who will add to the diversity and energy of a vibrant community.

I appreciate the opportunity to comment on this issue.

Sincerely,

L. W. Enquist, Ph.D.  
Professor of Molecular Biology  
and Associate Chair

**Nottingham, Valerie (NIH/OD/ORF)**

**From:** kevin dohr [ossitadelsol@yahoo.com]  
**Sent:** Friday, January 23, 2004 10:17 AM  
**To:** ORS RMLEIS (NIH/OD/ORF)  
**Subject:** rocky mountain lab expansion

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Ms. Nottingham: This e-mail is being written as a comment on the supplemental environmental impact statement for the proposed expansion at Rocky Mountain Laboratories. Although the supplemental environmental impact statement represents a marked improvement over the original one, my opposition to expansion to a high-containment biological lab remains intact. To my way of thinking it is ill-advised to locate a biosafety level 4 lab in a residential neighborhood in Hamilton, Montana. An alternative site was dismissed in the proposal as being too costly but given the risks involved (e.g., on air and water quality and exposing the public to unnecessary danger) and the importance of maintaining a high level of security (which could be more readily achieved by locating the lab away from neighborhoods in a more remote and defensible location) I continue to hold the opinion that an alternative location is the most prudent option. As a resident of the Bitterroot valley I strongly urge you to not proceed with the expansion. I appreciate your time and consideration of my comments. Kevin Dohr, Ph.D.

Kevin Dohr, Ph.D.  
 1113 Lance Lane  
 Stevensville, MT 59870

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<http://webhosting.yahoo.com/ps/sb/>

10-1

*LETTER 10 - KEVIN DOHR*

**Comment**

**Response**

**10-1** The notion that an Integrated Research Facility (IRF) can be remotely placed and remain scientifically productive is incorrect. Science performed off campus is not dependent upon facilities available on campus. Scientific functions are highly interconnected and rely on core support services in order to make progress and ensure regulatory compliance. Specific support functions such as electron microscopy, hazardous materials handling, select agent tracking, secure shipping and receiving, emergency medical response capability, security screening and handling of visitors needs to occur in very close proximity to the facility and cannot be managed off site. Such functions are already present at the RML campus and would not require duplication at a new remote location. Furthermore, the current federal budget did not consider the need to build additional roads, electrical, natural gas and water utility plants and other requirements typically provided by state, municipal or private enterprises. All of these supportive requirements exist at the RML campus and also the NIH Bethesda Campus thereby eliminating the need for duplication which lowers project cost by considerable orders of magnitude. Please also see Section 2.2.2.2.

**Nottingham, Valerie (NIH/OD/ORF)**

**From:** Larry Campbell [lcampbell@bitterroot.net]  
**Sent:** Friday, January 23, 2004 1:44 PM  
**To:** ORS RMLEIS (NIH/OD/ORS)  
**Cc:** Larry Campbell  
**Subject:** comments on RML IRF SDEIS  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Larry Campbell  
Box 204  
Darby, MT 59829

To: Valerie Nottingham  
NIH, B13/2W64  
9000 Rockville Pike  
Bethesda, MD 20892

January 23, 2004

**RML SDEIS Comments**

I appreciate the opportunity, provided by NEPA, to comment on the SDEIS and I especially appreciate the production of an SDEIS to comment on. The decision to supplement the previous sketchy DEIS is commendable and is a demonstration of how the planning of a project can be improved through public involvement.

The analysis and information in this SDEIS is, however, still lacking. More importantly, the entire framework of analysis has been skewed. One of the critical legs of the NEPA process is that the analysis of an action being contemplated includes a range of alternatives. The reason for this is not simply a technical formality. Any informed decision analyzes various action alternatives and possibly combines parts of various alternatives. The purpose and need set out in this document is artificially constrained and tailor made for, and only for, a BSL lab at the existing RML campus in residential Hamilton. Only one action alternative has ever been analyzed. It is a cut and dried plan. Take it or leave it. The decision we are supposedly awaiting has been a foregone conclusion from the beginning. It is clear NIH did not go through the NEPA hoops to choose No Action. NIH apparently went through the NEPA hoops entirely as a formality of informing the public about what they were going to do.

But, I believe NEPA is meant to improve decision making by involving the public, not just a mandate to inform the public about a set plan. Even the informational aspect of the process has been short changed by not analyzing a range of alternatives. Neither we the public, nor apparently the decision maker at NIH know what is being traded off, for example, by choosing not to build a new BSL-4 RML lab at a secured location outside of residential Hamilton. At the last meeting Dr. Deborah Wilson, NIH Director of Safety, agreed with my contention that distance from the community would significantly improve community safety. By not analyzing this alternative we don't know how much that extra community safety would cost or how much community safety could be gained. Or, given this decision-that-was-made-from-the- beginning, how much community safety is being sacrificed to save how much money.

*LETTER 11 - LARRY CAMPBELL*

**Comment**

**Response**

**11-1** Please see Section 1.7.1 where this comment is addressed. The project is not 'artificially constrained' but is truly constrained by the allocated funds.

**11-2** Please see Section 1.7.1 where this comment is addressed.

**11-3** Please see the Community Risk section in section 4.2.1 where community safety is addressed. The risk analysis revealed that there was no health risk from the release of infectious agents at a distance of 300 feet from the exhaust ducts. The actual distance to the community exceeds 300 feet. Therefore, a more remote location would add no further benefit to public health and safety.

Chapter 5 – Response to Comments

There could be advantages over and above improved security and public safety could be bought by the extra cost by starting from scratch in a smarter location, like less noise and traffic problems. Who knows? No other action options were analyzed.

The rationale given for dismissing all options to relocate RML to a less populated area does not mention the importance of resulting improvements to security and community safety.

**11-4** { Most of the reasons given for dismissal are not even relevant to some examples of possible alternatives. A BSL 4 lab built downwind, east of town would not require relocation of staff or “necessitate decommissioning and closure of the present RML facility”, as stated in this document. The intellectual synergy of integrated lab work could still continue between the existing lab and the more secure BSL-4 lab down wind outside of town.

**11-5** { I have several more specific concerns about the proposed alternative. I haven’t found a discussion about what the result of an explosion might be. This event might have sounded far fetched not long ago. At the last RML informational meeting (12/17/03) Dr. Wilson tried to put the community at ease by saying the heat from an explosion would kill any pathogens. Heat from a significant explosion can be quite local and insignificant. People can live through explosions so I’m sure pathogens could too. Explosive events should be considered in the analysis.

**11-6** { I believe prions can withstand an autoclave. If so, the decontamination plans to autoclave animal cages and bedding appear inadequate for work with TSE diseases.

**11-7** { I believe prions can withstand an autoclave. If so, the decontamination plans to autoclave animal cages and bedding appear inadequate for work with TSE diseases.

The shipping of pathogens through the US Post Office may be the weakest link in security. I hope nobody ever goes ‘postal’ after taking a package home for a dose of whatever biohazard is in that *clearly marked* package.

**11-8** { MPR is not defined in the acronym section but it stands for Maximum Possible Risk even though the model reduces the possible range in distance of escaped pathogens by assuming zero exhaust velocity. Also, I see reference to ‘wind pattern’, but I don’t see any factor in the model for wind speed (p.4-11) Ignoring wind speed would also lessen the range in distance traveled by escaped pathogens The assumptions of zero exhaust velocity and zero wind produce maximized concentrations of pathogens to look at a in worst case scenario. If a disease can be caused by one spore, bacteria, virus or prion, it would seem that the distance that pathogen could travel in a short period of time could be important information. Community quarantine or evacuation planning could benefit from such information.

**11-9** { Finally, it is my understanding that a new specialized hospital room is being built in Missoula that is touted as safety mitigation for the proposed project. (Dr. Risi, 12/17/03 RML public meeting) Why not build it in Hamilton? Doesn’t the ambulance ride to Missoula (on Highway 93, no less) unnecessarily increase risk of spreading disease to the community all along the route? Why not build a special room at Marcus Daily Hospital and bring the doctor down from Missoula, if needed? That would seem to increase public safety and benefit the community that is being asked to accept the increased risk

Larry Campbell

2/4/2004

**Comment Response**

**11-4** Please see the Community Risk section in section 4.2.1 where community safety is addressed. There is no benefit to locating the facility downwind from the community because, based on this risk assessment information, even at the location of the closest residence to proposed RML IRF and under the very worst case scenario the risk of public harm is statistically so minute that it may be considered zero. Therefore, a more remote location would add no further benefit to public health and safety.

**11-5** The RML IRF was designed to have set backs from the campus perimeter consistent in meeting blast charge weights drawn from the Interagency Security Committee Guidelines for New Construction, Department of Justice Guidelines and the Department of Defense Unified Facilities Criteria. Most of these documents are in the public domain; however, some portions are considered “security sensitive”. Additionally, analyses were conducted to assess the effect of satchel charges placed at potentially vulnerable locations of the facility to address issues such as progressive collapse and breach of containment. Any areas shown to be vulnerable during these analyses were reinforced, as appropriate, in the facility design. Details of the analyses are considered security sensitive, as it is prudent to keep such detailed vulnerability information from being available to those who might use the information in a manner that would abrogate the intent for which it was produced. A worst-case scenario modeling a percussive explosion would mimic the release described in Scenario I on page 4-11 of SDEIS and FEIS.

[Continued on following page.]

- 11-6** Please see response to comment 11-5.
- 11-7** Prions are subjected to chemical treatment, autoclaving, and if appropriate for the waste type, incineration. Please see page 4-9 and FEIS.
- 11-8** MPR has been added to the list of acronyms and defined in the glossary.  
  
The MPR model does not take into account wind speed. As discussed the SDEIS on page 4-12, the MPR model discounts wind speed and patterns and replaces them with a well defined geometric dispersion model which increases the likelihood that a released particle, or portion thereof, will be identified in a quantitative manner. Addition of wind speed, exhaust velocities, a wind direction, etc. to the model would decrease the worst-case quantification effort because addition of these variables create increased dispersion/dilution of the contaminant.
- 11-9** Emergency plans will be drafted (see Chapter 4). If it is determined that there is a need for specialized care facilities at Marcus Daly or another regional hospital, RML will enter into agreements with relevant providers and entities.

**Nottingham, Valerie (NIH/OD/ORF)**

**From:** Sally Rose [Sally.Rose@lee.net]  
**Sent:** Thursday, January 29, 2004 3:00 PM  
**To:** ORS RMLEIS (NIH/OD/ORF)  
**Subject:** biological research laboratory

Attn: Valerie Nottingham

I am VERY opposed to a biological laboratory to study pathogens being built in Hamilton, Montana or anywhere in the United States. Building a laboratory for bioterrorism research is a waste of money badly needed elsewhere and does present a danger to the public. Although Rocky Mountain Labs (or some other lab) may have a good safety record, accidents and unforeseen events do happen.

Sincerely,

Sally Rose  
Billings, Mont.

**Nottingham, Valerie (NIH/OD/ORF)**

**From:** Brian Bachman [bachmanbrian@hotmail.com]  
**Sent:** Friday, January 30, 2004 9:01 PM  
**To:** ORS RMLEIS (NIH/OD/ORF)  
**Subject:** Rocky Mountain Lab Expansion

Dear Ms. Nottingham;

Attached is a letter to Marshall Bloom that outlines two suggestions I have after reading the full supplement to the EIS for the proposed expansion of RML. As a resident of the community, I feel very comfortable with and fully support the expansion. I appreciate the confidence that has been shown to the Rocky Mountain Labs as evidenced by this commitment.

If you have any questions, please feel free to contact me.

Sincerely,

Brian R Bachman  
406-363-0123 MT home  
206-715-2341 cell

Scope out the new MSN Plus Internet Software – optimizes dial-up to the max!  
<http://join.msn.com/?pgmarket=en-us&page=byoa/plus&ST=1>

*LETTER 12 - SALLY ROSE*

*LETTER 13 - BRIAN BACHMAN*

No letter was attached.

**Nottingham, Valerie (NIH/OD/ORF)**

---

**From:** LLittlelouie@aol.com  
**Sent:** Tuesday, February 03, 2004 9:38 PM  
**To:** ORS RMLEIS (NIH/OD/ORS)  
**Subject:** Lab proposal

To Valerie Nottingham,

As a teacher, long time resident of Montana and well informed member of the voting public, I submit this letter in strong opposition to the proposed lab upgrade in Hamilton, Montana. We will not win the war on terrorism or even put up a good fight by exposing our citizens and anyone else to this UN-godlike material.

Laurie Leonard  
2734 S 7th St. W  
Missoula, MT 59804

*LETTER 14 - LAURIE LEONARD*



Your Community Family Health Choice  
111 Main Street  
Hamilton, MT 59840  
Phone: (406) 961-3611 • Fax: (406) 963-0131  
E-mail: [info@bluerootdrug.com](mailto:info@bluerootdrug.com)

LETTER 15 - WAYNE A. HEDMAN

February 4, 2004

National Institutes of Health  
903 South 4th St.  
Hamilton, MT 59840

RE: Expansion Project

To Whom It May Concern:

This is a letter in support of your expansion project. I appreciate that you have held numerous public meetings and gathered comments from concerned citizens prior to making your decision to continue with the project.

I have all the confidence that you will continue to run an efficient and safe facility.

Sincerely,

WAYNE A. HEDMAN  
RPh/Owner

Cc: Marshall Bloom

02-04 10:51:04 RLV



**MONTANA HISTORICAL SOCIETY**

225 North Roberts ♦ P.O. Box 201201 ♦ Helena, MT 59620-1201  
♦ (406) 444-2694 ♦ FAX (406) 444-2696 ♦ www.montanahistoricalsociety.org ♦

January 14, 2004

Valerie Nottingham  
NIH, B13/2W64  
9000 Rockville Pike  
Bethesda, MD 20892

Ref: Rocky Mountain Labs Supplemental Draft EIS, December 2003

Dear Ms. Nottingham:

We've reviewed the above referenced document you submitted to us and have no comments on the Integrated Research Facility's (IRF) affect on the RML Historic District. Also, we believe that the increased employee traffic that will come with the completed IRF will not have a significant impact on the Hamilton Historic District.

Sincerely,

Pete Brown  
Historic Architecture Specialist  
Montana SHPO  
(406) 444-7718

File: NIH-USDHHS/Hamilton/2003122605-3001

01-23-04A09:19 RCVD

*LETTER 16 - PETE BROWN, MONTANA  
HISTORICAL SOCIETY*



STATE HISTORIC PRESERVATION OFFICE ♦ 1410 8<sup>th</sup> Ave ♦ P.O. Box 201202 ♦ Helena, MT 59620-1202  
♦ (406) 444-7715 ♦ FAX (406) 444-6575

LETTER 17 - TY R. CAPELLE

TO: STEPHEN A. FICCA

1/15/2004

DEAR MR. FICCA,  
THANK YOU FOR COMPLETING THE SUPPLEMENTAL DRAFT EIS FOR THE  
ROCKY MOUNTAIN LABORATORIES IN HAMILTON, MT. I AM SURE THAT IT TOOK  
CONSIDERABLE TIME AND MONEY TO DO THIS. HOWEVER, YOU TOLD US  
NOTHING NEW. IT ONLY REITERATES ONCE AGAIN THAT MORE IS NOT BETTER.

THE BOTTOM LINE IS THAT YOU INTEND TO BUILD AN UGLY, NOISY AND  
POTENTIALLY DANGEROUS FACILITY IN THE MISTS OF A BEAUTIFUL, QUIET  
AND HISTORICAL RESIDENTIAL AREA. THIS IS A MISTAKE.

PLEASE RECONSIDER. IT'S NEVER TOO LATE TO DO THE RIGHT THING.

THANK YOU,  
TY R. CAPELLE  
714 S. 2ND ST.  
HAMILTON, MT. 59840



Rec'd 1/23/04  
MCC

LETTER 18 - PARNELLI SHARP

E. Parnelli Sharp  
537 Hudson Lane  
Victor, MT 59875  
406-961-1705  
ParnelliS@aol.com

01-29-04P02:35 RCV0

January 24, 2004

Valerie Nottingham  
NIH, B13/2W64  
9000 Rockville Pike  
Bethesda, MD 20892

Dear Ms. Nottingham,

I am writing this in reference to the open comment period for the SDEIS for the Rocky Mountain Lab Expansion proposal in Hamilton, MT. I am in support of the expansion but have several comments regarding the process.

I am a resident of Victor, MT. This is a small community (less than 600 people) approximately 7 miles north of Hamilton. I am a new to the area, but have had information on this proposed project from long-time residents in Hamilton and Victor. These residents have had somewhat negative opinions about this upgrade to the lab. Once a resident (June 28, 2003), I became very involved through attending the Community Liaison Meetings as an observer. I must admit that the comments from my friends pressed me into finding out more about the lab and the controversy about this expansion. I could not understand why such educated people would be against this opportunity for research to take place in the community. I am not a scientist, nor a researcher. I am a retired educational administrator and consider myself an educated person with an understanding that research is not a pure science; it is a process with experiments and flaws. I have formulated my own opinions and thank you for the opportunity in this comment period to express them.

There is always a problem with change. People don't like it. It is the challenge of the change agent to facilitate the change process. In my opinion as an observer for the past 8 months, the proposed change to move RML from a level 3 lab to a level 4 lab has had its holes, oops, and oversights associated with it. I'm not sure if these can be rectified in the minds of many of the local residents. They have looked to the educated, scientific leaders for structure and direction within the Environmental Impact Study (EIS). They did not find that and are frustrated to the point of not supporting the project. Perhaps better understanding of the purpose of an EIS would have been beneficial. Certainly, ironing out some of what I call the holes, oops, and oversights would have helped. Let me provide specifics for my opinion.

First, let me address what I term - the holes. As stated many times (SDEIS p. 2-1 and throughout), "NIH proposes to construct an Integrated Research Facility to house Biosafety Level (BSL)-2, BSL-3, and BSL-4 laboratories, animal research facilities, administrative support offices, conference rooms, and break areas at the RML Facility in Hamilton, Montana." This statement already sends red flags up to people. Many residents of the community consider this a "done deal". It has already been decided by the government to put this in here at the Hamilton facility. They did not feel that alternatives to Hamilton, MT were considered. It might have been more accepted if the proposed action had been stated, "to provide a highly contained and secure intramural lab at a location in the northwest United States." Then to consider alternatives and zero in on RML because it is the best alternative. But the perception is that this is something forced upon the residents with no alternatives considered.

Secondly, the "oops". In the best attempt of the Associate Director, Dr. Marshall Bloom, to establish a Community Liason Committee (SDEIS, p. 2-11), it is perceived by some residents that the members of the committee are selected individuals "chosen" to support this expansion of the lab. These selected few have

Comment

Response

18-1

Please see response to comment 10-1.

18-1 {

Chapter 5 – Response to Comments

no structured role or procedure for sharing information presented/discussed at the meetings back to their respective representative group, nor do most of them bring questions forward. No public comment is accepted at the meeting. So, many local residents are wary of what the group represents. Public outreach is essential. A publicized web page and/or newsletter with updated information, specific Community Liaison Meeting agendas and minutes need to be available (The tapes of the sessions are good but, not all residents can get to the library.), and local email contacts listed. Regularly scheduled informal, neighborhood chat sessions would provide neighbors with opportunities to have their opinions voiced and a forum for open communication.

**18-2** { Third.....the oversights. Many have responded that there are several items not addressed in the SDEIS. I can only comment on the one most glaring to me - local, emergency services. There is no emergency plan included in the document and no dedicated, federal dollars to enhance the mostly community, VOLUNTEER emergency personnel. It is stated that certain procedures will be written if and when the project is approved but no assurances are provided for the community. It is essential that assurances such as a timeline as to when the community should expect these components to materialize must be included in the final EIS to be considered by this community. Most of the fire services in Hamilton and surrounding communities are volunteer people. The medical care in Hamilton and other local communities is very small. Medical facilities are limited. There must be dedicated, federal dollars to come with this project to have more personnel hired specifically to expanding these services. Planners of this proposed expansion project and these documents must have overlooked that for 3-4 months out of the year local fire and medical services in Montana are busy with other emergencies (forest fires). Having collaboration with these services during these local emergencies would be disastrous if they were needed to help at RML. More than a memorandum of understanding with local emergency services and hospitals (SDEIS, p. 2-17) is needed. For the record, there is only one local, Hamilton hospital. This critical aspect of dedicated emergency personnel cannot be overlooked in a final EIS. These resources must be expanded.

Dr. Marshall Bloom has conducted himself in the most professional manner considering the governmental circumstances under which he has had to present himself. It is my opinion that the events related to the Environmental Impact Studies for this project have been a classic case of the cart going before the horse. I really want to see a level 4 lab in this community. But, it is essential that it is well thought out, planned in collaboration with the community, and has the needs and concerns of the residents within the mile radius of the lab addressed before any approval is given to this project.

**18-3** { In closing, I want to return to my observations of many residents of this local area. These residents looked to experienced researchers and scientists to provide the knowledge and structure for this proposed project. They have been shown a poor initial EIS, a project that is perceived as a done-deal, and a SDEIS that still overlooks many of the impacts that such a project will have on this small town and surrounding communities. You must address better community outreach and involvement, and expanded emergency resources to assure a quality, safe, accepted lab expansion in Hamilton, MT.

Thank you for this opportunity to comment on this proposed project.

Sincerely,



E. Parnelli Sharp

Cc: Dr. Marshall Bloom, RML Associate Director

**Comment**

**Response**

**18-2** Please see Section 1.7.2 where this comment is addressed.

**18-3** Please see Section 1.7.2 where this comment was addressed. Please see description of *Neighborhood Meetings*, which was included in Chapter 2 of the DEIS, SDEIS and is included in the FEIS.

5-26  
RML-Integrated Research Facility FEIS

LETTER 19 - GOVERNOR JUDY MARTZ

OFFICE OF THE GOVERNOR

STATE OF MONTANA

JUDY MARTZ  
GOVERNOR



STATE CAPITOL  
PO Box 200801  
HELENA, MONTANA 59620-0801

January 26, 2004

Valerie Nottingham  
National Institutes of Health  
B13/2W64 9000 Rockville Pike  
Bethesda, MD 20892

02-02-04P03:24 RCVD

RE: Public Comment on DEIS for Integrated Research Facility

Dear Ms. Nottingham:

I am aware that a supplemental draft EIS was issued in late December, 2003 and thus want to, with this letter, renew my support for the Integrated Research Facility (IRF) project at the Rocky Mountain Laboratories (RML) in Hamilton. I believe that this project is based on sound scientific design and rationale, and the project has emerged as a scientific biodefense necessity in our post 9-11 world.

Members of my staff and I have toured the RML campus to discuss the expansion project, see the work being done in these facilities and meet the employees.

My staff and I have also met with representatives from the Department of Public Health and Human Services (DPHHS) regarding the RML project, and we envision an enhanced working relationship between these two entities as a result of the IRF.

These informational meetings, my knowledge of RML's work and safety record, and widespread support from medical professionals in the vicinity have left me certain that proceeding with the IRF is the right thing to do. Montana is fortunate to have a facility of this caliber. RML is clearly doing research on par with the best infectious disease research laboratories in the nation, and the facilities are already world class. My administration hopes to develop a greater working relationship with the experts and resources at RML.

Historically, RML has been a good partner with DPHHS on projects involving microbial pathogens and communicable disease. In fact, DPHHS presently is collaborating with RML on a tick research project regarding a potentially new vector borne illness. We are

TELEPHONE: (406) 444-3111 FAX: (406) 444-4151

Chapter 5 – Response to Comments

Valerie Nottingham  
January 26, 2004  
Page 2

also aware of an established working relationship between RML and the Ravalli County Health Department on its public health disaster planning efforts.

While the RML biosafety level 4 research facility would not likely lend itself to any new state project partnerships, my administration does see benefits to Montana and the nation overall in terms of scientific advances, bioterrorism preparedness and response capacity.

19-1

Leaders at the state public health laboratory, who are preparing to upgrade to BSL-3 status, realize the primary mission of RML is research and not service testing. Still, the state is interested in exploring a formal working relationship with RML in terms of a backup and consultative capacity in the event of a public health crisis.

Further, state government also hopes to rely on expertise from RML researchers in terms of consultations and advising on projects. We are aware that in addition to interactions with scientists and students from the Montana university system, RML also counts among its regular visitors some of the world's leading scientists, such as:

- Dr. Stanley Falkow of Stanford University, recognized as one of the foremost authorities in the world of infectious diseases, and his wife, Dr., Lucy Tompkins, who is an infectious disease specialist at Stanford Medical School. Dr. Falkow spends much of his summer at RML interacting with staff and students, and has conducted research at RML.
- Noble Prize winner Dr. David Baltimore, president of the California Institute of Technology.
- Stanford University professor Dr. Irving Weissman, originally from Great Falls, who is a world-respected authority on stem cells.
- Dr. Leroy Hood, a Montana native, who runs the Institute for Systems Biology in Seattle.

With this level of science-based support for continued work at RML, and our state's desire for a long-term working relationship with RML, I encourage the IRF project to proceed as planned.

Sincerely,



JUDY MARTZ  
Governor

**Comment**

**Response**

19-1

Further discussions between the State and RML will occur regardless of the alternative selected.

5-28  
RML-Integrated Research Facility FEIS

500 W. Broadway St., P.O. Box 4587  
Missoula, Montana 59806-4587  
406/329-5630 Fax 406/329-5693  
www.saintpatrick.org



EXECUTIVE OFFICES

January 22, 2004

Ms. Valerie Nottingham  
National Institutes of Health  
B13/2W64  
9000 Rockville Pike  
Bethesda, MD 20892

Comment to: Supplemental Draft Environmental Impact Statement  
RML Integrated Research Facility

Dear Ms. Nottingham:

I am writing in support of the construction of the integrated research facility that has been proposed for the campus of the Rocky Mountain Laboratories located in Hamilton, Montana.

Rocky Mountain Laboratories proposed facility will be the premiere research facility of its kind in the world when completed. It will be an economic boon to the area and may serve as a magnet for other private research facilities. The potential benefits to the local medical community are enormous, as part of the proposal is the education of local health care providers on the management of potentially exposed individuals and the upgrading of local hospitals to accommodate such persons were an exposure to occur. This type of training and facility upgrades will greatly assist St. Patrick Hospital and Health Sciences Center in our ability to prepare for disasters, infectious diseases, and potential biologic attacks on our community.

The Environmental Impact Statements have more than adequately, in our assessment, evaluated the overall impacts on the community of the construction of the facility. We concur with its conclusions and encourage the final report to continue to consider the proposed construction as the preferred alternative.

Sincerely,

A handwritten signature in black ink that reads 'Steven Witz'.

Steven M. Witz, Ph.D.  
President and CEO

SMW:seh

LETTER 20 - STEVEN WITZ, ST. PATRICK  
HOSPITAL

02-02-04P03:24 RCV0

Chapter 5 – Response to Comments

consulting  
education  
clinical practice

*Infectious Disease Specialists, PC*  
George F. Risi MD, FACP  
Fellow, Infectious Disease Society of America

Valerie Nottingham  
National Institutes of Health  
B13/2W64  
9000 Rockville Pike  
Bethesda, Maryland  
20892

02-02-04P03:24 RCVD

Comment to: Supplemental Draft Environmental Impact Statement  
RML Integrated Research Facility

January 22, 2004

Dear Ms. Nottingham,

This letter is to reaffirm my support for the construction of the integrated research facility that has been proposed for the campus of the Rocky Mountain Laboratories (RML) located in Hamilton, Montana.

Previously I wrote in support of the initiative after review of the Draft Environmental Impact Statement (DEIS) issued in May of 2003. As the result of input received during the public comment period a supplemental DEIS was composed and released in December 2003. That supplement contains additional information specifically addressing, among other things, the safety record at the major biosafety level 4 (BSL-4) facilities around the world, as well as a maximum possible risk (MPR) analysis assuming catastrophic failure of the multiple safeguards built into the facility. Both of those analyses should go a long way toward assuaging any concerns that individuals have expressed. This is because there were no clinical infections of workers in these labs (3 institutions which over 30 years amassed nearly 500,000 hours of laboratory and field work working with such agents as Ebola, Marburg and other hemorrhagic fever viruses) and there is no measurable risk to the community at large in any of the worst case scenarios investigated in the MPR analysis.

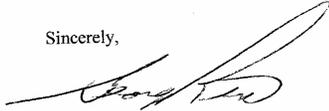
It bears repeating that RML's proposed facility would be the premiere research facility of its kind in the world when completed. It would be an economic boon to the area and could indeed serve as a magnet for other private research facilities. The potential benefits to the local medical community are also enormous, as part of the proposal is the education of local health care providers on the management of potentially exposed individuals and the upgrading of local hospitals to accommodate such persons were an exposure to occur. Such training and facilities upgrades will greatly assist us in our ability to deal with the much more likely possibility of infection in a traveler returning from areas of the world where such emerging infectious diseases are found (SARS in China, Ebola in Africa, Junin in Argentina, to name just a few) as well as with any potential biologic attack on our community.

The supplemental draft EIS is a comprehensive document that more than adequately, in my assessment, evaluates the overall impacts on the community of the

*LETTER 21 - DR. GEORGE RISI*

construction of the facility. I concur with its conclusions and encourage the final report to continue to consider the proposed construction as the preferred alternative.

Sincerely,



George F. Risi, MD, FACP, FIDSA  
Director, Infection Control  
St. Patrick Hospital and Health Sciences Center

Montana State Senate



*The Big Sky Country*

SENATOR RICK LAIBLE  
SENATE DISTRICT 30

HELENA ADDRESS:  
PO BOX 200500  
HELENA, MONTANA 59620-0500  
(406) 444-4800

HOME ADDRESS:  
529 MOOSE HOLLOW  
VICTOR, MONTANA 59875  
PHONE: (406) 961-9974  
FAX: (406) 961-9975  
E-MAIL: ricklaible@aol.com

COMMITTEES:  
FINANCE  
LOCAL GOVERNMENT  
NATURAL RESOURCES

January 22, 2004

Valerie Nottingham  
National Institute of Health  
B13/2W64, 9000 Rockville Pike  
Bethesda, Md. 20892

Re: Rocky Mountain Lab-Hamilton, Mt.

Dear Ms. Nottingham:

Having reviewed the Supplemental Draft Environmental Impact Statement, dated December 2003, for the above project it is quite evident that the safety of the community was of primary concern during the design of the project. The safety record of all Level 4 labs is impeccable and poses virtually and statistically very little threat to the community.

Our current county growth policy, created by a bipartisan community focus group, overwhelmingly supported section 3.6, Economic Development, by boldly highlighting the following beginning statement. "The intent of this countywide goal (economic development) is to promote and encourage a positive environment for existing and new businesses. It proposes a means to evaluate current public needs to improve the business environment in the County. Other collaborative efforts to support businesses are also proposed."

There are some within our community whose primary goal is to stop all growth which is from whom the majority of the opposition is coming. This is not about the safety of the Lab, but the jobs and population growth which the Lab will bring.

I strongly support, and so does the majority of our community, the expansion of the Rocky Mountain Laboratories in Hamilton.

Sincerely,

A handwritten signature in black ink that reads "Rick Laible".

Rick Laible

02-02-04P03:23 RCVD

LETTER 22 - STATE SENATOR RICK  
LAIBLE

LETTER 23 - ANONYMOUS

02-02-04P03:23 RCVD

### Commenting on the proposed Lab in Hamilton, MT

January 24, 2004

We reside within a few miles of the proposed lab in Hamilton, MT and we are against the proposed building! We want to make it clear that we do not want it built! We don't feel that the potential gain is worth the almost certain catastrophe that will happen someday if the lab is built – harboring deadly viruses, bacteria, etc.

Arguments can be argued forever, but the bottom line is that this is in our back yard and we do not want it at all! Why can't you understand that someday a catastrophic mistake will happen if the lab is built? You're dealing with humans here. People can't be perfect forever. Sooner or later, a mistake will be let out. Intentional or unintentional – it will happen. Do you really think that there never will be a major mistake?

We can't even believe that you would consider building such a place. We could care less about the few jobs that would be created. We don't want growth any more. Pretty soon the beautiful place that drew us here will all be developed and then what will we do? Forget the lab – forget more growth – let things stay the same.

Sincerely,

A Hamilton, Montana Area Family

LETTER 24 - ANONYMOUS

02-02-04P03:23 RCVD  
02-02-04P03:23 RCVD

1/24/04

Regarding the proposal of building a BSL-4  
lab in our neighborhood -

We are residents in the Hamilton, Mt area  
and we are 100% against building such a lab!

We don't want the lab in our area at all.

It all is made to sound as it is ok and safe,  
but eventually someone, sometime will error and  
then it's too late. Then people will say "we  
never should have built it!"

If it must be built, build it on government  
lands in the desert somewhere.

Sincerely,

A Hamilton Area Family

Citizen comments on RML SDEIS

02-02-04 10:02 AM

25-1 { I have attended numerous information meetings with RML management, and the same questions remain unanswered. One has to wonder if this is a deliberate attempt by the NIH to deceive the citizens of Hamilton. It has been our understanding, all along, that in 2001, President Bush mandated new and expanded research on biological weapons that could be used by terrorists after 9/11. That mandate became the reason for the proposed BSL-4 expansion at RML. Yet, on Jan. 22, 2004, Dr. Bloom stated (to approx. 125 Hamilton citizens), that there would be "NO BIOLOGICAL WEAPONS RESEARCH AT RML". What, then, is the reason for the proposed BSL-4 expansion? What, then, is the reason to put the citizens in harm's way? And I'm sure that the U.S. inability to find biological weapons in Iraq isn't helping the NIH case either. There doesn't seem to be any acceptable reason to bring these deadly pathogens into our community.

And what about the terrorists? Any suicide bomber with bio weapons and an airplane is certainly concerned that an antidote or vaccine could be discovered at RML, that would counteract his weapon. Logic says that it would be in the terrorists' best interest to destroy the BSL-4 facility, and stop the research. But where does that leave us, the neighbors to RML? Are we nothing more than collateral damage in the eyes of the NIH?

25-2 { And finally, it would have made the BSL-4 Lab much easier to accept if the NIH had spent a portion of their HUGE budget to improve the City of Hamilton. To my knowledge, the RML never even offered to pay the balance of what they owe on their enormous water bill, much less take the burden off the local taxpayers to improve the water and sewer systems to accommodate the Lab's ever-expanding needs. As a result, the citizens of Hamilton have some of the highest water rates in the State of Montana. We resent being required to subsidize the Federal Government while the officials at RML and NIH get large bonuses. How about providing us with a new fire truck, or an isolation room at the hospital, etc??? You need to pay for the impact you are making here. Our new City Councilors are much more able and competent to negotiate these things than the previous Council, and you should ask for their suggestions. I doubt your BSL-4 will ever be welcome here if you continue to burden the citizens.

Lorraine Crotty, 1000 S. 2nd Street, Hamilton, MT 59840

LETTER 25 - LORRAINE CROTTY

Comment

Response

25-1

Please see the purpose and need stated on page I-5 of the FEIS. This information was provided in the DEIS and the SDEIS.

25-2

Please see page I-11 where this comment is addressed. The NIH is restricted by Federal law from paying for the listed items absent specific authority to do so, and the NIH has no such authority.

Valerie Nottingham  
National Institutes of Health  
B13/2W64  
9000 Rockville Pike  
Bethesda, Maryland  
20892

02-02-04P03:22 RCV0

*LETTER 26 - 28 DOCTORS*

Comment to: Supplemental Draft Environmental Impact Statement  
RML Integrated Research Facility

January 22, 2004

Dear Ms. Nottingham,

This letter is to reaffirm our support for the construction of the integrated research facility that has been proposed for the campus of the Rocky Mountain Laboratories (RML) located in Hamilton, Montana.

Previously we wrote in support of the initiative after review of the Draft Environmental Impact Statement (DEIS) issued in May of 2003. As the result of input received during the public comment period a supplemental DEIS was composed and released in December 2003. That supplement contains additional information specifically addressing, among other things, the safety record at the major biosafety level 4 (BSL-4) facilities around the world, as well as a maximum possible risk (MPR) analysis assuming catastrophic failure of the multiple safeguards built into the facility. Both of those analyses should go a long way toward assuaging any concerns that individuals have expressed. This is because there were no clinical infections of workers in these labs (3 institutions which over 30 years amassed nearly 500,000 hours of laboratory and field work working with such agents as Ebola, Marburg and other hemorrhagic fever viruses) and there is no measurable risk to the community at large in any of the worst case scenarios investigated in the MPR analysis.

It bears repeating that RML's proposed facility would be the premiere research facility of its kind in the world when completed. It would be an economic boon to the area and could indeed serve as a magnet for other private research facilities. The potential benefits to the local medical community are also enormous, as part of the proposal is the education of local health care providers on the management of potentially exposed individuals and the upgrading of local hospitals to accommodate such persons were an exposure to occur. Such training and facilities upgrades will greatly assist us in our ability to deal with the much more likely possibility of infection in a traveler returning from areas of the world where such emerging infectious diseases are found (SARS in China, Ebola in Africa, Junin in Argentina, to name just a few) as well as with any potential biologic attack on our community.

The supplemental draft EIS is a comprehensive document that more than adequately, in our assessment, evaluates the overall impacts on the community of the construction of the facility. We concur with its conclusions and encourage the final report to continue to consider the proposed construction as the preferred alternative.

Sincerely,

Undersigned

J. M. M. M. M. D.

Stephen F. Johnson M.D.

J. M. M. M. M. D.

J. M. M. M. M. D.

J. M. M. M. M. D.

Law Antio M.D.

P. K. K. K. K. D.

J. M. M. M. M. D.

Douglas W. W. W. D.

J. M. M. M. M. D.

Jeffrey B. B. B. D.

C. M. M. M. M. D.

J. M. M. M. M. D.

J. M. M. M. M. D.

Warren G. G. G. M.D.

G. S. S. S. S. D.

Chapter 5 – Response to Comments

Signature Legend

|                                                                         |                                                                  |
|-------------------------------------------------------------------------|------------------------------------------------------------------|
| Tom McMahon, MD<br><i>Vascular Surgeon</i>                              | Lar Autio, MD<br><i>Family Medicine</i>                          |
| John T. Lakatua, MD<br><i>Nephrology</i>                                | Peter Szekely, MD<br><i>Internal Medicine</i>                    |
| Howard Chandler, MD<br><i>Neurosurgeon</i>                              | Eric Hughson, MD<br><i>Internal Medicine</i>                     |
| Montana Neurological Associates                                         | Douglas Webber, MD<br><i>Emergency Medicine</i>                  |
| Phil Gardner, MD<br><i>Otorhinolaryngology</i>                          | William Bekemeyer, MD<br><i>Pulmonary/Critical Care Medicine</i> |
| Charles Swannack, MD<br><i>Vascular Surgeon</i>                         | Director, ICU, St Patrick Hospital                               |
| Paul Loehnen, MD<br><i>Pulmonary/Critical Care Medicine</i>             | Jeffrey Haller, MD<br><i>Otorhinolaryngology</i>                 |
| Lou Kattine, MD<br><i>Vascular Surgery</i>                              | Chris Mack, MD<br><i>Neurosurgery</i>                            |
| Michael Curtis, MD<br><i>Internal Medicine</i>                          | T. Shull Lemire, MD<br><i>Pulmonary/Critical Care Medicine</i>   |
| Margaret Eddy, MD<br><i>Nephrology</i>                                  | Director, ICU, Community Hospital                                |
| Phil Roper, MD<br><i>Cardiology</i>                                     | Beth Thompson, MD<br><i>Internal Medicine</i>                    |
| Herb Swick, MD<br><i>Director, Institute of Medicine and Humanities</i> | Tim Donovan, MD<br><i>Emergency Medicine</i>                     |
| Greg Kazemi, MD<br><i>Emergency Medicine</i>                            | Joe Weydt, MD<br><i>Emergency Medicine</i>                       |
| Steven Johnson, MD<br><i>Neurology</i>                                  | Warren Guffin, MD<br><i>Director, Emergency Medicine</i>         |
| Stan Seagraves, MD<br><i>Internal Medicine</i>                          | St Patrick Hospital                                              |
| C. Carter Beck, MD<br><i>Neurosurgeon</i>                               | Les Whitney, MD<br><i>Infectious Diseases</i>                    |
| Richard Selman, MD<br><i>Pulmonary/Critical Care Medicine</i>           | Director, Infection Control<br>Community Hospital                |

LETTER 27 - ED AND GWEN BLOEDEL

02-02-04P03:21 RCVD

January 22, 2004

NIH, B13/2w64  
9000 Rockville Pike  
Bethesda, MD 20892

We oppose building a Bk-4 lab in our community of Hamilton, Montana. We live 4 miles out of town but the threat of an accidental leak of dangerous pathogens to the people of the town and surrounding area is unacceptable. More importantly the threat of terrorists attempting to steal pathogens from this lab is even more dangerous.

Hamilton and Ravalli County do not have the police force nor expertise to combat terrorists. A lab handling such dangerous pathogens should be located in a remote desert area with proper military protection from terrorist threats. The INEL lab in Southern Idaho consists of a more suitable location. Sincerely,

27-1

Ed Bloedel  
574 Harvey Lane  
Cornellia MT 59823

Gwen Bloedel  
574 Harvey Ln  
Cornellia, MT  
59823

Comment

Response

27-1

Please see response to comment 10-1.

January 21, 2004

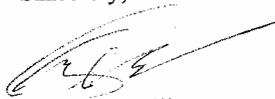
Valerie Nottingham  
NIH, B13/2W64  
9000 Rockville Pike  
Bethesda, MD 20892

Re: Comment on the Supplemental Draft Environmental Impact Statement  
Concerning the upgrade of the RML to a Level 4 facility

To Ms. Nottingham:

Enclosed is a letter I sent to the Hamilton City Council, the Mayor and to the local paper, Ravalli Republic in reaction to my deep concern for the placement of such a facility in ANY residential community!

Sincerely,



Cooper Neville  
HEIRLOOM OIL PORTRAITURE  
220 Fairgrounds Rd.  
Hamilton, MT 59840

*LETTER 28 - COOPER NEVILLE*

02-02-04P03:21 RCVD

January 15, 2004

Hamilton City Council and the Mayor  
City of Hamilton  
223 South Second St  
Hamilton, MT 59840

Firstly: The Mission Statement for the City of Hamilton Montana...  
“Provide for the Public Health and Safety and promote the Economic Prosperity and Environmental well-being of its citizens” Hamilton City Council

To the Hamilton City Council and the Mayor of Hamilton:

Welcome Tom Peterson, Bob Scott, and Robert Sutherland as the new additions to our city council! May the New Year reflect a refreshed clarity resulting in a healthy dialog in regard to fully comprehending the long-term impact of the former Council’s agreeing and supporting the upgrade of the Rocky Mountain Lab to a Level 4 status.

The new Supplemental Draft Environmental Impact Statement addressing this upgrade in our residential community is now available for review. Please read this document and notice the vagueness concerning any ‘what if’ error scenarios and the impact on the local citizenry... (us!)

I request that the Council hold the Federal Government via the NIH accountable to clarify for us in detail how we, as a community and as individuals will be compensated and protected in case there is a consequence of human error resulting in illness or death.

If we, as a community accept this dangerous facility in our neighborhood we want a detailed, legal commitment of being fully educated as to the effect an accident would have on our ground water, air, soil, and of course our individual persons.

**Comment**

**Response**

**28-1**

Please see where this comment is addressed in Section 1.7.3 of the SDEIS. In the event that any property damage, personal injury, or death results from the negligent act or omission of a Federal employee acting in the scope of the employee’s official duties, a claim for compensation may be filed in accordance with the Federal Tort Claims Act, 28 U.S.C. 2671-2680.

**28-2**

Please see where this comment is addressed in Section 1.7.3 of the SDEIS. Please see response to comment 28-1. The Hamilton City Council has no authority to legally bind the NIH to the requested commitments.

28-1 {

28-2 {

**28-3** { Also, and most importantly, I ask the Council to hold the NIH legally and financially responsible to provide all services needed for a mop-up and to insure again via a Legal Binding Commitment full protection and compensation for all individuals negatively impacted physically, psychologically, or financially because of a lack of containment by a releasing of pathogens.

Let us utilize the deductive process of reasoning by being thorough in our understanding of a full disclosure of ALL VARIABLES concerning this endeavor and all the possible consequences.

Sincerely,

Cooper Neville  
Heirloom Oil Portraiture  
229 Fairgrounds Rd.  
Hamilton, MT 59840

**Comment**

**Response**

**28-3**

Please see where this comment is addressed in Section 1.7.3 of the SDEIS.

January 22, 2004

NIH  
B13/2W64  
9000 Rockville Pike  
Bethesda, Md. 20892

To Whom It May Concern:

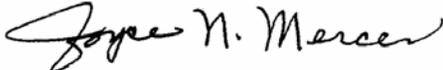
I am opposed to the proposed expansion at Rocky Mountain Laboratories that includes a high containment biological lab.

Frankly, I'm very frightened about a level 4 lab operating in our small community of Hamilton. I have suffered with anxiety over this possibility for months.

I doubt the majority of Hamilton citizens would vote in favor of such a facility being built here if given that choice. Alas, we don't have that opportunity. I don't trust the government making these choices for me. I have a hunch most of the residents of Hamilton feel the same way.

29-1 { I suggest that before you make a decision on the construction of a level 4 lab here that you contract for a professionally conducted public opinion poll that will give you necessary information to make an informed decision. This could be done fairly quickly by working with the University of Montana, and it shouldn't be too expensive.

Very truly yours,



Joyce N. Mercer  
711 N. 2nd Street  
Hamilton, MT 59840

PH (406) 363-6416

*LETTER 29 - JOYCE MERCER*

**Comment**

**Response**

**29-1**

Public comment will be considered in the decision.

030

LETTER 30 - DALE HUHTANEN

2441 Old Darby Road  
Hamilton, MT 59840-9793  
January 30, 2004

Valerie Nottingham,  
National Institute of Health  
B13/2W64  
9000 Rockville Pike  
Bethesda, MD 20892

Ref: Comments to Supplemental Draft EIS  
for RML-Integrated Research Facility

Dear Ms. Nottingham:

This letter is written as a matter of record regarding my support for the construction of the Integrated Research Facility at RML in Hamilton, MT. I have read both the draft and supplemental draft EIS and continue with my support for the building of such a facility at RML in Hamilton, MT.

As a resident of Ravalli County and as supporter of economic growth and activity in the Bitterroot, I endorse both the construction of the facility and the hiring of the additional 100 plus employees to operate the facility. The estimated construction wages of \$5 million and the additional annual salaries of \$6.5 million are direct benefits to the City of Hamilton, Ravalli County, and the State of Montana. Also, benefits to each listed agency are increased with additional property taxes, additional payroll taxes, and the economic multiplier regarding the dollars circulated or created by these activities. The construction of this facility and the additional employees will provide an economic stability for the government agencies, to include the City of Hamilton, Ravalli County, and the State of Montana.

I also do not believe that the safety issue or questions raised by others are a risk factor to either the city or county residents. RML has an excellent safety record that negates this issue.

Thank you for allowing me to comment on the supplemental draft EIS.

Yours truly,



Dale E. Huhtanen

031

Laura Jackson  
394 Lost Horse Road  
Hamilton, MT 59840  
January 27, 2004

Valerie Nottingham  
National Institute of Health,  
B13/2W64  
9000 Rockville Pike,  
Bethesda, MD 20892

SUBJECT: Rocky Mountain Lab SDEIS comments.

**A. LOCATING BSL-4 at RML in HAMILTON**

31-1

THE MOST SERIOUS DEFICIENCY IN THE SDEIS REMAINS THE FAILURE TO FULLY CONSIDER ALTERNATIVE LOCATIONS FOR THIS FACILITY SO THAT COMMUNITY MEMBERS CAN REASONABLY EVALUATE THE THREATS TO SAFETY AND OTHER IMPACTS ON THE HAMILTON AREA IN RELATION TO THE SCIENTIFIC BENEFITS THAT MAY BE REALIZED BETTER AT THIS THAN SOME OTHER LOCATION.

More information is given here than in the original DEIS and this provides some helpful clarification. **The repeated reason for not fully exploring other locations is that any other site would not be within the DEIS parameters defined by NIH to evaluate locating the facility at RML (Sections 2.2.2.). This is absurdist logic when the very point in question is the rightness of selecting this location. It unfairly precludes the participation of the citizens most impacted by the selection of the RML site from fairly evaluating the trade offs involved in site selection.**

Some general information on the trade offs between siting at RML and elsewhere is provided in Sections 2.2.2.2 and 2.2.2.3 but major deficiencies remain in the SDEIS:

1. Reluctance of scientists to relocate/difficulty of recruitment of new teams of scientists comparable to those at RML.

**PROBLEMS:** No exploration of benefits of other locations where adjacent facilities and scientists might provide even greater benefit than RML. Convenience of the scientists needs to be quantified and fairly weighed against costs to other members of the Hamilton community and neighborhood who should be fairly recompensed if sacrifices are required of them for this project for the larger national good.

2. Construction time frame for a new facility of 10 as compared with 2 years for addition to RML.

*LETTER 31 - LAURA JACKSON*

**Comment**

**Response**

31-1

Please see response to comment 10-1.

0319

- 31-2 { PROBLEMS: No attention is given to possible research benefits that an entirely new facility elsewhere might offer and no actual other location options have been positively explored. Data as to timeframes for upgrades to fulfill the need for BSL-4 at other NIH facilities should be given for comparison. IS THE 2 YEAR TIME FRAME FOR BSL 4 LAB BUILDING ONLY? DOES IT INCLUDE SECURITY UPGRADES (Will BSL-4 be operable without these in place?), VISITOR CENTER AND POWER PLANT?
- 31-2 { 3. Cost of 1 billion for a new facility compared with 66.5 million Congress has presently allocated.
- 31-3 { PROBLEMS: Because the SDEIS does not examine these alternatives with hard data, it is impossible to properly evaluate construction and community costs. However, if the decision to locate this project in Hamilton is in some measure economic this needs to be clarified. **The decision to save national funding by locating in Hamilton, at the expense of this one community, should be clearly admitted and funds should be committed, in the project budget, for compensation where mitigation is not possible.** It is not right to use the given Congressional appropriation figure as an excuse to sacrifice this one community.
- B. NEIGHBORHOOD PROBLEMS NOT MITIGATED
- 31-4 { 1. **Parking.** No employee parking space is shown outside the security perimeter in the planned design. This means that at high traffic times and at times of heightened security employees will be faced with delays at the guarded entrance and hazardous traffic blocking lines will result. In addition, to avoid these lines and delays employees will choose to park on the neighborhood streets and walk through security (As noted near the end of the section headed "Transportation," SDEIS page 4-15). **A large and convenient employee parking area outside the fenced security area is essential to minimize traffic and parking impacts on the neighborhood.**
- 31-5 { 2. **Noise**
- 31-5 { a. Noise duration from incineration is projected to increase one to two days per week.
- 31-5 { b. Voluntary Noise Standard levels (55dBA) allow a constant audible industrial hum in the adjacent neighborhood.
- 31-5 { c. The above standard would be in effect "during the daytime"(Section 4.4.1.1). In summer in western Montana, when neighbors are likely to be trying to enjoy their yards, daytime lasts from before 6 am to after 9 pm.

| Comment | Response                                                                                                                                                                                                                                                                                                                                                                  |
|---------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 31-2    | Construction of the Proposed Action would be expected to take 2 years. The Proposed Action includes the Integrated Research Facility and boiler plant addition. See page 2-2. Please also see page 4-1 for a list of activities not related to the proposed action that will be accomplished at RML. The schedule for reasonably foreseeable action is currently unknown. |
| 31-3    | The decision is economic only in terms of potential economic harm (no harm was identified) and the money available to construct the facility.                                                                                                                                                                                                                             |
| 31-4    | Under another project the NIH is planning for unsecured parking outside of the fence as suggested.                                                                                                                                                                                                                                                                        |
| 31-5    | Daytime hours are defined in the EIS (pgs. 2-8 and 3-9) as 7:00 am to 7:00 pm.                                                                                                                                                                                                                                                                                            |

032

**RML Integrated Research Facility  
Public Meeting – January 22, 2004**

**Comments on the Supplemental Draft Environmental Impact Statement**

- 1.27-04
- 32-1 I am not against the lab, but I am against a level 4 lab in our City or any City that has NO protection from a terrorist attack. Most of the Citizens of Hamilton Mt. do not want a level 4 lab in our City limits, or any place in the Western part of Montana. The level 4 lab would be too close to schools, residential parks, play grounds and our most precious Bitterroot River. There is absolutely NO protection from terrorist that could fly airplanes from any where to this Western part of Montana. Noise from the lab and traffic using our residential streets would be terrible. We are also concerned about the method these deadly pathogenes would be transported to the lab? Obviously, they would have to use our residential streets. What type of security would be available to protect our neighborhood from terrorist trying to stop a shipment from reaching the lab. The terrorist will do any thing they can to stop us from making a vaccine that will stop thier efforts to kill as many people as they can. A level 4 lab needs to be placed on or near a Military Base so it can be protected from any terrorist organization. There are NO Military Bases in Western Montana. NO Military planes or missels to protect us. NO nothing but a chain link fence and a few guards that would not be able to stop a truck loaded with TNT or a plane that is headed straight for the lab. If you insist on putting a level 4 lab in our City then the lab should be responsible for ALL improvements associated with the lab such as the new water tank and system that the City has burdened us Citizens with. All City residents had our base water base doubled last year to help pay for the new system that the lab will benefit from. The lab should have to pay for all street maintainance going to and from the lab. Put a isolation ward in our Hospital and be responsible for sewer improvements and maintainance. Our cost of living will go out of sight. There are a lot of long time residents, senior citizens and retired people living here who will NOT benefit from the lab. The only ones that want the lab here are the ones that will benefit most from it. Construction of the new lab might keep a few contractors in work but after it is built, then what? Where will the jobs be? Many good points were made at the Jan. 22,2004 meeting of why people do NOT want a level 4 lab here please take them into consideration. I am almost 76 yearsold. I do not want to live the rest of my life in fear.
  - 32-2
  - 32-3
  - 32-4
  - 32-5
  - 32-6

**LETTER 32 - ELEANOR PROSSER**

- | Comment | Response                                                                                                                                                                                                                                                                                                                                                                                                               |
|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 32-1    | Please see page I-II where this comment is addressed.                                                                                                                                                                                                                                                                                                                                                                  |
| 32-2    | Please see Section I.7.3 where this type of comment is addressed.                                                                                                                                                                                                                                                                                                                                                      |
| 32-3    | Please see the discussions under Security in Chapter 2 for the Proposed Action and No Action where NIH has established a satellite police force at RML. The police force will provide immediate response to any and all security related incidents and is currently working with local law enforcement and first response units to develop mutual response support agreements, regardless of the alternative selected. |
| 32-4    | Please see page I-II where this comment is addressed.                                                                                                                                                                                                                                                                                                                                                                  |
| 32-5    | Please see page I-II where this comment is addressed.                                                                                                                                                                                                                                                                                                                                                                  |
| 32-6    | Please see page I-II where this comment is addressed.                                                                                                                                                                                                                                                                                                                                                                  |

Name: Eleanor M Prosser 02-04-04-07:05 RCVD  
 Company/Organization: \_\_\_\_\_  
 Address: 1002 So 2nd St  
 City, State, Zip: Hamilton Montana 59840

Please send comments to: Valerie Nottingham

NIH, B13/2V64  
 9000 Rockville Pike  
 Bethesda, MD 20892

Please note that this document will become part of the administrative record for the EIS and will be subject to public review.

Comments must be post marked by February 11, 2004

Chapter 5 – Response to Comments

MONTANA  
ASSOCIATION OF  
COUNTIES

2715 Skyway Drive  
Helena, MT 59602-1213  
(406) 442-5209  
Fax (406) 442-5238  
e-mail: maco@maco.cog.mt.u

February 6, 2004

Valerie Nottingham  
NIH, B13/2W64  
9000 Rockville Pike  
Bethesda, MD 20892

Dear Ms. Nottingham:

The Economic Development Committee of the Montana Association of Counties recently learned that the National Institute of Health is considering expansion of the Federal campus on the Rocky Mountain Laboratories of the National Institute of Allergy and Infections Diseases in Hamilton, Montana. We understand the proposed expansion will consist of construction of an Integrated Research Facility that will house research laboratories, offices, conference rooms, animal facilities, and supporting infrastructure as well as a building that will house bio-safety level 4 research laboratories.

We understand the project will provide an infusion of approximately \$66 million into Montana's economy during the construction phase and will also add approximately \$6 million annually into the local economy during operation.

33-1

The Economic Development Committee offers our support for your project in the interest of national security and safety of all United States citizens. We ask that you implement measures so qualified Montana contractors and trades people can be utilized during the construction phase of the project and, whenever possible, to employ Montanans within the facility when it is operational. Montana's recent economic hardship is of continual concern to us and we recognize this project will increase the long-term commitment to the growth of our state's employment opportunities.

Sincerely,



Anita L. Varone, Chair

02-09-04P02:48 RCVD

MACo

LETTER 33 - ANITA VARONE, MONTANA  
ASSOCIATION OF COUNTIES

**Comment**

**Response**

33-1

Please see Section 1.7.2 where this comment is addressed.



*City of Hamilton*  
223 South Second Street  
Hamilton, MT 59840

034

LETTER 34 - DALE HUHTANEN, CITY OF  
HAMILTON

January 30, 2004

Valerie Nottingham,  
National Institute of Health  
B13/2W64  
9000 Rockville Pike  
Bethesda, MD 20892

File: #2004-510  
Ref: Comments to Supplemental Draft EIS for RML-Integrated Research  
Facility

Dear Ms. Nottingham:

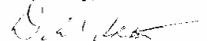
This letter is written as a follow-up to my initial letter dated June 24, 2003, regarding my support for the construction for the Integrated Research Facility at RML in Hamilton, MT. I have read both the draft and supplemental draft EIS and continue with my support for the building of such a facility at RML in Hamilton, MT.

As the Grants & Budgets Officer for the City of Hamilton I endorse both the construction of the facility and the hiring of the additional 100 plus employees to operate the facility. The estimated construction wages of \$4.7 million and the additional annual salaries of \$6.6 million are direct benefits to the City, Ravalli County, and the State of Montana. Also, benefits to each listed agency are increased with additional property taxes, additional payroll taxes, and the economic multiplier regarding the dollars circulated or created by these activities. The construction of this facility and the additional employees will provide an economic stability for the City of Hamilton, Ravalli County, and the State of Montana.

I also do not believe that the safety issue or questions raised by others are a risk factor to the city residents or myself. RML has an excellent safety record that negates this issue.

Thank you for allowing me to comment on the supplemental draft EIS and enter this letter as record.

Yours truly,

  
Dale E. Huhtanen  
Grants & Budgets

Cc: file-City

Phone: 406-363-2101 · Fax: 406-363-0191  
website: <http://www.cityofhamilton.net>

035

2009 Old Ranch Rd.  
Hamilton, MT 59840  
January 29, 2004

To Whom It May Concern:

We live about 12 miles south of Hamilton and the proposed Level 4 lab at RML.

We have concerns about the potential danger such a facility would pose to our neighbors and friends who live close to the RML facility. RML is located in a developed residential community.

**35-1** { Burning waste is currently an issue that has not been adequately addressed. What will be the impact of additional toxic waste incineration in such a densely populated neighborhood? Is the particulate matter a potential health hazard? Now? Then?

**35-2** { If there was “an accident”, what measures are in place to adequately deal with isolation and decontamination? Our local hospital and staff are hardly prepared for such an event. This needs to be addressed and a plan must be in effect. Federal money to support such a plan seems appropriate. Our medical facility cannot afford to institute such measures without financial assistance.

We fear that our community could become a target for terrorists if the Level 4 lab was developed here. At the present time, our community is rather benign and I doubt of much interest as a terrorist target. I fear that this will change.

I strongly object to the expansion proposed.

Thank you.

*Carol Ann Hansen (Mrs. J.G.)*

Carol Ann Hansen (Mrs. J.G.)

*James C. Hansen MD*  
*Director Emergency Dept.*  
*Mauius Daly Hospital*

LETTER 35 - CAROL ANN HANSEN

**Comment**

**Response**

**35-1** Please see Section 1.7.3 where this comment is addressed.

**35-2** Please see Section 1.7.2 where this comment is addressed.

036

**RML Integrated Research Facility**

**Public Meeting- January 22, 2004**

**Comments on the Supplemental Draft Environmental Impact Statement**

I would like to comment about the proposed expansion of the RML BSL-4. Having attended the meetings and listening to the public comments I have decided that the project should go forward, and the BSL-4 Lab should be constructed. My property is located next to the lab on the Southwest corner. My concern is that of noise. At the present time a patrol vehicle (gas powered golfcart type) passes by my property during the night time hours, usually at 10:30PM, 12:30AM, 2:30AM and 4:30 AM. This can make trying to sleep a problem, especially during the summer, when windows are open. There are ways to reduce this noise problem. Perhaps an electric vehicle, rather than gas powered, would be one solution. Even better than that would be to install in-fer red cameras, which could be monitored from a remote location inside the building. These measures would help with reducing the noise levels for all of those who live along the property lines next to RML. The EIS reviewed noise levels, except that none were done next to my property at location # 6 (SDEIS page 3-9 Figure 3-1) during the hours from 7:00PM to 7:00AM. How can the EIS state that noise levels were within guidelines, when none were taken during those hours? Only 4 out of 13 locations were monitored during nighttime hours.(SDEIS page 3-9 Table 3-8) I hope that these concerns will be considered during the review of the Supplemental Draft EIS.

36-1 {

36-2 {

Name: *Sheryl West*  
Address: 719 Loma Ln  
City, State, Zip: Hamilton, MT 59840 2013

*LETTER 36 - SHERYL WEST*

**Comment**

**Response**

**36-1**

Adjustments in operation of this vehicle are outside the scope of this EIS.

**36-2**

Noise generation can be determined based on the operation of various pieces of equipment. When these pieces are not in operation (such as the incinerator and emergency power generator) they are not producing noise. As stated in the DEIS, SDEIS and FEIS, noise reduction equipment has been installed since the monitoring was done (see FEIS pg. 3-9). New information on the effectiveness of the silencer has been included in the FEIS.

January 22, 2004  
 Valerie Nottingham  
 N.I.H. B13/2W64  
 9000 Rockville Pike  
 Bethesda MD, 20892

Dear Ms. Nottingham

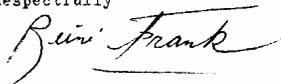
It has come to my attention that you are taking written comments and proposals on the environmental impact statement for a proposed expansion of Rocky Mountain Laboratories in Hamilton Montana. I am not certain what all these comments and proposals will be but I'm honored to put in my two cents worth.

First I'd like to point out that R.M.L. has been a plus to the community just from the standpoint of it's people who patronize the businesses of Hamilton and the surrounding area, not to mention the important scientific work that trickles down to the human race all over the world. When R.M.L. was first started in Hamilton, one consideration must have been space in relation to the density of the immediate population. At that time the population was just a fraction of what it is today. Hamilton Montana is located in Ravalli County and Ravalli County is the fastest growing county in the state of Montana. Since the National Institutes of Health announced it's intention to build a Biosafety Level 4 Lab in this ever growing populous area, I must frankly state, "you've got us shaking in our boots." I guess when people hear that pathogens like Ebola and the like are to be studied in our ever growing valley, concerns automatically run high. As just another common taxpayer I would ask that consideration be given to an area of less potential growth. I believe if this were done then security and safety measures could be addressed with far better success. After all, safety and security is what's on everyone's mind. I know it is easy for anyone to make a request and expect someone else to carry it out. This is not a burden I will leave unaddressed.

There is another county in western Montana that I believe addresses these issues far better than Ravalli Co., that County is Sanders Co. The town of Plains lies in the heart of Sanders Co., affords some of the mildest climate that Montana has to offer and has had very little population change in the last several years. Should consideration be given to putting this Level 4 lab elsewhere then I would also like to point out some other attributes to consider.

First, there is a 500 acre piece of land that lies in its own separate valley next to Plains with county road as property boundary on all four sides. This piece of property has about 1/4 of a mile of mountain stream on its western border and 3 of the 4 sides are paved county road. The property is out of sight of the town, yet is only 3 miles from the hospital. If the future calls for a scientific gated community with on campus housing for its staff, recreational potential on campus and future growth of the facility in general, then I believe this piece of property is worth considering. At any length the potentials here are unique and endless. If there is any possibility that this property would be put under consideration as a potential lab sight, I would gladly fill you in on any other details.

Respectfully



Reini Frank  
 803 Indian Prairie Loop  
 Victor Montana  
 59875

LETTER 37 - REINI FRANK

Comment

Response

37-1

37-1

Please see Section 2.2.2 that talks about other alternatives considered.

038

130 San Vicente Bl.  
Santa Monica, Ca. 90402  
February 1, 2004

To: Valerie Nottingham  
NIH, B13/2W64  
9000 Rockville Pike  
Bethesda, Maryland 20892  
From: C. Savage  
Re: Dec. 2003 Supplemental Draft EIS for NIH, Rocky Mountain Laboratories, Hamilton, MT

Following Sept. 11, 2001 I would agree that increased biological research aimed at bioterrorist threats to our country is appropriate and necessary. The Supplemental DEIS, however, does not present a convincing argument that Hamilton, Montana is a suitable location for that research when the issues of protection from terrorist attacks and city infrastructure are considered. Clearly, the expansion of RML is economically advantageous for NIH, which undoubtedly is a driving force behind this proposal.

My initial concerns over the project were: 1) The community's ability to effectively deal with an extreme act of terror (law enforcement, fire and medical services), 2) Safe transportation of pathogens through the Bitterroot Valley in a heightened state of emergency, and 3) the increased load on the Water System in the city of Hamilton.

After reading this new draft I continue to have the same basic concerns:

First, let us consider **Risk Assessment**, which this draft addresses on two levels -- qualitative and quantitative. The qualitative assessment relies on a "literature review" of the last 20 years of BSL-3 and BSL-4 safety records. The quantitative assessment, as stated on page 4-11, "was driven by reasonably foreseeable, credible threat scenarios and addresses spills and work disruption; safety operations and potential failures and; fire."

I am reassured by the many safety precautions that are an integral part of Rocky Mountain Labs and agree that on that level, the facility is soundly constructed. However, when I think of risk these days, it is with the added threat of terrorism attached. Prior to Sept. 11th, the DEIS assessments might have seemed sufficient. Post 9/11/01, however, they are sorely lacking. The terror threat facing us now does not begin to compare to threats during those 20 years covered by the literature review. This document repeatedly dismisses perceived threats as "negligible." In the wake of 9/11 I would maintain that there is no such thing as a negligible threat. The 6 risk scenarios presented on pages 4-11 to 4-14 in no way compare to the devastation we all witnessed in New York. This draft does not present a scenario that depicts a massive terrorist act. On page 4-7 this draft states that "interviews with leaders of the local emergency response agencies indicate that community service providers have few, if any, concerns about their ability to respond quickly and adequately to any emergency that may arise at RML." When you see how metropolitan areas (Seattle, San Francisco, New York, Los Angeles, etc.) in our country respond to each heightened states of emergency (recent ORANGE terror alert status), how can you compare what the community services of the city of Hamilton could present in the way of protection? I think it is extremely naive not to assume that a BSL-4 facility that is proposed as a result of President Bush's call for more bioterrorist research would not itself be an inviting target for terrorists. I do not see that the level of protection that such a facility would warrant could be provided in the Bitterroot Valley with its current resources no matter how well-intentioned the protectors. Actually, I think that the current BSL-3 lab should have more protection than it does.

My concerns about transporting pathogens through the valley, whether by air or land vehicle

02-05-04A10:12 90V0

LETTER 38 - C. SAVAGE

Comment

Response

**38-1** The literature review is based on past experience. The data has not changed since the review was done, and includes the time since 9/11/2001.

38-1

Chapter 5 – Response to Comments

03/29

result from the same terror issues. If RML suddenly becomes the receiver of pathogens that a terrorist could use, the town of Hamilton is placed at increased risk.

Finally, with respect to the environment, I actually have many questions about air quality and the incinerator, waste water and the water supply, but I will focus on the latter. On page 4-27 the Draft states "Sixty percent of water produced by the (water) system is unaccounted for, leaking out of supply lines." How can a system with these problems take on new water demands? If the federal government (through NIH) requires Hamilton water, then it should bear part of the cost of shoring up the infrastructure.

38-2 {

RECOMMENDATIONS IF THE PLAN PROCEEDS:

38-3 {

1. Federally fund a fire and security force that is prepared to handle any possible terrorist threats directed at Rocky Mountain Lab or the surrounding community.

38-4 {

2. Establish and publish in the community an Emergency Response Plan that states specifically what actions would be taken by whom in the event of various attacks of terror (including roles of police, fire, sheriff, highway patrol and medical facilities.)

38-5 {

3. Specify what additions would be necessary for Marcus Daly Hospital to handle any emergency related to Rocky Mountain Lab -- including pathogen breaches or terrorist attack. Funding for these upgrades should be federal since the increased risk to the community is due to the President's request and the goals of a federal facility.

38-6 {

4. Include in the federal budget all necessary funds to replace or repair inadequate water mains, pipes/sewer lines and roads in the city of Hamilton.

The DEIS dismisses a variety of alternatives referring back to the purpose of the Proposed Action "to provide a highly contained and secure intramural laboratory at RML dedicated to studying the basic biology of agents of emerging and re-emerging diseases, ..." chosen for its "traditional strengths in the area of infectious disease research and the federal funding parameters associated with NIAID's intramural laboratory program..." With the purpose worded this way you can dismiss almost anything suggested by merely saying the budget doesn't allow it. I would counter with the suggestion that perhaps you reconsider what your budget will and will not allow.

38-7 {

I recently heard a terrorist strategist explaining that one of the government's strategies of fighting terrorism is to imagine what actions might cause the most upheaval and then take precautions to thwart such plans. If we start imagining what a terrorist group might do at or around RML, can we envision our community providing the kind of defense that would be needed? When I envision New York City on 9/11, I cannot see Hamilton, Mt. providing those resources. It may be the thinking of NIH that a somewhat rural setting with a lower population than an urban area is desirable for a research facility that might invite terrorist action. I would propose that a breach of security resulting from terrorism could result in pathogens being released not only in the surrounding area, but being transported out of Hamilton to who knows where.

If the NIH budget won't permit expenditures that would make Hamilton better able to present appropriate defensive measures, then perhaps -- we, as a country, can't afford the facility in this location.

Comment

Response

38-2 Please see page I-II where this comment is addressed.

38-3 Please see Section I.7.3 where this comment is addressed.

38-4 Please see Section I.7.2 where this comment is addressed.

38-5 Please see page I-II where this comment is addressed.

38-6 Please see page I-II where this comment is addressed.

38-7 Please see response to comment 31-3.

1 SUPPLEMENTAL DRAFT  
2 ENVIRONMENTAL IMPACT STATEMENT

3  
4 PUBLIC HEARING REGARDING  
5 ROCKY MOUNTAIN LABORATORIES

6  
7 Taken at City Hall  
8 Hamilton, Montana  
9 Thursday, January 22, 2004 at 7:00 p.m.

10 Public Comment Section from 8:00 to 9:15 p.m.

11 PUBLIC HEARING COMMENTS

12  
13  
14 PRESENTATION BY:

15 Dr. Marshall Bloom, Associate Director of Rocky  
16 Mountain Laboratories

17 Chris Cerquone, Maxim Technologies

18  
19  
20  
21 Reported by Debra K. Price, Freelance Reporter  
22 Deposition Express  
23 Grantsdale, Montana 59835

24  
25  
Deposition Express, Grantsdale, Montana  
Phone/Fax: 406/375-0455

LETTER 39 - PUBLIC MEETING



1                   THURSDAY, JANUARY 22, 2004  
2                   MR. BLOOM: What we're going to do now is  
3 we're going to go into the normal oral comment  
4 period. You know as part of the process those  
5 comments, oral comments have to be recorded and  
6 transcribed, so we have to do a little bit of  
7 moving around here. We have a court reporter up  
8 here who is going to be transcribing your comments  
9 as you talk so when you come to the microphone to  
10 state your name, please state it clearly. It took  
11 us awhile to figure out who some people were after  
12 the last meeting.  
13                  Again, I want to point out as you all well  
14 know by now, this is not really a question and  
15 answer period. This is a time for you to make  
16 comments about the draft and supplemental draft, so  
17 we have to turn the lights on and move a few things  
18 around. I would say if there is anybody who hasn't  
19 signed up yet who thinks they might want to make an  
20 oral comment, please go up front and write your  
21 name. If you decide later on that you want to make  
22 a comment when we get through with everybody, you  
23 know, you're welcome to make a comment, write your  
24 name down and put a check mark. We have to keep a  
25 record of everybody who comments. So I'm going to

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Chapter 5 – Response to Comments

1 ask you to state your name clearly so she can get  
2 it and get it on the tape.

3           Everybody who comments will get a copy of  
4 the final statement and comments will be videotaped  
5 and transcribed as part of the record. I'd ask you  
6 to come up to the microphone and make sure it's  
7 on. State your name before you start your comment  
8 and hold it to three minutes a comment. Ken is  
9 going to have a sign letting you know when you have  
10 15 minutes -- 15 seconds left. It's perfectly okay  
11 to say I endorse what so and so said or something  
12 like that.

13           I would ask you to be respectful of the  
14 opinions of folks who might differ from you and we  
15 also want you to know that you can written, e-mail,  
16 fax, whatever comments will be accepted through  
17 midnight on February 1 and the last slide which  
18 I'll leave up through the comment period really  
19 tells you how you can submit comments, oral  
20 comments tonight. You can submit written comments  
21 tonight, send comments by fax to that number right  
22 there, send an e-mail to Valerie, be written  
23 comments to Valerie at this address right here and  
24 view the draft EIS right there. I'm sorry that's  
25 not possible to read. So we're going to leave this

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1 slide on so we have to make a few changes in the  
2 set up of the room so they're going to bring me the  
3 list of the people that signed up. If you would  
4 like to get a cookie or glass of punch, go ahead  
5 and we'll get back together in just a second.

6 Let's get started. The first person on  
7 the list is Ron Nicholas, the Ravalli County DES  
8 Coordinator. It's on, Ron, you have to get right  
9 close to it.

10 MR. NICHOLAS: Does that work? I can  
11 leave it up here. My comment is very short, short  
12 as this microphone. Before I make my comment, I  
13 would like to apologize because I cannot stay and  
14 neither can Charmelle Owens from Public Health. We  
15 both have prior commitments. We're not leaving  
16 because we don't want to listen to what anybody  
17 else is saying. In conjunction we formed a comment  
18 which reads and this is from our perspective, first  
19 of all, we need to comment the Ravalli County  
20 Commissioners, State of Montana Disaster Emergency  
21 Services and State of Montana Department of Public  
22 Health and Human Services have sent letters in  
23 support of the Rocky Mountain Lab. The  
24 commissioners are comfortable with -- the Ravalli  
25 County Commissioners are comfortable with the EIS

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Chapter 5 – Response to Comments

1 and the scrutinized efforts that have taken place  
2 to ensure the health and safety of Ravalli County  
3 and its citizens.

4 RML has taken involved efforts to work  
5 with the Ravalli County Public Health Department as  
6 well as the Disaster and Emergency Services by  
7 participation in the county's local planning and  
8 task force committees and has included the county  
9 on planning committees within the RML campus that  
10 will help ensure public safety. The county is  
11 pleased to be a part of a massive research  
12 opportunity and opportunities that will enhance the  
13 protection of the United States' citizens and feel  
14 comfortable with the lab's efforts as it stands.  
15 Thank you.

16 MR. BLOOM: Thanks, Ron. Next speaker is  
17 Tim West.

18 MR. WEST: Thank you, Marshall. My name  
19 is Tim West and I live, if you want to look in your  
20 book at 3-9, chapter 3, page 3-9, I live in the  
21 house directly south of noise location No. 6. I'm  
22 concerned about the noise levels that this EIS  
23 generates and especially the fact that no nighttime  
24 noise levels were monitored. It says out of the 13  
25 locations only 4 of those locations were measured

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39-1



**Comment**

**Response**

**39-1** Please see Section 1.7.3 where comments on noise were addressed.

1 at nighttime. I suggest that you measure nighttime  
2 levels out there, especially at location No. 5 or 6  
3 at 10:30, 12:30, 2:30 and 4:30. And the guy comes  
4 by in his little cart that looks like something out  
5 of a James Bond movie, it's got more lights on it  
6 than an airplane. If you really want to get  
7 serious about your experience, put up infrared  
8 cameras. Thank you.

9 MR. BLOOM: Thanks, Tim. Next is John  
10 Swanson.

11 MR. SWANSON: Marshall, my name is John  
12 Swanson. I worked for Rocky Mountain Labs as lab  
13 chief since 1979 until I retired in 2001.  
14 Currently I live a block south of the lab. I have  
15 a couple comments. This has been an interesting  
16 process going through this EIS. It was begun as an  
17 attempt to kind of do a quick and dirty EA and it  
18 was clear from the outset that that wasn't going to  
19 fly. Those of us that have lived, that live near  
20 the lab essentially have put up with the last  
21 decade of noise, construction, increased traffic,  
22 uglification of the campus, et cetera.

23 This EIS has really been an opportunity  
24 for us to express some of our concerns, for several  
25 years, I was very critical about the incinerator

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39-2

1 noise from the lab and after about three years and  
2 mainly through this EIS process, the lab finally  
3 responded and did something and successfully  
4 corrected that problem.

5 Now what I'm worried about is that I think  
6 what we're looking at here is the beginning of  
7 another ten years of construction. Certainly the  
8 BSL-4 is going to take several years. There are a  
9 couple other buildings and facilities that are in  
10 this plan as attendant structures, yard place,  
11 reception hall, the driveway or the parking lot, et  
12 cetera.

13 I will also suggest that I'll bet they  
14 need a new administration building to house the  
15 verging number of administrators in the lab  
16 sometime in the near future. My guess is there is  
17 so much money available to NIH that they need to  
18 put it someplace. They badly need to put it  
19 someplace and it's going to be here. Now, I guess  
20 my plea is that because NIH has made a good start  
21 at interfacing with the neighbors and with the  
22 neighborhood and with the community that because  
23 we're -- if this thing goes through and probably  
24 even if it doesn't go through, we're looking at a  
25 prolonged period of more potential problems

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**Comment**

**Response**

**39-2** Please see Section 1.7.3 where comments on noise were addressed.

1 emanating from the construction and the enlargement  
2 of the laboratory.

3 I'm not at all concerned about the  
4 biological risks that might be perceived to  
5 eventuate from such a lab. I'm not worried about  
6 that at all. I worked with infectious organisms  
7 most of my life so I have a feeling that things are  
8 in better shape than they've ever been and they're  
9 going to be even better. What I'm worried about is  
10 that when the pressure of getting the EIS passed is  
11 done, the lab will kind of forget that they're part  
12 of the community and they will go their merry way  
13 and not pay attention to what we put up with again  
14 in probably the next decade building around there.  
15 Thank you.

16 MR. BLOOM: Thanks, John. This is a  
17 little bit hard to read. I think it's Kathleen  
18 Driscoll, okay.

19 MS. DRISCOLL: I'd just like to -- one of  
20 the items like you saw on the news today was that  
21 Mars, the Mars situation kind of turned cattywampus  
22 on them and even though you ran all of your tests  
23 and possibilities I still have -- a part of me  
24 being raised in the Bitterroot here in Hamilton  
25 torn that says there's always a possibility that

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39-3

1 everything can fall apart. Helps to have a person  
2 like the person previous saying that he feels  
3 comfortable with this. But I still have that in  
4 the back of my mind along with the people in town  
5 that were or are our neighbors and I would prefer  
6 that you have even more scenarios like that one  
7 where it spreads out rather than goes up and see  
8 what those possibilities are.

9 Also, I think that in good faith you  
10 should consider instead of contracting with  
11 different people in Hamilton to consider actually  
12 giving money to the infrastructure because of  
13 what's going to happen when this all starts  
14 breaking loose. You need to look at the fact that  
15 contracts are great, but people need help here.  
16 We're a pretty poor community when it comes to the  
17 average income rate and though I see a big  
18 difference when you work at the lab and have that  
19 income base and people that are here trying to keep  
20 three or four jobs going just to live here. So I  
21 would suggest maybe looking at the fact that the  
22 infrastructure needs to be pumped up for the worst  
23 scenario. Thank you.

39-4

24 MR. BLOOM: Thank you, Ms. Driscoll. Rich  
25 Unger.

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**Comment**

**Response**

**39-3** Please see response to comment 11-8.

**Comment**

**Response**

**39-4** Please see Section 1.7.3 where comments on community infrastructure were addressed.

5-64  
RML-Integrated Research Facility FEIS

11

1 MR. UNGER: I know safety seems to be on a  
2 lot of people's minds and back when they worked on  
3 Rocky Mountain spotted tick fever they had to move  
4 around there. I read everything. I'm not  
5 concerned with the safety. I thank the lab for  
6 what they'd done. I had Rocky Mountain spotted  
7 tick fever in 1950 and I have a cousin who  
8 developed Lyme disease. And when I went to Vietnam  
9 and one of my uncles went to Iwo Jima in World War  
10 II, we both received the yellow fever vaccine that  
11 was developed here. I think you're doing a good  
12 job and I live on Baker Street, so I'm very close  
13 to the lab and I think like the safety problem they  
14 were concerned where you put a mote around the lab  
15 so the ticks wouldn't escape. Now that's past and  
16 you've done great work. I'd just like to thank  
17 you.

18 MR. BLOOM: Thank you, Rich. Next name  
19 I'm having a little trouble reading, might be Toni  
20 Bloom.

21 MS. BLOOM: You were right. I guess I  
22 came early enough that I got in at the beginning.  
23 I would just like to say that despite my  
24 connections by marriage with science that -- and  
25 the lab, I have been really impressed over the last

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1 year with the amount of opportunities for people  
2 like me who are not scientists to learn about the  
3 research of the lab, the plans for the integrated  
4 research facility and the immense amount of  
5 redundancy that is being built into the safety  
6 issues.

7 I have been kind of looking at that as  
8 someone who has two children who appear to be  
9 migrating into scientific research and one of them  
10 is particularly interested in public health issues  
11 and infectious diseases. It is very comfortable to  
12 me to know that labs like this are being built and  
13 engineered so that highly infectious agents can be  
14 worked on safely by the scientists who choose to do  
15 so.

16 MR. BLOOM: Thank you, ma'am. The next  
17 person here is a perhaps, so I'm going to give you  
18 the benefit of the doubt. Columbia Pierson.

19 MS. PIERSON: Hi, everyone. I'm a painter  
20 and a writer and I came to the Bitterroot Valley  
21 because it seems like a sacred space. And when I  
22 found out about this lab being here, I felt rather  
23 sick actually and my heart dropped. And then when  
24 I found out that the lab may be changed and made to  
25 be even more dubious in character, I just -- I

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1 actually wept. What I'd like to see is the whole  
2 facility being turned into a school for artists and  
3 writers and have the whole thing moved to the  
4 middle of Nevada. Thanks.

5 MR. BLOOM: Thank you, ma'am. Daryl  
6 Miller didn't indicate whether he wanted to talk or  
7 not, so I'm not -- I'm not sure I know who that is  
8 so I guess that's a no. Doug Nation.

9 MR. NATION: Thank you for this  
10 opportunity to speak. I'd like to start off by  
11 saying congratulations to RML, NIAID and NIH for  
12 the supplemental draft and environmental impact  
13 statement. I think this version is much more  
14 complete than the initial one. I think it also  
15 demonstrates the commitment that RML has to the  
16 concerns of the citizens of Ravalli County. I  
17 thank you for the effort for doing this and, again,  
18 I think you should be commended.

19 I'd like to speak -- just make a statement  
20 or two on the issue at hand, whether or not we  
21 should expand or approve the expansion of RML to  
22 the BSL-4 lab. I've attended all of the community  
23 meetings. I'm a member of the community liaison  
24 group, spent a lot of time thinking about this. It  
25 seems that the majority of the attackers of this

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1 expansion, the folks that don't think it's just  
2 such a good idea seem to concentrate on the  
3 potential risk that bringing these agents into the  
4 community. But I think any risk assessment, one  
5 needs to look not only at the possible risk, and  
6 I'm the first one to agree there is certainly a  
7 potential risk involved, but one needs to look at  
8 not only at the risk but the potential benefit.

9 Dr. Bloom I think mentioned some of the  
10 advances in medicine that have come from  
11 discoveries made in this lab. I think if we're  
12 going to continue the advancement in the  
13 pharmaceutical and infectious disease control and  
14 treatment, we have to have these facilities. Well,  
15 okay, I think most people even agree with that.  
16 But the question was is Hamilton the place to do  
17 it? The NIAID, the National Institute for Allergy  
18 and Infectious Disease, has two campuses; one in  
19 Hamilton and one in Bethesda. I think this work  
20 needs to be done by the Institute for Allergy and  
21 Infectious Disease. The Bethesda campus is full.

22 I think this is the place for it to be. I  
23 think we as citizens of this community should be  
24 proud of the work that goes on here. And my time  
25 seems like it's up, so thank you again for the

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1 opportunity.

2 MR. BLOOM: Thanks, Doug. This one has  
3 got a question mark by it and I think it's Ken  
4 S-T-R-I-G-H. Does that involve anybody? Did I  
5 spell your name correctly, sir?

6 MR. STRIGH: Strigh, yeah. First time  
7 I've ever been up in the audience. I'm not a  
8 talker, so excuse me. I think everybody in this  
9 room realizes that we have to have an infectious  
10 disease plant someplace. I think it's a good idea,  
11 something that has to happen. I think these  
12 diseases are getting more and more complicated,  
13 harder to control and they're going to spread like  
14 wildfire if we don't have these types of buildings  
15 and places. I just don't think it should belong in  
16 this valley. I'd hate to see something escape out  
17 here and these inversions come along and keep it  
18 down here in the valley and we can wipe out maybe  
19 half the valley. I know I'm exaggerating a little  
20 bit.

21 Mr. Bloom mentioned they have one of these  
22 places near a child center over there. I just  
23 don't think it's necessary to put these places in  
24 this type of environment. I can't see why they  
25 can't have it maybe out in the middle of the

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39-5

**Comment**

**Response**

**39-5** Please see Section 1.7.3 where comments on outbreaks of agents were addressed. Also, refer to Chapter 4, Community Safety and Risk.

Chapter 5 – Response to Comments

16

1 wildlife out here and make a little city for the  
2 scientists and so forth. It's just I realize we  
3 have to have these places. Again, I'm not much of  
4 a talker. I'm surprised I'm going as much as I'm  
5 doing. I guess maybe I am a talker.

6 You know, I'm with it and I'm against it.  
7 I just think there should be better places, better  
8 ways of doing it. I know safety is important.  
9 Senoble, they checked everything out and that  
10 wasn't supposed to happen. These spaceships are  
11 not supposed to blow up. They are very cautious of  
12 these things. But any time mankind gets a hold of  
13 something, he can mess up. Like picture me having  
14 a fight with my wife and going into the lab and  
15 dropping something all over or taking it home  
16 maybe. I'm exaggerating again, but I hope you  
17 people excuse me and I don't see the card going up,  
18 please put it up.

19 MR. BLOOM: You don't have to talk for a  
20 full three minutes. I think the first name of the  
21 next individual is Vernon Weiss, spell it please.

22 MR. WEISS: W-E-I-S-S.

23 MR. BLOOM: Thanks, Vernon.

24 MR. WEISS: A number of carpenters, Local  
25 28, and also citizens of Ravalli County, I'm going

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39-6

1 to just address two issues that we're concerned  
2 with if the lab was built. One is that we'd like  
3 to see it built by local residents of Montana and  
4 particularly Ravalli County. One way to do that is  
5 by it being built by a union contractor or at least  
6 a union signatory contractor that brings down with  
7 it certain restrictions on how many people you can  
8 bring in from outside of this area. You can bring  
9 in regular management staff and so forth and you  
10 can only bring in so many of the rate filed  
11 carpenters. I think that will provide a level of  
12 safety beyond everything that's being done in that  
13 local workers who live right here, we have many  
14 members that live right in Hamilton and up and down  
15 the Bitterroot, they're going both because they're  
16 union members. They're highly trained and skilled  
17 and also they have a vested interest in making sure  
18 things are done right. If these things that are  
19 being done that they feel is unsafe, if workmanship  
20 is bad, they're likely to say something about it  
21 and get that situation remedied.  
22 The other situation that I'm concerned  
23 with is our union scale is about roughly 2 percent  
24 and I'll put this in a written letter -- it's  
25 roughly 2 percent higher than what the prevailing

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**Comment**

**Response**

**39-6**

Local construction contractors would be invited to bid on the project with the goal to utilize as much local workforce as possible. Prior to bidding, prospective firms will be prequalified to ensure that the quality of work is maintained. The prequalification process will consist of relevant experience, past performance and ability to meet the security background check. The Federal Government requires, at a minimum, that labor rates are no less than the Davis Bacon Wage Rate. Use of union contractors and wages paid would be at the discretion of the firms who submit bids and are selected.

Chapter 5 – Response to Comments

1 scale is, the federal prevailing wage scale. A 66  
2 million dollar project in Seattle or another large  
3 city doesn't affect their wage scale as far as how  
4 prevailing wage is figured over the next two or  
5 three years. But a 66 million dollar project in  
6 Ravalli County, that is two or three dollars below  
7 our prevailing scale or below our carpenter scale,  
8 would have a drastic affect on wages which is  
9 something that's important to everybody. If this  
10 is done, if it's built and it's built by union  
11 carpenters here and other union trades, built by  
12 local people, they'll spend that money in the  
13 community. And to spend another 2 percent or 2 and  
14 a half percent on the overall project is not a  
15 large increase and it's something that money won't  
16 be going to wherever the contractor is from. It  
17 will be wages spent here in the community, spent  
18 over and over again, spent at gas stations and  
19 grocery stores and so forth. So that's our  
20 concern, thank you.

21 MR. BLOOM: Thanks, Mr. Weiss. Dennis  
22 Daneke.

23 MR. DANEKE: I'm Dennis Daneke and I work  
24 for the Northwest Regional Counsel of Carpenters,  
25 our office is in Missoula. We both -- my

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1 counterpart said most of what I have to say. A few  
2 other things, Local 28 Carpenters Union in  
3 Missoula, the Bitterroot, Flathead, it's all  
4 Western Montana. Their motto is we build  
5 communities, okay. We don't build houses, we build  
6 communities. We're concerned that if this job does  
7 not go union or at least union wages and benefits,  
8 that it will cost the community 5 point some  
9 million dollars in unrealized wealth. These  
10 figures, bear with me, are all I could glean from  
11 the EIS, so the numbers could be a little bit off.

12 One other thing I'd like to say is that  
13 the EIS says sufficient numbers of qualified  
14 construction workers may be hard to find. I  
15 disagree. They list 659 in Ravalli County. They  
16 do not list the ones who live here and travel out  
17 of town because the wages are so low.

18 MR. BLOOM: Thanks, Dennis. Parnelli  
19 Sharp.

20 MS. SHARP: I'm not very electrical. My  
21 name is Parnelli Sharp and first of all I'd really  
22 like to send out some thank yous. I'd like to  
23 thank individual people who are residents that are  
24 here in this room and excuse my back. And I'd like  
25 to thank various and sundry groups that are also

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1 represented here in this room. It shows our  
2 concern and our willingness to be involved and our  
3 wanting to be continued a part of this process. I  
4 know that this secondary draft EIS has come out and  
5 here we are again and I certainly hope that it  
6 doesn't end here.

7 We are concerned and I do hope that we can  
8 come up with some kind of a process, Marshall,  
9 where we can help the people that are very, very  
10 close neighbors. If and when this does come about,  
11 there are concerns about that, very valid concerns  
12 about the noise and the construction that will be  
13 happening.

14 We all have concerns about safety issues.  
15 And I remember Marshall making a statement one time  
16 and I think I might get it right, if I don't,  
17 Marshall, help me out; possibility versus  
18 probability and that has stuck with me and I've  
19 done a lot of thinking about that. I don't want a  
20 facility like this in my neighborhood. I'm lucky  
21 that I live ten miles away, but I really don't want  
22 it here, but I also know the importance of doing  
23 that scientific resource -- research, excuse me.  
24 And so I guess if it will come, then I will support  
25 it. But I also want continued involvement,

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39-7

1 Marshall. I want an opportunity to have the  
2 community voice involved and possibly involved in  
3 making some future decisions rather than having  
4 something just kind of come out of the blue. I  
5 know a lot of people feel that that has happened.  
6 Thank you.

7 MR. BLOOM: Thank you. Laura Jackson.  
8 MS. JACKSON: My name is Laura Jackson.  
9 I've been a resident of the valley for many years.  
10 My great grandparents homesteaded here and I have  
11 the technical abilities like a cow.

12 MR. BLOOM: Get close to it.

39-8

13 MS. JACKSON: Okay. Several things  
14 particularly about the EIS, the failure to honestly  
15 consider alternatives. I understand the way it's  
16 explained and it basically said that because the  
17 intent is to expand and put this facility in  
18 Hamilton at the Rocky Mountain Lab, therefore other  
19 alternatives are irrelevant. This is a logic which  
20 is way beyond me and I think it's the major failure  
21 of EIS to generally consider for our benefit what  
22 the options could be.

23 In particular, items that are mentioned  
24 for justifying the intent to put it here and  
25 therefore not considering other places are time

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| Comment | Response                                                                             |
|---------|--------------------------------------------------------------------------------------|
| 39-7    | Please see Section 1.7.2 where comments on community participation were addressed.   |
| 39-8    | Please see Section 1.7.1 where comments on the range of alternatives were addressed. |

1 that it would be more expeditious to fulfill the  
2 commitment to do the research because there are  
3 some facilities already here; expense that compared  
4 I believe 6 and a half million to a billion  
5 dollars, some considerable saving and the  
6 convenience and effect on scientists who would not  
7 be willing to relocate who are already involved in  
8 research here. These are certainly things worth  
9 evaluating.

10 I think if they are considered weighty  
11 enough to go ahead with this project then more  
12 concern needs to be given to mitigation for the  
13 neighborhood. There is a projected 20 percent  
14 increase in traffic, an additional day or two of  
15 incinerator time per week. The noise levels are  
16 supposed to be improved and considered moderate in  
17 any case. I own the house that is perhaps most  
18 affected by traffic and one of the most affected by  
19 noise and sitting out in that yard in the evening  
20 is not a pleasant experience in terms of what it  
21 was when I purchased that house many years ago  
22 expecting to retire and live in it. I've already  
23 lost one set of tenants during the past  
24 construction. The house was then unrented for  
25 quite awhile and I lowered the rent and do have

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39-9

1 tenants in it now. They are of course distressed  
2 about construction and it is likely to come up.

3 A particular concern is parking. It is  
4 understandable that this is a security problem. I  
5 would only say that the planned construction does  
6 not provide any non-secure parking which means that  
7 the traffic jams will continue as people are being  
8 cleared for security. This is a major flaw in a  
9 plan. There should be some parking where people  
10 can park and walk in. That's all I have time for.  
11 Thank you.

12 MR. BLOOM: Thanks. Michael Helling.

13 MR. HELLING: I pass.

14 MR. BLOOM: Donald Sage.

15 MR. SAGE: My name is Donald Sage. I'm  
16 grateful that I am able to speak. I just want to  
17 say that my mother worked in Rocky Mountain Labs in  
18 the '50s and with Rocky Mountain spotted fever  
19 research. It was very good work for her. And so  
20 Lyme disease -- my daughter this year contracted  
21 Lyme disease and I was very grateful for the  
22 antibiotics. So part of me is really in favor of  
23 the lab, in favor of the science that supports that  
24 and another part of me even after reading the EIS  
25 recently in my heart I still feel really scared

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**Comment**

**Response**

**39-9** Please see response to comment 31-4.

Chapter 5 – Response to Comments

24

1 about having these level 4 agents in the valley and  
2 this beautiful town which has a lot of people that  
3 I love in it.

4 So I just want to say that I appreciate  
5 the lot of hard work and careful thought and care  
6 that's gone into the planning process, but in my  
7 heart I'm still really scared by it. Thank you.

8 MR. BLOOM: Thank you.

9 UNIDENTIFIED LADY: Can this microphone be  
10 turned up? It's very difficult to hear.

11 MR. BLOOM: You really have to get right  
12 up to it. Larry Campbell. Is that better? Pam,  
13 is that better?

14 MR. CAMPBELL: My name is Larry -- oh,  
15 that's working now.

16 MR. BLOOM: Get some earplugs.

17 MR. CAMPBELL: My name is Larry Campbell  
18 and I'm going to read fast here. I appreciate the  
19 opportunity provided by NEPA to comment on the  
20 SDEIS and EIS, and I especially appreciate the  
21 production of an SDEIS to comment on the decision  
22 to supplement the previous sketching. SDEIS is  
23 commendable and as a demonstration of how the  
24 planning of the project could be improved to public  
25 involvement. The analysis and information in this

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1 testing is however still lacking, more importantly  
2 the entire framework of the analysis has been  
3 skewed.

4 One of the critical legs of the NEPA  
5 process is that the analysis of the decision being  
6 contemplated, including a range of alternatives.  
7 The reason for this is not simply a technical  
8 formality, an informed decision analyzes various  
9 alternatives and possibly combines parts of various  
10 alternatives. The purpose and needs set out in  
11 this document is tailor made for a BSL-4 lab  
12 acting, existing and only existing at RML campus in  
13 residential Hamilton. The only actual alternative  
14 analyzed is a cut and dried plan, take it or leave  
15 it. It has been a foregone conclusion which  
16 alternative would be chosen from the beginning.  
17 It's clear that NIH isn't going through the NEPA  
18 hoops just to choose a no-action alternative. NIH  
19 apparently went through the NEPA hoops entirely as  
20 a formality of informing the public of what they  
21 were planning to do. But I believe NEPA is meant  
22 to improve the decision making by involving the  
23 public, not just a mandate to inform the public  
24 about a set plan.

25 Even the informational aspect of this

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1 process has been shortchanged by not analyzing the  
2 range of alternatives, neither we the public nor  
3 apparently the decision maker at NIH know what is  
4 being traded off, for example, by choosing not to  
5 build a new BSL-4 lab or an out lab at a secure  
6 location outside residential Hamilton.

7 At the last meeting Dr. Debra Wilson, NIH  
8 director of safety, agreed with my contention that  
9 distance from the community would significantly  
10 improve community safety. By not analyzing this  
11 alternative, we don't know how much that extra  
12 community safety would cost or how much community  
13 safety could be gained or given this decision that  
14 was made from the beginning how much community  
15 safety is being sacrificed to save how much money.  
16 There may be advantages over and above the improved  
17 security and public safety that could be bought by  
18 the extra cost by starting from scratch in a  
19 smarter location, like noise, parking, et cetera,  
20 maybe coordinated with Corixa, who knows. No other  
21 options were analyzed. The rationale given to  
22 dismissing all options to relocate to a less  
23 populated area -- am I done? That most of the  
24 reasons given for dismissal are not even relevant.  
25 The BSL-4 lab down in town would not require

39-10

39-11

**Comment**

**Response**

**39-10** Please see Section 1.7.1 where comments on alternatives were addressed.

**39-11** Please see response to comment 11-3.

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1 relocation of the staff or necessitate the  
2 commissioning or closure of the RML facility as  
3 stated in the document. The intellectual synergy  
4 could still go on with several more specific  
5 concerns.

6 MR. BLOOM: Okay.

39-12

{

7 MR. CAMPBELL: I'm done? I'll send it in  
8 in writing. One last thing, I wish you would build  
9 a specialized hospital room here in town instead of  
10 Missoula. It seems like it increases risk to put  
11 somebody that's sick in the ambulance and take them  
12 all the way to Missoula.

13 MR. BLOOM: Thanks. George Risi.

14 DR. RISI: Thanks, Marshall, I'm George  
15 Risi and I'm a physician specializing in infectious  
16 diseases in Missoula. I'm here representing St.  
17 Patrick Hospital as well as the Department of  
18 Emergency Medicine of St. Patrick's Hospital and  
19 Division of Critical Care Medicine at both  
20 institutions. The medical community of Missoula is  
21 resoundingly in favor of this facility being  
22 constructed here. We have reviewed the documents  
23 very carefully and are very satisfied with the  
24 thoroughness of the supplemental EIS that has been  
25 comparatively released. They have absolutely no

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**Comment**

**Response**

**39-12**

Please see response to comment 11-9.

Chapter 5 – Response to Comments

1 concerns about the safety and I have with me  
2 letters from people I mentioned supporting the  
3 process going forward.

4 MR. BLOOM: Thank you, Dr. Risi. Next is  
5 Jay Evans.

6 MR. EVANS: My name is Jay Evans. I'm a  
7 scientist down the road here at Corixa  
8 Corporation. I have a Ph.D. in nephrology and I've  
9 worked at level 3 laboratories at various places  
10 around the country. I must say after working at  
11 these different locations and seeing how they  
12 interact with the community, I must commend  
13 Marshall and RML and the NIAID because they do a  
14 lot for this community. They hold community poster  
15 sessions telling you about the new lab, answer all  
16 the public safety concerns. They have a community  
17 liaison group meeting and public seminars. None of  
18 the other institutions I've worked at do this or  
19 have this level of involvement in the community.

20 I've reviewed the supplemental draft EIS  
21 and from being a nephrology, from the safety  
22 perspective, I'm a hundred percent satisfied with  
23 the safety level and I have no concerns. My family  
24 lives in the valley and I have two kids in the  
25 local public school system and I feel they're safe

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1 even if the level 4 lab is built. Thank you,  
2 Marshall and NIH.

3 MR. BLOOM: Thanks, Jay. Seta Loveridge.

4 MS. LOVERIDGE: First I'd like to thank  
5 you for the chance to come and talk about the  
6 proposed Rocky Mountain Lab expansion. I'd like to  
7 start with a story from the first public meeting I  
8 attended regarding the proposed expansion. After  
9 being rushed through a brief verbal description of  
10 the expansion, we were told to check out the artist  
11 renditions on the finished project on our way out.  
12 From all I could tell Marshall Bloom had been in  
13 charge of the meeting, so I went over and attempted  
14 to communicate with him. I said I felt many of the  
15 locals had come to the meeting to talk about the  
16 proposal and felt frustrated with the schedule that  
17 did not include time or space for them. Marshall  
18 scowled at me and he said and I quote, "Well, then  
19 you have a problem. That's your problem."

20 Next I will quote an NIH document, "The  
21 RML campus is located in rural Western Montana,  
22 well removed from major population centers. The  
23 location of the laboratory reduces the possibility  
24 that accidental release of biosafety level 4  
25 organism will lead to a major public health

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39-13

1 disaster." Written in this light it sounds like  
 2 the human population of the Bitterroot Valley is an  
 3 expendable population.

4 In addition to my own concerns for the  
 5 human population, I'm here tonight to speak for all  
 6 of us, the deer, the bears, the fish, the trees,  
 7 the mountains, rivers, those who cannot come to  
 8 this meeting and speak for themselves. The lab is  
 9 maybe three stones throw from the largest  
 10 contiguous wilderness in the lower 48.

39-14

11 As stewards of this international jewel  
 12 and absolutely priceless chunk of intact earth, I'd  
 13 like to hear its value is being weighed into the  
 14 whole of this decision. Why allow this good  
 15 neighbor to become a huge international target for  
 16 evildoers and multiply local homeland security  
 17 issues. Someone needed to come speak for the  
 18 things wild. Think, I hope you'll agree with me.  
 19 The wilderness and all who live there are not an  
 20 expendable population. In the final analysis, we  
 21 as a species have no right to threaten the welfare  
 22 of these precious wildlands. Thank you for  
 23 listening.

24 MR. BLOOM: Thanks, Seta. Next one is a  
 25 maybe, Frank Westerman, Westerman, sorry.

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**Comment**

**Response**

39-13

The format of the document referred to suggests that it was a document prepared by someone to make a case for the construction of a level-4 biocontainment facility at RML in the approximate style of an NIH space justification document. It was e-mailed to the Director, Division of Intramural Research, NIAID's computer on December 13, 2000. As a matter of routine, it was filed on the computer. It was never put on letter or memo head and was never signed. There is nothing to suggest that anyone in the office further modified the document or used it in any way. It was released as part of a FOIA because it was in a folder on a computer marked Biodefense (the subject of that FOIA). NIAID, NIH does not support the ideas in the document. Please also see response to comment I-2.

39-14

Please see Section I.7.3 which addresses comments on the effects of terrorism.

1 MR. WESTERMAN: My name is Frank and I'm  
2 just another flea on the dog's back. I've got 31  
3 years of experience in the construction field.  
4 They called me from out of state to come do tilt up  
5 and do cast plate concrete on this Hamilton High  
6 School. Where I came from, I did biotech work for  
7 Montara in Oyster Point south of San Francisco; HMT  
8 which is now a Mack store which is a disk drive  
9 manufacturer. I've done cleaning room  
10 manufacturing and construction and applied  
11 materials in the Silicon Valley. Not to mention I  
12 built with three other superintendents, an armory  
13 of foremen, 13 buildings on a campus for Sun Micro  
14 System which also contained clean room and vacuum  
15 facilities.

16 What I'm here to stress is that there are  
17 no corners cut if this comes to be. I know that  
18 this has happened because I have worked for some of  
19 these contractors here in Montana and I'm not  
20 pointing fingers and I'm not saying anything bad,  
21 but I believe that I can -- I believe I'm qualified  
22 enough to say that they are less qualified, if you  
23 will, to be able to perform this magnitude of  
24 construction where you have potential disaster to  
25 this area. It's very important that you have a

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1 contractor who's competent with skilled labor, with  
2 protocol that is bullet proof in order to minimize  
3 any type of destruction that can be. Whether you  
4 people realize it or not, this is going to happen  
5 because it's a money thing, you know, and the thing  
6 about it is these people have to have it together.  
7 You cannot have amateurs doing this type of thing,  
8 whether it's clean rooms, whether it's filtration  
9 systems that come out of this roof that I see that  
10 -- those orange things, those orange trumpets that  
11 I see up there. To me I see it as an -- oh, how  
12 would I say, something less than what really could  
13 be.

14 But I mean like again I say, it's going to  
15 happen, it's a federal money job, Rocky Mountain  
16 Lab is here. They're not going to go put it back  
17 in the middle of Nevada. Nevada is a -- that's a  
18 nuclear dump site down there by Vegas as it is, so  
19 that's out of the question. And for what it's  
20 worth, people, you guys got to keep an eye on the  
21 contractors that come in here and do it. Right now  
22 you have Standson that is going to GC it or the  
23 construction manager or whether they sub it out to  
24 a lesser, then that's something this community has  
25 to look after.

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39



**Comment**

**Response**

39

Please see response to comment 39-6.

1 MR. BLOOM: Thanks, Frank. Dan Norman  
2 didn't indicate yes or no. Dennis Barbian.

3 MR. BARBIAN: I'm Dennis Barbian.  
4 Actually Doug here expressed a lot of my views so  
5 I'm not going to go over that again. He did a very  
6 good job. First of all, I want to thank you for  
7 all the things you've done in the past in helping  
8 fight infectious diseases. I think the  
9 supplemental EIS is very well done. I do think  
10 that we need this type of facility to counteract  
11 infectious diseases. No matter where it is, you're  
12 going to have some risk involved. If you are  
13 living and walk across the street or driving a car,  
14 you have some risk involved. I really appreciate  
15 them giving the safety records and the overall  
16 safety record in the last 20 years have been very  
17 good. So I'm for the lab expansion and I just  
18 think that we do need the facility, thank you.

19 MR. BLOOM: Thank you, sir. Joan Perry.

20 MS. PERRY: I'm Joan Perry and I'm a  
21 little bit confused by the statement that Seta  
22 mentioned about the risk being less of a public  
23 safety -- public health issue if it's in a small  
24 rural town. I've heard a lot of denials about that  
25 statement and I don't see anyone taking full

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39-15

1 ownership for having said that statement. If in  
2 fact a rural location is not an advantage for  
3 public safety, then it seems to me far more  
4 appropriate to locate it in an urban area where  
5 support services are already in place. This past  
6 week I know that there were a couple of gentlemen  
7 from Belgium coming into Corixa. They never could  
8 fly in because the inversion. I just can't help  
9 but think that mother nature, it's not an  
10 appropriate place for a lab and I really think you  
11 guys need to take a look at other appropriate  
12 places where you start from scratch with a clean  
13 slate, no neighbors and just do the whole thing  
14 from scratch.

15 You know my other feelings, Marshall. I  
16 still think it's a done deal and I'm a little  
17 frustrated to keep coming to these meetings when I  
18 know it's going to happen anyway. I'm tired of it  
19 and thanks again for the cookies.

20 MR. BLOOM: Thanks, Joan. Bryon Schwan.

21 MS. SCHWAN: Good evening. I'm here  
22 tonight in lieu of my colleague Alex Bowman,  
23 director of science and research, who could not be  
24 here who has been working on this issue. We'd like  
25 to thank Rocky Mountain Lab and EIS for holding

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**Comment**

**Response**

**39-15** Please see response to comment 11-3.

1 this hearing. We appreciate the opportunity to  
 2 provide public comment on this significant  
 3 proposal. In coalition with Friends of the  
 4 Bitterroot and Coalition for a Safe Lab, Women's  
 5 Voices for the Earth submitted extensive comments  
 6 on the original draft EIS. We are pleased that the  
 7 NIH chose to release the supplemental EIS for our  
 8 information. We were dismayed that our comments  
 9 were simply ignored in this draft. For example, a  
 10 comparison of the financial costs of the  
 11 alternatives which is absolutely standard in EIS  
 12 was not provided; an analysis of hazardous air  
**39-16** { 13 pollutants from the increased use of incinerator  
 14 was not included; an inventory of toxic chemicals  
 15 proposed to be used on site was not included; a  
 16 calculation of potential income to the local  
**39-17** { 17 government from payroll taxes generated by the  
 18 project was not included. There is no analysis of  
**39-18** { 19 the risks proposed by an accidentally infected lab  
 20 worker. There is no emergency plan included in the  
**39-19** { 21 SDEIS. The air pollution modeling analysis on the  
 22 nearby class one area was not included and analysis  
 23 of the solid waste stream expected from the  
**39-20** { 24 proposed lab was not included. No discussion of  
 25 the conflicts between the proposed project and the

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**39-20**  
(cont. on next

| <b>Comment</b> | <b>Response</b>                                                                                                                                                                                                                                                                                                                                           |
|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>39-16</b>   | Cost of alternatives is not necessarily required in all EISs. Chapter 1 of the DEIS, SDEIS and FEIS state that the expected cost of the Proposed Action is \$66.5 million. Please see Section 1.7.3 where comments on use of the incinerator and use and disposal of hazardous chemicals were addressed. Please see page 4-17 where revenue is predicted. |
| <b>39-17</b>   | The effect of an infected laboratory worker on the community is addressed on page 4-7 under <i>Agent Communicability and Treatment</i> .                                                                                                                                                                                                                  |
| <b>39-18</b>   | Please see Section 1.7.2 where comments on the emergency plan were addressed.                                                                                                                                                                                                                                                                             |
| <b>39-19</b>   | Additional information on waste disposal was included in Section 2.1.3. Impacts on the Class I Airshed are disclosed in section 4.7.1.1 of the SDEIS.                                                                                                                                                                                                     |

39-20

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2

goals of the Ravalli County growth policy and that's just a few. There is a much longer list.

3  
4  
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7  
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9

These were all entirely reasonable requests. They were perfectly relevant to the scope of this EIS. However, these comments were not addressed in the supplemental EIS and, in fact, were not even acknowledged. We ask in light of the NEPA procedures that these comments be addressed in the final EIS. Substantial comments from community members should not be ignored. The SDEIS claims the potential risk of release of infectious agents from the level 4 lab is negligible. No matter how small of an epidemic or an incurable fatal disease in our community should not be dismissed as negligible. The potential consequences are too great to be considered negligible. Even if the risk is very small, it cannot be eliminated and it cannot be eliminated. NIH must show how it will be regulated. This means the NIH must clearly illustrate the plan on how a worse case scenario will be handled.

39-21

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For over a year we have been asking the emergency plan be included in the EIS process for public review. Simply stating that the plan is in progress and emergency responders feel comfortable

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**Comment Response**

**39-20** The project would not conflict with Ravalli County Growth Policy. County officials were interviewed in August 2003 on this issue and determined that the Integrated Research Facility is within the plan.

[Response to 39-21 on following page.]

**Comment Response**

**39-21** In the EIS, reasonable and foreseeable events were extended to worst-case situations ensuring contaminant release. These scenarios were then subjected to quantitative analysis as clearly demonstrated in the risk assessment. The results of these analyses were that no public health harm could be demonstrated. However, procedures and protocols to further mitigate the remaining infinitesimally small risks will be developed (See Section 4.2.2). These will include, but not be limited to,

- Operations and maintenance plans
- Local emergency response and notification plans
- Facility emergency response plans
- Quality assurance protocols and facility certification plans

Such detailed plans cannot be reasonably developed at this time. Details of the emergency response plan will be driven by the agents used in the research protocols to be performed. Agent-specific plans will be developed prior to the commencement of work with a particular agent. The other plans will be developed as the final design becomes available so that the specific features of the facility may be addressed in operations, maintenance, quality assurance, and certification and testing plans. Periodic reevaluation of these plans will be necessary throughout the life of the facility. New plans will be developed as the agents in use change.

1 handling the emergency event is not the same  
2 thing. The EIS is the one place where the public  
3 and the labs review a project and have their say  
4 before it is implemented. How often the community  
5 assessed the impacts of this lab without it being  
6 able to see the plan that ensures the safety in an  
7 emergency. From the beginning of the process, it  
8 has been clear that the number one concern of the  
9 community is safety. The emergency plan is the  
10 document that let's the community know you have  
11 seriously considered the possibility and have  
12 ensured the community has the strong training and  
13 equipment and other resources to handle this  
14 emergency. The public clearly has a right to  
15 review and comment on this information when they're  
16 being asked to accept the risks being involved.  
17 The emergency plan must be made publicly available  
18 as part of the EIS process.

19 I don't have time to go into all the  
20 concerns about the incinerator, but we are  
21 concerned that the, you know, increase in the  
22 incident rate will be 50 to 100 percent and on top  
23 of that the hazardous emissions are not addressed  
24 in this EIS. Thank you.

25 MR. BLOOM: There was one more individual

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39-22

**Comment**

**Response**

**39-22**

Please see Section 1.7.3 where comments on the effects of the incinerator are addressed.

1 who has indicated that he wants to sign up. Is  
2 there anybody in the audience who wants to comment  
3 and didn't sign up?

4 MR. JENSEN: I signed up and said yes.

5 MR. BLOOM: Oh, I'm sorry, there is. Gary  
6 Jensen.

7 MR. JENSEN: My name is Gary Jensen. I  
8 live three or four blocks from the lab. I'm not  
9 comfortable with having people and all the other  
10 bio 4 level agents in my neighborhood. I'm not  
11 comfortable with those of you that are comfortable  
12 with this. I think that says a lot. I mean, how  
13 do you get comfortable with that?

14 I heard Dr. Bloom on the news last night  
15 and he said there is "no measurable risk to the  
16 community," no measurable risk, and the word we  
17 often hear and it's in the latest EIS, negligible.  
18 Well, I looked it up. Negligible means so trifling  
19 that it may safely be dismissed. Trifling, I wish  
20 he'd stop using the word negligible. Just because  
21 a risk can't be measured, doesn't mean you  
22 shouldn't acknowledge it and acknowledge it and  
23 acknowledge it.

24 Of course any time you bring dangerous  
25 pathogens into the mix, there are inherent, ever

1 present risks, that can hardly be said to be  
2 negligible. We're being told we can rest assured  
3 because of mitigation measures and protocols and  
4 space suits and wrought iron fences and guards at  
5 the gate are going to serve to turn immeasurably  
6 huge risks into immeasurably trifle ones. I don't  
7 buy it. We're being asked to trust science and  
8 government.

9           So I find this latest draft troublesome in  
10 two ways, first, the business of the negligible  
11 risk. It seemed to me that any sincere analysis of  
12 the risk being -- we're being asked to swallow  
13 would at least mention an awareness of the  
14 potential for purposeful release, either by  
15 terrorist activity from the outside or by rogue  
16 elements on the inside. 9/11 and the anthrax  
17 release suggests this is a gross and glaring and  
18 probably purposeful down play. I brought this up  
19 at the very first meeting I went to and the  
20 gentleman from back east was surprised that I even  
21 suggested terrorism. I mean, the folks in Bethesda  
22 don't even want a fence around their thing he  
23 said.

24           I've got to wrap this up. But, anyway,  
25 the EIS should not be a PR tool. Those in charge

39-23

**Comment**

**Response**

**39-23** Please see response to comment 38-1.

1 of the lab, I say if you are going to gamble with  
2 my future and my children's future the least you  
3 can do is be honest about it.

4 MR. BLOOM: Carol Barbian.

5 MS. BARBIAN: My name is Carol Barbian.  
6 I'm a resident of Ravalli County. I want to go on  
7 record as being in favor of the expansion of this  
8 lab. I believe that it's a necessary thing that  
9 needs to be done. I think there are a lot of bad  
10 germs out there that need to be studied and  
11 overcome. My son works at the Rocky Mountain Lab.  
12 He is very enthusiastic about this expansion and  
13 really wants to work in this lab. He would be  
14 probably in the first line if something were to  
15 happen. Now, I do not want my son to die from some  
16 of these bad germs because something happened at  
17 the lab, but I also do not want any of my other  
18 children to die from some of these germs because  
19 something was not done at the lab. Thank you.

20 MR. BLOOM: This next one I think is the  
21 last name is Tilton, this is a maybe; is that  
22 right? Oh, okay.

23 SISTER TILTON: That's right, Sister  
24 Rafael Tilton.

25 MR. BLOOM: Sister, okay.

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Chapter 5 – Response to Comments

1                   SISTER TILTON: Hi there. I don't think  
2                   66 million dollars is a whole lot of money. If the  
3                   NIH can put 66 million into this lab, that is I  
4                   just figured it out, about one-third of the average  
5                   incomes of the people who get average incomes in  
6                   this valley, which isn't a whole lot of money, if  
7                   they've got 66 million just lying around to put  
8                   into something like this. Now, they can put 66  
9                   million then they can put in three times that much,  
10                  in my opinion, and take care of some of the other  
11                  impacts that are as someone just said seemingly so  
12                  negligible.

13                  I was just at the Pine board meeting last  
14                  night where they were talking about what would  
15                  happen over on Eastside Highway at Tammany Lane  
16                  when they put 60 new homes up on the hill and 90  
17                  new homes over on Marcus and what kind of lineups  
18                  you will have in three cars in each of those or at  
19                  least two because people have to go a long ways to  
20                  work and we're not all going to be employed here at  
21                  the lab. So I think that NIH ought to rethink how  
22                  much they ought to spend.

23                  MR. BLOOM: Thank you, Sister. This next  
24                  person is another maybe and it's either Kirsten or  
25                  Kristen Lang.

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1 MS. LANG: My name is Kirsten and I'd like  
2 to thank the lab and the NIH for allowing us this  
3 opportunity to speak. And, of course, safety is  
4 very important to me and my family and I think to  
5 this community. And I think that the statement  
6 that Seta read is of the utmost importance because  
7 what a lot of people in this community that aren't  
8 in this room realize is that we are not expendable  
9 and they do not realize that not only is the lab  
10 doing everything that it can to keep safety levels  
11 as high as possible, but my concern is the  
12 transportation of these things to the lab. How  
13 many hands are these going to go to? How many  
14 people are going to be in the process of all these  
15 pathogens coming into this community?

16 The lab can do everything that it possibly  
17 can, but it's not going to take care of the postal  
18 workers and UPS and the flight attendants and  
19 everybody else along the way that's going to be  
20 bringing these things here. There is only so much  
21 that NIH and the NA whatever acronym -- there is  
22 only so much those people can do to protect the  
23 people in this community, but they certainly can't  
24 protect everybody else along the way. Thank you.

25 MR. BLOOM: Thank you. Next is I.

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1 Serenity.

2 MS. SERENITY: I'm also a resident of this

3 valley and I came here because of the beauty and

4 the wilderness and that it was I thought a safe

5 place. And now here we have an opportunity as

6 people to say no to something that could

7 dramatically affect this area all of our lives.

8 Obviously the government that is involved in this

9 has a game plan and a very strong one that they are

10 throwing thousands and millions of dollars into

11 just like some of these political campaigns we're

12 dealing with. They have a foregone conclusion and

13 they are trying to just make it happen. And yet

14 even though meeting after meeting we express these

15 same concerns that I've heard over and over again

16 that are not addressed here and I find it appalling

17 that your worst case scenarios would say that

18 there's no threat to this. How worse case could

19 you be considering?

20 We've talked about what if somebody flew a

21 plane -- we've got planes flying up and down this

22 valley all the time. They could easily without any

23 hesitation ram right into the Rocky Mountain Lab

24 releasing not just one, but hundreds of different

25 pathogens. I mean, all of these different

39-24

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| Comment      | Response                                                                                 |
|--------------|------------------------------------------------------------------------------------------|
| <b>39-24</b> | Please see Section 1.7.3 where comments on increased threat of terrorism were addressed. |

1 scenarios have not been considered in this EIS and  
2 I think we are being naive to believe that nothing  
3 is going to happen if it is a negligible risk. So  
4 I pray deeply that we will defeat this and that we  
5 will not have level 4 pathogens in our valley.

6 Thank you.

7 MR. BLOOM: I've neglected somebody from  
8 the previous page who indicated he was a maybe, Ted  
9 Kurstetter. Ted, did you want to --

10 MR. KURSTETTOR: I do.

11 MR. BLOOM: Okay.

12 MR. KURSTETTOR: Actually, I don't want to  
13 speak about the safety of the lab because  
14 surprisingly I'm not terribly concerned about that  
15 issue under conditions of the operation. I do --  
16 what I want to speak about is the process that  
17 brought us to the point where we are tonight. Most  
18 of you are here a year and a half overdue. A year  
19 and a half ago the Intermountain Citizens for a  
20 Safe Lab convened a meeting in this room and they  
21 invited you and they invited other representatives  
22 of NIH and they invited a number of even the local  
23 politicians, maybe two of whom bothered to show  
24 up. You weren't here, so I can't tell you what  
25 went on.

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1           A year later the same thing happened. In  
2 that meeting, we had camera crew from the PBS  
3 evening news and they got a pretty good shot of the  
4 empty chair and sign Marshall Bloom, reserved for  
5 Marshall Bloom or other members of the NIH who  
6 elected not to come. Instead, the lab convened a  
7 group of people called the Citizens of the Liaison  
8 group, in my opinion composed of lab proponents and  
9 people who were thrilled to be included in the  
10 verified atmosphere of the lab and spoken to by the  
11 world renowned scientists at the lab only because  
12 there may be protests from people in groups to  
13 which I am sympathetic and one of which I belong  
14 were a couple of dissenting members flailingly  
15 invited to come.

16           By means of these actions and this  
17 attitude, you have increased the polarization in  
18 this community. You increased the anger among  
19 those who are for the lab and those who are not  
20 necessarily against it, but have legitimate  
21 questions that they wanted answered, not the kinds  
22 of questions that you get from going to a dog and  
23 pony show. So in closing, I would simply like to  
24 say I hope this meeting tonight represents a true  
25 change of heart. I hope it represents a

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1 willingness on the part of NIH and the lab staff to  
2 really get into serious discussions with members of  
3 the community who handle legitimate questions and  
4 are not necessarily totally against the lab. Thank  
5 you very much.

6 MR. BLOOM: Thanks, Ted. Jim Miller.

7 MR. MILLER: Jim Miller. After the  
8 anthrax attacks within our country two years ago,  
9 it was determined by the administration that there  
10 was a need for additional BSL-4 lab space within  
11 our country. There are a lot of places where BSL-4  
12 labs can be constructed, but the NIH predetermined  
13 that the lab would be built at Rocky Mountain  
14 Laboratories in Hamilton and nowhere else. The  
15 need is additional lab space, BSL-4 lab space in  
16 the United States. You might even take that a step  
17 further and say regionally we might need BSL-4 lab  
18 space in the Western United States or even further  
19 you might say space is needed in the Pacific  
20 Northwest.

21 In the draft EIS, the NIH has defined  
22 their purpose and need as to build the BSL-4 lab at  
23 Rocky Mountain Labs and nowhere else. After the  
24 anthrax attacks, the president didn't go before the  
25 nation and say, gosh, we need more BSL -- we need a

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Chapter 5 – Response to Comments

1 BSL 4 at Rocky Mountain Labs. He said we need  
2 additional space. Now the NIH has made this  
3 incredible leap to building the lab here and  
4 nowhere else and I ask myself how or why they made  
5 this leap. During the first comment period on the  
6 original draft many people commented that there was  
7 a need to consider other locations and I've heard  
8 that need reiterated here over and over. There was  
9 a need to consider other alternatives rather than  
10 just one alternative. The supplemental draft EIS  
11 dismisses these concerns of our citizens with one  
12 sentence, it doesn't meet the purpose and need  
13 which is to build the lab here. That's pretty  
14 obvious. The intention here is utterly  
15 transparent. The defined purpose and need  
16 immediately excludes every other possibility for  
17 building the lab anywhere else.

18 Believe me, this was not the intent of  
19 Congress and the people they represent when they  
20 passed the National Environmental Policy Act which  
21 governs EIS process. The heart of the  
22 Environmental Impact Statement is the development  
23 of a full range of alternatives. The law requires  
24 that quote, "Agents shall consider a full range of  
25 alternatives and shall rigorously explore and

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1 objectively evaluate all reasonable alternatives."  
2 The reason for this is we can compare different  
3 alternatives, we can weigh the different pros and  
4 cons of the different alternatives and come to the  
5 best solution for our community.

6 MR. BLOOM: All right, Jim.

7 MR. MILLER: The Rocky Mountain Lab may be  
8 the best place for a BSL-4 lab, but we're never  
9 going to know that because the NIH has shortcut the  
10 process to a predetermined conclusion.

11 MR. BLOOM: Thanks. Now Doug.

12 MR. SOEHREN: Hear, hear. Jim says it  
13 like it is and I count myself, Jim Miller and many  
14 others who spoke tonight --

15 MR. BLOOM: Can you go to the microphone?

16 MR. SOEHREN: Anybody can't hear me?

17 MR. BLOOM: Doug Soehren.

18 MR. SOEHREN: I had spoken many times as  
19 has Jim Miller and several others and I was  
20 involved in the preparation of the considerable  
21 comments that were turned in on behalf of the  
22 Coalition of Concerned Citizens groups here in the  
23 valley. We put a lot of time and energy into  
24 analyzing the documents and analyzing the situation  
25 here in the valley. Many of us have been long-time

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1 residents here in the valley. We are deeply  
2 concerned. We love this place and it is  
3 unfortunate. I thought it was really great that  
4 you've decided to revise the draft and you did come  
5 out with the additional supplement. I think that  
6 was smart and I was hopeful that you would address  
7 all of our concerns. There isn't nearly enough  
8 time for us to list all of the concerns that we  
9 turned in that have not been addressed. They need  
10 to be and they better be in the EIS or I think that  
11 you really are on shaky ground. I think that  
12 you're trying to dismiss us and we're not going  
13 away. Thank you.

14 MR. BLOOM: Thanks, Doug. There is one  
15 more person who signed up, Archeson Harden. Is  
16 there anyone else who wants to speak after Mr.  
17 Harden who didn't sign up? Okay.

18 MR. HARDEN: I'm sorry to sound like a  
19 broken record here. It seems like every time they  
20 give me a chance I come out and ask the same  
21 questions and I never get answers, so here I am  
22 again. I'm not going to thank you folks for  
23 letting me be here to speak, because any time you  
24 didn't have to, you have refused to listen to  
25 anything I have to say. You've only let me speak

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1 when you were legally obliged to. So I'm not going  
2 to be polite because I think they've been too  
3 nice.

4 My concern and that nobody else seems to  
5 have tackled too specifically is the issue of our  
6 local infrastructure again. Your analysis of  
7 whether or not we need any more improvements to our  
8 infrastructure goes to ask the local EMS if they  
9 feel comfortable. Well, I guess I feel  
10 comfortable. You go to the hospital, well, is  
11 there anything we can do for you? We're going to  
12 have people down in the valley. Nothing you're  
13 going to do for Marcus Daly Hospital is going to  
14 make a damn difference. They're going to be  
15 overwhelmed pretty immediately, so why waste the  
16 money? I don't know, but that's not a very  
17 scientific analysis of the needs of the community  
18 if you are going to build this thing anyway.

19 It seems to me that, one -- I'm going to  
20 ramble a little bit here -- the one case you didn't  
21 examine in your hazards case, was that of someone  
22 getting infected and going out into the community  
23 and infecting other people. How would that  
24 progress through the community? How many people  
25 might get one of these diseases if it did get out?

39-25

**Comment**

**Response**

**39-25**

Please see response to comment 39-16.

39-26 {

1 I mean, you addressed the most illogical ones of  
 2 all clouds, how far would a cloud of anthrax if we  
 3 shook it up on the roof travel. That's not what  
 4 I'm afraid of. I'm afraid of someone getting it or  
 5 bringing it out on purpose. After all, it appears  
 6 that the anthrax case was an inside job of somebody  
 7 who was involved in the business.  
 8 We heard from probably -- who isn't here.  
 9 Now, we heard from an EMT from Atlanta, Georgia,  
 10 said he moved here because after working the CDC on  
 11 emergency drills it scared the hell out of him and  
 12 he wanted to get out of Atlanta. Then you go and  
 13 ask the local guys who don't have a clue what  
 14 they're facing, this guy has been doing the drills  
 15 and talking to the doctors and said, my God, this  
 16 is scary. And we talk to local guys who probably  
 17 don't have a clue and say, hey, what do you think?  
 18 I feel comfortable, sure, no problem. I don't want  
 19 to sound stupid, but, you know, we have people that  
 20 know a lot more about it and we don't seem to ask  
 21 them any questions. Oh, no, let's ask the guys in  
 22 Hamilton, Marcus Daly, how they think. It's just,  
 23 you know -- I'm sorry, it's not scientific and it  
 24 hasn't addressed my issues which I've asked over  
 25 and over again in writing and verbally.

**Comment**

**Response**

**39-26** Please see Section 1.7.3 where comments on the risk of terrorism were addressed.

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39-27

1           Also if you are going to build it here,  
2           seems to me we're not addressing other affects on  
3           infrastructure. I mean, are we going to have to  
4           build more roads? Does it apply to all the  
5           traffic, the people coming in and out of the lab  
6           all the time, you know, affect on the water supply,  
7           on schools. I know you tell us there are plenty of  
8           water, you told us that last summer and two weeks  
9           later I notice in the newspaper the mayor was  
10          telling us to cut back on water.

11           MR. BLOOM: Can you wrap it up?

12           MR. HARDEN: Once again, I have to say the  
13          thing is really ugly. As a student of art history  
14          and architecture, it's really an eyesore and can we  
15          do something about that if you're going to slap it  
16          down the middle of town.

17           MR. BLOOM: Thank you, sir. We have at  
18          least one more person signed up, Bob Sutherland.

19           MR. SUTHERLAND: Thank you. My name is  
20          Robert Sutherland. I live in Hamilton. I wanted  
21          to address the issue of the impacts of the lab  
22          expansion on infrastructure in the City of  
23          Hamilton. The EIS does not do much more than state  
24          what the impacts will be. I am concerned about, I  
25          mean, the impacts outside the fence. That's what I

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**Comment**

**Response**

**39-27**

Please see Section 1.7.3 where comments on the effects of the Proposed Action on traffic, community infrastructure, and water supply were addressed.

39-28 {

1 am concerned about, the noise, the pollution, the  
 2 traffic and the use of the city water and sewage  
 3 treatment plan. Some of the statistics that I have  
 4 read in the supplemental EIS regarding water usage  
 5 and so on don't square with statistics I have seen  
 6 elsewhere. I don't know who put those together or  
 7 why they used the statistics that they did, but it  
 8 looks like there isn't very much credibility to  
 9 them.

39-29 {

10 The city has given a pass up to now to the  
 11 lab expansion. There has been no comment from city  
 12 government regarding the impacts. It was just a  
 13 good project as far as the city government has been  
 14 concerned. This is the same city government,  
 15 though, that has gotten itself into situations  
 16 itself where they wanted to construct -- have  
 17 construction projects and had to give up a lot in  
 18 negotiation.

19 I can give you an example, the city bought  
 20 ten acres to put a water tank on next to the  
 21 existing water tank, didn't realize when they  
 22 bought it that there were covenants in the deed  
 23 that wouldn't permit them to build the tank there.  
 24 Rather than switch that property for a more  
 25 suitable site, they decided to go ahead with the

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**Comment**

**Response**

39-28

Please see Section 1.7.3 where comments on the effects of the Proposed Action on noise, air quality, water, and wastewater were addressed.

39-29

This information has been corrected in the FEIS. See section 4.4.1.1.

1 cookies left back there. If you think I may have  
2 had some problems reading off your name because of  
3 the writing, please come up and see me and I'll try  
4 to make it legible.

5 (Public hearing concluded at 9:15 p.m.)  
6  
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2/04/04

Valerie Nottingham  
National Institute of Health

Brian & Linda Trescott  
P.O. Box 1592  
Hamilton, MT. 59840

Re: Rocky Mountain Lab in Hamilton, Montana and  
proposed new use/study of world's most toxic diseases  
and substances, etc.

We are opposed to the proposed new use for the laboratory  
here in Hamilton, Montana. We are very concerned, in fact  
frightened to death, at what would happen IF an accident  
occurred.

Yes, the lab has a good safety record. But to err  
is human ! There is no such thing as an accident or mistake-  
proof person , machine or lab security system for that matter. We don't  
want it and shouldn't have to have it forced upon us.

It also brings new threat to this otherwise quiet hamlet by  
way of terrorist attacks. We moved here to feel safe. Is there  
anywhere that will be safe to live a quiet life if things like this  
are forced on us regardless of whether the citizens of this  
area want the new changes? I have not spoken to one person  
who wants the new usage of the lab.

40-1

If these diseases and substances must be studied, why not do it  
in a safer place which is not next to a large body of water (the river)  
and surrounded by people, schools, houses, animals, etc. How  
about putting it out with all the other undesirable sites which  
already have very strong security measures and safety precautions,  
such as Hanford nuclear plant in Washington, or in Nevada's area 54  
(or whatever it is called).

LETTER 40 - LINDA AND BRIAN  
TRESOTT

**Comment**

**Response**

40-1

Please see Section 1.7.1 where comments on  
alternative locations were addressed.

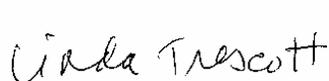
02-09-04P02:48 RCVD

**40-2** { What is the plan if an accident should occur? It's not IMPOSSIBLE that an accident would occur, is it?

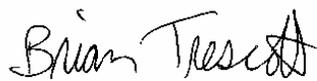
My husband and my health insurance rates went up by \$750 last year. At this rate we won't have insurance probably in the near future. A large percentage of people in this area have no insurance at all. What happens if we should need to get treatment because of an accident and are refused? What treatments are there for the world's most deadly & incurable diseases, anyway????????????????  
A gun to the head, most likely, is the only cure.

**40-3** { If it's so safe, why not put this type of lab in your offices there at the National Health Institute?

WE DO NOT WANT THE NEW PROGRAM and never will. We would like an answer to the questions we have posed as soon as possible, as we consider this a matter of possible life and death.



Linda Trescott



Brian Trescott

**Comment**

**Response**

**40-2** Please see Section 1.7.2 where comments on the emergency plan were addressed.

**40-3** Please see Section 1.7.1 where comments on alternatives were addressed.

**Nottingham, Valerie (NIH/OD/ORF)**

---

**From:** Nation, Douglas [dnation@corixa.com]  
**Sent:** Friday, February 06, 2004 4:52 PM  
**To:** ORS RMLEIS (NIH/OD/ORS)  
**Cc:** Bloom, Marshall (NIH/NIAID)  
**Subject:** Comment on RML Supplemental Draft EIS



RML Letter - Final  
version 02-...

Dear Ms. Nottingham:

Attached is the Board of Directors approved statement from the Bitter Root Chapter of Trout Unlimited on the Supplemental Draft EIS issued for Rocky Mountain Lab in Hamilton, MT. We appreciate the opportunity to comment and to have our comment entered into the record.

<<RML Letter - Final version 02-04.doc>>

Sincerely,

Doug Nation  
President, Bitter Root Trout Unlimited  
Office phone: (406) 375-2189  
Home Phone: (406) 363-2137  
e-mail: dnation@corixa.com

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*LETTER 41 - DOUGLAS NATION, TROUT  
UNLIMITED*



January 11, 2004

Valerie Nottingham  
National Institutes of Health  
B13/2W64  
9000 Rockville Pike  
Bethesda, MD 20892

Dear Ms. Nottingham:

The Bitter Root Chapter of Trout Unlimited (BRTU), with a membership of approximately 250, is a local chapter of a national organization whose mission is "conserving, protecting, and restoring America's cold water fisheries". The BRTU board members and officers are citizens of Ravalli County, Montana and are a matter of public record. All of our general meetings are advertised and are open to members of the public. BRTU has been active in environmental, recreational, and conservation issues in the Bitterroot valley for over 25 years and has been involved, as either observers or participants, with a number of NEPA processes initiated by Federal agencies in association with their activities in Ravalli County.

BRTU has been an active participant in the Rocky Mountain Lab (RML) Integrated Research Facility (IRF) project. We currently have a seat on the Community Liaison Group (CLG) and have members that have attended most, if not all, of the Town Hall and Open House meetings hosted by RML to provide information and community education on the proposed IRF expansion. One, or more, of our members have also attended all of the IRF meetings related to the EIS and NEPA.

BRTU welcomes the opportunity to comment on the Supplemental Draft Environmental Impact Statement (SDEIS) recently published for the proposed IRF. We feel the current SDEIS report is significantly more complete than the initial draft EIS published earlier in 2003. We also feel that the current SDEIS does comply with the applicable NEPA requirements. The efforts of NIH/NIAID/RML to educate the community on the proposed IRF expansion and address the concerns of the project critics have been commendable. As an environmental organization, we agree with the findings published in the SDEIS that this project will have little or no significant environmental impact on fisheries and water quality in the Bitterroot Valley.

Sincerely,

Board of Directors  
Bitter Root Chapter of Trout Unlimited  
Doug Nation, President

41-1

**Comment**

**Response**

41-1

Comment noted.

**Nottingham, Valerie (NIH/OD/ORF)**

**From:** John Swanson [swanj@earthlink.net]  
**Sent:** Tuesday, February 10, 2004 12:20 PM  
**To:** ORS RMLEIS (NIH/OD/ORS)  
**Cc:** Bloom, Marshall (NIH/NIAID)  
**Subject:** RML BSL-4 SDEIS+

Dear Ms. Nottingham

This is in response to the Supplemental Draft Environmental Impact Statement (SDEIS) recently issued for proposed BSL-4 facility at RML.

Sections 2.2.2.1 and 2.2.2.4 suggest that 'A BSL-4 laboratory for NIH use has been constructed at the Bethesda site' (p.2-17) and 'Bethesda, Maryland

**42-1** { already has a BSL-4 laboratory.' I am confused by these statements. A relevant question is whether or not the BSL-4 laboratory on the Bethesda campus is operated as such, or not.

**42-2** { If 'NIH is in the process of completing an EIS on a BSL-4 facility at Fort Detrick planned for NIAID.' as stated on p.2-19, is another really necessary at RML? Many things have changed since the inception of this NEPA process, and I wonder if the need for yet another BSL-4 facility is as great as it was in 2001!

Section 4.2.1.1 includes a section on 'Housing' which contains several problems, in my estimate. The SDEIS suggests that property values in the area surrounding RML will not be compromised by BSL-4 construction, and they cite three local realtors (Dowling, Polumski, Rose). That opinion appears to be an 'off-the-cuff guesstimate' by these three individuals. I doubt seriously that there was any effort to examine the data concerning property values in the area over several previous years and whether those values have

**42-3** { changed since commencement of BSL-4 talk; did the evaluation take into account the recent joint inquiry by six property owners living south of RML to the U.S. Government (NIH?) regarding its interest in purchasing their properties and the government's apparently negative response?

Such superficial or fanciful treatment for such concerns of RML's neighbors, of which I'm one, does not inspire confidence in either DEIS or SDEIS. There seems to have been plenty of whitewash applied here, and that's a bother in knowing whether matters (biosafety, etc.) that are potentially much more serious are similarly glossed-over in the process of inclusion.

---and not included in the DEIS or SDEIS is recognition that the RML site may have additional historical significance. It recently has been rumored locally that the current RML site is where Lewis & Clark, after first

**LETTER 42 - JOHN SWANSON****Comment****Response**

**42-1** NIH has maintained a small BSL-4 laboratory in Bethesda since the 1970s. The laboratory was renovated and reopened as a BSL-4 suit laboratory in 1998. The facility was never intended to be used for long term research. The facility is currently being used as an enhanced BSL-3 laboratory and will be used as a BSL-4 as the need arises.

**42-2** Past experience indicates that emerging and re-emerging diseases will continue to pose a threat to the US. The scientific program proposed at RML is different from that of Fort Detrick. RML would include pathogenesis, immune response, vaccine, diagnostics and therapeutics and would focus on vector-borne pathogens, while Fort Detrick will be studying the disease process using physiological monitoring and clinical laboratory testing.

**42-3** Please see page 4-2 where comments on neighborhood concerns about property values were addressed.

## Chapter 5 – Response to Comments

---

getting lost and then making their way through what is now western Montana, had an history-determining golf match two centuries ago with local Native Americans who had earlier learned the similar, precursor (?) game of 'shinty' from Scottish trappers. The outcome of this golf match was to decide whether or not Lewis & Clark's party would be permitted to cross the Bitterroot Range to find the Pacific Ocean. Luckily (?) L & C won, apparently due to a birdie being made on the last hole by Sakagawia who was playing for the white explorers' team. Obviously, a happening like this would endow the RML site with deep historical significance that might be compromised by future building programs. Perhaps NIH could quickly construct a RML-L&C Visitors' park-site to attract Lewis & Clark Bicentennial tourists and use the monetary proceeds to install the BSL-4 facility proposed for RML on the moon, as part of President Bush's recent proposal to populate that planet, instead of in Hamilton. Wouldn't that be terrific?

Respectfully,

John Swanson  
1015 South Fourth Street  
Hamilton, MT 59840  
swanj@earthlink.net  
406 363 6269



*The Big Sky Country*

MONTANA HOUSE OF REPRESENTATIVES

REPRESENTATIVE BOB LAKE  
HOUSE DISTRICT 60

HELENA ADDRESS:  
PO BOX 200400  
HELENA, MONTANA 59620-0400  
PHONE: (406) 444-4800

HOME ADDRESS:  
241 DALY AVE, PO BOX 2096  
HAMILTON, MONTANA 59840  
PHONE: (406) 363-4091

COMMITTEES:  
TAXATION  
EDUCATION  
LEGISLATIVE ADMINISTRATION

January 31, 2004

Ms. Valerie Nottingham  
NIH B13/2W64  
9000 Rockville Pike  
Bethesda, MD 20892

Dear Ms. Nottingham:

I was pleased that RML decided after the first public hearing, to respond to the Hamilton community and develop a revised EIS study to deal with those issues that were of major concern. I attended the public hearing on the supplemental draft in order to get a feeling of the crowd reaction to the new draft.

I must first complement Dr. Marshall Bloom and the other RML individuals who presented a very professional introduction and explanation of the proposed construction and management of the level 4 lab. The testimony given at the hearing very closely followed the general public comments that I have received as I visit with people around my district, which includes RML. The public has been and will be supportive of the Lab and the work that is accomplished in the facility. The overwhelming majority of Hamilton residents greatly appreciate the relationship that we enjoy with RML and the staff that is employed there.

As you are aware, there is a contingent that is very vocal against the expansion. You must understand that their objection is not about the potential dangers; (although that is what they claim) it is the extremely narrow agenda of limiting the population growth of the area that drives their efforts. They cannot be ignored, because their tactic is to create unwarranted concern in the neighbors and the community in general. It will work on a few people but I feel should not influence your final decision.

43-1 { I sincerely support the expansion plan but, would ask for a consideration. You will notice from the transcript of the hearing, the main concern centers around the light and constant noise level produced on the campus during the night time hours. I am aware that you have in place a noise level regulation, and security dictates the need for illumination. If it were possible to include baffles around the roof air conditioners/compressors to deflect the noise upward it may help with that problem. As for the light situation if it were possible to construct a fence that would shield the nearby neighbors or position the beam as not to have direct line to the homes it may defuse that concern as well.

Again, I support your expansion plan and want to congratulate all of those people who have obviously dedicated a great deal of time and effort in developing and presenting the EIS.

Sincerely:

Bob Lake

cc: Dr. Marshall Bloom

02-09-04P02:48 RCVD

LETTER 43 - BOB LAKE, STATE REPRESENTATIVE

Comment

Response

43-1

Noise mitigations are included in the discussion of the proposed action. These mitigations would reduce the noise to acceptable levels. Please see page 2-8 of the SDEIS.

**Nottingham, Valerie (NIH/OD/ORF)**

**From:** tsitlall@juno.com  
**Sent:** Wednesday, February 11, 2004 10:43 AM  
**To:** ORS RMLEIS (NIH/OD/ORS)  
**Subject:** Concerns

Re: Proposed expansion of Rocky Mt. Lab:

I am a resident of Hamilton. I live about 7 blocks east of the lab. I am deeply disturbed by this proposal, and have read both the Draft and the "Supplement" EIS. I have attended meetings. I have submitted letters to NIH about this issue. I do not feel heard. I am not alone.

The current Supplement did not address issues that were important to me, and vital to this community:

- 44-1 {
  - Financial cost of other locations was not discussed. In fact, there was no discussion of other locations. I would like to see Glasgow Air Force Base investigated as a possible site. It has a 3-mile air strip for delivering sensitive materials. Air Security is available from Malestrom Air Force Base in Great Falls, MT. It has temporary housing for employees (or permanent housing). It is already fenced and gated for security. There is a community nearby that is gasping for more residents.
- 44-2 {
  - No analysis of air pollutants was included in the EIS. Since I live in the airstream east of the lab, this issue is extremely important. This is one of the key factors in deciding if we can continue to live here should the lab be enlarged.
- 44-3 {
  - No emergency plans were included, should an employee be infected or should a shipment of sensitive material be disturbed, stolen, etc. There is no way to isolate an infected employee at the local, small and ill-equipped hospital. We have one highway...*one way out for 35,000 people*. We have one (inadequate) airport. How tragic it would be if an incident occurred and people began asking honest questions, like "What were they thinking??" This is a critical issue which hundreds of citizens have questioned to date, without any response from the Institute.
- 44-4 {
  - As any pilot will inform the committee, Hamilton is a sitting duck for air terrorism. We do not have the air security of other locations in the State; not even advanced radar systems at the airport. Approach by northern or southern routes along the mountains would be extremely easy.
  - The sense I received from recent meetings was that since the Chamber of Commerce, Hamilton City Council, Hamilton Downtown Business Association have agreed to the expansion that the Institute considers this a "done deal." It is not. The citizens of Hamilton and the rest of the valley have a right to vote on the presence of Weapons of Mass Destruction in this valley. My belief is a vote would strongly indicate the opposition to this plan.

I am not a fanatic. I'm a social worker. I work with people to improve their quality of life, and with the community to improve the lives of families and children. I deeply approve of having WMD research. ***But I cannot understand placing that research outside of a military installation. This community does not want to be a military target.***

Cordially,  
 Star Jameson, 253 Roosevelt Lane, Hamilton, MT 59840 (406) 363-4026

LETTER 44 - STAR JAMESON

| Comment | Response                                                                         |
|---------|----------------------------------------------------------------------------------|
| 44-1    | Please see Section 1.7.1 where comments on alternatives were discussed.          |
| 44-2    | Please see Section 1.7.3 where comments on air quality were addressed.           |
| 44-3    | Please see Section 1.7.2 where comments on the emergency plan were addressed.    |
| 44-4    | Please see Section 1.7.3 where comments on the risk of terrorism were addressed. |

**Nottingham, Valerie (NIH/OD/ORF)**

**From:** Jay Greene [jaygreene37@yahoo.com]  
**Sent:** Tuesday, February 10, 2004 1:18 PM  
**To:** ORS RMLEIS (NIH/OD/ORS)  
**Subject:** Tempting fate

- 45-1 { Kindly add our names to those others in the south valley who are opposed to expanding the venue of the chemists at Rocky Mountain Laboratories to include the importation of arcane (and very dangerous) microbes and viruses...  
We moved to the Bitterroot Valley to get as far as possible from *the missiles* up along the Highline. It seems counterintuitive (and certainly counterproductive) that the U. S. is now thinking of bringing another equally worrisome type of *WMD* to the valley...

Sincerely

Nadine J. and  
J D Greene  
131 Silverbow Drive  
Victor, MT 59875-9676

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**Nottingham, Valerie (NIH/OD/ORF)**

**From:** Steve Slocomb [video@montana.com]  
**Sent:** Tuesday, February 10, 2004 2:43 PM  
**To:** ORS RMLEIS (NIH/OD/ORS)  
**Subject:** Hamilton LAB

- 46-1 { Please include more information on alternative BH4 lab locations, and on measures to be taken if there were to be an escape of a pathogen.

Steve Slocomb  
376 Zimmerman Lane  
Hamilton, MT  
59840

Steve Slocomb  
Looking Glass Films  
videography/editing  
Montana, USA  
email: video@montana.com  
web: bitterroot.tv

*LETTER 45 - NADINE J. AND J. D. GREENE*

**Comment**

**Response**

- 45-1 Please see Section 1.1 where this comment is addressed. No Weapons of Mass Destruction research will take place at any NIH facility including RML, as this is forbidden by a national security directive and international law. Please also see section 4.2.1.1, Community Safety and Risk, Risk Assessment section.

*LETTER 46 - STEVE SLOCOMB*

**Comment**

**Response**

- 46-1 Please see Section 1.7.1 where comments on alternatives were addressed.

**Nottingham, Valerie (NIH/OD/ORF)**

**From:** Carolsblum@aol.com  
**Sent:** Tuesday, February 10, 2004 3:57 PM  
**To:** ORS RMLEIS (NIH/OD/ORS)  
**Subject:** public comments on RML SDEIS

Ms. Nottingham:  
 Please accept the following as my official comments for the Rocky Mountain Lab BSL-4 Expansion SDEIS:

**47-1** { My main concern is that SDEIS still does not fully develop and analyze more than one alternative, to build the expansion at the RML campus. This is directly contrary to EIS rules which state that a full range of alternatives must be developed and compared to one another in terms of their impacts, risks, benefits, and ability to meet the purpose and need. Furthermore, the SDEIS continues to state that the purpose and need of the project is to build the expansion of the Rocky Mountain Labs to the BSL-4 level. This is blatantly worded in this way to circumvent the possibility of developing and comparing other alternative locations for the BSL-4 lab to be built. I believe that the NIH is only looking at the RML, and not other possible locations, and that this constitutes illegal predetermination in an EIS.

**47-2** { I am also extremely concerned about the fact that the citizens of the Bitterroot Valley have been illegally denied information that will allow them to fully and meaningfully participate in the National Environmental Policy Act process, because of an illegal denial of a FOIA fee waiver requested by Friends of the Bitterroot, and the subsequent illegal failure to respond within the mandated time frame to the appeal of that denial. This group represents large numbers of citizens in the Bitterroot valley and made this 2nd FOIA request to follow up on information received in the first FOIA. This group widely disseminates the information that they obtain, and this is the only way that the public has access to any information that NIH isn't voluntarily handing out in their completely selective "education" of the public on the issues. I therefore request an extension of the deadline for comments until such time that Friends of the Bitterroot receives the documents that they are entitled to by law.

**47-3** { Lastly, the SDEIS either doesn't address at all, or inadequately addresses the following issues:  
 There is no emergency plan included in the SDEIS, for a whole variety of possible emergencies. There is no mention of what will be done to financially support the community's emergency services, which will need to provide extra training and equipment.

**47-4** { Incidents of biological agents or toxins released, stolen, or are prohibited from being made public, stated in Homeland Security Act, so that not only can we receive no information about the actual safety record of current BSL-4 labs, but if there is a problem at this lab, if it is built, there is no guarantee that the public will be informed about it. The increased use of the incinerator to burn medical/infectious waste is not adequately addressed. There is not an adequate air pollution analysis. An inventory of toxic chemicals proposed to be used onsite is not made available. There is no analysis of the risks posed by an accidentally infected lab worker. There is not an adequate analysis of the potential income to the local government from payroll taxes.

**47-5** { There is not an adequate analysis of the solid waste stream expected from the proposed lab. There is not an adequate analysis of potential conflicts between the proposed projects and the goals of the Ravalli County Growth policy. There is not an adequate analysis of the increased noise and light pollution at night. There is no discussion of the potential for a purposeful release of a hazardous agent or toxin, or what a response plan would include. There is not an adequate analysis of the impacts of the increased traffic in a residential neighborhood. There is no discussion of the risks or safety measures regarding RML and our community becoming a potential target by terrorists.

**47-6** { Once again, I am requesting that a new DEIS be released, addressing these issues that have not been addressed, and that NIH already received many requests to address following the first DEIS. And, as stated above, I request an extension of the deadline for comments for this SDEIS until such time that Friends of the Bitterroot receives the documents that they are entitled to by law so that the public can participate in a meaningful manner, as prescribed by NEPA.

Sincerely,

*LETTER 47 - CAROL S. BLUM*

**Comment** **Response**

**47-1** Please see Section 1.7.1 where comments on alternatives were addressed.

**47-2** Please see Section 1.7.1 of the SDEIS.

**47-3** The NIH has provided in the SDEIS all information relevant to the Proposed Action, including the Proposed Action's environmental impacts. While the Friends of the Bitterroot (FOB) submitted a request for records under the Freedom of Information Act (FOIA), the FOB has refused to pay the standard fees assessed for the records produced pursuant to the DHHS regulations implementing the FOIA, 45 C.F.R. Subpart D. DHHS has carefully considered FOB's request for a waiver to these fees and has determined that no basis exists to grant the waiver under 45 C.F.R. Subpart D or any other law or other authority. The public comment period for the SDEIS was sufficient under the Council on Environmental Quality regulations implementing NEPA and will not be extended.

**47-4** Please see Section 1.7.2 where comments on the emergency plan were addressed.

Remainder of responses on following page.

- 47-5** The Act referred to is the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 ("Bioterrorism Act"). Section 201 of the Bioterrorism Act ensures that, for security purposes, Federal agencies cannot be made to release certain specific information about select agents -- predominantly related to comprehensive listings of agents and their locations -- under the Freedom of Information Act. However, nothing in the Bioterrorism Act prohibits a facility from voluntarily releasing information to the public about any accident, release, theft, or infection involving select agents. Further, the Bioterrorism Act requires that a facility that handles select agents must notify the Secretary of the Department of Health and Human Services about any release so that the Centers for Disease Control and Prevention (CDC), acting on the Secretary's behalf, can take appropriate action to notify the public and local authorities. CDC's notification is in addition to any actions the facility may take. The facility is not prevented from directly notifying the public about any accident, release, theft, or infection.
- 47-6** Please see Section 1.7.3 where comments on these concerns were addressed.
- 47-7** Comments on the DEIS and SDEIS have been addressed in the SDEIS and the FEIS. No additional DEIS will be produced.

**Nottingham, Valerie (NIH/OD/ORF)**

**From:** CarolSblum@aol.com  
**Sent:** Wednesday, February 11, 2004 11:26 PM  
**To:** ORS RMLEIS (NIH/OD/ORS)  
**Subject:** RML SDEIS

Carol S. Blum  
Hamilton, MT

Valerie Nottingham  
NIH  
Bethesda, MD 20892

February 11, 2004

Dear Ms. Nottingham:

48-I

Please include the following comment as a supplement to my previous comments on the RML SDEIS. As demonstrated by the recent equipment failure that resulted in the deaths of lab animals at RML, it is clear that humans error and machines fail. It is the norm, not the exception. NIH has stated repeatedly that the risk of a BSL-4 agent release is too small to quantify. It is imperative that the NIH begins to assess this risk based on the circumstances of the accident that just occurred at the RML. The risk is certainly not "negligible" as stated in the SDEIS.

Sincerely,

Carol S. Blum

**Nottingham, Valerie (NIH/OD/ORF)**

**From:** Hannah L Whitney [hlw@montana.com]  
**Sent:** Wednesday, February 11, 2004 1:35 AM  
**To:** ORS RMLEIS (NIH/OD/ORS)  
**Subject:** RML-expansion-Hamilton,MT

Hannah Whitney  
PO Box333  
Victor,Mt 59872/10/04

To whom it may concern:

Tell your doctors' lab builders, that we like where we live, obviously they like it here too. If they want to study toxic substances they can do it in an isolated safe place and vacation here. Know too much to be snowed.  
Hannah Whitney

*LETTER 48 - CAROL S. BLUM*

**Comment**

**Response**

**48-I** The Integrated Research Facility is designed to eliminate the potential of a human accident causing release of an agent and infection of anyone in the community.

*LETTER 49 - HANNAH WHITNEY*

**Nottingham, Valerie (NIH/OD/ORF)**

**From:** John Lehrman [keewaydin@micro-mania.net]  
**Sent:** Tuesday, February 10, 2004 11:57 PM  
**To:** ORS RMLEIS (NIH/OD/ORS)  
**Subject:** Comments on SEIS-rml from J.Lehrman

Dear V. Nottingham,

I am writing in regards to the Rocky Mountain Laboratory(RML) located in Hamilton, Montana. I feel a Level 4 lab in this neighborhood location is inappropriate and irresponsible.

Hamilton's emergency services are financially struggling and small. Besides being unable to fund the appropriate emergency services, the hospital is physically small and unequipped to handle a biological pathogens outbreak.

Although the RML has an excellent record with few accidents, we must acknowledge the fact that these pathogens will be transported in and out of Hamilton and the possibility of an accident does exist.

Besides these concerns I will briefly list a few other areas of concern.

It is my understanding that through the Public Health Preparedness and Bioterrorism Response Act that information about Released, Stolen, or Lost Agents or Toxins is prohibited from being made public. This is alarming, dangerous, and irresponsible.

The increased use of the incinerator to burn waste and air pollution problems is an issue.

50-1 { I would like to see an Alternatives section in the EIS, this is absolutely standard in EIS's.

Noise pollution in the neighborhood and the surrounding areas is a concern.

The increased traffic in the residential area of RML is undesirable.

And lastly, the fact that the Freedom of Information Act requests to NIH for information about the decision process in expanding RML have been repeatedly ignored. One brief memo sent out of the Office of Intermural Research of NIH states this "The RML campus is located in Rural western Montana, well removed from major population centers. The location of the laboratory reduces the possibility that an accidental release of biosafety level-4 organism would lead to a major public health disaster." This statement leaves one uneasy.

Let me state again that the proposed expansion of RML to a Level-4 is inappropriate and irresponsible.

Sincerely,  
John S. Lehrman  
Hamilton Mt. 59840

LETTER 50 - JOHN LEHRMAN

**Comment**

**Response**

50-1 The DEIS, SDEIS and FEIS contain an Alternatives Section at Section 2.2.

**Nottingham, Valerie (NIH/OD/ORF)**

**From:** joan [joaniepony@montana.com]  
**Sent:** Tuesday, February 10, 2004 8:57 PM  
**To:** ORS RMLEIS (NIH/OD/ORS)  
**Subject:** rml - comment

In regards to the Bio -Level 4 expansion on The Rocky Mountain Lab campus, I believe a number of concerns were not adequately addressed:

- 51-1 { no proper inquiry into real ALTERNATIVES for Bio 4 lab- It seems to me a military base or an urban environment where emergency services are available would be more appropriate.
- 51-2 { no examination of the possibility of Earthquake and its damage or how to handle a MAJOR(9-11) type terrorist attack- we need specific PLANS not just reassurances.
- 51-3 { no detailed discussion of the impacts on the local systems ie schools ,roads ,water ,septic etc.
- 51-4 { One of my biggest concerns is the transportation of materials, basically one road in and out of here. The threat of a terrorist hit on Fed Ex or whomever needs to be closely examined. Then spelled out in DETAIL.

If the lab is built I believe that Hamilton and Ravalli County should be compensated for added risks that we would be forced to accept. There would be a need for a new hospital wing, a new middle school , and new airport for emergencies. All of these would be necessary to guarantee safety of our community.

My family and I believe that THE only reason the lab would be built here is the fact that this is an expendable rural community with little health risk due to its low population. It is a bad idea but I am sure its a done deal regardless . This process has been tainted from the start. We may be westerners but we are not stupid. Respectfully submitted,

Joan and David Perry  
 564 Cielo Vista  
 Hamilton, Montana 59840

**Nottingham, Valerie (NIH/OD/ORF)**

**From:** Steve & Jacque [jre@cybernet1.com]  
**Sent:** Tuesday, February 10, 2004 4:30 PM  
**To:** ORS RMLEIS (NIH/OD/ORS)  
**Subject:** RML

Dear Val

I am 100% in favor of the planned expansion at RML.

Stephen S Ellis M.D.  
 162 Jayhawk ln  
 Hamilton, Mt 59840  
[jre@cybernet1.com](mailto:jre@cybernet1.com)

*LETTER 51 - JOAN AND DAVID PERRY*

| Comment | Response                                                                                                                            |
|---------|-------------------------------------------------------------------------------------------------------------------------------------|
| 51-1    | Please see Section 1.7.1 where comments on alternatives were addressed.                                                             |
| 51-2    | Please see Section 1.7.3 where comments on earthquakes or terrorism were addressed.                                                 |
| 51-3    | Please see Section 1.7.3 where comments on these resources were addressed.                                                          |
| 51-4    | In the event of an accident or “terrorist hit” the Department of Transportation and Federal Bureau of Investigations would respond. |

*LETTER 52 - STEPHEN S. ELLIS*

5-124  
RML-Integrated Research Facility FEIS

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Page 1 of 1

*LETTER 53 - KENT BARBIAN*

**Nottingham, Valerie (NIH/OD/ORF)**

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**From:** Barbian, Kent (NIH/NIAID)  
**Sent:** Tuesday, February 10, 2004 5:37 PM  
**To:** ORS RMLEIS (NIH/OD/ORS)  
**Cc:** Barbian, Kent (NIH/NIAID)  
**Subject:** SDEIS Comment

Ms. Valerie Nottingham,

I have been given substantial time to read and review the SDEIS regarding the lab expansion at Rocky Mountain Laboratories in Hamilton, Montana and wish to comment on it.

First, I would like to state my position: I am FOR the RML Integrated Research Facility! I strongly support RML's mission statement, that is "to play a leading role in the nation's effort to develop diagnostics, vaccines, and therapeutics to combat emerging and re-emerging infectious diseases". Facilities are greatly needed in order to meet this mission and what better place to put these facilities than at Rocky Mountain Laboratories.

Through the SDEIS, the NIH/NIAID has adequately address ALL issues with regards to public safety and environmental impacts/concerns that this expansion may pose to the community as well as the potential benefits to the overall public health in this country. Several public meetings have been held not only to inform and educate the public regarding this expansion, but also to allow for public comment. Overall, the SDEIS has done a phenomenal job in addressing legitimate concerns posed by the community regarding the future lab expansion and has done an outstanding job of providing details on all the issues that needed to be addressed before proceeding.

My hope is that NIH/NIAID proceed as rapidly as possible to begin construction of this much-needed facility.

Kent D. Barbian

Kent D. Barbian, Biologist  
Laboratory of Human Bacterial Pathogenesis  
Rocky Mountain Laboratories, NIAID/NIH  
903 South 4<sup>th</sup> Street  
Hamilton, Montana 59840  
(406) 363-9488  
kbarbian@niaid.nih.gov

2/11/2004

**Nottingham, Valerie (NIH/OD/ORF)**

**From:** Rick Fuhrman [rickfuhrman@attglobal.net]  
**Sent:** Tuesday, February 10, 2004 2:59 PM  
**To:** ORS RMLEIS (NIH/OD/ORS)  
**Subject:** Support for RML BSL-4 Facility

Ms. Vallerie Notthingham

I have been, and continue to be, 100% behind the rapid construction and use of a BSL-4 facility. The Supplemental Environmental Impact Statement , December 2003 only reinforces my support.

RML and NIH have, in my opinion, gone well beyond the extra mile in answering questions and concerns that have been raised. Knowledgeable senior officials and world class experts have repeatedly been available and have addressed questions (repeatedly) with unlimited (to much) patience. Most importantly they have answered questions and concerns with factual information, including detailed descriptions of methodologies that have been employed. Beyond all of that the safety track record of existing BSL-4 labs speaks volumes to this Hamilton resident.

You have done an excellent job of presenting the need for the facilities based on the research objectives evolving from the Presidents directive. I have no doubt that we will live in safer world, including Hamilton, with this facility in place. .

While I remain frustrated with the delays I understand the need for deliberate process. I think deliberate process has been exercised completely and then some, particularly with the recent supplement and presentations. I urge you to move quickly - start building and most importantly **USING** the new facility to address your research goals.

Thank you,

Rick Fuhrman  
Hamilton, MT

*LETTER 54 - RICK FUHRMAN*

**GreenPath Properties**  
Vicky Bohlig, Broker/Owner  
217 West Main St. Hamilton, MT 59840

Valerie Nottingham  
National Institutes of Health  
9000 Rockville Pike  
Bldg. 13 Room 2W64  
Bethesda, MD 20892  
[Orsrmlis-r@mail.nih.gov](mailto:Orsrmlis-r@mail.nih.gov)

Feb.10, 2004  
(Please note I do not represent Lambros Real Estate.)

I am writing in response to the call for public comment concerning the Supplemental EIS for the Expansion of the Rocky Mountain Lab in Hamilton, MT into a BSL-4 campus. I cannot, in good conscience, approve of this expansion at this site in a rural Montana small-town residential neighborhood and the Supplemental EIS has not convinced me otherwise. Neither do I approve of a similar expansion in a higher density populated neighborhood, such as the one proposed in Boston, for example. It is my belief that a BSL-4 research lab, although necessary for future research and help to humanity, is only appropriately located in an isolated military base, protected and far removed from the general population.

**55-1** { That being said, I am realistic enough to know that sort of opinion is being discounted as unpractical, too expensive and unpatriotic in the Homeland Security/Patriot Act sacrificial sense. But its omission, this lack of a “build-elsewhere” alternative, is a flaw in the RML SEIS, and perhaps negligent in the NEPA process.

I am not convinced in spite of all the recent public meetings organized by professional federal public relations officers, that the Federal biological research community has Hamilton’s best interests in mind. Rather, there is an opportunity to cash in on big monies and is not just research driven but finance driven..... the true motive. The research community is reacting opportunistically and it is Hamilton City and Ravalli County, MT that will feel the effects, good and bad. The bad impacts are what are not being

LETTER 55 - VICKY BOHLIG

**Comment**

**Response**

**55-1** Please see Section 1.7.1 where comments on alternatives were addressed.

addressed in the SEIS in spite of constant and persistent public concern and formalized questions. My experience of the process over almost 2 years has, unfortunately, caused a distrust of RML, which was not there for me in the past. The formalized public meetings, the phony structured Community Liaison Group meetings, the press releases and community outreach events rather than reassuring me have failed to instill trust.

For example, the people are being asked to dismiss any thought of risk. NIH promises risk is negligible. However, there is a refusal to explain this memo “The RML campus is located in rural western Montana, well removed from major population centers. The location of the laboratory reduces the possibility that an accidental release of a biosafety level-4 organism would lead to a major public health disaster.” This statement made by someone in NIH of authority makes it clear to me that the sparse surrounding population was a factor to choose and they did consider some risk. True, statistically, there are fewer folks. It does not mean “none” and this risk needs to be addressed. Individual Hamilton lives are as real as individual lives in New York City.

55-2

I have maintained from my first letter to the editor in 2002 that if the Bitterrooters are being asked to sacrifice, they need to be told their chances and their plan of survival in case of failure. We have been told emergency plans are forth coming but that is not good enough. These plans need to be disclosed in the EIS so we can then see the issues clearly and decide our level of participation. To offer us less, is condescending, paternalistic and in violation of the Montana Constitution, which guarantees freedom of information and public involvement and participation in policy which effects our health and environment.

55-3

My distrust of RML’s intentions started with the EA process over two years ago. These following issues continue to make me wonder how I can trust other assurances from NIH.

The first was how the RML became a BSL-3. I discovered that due to what I consider a NEPA loophole, a remodel project actually allowed RML to go to the BSL-3 level without thorough information and none of its ramifications getting any real public review. Many, many local people of civic importance and leadership were unaware of this major change and feel they were duped.

**Comment**

**Response**

**55-2** The risk is none, as the risk analysis revealed that there was no real risk from release of infectious agents at a distance of 300 feet from the exhaust ducts. The actual distance to the community exceeds 300 feet.

**55-3** Please see Section 1.7.2 where comments on the emergency plan were addressed.

A second issue that made me distrust the Lab's forthrightness was the way the annexation of the property and the hook-ups into the municipal water and sewer system was handled. The Lab surely should have seen that there were weak and confused City Departments of Water and Sewer. Later, as water and sewer billing and rates of usage became suspect, who bothered at the RML to offer information to set it straight? As the City's largest water user, surely the Lab was aware of an under-billing situation. Later this was confirmed and there was a rush to repay the City. But this payment was only partial and every effort was made to hush the scandal and repair the PR damage with not-so-coincidental good neighbor RML press releases.

A third issue was how the RML, behind closed doors with developers "unofficially" used a "straw broker" to buy residential lots adjacent to the RML. Upon this sale, there were recorded covenant changes on these lots that did not get public review that would have been favorable to RML and detrimental to the subdivision homeowners. When this was discovered, everyone involved pleaded innocence and ignorance. I doubt it was a simple mistake.

Other issues eroding my trust was discovering past patterns of improper waste disposal procedures on the RML campus site and in a local landfills, questionable incineration/air pollution problems, excessive noise problems and minimal aesthetic protection during the remodeling projects. This shows to me a RML lack of sensitivity or perhaps even a disregard for the neighborhood's concerns.

The pattern suggested by past RML behavior is "asking for forgiveness from the community after the fact". There is no room for this type of behavior concerning BSL-4 issues. Therefore, I do not trust the assurances BSL-4 will be fine in Hamilton.

I see no efforts in the SEIS to offer alternative sites. I do not see any plans or offers to support or finance emergency services to help the City of Hamilton build infrastructure capacity, police, fire or medical. The City was extremely quick to endorse this BSL-4 project totally for economic development potential but there were no balanced questions about costs. I saw the comments the City of Hamilton Department Heads made and it was pathetic. Where was the City Council to ask the questions I have raised? Where is RML/NIH to offer answers?  
Sincerely, Vicky Bohlig 310 Geneva Ave., Hamilton, MT 59840

RML Integrated Research Facility  
02-06-0409-447 3150  
Public Meeting – January 22, 2004

LETTER 56 - RICHARD WHITE

Comments on the Supplemental Draft Environmental Impact Statement

The stated purpose of the BSL-4 lab is to study and counteract bioterrorism by groups such as brought down the World Trade towers 9/11/01 after years of planning and training. The EIS statement does not address terrorists except for procedure of seeing a suspicious package - completely useless and out of date. If lab research is about to interfere with a planned bioterrorism attack planned in the USA, it is plausible a couple of suicide trucks would come racing south on 5<sup>th</sup> st, the first blowing the gate, and the second driving thru next to the "containment room", blowing out walls and opening BSL-4 and allowing pathogens and infected lab animals to escape into the surrounding residential areas.

The security cameras mounted on the undestroyed sections of the iron fence protecting the perimeter of the lab campus would record it all.

We cannot depend on Pat Stewart, Marshall Fleming, or our City Administration - Neither the RML or City Auditors, Acct's Payable dept, Public Works, Finance Office ~~are~~ under or severe changes, are they really dependable?

Name: Richard White  
Company/Organization: \_\_\_\_\_  
Address: 1000 S. Second St.  
City, State, Zip: Hamilton, MT 51840

Please send comments to: Valerie Nottingham  
NIH, B13/2W64  
9000 Rockville Pike  
Bethesda, MD 20892

Please note that this document will become part of the administrative record for the EIS and will be subject to public review.

Comments must be post marked by February 11, 2004

Valerie Nottingham  
NIH, B13/2W64  
9000 Rockville Pike  
Bethesda MD 20890  
Fax: 301-480-8056

Re: Rocky Mtn Lab Proposal for Bio Level 4

February 11, 2004

Dear Valerie,

I am writing to express my deep concern with the proposal set forth in the Supplemental Draft EIS. It still seems that no real alternatives are being considered and that the government is trying to push this on the citizens of Ravalli County.

In reading the draft EIS the main reason I believe this should not be approved is that we clearly do not have the infrastructure to handle this proposed expansion. Noise, traffic, poor local medical services, extensive water usage and questionable disposal, air inversions, etc. are all legitimate concerns that should prevent this from going any further. These same concerns have been brought up in every meeting I have attended and this draft clearly shows there are no adequate solutions. Regardless if this was the safest lab built, it still would create a burden on the infrastructure that cannot be met even if millions of dollars were available to address them, which they are not.

57-1 { I also noticed that the "worst case scenarios" were not worst case by any means. No consideration was given to a plane being flown into the lab, or a disgruntled employee stealing a virus and mailing it, or a "terrorist kidnapping the vehicle in which the viruses were being transported. If anyone of these happened the impact would be catastrophic and not "negligible" as the writers of this would have us believe. The impact on the people of the Bitterroot and our neighboring wilderness area should be significant enough to stop this proposed project dead in its tracks. Isn't it amazing that the only people who seem to favor this are those that would benefit financially.

Please, I beg of you and all those that are making this decision - DO NOT APPROVE THIS! We have given you ample reason over and over again that Hamilton is not the place for a Bio Level 4 Lab. FIND SOME PLACE ELSE!!

I appeal to your higher consciousness.

Sincerely,

I Am Serenity  
773 Kindness Way  
Hamilton MT 59840

LETTER 57 - I AM SERENITY

Comment

Response

57-1 Please see response to comment 39-21.

**Nottingham, Valerie (NIH/OD/ORF)**

**From:** Peter Reynolds [peter@onenessproject.com]  
**Sent:** Wednesday, February 11, 2004 3:17 PM  
**To:** ORS RMLEIS (NIH/OD/ORS)  
**Subject:** "Biosafety" lab 4 in Hamilton Montana

Dear Ms. Nottingham,

- 58-1** { As a citizen of Ravalli County I am writing to express my deep concern that the citizens of this valley have been denied the information they need in order to participate effectively in the NEPA process governing whether the "Biosafety Lab 4" is to located in Hamilton, Montana. We have made a Freedom of Information Act request to retrieve documents which are fundamental to the public in assessing the safety of this installation.
- 58-2** { An NIH memo states "The RML campus is located in rural western Montana, well removed from major population centers. The location of the laboratory reduces the possibility that an accidental release of a biosafety level-4 organism would lead to a major public health disaster." This statement must be explained. It certainly leads one to believe that the residents of Ravalli County are expendable in the search for the most virulent weapons known to man. What other alternatives exist for the location of the lab?
- 58-3** { I also feel that the Supplemental Draft EIS report falls short in many areas. There is no emergency plan specified in that report. If there is a release of toxins or agents the public will not be informed because of measures in the Homeland Security Act. The EIS does not address how an accidentally infected lab work would be dealt with. These are among the many items not addressed.
- I strongly feel that the United States Government should not be engaged in doing this kind of research AT ALL. In the end, we need to build a safer world in other ways.
- Thank you for the opportunity to comment on this proposed facility.
- Sincerely,
- Peter Reynolds  
 465 Weber Heights Road  
 Corvallis, MT 59828  
 (406) 961-1484

*LETTER 58 - PETER REYNOLDS*

| <b>Comment</b> | <b>Response</b>                                                                                                                                                                                                                                                                                                                                                                          |
|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>58-1</b>    | To the extent that the comment refers to a request for records submitted to the NIH by the Friends of the Bitterroot, please see the response to comment 47-3. To the extent the comment refers to a different request made under the FOI Act, the NIH has provided in the SDEIS all information relevant to the Proposed Action, including the Proposed Action's environmental impacts. |
| <b>58-2</b>    | Please see response to comment 39-12.                                                                                                                                                                                                                                                                                                                                                    |
| <b>58-3</b>    | Please see Section 1.7.2 where comments on the emergency plan were addressed. Please see Section 1.7.3 where comments on the use and disposal of hazardous chemicals were addressed. Please see response to comments 39-16, 47-5, and 47-6.                                                                                                                                              |

**Nottingham, Valerie (NIH/OD/ORF)**

**From:** Millerfob@aol.com  
**Sent:** Wednesday, February 11, 2004 4:05 PM  
**To:** ORS RMLEIS (NIH/OD/ORS)  
**Subject:** RML SDEIS Comments

James B. Miller  
541 Mill Creek Trail  
Hamilton, MT 59840

Valerie Nottingham  
NIH  
Bethesda, MD 20892

February 11, 2004

Please accept my comments here on the RML SDEIS as supplemental to the oral comments I presented as a private citizen at the RML public meeting last month. Regretfully, the NIH has withheld important information from the public pertaining to the proposed RML Biolevel-4 expansion. This information was requested by the Friends of the Bitterroot six months ago under the Freedom of Information Act. I believe that this information is crucial to my meaningful participation in the NEPA process. I hereby request that the deadline for comments on the RML SDEIS be extended until such time that the our community has access to this information.

Sincerely,

James B. Miller

*LETTER 59 - JAMES B. MILLER*

**59-1** {

**Comment**

**Response**

**59-1**

Please see response to comment 47-3.

**Nottingham, Valerie (NIH/OD/ORF)**

**From:** Millerfob@aol.com  
**Sent:** Wednesday, February 11, 2004 11:16 PM  
**To:** ORS RMLEIS (NIH/OD/ORS)  
**Subject:** RML SDEIS Comments

James B. Miller  
541 Mill Creek Trail  
Hamilton, MT 59840

Valerie Nottingham  
NIH  
Bethesda, MD 20892

February 11, 2004

Dear Ms. Nottingham:

Please include the following comment as supplemental to my previous comments on the RML SDEIS. As demonstrated by the recent equipment malfunction that resulted in the deaths of lab animals at RML, it is clear that humans error and machines fail. It is the norm, not the exception. NIH has stated repeatedly that the risk of a BSL-4 agent release is too small to quantify. It is imperative that the NIH begins to assess this risk based on the certainty that humans error and machines fail. The risk is certainly not "negligible" as stated in the SDEIS.

Sincerely,

James B. Miller

59-2

**Comment**

**Response**

59-2

Please see Section 4.2.1.1 of the SDEIS, Community Safety and Risk, where Risk Assessments are addressed.



FRIENDS of the BITTERROOT

P.O. Box 442  
Hamilton, MT 59840

January 25, 2004

Valerie Nottingham  
NIH, B13/2W64  
9000 Rockville Pike  
Bethesda, MD 20892

Dear Ms. Nottingham:

The NIH is currently in violation of Freedom of Information Regulation § 5.35(b)(2) for not responding to Friends of the Bitterroot's FOIA appeal, received by the FOIA appeals office November 10<sup>th</sup>, 2003, by the required deadline. The NIH has also violated 5 U.S.C. 552(a)(6)(A)(iii) and 45 C.F.R. 5.45(a)(1)(2) for not granting our fee waiver request, as required by law. We have notified the NIH that if they do not overturn the fee waiver denial and begin providing the requested information to us, by January 30<sup>th</sup>, 2004, that we will take this matter up in Federal Court. The NIH has been in possession of our FOIA request for 6 months and has failed to act. As a result, pursuant to 40 C.F.R. 1506.6 (Public Involvement) and 1507.1 (Compliance) Friends of the Bitterroot has been illegally denied important documents and information that are crucial to our meaningful participation in the NEPA process for the proposed BSL-4 expansion at Rocky Mountain Laboratories. For this reason, we require that the deadline for comments on the SDEIS be extended until 45 days after we receive the documents in our FOIA request, to which we are legally entitled. We request a written response by February 6, 2004.

59-3

Sincerely,

James B. Miller, President

**Comment**

**Response**

59-3

Please see the response to comment 47-3.

**Nottingham, Valerie (NIH/OD/ORF)**

**From:** Winston Weeks [w.weeks@comcast.net]  
**Sent:** Wednesday, February 11, 2004 4:19 PM  
**To:** ORS RMLEIS (NIH/OD/ORS)  
**Subject:** Letter of Support for FOIA Request

Dear Ms. Nottingham,

As an organization active in protecting the safety of all Americans and believing in the right of citizens to participate in citizen oversight, we fully support the Friends of the Bitterroot's FOIA appeal and the legal statement below.

"We, and the Bitterroot valley citizens whom we represent and inform, have been illegally denied important documents and information that are crucial to meaningful participation in the NEPA process for the proposed

BSL-4 expansion at Rocky Mountain Laboratories (pursuant to 40 C.F.R. 1506.6 and 1507.1). The NIH is currently in violation of Freedom of Information Regulation 5.35(b)(2) for not responding to Friends of the Bitterroot's FOIA appeal, received by the FOIA appeals office November 10th, 2003, by the required deadline. The NIH has also violated 5 U.S.C. 552(a)(6)(A)(iii) and 45 C.F.R. 5.45(a)(1)(2) for not granting a fee waiver request, as required by law. The NIH has been in possession of this FOIA request for 6 months and has failed to act. We view these actions as deliberate stonewalling of our groups and the large number of

citizens that we represent, while NIH hurriedly moves forward with the scoping process on the proposal. For this reason, we require that the deadline for comments on the SDEIS be extended until 45 days after we receive the documents in our FOIA request, to which we are legally entitled."

Sincerely,

Winston C. Weeks  
Citizens Education Project  
Salt Lake City, Utah  
801-502-9233

*LETTER 60 - WINSTON WEEKS*

60-1

**Comment**

**Response**

60-1

Please see the response to comment 47-3.

**Nottingham, Valerie (NIH/OD/ORF)**

**From:** Darel L. Seibert, D.C. [drdarel@yahoo.com]  
**Sent:** Wednesday, February 11, 2004 4:29 PM  
**To:** ORS RMLEIS (NIH/OD/ORS)  
**Subject:** Public comment on expansion at RML

Ms Valerie Nottingham,

Upon review of the supplemental Draft EIS of proposed expansion at RML, I have comments including the following;

The risk to community is listed as "negligible". Possibly this is underrated and should be investigated honestly. Negligible is possibly not an accurate rating if you were to live here. Risks involved with "accidental" exposure are low, but when you consider exponents like workers that do not reveal exposure until after symptoms develop, or to artificially elevate safety records, etc. risks are maybe not as negligible as you would like to think.

- 61-1** { Where in the EIS is the emergency plan contingency addressed? I was unable to find any reference to updated EMS plans, and protocols.
- 61-2** { Increased usage of incinerator at site will add additional pollutants to the air shed, where is analysis of this projected health risk? Concurrently, increased solid waste release will need to be addressed.
- Alternatives to site are dismissed as being outside "budget constraints". There are remote military reservations that could be more appropriate for extreme biohazards like these agents, and they have already the infrastructure in place to support the "scientist community". Dismissing the alternatives so easily adds to the feeling that the choice to build upgrade at Hamilton is affected excessively by the "desires" of the scientist community and that they and their families like the idea of living in this beautiful community.
- 61-3** { Where is there analysis of how the increased community loading of the upgrade having been projected to the Ravalli County growth policy standards?
- 61-4** { Traffic will increase in local residential district surrounding the laboratory. This impact needs to be addressed in the EIS. Where is that impact statement, and what proposed upgrades are proposed.

Thank you for interviewing my comments.

Sincerely, Darel L. Seibert, D.C.

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*LETTER 61 - DAREL SEIBERT*

**Comment**

**Response**

- 61-1** Please see Section 1.7.2 where comments on the emergency response plan were addressed.
- 61-2** Please see Section 1.7.3 where comments on the increased use of the incinerator were addressed.
- 61-3** Please see response to comment 39-19.
- 61-4** Please see Section 1.7.3 where comments on the effects of the Proposed Action on traffic were addressed.

**Nottingham, Valerie (NIH/OD/ORF)**

**From:** Darel L. Seibert, D.C. [drdarel@yahoo.com]  
**Sent:** Wednesday, February 11, 2004 9:37 PM  
**To:** ORS RMLEIS (NIH/OD/ORF)  
**Subject:** RML accident 2/7,8/2004

Valerie Nottingham,

Regarding safety measures at RML, the proposed upgrade to BSL-4 EIS indicates that we the Hamilton Montana community and neighborhood citizens have NOTHING to worry about regarding accidents at your installation.

You are abundantly aware at this point that there are instances when your protocols and the installation in general are subject to error. You understand that issues of lack of notification when breaches occur is entirely possible and has occurred in this accident at RML on 2/7,8/2004.

Your attempt to convince the residents of the Hamilton Montana area that these types of accidents do not occur has been breached. You understand that we are concerned and understand that the loss of the laboratory animals is example of how accidents can and will happen.

Our questions pertaining to the safety measures, emergency plans, and general what ifs are grounded in our beliefs that accidents can and do happen.

The simple fact that the accident of 2/7,8/2004 occured is not the only factor here. The fact that the security personel were not notified, and therefore the accident propagated is alarming. This is blantant oversight and irresponsibility on the behalf of RML.

Sincerely, Darel L Seibert, D.C.

---

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Comments on the  
Supplemental Draft Environmental Impact  
Statement (SDEIS) for the  
Integrated Research Facility, RML

February 2004



*Comments submitted with the primary purpose of facilitating the democratic process in helping Mr. Stephen A. Ficca, the Decision Maker, and Dr. Fauci, the Director of NIAID, and the public make a decision based on an open disclosure of a science based analysis of the benefit, costs and risks of the RML BSL-4 lab expansion.*



Friends of the Bitterroot



Women's Voices for the Earth

Friends of the Bitterroot  
Women's Voices for the Earth  
Coalition for a Safe Lab

*LETTER 62 - FRIENDS OF THE  
BITTERROOT, WOMEN'S  
VOICES FOR THE EARTH,  
COALITION FOR A SAFE LAB*

## Chapter 5 – Response to Comments

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Comments on the Supplemental Draft Environmental Impact Statement, Integrated Research Facility, RML,  
February 2004 Friends of the Bitterroot – Women’s Voices for the Earth – Coalition for a Safe Lab

*February 11, 2004*

To: Valerie Nottingham  
NIH, B13/2W64  
9000 Rockville Pike  
Bethesda, Maryland 20892

From: Coalition for a Safe Lab  
P.O. Box 1803  
Hamilton MT 59840

Women’s Voices for the Earth  
P.O. Box 8743  
Missoula, MT 59807

Friends of the Bitterroot  
PO Box 442  
Hamilton, MT 59840

Subject: Comments and concerns regarding the Supplemental Draft Environmental Impact Statement for the National Institutes of Health, Rocky Mountain Laboratories proposed Integrated Research Facility in Hamilton, Montana

Date: February 11, 2004

Dear Ms. Nottingham,

We appreciate the opportunity to comment on the Supplemental Draft Environmental Impact Statement (SDEIS) for the National Institutes of Health (NIH) Rocky Mountain Laboratories (RML) proposed Biosafety Level-4 (BSL-4) Integrated Research Facility in Hamilton, Montana. Our members in the Bitterroot Valley and surrounding areas have demonstrated considerable interest and concern about this project which poses significant impacts to nearby communities. Our interest is to ensure that the EIS process generates meaningful discussions, disclosures and analyses between NIH, RML and the public about these impacts.

We understand that the SDEIS was released in an effort to include new and significant information and analyses not previously included in the original DEIS. We appreciate this effort, but we are disappointed that the majority of our comments on the DEIS were not addressed in this new document. Although somewhat improved, there continues to be a lack of meaningful discussions, disclosures and/or analysis in the SDEIS and believe that it falls short of the thoughtful, thorough analysis and study that characterizes the scientific investigations carried out by NIH. We believe the SDEIS can be significantly improved to provide the information that is needed to assess the risks and establish effective mitigation.

The duties of federal agencies under National Environmental Policy Act (NEPA) are

5-140  
RML-Integrated Research Facility FEIS

Comments on the Supplemental Draft Environmental Impact Statement, Integrated Research Facility, RML,  
February 2004 Friends of the Bitterroot – Women’s Voices for the Earth – Coalition for a Safe Lab

defined in great detail under the Council on Environmental Quality (CEQ) Regulations found at 40 C.F.R. 1500 et. Seq. The regulations are not discretionary, and apply to all agencies:

“40 C.F.R. 1500.3 – MANDATE:  
Parts 1500 through 1508 of this title provide regulations applicable to and binding on all Federal agencies for implementing the procedural provisions of the NEPA.”

The Supreme Court has instructed that the CEQ regulations are entitled to “substantial deference”. (Andrus v. Sierra Club, 442 U.S. 347, 358 (1978); Accord, Robertson v. Methow Valley, 490 U.S. 332 (1989))

Additionally, a number of Circuits have held that the CEQ regulations are controlling. (See, e.g., National Indian Youth Council v. Watt, 644 F.2d 220 (10<sup>th</sup> Cir. 1981); Sierra Club v. Sigler, 695 F.2d 957 (5<sup>th</sup> Cir. 1983))

The DEIS acknowledges several times that the NEPA/CEQ regulations are controlling. (DEIS 1-1, 1-2, and 1-6). Furthermore, the DEIS states that: “This document follows the Council of Environmental Quality regulations for implementing procedural provisions of NEPA (40 CFR Parts 1500-1508).” (DEIS 1-1)

We respectfully disagree. We believe that the SDEIS contains fatal procedural flaws and does not fully and completely comply with the CEQ regulations.

The analysis presented in the SDEIS continues to be inadequate given the scope and cost of this project. The NIH has provided several opportunities for the community to ask questions and provide input in the scoping process. As a result, the NIH received hundreds of substantive comments and detailed questions on the project from a caring and interested community. The very brief resulting document does not do justice or show respect for the efforts community members have taken to comment on the project.

The SDEIS does not reflect the competency or abilities of its authors, Maxim Technologies. For example, the Voluntary Cleanup Plan, which Maxim Technologies recently authored for RML, is both longer and more thorough than the SDEIS, despite the fact that it describes a considerably smaller and less expensive project. The community has shown their sincere interest in this project and we deserve more thorough answers to our questions.

62-1

{

For this reason, a third draft environmental impact statement is warranted to allow for public review of the answers to the questions the public has asked.

The General Administration Manual for the Department of Health and Human Services includes a section on environmental protection outlining procedures for Environmental Impact Statements conducted by the department. Section 30-30-40 states:

“Whenever a draft environmental impact statement is significantly revised because of

**Comment**

**Response**

**62-1**

Please see response to comment 47-7.

## Chapter 5 – Response to Comments

Comments on the Supplemental Draft Environmental Impact Statement, Integrated Research Facility, RML,  
February 2004 Friends of the Bitterroot – Women’s Voices for the Earth – Coalition for a Safe Lab

comments received or because the nature or scope of the proposed action changes significantly, OPDIVs/STAFFDIVs shall prepare a new draft environmental impact statement for circulation.” (Revised General Administration Manual, HHS Part 30, Environmental Protection. Published in the Federal Register: February 25, 2000 (Volume 65, Number 38) Pages 10229-10284.)

Given the continuing significant flaws in the SDEIS and outlined in our comments, your manual requires NIH and RML to significantly improve the SDEIS and republish it for public comment.

62-2

In addition, we, and the Bitterroot valley citizens whom we represent and inform, have been illegally denied important documents and information that are crucial to meaningful participation in the NEPA process for the proposed BSL-4 expansion at Rocky Mountain Laboratories (pursuant to 40 C.F.R. 1506.6 and 1507.1). The NIH is currently in violation of Freedom of Information Regulation 5.35(b)(2) for not responding to Friends of the Bitterroot's FOIA appeal, received by the FOIA appeals office November 10th, 2003, by the required deadline. The NIH has also violated 5 U.S.C. 552(a)(6)(A)(iii) and 45 C.F.R. 5.45(a)(1)(2) for not granting a fee waiver request, as required by law. The NIH has been in possession of this FOIA request for 6 months and has failed to act. We view these actions as deliberate stonewalling of our groups and the large number of citizens that we represent, while NIH hurriedly moves forward with the NEPA process on the proposal. For this reason, we require that the deadline for comments on the SDEIS be extended until 45 days after we receive the documents in our FOIA request, to which we are legally entitled.

If you have any questions you may contact any of the signatories below.

Sincerely,

Alexandra Gorman  
Director of Science and Research  
Women’s Voices for the Earth

James Miller  
President, Friends of the Bitterroot

Mary Wulff  
Coalition for a Safe Lab

Cc: Dr. Fauci Director NIAID, Stephen A. Ficca, Governor Judy Martz, Senator Conrad Burns, Senator Max Baucus, Representative Dennis Rehberg, Mayor Joe Petrusaitis

### Comment

### Response

62-2 Please see response to comments 47-3 and 58-1.

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Comments:

**62-3** { 1. The majority of the comments we submitted on the DEIS in July, were not addressed in the SDEIS.

In the document we submitted last July, we included at least 109 distinct substantive comments on the DEIS. Each comment was specifically numbered in the "Detailed Table of Contents" at the beginning of the document. Additional substantive comments were also included in the appendix to our document entitled "RML Draft EIS, Presented to the Town meeting June 25, 2003." We are resubmitting our original comments as we continue to believe that they are relevant to the proposed project and ask that they be addressed in the next draft of the EIS. (Our original comments have been appended to the end of this document.)

The NIH must follow the NEPA guidelines found in 40 CFR 1503.4 with respect to responding to public comments. 40 CFR 1503 states:

*"Sec. 1503.4 Response to comments.*

*(a) An agency preparing a final environmental impact statement shall assess and consider comments both individually and collectively, and shall respond by one or more of the means listed below, stating its response in the final statement. Possible responses are to:*

- (1) Modify alternatives including the proposed action.*
- (2) Develop and evaluate alternatives not previously given serious consideration by the agency.*
- (3) Supplement, improve, or modify its analyses.*
- (4) Make factual corrections.*
- (5) Explain why the comments do not warrant further agency response, citing the sources, authorities, or reasons which support the agency's position and, if appropriate, indicate those circumstances which would trigger agency reappraisal or further response.*

*(b) All substantive comments received on the draft statement (or summaries thereof where the response has been exceptionally voluminous), should be attached to the final statement whether or not the comment is thought to merit individual discussion by the agency in the text of the statement."*

None of the individual substantive comments constituted more than a page or two, and thus could not be considered "exceptionally voluminous". We fully expect, in accordance with 40 CFR 1503.4, that each one of our comments will be individually responded to in the final EIS.

It appears, however, (given the content of the current SDEIS), that NIH may have considered the many of our comments to "not warrant any further agency response". We look forward to seeing an official response to these comments which includes an explanation why each comment did not warrant further response "citing the sources,

**Comment**

**Response**

**62-3** Please see the responses for comment 62-4 through 62-14.

## Chapter 5 – Response to Comments

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authorities, or reasons which support the agency's position and, if appropriate, indicate those circumstances which would trigger agency reappraisal or further response."

2.) Comments that must be addressed through 40 CFR 1503.4 section (a) (2) "Develop and evaluate alternatives not previously given serious consideration by the agency."

The NIH has received numerous requests from the public (throughout the EIS process) for a full analysis of alternative locations for the proposed IRF. According to the SDEIS, a full ten percent of comments received focused on a need for additional alternatives (SDEIS, p 1-9). We noticed that while some additional wording was added to the "rationale for dismissing" the proposed alternatives in the SDEIS, we were disappointed to see that there were still no alternatives in the document other than the proposed alternative and the no action alternative. While Congress allocated \$66.5 million to NIAID in Public Law 107-117, Congress did not specify the location of the expansion in the law. We continue to believe this lack of analysis of alternative locations to be inadequate, especially for a project of this size and scope, and given the extensive public interest in alternative locations. According to 40 CFR 1502.14 the Alternatives section is "the heart of the environmental impact statement". We believe it deserves much greater attention.

Specifically, we would like to comment on the "rationales for dismissing" two of the proposed alternatives.

Section 2.2.2.1 of the SDEIS (pp. 2-17 and 2-18) proposes a rationale for dismissing the alternative to build the IRF in Bethesda, MD. It states, "*Based on the NIH Bethesda Master Plan, there are currently no available spaces on either campus capable of accommodating the Proposed Action. All unoccupied sites have been developed or are otherwise allocated.*" This appears to be saying that the Master Plan blocks the NIH from developing any new projects not already included in the Master Plan. However, a brief review of the EIS for the NIH Bethesda Master Plan reveals a very different opinion. That EIS clearly states:

*"The proposed action is a Master Plan that would guide and coordinate physical development of the NIH Bethesda campus in terms of buildings, utilities, roads and streetscape, landscapes, and amenities over the next 20 years in response to projected NIH administrative, research and infrastructure support needs (Draft NIH Master Plan, Main Campus, NIH, 1995). The Master Plan does not commit NIH to any of the projects proposed. Implementation of any project in the Master Plan is dependent on congressional funding... While the Master Plan makes relatively specific estimates for growth in campus population and facilities over the next 20 years, actual growth on campus will depend on future congressional and presidential policy decisions, as well as Federal budgetary constraints. Changes in national health policy could occur over the next decade, and NIH's mission could be significantly affected as a result. The Master Plan is a guiding map on how growth would take place on the Bethesda campus, were it to occur. The growth anticipated in the Master Plan may not occur to the extent indicated." (From 1.5 SUMMARY OF PROPOSED ACTION) (Emphasis added)*

*"The Master Plan is a general planning document to guide physical development at NIH Bethesda. It is intended that it be flexible to meet changing NIH needs. NIH may deviate from the plan in siting some specific buildings or facilities. The Master Plan does not commit NIH to implementing specific projects*

### Comment

### Response

**62-4** The master plan does not block NIH from developing new projects in Bethesda. While development is flexible within designated land use areas, the land has to be vacant and available for construction. The SDEIS notes that there is no readily available land on the Bethesda campus. Relocating existing facilities, revising the master plan, demolition, etc., would require hundreds of millions of dollars and take up to 10 years, making this alternative unrealistic.

62-4

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*indicated or illustrated in the plan.” (From Section 1.8 APPROVALS/ACTIONS REQUIRED BY OTHER GOVERNMENT AGENCIES) (Emphasis added)*

*(Source: Final Environmental Impact Statement, Vol. 1 of 2 for The 1995 Master Plan Available at: <http://ocf.od.nih.gov/95EIS03.htm>)*

It is quite clear, that in the last two years that changes both in "national health policy" and the "NIH mission" have occurred with respect to its new charge to fight bioterrorism. In addition, congressional funding has already been allocated to the proposed IRF, whereas, it has not yet been allocated to several of the proposed projects in the Master Plan. Stating that "all unoccupied sites have been developed or are otherwise allocated" is simply inaccurate, given that the Master Plan is designed to be flexible, and not all parts of the plan have been funded. It is illogical that NIH would refuse to even consider prioritizing the placement of a congressionally funded building that directly meets the needs of a new Presidential directive on its Bethesda campus over an unfunded building that does not meet those needs. Therefore, we conclude that this SDEIS does not, in fact, present a rationale for dismissing this alternative. A fully developed alternative to build the IRF in Bethesda must be included in the next draft of the EIS.

62-5 {

Section 2.2.2.3 of the SDEIS proposes the rationale for dismissing the alternative of constructing the IRF at an alternate location (p.2-19). It states, "*Locating the BSL-4 laboratory at a separate location from the existing RML campus would eliminate the connected research on projects that use BSL-2 and BSL-3 facilities, making research inefficient and impractical.*" The proposed IRF includes new BSL-2 and BSL-3 laboratory space, meaning that connected research at different biosafety levels could still occur in the IRF even if it was at a separate location. In addition, it is very clear that NIH researchers are extremely efficient and adept at working with one another even when they are not located in the same building. The NIH-Bethesda campus houses thousands of scientists who work closely and regularly with their colleagues who are located in off-campus buildings in Rockville, MD several miles away. Regular shuttle bus services between the campuses as well as use of technology such as email, telephone and even videoconferencing make this arrangement perfectly workable and not at all to the detriment of the science performed by NIH. It is doubtful that the researchers at RML would be any less able to establish a good working relationship with researchers at a satellite facility located outside of the Hamilton town center, but within a few minutes drive. There is no reason why an off-campus building of Rocky Mountain Laboratories could not be constructed to house the IRF facility without "making research inefficient and impractical". The only other rationale proposed for dismissing this alternative was a conflict with "federal funding parameters". It is unclear how that conclusion can be drawn without either detailing what the cost of a satellite facility would be or what the federal funding parameters in fact are. According to 40 CFR 1502.23:

62-6 {

*"Sec. 1502.23 Cost-benefit analysis. If a cost-benefit analysis relevant to the choice among environmentally different alternatives is being considered for the proposed action, it shall be incorporated by reference or appended to the statement as an aid in evaluating the environmental consequences."*

**Comment**

**Response**

**62-5** This alternative still does not meet the purpose and need, as stated in the DEIS and SDEIS. Additionally, there is no environmental advantage over the alternatives that were considered in detail. Please see page 2-17 of the SDIES.

**62-6** Please see response to comment 10-1.

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**62-7** { Simply stating that the alternative fails to meet federal funding parameters is not a cost-benefit analysis. If the alternative is being dismissed as too expensive, a cost-benefit analysis must be done and included in the next draft EIS to verify this statement.  
Again, we conclude that no rationale for dismissing this alternative has been presented in this SDEIS. A fully developed alternative for building the IRF at an alternate location must be included in the next draft of the EIS.

3) Clarification needed on the study of biological weapons

**62-8** { According to the SDEIS, "RML does not work on and will not work on or develop biological weapons as this is forbidden by a national security directive and international law. President Nixon, in 1969, agreed to a National Security Decision Memorandum (35), which renounced the use of lethal methods of bacteriological/biological agents. The U.S. signed..." [SDEIS 1-1]. Neither the National Security Decision Memorandum (35) nor the Convention cited prohibit the study of biological weapons for peaceful purposes - and in fact explicitly state study of biological weapons for peaceful purposes is allowed. We can only conclude that NIH continues to refuse to respond to continued questions as to whether or not any biological weapons will be present at RML. 40 CFR 1506.6 (f) states:

*"Make environmental impact statements, the comments received, and any underlying documents available to the public pursuant to the provisions of the Freedom of Information Act (5 U.S.C. 552), without regard to the exclusion for interagency memoranda where such memoranda transmit comments of Federal agencies on the environmental impact of the proposed action. Materials to be made available to the public shall be provided to the public without charge to the extent practicable, or at a fee which is not more than the actual costs of reproducing copies required to be sent to other Federal agencies, including the Council."*

In order to comply with the CEQ, NIH must answer the following questions as a minimum:

**62-9** { 1. Is there any law or regulation that prohibits the presence of an agent that was designed as a biological weapon to be present at RML? YES \_\_\_ NO \_\_\_.

**62-10** { 2. Is there any law or regulation that prohibits the creation of an agent that is designed as a biological weapon to be present at RML for study for peaceful purposes? YES \_\_\_ NO \_\_\_.

**62-11** { 3. Will agents be present that NIH will consider as classified information that they will refuse to disclose for any reason, including national security reasons? YES \_\_\_ NO \_\_\_.

**62-12** { 4. Have there been agents present whose presence NIH has or would now consider as classified information or have or would refuse to disclose for any reason, including national security reasons? YES \_\_\_ NO \_\_\_.

**Comment**

**Response**

**62-7** Additional information on the estimated cost of constructing an Integrated Research Facility at some new intramural location has been included in Chapter 2.

**62-8** Page 4-5 states “NIH and its associated laboratories including RML, do not, and would not, work with weapons-grade material.” This statement is also included in the DEIS on page 4-2.

**62-9** No. Please see page I-1 of the FEIS were this has been addressed.

**62-10** No. Please see response to comment 62-9.

Remainder of responses on following page.

- 62-11** The general policy of the government is not to restrict information about fundamental research. (See National Security Decision Directive 189, September 21, 1985). However, it is possible that some information about research conducted at the RML could be classified. Information can be classified only under Executive Order 13292 (March 28, 2003), which sets very specific requirements for classification. To be designated as “classified,” information that is owned, produced by or for, or controlled by the Government must fall into one of eight categories defined in the Executive Order, and disclosure of the information would have to be reasonably expected to result in identifiable or describable damage to the national security (i.e., national defense or foreign relations of the U.S.), including defense against transnational terrorism. Of note, scientific information falls in a classification category only when it is related to national security.
- 62-12** Yes. Agents that are on the NIH inventory that are currently classified have been present at RML in the past.

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- 62-13** { 5. Explain why the "worst case" scenario model for a release from RML was declared classified because, according to the author (verbal communication), they did not want to educate terrorists while at the same time NIH claims that biological weapons will not be "worked on" by RML.
- 62-14** { 4) Numerous citations from Chapters 3 and 4 were not included in the "Literature Cited" section on pages L-1-5.
- Citations to credible documents are crucial to providing accurate information in a Draft EIS. Without a complete bibliography, it is impossible for the public to verify the accuracy of the claims made in the document. Where possible, for citations that are listed as "Name, year. Personal communication" which refer to letters, emails or other written correspondence, copies of the those documents must be included in the appendix for public review. The missing citations include:
- P. 3-4  
Bartos, 2003  
Wilson, 2003 (This citation appears to be incorrect, the text has nothing to do with the safety of BL-4 agents.)
- P.4-2:  
Rollins, 2003  
Bowers, 2003  
Halladay, 2003  
Dowling, 2003  
Polumsky, 2003  
Rose, 2003
- P. 4-7:  
Risi, 2003  
Wilson, 2003a  
Auch, 2003  
Hoffman, 2003  
Neff, 2003  
Bartos, 2003 (Presumably, this should have been cited.)
- P.4-8:  
Harding & Byers, 1999  
Johnson, 2003
- P.4-10:  
NSF (National Sanitation Foundation) 2002  
First, 1996

| Comment                                                                                        | Response |
|------------------------------------------------------------------------------------------------|----------|
| <b>62-13</b> Please see response to comment 39-21.                                             |          |
| <b>62-14</b> These references have been included or corrected. We apologize for the oversight. |          |

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WHO, 2002  
U.S. DOT, 2001  
Rotz, 2002  
Brachman, 1966  
Risk Assessment Scenarios - No author or citation were provided for this risk assessment.

P. 4-26:  
USGS, 2000  
HDR, 2003

There may be others which we missed. The entire document should be carefully reviewed to ensure the bibliography in the Literature Cited section is complete and accurate.

5) Comments that must be addressed through 40 CFR 1502.14 (f) "Include appropriate mitigation measures not already included in the proposed action or alternatives."

In section 6.2.3 of our comments on the DEIS we listed a series of reasonably foreseeable scenarios. They included:

- 6.2.3a Staff infections that are isolated to lab environment.
- 6.2.3b Staff infections that result in a community wide epidemic.
- 6.2.3c Release of infections through escaped animals.
- 6.2.3d Release of infectious prions through the incinerator including an assessment of recombination after cooling in the smokestack.
- 6.2.3e Release of infectious agents through water via sewage, wetlands, or surface water.
- 6.2.3f Release of infectious agents through ground due to spills or purposeful dumping.
- 6.2.3g Release of infectious agents when being transported.
- 6.2.3h Release of infectious agents through water via sewage, wetlands, or surface water.
- 6.2.3i Release of infectious agents because of an out of control fire.
- 6.2.3j Release of infectious agents through intentional acts by a staff member.
- 6.2.3k Release of infectious agents due to a terrorist attack with a bomb or aircraft.
- 6.2.3l Release of infectious agents due to the safety committee and staff failing to understand the behavior and danger of a new pathogen under study.
- 6.2.3n Release of infectious agents due to a failure of the safety systems.
- 6.2.3o The causal release environment: accidental spill, fire, terrorist explosion.
- 6.2.3p Release through steam exhaust.

We asked NIH to disclose the risks of these scenarios. These risks were not adequately assessed. And some of the above scenarios were never considered, addressed or even mentioned in the SDEIS. We again ask that the risks from these scenarios be analyzed in the next DEIS. In addition, we ask that mitigation measures be included in the next DEIS for those risks which cannot be eliminated.

**62-15**

**Comment**

**Response**

**62-15**

Measures are to be included “to mitigate adverse environmental impacts” (CEQ 1502.16(h)). Since there were no adverse impacts identified from the items listed, no mitigation is necessary. Please see Section 1.7.3 where comments on the potential increased threat of outbreak are addressed.

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62-16

6) Detailed risk analysis and mitigation measures (such as the emergency plan) must be included in the next DEIS for the risks of laboratory-acquired infections.

Appendix D of the SDEIS "Review of the Biocontainment Laboratory Safety Record" provides clear evidence that accidents do occur in BSL-4 labs that can lead to laboratory-acquired infections, and that laboratory-acquired infections have occurred at Rocky Mountain labs BL-2 facilities. The conclusion of this report, however, states "*The zero numerator of infections in these three laboratories and the huge denominator of exposure hours make it impossible to provide a number for "risk of infection" to either laboratory workers or outside communities.*" It appears to be saying that because an laboratory-acquired infection has never occurred at any of the three BL-4 labs investigated, the risk of such an infection cannot be quantified. Interestingly enough, in Chapter 4, a quantitative risk assessment of accidental release of anthrax (a scenario which has presumably never happened at a BL-4 lab either) was able to calculate a risk as precise as ".000011 spores released to the environment." Seeing as the original DEIS claimed the risk of release to the community "cannot be quantified", and the SDEIS followed up by actually quantifying it, it seems likely that the risk of a laboratory-acquired infection can in fact (and should) be quantified in the next DEIS.

In addition, extremely pertinent information on laboratory-acquired infections is missing from Appendix D. This report shows that multiple accidents including needle sticks, animal bites, tears in gloves and suits and containment failures occurred in the three BL-4 labs researched. While it is fortunate that none of those accidents led to clinical infections, it is clear that any of those accidents could have led to an clinical infection. It is well-documented that needle-stick accidents (for example) are a pathway for transmitting disease. Clearly, the fact that no clinical infections occurred in the three labs had nothing to do with safety aspects of a BL-4, or characteristics of BL-4 diseases, but rather is directly related to the quality and timing of the care the exposed worker received. As soon as such a significant laboratory accident happens, the risk of a clinical infection can only be lessened by the quality and timing of medical treatment of the exposed worker. How, where, how soon were the exposed workers at the three labs given treatment for their exposure? What experience, knowledge, equipment was available to the healthcare providers who treated the exposed workers? This pertinent information was not included in the report, but should have been.

The very best (and likely, only) mitigation measure for the risk of laboratory-acquired infections is a well structured, well funded emergency plan. The current lack of an emergency plan is a serious omission. It is the document that provides the details of how exactly the risk of an laboratory-acquired infection would be handled. It is the only document that allows the public to know that our current medical and emergency resources are adequate to mitigate this risk. Clearly we cannot accurately assess the risk, which is dependent on the adequacy of our community's ability to respond, until we know how well we will be able to mitigate it. The NIH cannot legally wait until after the NEPA process is finished to ascertain the magnitude of the risk of an incurable, fatal infection in an RML employee. The emergency plan must be included in the next DEIS.

### Comment

### Response

62-16

Please see response to comment 62-15.

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**62-17** { 7) Mitigation measures involving Marcus Daly Hospital and St. Patrick Hospital must be included.

Section 4.2.1.1 of the SDEIS briefly discusses "emergency response". It states, "Mr John Bartos of Marcus Daly Hospital...did question whether capital improvements would be needed should a life-threatening injury be transported to Marcus Daly Hospital for stabilization..."(P. 4-7). On Page 3-4, it states that Marcus Daly Hospital could not handle more than 10 emergency patients. These two statements create significant public concern about the adequacy of Marcus Daly Hospital to handle a life-threatening emergency at the lab. No other BL-4 lab in the country is in a location that faces this problem. All BL-4 labs are within very close proximity to large medical facilities capable of handling significant numbers of highly infectious emergency patients. The problem in Hamilton is not unsolvable. Mitigation alternatives which provide additional resources for Marcus Daly Hospital to be better prepared to handle an emergency at the lab must be included in the next DEIS.

Similarly, little detail is provided on the abilities of St. Patrick Hospital to respond to an emergency. Page 4-7 states "*St. Patrick Hospital meets all required standards for handling infectious disease cases.*" This statement neglects to mention how many highly infectious emergency patients St. Patrick Hospital would be able to handle. This is pertinent information in determining the hospital's ability to handle a major accident at the lab. Mitigation alternatives which provide additional resources for St. Patrick Hospital to be better prepared to handle an emergency at the lab must be included in the next DEIS.

**62-18** { 8) Inaccuracy regarding claim that it takes 48 hours for an exposed person to become contagious.

Section 4.2.1.1. includes a section on "Agent Communicability and Treatment" which states: "*Infectious disease specialists now know that it takes at least 48 hours for an exposed person to become contagious, regardless of microbe type.*"(P. 4-7) Firstly, there is no citation included to back up this incredible claim. Secondly, the claim directly contradicts information provided by NIH in Appendix B of the SDEIS "Characteristics of Diseases Studied at RML". In Table B-2 in this appendix, it clearly shows that both plague and Congo-Crimean hemorrhagic fever can have incubation periods of just one day before the first signs of disease appear. This means that these particular diseases have been known to be infectious in as short a time period as 24 hours. In addition, diseases such as Nipah virus encephalitis and the South American arenaviral hemorrhagic fevers have "unknown" incubation periods. No certainty can be expressed in terms of how long it takes an exposed person to become infectious for these BL-4 diseases.

The second claim that is made in this section is "*This [the 48 hours] provides adequate time to transport and initiate treatment to benefit the individual and isolate a potentially exposed person from the greater population.*" This claim assumes that the exposure is identified immediately by the exposed worker. In the case of a ripped or torn suit, the exposure may not be identified until the next day when the suit is worn again. Clearly

**Comment**

**Response**

**62-17** Please see response to comment 62-15.

**62-18** This statement should have been attributed to Dr. George Risi, which has been included in the FEIS. Communicability and "first signs of disease" are not the same thing, and it does not mean that infection can be passed within 24 hours.

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these two claims are incorrect and misleading and should be changed or removed in the next DEIS.

9) Inaccuracy regarding claim about temperature required for certification of RML's incinerators.

Section 4.2.1.1 of the SDEIS includes a section on "Inactivation of materials infected with agents of transmissible spongiform encephalopathies (prion diseases) which states: *"The incinerator at RML is a Consumat 325 Incinerator. Both state and federal authorities license it as a hospital medical infectious waste incinerator. To be certified as such, the two-stage incineration process must allow for a minimum of 4 hours of burn time at approximately 1800°F (983°C)"* (p4-9). Once again, there is no citation given for this claim. Close inspection of RML's Air Quality Permit 2991-04 reveals that there is no temperature requirement for the incinerator. Federal regulations on medical waste incinerators, found in 40 CFR 60 Subpart Ce, also omit any requirements for minimum burn time or temperature. Montana's state regulations for medical waste incinerators are identical to the federal regulations. In addition, a presentation by Dr. Caughey made at a December 2002 RML CLG meeting indicated that the RML incinerator is fired for a minimum of four hours at 1400°F (760°C) and then at 1800°F for just a few seconds. There is no indication from MT DEQ that RML has asked to change their incinerator firing temperature or include a minimum temperature requirement in their permit (Source: Eric Merchant, MT DEQ, personal communication). The SDEIS should have been more carefully factchecked before being released to the public. This misleading inaccuracy must be fixed in the next DEIS.

62-19

10) Inaccuracy regarding claim about incineration as "method of choice" for inactivating pathogens.

Section 4.2.1.1 of the SDEIS also states: *"High temperature incineration continues to be the method of choice for medical and veterinary wastes as it has been demonstrated to be effective at inactivating all types of pathogens"* (P. 4-9). Again, there is no citation given for this inaccurate claim. In reality, incineration is no longer considered the method of choice for medical and veterinary wastes in the U.S. due to the recently promulgated strict federal regulations which were put in place to help reduce the excessive air pollution problems caused by incinerators. Since these regulations were promulgated a few years ago, hundreds of medical facilities around the country have chosen to shut down their waste incinerators and have substituted safer, cleaner, equally effective non-incineration technologies such as autoclaves. Even the NIH in Bethesda does not consider high temperature incineration the "method of choice" as their incinerator was shut down several years ago. In Montana, the also trend has been quite clear. In the last few years the medical waste incinerators at Fort Harrison V.A.M.C. in Helena, St. Joseph's Hospital in Polson, Mahlstrom Air Force Base in Great Falls, and Corixa Corp in Corvallis have all been replaced with non-incineration alternatives. RML operates the only remaining

62-20

**Comment**

**Response**

62-19

The RML Incinerator is subject to compliance with 40 CFR 60, Subparts Ce and Ec. Monitoring requirements for a Medium Intermittent Hospital Medical Waste Incinerator include that facilities establish the appropriate maximum and/or minimum operating parameters for each control system per 40 CFR 60, Subpart Ec, 60.56c and 60.57c. The current operational requirement for secondary chamber temperature is in excess of 1800°F and load input is mechanically locked out until the upper chamber reaches that temperature. Minimum or maximum incinerator operating parameters are established from air emission operational testing data. These parameters are submitted to the State for review and approval. 40 CFR 60, Subpart Ec, 60.51c relating to definitions states under *shutdown* that for intermittent HMIWI, shutdown shall commence no less than 4 hours after the last charge to the incinerator. One minute monitoring of all operating parameters is required by both State and Federal regulations and documentation verifies that the load input does not occur until the temperature of the secondary chamber reaches 1800°F and that that temperature is maintained until 4 hours after the last load input.

62-20

The DEIS, SDEIS, and FEIS contain a citation to support this statement. Additional information and a reference have been added to the FEIS (see pages 4-9 and 4-23).

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medical waste incinerator in the state. This misleading and incorrect claim must be removed in the next DEIS.

11) Confusing language in describing risk.

PAGE S-4 of the SDEIS states "*Theoretically, human error or multiple, simultaneous mechanical failures could lead to accidental release of biological materials from a biosafety laboratory. The overall safety record of biomedical and microbiological laboratories also indicates that there is not a risk of accidental release.*" Then later on this page it states that "*The overall safety record of biomedical and microbiological laboratories indicates that there is not a significant risk of accidental release.*"

These statements are confusing and potentially seem to contradict one another. The first claims that an accidental release could happen yet there is no risk of it happening. The second merely claims that there is no significant risk of an accidental release happening. This section should be reworded for clarity in the next DEIS.

12) Additional questions not answered and analyses not included in the SDEIS.

62-21 { PAGE 1-13 of the SDEIS states that "No construction on the IRF has occurred." However, the contractor hired by NIH has purchased several lots of land adjacent to the lab. Why isn't this addressed anywhere else in the SDEIS?

62-22 { PAGE 2-6. SDEIS states that the alkaline hydrolysis process tissue digester would inactivate prions. Is this digester in the budget for the proposed IRF? Or is the digester also planned for RML in the case of the no action alternative. It is not included in the list of upgrades in Section 2.1 on Page 2-1, even though it would clearly act as equipment useful to existing labs working on prion diseases on the RML campus. Please clarify.

62-23 { PAGE 2-7 states "HEPA filters would be changed every five years". Is this adequate? How often would they be inspected/checked to assure they are functioning correctly?

62-24 { PAGE 2-12 states "*Generation of low-level radioactive waste is anticipated to increase about 30 percent with construction of the Integrated Research Facility... Use of sulfur 35 is likely to increase.*" Sulfur 35 emits a weak beta particle and its half-life is 87.4 days. Analysis of the health risks (for Hamilton citizens and those that consume water and live in or near Hamilton area) of low-level radiation into the Hamilton City Sewer system should be included. Health effects of low-level radiation on fish and wildlife should be included.

62-25 { PAGE 2-16. Please include an analysis of safety for transport and disposal of all long half-life radioactive waste, in and out of Hamilton, along the route transported, as well as at the disposal site.

62-26 { PAGE 3-19. "*Sludge is then composted during warm-weather months. The compost is made available for land application but is not allowed for use on vegetable gardens.*" Include an analysis of health risks to animals that may graze on the land where sewage sludge is applied. Health problems in animals that graze on the land could devastate the

Cont on  
next page

| Comment | Response                                                                                                                                                                                                                                                                    |
|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 62-21   | Purchase of land by a contractor is not construction.                                                                                                                                                                                                                       |
| 62-22   | Please see Section 2.1.3 for a description of the proposed action.                                                                                                                                                                                                          |
| 62-23   | Please see Section 2.1.3 of the SDEIS. As stated, the filters would be certified once a year, which includes testing.                                                                                                                                                       |
| 62-24   | RML has a very effective decay-in-storage program for sulfur-35. The sulfur-35 containing liquids are stored for decay in a locked double containment storage area.                                                                                                         |
| 62-25   | RML has shipped only naturally occurring radioactive materials on one occasion. The designated destination for any radioactive waste shipped from Montana is the U.S. Ecology Facility in Richland, WA. Brokers and transporters must meet all requirements of DOT and NRC. |

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- 62-26 { cattle, farm, and ranching industry in Montana and thus have an adverse effect on the economy. Include a study or analysis of the possibility of transmissible spongiform encephalopathies being transmitted to grazing animals in this manner.
  - 62-27 { PAGE 4-1. With regard to animal deliveries. How are the animals caged, transported and then handled before and after arrival for delivery at Rocky Mountain Labs? Who accepts delivery of such animals? How are the animals handled and transported to holding facilities after arriving at RML? Who is responsible for handling animals delivered to RML?
  - 62-28 { PAGE 4-6. Manipulation by man can make diseases more virulent. Will RML be "manipulating" diseases to make the more virulent? please include details explaining this process and under what circumstances it may occur at RML.
  - 62-29 { PAGE 4-11 through 4-14.  
Risk to the community must be seriously considered and mitigation alternatives must be analyzed. The SDEIS claims that the potential risk of a release of infectious agents from the proposed lab is "negligible". Any risk, no matter how small, of an epidemic of an incurable fatal disease in our community should not be dismissed as "negligible". The potential consequences are much too great to be considered "negligible". Even if the risk is very small - if it cannot be eliminated the NIH must show how it will be mitigated. This means the EIS must clearly illustrate the plan for how a "worst case scenario" will be handled.
  - 62-30 { PAGE 4-11 through 4-14. Scenarios should be included where a pathogen DOES get out of the lab, for any reason, whether by accident or covert design, and then show how the situation would be mitigated.
  - 62-31 { PAGE D-2. The review of work done included only intramural laboratories. The review of accidents, exposures and deaths should include all laboratories in the United States.
  - 62-32 { PAGE D-4 and D-11. The last sentence of this report says "This report is included in the Final Environmental Impact Statement of the Integrated Research Facility." This must be inaccurate as (hopefully) the Final EIS has not yet been written. It appears that this report was written and released prior to the release of the Supplemental Draft Environmental Impact Statement and may show predetermination of the proposed project at RML.
- 13) Comment on the List of Preparers.  
The SDEIS makes a point of including RML personnel in order to attempt to convince the public that the preparers of the SDEIS are qualified. However, of those names added, only the authors of the "worst case study" and Appendix D appear to have been "primarily responsible for preparing". The other additions are reviewers and do NOT appear to be the original authors of any portion of the document.
- 62-33 { 14) The Worst Case Scenario (P. 4-11) is inadequate for assessing risk.

**Comment**

**Response**

- 62-26 Additional information on disposal of prion contaminated material has been included in section 2.2.1.1 of the FEIS. These disposal methods preclude any risk of contamination of sewage sludge from RML prion research. All other liquid waste is fully decontaminated prior to release into the wastewater stream.
- 62-27 Animals are purchased from USDA inspected and certified vendors. Transport cages meet USDA specifications. Once delivered to the climate controlled receiving area, Veterinary Branch Technicians transport the cages/animals to the animal facilities. Health checks are performed and animals are transferred to clean cages. The Chief of the Rocky Mountain Veterinary Branch is responsible for the handling procedures of animals delivered to RML.
- 62-28 No experiments designed to enhance the virulence of any biologic agent are envisioned. Frequently natural disease agents are made less virulent by handling in tissue culture.
- 62-29 There is no indication or history to indicate that the Integrated Research Facility has the potential to cause an epidemic of any size. It is, therefore, a negligible risk, effectively no risk, that does not need to be mitigated and is appropriately analyzed and disclosed in the SDEIS.

Remainder of responses on following page.

**62-30** The Integrated Research Facility would be designed to never allow a pathogen to escape the laboratory, and history proves the design to be effective in achieving this goal. Please also see response to comment 62-98 where HEPA filters are discussed.

**62-31** Since the Proposed Action is an intramural facility, it is appropriate to review the operation of intramural facilities for a history of their safety. Please also see response to comment 63-22. Incidents in other US and international labs do not bear on the results of NIH laboratories as NIH has no control over operating procedures of other laboratories. The NIH would be responsible for the safety in the Integrated Research Facility and maintain its high standards. These standards have resulted in the outstanding safety record cited in Appendix E.

**62-32** The report was placed in the document before the decision was made to issue a supplemental draft. The wording should have been changed to say as much. It is also included in the FEIS.

The report was prepared as an important part of the NIH's full analysis of the environmental impacts of the proposed action. Without the report, the NIH would not be able to make an informed decision on the action. The NIH will not decide which action to take until after the Final EIS is published and the NIH issues its Record of Decision.

**62-33** Please see response to comment 39-21.

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The Worst Case Scenario (P. 4-11) is inadequate for assessing risk because:

1) The model and its assumptions are classified - giving the public no way to review or challenge assumptions made. Other, unclassified approaches would be equally or more valid.

2) The scenario does not deal with the issue that has been repeatedly raised in public comments: An infected staff member spreading an infection the community.

62-34

15) Most of our comments regarding risk were ignored in the SDEIS.

These include questions about the effectiveness of HEPA filters; assessing risk based on the probable increase of experiments by a factor of ten (The Appendix D analysis includes the assumption that the probability of a release is a statistically independent function of the number of experiments performed).

16) Lack of discussion of how safety rules will be enforced.

The SDEIS ignores the issue raised by NIH's own disclosure of repeated unsafe practices and staff ignoring safety rules. While the SDEIS discusses the safety rules, it contains no statement regarding how those rules would be enforced. Given RML's record, the risk analysis must assume that safety and fire safety rules continue to be violated at current rates.

17) Documentation to back up claims should be included in appendices of the SDEIS.

It is standard practice in an EIS to include full copies of reports, analyses and other communications which were produced in order to provide information for the EIS. This is true especially when the information is not otherwise publicly available. The following documents must be included as appendices in the next draft of the DEIS.

- Air Dispersion Modeling for the RML incinerator (Doucet and Mainka, 1999)
- BSL-4 Facility Noise Analysis Report (Big Sky Acoustics 2002)
- Geotechnical investigation for proposed IRF (GMT Consultants, 2002)
- Full report of Quantitative Risk Assessment Scenarios addressed in Chapter 4
- Complete data from Dr. Johnson's report in Appendix D. (It is unclear why a table of the Safety Record for RML is included but not a similar table for the three BL-4 labs researched. The summary of safety record information from these facilities is not sufficient.)
- Hemisphere's report on current water usage at RML

18) Typo on Page 4-11

On page 4-11, it should read "The Public Health Preparedness and Bioterrorism Response Act of 2002" not 2001. (It was signed by President Bush June 12, 2002.)

19) Analysis of estimated water usage on p. 4-25 must be corrected and clarified.

### Comment

### Response

62-34

Please see Section 1.7.1 where comments on additional information were addressed. Also see Section 1.7.3 where comments on risk were addressed.

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The analysis of water usage on p 4-25 is highly confusing and seemingly inaccurate. It should be made clear if this analysis was prepared by a water consultant - or by Maxim Technologies. If the analysis was prepared by Maxim, citations should be included for the varied assumptions made in the analysis. Specifically, it states:

*"Assuming that thirty percent of the new employees live in Hamilton..."* What is the basis for this assumption? Is that the known ratio of current RML employees? If so, this information should have a citation to back it up. Otherwise, to be conservative, the assumption should be that all 100 new employees live in Hamilton.

*"If each person uses an average of 150 gallons per day, there would be an average increased daily usage of 11,250 gallons per day per household."* Actually, with 2.45 person per household, the increased daily use should be 367.5 gallons per day per household (150 x 2.45). For all 30 houses combined, the average daily use would be 11,025 gallons per day. Also, a citation should be provided for the estimate of 150 gallons per day per person.

*"Assuming that all thirty new households are single family dwellings on half acre lots and use 1,305 gallons per day to irrigate lawns for 120 days per year, the average amount of water used per household for irrigation would be 12,871 gallons per day."* The first part of this sentence seems to be saying that each household uses 1,305 gallons per day to irrigate, which contradicts with the conclusion of the sentence which says that each household uses 12,871 gallons per day for irrigation. If the 1,305 gallons per day per household number is correct, a citation should be provided for this estimate. It should be made clear that during the 120 irrigation days the water usage would be 39,150 gallons per day for all 30 households (1,305 x 30).

*"If the estimated increase usage from RML is added to the new resident usage and irrigation, the total increase would be 41,121 gallons per day or 28.5 gpm."* It appears that this would not be true during the 120 irrigation days. Estimated new usage at RML (17,000 gallons per day) plus estimated daily household use for 30 houses (11,025 gallons per day) plus estimated daily irrigation use for 30 houses (39,150 gallons per day) equals and increase of 67, 175 gallons per day. This should be clarified.

*"... the available capacity of 226 gpm."* A citation for this statistic should be provided. Presumably, given the enormous amount of water used for irrigation during the summer months, the "available capacity" of water in Hamilton is greater during the winter than during the summer. Does the 226 gpm figure refer to summer capacity or winter capacity? If it is an average of the whole year, the available capacity for summer should be calculated. And the estimated increase in use during the summer should be compared to this summer capacity number to ensure adequate supply during the time of greatest demand

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Appendix A: Unified Comments submitted on the DEIS, July 2003

**Executive Summary**

Unified public comments of Coalition for a Safe Lab, Friends of the Bitterroot and Women's Voices for the Earth on the National Institutes of Health proposed BSL-4 Integrated Research Facility in Hamilton, Montana

The members of Coalition for a Safe Lab, Friends of the Bitterroot and Women's Voices for the Earth have demonstrated considerable interest and concern about the proposed BSL-4 facility's impacts on our communities. Our interest is to ensure that the public process generates meaningful discussions, disclosures and analyses between National Institutes of Health, Rocky Mountain Laboratories and the public so informed decisions can be made.

Our groups wish to thank the community and members of the public who have given thoughtful time and consideration to the proposed BSL-4 expansion. A commensurate commitment by National Institutes of Health needs to be reflected in the discussion and through disclosure of critical information that the public has asked for to assess the risks and establish effective mitigation actions for a BSL-4 facility.

The Supplemental Draft Environmental Impact Statement submitted by National Institutes of Health is entirely inadequate in its' analysis of safety, health, social, economic and environmental issues and must be corrected with substantive information republished for public comment.

The impact statement exhibits substantial bias toward expansion of a BSL-4 facility in Hamilton, Montana. Furthermore, the public record shows a stance of predetermination and irrevocable commitment of resources for locating a BSL-4 facility at Rocky Mountain Laboratories prior to requesting input from the public on the decision.

The scope of the impact statement was arbitrarily limited to avoid consideration of valid and publicly supported alternatives. The location of alternative sites should not be dismissed based on a lack of budgetary, financial, or logistical analysis in the impact statement. An expanded BSL-4 capability is part of a federal effort to prepare contingencies for responding to the use of infectious diseases as agents of bioterrorism. By adopting a purpose that precludes reasonable consideration of alternatives, the impact statement exhibits an indefensible bias that cannot be rectified in this document.

National Institutes of Health has failed to propose adequate measures mitigating safety, health, social, economic and environmental impacts from the BSL-4. The lack of appropriate mitigation measures makes the proposed action unacceptable.

National Institutes of Health failed to take a hard look disclosing the risk of an infectious disease or biological agent escaping, or accidentally or intentionally being released into our environment. Such an analysis is a requisite requirement for the public to fairly judge the

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cost, benefits and risks of locating a BSL-4 facility in Hamilton, Montana.

The impact statement fails to disclose and mitigate fire protection, emergency planning, preparedness, response and communication measures to protect lab workers and the community in the event of a release of an infectious disease, biological agent or hazardous materials. There is also a lack of discussion concerning coordination with Local and State Emergency Planning Agencies and Task Forces for responding to emergencies, and preparing contingencies for protecting the safety and health of affected communities.

The impact statement fails to effectively incorporate pollution prevention strategies to mitigate noise, lighting, air and water pollution, energy consumption, solid, hazardous and radioactive materials use and treatment, and generation and treatment of pathogenic wastes. The impact statement also fails to satisfy public concern over financial impacts to local government infrastructure, available medical services, the safety of employees and nearby communities and our environment.

The impact and risk of lab-acquired infectious diseases for workers at Rocky Mountain Laboratories is not discussed yet it is known that at least three such incidents have occurred at the facility in Hamilton, Montana as a result of poor adherence to standard biosafety practices and faulty safety equipment.

The impact statement fails to adequately disclose:

- \* Impacts on nearby neighborhoods including noise, transportation, traffic safety, and property values for households and businesses located within the vicinity of the Rocky Mountain Laboratories facility.
- \* Impacts on the environment including air, water, wetlands, endangered species, and the use, treatment and disposal of solid, hazardous, radioactive and pathogenic wastes.
- \* Real and potential conflicts between the proposed action and objectives of land use plans including Ravalli County's Growth Policy which protects identified community values.

In summary, a number of socio-economic, health, safety and environmental costs the public raised were not satisfied in the impact statement. The absence of meaningful measures to mitigate these impacts underscores the inadequacy of the purported benefits of locating a BSL-4 facility in rural Montana.

The members of Coalition for a Safe Lab, Friends of the Bitterroot, Women's Voices for the Earth have provided detailed comments requesting disclosure of critical information that the public needs to make an informed decision about locating a BSL-4 facility at Rocky Mountain Laboratories in Hamilton, Montana. The National Institutes of Health has an obligation to provide that information to the public.

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## 1. Our members will be affected by this project.

Our groups have over 1,000 members who live, work, recreate, run businesses, pay local taxes, and own property in the immediate area around the proposed project.

The proposed BSL-4 facility’s:

- Potential economic benefits,
- Potential improvements in treatment from RML research,
- Potential economic reverses,
- Net impact on taxes,
- Potential environmental damage, and
- Risk of serious illness or death affects our members directly.



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## 2. The document is not a valid Draft EIS and should be corrected and republished for Public Comment.

CEQ 1502.9 requires a Draft EIS to be redone and republished for comment if it fails to meet the requirements of NEPA:

“The draft statement must fulfill and satisfy to the fullest extent possible the requirements established for final statements in section 102(2)(C) of the Act. If a draft statement is so inadequate as to preclude meaningful analysis, the agency shall prepare and circulate a revised draft of the appropriate portion. The agency shall make every effort to disclose and discuss at appropriate points in the draft statement all major points of view on the environmental impacts of the alternatives including the proposed action.”

### 2.1 The DEIS exhibits substantial bias toward the Proposed Action.

The General Administration Manual, HHS Part 30, Environmental Protection includes detailed procedures for compliance with NEPA for agencies within the Department of Health and Human Services (HHS). These procedures clearly state the types of alternatives that must be considered, as well as rules regarding which alternatives cannot be automatically excluded. It also states that:

*"Draft environmental impact statements shall not exhibit biases in favor of the proposed action." (30-30-30 B.1.)*

#### 2.1.1 Bias is evidenced by establishing a purpose that by definition allows for no alternatives other than the No Action alternative.

#### 2.1.2 Several of the analysis of impacts in the DEIS only disclose the positive aspects of the agencies preferred alternative and fails to disclose the negative impacts – a further evidence of bias.

For example, the discussion of the impact of the proposed action regarding income in paragraph 4.3.1.1 under the discussion of Economic Resources only list the wages and economic activity multipliers due to construction and additional employment in the laboratory. The negative economic impacts that would result from an event that infected people in the community are not mentioned in spite of the fact that there is a “Potential added risk to the community from the Proposed Action...” (DEIS 4-2).

In fact, the DEIS should analyze and disclose the impact on real estate values, rental income, and the local economy if an infection is released to a community from a biological laboratory anywhere in the country and internationally. Such an event is likely to be newsworthy and increase the perception that living near a BSL-4 laboratory is

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dangerous with the result of decreased property values and business activity around all such laboratories. As the probability of a single event rises with the increased number of laboratories and experiments within those laboratories, the possibility of accidents increases. A historical precedence for such a connection is the nuclear industry and the Three Mile Island release of nuclear material.

As the discussion continues in section 4.3.1.1 we see the discussion going from a discussion specific dollar amounts in the millions contributed to the economy to the net impact on public finance as a factor that “cannot be predicted”. Clearly, the authors of the document have the tax structure for the United States, Montana, and Hamilton available. Clearly, they had estimates of the number of new households available (DEIS 4-2). When the dollars that will be paid in wages will favor the NIH’s proposed alternative, we see specific numbers backed up by a complete study in the list of references. Yet, when the outcome is likely to be negative the NIH suddenly finds that is “cannot be predicted.”

The discussion of Community Safety in 4.2.1.1 is highly biased claiming that the added risk “cannot be effectively quantified”. NIH Uses this as an excuse to make unsubstantiated claims to dismiss, without analysis the community safety issues raised in scoping. The claim: “In more than 30 years of working with BSL-4 agents in the U.S., there has never been a confirmed release to a community from a laboratory (Wilson 2003)” (DEIS 4-2) is made to appear to be substantiated with a reference in the apparent hope the reader will not check the bibliography. When we look up the reference, we find this claim is a verbal communication from a staff member from the very agency attempting to promote the proposed alternative. In fact, the press reports that there is DNA analysis evidence that the anthrax powder that appeared in our nation’s capital came from a BSL-4 U.S. government lab.

62-36

The section goes on to state that: “It is not specifically known what agents would be studied at the Integrated Research Facility.” NIAID certainly knows the agents that would be candidates for study. Some of BSL-4 assigned agents are listed in Appendix B, but the risks and consequences to the community are not discussed in anywhere near the detail needed for the reader to assess any risk.

The attempt to dismiss scoping comments related to the use of “weapons-grade material” is unsubstantiated, with no reference to a regulation or agency commitment to preclude the study of weapons grade material – an apparent contradiction to the stated purpose of studying agents that might be used for bioterrorism.

“As a result, President Bush tasked the National Institute of Allergy and Infectious Diseases (NIH) to increase its research into the development of safe and effective countermeasures to protect the public against the threat of biological agents that might be used for bioterrorism.” (DEIS S-1).

At the same time this section dismisses any risks with unsubstantiated and misleading claims, it provides more specific details on safety measures that cast a positive light on the proposed alternative.

**Comment**

**Response**

62-35

Please see Section 1.7.3 where comments on the social and economic impacts were addressed, and Section 4.2.1.1, Community Safety and Risk, where Risk Assessments are addressed.

62-36

Please see section 1.7.3 where comments requesting a full description of agents were addressed.

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**2.1.3 The DEIS fails to study and disclose in detail the No Action alternative to provide the public with a baseline by which to compare, contrast and consider the merits of No Action and the Proposed Action.**

For example, Environmental Consequences:

**62-37** { **Emissions**  
"Emission would remain at current levels under the No Action alternative."(DEIS 4-14)  
Though current levels of pollutants may remain near current levels, there are environmental consequences under the No Action alternative.

**62-38** { **Water Supply**  
"The No Action alternative would not have an impact on water supplies in Hamilton or the Bitterroot Valley. " (DEIS 4-15) Clearly, current water use by RML does have an impact on the environment.

**62-39** { **Wastewater**  
"The No Action alternative would not have on impact on wastewater treatment in Hamilton. The No Action would not have an impact on the solids handling capacity of the plant." (DEIS 4-15) Clearly, wastewater discharge by RML does have an impact on the environment.

*The DEIS fails to provide the minimum standard for analysis and disclosure of impacts for the proposed and no action alternatives and must do so.*

**2.2 The DEIS fails to meet the standard for depth and thoroughness of analysis of impacts.**

The following areas are examples of areas in which the DEIS fails to provide meaningful analysis or disclosure:

**62-40** { **Social Resources**  
Housing: No discussion of impact on open space, farmland, wildlife, noxious weeds. *The indirect and cumulative impacts of housing employees on these and other resources must be analyzed and disclosed.*  
  
Community Safety: No analysis of risk or disclosure of consequences to the community.  
  
Education: No analysis of the impact on education except for unsubstantiated claims that education capacity is adequate.

In the following comments, numerous other examples of failure to provide the analysis required by a DEIS are cited.

**Comment**

**Response**

**62-37** Please see Section 1.7.3 where comments on air quality were addressed.

**62-38** Please see Section 1.7.3 where comments on the impacts on the City of Hamilton water supply were addressed.

**62-39** Please see section 1.7.3 where comments on the Proposed Action’s effects on the City of Hamilton water and wastewater systems were addressed.

**62-40** Effects on open space (including farmland) have been added to Chapter 4 of the FEIS.  
  
Please see Section 1.7.3 where comments on the effects on wildlife, noxious weeds and community safety were addressed.  
  
The school superintendent is the official considered as the credible source on the status and capacity of schools in the district.

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**2.3 No one who prepared the DEIS appears to have the experience in safety or microbiology to assure the public that the DEIS has the scientific integrity required by NEPA.**

62-41

The list below shows the entire list of qualifications for the preparers of the DEIS. We see no documented experience in microbiology, health, or safety. In fact, the preparer assigned to Human Health is educated in zoology and fish and wildlife management. The preparer assigned to community safety is educated in environmental studies and biology. (DEIS-List of Preparers)

- BA/Urban Affairs
- BS/Petroleum Engineering
- BS/Geography
- MS/Hydrogeology, BS/Biology
- MA/Interdisciplinary Studies (History/Anthropology), BA/Geology
- MS/Hydrogeology, BS/Geology
- MS/Environmental Studies, BS/Biology
- BS/Earth Sciences (Geology and Soil)
- MS/Geology (Hydrogeology), BS/Earth Science (Geology)
- BS/Forest Resource Management
- PhD/Environmental & Forest Biology, MS/Zoology, BS/Fish & Wildlife Mgmt.
- Graphic Artist

*For these reasons the DEIS fails to meet both the National Environmental Policy Act and Health and Human Services requirements for a Draft Environmental Impact Statement. In order to comply, a compliant DEIS must be prepared and republished for public comment.*

**Comment**

**Response**

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Please see section 1.7.5 where comments on the preparers of the DEIS were addressed.

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### 3. Project was predetermined and irrevocably committed resources.

#### 3.1 The decision to build a BSL-4 laboratory at RML was made prior to requesting scoping comments from the public.

This is evidenced in articles written by the Director of NIH (FAUCI, 2002). On June 10, 2002, Dr. Fauci, the Director of NIH announced to Congress the decision to put a BSL-4 lab at Rocky Mountain Laboratory in Hamilton, Montana.

Excerpt from Homeland Security: The Federal and Regional Response Field Hearing before the Subcommittee on Environment, Technology, and Standards Committee on Science, House of Representatives, One Hundred Seventh Congress Second Session; June 10, 2002:

Mr. BARTLETT. "Thank you very much. I wonder if you could spend just a moment letting the audience know how unique a Level 4 containment facility is and how few of them there are in the world?"

Dr. FAUCI. "Yes. A Level 4 facility is the highest level facility for a microbe. There are very few of them in this country. There is one at Fort Dietrich, there is one at the CDC in Atlanta, there is one operational in Texas and one planned in Texas. We are planning two additional ones right now, and those are the two I mentioned. The one that we are going to be partnering with the Department of Defense up at Fort Dietrich to make that a much more enhanced biodefense arena, and one that we are going to be putting in Rocky Mountain Laboratory, which is an NIH facility in Hamilton, Montana."

This is clearly a violation of CEQ 1502.2 (g): "Environmental impact statements shall serve as the means of assessing the environmental impact of proposed agency actions, rather than justifying decisions already made."

Public handouts provided by NIH at scoping meetings in Hamilton, MT stated that the proposed project "will be" constructed.

This attempt at providing a foregone conclusion clearly had the effect of making many of the public believe that the decision had been made – inhibiting the public input process required by NEPA. The attempt to intimidate the local public and make them feel that there was no alternative to having the proposed project implemented is poor public process and a violation of the spirit and letter of NEPA.

#### 3.2 Construction began for proposed alternative, and irrevocably committed resources.

• Construction of a "construction office" onsite. (Comments by Will Daellenbach, Project director for the overall RML facilities upgrade, at the 6/4/03 Citizen’s Liaison Group (CLG) meeting. The minutes of that meeting state: "Will also wanted the group to know that the majority of the construction performed up to date has been done by local contractors/subcontractors.") This irrevocably commits government funds for construction that will not be needed if the no action alternative is selected. This illegal

62-42

#### Comment

#### Response

62-42

Please see Section 1.7.5 where comments that construction had already begun were addressed.

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- 62-43 { • Hiring of Higgins Development Partners to manage the project to the extent that any government funds are obligated for construction.
- 62-44 { • Hiring of Skanska as a general contractor for the project. (CLG meeting minutes 6/4/03) This appears to irrevocably commit government funds for startup costs and/or for termination costs if the project does not go forward. The contractor has no role in preparing the information to support any analysis or information provided in the DEIS (See DEIS List of Preparers). If the contract allows obligation of government funds prior to the Record of Decision, it should be terminated immediately.

**3.3 Purchase of land by BSL-4 expansion project managers Higgins Development Partners adjacent to RML for resale to RML.**

[Hamilton City Council member] "Williamson expressed some concerns regarding property purchased by Higgins Development. Dr. Bloom explained that they had a problem on the south border, with residences close to the perimeter. There was an opportunity to acquire six lots to the north (on 6th Street). The developer overseeing the lab construction purchased the land with the idea that the lab would eventually acquire the property. The goal was to eliminate an unsafe area. They originally had hoped to enclose the lots within the campus area to use for parking, laying down pipes, etc. That was the original intent. However, Higgins Development did not fully research the property, and there may be zoning issues. The need is no longer critical at this time, and the lab still hopes to acquire the property." (Hamilton City Council Minutes 4/15/2003)

- 62-45 { We hereby request under the Freedom of Information Act and under the disclosure requirements of NEPA that ALL correspondence, emails, and phone records related to purchase of these lots by Higgins. We specifically ask which government employees or contractors hired to help prepare the DEIS initiated, suggested or had prior knowledge of the above-mentioned purchase.

- 62-46 { **3.4 Apparent Violation of Antitrust, Federal Procurement, and Conflict of Interest Laws.**  
In addition to the predetermination issues with the purchase, the purchase also appears to violate Federal Procurement Laws and the Antitrust act. NIH’s developer had inside information unavailable to the public or other businesses. NIH’s developer had knowledge that these lands had a potential use for the laboratory expansion. In fact, it appears that it was plans they developed that created the need. NIH’s developer used this inside knowledge to attempt to make a profit at the expense of the taxpayer. NIH’s developer used this inside knowledge to acquire an unfair and illegal advantage over other businesses and individuals doing business with the government.

We request that the purchase of the above-mentioned lots by NIH’s contractor be fully investigated, the results be disclosed to the public, and any violations of law or regulation be rectified.

| Comment | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 62-43   | Please see section 1.7.5 where comments that construction had already begun were addressed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 62-44   | Please see section 1.7.5 where comments on expenditures were addressed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 62-45   | Please see response to comment 58-1. The requirements for submitting a request for DHHS records under the Freedom of Information Act are set forth in 45 CFR Part 5.                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 62-46   | When the property was available for purchase, anyone could have bought it. It is not a conflict of interest, unfair, or illegal for a party interested in purchasing property to have an idea how the property may be used by themselves. No government funds have been used in the purchase of lots in Hamilton for the purpose of the Integrated Research Facility and the purchase was not made at the request or direction of the NIH or any NIH official. Higgins Development Partners purchased this land when it became available in the event that RML wanted to use it in the future. |

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#### 4. Scope is too limited.

62-47 { NIH has arbitrarily limited the scope of the DEIS. This is an obvious and transparent attempt to limit the scope to a location and budget that was predetermined to avoid considering a reasonable range of alternatives, and disclosing the rationale for the choice of location or budget tradeoffs.

**The scope of the EIS should be to develop a regional center of excellence within the Northwestern portion of the United States for the study of emerging Category A, B, and C biological pathogens and respond to biological terrorism.**

The DEIS itself shows that the BSL-4 need is part of a national initiative to respond to terrorism and the nationwide threat of emerging diseases.

The NIH and RML have published numerous pronouncements that the expansion to RML to include an expanded integrated laboratory (including a BSL-4 lab) is part of a national initiative. A sample of these statements by NIH officials is contained in Appendix A.

#### 4.1 The DEIS itself shows that the scope of this decision includes locations throughout the western United States.

NIH has a nationwide infrastructure in which to carry out its expanded research program.

“NIH is organized into several divisions, with RML part of NIH’s Division of Intramural Research. NIH is one of 27 Institutes or Centers of NIH.” (DEIS 4-1)

“NIH has developed a research agenda for “Category A” agents (USDHHS 2002b).” (DEIS 1-4)

“This research agenda acknowledges that certain research on potentially deadly disease agents must be conducted in appropriate containment facilities.”

The need is a national need that is not specific to RML.

“As a result, President Bush tasked the National Institute of Allergy and Infectious Diseases (NIAID) to increase its research into the development of safe and effective countermeasures to protect the public against the threat of biological agents that might be used for bioterrorism. These goals are commensurate with past and current research by NIAID.” (DEIS S-1)

The DEIS recognizes that the proposed alternative is designed to meet this national need.

“As part of the expanded research program, NIH’s Proposed Action to construct an Integrated Research Facility... at the RML.” (DEIS S-1)

#### Comment

#### Response

62-47 As explained in the EIS, the scope of the project is established by the purpose and need, which itself is established by agency authority. The purpose and need for the project is at the agency’s discretion.

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**4.2 The NIH and RML have issued several reports and public pronouncements that show that the scope of the decision includes locations throughout the western United States.**

See samples from the public record in Appendix A.

**4.3 The budgetary constraint is arbitrarily imposed in the defined scope of the DEIS.**

**62-48** { This is an obvious and transparent attempt to avoid considering rational for the choice of location or budget tradeoffs. The overall NIH budget for BSL construction is over \$500 million. (PALMORE 2002)

**4.4 The DEIS fails to comply with the NEPA/CEQ’s regulations regarding the scoping process, (40 CFR 1501.7; 1508.25).**

**62-49** { The DEIS apparently refused to consider public input suggesting reasonable alternatives, and unduly limited the Proposed Project’s “Scope” to build it at the RML in Hamilton, Montana (DEIS S-2, 2-1, 1-6, 2-9, A-10). This appears to be in significant conflict with the regulations.

1501.7 SCOPING.

“There shall be an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action. This process shall be termed scoping.

As soon as practicable after its decision to prepare an environmental impact statement and before the scoping process the lead agency shall publish a notice of intent (1508.22) in the FEDERAL REGISTER except as provided in 1507.3(e). (a) As part of the scoping process the lead agency shall: .... (2) Determine the scope (1508.25) and the significant issues to be analyzed in depth in the environmental impact statement. (3) Identify and eliminate from detailed study the issues which are not significant or which have been covered by prior environmental review (1506.3), narrowing the discussion of these issues in the statement to a brief presentation of why they will not have a significant effect on the human environment or providing a reference to their coverage elsewhere. .... (c) An agency shall revise the determinations made under paragraphs (a) and (b) of this section if substantial changes are made later in the proposed action, or if significant new circumstances or information arise which bear on the proposal or its impacts.”

1508.25 SCOPE.

“Scope consists of the range of actions, alternatives, and impacts to be considered in an environmental impact statement. The scope of an individual statement may depend on its relationship to other statements (1502.20 and 1508.28). To

**Comment**

**Response**

**62-48** Please see response to comments 62-7 and 62-47.

**62-49** Please see response to comment 62-47, and Sections 1.7 and 1.7.1 where comments on the alternatives were addressed.

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determine the scope of environmental impact statements, agencies shall consider 3 types of actions, 3 types of alternatives, and 3 types of impacts. They include:

(a) Actions (other than unconnected single actions) which may be: (1) Connected actions, which means they are closely related and therefore should be discussed in the same impact statement. Actions are connected if they: (i) Automatically trigger other actions which may require environmental impact statements. (ii) Cannot or will not proceed unless other actions are taken previously or simultaneously. (iii) Are interdependent parts of a larger action and depend on the larger action for their justification. (2) Cumulative actions, which when viewed with other proposed actions have cumulatively significant impacts and should therefore be discussed in the same impact statement. (3) Similar actions, which when viewed with other reasonably foreseeable or proposed agency actions, have similarities that provide a basis for evaluating their environmental consequences together, such as common timing or geography. An agency may wish to analyze these actions in the same impact statement. It should do so when the best way to assess adequately the combined impacts of similar actions or reasonable alternatives to such actions is to treat them in a single impact statement. ... (b) Alternatives, which include: (1) No action alternative. (2) Other reasonable courses of actions. (3) Mitigation measures (not in the proposed action).

(c) Impacts, which may be: (1) Direct; (2) Indirect; (3) cumulative.”

It appears that NIH's mind was made up from the beginning - that there was only one "Action Alternative" this DEIS would analyze. The issue was appropriately and timely raised by the public, there is an already built BSL-4 available, another is being planned or built (Texas), and there appears there may other BSL-4 proposals in other States.

*The DEIS arbitrarily and capriciously restricted the "scope" of it's analysis and range of alternatives.*

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**5. Range of alternatives is inadequate and the No Action Alternative is not studied in detail.**

**5.1 The NIH’s DEIS fails to comply with the NEPA/CEQ Regulations regarding a range of alternatives.**

The DEIS failed to develop and/or consider a reasonable range of alternatives.

**5.1.1 The NEPA/CEQ alternative section is described as "the heart of the environmental impact statement," 40 CFR 1502.14.**

Hence, "[t]he existence of a viable but unexamined alternative renders an environmental impact statement inadequate." (Citizens for a Better Henderson v. Hodel, 786 F.2d 1051, 1057 (9th Cir. 1985))

NEPA provides that all agencies of the Federal Government shall, to the fullest extent possible, "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources." (42 U.S.C. 4332(2)(E)); (Idaho Conservation League v. Mumma, 956 F.2d 1508, 1519 (9th Cir. 1992))

**5.1.2 The DEIS only analyzes one action alternative.**

NIH’s DEIS states the following: "Project Alternatives - The only alternative to the Proposed Action discussed in detail in this EIS is the No Action Alternative. Under the No Action Alternative, the Proposed Action would not be implemented." (DEIS S-2) Proposed Action and Alternatives - "Detailed discussions of the following topics are presented in this chapter: The Proposed Action; and, Alternatives to the Proposed Action including the No Action Alternative and Alternatives considered but eliminated from detailed study." (DEIS 2-1)

Decision to be Made: "Based on the environmental analysis and consideration of public comments on the Proposed Action, NIH will decide: • Whether to construct an Integrated Research Facility including a Biosafety Level 4 laboratory at RML;" and "The scope of the Project is confined to issues and potential consequences relevant to the decision. The decision is subject to and would implement direction from higher levels." (DEIS 1-6)

"NIH ... has identified the Proposed Action as the preferred alternative." (DEIS 2-10)

Alternatives Considered But Eliminated From Detailed Study (DEIS 2-9) states: "This section describes alternatives that were eliminated from further review in the EIS." They were eliminated because they were: "considered technically infeasible, provided no environmental advantage" ... "or would not meet the purpose and need of the Proposed Action."

**Comment**

**Response**

62-50

Please see Section 1.7 where comments on the range of alternatives were addressed.

To be viable, an alternative needs to (among other things) meet the purpose and need of the project.

There were no issues (unresolved conflicts) identified with the Proposed Action that were not addressed by the No Action Alternative.

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**5.1.3 Public scoping comments specifically asked that the NIH consider the following reasonable alternatives to the Proposed Action.**

**5.1.3a Relocate Rocky Mountain Laboratories to a Less Populated Area (DEIS 2-9)**

Rational for Dismissing: "This alternative does not meet the purpose and need to provide a highly contained and secure intramural laboratory for continuation of research into emerging infectious disease within the budgetary constraints of NIH at the Rocky Mountain Laboratories facility in Hamilton, Montana'. Congress has authorized expenditure of \$66.5 million for construction of an Integrated Research Facility. Construction ... at an alternate site would require additional funding to provide infrastructure and research laboratory support currently in-place at RML." (DEIS 2-10)

**5.1.3b Construct Integrated Research Facility (BSL-4) at Alternate Location (DEIS 2-10)**

Rational for Dismissing: [Lack of scientific integration; eliminates connected research; would be inefficient and impracticable.] "Additionally, this alternative fails to meet the need for this project, 'to efficiently and effectively provide a realistic, orderly, and comprehensive effort to safeguard the health of the American people through detection, investigation, control, and prevention of disease'." "This alternative also fails to meet the budgetary constraints in the purpose of the Project and the effectiveness and efficiency part of the need for the Project." "Issues addressed through this alternative are also addressed through the No Action Alternative". (DEIS 2-10)

62-51

**5.1.3c NIH's DEIS arbitrarily and capriciously refused to consider reasonable alternatives to the agency's Proposed and Preferred alternative that were suggested by the public during scoping.**

Examples of suggestions made during scoping were to locate the BSL-4 in military installations or locations remote from populations.

**5.1.3d The DEIS failed to fully disclose, and failed to take a hard look at the fact that there is an already completed, but not used, BSL-4 lab in Bethesda, Maryland.**

A recent newspaper article stated the following regarding the unused Bethesda BSL-4 lab: "A Biosafety Level 4 lab was built several years ago on the Bethesda, MD campus of NIH but it has never been used for this purpose. Maryland has a ten-member congressional delegation, more than three times the numerical strength of Montana's contingent. Hundreds of other members of Congress live in Bethesda, an affluent suburb of Washington, D.C." (BIO-FEAR IN THE BITTERROOT VALLEY; Medford Mail Tribune; by Les AuCoin; Environmental News Service 7/14/03)

And, from Dr Fauci's testimony on June 10, 2002, it appears that there are three currently operating BSL-4 facilities in the United States: Atlanta, Georgia; Fort Dietrich, Maryland; and 'one operational in Texas'. Dr Fauci also indicated there were apparently at least two more BSL-4 facilities "planned" to be built at that time; one in Texas and one at the RML in Hamilton, Montana. (Homeland Security: The Federal and Regional

**Comment**

**Response**

62-51

Please see Section 1.7 where comments on alternatives were addressed.

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Response Field Hearing before the Subcommittee on Environment, Technology, and Standards Committee on Science, House of Representatives, One Hundred Seventh Congress Second Session; June 10, 2000)

**5.1.3e The NEPA/CEQ regulations (40 CFR 1500, et seq.) go into substantive detail describing Federal Agency requirements and obligations regarding "alternatives".**

1500.2 - POLICY:

“Federal agencies shall to the fullest extent possible: (b) Implement procedures to make the NEPA process more useful to decisionmakers and the public; ... and to emphasize real environmental issues and alternatives. Environmental impact statements shall be concise, clear, and to the point, and shall be supported by evidence that agencies have made the necessary environmental analyses. (d) Encourage and facilitate public involvement in decisions which affect the quality of the human environment. (e) Use the NEPA process to identify and assess the reasonable alternatives to propose actions that will avoid or minimize adverse effects of these actions upon the quality of the human environment. (f) Use all practicable means, consistent with the requirements of the Act and other essential considerations of national policy, to restore and enhance the quality of the human environment and avoid or minimize any possible adverse effects of their actions upon the quality of the human environment.”

1502.1 PURPOSE:

“The primary purpose of an environmental impact statement is to serve as an action-forcing device to insure that the policies and goals defined in the Act are infused into the ongoing programs and actions of the Federal Government. It shall provide full and fair discussion of significant environmental impacts and shall inform decisionmakers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment. Agencies shall focus on significant environmental issues and alternatives and shall reduce paperwork and the accumulation of extraneous background data. Statements shall be concise, clear, and to the point, and shall be supported by evidence that the agency has made the necessary environmental analyses. An environmental impact statement is more than a disclosure document. It shall be used by Federal officials in conjunction with other relevant material to plan actions and make decisions.”

1502.14 ALTERNATIVES INCLUDING THE PROPOSED ACTION:

“This section is the heart of the environmental impact statement. Based on the information and analysis presented in the sections on the Affected Environment (1502.15) and the Environmental Consequences (1502.16), it should present the environmental impacts of the proposal and the alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decisionmaker and the public. In this section agencies shall: (a) rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated. (b) Devote substantial treatment to each

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alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits. (c) Include reasonable alternatives not within the jurisdiction of the lead agency. (f) Include appropriate mitigation measures not already included in the proposed action or alternatives.”

1502.24 METHODOLOGY AND SCIENTIFIC ACCURACY:  
“Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements.”

1506.1 LIMITATIONS ON ACTIONS DURING NEPA PROCESS:  
“(a) Until an agency issues a record of decision as provided in 1505.2 ... no action concerning the proposal shall be taken which would: (1) Have an adverse environmental impact; or (2) Limit the choice of reasonable alternatives.”

62-52 { There apparently is an unused existing BSL-4 facility in Maryland, another in Texas is "planned", and it appears that others are being "planned or proposed" around the nation. The DEIS failed to comply with NEPA's requirements by refusing to develop a reasonable range of alternatives.

62-53 { The DEIS apparently failed to develop or consider a reasonable range of alternatives, failed to comply with the scoping regulations, and failed to provide an accurate Cost-Benefit Analysis. In doing so, it appears the DEIS is not in compliance with 40 CFR 1500.2, 1502.1, 1502.14, 1502.16, 1502.24, 1506.1, 1502.23, 1501.7, and 1508.25, et seq.

**5.2 The NIH dismisses and ignores nearly all citizen suggested mitigation measures.**

62-54 { **5.2.1 The DEIS does not develop mitigation alternatives suggested in scoping.**  
Below is the DEIS mitigation discussion from Section 1.7.1 (DEIS 1-8 and 1-9). The bracketed items notes NIH’s response/disposition of the suggested measures by citizens:

**“1.7.1.1 Mitigation Measures**

Potential mitigation measures raised by those individuals providing comments during scoping include:

- Adoption of pollution prevention strategies to avoid or reduce the amount of pollution generated at the facility. Efforts are described in the *Disposal of Non-Contaminated Material*. [This recommendation is not, in fact, discussed in the referenced section.]
- Waste that has not come in contact with a biohazardous, radioactive or chemical material is considered non-contaminated and would be disposed of as general waste. This would make up the majority of waste from the facility. [This confirms what already happens.]
- Improving parking for workers and visitors during and after construction of the

**Comment**

**Response**

62-52 Please see Section 1.7.1 where this comment was addressed.

62-53 A cost/benefit analysis is not required in the CEQ regulations for implementing NEPA.

62-54 Please see Section 1.7.2 where comments on mitigation measures were addressed. Please also see response to comment 62-15.

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Integrated Research Facility. This is part of the *Reasonably Foreseeable Actions* as described on page 4-1. **[This was apparently adopted.]**

**62-55** { • Implementation of a car-pooling program for workers commuting to the RML campus. This measure will not be included in the Proposed Action as parking and traffic are addressed under social issues. **[Refused without comment.]**

**62-56** { • Adopting a policy of studying only those agents associated with emerging diseases at the Integrated Research Facility, and not agents associated with bioterrorism or biodefense. This is addressed through the *Purpose and Need* section on Chapter 1. **[The referenced chapter states that no weapons grade material will be studied – without any citation to a regulation or other agency commitment. However, this does not answer the recommendation. The recommendation is not discussed. It should also be noted that under recently passed laws, that there are plans to use weapons grade material, but the agency would be prohibited by recently passed antiterrorism laws from disclosing that fact to the public.]**

**62-57** { • Creation of a citizen oversight committee to monitor activities at the Integrated Research Facility. This measure will not be included in the Proposed Action because monitoring is done by RML for a number of state and federal agencies and the results are made public. The Community Liaison Group, composed of community members, serves to monitor activities at RML. The RML Institutional Biosafety Committee and the Chapter 1 Purpose and Need RML Animal Care and Use Committee also have community representatives. **[This recommendation is ignored. The Community Liaison Group does not monitor the activities of RML and only serves as a forum for formal interactions with the agency related to the proposed alternative.]**

• Improving aesthetics of the campus. This measure is included in the Proposed Action, as well as *Reasonably Foreseeable Actions* as described on page 4-1. Aesthetics were considered in the design of the building, as well as effects analysis. **[This recommendation was apparently adopted.]**

**62-58** { • Implementation of regular effluent monitoring of air emissions and wastewater discharges are included in *Air Treatment and Waste Decontamination* in Chapter 2. **[This recommendation is ignored without comment in the referenced section.]**

**62-59** { • Use of local contractors for design and construction of the Integrated Research Facility to the greatest extent possible. NIH has hired a national design and engineering firm that specializes in designing and building BSL-4 laboratories. **[This is refused.]**

**62-60** { • A commitment for direct improvements to the hospital, streets, and emergency response agencies by NIH. This is included in the *Reasonably Foreseeable*

Cont. on next page

| Comment      | Response                                                                                                                                            |
|--------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>62-55</b> | Please see Section 1.7.2 where comments suggesting carpooling were addressed.                                                                       |
| <b>62-56</b> | Please see Section 1.7.2 where comments regarding a policy of studying only those agents associated with emerging diseases were addressed.          |
| <b>62-57</b> | Please see Section 1.7.2 where comments on creation of a citizen oversight committee were addressed.                                                |
| <b>62-58</b> | Please see Section 1.7.2 where comments on implementation of regular effluent monitoring of air emissions and wastewater discharges were addressed. |
| <b>62-59</b> | Please see Section 1.7.2 where comments on using local contractors were addressed.                                                                  |

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**62-60** { *Actions* as described on page 4-1. **[This is ignored.]**

- Noise and light reduction through more landscaping and buffering. This measure is included in the Proposed Action, as well as *Reasonably Foreseeable Actions* as described on page 4-1, and was considered in the design of the building as well as effects analysis. **[This is adopted.]**
- Establishment of a process where neighbors could bring concerns to RML during and after construction of the Integrated Research Facility. This measure was included in the Proposed Action. Meetings with neighborhood representatives would be held regularly before, during, and after construction. In addition, the Community Liaison Group, including local residents, addresses any issue brought to it. **[This is adopted.]**
- Purchase of homes at fair market value for anyone that requested it within a few blocks of the Integrated Research Facility because of a perceived fear of lost value once the Integrated Research Facility is completed. This measure is not included in the Proposed Action because there is no indication that the Proposed Action will have a negative effect on property values (see Chapter 4). **[The possibility of negative impacts on property values is not mentioned in the referenced section. See comments below in which NIH’s contractor bought homes in anticipation of selling them to the government in anticipation of the implementation of the proposed project.]**

**62-61** { This treatment of citizen’s comments again shows bias toward the proposed alternative. The writers of the DEIS attempt to make it look to the reader as if all of the recommended mitigation measures by citizens are discussed. In fact, the mitigation measures that the agency did not choose to adopt are ignored without comment.

**62-62** {

**5.2.2 The DEIS also ignores mitigation alternatives.**  
The NIH recognizes a duty to include mitigation in the proposed action.

“In accordance with section 40 CFR 1502.16 (Regulations implementing the Procedural Provisions of NEPA), the following are the required disclosures, and where they can be found:

- Means to mitigate adverse environmental impacts (Chapter 4).” (DEIS 1-2)

A number of scoping comments recommended specific mitigation measures.  
“Six percent identified potential mitigation measures,” (DEIS1-8).

A look at Section 4 shows that no mitigation measures are proposed or analyzed. The only discussion of mitigation measures is a general reference to mitigation in the Ravalli County Growth Plan.

| Comment      | Response                                                                                                                                                                                                                                                                                                            |
|--------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>62-60</b> | Please see Section 1.7.2 where comments on a commitment for direct improvements were addressed.                                                                                                                                                                                                                     |
| <b>62-61</b> | Please see Section 1.7.2 pf the SDEIS where comments on the purchase of homes at fair market value were addressed.                                                                                                                                                                                                  |
| <b>62-62</b> | The responses to comment 62-54 through 62-61, and many others, indicate that comments were not ignored. Section 1.7.2 starts out with how comments were initially included. None of the comments listed above are included in the “Additional mitigation measures” section, but were included in the original DEIS. |

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CEQ 1502.14 (f) states that a DEIS alternatives should: “Include appropriate mitigation measures not already included in the proposed action or alternatives.”

**62-63** { Yet no alternatives are developed for mitigation.

Additional alternatives must be considered.

**62-64** { **5.3 Alternate Locations Must Be Considered.**

NIH is required to consider a reasonable range of alternatives. The alternatives must include considering other locations as well as mitigation measures suggested by citizens and the DEIS analysis itself.

**5.3.1 Relocate Rocky Mountain Laboratories to a Less Populated Area (DEIS 2-9)**

Rationale for Dismissing

"This alternative does not meet the purpose and need 'to provide a highly contained and secure intramural laboratory for continuation of research into emerging infectious disease within the budgetary constraints of NIH at the Rocky Mountain Laboratories facility in Hamilton, Montana.' "Congress has authorized expenditure of \$66.5 million for construction of an Integrated Research Facility." (DEIS 2-10)

**5.3.2 Construct Integrated Research Facility (BSL-4) at Alternate Location (DEIS 2-10)**

Rationale for Dismissing

[Lack of scientific integration; eliminates connected research; and would be inefficient.] "Additionally, this alternative fails to meet the need for this project, 'to efficiently and effectively provide a realistic, orderly, and comprehensive effort to safeguard the health of the American people through detection, investigation, control, and prevention of disease.'" "This alternative also fails to meet the budgetary constraints in the purpose of the Project and the effectiveness and efficiency part of the need for the Project." "Issues addressed through this alternative are also addressed through the No Action Alternative". (DEIS 2-10)

"NIH ... has identified the Proposed Action as the preferred alternative." (DEIS 2-10)

**5.3.3 Location Alternatives Should Not Be Dismissed**

The General Administration Manual also states:

30-30-30 C.: "Alternatives. Environmental impact statements must explore and evaluate reasonable alternatives to the proposed action in terms of their environmental consequences, benefits and costs, and contribution to the underlying purpose or goal. Discussion of alternatives must be sufficiently in-depth to permit a meaningful comparison of alternative courses of action.

2. Action Alternatives. One or more alternative courses of action directed at achieving the underlying purpose or goal. The environmental impact statement cannot automatically exclude actions:

**Comment**

**Response**

**62-63** Please see Section 1.7 where comments on alternatives were addressed. Please also see response to comment 62-15.

**62-64** Please see Section 1.7.1 where comments on alternatives were addressed.

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Outside the expertise or jurisdiction of Departmental organizations, e.g., examining the possible use of other real properties other than that proposed for transfer by HHS; or

Which only partially achieve an underlying goal or objective, e.g., funding a health care facility at a lower capacity for patient care. However, action alternatives considered must be reasonably available, practicable, and be related to the underlying purpose or goal. An environmental impact statement must include all reasonable alternatives.

In Section 2.2.2.2 (DEIS 2-10) the suggested alternative of "Construct Integrated Research Facility (BSL-4) at Alternate Location" was dismissed for insufficient reasons.

**62-65** { The first reason stated is that "locating the BSL-4 separate from the rest of RML would eliminate the connected research on projects that use BSL-2 and BSL-3 facilities." The proposed project includes the building of both BSL-2 and BSL-3 facilities, so it is difficult to see how the project if built elsewhere would separate that research. Secondly, two of the potential locations recommended in the scoping process were the NIH campus in Bethesda and the CDC campus in Atlanta. Both campuses already have BSL-2, BSL-3 and even BSL-4 laboratories that the research in the new lab can be connected to, and could benefit from.

**62-66** { The second reason this alternative was dismissed was because it fails to meet the need "to efficiently and effectively provide a realistic, orderly and comprehensive effort to safeguard the health of the American people through detection, investigation, control and prevention of disease." There is no reason why a lab in Bethesda or Atlanta would not be able to meet this need.

**62-67** { The last reason for dismissing an alternative location is that it fails to meet "budgetary constraints." It is unacceptable to simply state that it fails to meet "budgetary constraints" without clearly establishing the budget for the project. The only budgetary information in the DEIS is a single statement:

"Congress has authorized expenditure of \$66.5 million for construction of an Integrated Research Facility." (DEIS 2-10)

**5.3.4 A full financial analysis for the preferred alternative as was requested specifically in scoping comments is needed to understand the "budgetary constraints" of this authorized expenditure.**

A detailed description of the costs of the preferred alternative proposed in an EIS is absolute standard of disclosure. Similarly, a full financial analysis of other alternatives including construction of the lab at an alternative location and the no-action alternative are also needed for comparison. It is unacceptable to simply state:

"Construction of the facility at an alternate site would require additional funding to provide infrastructure and research laboratory support currently in-place at RML." (DEIS 2-10)

**62-68** {  
Cont. on  
next page

**Comment**

**Response**

**62-65** Please see Section 1.7.1 where comments on alternatives were addressed.

**62-66** Please see Section 1.7.1 where comments on alternatives were addressed.

**62-67** Please see Section 1.7.1 where comments requesting more information on the budget and finances were addressed.

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**62-68** { A full financial analysis of the required "additional funding" is needed to justify this claim in the DEIS.

**62-69** { **5.4 Mitigation Alternatives Must Be Considered.**  
The HHS General Administration Manual states:

"30-50-60 E. Responsibilities. Except for proposals for legislation, OPDIVs/STAFFDIVs shall prepare EISs in two stages: Draft and final. The responsible official will ensure that:

1. Appropriate mitigation measures are included in the proposed action or alternatives;"

In addition, CEQ 1502.14 requires mitigation alternatives.

**5.4.1 Local government financial impact mitigation.**  
Section 4.2.2 briefly discusses impacts to community safety, but does not analyze the direct and indirect economic effects of these impacts. The section states:

"Procedures and protocols would also be established with local emergency response agencies to address responsibilities of each agency in the event of an emergency at RML." (DEIS 4-7)

**62-70** { These procedures and protocols will require local emergency response agencies to acquire both new equipment and extensive training. *The costs for this equipment and training are economic effects of the preferred alternative and must be calculated and presented in the Economic Resources Direct and Indirect Effects - Government and Public Finance section (Section 4.3.1.1 DEIS 4-8).*

*Mitigation alternatives that would offset these financial impacts to local emergency response agencies should be discussed as well. Mitigation alternatives would include alternatives that offer funding to local emergency response agencies and hospitals to cover the costs of training, drills and equipment.*

**5.4.2 Safety mitigation.**  
Public comments submitted thus far reveal that community safety is one of the greatest concerns of neighbors and nearby residents with respect to the preferred alternative. *A detailed explanation of the mitigation strategies that would be implemented to offset the significant consequences of a release of an agent to the community or environment must be included in this DEIS.*

**62-71** { Section 4.2.1.1 of the DEIS states:

| Comment      | Response                                                                                                                  |
|--------------|---------------------------------------------------------------------------------------------------------------------------|
| <b>62-68</b> | More information on the established budget has been included in the “Background” in Chapter I.                            |
| <b>62-69</b> | Please see Section 1.7.2 where comments on mitigation measures were addressed. Please also see response to comment 62-15. |
| <b>62-70</b> | Please see Section 1.7.3 where comments on community infrastructure were addressed. No mitigation is necessary.           |
| <b>62-71</b> | Please see Section 1.7.3 where comments on the increased threat from the Integrated Research Facility were addressed.     |

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"Numerous means would be employed to control access to agents and the facility and reduce the potential for release of an agent to the environment or community. These include:

- Specialized laboratory construction;
- Employee screening and training;
- Site security;
- Air and wastewater treatment;
- Backup systems; and
- Emergency response." (DEIS 4-5)

Each of these means needs to be described in detail as a mitigative action in the DEIS. In particular, the mitigative action of emergency response (i.e. the emergency plan and protocols) must be included in full in the DEIS.

**62-72** {

**5.4.3 Pollution Prevention strategies.**

Pollution prevention has been identified as an important mitigation strategy by the Department of Health and Human Services. There should be a significant emphasis on pollution prevention in this DEIS.

The HHS General Administration Manual states the following with regard to pollution prevention:

"30-10-30 Strategy

HHS has adopted and will adhere to a Code of Environmental Management Principles (CEMP) to help achieve the goals of the HHS environmental protection program. As part of the effort to implement these principles throughout HHS, all OPDIVS/STAFFDIVS will integrate the following principles into their environmental protection programs:

1. Management Commitment--Written top management commitment to improved environmental performance by establishing policies which emphasize pollution prevention and the need to ensure compliance with environmental requirements.
2. Compliance Assurance and Pollution Prevention--Proactive programs that aggressively identify and address potential compliance problem areas and utilize pollution prevention approaches to correct deficiencies and improve environmental performance.

30-50-05 Definitions and Acronyms

‘Pollution Prevention’ includes, but is not limited to, reducing or eliminating hazardous or other polluting inputs, which can contribute to both point and non-point source pollution; modifying manufacturing, maintenance, or other industrial practices; modifying designs; recycling (especially in-process, closed loop recycling); preventing the disposal and transfer of pollution from one media to another; and increasing energy efficiency and conservation. Pollution prevention

**Comment**

**Response**

**62-72**

Please see Section 1.7.2 where comments on pollution prevention strategies were addressed.

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can be implemented at any stage--input, use or generation, and treatment--and may involve any technique--process modification, waste stream segregation, inventory control, good housekeeping or best management practices, employee training, recycling, and substitution. Any reasonable mechanism which successfully avoids, prevents, or reduces pollutant discharges or emissions other than by the traditional method of treating pollution at the discharge end of a pipe or stack should, for purposes of this chapter, be considered pollution prevention.

30-50-65 Contents of an EIS

C. Pollution Prevention. Pollution prevention should be an important component of mitigation of the adverse impacts of a Federal action. To the extent practicable, pollution prevention considerations should be included in the proposed action and in the reasonable alternatives to the proposal, and should be addressed in the environmental consequences section of the EIS (40 CFR 1502.14(f), 1502.16(h), and 1508.20)."

Unfortunately, the words "pollution prevention" only occur once in the entire document (DEIS1-8) in Section 1.7.1.1. This section refers to a discussion of pollution prevention strategies purported to be discussed in the section titled "Disposal of Non-Contaminated Material" (DEIS 2-8). That entire section reads as follows:

**"Disposal of Non-Contaminated Material**

Waste that has not come in contact with a biohazardous, radioactive or chemical material is considered non-contaminated and would be disposed of as general waste. This would make up the majority of waste from the facility." (DEIS 2-8)

**62-73** { *Specific pollution prevention strategies must be developed and discussed in this DEIS.*

**5.4.4 Failure to disclose planned noise reduction measures.**

Section 4.4.1 of the DEIS states:

“The Proposed Action would meet RML’s new draft noise guidelines. Existing noise sources would continue as described under No Action.” (DEIS 4-8)

Section 4.4.2 of the DEIS states:

“Reasonably foreseeable noise reduction features would result in a slight reduction in noise overall as shown in Table 4-2.” (DEIS 4-9)

**62-74** { *The actual noise reduction features however are not described in the DEIS. These features are mitigative strategies that should be addressed clearly in this section.*

40 CFR 1502.1 states:

**Comment**

**Response**

**62-73** Please see Section 1.7.2 where comments on pollution prevention were addressed. As noted, DHHS’s regulations on the inclusion of pollution prevention applies to “potential compliance problems.” No compliance problems would occur under the Proposed Action.

**62-74** Please see Section 1.7.2 where comments on noise reduction were addressed.

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"[Environmental Impact] Statements shall be concise, clear, and to the point, and shall be supported by evidence that the agency has made the necessary environmental analyses."

- 62-75** { Simply stating that noise guidelines will be met and that noise reduction features will reduce noise does not comprise "evidence that has the agency has made the necessary environmental analyses." *If Big Sky Acoustics has completed an analysis for RML it should be described and included as an appendix to the DEIS for public review.*
- 62-76** { According to Table 4-2 (DEIS 4-9) it appears that the emergency generator and the incinerator are the two pieces of equipment on site that contribute the loudest noise. The preferred alternative includes the addition of another emergency generator that must be tested regularly and a significant increase in use of the incinerator. **It must be clarified as to how the preferred action will lead to a decrease in noise levels from the current situation.**
- 62-77** { Secondly, Section 4.4.1.2 (DEIS 4-8) claims that the No Action alternative would lead to no change in noise levels from RML. It is our understanding, from the presentation at a CLG meeting, that RML's draft noise guidelines are being implemented independently of the BSL-4 project. Yet this section implies that without implementing the preferred alternative, RML would not take action to meet the draft noise guidelines. *Please clarify if the noise reduction program - inspired by complaints from the community - is dependent on building the BSL-4. If it is not dependent on the preferred alternative, Section 4.4.1.2 should be changed to reflect the noise improvements that will be conducted regardless to meet the draft noise guidelines.*
- 5.4.5 Lack of air pollution prevention strategies.**  
Section 4.7.1 of the DEIS states:
- "Incinerator use is estimated to increase from approximately two to three days a week to three to four days a week." (DEIS 4-13)
- Very clearly the preferred alternative will increase rather than prevent air pollution. Unfortunately, in Section 4.7 **Air Quality Direct and Indirect Impacts** no analysis is given of the exact increase in emissions. Simply stating that the total permit emission allowance will not change is not an analysis of the direct impact. There are emission factors for the incinerator for both criteria and hazardous pollutants, which RML uses to
- 62-78** { create an emission inventory sent to Montana DEQ each year. *A current emission inventory for all of these pollutants should be in the DEIS along with a comparative expected emission inventory reflecting the increased use of the incinerator.*
- An air pollution prevention mitigation alternative for this increased pollution should be included in the DEIS. The most obvious and practicable pollution prevention alternative is to utilize an alternative method of disposal instead of the incinerator. An alternative disposal method is both readily available and inexpensive (i.e. the landfill in nearby

- | Comment      | Response                                                                                                                                    |
|--------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| <b>62-75</b> | The noise analysis was summarized in the DEIS, SDEIS and FEIS and is included in the administrative record, as indicated.                   |
| <b>62-76</b> | Please see Section 1.7.3 where comments on the effects of the Proposed Action and noise (and clarification of the analysis) were addressed. |
| <b>62-77</b> | Please see Section 1.7.3 where comments on the effects of the Proposed Action and noise (and clarification of the analysis) were addressed. |
| <b>62-78</b> | Please see Section 1.7.3 where comments on the increased use of the incinerator were addressed.                                             |

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**62-79** { Missoula.) It is clear from the DEIS that all waste that is generated by a BSL-4 is fully decontaminated before leaving the building - thus there is no "need" for incineration of this waste from a medical waste decontamination standpoint. *A full analysis of this reasonable air pollution prevention mitigation alternative must be included in the DEIS.*

**62-80** { The addition of a new emergency power generator will also increase air emissions. Scoping comments specifically requested NIH to consider the use of SCONOX technology to control emissions from the new emergency generator. *This pollution prevention alternative should be discussed in the DEIS.*

**5.4.6 Lack of energy conservation strategies.**

Energy conservation and increased energy efficiency is not adequately discussed in the DEIS. 40 CFR 1502.16 requires that an EIS disclose:

"Energy requirements and conservation potential of alternatives and mitigation measures."

The comments on energy consumption in section 2.1.2 simply states that:

"Several power-saving devices would be incorporated into the proposed facility, including, but not limited to, energy saving equipment and lighting, enhanced insulation, and provisions for a heat recovery system." (DEIS 2-7)

**62-81** { In addition there is not even a section on energy consumption in the Environmental Consequences chapter. This does not satisfy the NEPA requirements. *A full energy consumption analysis of the preferred alternative must be included in the document. How much energy will be needed to operate the lab? In addition, energy saving conservation alternatives must be presented in the document for comparison.*

**5.4.7 Lack of light pollution prevention strategies.**

The planned outdoor lighting for the preferred alternative is not addressed in the DEIS, despite specific scoping comments that were submitted regarding a concern about light pollution from the proposed project. There is concern and disappointment in the community regarding the flood lighting currently used on the new BSL-3 building at RML. *Please discuss the planned outdoor lighting for the preferred alternative and the light pollution prevention strategies that will be employed.*

**62-82** {

**5.4.8 Lack of hazardous materials use reduction strategies.**

The only reference to hazardous substances in the DEIS is a brief paragraph in Section 2.1.2 which states:

"Use, storage, and disposal of hazardous waste are accomplished in accordance with applicable state and federal regulations. RML is currently stressing waste minimization practices that would also be applied to the Integrated Research Facility. Waste minimization practices include ordering necessary laboratory chemicals in smaller quantities." (DEIS 2-8)

**Comment**

**Response**

**62-79** Please see response to comment 62-20.

**62-80** Please see Section 4.7 where comments on air quality were addressed.

**62-81** Please see section 1.7.1 where comments on energy consumption were addressed.

**62-82** Please see Section 1.7.3 where comments on impacts associated with lighting were addressed.

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| Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Response                                                                                                            |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|
| 62-83                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 62-83                                                                                                               |
| <p>Despite a specific scoping request for detailed information on current and expected chemical use and waste disposal, the DEIS does not include any accounting for the types of hazardous chemicals to be used, how they will be disposed of, or how much increased use there will be with the new lab. <i>A current chemical use and chemical waste inventory must be included in the DEIS.</i> (Note: Appendix F: "Chemical Use and Chemical Waste Inventories" of RML's Voluntary Cleanup Plan released by Maxim Technologies in June 2003 would be a good place to start finding this information). <i>There should also be a section under Environmental Consequences regarding hazardous substances - estimating the increased use and disposal of hazardous substances that will be associated with the preferred alternative. The "waste minimization practices" mentioned in the DEIS should be listed and the extent of the pollution prevention quantified.</i></p> | <p>Please see Section 1.7.3 where comments on increased use and disposal of hazardous chemicals were addressed.</p> |
| 62-84                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 62-84                                                                                                               |
| <p><b>5.4.9 Lack of water conservation strategies.</b><br/>The preferred alternative will significantly impact water usage at the facility. <i>Measures to reduce water consumption and wastewater must be included as pollution prevention alternatives in the DEIS.</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p>Please see Section 1.7.2 where comments on the pollution prevention strategies were addressed.</p>               |

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## 6. Failure to Disclose Impacts.

### 6.1. The DEIS apparently failed to provide an accurate Cost-Benefit Analysis (40 CFR 1502.23).

40 CFR 1502.23 COST-BENEFIT ANALYSIS: If a cost-benefit analysis relevant to the choice among environmentally different alternatives is being considered for the proposed action, it shall be incorporated by reference or appended to the statement as an aid in evaluating the environmental consequences. ...

While perhaps not a "normal" cost/benefit analysis, NIH's DEIS did use the following financial statement to claim that a reasonable alternative suggested by the public could not be feasible: **Construct Integrated Research Facility (BSL-4) at Alternate Location.**

NIH's Rational for Dismissing [in part]: "This alternative also fails to meet the budgetary constraints in the purpose of the Project and the effectiveness and efficiency part of the need for the Project." "Issues addressed through this alternative are also addressed through the No Action Alternative". (DEIS 2-10)

62-85

The above DEIS statement does not appear to be accurate or correct. NIH fails to disclose that there is an already built BSL-4 facility in Bethesda, Maryland. It appears plain that it certainly would be "cost effective" to use it, rather than spend over \$66 million dollars on a new BSL-4 lab in Hamilton, Montana. The "no action" alternative does not really apply well either because of the unused Bethesda facility. There's already one existing - there has been a previous "Federal Action" that could completely meet the "Purpose and Need" except apparently that it's not in Hamilton, Montana. It appears that this does not comply with 1502.23 nor does it evidence a hard look and full disclosure.

### 6.2 Potentially significant adverse impacts were not adequately analyzed, discussed or disclosed as required by the NEPA/CEQ.

#### 6.2.1 "Hard Look" is required by NEPA.

62-86

The DEIS failed to provide any meaningful analysis or disclosure regarding potentials and/or adverse impacts of an escape or release of an agent from the proposed RML BSL-4 facility.

"NEPA ensures that important effects will not be overlooked or understated only to be discovered after resources have been committed or the die otherwise cast." (Robertson v. Methow Valley Citizens for Council, 490 U.S. 332, 342; 109 S. Ct. 1835, 1845 (1989))

Compliance with NEPA occurs only when an agency takes a "hard look" at the environmental consequences of its actions. (Sierra Club v. Kleppe, 427 U.S. 390, 410, n21)

## Comment

## Response

62-85

Please see Section 1.7.4 where comments on the budget were addressed. Please also see response to comment 62-7.

62-86

Please see Section 1.7.3 where comments on the potential risk were addressed.

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The first criterion that must be addressed is whether or not the agency took a "hard look" at the problem. (*Marsh v. Oregon Natural Resources Council*, 490 U.S. 360, 378 (1989); see also, *Maryland National Capitol Park and Planning Commission v. United States Postal Service*, 487 F.2d 1029, 1040 (D.C. Cir. 1973); *Central Audubon Society of Arkansas v. Dailey*, 977 F.2d 428, 434 (8th Cir. 1992))

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321, et seq., and implementing regulations promulgated by the Council on Environmental Quality, 40 C.F.R. 1500 et seq., require the preparation of an Environmental Impact Statement for major federal actions that may significantly affect the environment.

62-87

NIH has stipulated that proposing to build a BSL-4 facility at RML is such an action by their preparation of the EIS. Therefore, that EIS must address all significant adverse environmental consequences, direct or indirect, that may be caused by the agency's activities. 42 U.S.C. 4332 (2) (C) (ii); 40 C.F.R. 1502.16; 40 C.F.R. 1508.8.

**6.2.2 The DEIS admits that there is a risk to the community, but fails to disclose the consequences.**

The NIH's DEIS disclosed the following information:

"The potential for a release of an agent from RML and the increased likelihood of terrorism as a result of the Proposed Action is reduced by the physical and procedural safety measures inherent to RML and Proposed Action."  
(DEIS S-3)

**Summary Comparison of Alternatives**

Proposed Action - Community Safety: "Remote increased risk to the community."  
No Action - Community Safety: "No increased risk to the community." (DEIS 2-11)

**Environmental Consequences - Community Safety**

"Potential added risk to the community from the Proposed Action cannot be effectively quantified." (DEIS 4-2)

The DEIS describes the agents that will be studied in the proposed BSL-4 facility as:

"Dangerous/exotic agents which pose high risk of life-threatening disease, aerosol-transmitted lab infections; or related agents with unknown risk of transmission." (DEIS 1-5)

The NIH says that the potential for release or terrorism is "reduced" (DEIS S-3) but they do not say it is eliminated entirely or that there is no potential whatsoever. The DEIS acknowledges that there is a "remote increased risk" from the Action Alternative, and there is "no increased risk" from the No Action Alternative (DEIS 2-11). The DEIS claims that the "potential added risk" ... "cannot be effectively quantified"(DEIS 4-2).

**Comment**

**Response**

62-87

The DEIS, SDEIS, and FEIS do address effects of the Proposed Action and No Action Alternatives. Although the CEQ regulations do state that an EIS must be completed when there would be significant effects, the decision to prepare an EIS does not necessarily mean that significant effects would occur or that all effects would be significant.

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- 62-88** { **6.2.3 The DEIS must disclose the consequences of reasonably foreseeable risks.**  
This is needed even if the probability is assessed to be low. The importance of such an analysis cannot be overstated. Such an analysis is essential for identifying mitigation measures, safety protocols, community health and service needs, health risk to people, risk to wildlife, risk to property values, and risk to businesses. As a minimum, the DEIS should disclose the consequences of the following events:
- 6.2.3a Staff infections that are isolated to lab environment.**  
This should include both those that are isolated to the laboratory and those in which the staff member infects other people. This is certainly a realistic scenario since RML has had recent staff exposure, have been infected and/or carriers in the past, and have infected their spouses.
  - 6.2.3b Staff infections that result in a community wide epidemic.**
  - 6.2.3c Release of infections through escaped animals.**
  - 6.2.3d Release of infectious prions through the incinerator including an assessment of recombination after cooling in the smokestack.**
  - 6.2.3e Release of infectious agents through water via sewage, wetlands, or surface water.**
  - 6.2.3f Release of infectious agents through ground due to spills or purposeful dumping.**
  - 6.2.3g Release of infectious agents when being transported.**
  - 6.2.3h Release of infectious agents through water via sewage, wetlands, or surface water.**
  - 6.2.3i Release of infectious agents because of an out of control fire.**  
This is particularly important since RML continually fails fire inspections. (See Appendix B and comments under 6.3).
  - 6.2.3j Release of infectious agents through intentional acts by a staff member.**
  - 6.2.3k Release of infectious agents due to a terrorist attack with a bomb or aircraft.**
  - 6.2.3l Release of infectious agents due to the safety committee and staff failing to understand the behavior and danger of a new pathogen under study.**
- 62-89** {

Cont. on  
next page

**Comment**

**Response**

**62-88** Please see Section 1.7.3 where comments on risk were addressed.

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|       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Comment | Response                                                        |
|-------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|-----------------------------------------------------------------|
| 62-89 | <p><b>6.2.3m Release of infectious agents due because a HEPA filter fails to stop the agent.</b> See Appendix C for a government report on the failure to test HEPA filters to verify their specified performance. Also analyze HEPA filter failure modes, and operation when incorrectly maintained or used.</p> <p><b>6.2.3n Release of infectious agents due to a failure of the safety systems.</b> This should include a Failures and Effects Analysis for each component and the system as a whole.</p> <p><b>6.2.3o The causal release environment: accidental spill, fire, terrorist explosion.</b></p> <p><b>6.2.3p Release through steam exhaust.</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 62-89   | Please see Section 1.7.3 where comments on risk were addressed. |
| 62-90 | <p><b>6.2.4 Refusal to disclose the risks or consequences to human health is a violation of Federal Regulations.</b></p> <p>Essentially, the NIH is saying that they cannot "effectively" determine or express the quantity of the risks or impacts from escape or release of agents. Nor is there any indication they tried. This does not appear to be in compliance with the following CEQ regulations, and especially, the requirement of 1502.22(b)(4).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 62-90   | Please see Section 1.7.3 where comments on risk were addressed. |
|       | <p><b>6.2.4.a NIH is required to assess consequences.</b></p> <p>40 CFR 1502.16 ENVIRONMENTAL CONSEQUENCES:</p> <p>“This section forms the scientific and analytic basis for the comparisons under 1502.14. It shall consolidate the discussions of those elements required by sections 102(2)(C)(i), (ii), (iv), and (v) of NEPA which are within the scope of the statement and as much of section 102(2)(C)(iii) as is necessary to support the comparisons. The discussion will include the environmental impacts of the alternatives including the proposed action, any adverse environmental effects which cannot be avoided should the proposal be implemented, the relationship between short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and any irreversible or irretrievable commitments of resources which would be involved in the proposal should it be implemented. This section should not duplicate discussions in 1502.14. It shall include discussions of: (a) Direct effects and their significance (1508.8). (b) Indirect effects and their significance (1508.8). (c) Possible conflicts between the proposed action and the objectives of Federal, regional, State, and local (and in the case of a reservation, Indian tribe) land use plans, policies and controls for the area concerned. (see 1506.2(d).) (d) The environmental effects of alternatives including the proposed action. The comparisons under 1502.14 will be based on this discussion. (e) Energy requirements and conservation potential of various alternatives and mitigation measures. (f) Natural or depletable resource requirements and conservation potential of various alternatives and mitigation measures. (g) Urban quality, historic and cultural resources, and the design of the built environment, including the reuse and conservation potential of various alternatives and mitigation measures. (h) Means to mitigate adverse environmental impacts (if not fully covered under 1502.14(f)).”</p> |         |                                                                 |

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62-91

**6.2.4b DEIS fails to comply with regulations in discussing risk.**

**40 CFR 1502.22 INCOMPLETE OR UNAVAILABLE INFORMATION:**

“When an agency is evaluating reasonably foreseeable significant adverse effects on the human environment in an environmental impact statement and there is incomplete or unavailable information, the agency shall always make clear that such information is lacking. ... (a) ... (b) If the information relevant to reasonably foreseeable significant adverse impacts cannot be obtained because the overall costs of obtaining it are exorbitant or the means to obtain it are not known, the agency shall include within the environmental impact statement: (1) A statement that such information is incomplete or unavailable; (2) a statement of the relevance of the incomplete or unavailable information to evaluating reasonably foreseeable significant adverse impacts on the human environment; (3) a summary of existing credible scientific evidence which is relevant to evaluating the reasonably foreseeable significant adverse impacts on the human environment, and (4) the agency's evaluation of such impacts based on theoretical approaches or research methods generally accepted in the scientific community. For the purposes of this section, "reasonably foreseeable" includes impacts which have catastrophic consequences, even if their probability of occurrence is low, provided that the analysis of the impacts is supported by credible scientific, is not based on pure conjecture, and is within the rule of reason.”

**40 CFR 1508.27 SIGNIFICANTLY:**

"Significantly" as used in NEPA requires considerations of both context and intensity: (a) Context. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the local rather than in the world as a whole. Both short and long-term effects are relevant. (b) intensity. This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following should be considered in evaluating intensity: (1) Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial. (2) The degree to which the proposed action affects public health or safety. (3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas. (4) The degree to which the effects on the quality of the human environment are likely to be highly controversial. (5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks. (6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future action. (7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts significance exists if it is reasonable to anticipate a cumulatively significant

### Comment

### Response

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Please see Section 1.7.3 where comments on risk were addressed.

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impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts. (8) The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historic resources. (9) The degree to which the action may affect an endangered species or its habitat that has been determined to be critical under the Endangered Species Act of 1973. (10) Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

The DEIS disclosed that the: "Potential added risk to the community from the Proposed Action cannot be effectively quantified." (DEIS 4-2)

It appears that the DEIS's dismissive treatment of the safety concerns and risks analysis fails to comply with 40 CFR 1502.16, 1502.22, 1502.24, 1508.8 and 1508.27, et seq.

**6.2.4c Risk assessment is a common practice of the Federal Government.**

In other situations the Federal Government has undertaken a risk assessment even though the probabilities were not firmly defined.

Risk assessments are required in DOD Acquisitions (DOD 2000). For an example of how these methods are applied to RML risks, see Appendix C.

The fact that it is difficult to assess risk in this case does not mean that it is impossible to quantify in an EIS. For example, in the Bison Management Plan for the State of Montana and Yellowstone National Park brucellosis transmission was identified as a potential significant impact within the scope of the EIS. That EIS clearly states (National Park Service FEIS Volume I, page 29) that there has never been a documented transmission of brucellosis between buffalo and cattle: "No documented cases exist of wild, free ranging male bison transmitting brucellosis to domestic cattle." Nevertheless, a detailed analysis of the potential for Yellowstone buffalo to transmit brucellosis to cattle was calculated and included in the EIS (Volume I Environmental Consequences - Impacts on Socioeconomics pages 514-557). *Similarly a full risk analysis of the potential for a release of a BSL-4 agent to the community can and must be included in this DEIS.*

**6.2.4d Risk assessment is a stated need in NIH and Biological Safety Principles.**

The CDC and NIH document the need (NIH/CDC, 1999) and textbooks on the subject also document the need for risk assessments. (FLEMING, 2000).

**6.2.5 Claim that there has never been a "confirmed" release is entirely unsubstantiated.**

NIH's DEIS tries to allay the public's concerns about risk, safety, and adverse impacts by unequivocally stating that: "In more than thirty years of working with BSL-4 agents in the U.S., there has never been a confirmed release to the community from a laboratory (Wilson, 2003)." (DEIS 4-2)

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The DEIS only later discloses elsewhere, that the Wilson quote was only in the form of a "personal communication"(DEIS L-5).

62-92

The citation to back up the claim is a personal communication with Dr. Deborah Wilson. No explanation of Dr. Wilson's background or occupation other than "OSHB, DS, NIH." These acronyms need to be clarified. In addition, the fact that the oldest BSL-4 in the U.S. at CDC in Atlanta was built in 1978 (just 25 years ago, not 30) the credibility of the "personal communication" is weakened. A more credible source should be cited for this claim, or it should be removed from the document.

**6.2.6 There has been a reported terrorist attack using agents traced to a US government BSL-4 Lab.**

The press has reported DNA analysis evidence of the anthrax powder that appeared in our nation’s capital came from a U.S. government-run BSL-4 lab.

62-93

**6.2.7 The DEIS ignores the fact that the risk of a release of infectious material to the surrounding community will rise significantly with the addition of new laboratories and the increase in frequency of experiments.**

According to our information regarding Dr Fauci's hearing testimony, it appears that there are only three currently operating BSL-4 facilities in the United States; CDC in Atlanta, Georgia; Fort Dietrich, Maryland; and 'one operational in Texas'. (Dr. Fauci; June 10, 2002; Homeland Security)

The 12/15/2000 memo released under the FOIA by NIAID's Mr. Paul Marshall (FOIA Coordinator) appears to place the BSL-4 labs in different locations: "Biosafety level-4 laboratory space in the United States is currently limited to three facilities located in Bethesda and Fredrick, Maryland, and Atlanta, Georgia. One additional facility is planned for construction in Galveston, Texas".

If it is accurate that there are three currently "operating" BSL-4 labs in the United States, then that very small number of operating BSL-4 labs is what the NIH is holding up to demonstrate the BSL-4 lab's 'perfect' safety record.

Additionally, according to a Missoulian newspaper article, the DEIS may have made an error when they stated that BSL-4 labs have operated for 30 years with a perfect safety record: “Karl Johnson, the virologist who built the first BL-4 in 1978 in Atlanta ... said Hamilton and the Bitterroot Valley have nothing to worry about. BL-4 labs are safe, necessary and will allow even better research to go on in Montana.” Johnson is on a committee reviewing the design plans for Rocky Mountain Labs' proposed BL-4. (Missoulian State Bureau, 'In the 'Hot Zone'; by Jennifer McKee; September 15, 2002)

Cont. on next page

62-94

Subtracting 1978, (assuming it even actually "started" in 1978), from 2003 indicates it's really only about 25 years, not 30 years, that the one particular CDC Atlanta lab has been in operation. The DEIS failed to disclose when either of the other two operating BSL-4 labs were built and actually went into operation.

**Comment**

**Response**

62-92

This information was included in the List of Preparers in the SDEIS. It appears again in the FEIS. Please also see Appendix D, Review of Biocontainment Laboratory Safety Record.

62-93

Please see Section 1.7.3 where comments on risk were addressed.

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62-94

The bottom line is that it is likely that no BSL-4 facility in the U.S. has operated safely for 30 years as was stated in the DEIS.

It appears that only one lab has operated for about 25 years (or less, counting construction time); and, no data has been given for how long the other two existing labs have been in actual operation. Three BSL-4 labs operating 25 years, or likely less, is a very small sample or data base for the NIH's DEIS to use to assume, and/or assure the public of, absolute safety. This does not appear to rise to NEPA's requirement for a "hard look" and "full disclosure".

Some proponents for the new BSL-4 facility in Hamilton have dismissed public concerns regarding the potential risks of constructing the lab.

A newspaper article by the Medford Mail Tribune discussed some of the risk and safety concerns: RML has a long record of discovery and safety. It developed a vaccine for Rocky Mountain spotted fever and discovered the bacterial makeup of tick-borne Lyme disease. However, Dr. Linda Perry, a former employee at RML says that, unlike previous RML research, the work proposed for the new lab will involve mysterious pathogens, such as the flesh-eating Ebola virus about which little is known. "Science has little understanding of how these disease agents are spread," Perry said. "This alone heightens the risk of an employee not realizing he or she is infected and walking out of the lab into the community." Once loosed among unsuspecting residents, Perry says the lab's mystery disease agents could turn Hamilton into a "biological ghost town." (Bio-fear in the Bitterroot Valley; Medford Mail Tribune; by Les AuCoin; Environmental News Service 7/14/03)

In that same article, the newspaper further reported that: ... others say they are willing to be convinced the lab will be safe but the nagging question remains: "Why Hamilton?" Along with many residents of Ravalli County, they suspect, as in the case of the government's storage of radioactive wastes at Hanford, WA and Yucca Mountain, that NIH picked their town because it is geographically remote and politically weak. A Biosafety Level 4 lab was built several years ago on the Bethesda, MD campus of NIH but it has never been used for this purpose. Maryland has a ten-member congressional delegation, more than three times the numerical strength of Montana's contingent. Hundreds of other members of Congress live in Bethesda, an affluent suburb of Washington, D.C. However, opponents used the Freedom of Information Act to access NIH documents concerning Hamilton. One memo cited the town's "rural location" and "sparse population" to suggest that a release of deadly pathogens would not cause "catastrophic damage." "That's an unsigned memo written on a paper with no letterhead," [an RML representative] protested. "You can't associate it with NIH's official attitude." Still, someone at NIH thought those thoughts. .... (Bio-fear in the Bitterroot Valley; Medford Mail Tribune; by Les AuCoin; Environmental News Service 7/14/03)

It appears possible that the Bethesda, Maryland citizens were concerned enough about the BSL-4 facility at NIH that they prevented its use - after it was physically constructed.

**Comment****Response**

62-94

The DEIS never says that BSL-4 labs have operated for 30 years with a perfect safety record. The DEIS (and FEIS) says that in 30 years of working with BSL-4 agents in the U.S., there has never been a confirmed release to the community from a laboratory. The citation and statement are correct.



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- 62-97** { **6.2.9 Specific information requested to aid in understanding the analysis.**  
Ref. DEIS 2-1 and 2-8. *Who is going to train them and supervise? How much experience do they have?*
- 62-98** { Ref. DEIS 2-2. *Disclose the safety record of HEPA filters and the ability to test their effectiveness to the specifications claimed in the DEIS.*
- 62-99** { *What is the present existing level of treatment at the water treatment plant? Describe and explain in detail.*
- 62-100** { Ref. DEIS 2-8. Laboratory security, "safety policies and procedures would be reviewed whenever an incident occurs or a new threat is identified." *Who would be reviewing the safety and policy procedures? Would the policies and procedures be reviewed more often, absent an incident or event? If there were an incident, would this information be released and/or made available to the public in a timely manner?*
- 62-101** { Ref. DEIS 2-9 and 4-1. *When will the emergency plan be available for review by the public? It should be released as part of the DEIS.*
- 62-102** { Ref. DEIS 2-10. "Relocation would take approximately 10 years and an estimated \$1 billion." *How was this estimate made?*
- 62-103** { Ref. DEIS 2-10. *Regarding \$66.5 million for construction which has been allocated by Congress, please provide budget line item and, if it is included in a larger line item, to what uses the other allocations will be put.*
- 62-104** { Ref. DEIS 3-4. *What level of training do the security guards currently working at RML have? What level of training and experience would federal security guards have?*
- 62-105** { *Is there a fire protection plan for RML? If so, the DEIS should reference it.*
- 62-106** { Ref. DEIS 3-5. Health Care. *What plan is in place if an employee of RML is exposed to a pathogen? A deadly pathogen? How would the person be transported to the hospital? How would the transportation vehicle be decontaminated after exposed person was transported? How long would a decontamination procedure take and how long would it tie up resources, or be out of commission, due to transport and decontamination?*
- 62-107** { Ref. DEIS 3-5. Transportation. "Nearly 69 percent of recorded collisions occurred on U.S. 93." Note that, according to MDT Annual Safety Report, US Highway 93 has an accident rate significantly better than the other roads in Ravalli County, on average. Thus, the reference here is flawed.  
  
This may not be reassuring since pathogens will most likely be transported via ground shipments and along Highway 93, increasing the likelihood of the transport vehicle getting into a collision and possibly releasing deadly pathogens into the environment or exposing the driver of the transport vehicles and others who may be at the scene of the

**Comment****Response**

- 62-97** Please see Section 1.7.1 where comments on the required training for laboratory workers and their supervision were addressed.
- 62-98** Information on the safety of HEPA filters may be found online at <http://www.engr.psu.edu/ae/wjk/fom.html>. It discusses single HEPA filters and their efficiencies related to microbial aerosols. The Integrated Research Facility would use double HEPA filtration.
- 62-99** Please see Section 4.8.1.1 where the Hamilton water system is discussed.
- 62-100** Please see Section 1.7.1 where comments on safety procedures were addressed.
- 62-101** Please see Section 1.7.2 where comments on the emergency plan were addressed.
- 62-102** Please see Section 2.2.2.2.
- 62-103** Please see Section 1.7.4 where issues or concerns outside the scope of the EIS were addressed.

Remainder of responses on following page.

| <b>Comment</b> | <b>Response</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>62-104</b>  | All contract security guards must successfully complete training in Basic Security Training Curriculum (training in topics such as firearms safety/handling, vehicle inspection techniques, security patrol methods, search and seizure, enforcing the law, communication, ethics and professionalism), orientation training and supervisory training. Guards and supervisors complete a quarterly refresher training based on basic and orientation training topics. Police officers within the Division of Police must graduate from the Federal Law Enforcement Training Center’s Mixed Basic Police Officer Training Program, or a Police Academy that meets the criteria. They must also complete 40 hours of annual in-service training, semi-annual firearms training, security training, specialized training, and supervisor/ management training. |
| <b>62-105</b>  | Please see Section 2.1.1 where fire protection is addressed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>62-106</b>  | Please see Section 1.7.1 where requests for additional information on the alternatives were addressed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>62-107</b>  | Please see Section 1.7.2 where comments on the emergency plan were addressed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

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accident.

**6.2.10. Community Safety discussion is misleading.**

Section 4.2.1.1 states:

"...the nature of transmission of many diseases that would be studied at RML provides a natural mechanism controlling their spread in a community."  
(DEIS 4-5)

The claim being made is that some BSL-4 diseases are those that require an intermediate host or direct contact with infected bodily fluids, which reduces the risk of spread within a community. However, it must be made clear in this section that U.S. government's priority for research in new BSL-4 labs is to study diseases which could be used as an agent of bioterrorism - diseases for which person-to-person aerosol transmission is possible. Section 125 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 states:

“Section 319F(h) of the Public Health Service Act, is amended to read as follows:

319 F (h) (2) Priority. --The Secretary shall give priority under this section to the funding of research and other studies related to priority countermeasures...

(4) Priority countermeasures. --For purposes of this section, the term 'priority countermeasure' means a drug, biological product, device, vaccine, vaccine adjuvant, antiviral, or diagnostic test that the Secretary determines to be--

(A) a priority to treat, identify, or prevent infection by a biological agent or toxin listed pursuant to section 351A(a)(1), or harm from any other agent that may cause a public health emergency;

**62-108** { Tick borne diseases, or other diseases which are difficult to transmit person to person are not usually considered diseases which "may cause a public health emergency" and thus are not a priority for funding. *The claim that "many" of these diseases would be studied at RML is therefore misleading and should be removed from the DEIS.*

**6.2.11 Impact and risk of lab-acquired infections or diseases for RML workers is not disclosed.**

Standard and Special Safety Practices for Biosafety Laboratories (DEIS-Appendix C) as it applies to existing BSL-3 facilities has not prevented lab-acquired infections or occupational diseases for RML employees and scientists.

Poor adherence to lab safety procedures or practices at Rocky Mountain Labs led to an incident in April 2001 involving the exposure of virulent Y. Pestis, the cause of plague, in lab environment and to workers who entered the lab. After the incident, Ted Hackstadt, Chair of Rocky Mountain Lab's Biosafety Committee recommended: "that all work with

**Comment**

**Response**

**62-108**

This assumption that **only** diseases that can be used for bioterrorism would be studied at the Integrated Research Facility because of funding priorities is incorrect. Please see Chapter I.

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virulent Y. Pestis be suspended until it can be carried out in the new facility under strict BL3 containment."

(Ted Hackstadt, PHD Chair RML Biosafety Committee to [name deleted], memorandum on Possible Y. Pestis exposure, April 17, 2001)

As of 1999, there was no national reporting system in place for lab-acquired infections of diseases or illnesses. Two separate lab-acquired diseases and claims for compensation have been made at Rocky Mountain Labs for exposure to Chlamydia and Tuberculosis. An additional employee claim for compensation was filed for lab exposure to Y. Pestis.

(Biosafety in Microbiological and Biomedical Laboratories Manual, U.S. Dept of Health and Human Services, Public Health Service, Centers for Disease Control and Prevention and National Institutes of Health, 4th Edition, May 1999 (Guest Editor: David Hackstadt PHD RML)

Nigel Strozier, Claims Examiner Dept. of Labor, Employment Standards Administration, Officer of Worker's Compensation, Occupational Disease Claim, February 9, 1999.

Employment Standards Administration, Office of Workers Compensation, Occupational Disease Claim, December 7, 2000.

Notice of Occupational Disease and Claim for Compensation, Dept. of Labor, Employment Standards Administration, Office of Workers Compensation, May 3, 2001)

**62-109** { *Provide a risk analysis of current and projected health impacts of RML workers acquiring infectious disease(s) or being exposed to aerosolized biological agent(s).*

Lab Inspection and NIH Lab Safety Surveys (2000-2002) found numerous examples of poor adherence at Rocky Mountain Labs to standard biosafety practices and inadequate or improperly maintained safety equipment:

- Blocking or obstructing safety features of Biosafety Cabinets and Chemical Fume Hoods
- Disabling audible alarms on Biosafety Cabinets and Chemical Fume Hoods
- Storing chemicals in Biosafety Cabinets
- Storing incompatible chemicals together
- Improperly identifying or not labeling chemicals
- Failing to secure gas cylinders
- Blocking sprinklers
- Blocking pathways
- Failing to provide safety showers, eye and hand wash stations in labs
- Improper placement of safety/biohazard signs on lab doors
- Overfilling sharps containers
- Providing out-of-date fire extinguishers
- Overloading outlets
- Wedging BSL-2 lab doors open

### Comment

### Response

**62-109**

Please see Section 1.7.3 where comments on increased risk were addressed.

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(LAB INSPECTION SUMMARY 2000; NIH Lab Safety Surveys, 8/25/00; 9/15/00; 7/19/01; 7/23/01; 7/26/01; 7/27/01; 8/1/01; 8/07/01; 7/25/02; 7/30/02; 7/31/02; 8/1/02; and 8/6/02)

In March 1994 a lab worker removed his flow hood while handling Mycobacterium tuberculosis a "pathogenic material highly resistant to anti-tuberculosis drugs." Co-workers informed him that biosafety cabinet exhaust "fan was malfunctioning." The lab worker was unaware of the malfunctioning safety feature as "the audible alarm was disabled since the hoods require so long to balance."

(Clifton E. Barry III Unit Head Mycobacterial Research Unit, LICP, to RML Biosafety Committee, memorandum on Potential Exposure [of name deleted] to Mycobacterium, April 21, 1994.)

In 1996 Rocky Mountain Labs was notified that hospital-grade facemasks for lab workers conducting pathogenic tuberculosis research did not "efficiently filter out aerosolized bacteria."

(Clifton E. Barry III Tuberculosis Research Unit, LICP, RML, DIR, NIH to Biosafety Committee, memorandum on Notification of skin test conversion of [name deleted] and procedural changes in the P-3 facility, August 30, 1996)

**6.2.12 Biosafety procedures are inadequate because they are not mandatory.**

The safety publications issued by NIH are for guidance only and therefore lack the essential requirement to insure that safety requirements will be complied with. In fact, the failure to impose safety requirements increases the risk of accidents.

*The DEIS should assess the impact on safety in an environment where the staff does not have specific requirements for compliance that is enforced by an independent chain of command.*

*The DEIS should clearly spell out which requirements are enforced and which are optional.*

**6.3 Failure to disclose and mitigate Fire Protection, Emergency Planning, Preparedness, Response and Communication Measures.**

The proposed action and no action alternatives fail to adequately disclose and mitigate fire protection, community safety, emergency containment of an infectious agent or hazardous chemical accident at RML. These failures include system inadequacies, planning and preparedness measures, training and provision of equipment to protect the community, emergency responders and lab employees. Emergency response is identified (DEIS 4-5) as a means to "reduce the potential for release of an agent to the environment or community." Yet this aspect of prevention and containment is sorely lacking in

**Comment**

**Response**

**62-110** Please see Section 1.7.3 where comments on increased risk were addressed. Please also see Section 1.7.1 where requests for addition information on the alternatives were addressed.

**62-110**

**62-111**

Cont. on next page

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- 62-111** { analysis of baseline conditions and disclosure of critical information for the public to make informed comments.
- RML’s Emergency Plan (DEIS 2-9) states that: "Local police, fire, and other emergency responders would be informed of the types of biological materials used in the laboratory and consulted in developing an emergency response plan."
- It is unacceptable from a community standpoint to simply "consult" emergency responders in planning contingencies for emergencies at RML’s expanded BSL-4 facility. *Police, fire fighters, hazardous materials response, medical services personnel are an integral part of community safety and need to be involved in each phase of communicating, planning, preparing, responding, containing and mitigating emergencies that do and will arise at RML. Include the information in a new DEIS.*
- 62-112** {
- RML has failed to adequately describe the full range of existing emergency preparedness and community safety issues as evidenced by statements such as this (DEIS 4-7): "Procedures and protocols would also be established with local emergency response agencies to address responsibilities of each agency in the event of an emergency at RML." In other words, these procedures and protocols are not currently in place.
- 62-113** {
- A July 2002 Fire Protection Survey Report of RML identified Priority fire prevention, protection and response issues at which resources should be directed to correct these valid concerns. Designation of a Priority fire safety issue presents: "major life safety hazards or conditions which could severely impact on the ability to accomplish vital missions and are those which attention and resources should be directed." Priority fire safety issues identified at Rocky Mountain Labs in July 2002 fire inspector report include:
- Absence of an on-site preventative maintenance program for fire protection systems - fire suppression and fire alarms for all buildings on campus.
  - Absence of a formalized fire protection agreement with local fire department for response and abatement of emergencies covering: 1) Emergency forces notification, 2) Incident command structure, 3) Preplanning of target hazards, 4) Joint training efforts, and 5) Replacement of lost and damaged equipment.
  - Developing a basic level training program for Fire Brigade commensurate with hazards at Rocky Mountain Labs and expected levels of performance, and provision of personal protective equipment.
  - Examining procedures for retransmitting fire alarms to emergency responders. On-site security do not to automatically call Hamilton Fire Department during a fire alarm, instead "off-duty maintenance personnel are paged to investigate the condition."
- (Fire Protection Survey Report, July 30, 2002)

| Comment       | Response                                                                               |
|---------------|----------------------------------------------------------------------------------------|
| <b>62-111</b> | Please see Section 1.7.2 where comments on the emergency plan were addressed.          |
| <b>62-112</b> | Please see Section 1.7.3 where impacts on the community infrastructure were addressed. |
| <b>62-113</b> | Please see Section 1.7.3 where impacts on the community infrastructure were addressed. |

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| Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>62-114</b> { <b>6.3.1 Under the No Action alternative, describe how RML has effectively corrected and addressed each of the Priority fire safety issues identified in the 2002 fire inspection.</b></p> <p>The 2002 Fire Protection Survey Report also notes: "Formal communications procedures are critical in dealing with the response to fire and hazardous materials incidents involving chemicals and biological agents."</p> <p>(Fire Protection Survey Report, July 30, 2002)</p>                                                                                                                                                                                                                                                             | <p><b>62-114</b> The recommendations have been addressed through training, access for first responders, and preventive maintenance contracts have been initiated and in some instances completed. Radios, alarms, and personal protective equipment have been made available. A memorandum of understanding with the local fire department is being executed.</p>                                                                                                                                                    |
| <p><b>62-115</b> { <b>6.3.2 Under the Proposed and No Action alternatives, describe how RML has effectively incorporated local emergency responders in its formal communications systems for fire prevention, emergency planning, preparedness and response efforts.</b></p> <p>In the minutes of RML's Safety Committee there is a discussion on an Evacuation Plan for RML: "Kaye [Bergman] mentioned that with no general alarm yet in place for all buildings, we currently do not have a method for personnel in all parts of the grounds to hear a signal for evacuation." The minutes also noted: "Breach in air handling [of a Biosafety Cabinet] in Building 6 on April 23, 2002."</p> <p>(RML Safety Committee Meeting Minutes July 18, 2002)</p> | <p><b>62-115</b> RML staff meets periodically with representatives from the FBI, U.S. Attorney's Office and other local law enforcement to share information and strengthen communication among these groups. RML is a member of the Montana Anti-Terrorism Task Force, and the Ravalli County Local Emergency Planning Committee, and the Ravalli County Terrorism Preparedness Task Force and will participate in the Ravalli County Pre-Mitigation Plan authorized under the Disaster Mitigation Act of 2000.</p> |
| <p><b>62-116</b> { <b>6.3.3 Under the Proposed and No Action alternatives, describe RML's current evacuation plan and provision for alarms systems alerting all RML employees to evacuate the facility.</b></p> <p><i>Under the No Action alternative, describe how RML meets or exceeds requirements of all applicable codes, standards and guidelines of the National Fire Protection Association, National Institutes of Health and National Electrical Code.</i></p> <p><i>Under the Proposed and No Action alternatives discussion (DEIS 3-4 and 3-5) of affected environment fails to disclose levels and availability of local Hazardous Materials training, equipment and response personnel for existing or needed contingencies at RML.</i></p>   | <p><b>62-116</b> RML's evacuation plan focuses on four response procedures. They include: total evacuation, shelter in place, lockdown, and room clear. The nature of the emergency determines the response. Evacuation drills are conducted semi-annually. Alarm systems consist of an audible alarm and a strobe light. The evacuation team has 50 full time employees.</p>                                                                                                                                        |
| <p><b>62-117</b> { <b>6.3.4 Describe the procedures for verifying the efficacy and safety of protective gear and lab equipment at RML.</b></p> <p>As late as December 2000, Rocky Mountain Labs had no procedure in place to ensure that pathogens received by the facility were inactive as required. Additionally, lab safety hoods were not operating properly, and deficiencies in air handling were still being identified.</p> <p>(RMMB Meeting Minutes, Claude Garon, Lori Lubke, Dave Dorward, Fred Hayes, Elizabeth Fischer, and Penny Gaddy-Rhodes present, Discussion Processing Samples in RMMB, December 4, 2000)</p>                                                                                                                          | <p><b>62-117</b> Depending on the system, inspections occur with each use, daily, monthly, quarterly, and annually.</p>                                                                                                                                                                                                                                                                                                                                                                                              |

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**62-118** { 6.3.5 Describe the procedures for verifying that pathogens transported to RML are inactive, and how these procedures will be implemented for BSL-4 pathogens.

**62-119** { 6.3.6 Describe the procedures for verifying operational capability of safety features on biosafety cabinets.

**62-120** { 6.3.7 Describe in detail what, if any, consequences are instituted at RML for lab employees who fail to follow safe practices and procedures for studying and handling biological agents.

**6.4. Impact on the Environment is not disclosed.**

**6.4.1 Air Quality.**

The environmental impact of the project on air quality must be discussed in greater detail. The only data given is Table 4-4 (DEIS 4-14) showing potential maximum emissions. This is inadequate to assess the actual impacts of the proposed project and does not take into account the pollution prevention mandate of the Department of Health and Human Services. *A full comparative analysis is required to show existing air quality conditions, the impact on air quality from the preferred alternative, the impact on air quality from pollution prevention alternatives (such as elimination of the incinerator as a disposal method, and the use of SCONOX technology.) Please include the following information:*

**62-121** { *No Action Alternative:*  
Current emissions (at current average use levels)  
Current maximum potential to emit  
Impact on ambient air quality (i.e. the results of analysis done by Doucet and Mainka, 1999)

*Preferred Alternative:*  
Expected emissions (at expected use levels)  
Expected maximum potential to emit  
Impact on ambient air quality (including during atmospheric inversions)

*Pollution Prevention Alternatives:*  
Expected emissions (at expected use levels)  
Expected maximum potential to emit  
Impact on ambient air quality (including during atmospheric inversions)

**6.4.2 Lack of analysis of impact to nearby Selway Bitterroot Wilderness.**

The nearest Class 1 Area is the Selway Bitterroot Wilderness just six miles west of RML. Section 4.7.1.1 of the DEIS states:

“The air modeling analysis conducted for RML predicted air emission would be within Montana and federal air quality standards. These emissions are not expected to visibly affect or modify air quality in Class I areas.” (DEIS 4-14)

**Comment**

**Response**

**62-118** Pathogens are not required to be inactive to be transported.

**62-119** Please see Section 1.7.1 where requests for additional information on the alternatives were addressed.

**62-120** Administrative penalties are applied as prescribed by Personnel regulations.

**62-121** Please see Section 1.7.3 where comment on the impacts on air quality were addressed.

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62-122 { No source is referenced for this analysis. Simply stating that the impacts on air quality are not expected to affect the Class 1 area does not constitute "evidence that the agency has made the necessary environmental analyses." (40 CFR 1502.1) *The analysis should be clearly explained, referenced and included as an appendix in the DEIS.*

62-123 { **6.4.3 Lack of analysis of air quality during inversions.**  
The analysis referred to (DEIS 3-16) regarding modeling of meteorological data with respect to atmospheric inversions should also be clearly explained, referenced and included in the DEIS. *All analyses on the impact of air quality by the different alternatives should consider the impact on air quality during atmospheric inversions.*

**6.4.4 Unclear claims on particulate matter emissions.**

Section 4.7.2. Cumulative Effects, states:

“Under the Proposed Action the minor increase in emissions would be added to emissions from the other 11 permitted sources in the county. A decrease in particulate matter emissions from reasonably foreseeable actions would occur as undeveloped areas are used for buildings and paved for parking.” (DEIS 4-14)

62-124 { As stated above, no data is included to allow one to compare current emissions with expected emissions. Thus, the phrase "minor increase in emissions" is vague and subjective. The phrase needs to be clarified with data. Secondly, the confusing claim that particulate matter emissions would decrease is also unjustified with data. No data is presented (nor any analyses referenced) regarding current or expected fugitive dust emissions, which might decrease with development and paving. The DEIS appears to imply that this uncalculated decrease in particulate matter emission are expected to offset the "minor increase" in particulate matter emissions that are predicted by the increase in use of the incinerator, the added emergency generator and new boiler. *This claim is highly doubtful and must either be justified with data, or reworded for accuracy.*

**6.4.5 Surface Water – Failure to disclose impacts.**

Failure to disclose impact on MPDES permit.

62-125 { Rocky Mountain Laboratories currently holds an MPDES permit for discharge into the Bitterroot River. This permit is never mentioned in the DEIS. *If there are any impacts to this permit or this discharge on surface water, it should be clearly states in the DEIS. If there are no impacts, this should also be clearly stated.*

62-126 { **6.4.6 Ground Water quantity and quality – Failure to adequately analyze impact.**  
The analysis of ground water does not assess the cumulative impacts of the large use by RML and the impact of the unique waste generated by RML that may end up in the ground water.

**6.4.7 Impacts of solids in wastewater not adequately addressed/analyzed.**

Section 4.8.1.1 states:

| Comment | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|---------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 62-122  | Please see Section 1.7.3 where impacts on air quality were addressed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 62-123  | Please see Section 1.7.3 where impacts on air quality were addressed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 62-124  | Please see Section 1.7.3 where impacts on air quality were addressed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 62-125  | Until 2002, RML held a Montana Pollution Discharge Elimination System Permit (MPDES No. MT0028487) that allowed discharge of cooling water and stormwater to an area west of the C&C ditch. The discharge outflow for this permit was located approximately 100 feet northwest and down gradient of the facility. Due to changes in facility operations, cooling water is no longer discharged and the permit was allowed to expire on November 30, 2002. An industrial stormwater permit is not required under RML’s Standard Industrial Classification (SIC) Code (SIC Code 8071). |
| 62-126  | Please see Section 1.7.3 where impacts on water and wastewater were addressed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

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"The load of solids in RML’s current wastewater stream is small relative to the volume of liquid (Lowry 2003). New operations at the Integrated Research Facility would increase the solids load in wastewater from RML, but the increase is not quantifiable." (DEIS 4-15)

62-127 { While this section has more detailed information on the amount of water they expect to consume with the new lab, the DEIS claims that the increase in solids loads in RML’s wastewater is "not quantifiable". The claim that the load of solids is "small relative to the volume of liquid" is referenced to a personal communication with the Director of Public Works. This is a general statement of common knowledge, not an analysis of solids loads in wastewater. The load of solids in the wastewater is an important issue - as the solids treatment at CHDPW is already at near capacity. *The increase in solids need to be quantified, in order to determine if RML alone would cause the CHDPW to need to upgrade their solids handling system.* The document (DEIS 3-18) indicates several ways in which the solids load would increase: increased use of the incinerator means more blow down water from the incinerator scrubber, and more dust suppression from removal of incinerator ash.

62-128 { In addition, the document (DEIS 2-6) discusses the addition of the biowaste cookers, which will discharge into a 12,000-liter holding tank -which will be added slowly (in order to dilute the solids) to the rest of the wastewater stream. The identification the size of the holding tank needed indicated that an estimate of the amount of solids expected to be generated has been made. The calculation to predict the amount of solids in the wastewater is not impossible or "not quantifiable." *Calculations can and must be done to assess the impact of solids from the preferred alternative on the solids load to CHDPW.*

62-129 { **6.4.8 Lack of accounting for discrepancy between water usage/wastewater disposal.** Section 3.8 states that the current average monthly water consumption is 1.7 million gallons which calculates to roughly 55,000 gallons per day (DEIS 3-18). This section later states that RML’s current wastewater effluent rate is 15,000 gallons per day. Section 4.8 however states that wastewater discharge would increase by 15,000 gallons per day to a total of 60,000 gallons per day (DEIS 4-15). *The discrepancy between the two wastewater estimates should be reconciled. In either case, the water consumed but not discharged as wastewater (which is either 10,000 gallons per day or 40,000 gallons per day depending on which estimate is correct) should be accounted for in the DEIS.*

**6.4.9 Wetlands - Impacts not fully analyzed.**  
Impact of fugitive dust from construction on wetlands.

62-130 { Section 3.9.4.1 (DEIS 3-21) states that: “The closest wetland is approximately 430 feet west” of the site for the BSL-4 lab. This wetland will likely be impacted by fugitive dust and increased sediment loading from wastewater runoff during construction. *An analysis of this impact and mitigation measures to prevent impacts must be included in the DEIS.*

| Comment | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|---------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 62-127  | Please refer to Section 1.7.3 where comments on wastewater were addressed. According to CHDPW’s wastewater engineer, the CHDPW facility is already at its solids handling capacity and the City of Hamilton is planning to construct a temporary solids storage basin to meet current requirements in the interim until a CHDPW facility expansion plan is prepared. The CHDPW would need to upgrade solids handling capacity even if the Integrated Research Facility were not built. |
| 62-128  | Please see Section 1.7.3 where impacts on the community infrastructure were addressed.                                                                                                                                                                                                                                                                                                                                                                                                 |
| 62-129  | Please see Section 1.7.3 where impacts on the community infrastructure were addressed.                                                                                                                                                                                                                                                                                                                                                                                                 |
| 62-130  | Please see Section 1.7.3 where impacts on the community infrastructure were addressed.                                                                                                                                                                                                                                                                                                                                                                                                 |

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**6.4.10 Endangered Species.**

RML claims (DEIS 3-23) that: "The proposed laboratory expansion would not disturb areas beyond the existing campus area; therefore, no effect on threatened or endangered species or their critical habitat would result from the Proposed Action."

**62-131** { Though the "nearest known bald eagle nest" (DEIS 3-23) is identified at the Teller Wildlife Refuge, the DEIS does not disclose how wintering and migrating bald eagles utilize the habitat adjacent to RML along the Bitterroot River for perching, foraging and loafing. Bald eagles are particularly sensitive to noise, and noise disturbances that cannot be observed from the bald eagles position.

**62-132** { Table 3-7 Measured Noise Around RML shows that dBA appears to peak on the southwest corner of campus and the west fence line (DEIS 3-9). Construction noise over the next two years combined with operation of the facility could become a human disturbance factor for threatened bald eagles. *Under the proposed action, provide a biological discussion of all direct, indirect and cumulative noise factors that could disturb bald eagles and their habitat adjacent to the RML facility along the Bitterroot River.*

"Sounds that are sporadic and observable may affect bald eagle nesting and perching behavior more than constant, predictable sounds produced by activities that can not be observed (MTFWP, Dennis Flath and Kurt Alt, and private consultant, Al Harmata per. Comm. 11/02/98, USFS Stangl pers. Comm.)." (Biological Assessment for the Horse Butte Bison Capture Facility - Site A2 Annual Operation from November 1 through April 30 Threatened and Endangered Wildlife, Janine Stangl, Sandy Kratville and Marion Cherry, November 30, 1998 page 14)

**62-133** { *Disclose the USFWS March 11 2003 communication on threatened and endangered species and their habitat.*

*Yellow-billed Cuckoo*

**62-134** { In Section 3.9.8.1, the paragraph on the Yellow-billed Cuckoo, states: "Yellow-billed Cuckoo are not known to occur in the Project Area". No reference is cited for this claim. *Given the Yellow-billed Cuckoo is a transient species and select well-concealed nest sites, and has been determined by the USFWS to potentially occur on the site, additional research is needed to determine whether or not the Yellow-billed Cuckoo inhabits the site and may be impacted.*

**6.4.11 Wildlife.**

**62-135** { *The DEIS should include a discussion of wildlife, including deer, rodents, fish, and bird that enter and leave the compound. An analysis of their risk of contacting toxins, physical hazards, lab animals and infections should be disclosed.*

**Comment**

**Response**

**62-131** Please see Section 1.7.3 where comments on the effects of Threatened and Endangered Species were addressed. Bald eagles are sensitive to loud, rapid-fire noises such as those used (with limited success) to get them to move away from military installations and airports.

**62-132** Please see Section 1.7.3 where comments on the noise analysis were addressed. Please also see response to comment 36-2.

**62-133** As stated in the EIS, the US Fish and Wildlife Service provided a list of endangered and threatened species. The list included all of Ravalli County.

**62-134** A reference has been included. Yellow-billed cuckoo habitat does not occur in the immediate location of the proposed construction.

**62-135** Laboratory animals are kept in biosafety containment and therefore wildlife are not at risk for contact with toxins, laboratory animals, and infections. It is not anticipated that wildlife will come in contact with any physical hazards due to construction or operation of the Integrated Research Facility or RML.

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**6.4.12 Solid waste disposal.**

The only reference in the DEIS to the non-infectious solid waste stream generated by RML is in Section 2.1.2:

**“Disposal of Non-Contaminated Material**

Waste that has not come in contact with a biohazardous, radioactive or chemical material is considered non-contaminated and would be disposed of as general waste. This would make up the majority of waste from the facility.” (DEIS 2-8)

62-136

The impact of solid waste should be given at least the same amount of analysis and attention as impact of wastewater analyzed in this DEIS. Stating that non-infectious waste would be disposed of "as general waste" is entirely vague. *This DEIS must include a full analysis of both the current and expected solid waste stream from RML. This analysis should include a general breakdown of types of waste, and data on the quantity of waste generated and method of disposal. The breakdown of waste that is land filled versus incinerated must be presented. The financial and environmental impacts of pollution prevention alternatives including the elimination of incineration as a disposal method must be discussed in this analysis.*

**6.4.13 Radioactive Material Use and Waste Disposal**

No reference is made in the DEIS to RML's past, current or projected use and disposal of radioactive material, yet this issue has significant impacts and effects on safety, health and the environment. *A full comparative analysis of the use and disposal of radioactive material should be included for all alternatives in the DEIS.*

*Specifically, this analysis should at minimum:*

*Discuss and provide information on the status of RML's Nuclear Regulatory license #25-01203-01.*

*Provide current and projected data on the amounts and kinds of radionuclides shipped to RML, and generated by the facility's cesium irradiator.*

*Provide current and projected data on the amounts, treatment and media disposition of solid and liquid radioactive wastes at RML.*

*Using the last 5 years of radioactive material use and waste disposal at RML as a baseline, provide scientific information on the health risks of radiation exposure to RML employees, an individual residing in Hamilton, a fetus or embryo.*

*Provide a meaningful discussion and information on safe procedures for handling radioactive material in a lab environment, securing and storing radioactive material at RML and treating radioactive waste materials.*

62-137  
Cont. on  
next page

**Comment**

**Response**

62-136

Please see Section 1.7.3 where comments on the impacts on the community infrastructure were addressed.

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**62-137**

*Provide scientific information on the cumulative impacts of RML incinerating and discharging radioactive waste into Hamilton city sewer. Include a discussion on the final disposition of incinerator ash.*

*Discuss and provide information of past radioactive disposal practices at RML that required environmental remediation and cleanup.*

**Comment**

**Response**

**62-137**

Please see Section 1.7.1 of the SDIES where requests for more information on the alternatives were addressed. Information on RML handling of radioactive materials has been included under the description of the No Action Alternative and expected use under the Proposed Action in Chapter 2. RML’s use of radioactive materials is regulated by the Nuclear Regulatory Commission to ensure that it has no effect on human health. Waste disposal methods are included in the description of the No Action alternative in Chapter 2. Past actions requiring remediation are outside the scope of the current EIS analysis.

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## 7. Failure to Disclose Impacts on Local Governments.

The direct and indirect effects on government and public finance are briefly discussed in section 4.3.1.1 (DEIS 4-8). This section states:

"Public finance revenues would increase with increased income tax on payrolls from construction and operation of the Integrated Research Facility, as well as the incomes of spouses and older children of RML employees, increased number of vehicles being licensed, and property tax revenues based on additional new homes and increased property assessments. Property taxes would increase as the needs of the county, cities, and special districts increase with new populations. How much increased revenue or cost could be attributed to the Proposed Action cannot be predicted." (DEIS 4-8)

### 7.1 Revenues from income tax, vehicle licenses and property taxes can and should be estimated for this DEIS.

These are not impossible calculations - especially given that the DEIS has identified both the number of expected new residents to Missoula and the wages they will be paid. The financial analysis is a significant factor in determining the impact the project will have on the economy.

In Section 4.3.1.2 the DEIS states:

"The No Action alternative would not have direct economic impacts. An opportunity to stabilize the local economy with government jobs would be lost, slowing the realization of economic development goals." (DEIS 4-8)

62-138

The Ravalli County Economic Needs Assessment states that total personal income for Ravalli County is \$626 million, and that approximately 50% or \$313 million of total personal income represent earnings. (Swanson, 2002, p. 9) *Please justify how the additional \$4.7 million in wages generated by the preferred alternative (a 1.5% increase in local earnings) would serve to "stabilize the local economy" or reword this claim for accuracy. (Swanson, 2002 Ravalli County Economic Needs Assessment, The Bitterroot Valley Economy, prepared for the Ravalli County Economic Development Authority by Dr. Larry D. Swanson, November 2002.)*

The DEIS makes the following claim:

"Government job growth is particularly valuable to the community because of the relatively high wages that add to the economic base (Nicholson 2002)." (DEIS 4-7)

62-139

Our reading of the Nicholson report finds no such claim or conclusion. *Please indicate the correct source for this statement.*

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### Comment

### Response

62-138

Please see Section 1.7.3 where comments on the social and economic impacts were addressed. The word “stabilize” has been replaced with the word “enhance” in the FEIS.

62-139

Please see Section 1.7.3 where comments on the social and economic impacts were addressed. The source for this statement has been corrected in the FEIS.

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**7.2 Section 4.2.2 briefly discusses impacts to community safety, but does not analyze the direct and indirect economic effects of these impacts.**

The section states:

"Procedures and protocols would also be established with local emergency response agencies to address responsibilities of each agency in the event of an emergency at RML." (DEIS 4-7)

**62-140**

These procedures and protocols will require local emergency response agencies to acquire both new equipment and extensive training. *The costs for this equipment and training are economic effects of the preferred alternative and must be calculated and presented in the "Direct and Indirect Effects - Government and Public Finance" (Section 4.3.1.1 DEIS 4-8).*

**Comment**

**Response**

**62-140**

Please see Section 1.7.3 where comments on the impacts on community infrastructure were addressed.

**8. Failure to Fully Disclose Impact on Neighbors.**

**62-141** { The environmental impacts to nearby neighbors of RML are of considerable concern and deserve much greater attention than they received in this DEIS. *The DEIS should have a clear comparative analysis of current conditions and expected conditions both during and after construction of a BSL-4 facility.*

**8.1 Noise impacts.**

**62-142** { The section on noise in Chapter 4 needs to be expanded and clarified. Table 4-2 (DEIS 4-9) is not clearly written. Does the "measured dBA" column refer to a maximum or average measured dBA (as more than one measurement was taken in each location)? *This column should have a range that can be compared with the "predicted range" column. Also a third column for expected range of noise during construction is also needed. Comments were made at a CLG meeting that noise from RML is louder when experienced on the second floor of their homes - such as on an upstairs balcony. An analysis of sound levels at varying elevations must be in this section, and included in Table 4.2.*

**8.2 Transportation and Traffic impacts.**

**62-143** { Section 4.2.1.1 (DEIS 4-5) states that traffic would increase around the RML campus both during and after construction. No estimate is given of the expected increase (in numbers of trips) of traffic during construction, but it does state that after construction the increase would be about 200 trips per day. There is however no context given for this number. *An estimate of current traffic (in trips per day) must be included in this section in order to be able to assess what 200 additional trips per day would mean. An estimate of the number of trips during construction should also be included. The DEIS states that a shuttle system to an offsite parking lot may be implemented. This is an excellent example of a pollution prevention mitigation alternative which should be analyzed in the DEIS in comparison to an alternative in which all construction workers make individual trips to the site each day. These different options should be analyzed and included in the DEIS.*

**8.3 Traffic Safety.**

**62-144** { There is no discussion of the impacts of the proposed project on traffic safety. Section 3.2.6. (DEIS 3-5) states that current accident rates in Hamilton have been "average" but does not provide any numerical data on numbers of accidents. *This information should be included with an estimate of any increase in accidents due to increased traffic expected with the project. In addition an analysis should be conducted of construction traffic patterns and the expected impact on safety for children. Will large trucks or other machinery regularly drive past schools, parks or other locations where children cross often? How can this impact be mitigated to improve safety in these locations?*

**Comment**

**Response**

**62-141** Please see Section 1.7.3 where comments on the effects of the proposed action were addressed.

**62-142** Please see Section 1.7.3 where comments on the effects of the proposed action on noise were addressed.

**62-143** Please see Section 1.7.3 where comments on the effects of the proposed action on traffic were addressed.

**62-144** There is no reason to expect the accident rate to increase due to the proposed action. There is no need to mitigate to improve safety because there are no impacts on traffic safety from the proposed action.

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**9. Failure to Fully Disclose Economic Impacts.**

**9.1 Lack of analysis of impact to housing values.**

The only statement about the impact of the preferred action on the property values of neighbors is in Section 1.7.1.1 which states:

“...there is no indication that the Proposed Action will have a negative effect on property values.” (DEIS 1-9)

**62-145** { There is however, also no evidence that any analysis was done of the potential impact of a BSL-4 lab on nearby property values. There are other BSL-4’s in the country and Canada, with nearby housing. *A study should be done to evaluate the impacts of property values in the areas surrounding those labs in order to support the claim that property values will not be affected.* Many studies have shown that other types of controversial development such as landfills, power plants, nuclear reactors, Superfund sites have had negative impacts on property values from the stigma of both real and perceived risk. (The Impact of Hazardous Material on Property Value available at <http://www.mundyassoc.com/articles/impact.htm> and An Interregional Hedonic Analysis of Noxious Facility Impacts on Local Wages and Property Values, David E. Clark, Marquette University, and Leslie A. Nieves, Argonne National Laboratory, Journal of Environmental Economics and Management, Volume 27, pages 235-253 1994.)

**62-146** { *This analysis should include the effect on property values if a newsworthy release event occurs in other locations in addition to the effect on values due to a local event. This analysis should include a range of events that would increase the perceived risk and fear level in the public and, in turn, that fear level on property values.*  
*Impacts to property values area a significant issue and must be carefully evaluated as a potential socioeconomic risk of the preferred alternative.*

**9.2 Failure to adequately assess whether the economic benefits from construction and operation would be local or not.**

**62-147** { The DEIS should clearly show how the policies and procedures used during construction and operation would be allocated geographically. The DEIS should analyze both wages (and the location of workers) as well as the cash flow of overhead and profit (and where they enter the economy) in order adequately show the people of Ravalli County and the Decision Maker the economic benefits of the project.

**Comment**

**Response**

**62-145** Please see Section 4.2.1.1 where comments on the effects of the Proposed Action on housing were addressed. Please also see response to comment 62-146.

**62-146** Please see Section 4.2.1.1 where comments on the effects of the Proposed action on property values were addressed.

**62-147** Please see Section 1.7.3 where comments on social and economic impacts were addressed. The DEIS (pg. 4-7) says that “The Proposed Action would have direct economic impacts on both the City of Hamilton and Ravalli county...” This information is also included in the FEIS.

**10. Failure to Disclose Potential Conflicts between the Proposed Action and Objectives of Federal, state and local land use plans, policies and controls.**

Section 40 CFR 1502.16 states that an EIS must disclose:

"(c) Possible conflicts between the proposed action and the objectives of Federal, regional, State, and local (and in the case of a reservation, Indian tribe) land use plans, policies and controls for the area concerned."

The DEIS addresses this requirement by stating:

"The RML and the proposed Integrated Research Facility meet community goals listed in the 2002 Ravalli County Economic Needs Assessment, Ravalli County Growth Policy, and the City of Hamilton Comprehensive Master Plan." (DEIS S-3)

**62-148** { *There are however several conflicts that were not disclosed but which need to be discussed in detail in the DEIS.*

**10.1 Conflicts with goals in the Ravalli County Growth Policy.**

Ravalli County Growth Policy, Countywide Policy 1.6: "Promote control of noxious weeds."

**62-149** { DEIS (S-3) states that the site is currently vegetated by weeds. Disruption of soil during construction could promote weed growth onsite and on adjacent property. *Please discuss how construction and landscaping of the project will be managed to prevent spread of weeds on the campus.*

Ravalli County Growth Policy, Countywide Policy 2.3:  
"Encourage the protection of water quantity and quality; including the mitigation of adverse cumulative impacts of private, commercial and public development."

**62-150** { Section 4.8 (DEIS 4-14) states that the preferred alternative is expected to require an additional 14 gallons per minute (7.3 million gallons per year). This will have a considerable effect on water quantity in Ravalli County. *Please discuss how water consumption will be mitigated in accordance with the growth policy. For instance, what specific water conservation efforts will be implemented by Rocky Mountain Laboratories to help offset this effect?*

Countywide Policy 3.3:  
"Promote alternatives to burning to assure air quality."

**Comment**

**Response**

**62-148** The words “economic development” have been inserted between community and goals in the FEIS.

**62-149** Please see response to comment 39-19.

**62-150** Please see Section 1.7.3 where comments on City of Hamilton water supply were addressed. The analysis showed that the Proposed Action would not have a “considerable effect on the water quantity in Ravalli County.” No mitigation is necessary.

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|               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <b>Response</b>                                                                                                            |
|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|
|               | <p>Section 4.7.1 of the DEIS states:<br/>"Incinerator use is estimated to increase from approximately two to three days a week to three to four days a week." (DEIS 4-13)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                            |
| <b>62-151</b> | <p><i>As opposed to promoting alternatives to burning, the preferred alternative will increase burning by as much as 50 percent. Please justify why this is not a direct conflict with Countywide Policy 3.3. It is clear that alternatives to the incinerator are readily available i.e. a very inexpensive landfill in nearby Missoula. It is also clear from the DEIS that all waste that is generated by a BSL-4 is fully decontaminated before leaving the building - Thus there is no need for incineration of this waste from a medical waste decontamination standpoint.</i></p> <p style="text-align: center;">"Countywide Policy 3.6: Encourage the use of efficient heating systems."</p>                                                                                                                                                                                                                                                                                                                                                                                           | <b>62-151</b> Please see response to comment 62-20. Additional information has been included in the FEIS in Section 4.7.1. |
| <b>62-152</b> | <p>Section 2.1 states (DEIS 2-1) that the proposed action includes a new addition to boiler Building 26 to house a new natural gas-fired boiler. <i>Please discuss the options considered for this new boiler, and clarify why this new boiler is considered "efficient".</i></p> <p style="text-align: center;">"Countywide Policy 4.1: Encourage development that will minimize or avoid additional costs to existing taxpayers.<br/>and<br/>Countywide Policy 4.5: Developers will be responsible for providing the infrastructure necessary within the development such as community water, sewage treatment and roads. A system of 'nexus and proportionality' will govern external infrastructure costs attributable to the developer."</p>                                                                                                                                                                                                                                                                                                                                              | <b>62-152</b> Please see response to comment 39-19.                                                                        |
| <b>62-153</b> | <p><i>Please explain in detail how the preferred alternative will be a development that will minimize or avoid additional costs to existing taxpayers. External infrastructure costs also include improved Hazmat and emergency services. Please calculate the costs of any additional training and equipment for Hazmat and emergency services that will be needed in accordance with the emergency plan for the preferred alternative. Please discuss what proportion of these costs will be attributable to RML.</i></p> <p style="text-align: center;">"Countywide Policy 7.5: Encourage minimizing light pollution in new development in order to protect visibility of the night sky and enhance public safety."</p> <p>The planned outdoor lighting for the preferred alternative is not addressed in the DEIS, despite specific scoping comments that were submitted regarding a concern about light pollution from the proposed project. In terms of setting a precedent, the flood lighting currently used on the new BSL-3 building at RML does not meet countywide policy 7.5.</p> | <b>62-153</b> Please see response to comment 39-19.                                                                        |
| <b>62-154</b> | <p><i>Please discuss the planned outdoor lighting for the preferred alternative and how it will meet countywide policy 7.5.</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <b>62-154</b> Please see response to comment 39-19.                                                                        |

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**62-155** { **10.2 Lack of Discussion concerning coordination with local Emergency Planning Agencies LEPC, EPTF, Homeland Security Taskforce, Red Cross etc.**

*The DEIS should also address any conflicts with federal, state or local plans other than 2002 Ravalli County Economic Needs Assessment, Ravalli County Growth Policy, and the City of Hamilton Comprehensive Master Plan.*

*At a minimum, the DEIS should also address any potential conflicts with the Weapons of Mass Destruction/Terrorism Strategic Plan for Montana, and both the Ravalli and Missoula County Disaster and Emergency Plans. In addition, the DEIS should include a discussion of any coordination RML has done with local Emergency Planning Agencies LEPC (Ravalli and Missoula Counties), Emergency Planning Task Force (Ravalli and Missoula Counties), the Montana Homeland Security Taskforce, State Emergency Response Commission (SERC), MT Disaster and Emergency Services and the Red Cross.*

**Comment**

**Response**

**62-155**

Montana DES stated that the project does not conflict with the Weapons of Mass Destruction/Terrorism Strategic Plan for Montana, since it is a planning document that assesses the vulnerability of bioterrorism in Montana by county for the purpose of allocating resources for bioterrorism prevention. RML participates in the Ravalli County disaster and emergency planning. Conflicts with other jurisdictions were not identified in the EIS because none could be found.

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**11. Failure to Address Scoping Comments.**

The DEIS failed to address scoping comments adequately. The failures regarding Range of Alternatives and the Scope of the project are discussed in Sections 4 and 5 above.

**11.1 Failure to List Scoping Issues and Concerns determined to be Outside the Scope of the EIS.**

Section 1.7 discusses the four categories public comments were assigned to, namely:

"Issues identified in the comments were assigned to the following four categories:

- Issue or concern that could develop an alternative;
- Issue or concern that could result in a mitigation measure;
- Issue or concern that could be addressed by effects analysis; or
- Issue or concern outside the scope of the EIS." (DEIS 1-8)

62-156 {

The first three categories are addressed in sections 1.7.1, 1.7.1.1 and 1.7.2. However, the final category - " Issue or concern outside the scope of the EIS" is not discussed at all. It is common practice in a DEIS to list the comments that were categorized as outside the scope with an explanation for each. *Given that so many public comments appear to have been dismissed, and that this has caused dissension in the community, it is extremely important that the DEIS include a section detailing and justifying why public comments have been categorized as outside the scope.*

**11.2 Failure to Address Effects Analysis Comments Listed in 1.7.2**

Section 1.7.2 lists the effects analysis comments purported to be addressed in the DEIS. Unlike Section 1.7.1, no references are included in this section as to where one can find further discussion of these issues. One reason for this is that many of the issues listed are not in fact addressed later in the EIS. For example:

**11.2.1 "Impacts on community infrastructure such as schools, roads and emergency response agencies."**

With respect to schools, the DEIS states that:

"Duane Lyons, Hamilton School Superintendent, reports that the middle school and high school have sufficient capacity to handle up to 100 new students. The elementary schools are at capacity; another facility is available if necessary." (DEIS 3-4)

62-157 {

*The social and financial impacts of opening a new elementary school could be significant to the community and needs to be discussed in detail in the DEIS.*

| Comment | Response                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|---------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 62-156  | Please see Section 1.7.4 where comments that were considered outside the scope of the EIS were addressed. The comments determined to be outside the scope of the analysis were generally statements for or against the project or random tidbits of information that could not be formulated into an "issue." All comments are available in the administrative record. See the following few responses for how these issues were addressed. |
| 62-157  | Please see Section 1.7.3 where comments on the impacts on community infrastructure are addressed. The DEIS and SDEIS state that "School capacity is adequate for growth, especially since school-aged levels are decreasing." There is no evidence that the Integrated Research Facility would cause the need for a new school.                                                                                                             |

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With respect to roads the DEIS states that:

"New signals may be warranted at two locations on U.S. 93; one at Pine Street and another at Ravalli Street (seven blocks and three blocks north of RML, respectively." (DEIS 3-5)

**62-158** { *It is unclear if these signals are warranted due to existing conditions or to impacts from the proposed lab. If it is the latter, a financial analysis of the new signals must be included in the DEIS.*

With respect to emergency response agencies (DEIS 2-9) mentions that the Emergency Plan will be updated and emergency personnel will be notified of the types of biological materials being used in the lab. *The financial impact of these actions needs to be discussed in detail. Specifically, the answers to these questions need to be addressed in the DEIS:*

**62-159** { *What equipment will emergency responders need to protect themselves in responding to an emergency?*

*What training will be required?*

*How will this be paid for and what will it cost to the taxpayers? Hospital staff needs to be mentioned in this section as well - What additional equipment, training or personnel will hospital staff need and what will that cost?*

**11.2.2 "Increased use and disposal of hazardous chemicals by the Integrated Research Facility."**

There is one brief paragraph (DEIS 2-8) that states that hazardous chemicals will be handled according to federal regulations and then confusingly states that hazardous waste generation will continue to decline rather than increase. The historical trend may show a decline, but the preferred alternative will likely result in an increase from current levels. Despite a specific scoping request for detailed information on current and expected chemical use and waste disposal, the DEIS does not include any accounting for the types of hazardous chemicals to be used, how they will be disposed of, or how much increased use there will be with the new lab. As mentioned above, the Voluntary Cleanup Plan for RML released by Maxim Technologies in June 2003 includes an appendix titled:

**62-160** { *"Appendix F: Chemical Use and Chemical Waste Inventories." This information has been compiled by the very same consultants who wrote the DEIS. It must be included in the next DEIS. In addition, a detailed accounting of the expected increase in chemical usage associated with the proposed BSL-4 lab must be included.*

| Comment       | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>62-158</b> | The signals may be warranted due to the current traffic situation.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>62-159</b> | Please see Section 1.7.3 where comments on community infrastructure are addressed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>62-160</b> | Appendix. F of the Voluntary Cleanup Plan was compiled by RML personnel from manifests of the shipment of hazardous wastes for the years 1986 - 2001. No volumes were given for those years. RML is classified as a “small quantity generator” of hazardous waste by the Montana Dept. of Environmental Quality. Volumes of hazardous chemical waste are not expected to increase if the Integrated Research Facility is built. Even though employee population is expected to increase 15% - 20%, the recent emphasis on minimizing hazardous waste and ordering only those quantities actually needed is expected to offset that increase. Implementation of the NIH environmental management system should reinforce current efforts. |

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**11.2.3 "Potential increased threat of outbreak of agents through transport, internal sabotage, inadvertent releases, and outside terrorism."**

Section 4.2.1 briefly addresses these key concerns with the statement:

"Potential added risk to the community from the Proposed Action cannot be effectively quantified." (DEIS 4-2)

**62-161** { This is an inadequate response. *A full risk assessment of the potential increased threat from these four issues (i.e. outbreak of agents through transport, internal sabotage, inadvertent releases, and outside terrorism) must be clearly laid out in the DEIS. The mitigation plans for each of these potential threats must also be clearly laid out in the DEIS.*

**11.2.4 "An emergency plan to be implemented should a laboratory worker be exposed to an agent or in the unlikely release of an agent to the neighborhood."**

The emergency plan is a key mitigation tool to offset the significant impacts of the preferred alternative. Simply stating that an emergency plan will be prepared before use of the facility is not in the spirit of NEPA. Detailed information about the emergency plan is equally important in assessing the potential impact of the facility as the specifications for containment design that are spelled out in Chapter 2. It is unacceptable to have one but not the other. *The DEIS must include the full emergency plan.*

**62-162** {

**11.2.5 "Impacts on animals used for experiments."**

The only references to animals in the DEIS are found in the appendices. An analysis of impacts to animals used for experiments is never discussed. *This analysis must be included in the DEIS.*

**62-163** { *Additionally, the care, treatment and facilities used to contain animals at RML needs to be included in the DEIS. Include a discussion of the humane treatment of lab animals.*

*The risk of an animal infected escaping into the facility and the environment must be part of the DEIS discussion.*

**11.2.6 "Impacts on air quality associated with the increased use of the incinerator."**

The air quality section (DEIS 4-13) does not discuss the before and after levels of emissions. It has one table listing "maximum permitted potential to emit" which represent the very high levels of emissions allowable in the permit. There is no accounting for the actual levels currently experienced now (no action alternative) versus the levels that would be experienced if the lab goes in (preferred alternative). *There needs to be an comparative analysis of the actual increase in air quality emissions associated with the expected increased use of the incinerator.*

**62-164** {

**Comment**

**Response**

**62-161** Please see Section 1.7.3 where comments on the increased threat were addressed.

**62-162** Please see Section 1.7.2 where comments on the emergency plan were addressed.

**62-163** Please see Section 1.7.1 where questions about animals used for experiments were addressed.

**62-164** Please see Section 1.7.3 where comments on the effects of the increased use of the incinerator were addressed.

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**11.2.7 "Discontinuing the incineration of plastics."**

62-165

A word search of the DEIS finds that this phrase in Section 1.7.2 is the only place where the word "plastics" is used in the entire document. *Incinerating plastics - which is of considerable concern to the community - is never discussed in the DEIS and needs to be from a public health, workplace safety and environmental perspective.*

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**12. Failure to disclose adequate information about current available infrastructure.**

62-166

Specific scoping comments were submitted asking the NIH to address the capabilities of the medical and emergency services in the area in detail. However, Section 3.2.5 (DEIS 3-4) only briefly discusses current infrastructure relating to community safety. This section needs to be expanded significantly. *A subsection on Hazmat capability needs to be added to this section. The health care section needs to be expanded to better describe the current capabilities (and lack thereof) of Marcus Daly hospital to handle infectious disease patients. This should include the number of physicians on staff currently board certified in infectious disease, the specialized equipment (isolation rooms etc.) available etc. In addition, a section on the same capabilities of St. Patrick hospital in Missoula must also be included in this section. Simply stating that "a full range of specialty medical services are available in Missoula" is inadequate to address this important issue.*

**Comment**

**Response**

62-165

In response to this comment, the effects of the incineration of plastics is addressed on page 3-16 of the SDEIS. The by-product concentration is 1/100<sup>th</sup> of the permitted limit and well below federal standards to protect human health.

**Comment**

**Response**

62-166

Please see Section 1.7.1 where requests for additional information on the alternatives were addressed.

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### **13. The NIH failed to prepare a Programmatic Environmental Impact Statement (PEIS) on increasing funding and thereby greatly expanding BSL-4 facilities.**

The NEPA/CEQ regulations require that broad federal actions, such as proposing to double or triple the number of existing BSL-4 facilities in the U.S. be evaluated.

#### 1502.3 - STATUTORY REQUIREMENTS FOR STATEMENTS.

“As required by sec. 102(2)(C) of NEPA environmental impact statements (1508.11) are to be included in every recommendation or report. On proposals (1508.23) For legislation and (1508.17). Other major Federal actions (1508.18). Significantly (1508.27). Affecting (1508.3, 1508.8). The quality of the human environment (1508.14)”

#### 1502.4 - MAJOR FEDERAL ACTIONS REQUIRING THE PREPARATION OF ENVIRONMENTAL IMPACT STATEMENTS.

“(a) Agencies shall make sure the proposal which is the subject of an environmental impact statement is properly defined. Agencies shall use the criteria for scope (1508.25) to determine which proposal(s) shall be the subject of a particular statement. Proposals or parts of proposals which are related to each other closely enough to be, in effect, a single course of action shall be evaluated in a single impact statement. (b) Environmental impact statements may be prepared and are sometimes required, for broad Federal actions such as the adoption of new agency programs or regulations (1508.18). Agencies shall prepare statements on broad actions so that they are relevant to policy and are timed to coincide with meaningful points in agency planning and decisionmaking. (c) When preparing statements on broad actions (including proposals by more than one agency), agencies may find it useful to evaluate the proposal(s) in one of the following ways: (2) Generically, including actions which have relevant similarities, such as common timing, impacts, alternatives, methods of implementation, media, or subject matter. (3) By stage of technological development including federal or federally assisted research, development or demonstration programs for new technologies which, if applied, could significantly affect the quality of the human environment. Statements shall be prepared on such programs and shall be available before the program has reached a stage of investment or commitment to implementation likely to determine subsequent development or restrict later alternatives. (d) Agencies shall as appropriate employ scoping (1501.7), tiering (1502.20), and other methods listed in 1500.4 and 1500.5 to relate broad and narrow actions and to avoid duplication and delay.”

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### 1502.5 TIMING.

“An agency shall commence preparation of an environmental impact statement as close as possible to the time the agency is developing or is presented with a proposal (1508.23) so that preparation can be completed in time for the final statement to be included in any recommendation or report on the proposal. The statement shall be prepared early enough so that it can serve practically as an important contribution to the decisionmaking process and will not be used to rationalize or justify decisions already made (1500.2(c), 1501.2, and 1502.2). For instance: (a) For projects directly undertaken by Federal agencies the environmental impact statement shall be prepared at the feasibility analysis (go - no go) stage and may be supplemented at a later stage if necessary. (b) .... (c) .... (d) ....”

Greatly expanding the number of BSL-4 facilities in this country raises the possibilities for, and risk of unintentional releases. It is very unclear (perhaps intentionally) exactly how many new BSL-4 facilities are being planned, proposed or built. It appears that at a minimum, the number of those labs will double and will be placed across the U.S.

Rather than applying the NEPA process early, and taking a hard look at the potential for catastrophic adverse impacts stemming from the decision to fund and build many more BSL-4 facilities, NIH apparently instead chose first to build and fund the facilities and then do impact analyses on the individual labs.

The DEIS described the agents that will be studied in the proposed BSL-4 facility in Hamilton as: "Dangerous/exotic agents which pose high risk of life-threatening disease, aerosol-transmitted lab infections; or related agents with unknown risk of transmission." (DEIS 1-5) The above statement would likely apply to each of the BSL-4 labs under consideration or construction across the nation.

The DEIS also brushed off, or otherwise dismissed out-of-hand any potentials for release of life-threatening diseases or organisms or the risks thereof. Since NIH has taken that arbitrary and capricious position (little or no risk, and no analysis) in a DEIS, it is highly likely that they will take that unreasonable "position" regarding funding and construction of BSL-4 facilities elsewhere in the country.

The anthrax released in the 2001 attacks apparently came from a United States facility. It would appear necessary to consider in an overall context, the increased potential for similar occurrences, and other potential for unintended releases, because of NIH's early programmatic decisions and increased funding to greatly expand those numbers of facilities.

*It appears that by their failure to apply NEPA early in the planning process, NIH has failed to comply with 40 CFR 1502.3, 1502.4, and 1502.5, et seq.*

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62-167

### Comment

### Response

62-167

Please see Section 1.7.4 where comments regarding a programmatic EIS were addressed.

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**14. RML will be prohibited by law from telling the public what BSL-4 agents are under study, and informing the public about any release of BSL-4 agents into the community.**

Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002, federal officials are specifically prohibited from disclosing information regarding what biological agents and toxins are being used in a BSL-4 lab or transported to the lab.

Federal law also prohibits the disclosure of any notification of a release, theft, or loss of a listed biological agent or toxin. Any person violating the law prohibiting public disclosure of the use of these biological agents and pathogens may be subject to a civil penalty up to \$500,000. If there is a release of biological agents and toxins from the biocontainment area, federal law gives the Secretary of Health and Human Services the sole discretion to determine if the release poses a threat to our community’s public health or safety. Only upon such a determination by the Secretary, may the relevant state and local public health authorities and the public be notified. In the event of a public health emergency resulting from release from the BSL-4 lab, public health authorities and the public will not be notified until the Secretary is satisfied that such an emergency exists. If the Secretary determines the release or theft does not pose a threat, federal law ensures that the public will never know about the release or theft.

62-168

*The DEIS should analyze and disclose the additional risk of delays in emergency response, inability of both the public and local responders to have the information needed to respond to a release or epidemic caused by a release of an infectious disease or agent.*

*The DEIS should disclose and analyze the social impacts to nearby residents of knowing that they could be at risk of exposure to an infectious disease or agent and not be told under the law.*

*The DEIS should disclose and analyze the affect that this law will have in creating a hesitance for new residents to live near a lab and for mobile populations to move away.*

*We lose local control to protect our community, our families and our children.*

**Comment**

**Response**

**62-168**

Please see response to comment 47-6.

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## **Appendix A – Announcements and Reports Showing that Officials from NIH Stating the Plans to Build a BSL-4 Laboratory at RML as a Forgone Fact.**

### **1) Q&A From NIH Website Regarding RML Expansion.**

January 29, 2002: "For that research to be carried out safely for both the scientists and the community, a new 'biocontainment' facility will be constructed on the RML campus."

April 16, 2003: "For that research to be carried out safely for both the scientists and the community, NIH plans to construct an additional research facility on the RML campus."

January 29, 2002: "When will it be completed? Preliminary planning for the facility will begin immediately. The design should be finished within one year and construction may take up to two years. A stringent certification process will be required prior to its use with agents at the BSL-4 level."

April 16, 2003: "When will construction of the building be completed? Preliminary planning for the facility has been completed; the project is now in design development. An Environmental Impact Statement (EIS) is being prepared to address possible environmental impacts of the project. No construction can begin until the EIS process is completed. The design should be finished within one year; construction may take up to two years. BSL-4 laboratories also must undergo a stringent certification process before they can be used."

### **2) Ravalli Republic, "Lab to play expanded role fighting bioterrorism," February 11, 2002.**

"Officials at the National Institute of Allergy and Infectious Diseases recently announced that a new research lab will be built at the Hamilton campus to help develop new diagnostics, vaccines and treatments for diseases caused by the intentional release of pathogens into human populations. In order to protect the safety of scientists and the community, [Deputy Director of the Division of Intramural Research Karyl] Barron said, a biocontainment facility will be constructed with the highest possible safety standards - known as biosafety level 4."

### **3) NIH Record, "New Facilities To Bolster Anti-Bioterror Effort," April 2, 2002.**

"But we need some new facilities to make our program really fly," Kindt added. He said a new BSL 3/4 facility at RML has been funded, and described a new campus building dedicated to counter-bioterrorism and emerging disease research - Bldg. B,

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which will include BSL-3 labs. "Bldg. B will feature 175,000 gross square feet of space, including six floors and a ground-floor vivarium. We're in the conceptual design phase now. Groundbreaking for the new lab building is expected in mid to late 2003, with completion anticipated in 2005."

**4) Missoulian, "Montana lab poised to lead in bioterrorism defense," April 8, 2002.**

"The new lab was planned before Sept. 11 and the string of anthrax attacks that followed, administrator Pat Stewart said. Rocky Mountain already was studying organisms that could be used in biological attacks, and Stewart said existing expertise at the Rocky Mountain complex is the main reason for building the new lab there."

**5) Ravalli Republic, "Leading the charge - High-level addition will propel Rocky Mountain Labs to forefront of battle on terror," April 10, 2002.**

"[Dr. Thomas] Kindt told the group gathered in the Hamilton Middle School auditorium at noon that one of the finest labs of its kind will open at Rocky Mountain Laboratories this month allowing research to begin that has been backed up for years. And in another couple of years an even more secure, high-tech lab will open at the Hamilton campus."

"In order to carry out our agenda, we need a biosafety level 4 lab at Rocky Mountain Labs," he said. "We will prepare ourselves with a number of facilities."

**6) Homeland Security: The Federal and Regional Response Field Hearing before the Subcommittee on Environment, Technology, and Standards Committee on Science, House of Representatives, One Hundred Seventh Congress Second Session, June 10, 2002.**

[http://commdocs.house.gov/committees/science/hsv80094.000/hsv80094\\_0.HTM](http://commdocs.house.gov/committees/science/hsv80094.000/hsv80094_0.HTM)

Mr. BARTLETT. "Thank you very much. I wonder if you could spend just a moment letting the audience know how unique a Level 4 containment facility is and how few of them there are in the world?"

Dr. FAUCI. "Yes. A Level 4 facility is the highest level facility for a microbe. There are very few of these in this country. There is one at Fort Dietrich, there is one at the CDC in Atlanta, there is one operational in Texas and one planned in Texas. We are planning two additional ones right now, and those are the two I mentioned. The one that we are going to be partnering with the Department of Defense up at Fort Dietrich to make that a much more enhanced biodefense arena, and one that we are going to be putting in Rocky Mountain Laboratory, which is an NIH facility in Hamilton, Montana."

**7) National Advisory Allergy and Infectious Diseases Council, Meeting Minutes, September 23, 2002.**

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"III. ANNUAL UPDATE OF DIVISION OF INTRAMURAL RESEARCH  
ACTIVITIES - Thomas J. Kindt, Ph.D., Director, DIR, NIH

Dr. Kindt described facilities and staff increases in the Division of Intramural Research (DIR). The DIR staff now consists of 1,200 people, including 92 tenured scientists and 27 on tenure track. Two new facilities, Building B on campus and Twinbrook 3 in Rockville, will be constructed soon, and there will be expansions at the Rocky Mountain laboratory."

**8) NIH Record, Biodefense Effort Firms Up in Post-Attack Year, October 1, 2002.**

"Fauci touched briefly on a raft of research highlights: NIH, the CDC and the Department of Defense are working on a better anthrax vaccine, one that will employ a recombinant protective antigen; following "very impressive" animal trials, a phase I trial in humans of a new Ebola virus vaccine is expected in coming months, largely a tribute to the "spectacular job" done by Dr. Gary Nabel at NIH's Vaccine Research Center (a combination vaccine is also planned to combat not just Ebola but also Lassa and Marburg viruses, which also cause viral hemorrhagic fever); four new Biosafety Level 3 or higher laboratories are in the works (a BSL-3/4 lab and animal facility at Rocky Mountain Laboratories, a BSL-3/4 clinical facility at Ft. Detrick, a BSL-3 lab and vivarium in NIH's new Bldg. B and a BSL-3 lab at the Twinbrook facility in Rockville)."

**9) Missoulian, "Hot Zone," September 15, 2002.**

"The lab submitted requests to build a BL-4 several years ago, but nothing happened until the terrorist attacks, said Pat Stewart, the lab's chief administrator."

"Karl Johnson, the virologist who built the first BL-4 in 1978 in Atlanta and gained fame as the researcher who identified Ebola, said Hamilton and the Bitterroot Valley have nothing to worry about. BL-4 labs are safe, necessary and will allow even better research to go on in Montana. Johnson is on a committee reviewing the design plans for Rocky Mountain Labs' proposed BL-4."

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## Appendix B – Sample of Instances Of Serious Infections Caused by Accidental Exposure In BSL-2 to 4 Laboratories in the United States.

“ BACTERIAL AGENTS - Part 1

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Bacillus anthracis Bordetella pertussis Brucella Campylobacter  
-----

“AGENT: Bacillus anthracis

Forty (40) *cases of laboratory-associated anthrax*, [Emphasis Added] occurring primarily at facilities conducting anthrax research, have been reported (66, 151). No laboratory-associated cases of anthrax have been reported in the United States since the late 1950's when human anthrax vaccine was introduced.

Naturally and experimentally infected animals pose a potential risk to laboratory and animal care personnel.

LABORATORY HAZARDS: The agent may be present in blood, skin lesion exudates, cerebrospinal fluid, pleural fluid, sputum, and rarely, in urine and feces. Direct and indirect contact of the intact and broken skin with cultures and contaminated laboratory surfaces, accidental parenteral inoculation, and rarely, exposure to infectious aerosols are the primary hazards to laboratory personnel.

RECOMMENDED PRECAUTIONS: Biosafety Level 2 practices, containment equipment and facilities are recommended for activities using clinical materials and diagnostic quantities of infectious cultures. Animal Biosafety Level 2 practices, containment equipment and facilities are recommended for studies utilizing experimentally infected laboratory rodents. A licensed vaccine is available through the Centers for Disease Control and Prevention; however, immunization of laboratory personnel is not recommended unless frequent work with clinical specimens or diagnostic cultures is anticipated (e.g., animal disease diagnostic laboratory). Biosafety Level 3 practices, containment equipment and facilities are recommended for work involving production volumes or concentrations of cultures, and for activities which have a high potential for aerosol production. In these facilities immunization is recommended for all persons working with the agent, all persons working in the same laboratory room where the cultures are handled, and persons working with infected animals.

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“AGENT: Bordetella pertussis

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## Chapter 5 – Response to Comments

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*Bordetella pertussis*, a human respiratory pathogen of worldwide distribution, is the causative agent of whooping cough. The disease is typically a childhood illness; however, the agent has been associated, with increased frequency, in adult illness (106, 112, 130). Several outbreaks in health-care workers have been reported in the literature (106, 112). Adolescents and adults with atypical or undiagnosed disease can serve as reservoirs of infection and transmit the organism to infants and children (135). ***Eight cases of infection with B. pertussis in adults have been documented at a large research institution. The individuals involved did not work directly with the organism, but had access to common laboratory spaces where the organism was manipulated. One case of secondary transmission to a family member was documented (122). A similar incident occurred at a large midwestern university resulting in two documented cases of laboratory-acquired infection and one documented case of secondary transmission (146). Other laboratory-acquired infections with B. pertussis have been reported, as well as adult-to-adult transmission in the workplace (19, 35). Laboratory-acquired infections resulting from the manipulation of clinical specimens or isolates have not been reported. The attack rate of this airborne infection is influenced by intimacy and frequency of exposure of susceptible individuals.*** [Emphasis Added]

LABORATORY HAZARDS: The agent may be present in respiratory secretions, but is not found in blood or tissues. Since the natural mode of transmission is by the respiratory route, the greatest potential hazard is aerosol generation during the manipulation of cultures or concentrated suspensions of the organism.

RECOMMENDED PRECAUTIONS: Biosafety Level 2 practices, containment equipment, and facilities are recommended for all activities involving the use or manipulation of known or potentially infectious clinical materials or cultures. Animal Biosafety Level 2 should be used for the housing of infected animals. Primary containment devices and equipment (e.g., biological safety cabinets, centrifuge safety cups, or specially designed safety centrifuges) should be used for activities likely to generate potentially infectious aerosols. Biosafety Level 3 practices, procedures, and facilities are appropriate when engaged in large scale production operations. The current pertussis vaccine may not provide complete and permanent immunity; however, a booster dose of pertussis vaccine is not recommended for use in persons who have passed their seventh birthday (50).

-----  
“AGENT: Brucella (B. abortus, B. canis, B. melitensis, B. suis)

B. abortus, B. canis, B. melitensis, and B. suis have all caused illness in laboratory personnel (129, 151, 176). Brucellosis is the most commonly reported laboratory-associated bacterial infection (127, 143, 151). Hypersensitivity to Brucella antigens is also a hazard to laboratory personnel. Occasional cases have been attributed to exposure to experimentally and naturally infected animals or their tissues.

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LABORATORY HAZARDS: The agent may be present in blood, cerebrospinal fluid, semen, and occasionally urine. *Most laboratory-associated cases have occurred in research facilities and have involved exposure to Brucella organisms being grown in large quantities. Cases have also occurred in a clinical laboratory setting: direct skin contact with cultures or with infectious clinical specimens from animals (e.g., blood, uterine discharges) are commonly implicated in these cases. Aerosols generated during laboratory procedures have caused large outbreaks (95). Mouth pipetting, accidental parenteral inoculations, and sprays into eyes, nose and mouth have also resulted in infection.* [Emphasis Added]

RECOMMENDED PRECAUTIONS: Biosafety Level 2 practices are recommended for activities with clinical specimens of human or animal origin containing or potentially containing pathogenic Brucella spp. Biosafety Level 3 and Animal Biosafety Level 3 practices, containment equipment and facilities are recommended, respectively, for all manipulations of cultures of the pathogenic Brucella spp. listed in this summary, and for experimental animal studies. Vaccines are not available for use in humans.

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“AGENT: Campylobacter (C. jejuni/C. coli, C. fetus subsp. fetus)

C. jejuni/C. coli gastroenteritis is rarely a cause of laboratory associated illness. *Three laboratory-acquired cases have been documented (138, 149, 155).* [Emphasis Added] Numerous domestic and wild animals, including poultry, pets, farm animals, laboratory animals, and wild birds are known reservoirs and are a potential source of infection for laboratory and animal care personnel. Experimentally infected animals are also a potential source of infection (155).

“LABORATORY HAZARDS: Pathogenic campylobacters may occur in fecal specimens in large numbers. C. fetus subsp. fetus may also be present in blood, exudates from abscesses, tissues, and sputa. Ingestion or parenteral inoculation of C. jejuni constitute the primary laboratory hazards. *The oral ingestion of 500 organisms caused infection in one individual (163).* [Emphasis Added] The importance of aerosol exposure is not known.

RECOMMENDED PRECAUTIONS: Biosafety level 2 practices, containment equipment and facilities are recommended for activities with cultures or potentially infectious clinical materials. Animal Biosafety Level 2 practices, containment equipment and facilities are recommended for activities with naturally or experimentally infected animals. Vaccines are not available for use in humans.

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**Appendix C – Presentation by Friends of the  
Bitterroot and Coalition for a Safe Lab at Town  
Meeting and RML Citizen’s Liaison Group**

**Nottingham, Valerie (NIH/OD/ORF)**

**From:** animals@bitterroot.net  
**Sent:** Wednesday, February 11, 2004 4:45 PM  
**To:** ORSRMLEIS (NIH/OD/ORS)  
**Subject:** Supplemental Draft Environmental Impact Statement comments for proposed upgrade at Rocky Mountain Labs

**Importance:** High

Subject: Supplemental Draft Environmental Impact Statement comments for proposed upgrade at Rocky Mountain Labs

To:  
Valerie Nottingham  
orsrmlis-r@mail.nih.gov  
National Institutes of Health  
9000 Rockville Pike  
Bldg. 13, Room 2W64  
Bethesda, MD 20892-5746

From:  
Mary & Greg Tilford  
PO BOX 1645  
Hamilton MT 59840

63-1 {

We, and the Bitterroot valley citizens whom we represent and inform, have been illegally denied important documents and information that are crucial to meaningful participation in the NEPA process for the proposed BSL-4 expansion at Rocky Mountain Laboratories (pursuant to 40 C.F.R. 1506.6 and 1507.1). The NIH is currently in violation of Freedom of Information Regulation 5.35(b)(2) for not responding to Friends of the Bitterroot's FOIA appeal, received by the FOIA appeals office November 10th, 2003, by the required deadline. The NIH has also violated 5 U.S.C. 552(a)(6)(A)(iii) and 45 C.F.R. 5.45(a)(1)(2) for not granting a fee waiver request, as required by law. The NIH has been in possession of this FOIA request for 6 months and has failed to act. We view these actions as deliberate stonewalling of our groups and the large number of citizens that we represent, while NIH hurriedly moves forward with the scoping process on the proposal. For this reason, we require that the deadline for comments on the SDEIS be extended until 45 days after we receive the documents in our FOIA request, to which we are legally entitled.

*LETTER 63 - MARY AND GREG TILFORD*

**Comment**

**Response**

**63-1** Please see response to comment 47-3.

**Subject: Supplemental Draft Environmental Impact Statement  
comments for proposed upgrade at Rocky Mountain Labs**

To:  
Valerie Nottingham  
National Institutes of Health  
9000 Rockville Pike  
Bldg. 13, Room 2W64  
Bethesda, MD 20892-5746

From:  
**Mary& Greg Tilford**  
**PO BOX 1645**  
**Hamilton MT 59840**

63-2 { The citizens of the Bitterroot Valley have been illegally denied information that will allow them/us to fully and meaningfully participate in the National Environmental Policy Act process, and so I **request an extension of the deadline for comments until such time that we receive the documents that we are entitled to by law.**

The **NIH is illegally withholding that information and other important documents relating to the proposal.**  
In our Freedom Of Information Act request we asked for all documents and correspondence relating to the NIH memo that states **“The RML campus is located in rural western Montana, well removed from major population centers. The location of the laboratory reduces the possibility that an accidental release of a biosafety level-4 organism would lead to a major public health disaster.”**

63-3 { The SDEIS says that "four additional alternatives were considered, but eliminated from detailed study." It appears that the 'alternatives' were not seriously considered and eliminated without serious or detailed study.  
Alternatives need to be seriously studied and considered.

**Comment**

**Response**

**63-2** Please see response to comment 47-3.

**63-3** Alternatives for construction of the Integrated Research Facility elsewhere were considered in the DEIS and SDEIS, but were not studied in detail for the reasons stated in Chapter 2 of those documents.

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Comment                                                                                                                                                                                                                                               | Response                                                                                                                                                                                                                                                                                                                                                                                                                 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p data-bbox="346 228 1102 276">Subject: Draft Environmental Impact Statement comments for proposed upgrade at Rocky Mountain Labs (cont'd)</p> <p data-bbox="346 316 1155 592">PAGE S-2: SDEIS states that RML does not and will not conduct research to develop 'offensive' biological weapons. See the definition of weaponized below. RML also says they will be testing aerosolized anthrax on non-human primates. Would these types of tests need aerosolized anthrax? And would aerosolized anthrax be considered a weapon? Explain/describe how aerosolized anthrax would not be considered "weaponized".<br/> <a href="http://www.newsmax.com/archives/articles/2001/10/21/140757.shtml">http://www.newsmax.com/archives/articles/2001/10/21/140757.shtml</a><br/> <b>"Weaponized" simply means that a biological agent is processed so that it can be easily delivered to harm or kill humans.</b></p> <p data-bbox="346 617 976 706"><a href="http://www.pbs.org/wgbh/nova/bioterror/ask_011121.html">http://www.pbs.org/wgbh/nova/bioterror/ask_011121.html</a><br/> Ask the Expert Responses from Dr. Jonathan Tucker<br/> Posted November 21, 2001<br/> Q: What exactly does it mean to "weaponize" a biological agent. How do weaponized and nonweaponized anthrax differ?<br/> A: "Weaponization" refers to a variety of activities aimed at rendering a biological pathogen more virulent, enhancing its stability and shelf-life, and processing it so that it can be more readily delivered as a fine-particle aerosol capable of infecting the targeted population through the air. Non-weaponized anthrax would be in the vegetative (non-spore) form, which would die off rapidly after dispersal. Weaponized anthrax would be in the spore form and probably dried and milled to a fine powder, with chemicals added to reduce clumping and to enhance aerosolization..."</p> | <p data-bbox="1197 228 1354 276"><b>Comment</b></p> <p data-bbox="1197 276 1533 1023"></p>                                                                                                                                                            | <p data-bbox="1533 228 1711 276"><b>Response</b></p> <p data-bbox="1197 276 1896 1023"> <b>63-4</b> In accordance with the 1975 Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (ratified by the U.S.), NIH will not produce weaponized (per definition of Dr. Jonathan Tucker) anthrax or any other agent. </p> |
| <p data-bbox="346 1023 1155 1185">PAGE S-4. SDEIS says 'theoretically, human error or multiple, simultaneous mechanical failures could lead to accidental release of biological materials from a biosafety laboratory. the overall safety record of biomedical and microbiological laboratories also indicates that there is <b>not</b> a risk of accidental release.' Then in the next column, under the no action alternative, it says that there is "not a <b>significant</b> risk of accidental release".</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p data-bbox="1197 1023 1533 1185"></p>                                                                                                                                                                                                               | <p data-bbox="1197 1023 1896 1185"></p>                                                                                                                                                                                                                                                                                                                                                                                  |
| <p data-bbox="233 1185 1197 1427"> <b>63-5</b> { Is there, or is there not a risk? Is the risk 'negligible'? Is the risk "negligible" or is it "not significant"? </p> <p data-bbox="233 1299 1197 1427"> <b>63-6</b> { The risk scenarios do not address the possibility if something <b>does</b> get out of the lab. the scenarios all have the same positive outcome. SDEIS needs to outline some scenarios with pathogens that are transmissible from human to human, or animal to human, and then mitigate the risks. </p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <p data-bbox="1197 1185 1533 1427"> <b>63-5</b> For the risk assessment, "negligible" and "not significant" can be interpreted to mean the same thing. </p> <p data-bbox="1197 1299 1533 1427"> <b>63-6</b> Please see response to comment 11-8. </p> | <p data-bbox="1533 1185 1896 1427"></p>                                                                                                                                                                                                                                                                                                                                                                                  |

Subject: Draft Environmental Impact Statement comments for proposed upgrade at Rocky Mountain Labs (cont'd)

PAGE 1-1. anthrax attacks: anthrax was from a lab in the United States. Shown to be the Ames strain from the lab in Iowa. If someone can walk out of a lab with a pathogen then the community would be at risk.

63-7 { PAGE 1-13. "No construction on the IRF has occurred." however, the contractor has purchased several lots of land north of Rocky Mountain Labs. why? Was this addressed anywhere else in the SDEIS?

63-8 { PAGE 2-6. SDEIS says that the alkaline hydrolysis would inactivate prions. is this system in the budget for the proposed upgrade? or would it be added later? or added at all?

63-9 { PAGE 2-7. "HEPA filters would be changed every five years". is this adequate? how often would they be inspected/checked to assure they are functioning correctly?

63-10 { PAGE 2-12. "Generation of low-level radioactive waste is anticipated to increase about 30 percent with construction of the Integrated Research Facility...Use of sulfur 35 is likely to increase..." Sulfur 35 emits a weak beta particle and its half-life is 87.4 days. Analysis of the health risks (for Hamilton citizens and those that consume water and live in or near Hamilton area) of low-level radiation into the Hamilton City Sewer system should be included. Health effects of low-level radiation on fish and wildlife should be included.

63-11 { PAGE 2-16. Analysis of safety for transport and disposal of all long half-life radioactive waste, in and out of Hamilton, along the route transported, as well as at the disposal site.

63-12 { PAGE 2-17. Emergency plan. "A memorandum of understanding is planned with local emergency services and hospitals, outlining RML's expectations in regard to the transportation, acceptance, admittance, and short, and long-term care of patients under various injury scenarios, including patients believed to be exposed to agents." The emergency plan is not included in the SDEIS and should be made available to the public for review before the Final EIS is released.

**Comment**

**Response**

63-7 Please see response to comment 62-46.

63-8 The digester is part of the Proposed Action and is therefore covered in the cost of the Proposed Action.

63-9 Please see response to comments 62-23 and 62-98.

63-10 Please see response to comment 62-58.

63-11 Please see response to comment 62-25.

63-12 Please see response to comment 63-12.

|       | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Response                                                                                   |
|-------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|
| 63-13 | <p>Subject: Draft Environmental Impact Statement comments for proposed upgrade at Rocky Mountain Labs (cont'd)</p> <p>PAGE 2-17 Range of alternative locations were dismissed and not seriously studied or considered. A full analysis and serious consideration of the range of alternatives should be included.</p>                                                                                                                                                                                                                                                                                 | 63-13 Please see Section 1.7.1 where comments on the range of alternatives were addressed. |
| 63-14 | <p>PAGE 2-18. How did the persons preparing the SDEIS approximate the figures of building the proposed facility at a different location? A full and documented analysis should be included of the cost of the facility being built in a different location.</p>                                                                                                                                                                                                                                                                                                                                       | 63-14 This information has been included in the FEIS. See Section 2.2.2.                   |
| 63-15 | <p>PAGE 3-4. "Marcus Daly [hospital] could not handle more than 10 emergency patients at a time (Bartos 2003." This citation does not appear in the 'literature cited' section of the SDEIS on page L-1. Included in the Final EIS should be the citation and memo, personal communication or study that was done by Mr. Bartos.</p>                                                                                                                                                                                                                                                                  | 63-15 Please see response to comment 62-14.                                                |
| 63-16 | <p>PAGE 3-19. "Sludge is then composted during warm-weather months. The compost is made available for land application but is not allowed for use on vegetable gardens". Include analysis of health risks to animals that may graze on the land where sewage sludge is applied. Health problems in animals that graze on the land could devastate the cattle, farm, ranching industry in Montana and thus have an adverse effect on the economy. Include a study or analysis of the possibility of transmissible spongiform encephalopathies being transmitted to grazing animals in this manner.</p> | 63-16 Please see response to comment 62-26.                                                |
| 63-17 | <p>PAGE 4-1. With regard to animal deliveries. How are the animals caged, transported and then handled before and after arrival for delivery at Rocky Mountain Labs? Who accepts delivery of such animals? How are the animals handled and transported to holding facilities after arriving at RML?</p>                                                                                                                                                                                                                                                                                               | 63-17 Please see response to comment 62-27.                                                |
| 63-18 | <p>PAGE 4-6. Manipulation by man can make diseases more virulent. Will RML be "manipulating" diseases to make the more virulent? Please include details explaining this process and under what circumstances it may occur at RML.</p>                                                                                                                                                                                                                                                                                                                                                                 | 63-18 Please see response to comment 62-28.                                                |

| 63-19 | <p>PAGE 4-7. Citations, "Auch 2003, Hoffman 2003 and Neff 2003", do not appear in the Literature Cited section on page L-1. Include the letters, memos, emails, personal communication in the Final DEIS.<br/>Subject: Draft Environmental Impact Statement comments for proposed upgrade at Rocky Mountain Labs (cont'd)</p>                                                                                                                                                                                                                                                                                                                                                                       | Comment | Response                                                                                                                                                                                                                                                                                                                                                                      |
|-------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|       | <p>PAGE 4-11 through 4-14.<br/><u>Risk to the community must be seriously considered and mitigation alternatives must be analyzed.</u> The SDEIS claims that the potential risk of a release of infectious agents from the proposed lab is "negligible". <i>Any risk</i>, no matter how small, of an epidemic of an incurable fatal disease in our community should not be dismissed as "negligible". The potential consequences are much too great to be considered "negligible". Even if the risk is very small - if it cannot be eliminated the NIH must show how it will be mitigated. This means the EIS must clearly illustrate the plan for how a "worst case scenario" will be handled.</p> | 63-19   | Please see response to comment 62-14.                                                                                                                                                                                                                                                                                                                                         |
| 63-20 | <p>PAGE 4-11 through 4-14. Scenarios should be included where a pathogen DOES get out of the lab, for any reason, whether by accident or covert design, and then show how the situations would be mitigated. These would be considered "worst-case scenarios", possibly including scenarios where the outcome is not so positive.</p>                                                                                                                                                                                                                                                                                                                                                               | 63-20   | Please see response to comment 11-8.                                                                                                                                                                                                                                                                                                                                          |
| 63-21 | <p>PAGE D-2. The review of work done included only intramural laboratories. The review of accidents, exposures and deaths should include all laboratories in the United States. This should include the incidence in Taiwan where a "senior researcher" was working with SARS in a BL4, was exposed, and subsequently infected, and then traveled out of his lab and possibly exposed other people outside of the lab, who later on came into the United States. If it happened there, it can happen here as well. This type of scenario should be included in the risk assessment and then the possible outcome mitigated.</p>                                                                     | 63-21   | Please see response to comment 11-8.                                                                                                                                                                                                                                                                                                                                          |
| 63-22 | <p>PAGE D-4 and D-11. The last sentence says "This report is included in the Final Environmental Impact Statement of the Integrated Research Facility." It appears that this report was written and released prior to the release of the Supplemental Draft Environmental Impact Statement and shows <u>predetermination</u> of the proposed project at RML. It was decided long ago that this project would be built in Hamilton.</p>                                                                                                                                                                                                                                                              | 63-22   | Incidents in other US and international labs do not bear on the results of NIH laboratories as NIH has no control over operating procedures of other laboratories. The NIH would be responsible for the safety in the Integrated Research Facility and would maintain its high standards. These standards have resulted in the outstanding safety record cited in Appendix E. |
| 63-23 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 63-23   | Please see response to comment 62-32.                                                                                                                                                                                                                                                                                                                                         |

Subject: Draft Environmental Impact Statement comments for proposed upgrade at Rocky Mountain Labs (cont'd)

Recommended alternatives for the mitigation of increased air pollution from the incinerator have not been analyzed.

63-24

The SEIS indicates that the use of the incinerator will increase by 50-100% if the BL-4 lab is built. This means that the toxic air emissions from the incinerator will increase by 50-100%. The NIH is mandated by its own policies to consider reasonable pollution prevention alternatives in the proposed action of an EIS. We recommended several pollution prevention alternatives to help avoid this increase in emissions from the incinerator, including substituting non-incineration alternatives. These suggestions were ignored.

Section 4-2 of the SEIS makes the claim that

*"High temperature incineration continues to be the method of choice for medical and veterinary wastes as it has been demonstrated to be effective at inactivating all types of pathogens."*

This claim is simply no longer true in the United States. Hundreds (if not thousands) of medical waste incinerators all over the country have shut down in the last few years alone due to the availability of cleaner, cost-effective, non-incineration technologies for handling medical waste. As a matter of fact no medical facility in the entire state of Montana other than Rocky Mountain Labs relies on incineration to dispose of its medical waste.

The SEIS makes very clear that any BL-4 lab waste will be completely decontaminated before it is removed from the BL-4 lab - therefore (despite the implications made in the SEIS) the incinerator is not needed for the purpose of inactivating pathogens from this lab. It is simply being used as a cheap way to dispose of waste -at the expense of the air quality and health of the people of Hamilton. The NIH is proposing a 50-100% increase in toxic air emissions to the community to save a little money at Rocky Mountain Laboratories. Clearly there is an opportunity here to prevent this air pollution, as mandated by NIH policies - a non-incineration alternative must be analyzed in this EIS.

63-25

**Comment**

**Response**

63-24

The RML air quality permit mandates require that the incinerator operate within narrow constraints of operational parameters. Annual Air Emissions Testing results indicate that with the efficient scrubbing system of the Consumat 325, incinerator effluents are far below EPA requirements.

63-25

Non-incinerator alternatives do not provide the redundancy of pathogen inactivation that is provided by incineration.

Subject: Draft Environmental Impact Statement comments for proposed upgrade at Rocky Mountain Labs (cont'd)

**SDEIS Chapter 3, Affected environment, population trend, Housing, education, Law Enforcement, Fire protection, income.**

Population increase in Ravalli County is predicted: (Helena-AP February, 2004) -- A new population study says Ravalli County will be Montana's magnet for growth during the first quarter of this century. That's more than twice the statewide rate, and would give the county just over 60-thousand residents. Among the ten fastest-growing counties, eight are in the western half of the state.

The projections come from N-P-A Data Services in Washington, D-C.

Jim Sylvester, an economist at the Montana Bureau of Business and Economic Research, said Friday that big losses or gains affect school enrollment, taxes, real estate values and political power.

Rising populations mean higher property prices and that results in higher taxes that some longtime residents cannot afford, he said. Some schools will find they don't have enough room for all the students; others will not have enough pupils to stay open, he added.

Ravalli County is no stranger to boomtown growth. It led the state in 1990s with more than a 40 percent increase in population.

**Commissioner Alan Thompson said it's difficult for services to keep up with the rising demand from more and more people.**

"It impacts the infrastructure, our ability to provide services, the school system and causes us to play catch-up constantly because your tax base is not there," he said.

While differing views on the county's growth abound, he said the increasing population is changing the rural nature of the area. "I'm not real crazy about a lot of people moving into the valley," Thompson said.

Patrick O'Herren, Ravalli County planning director, has seen the area's growth up close and believes the trend will continue.

"We see more subdivisions coming in on a weekly basis than I would have imagined a year ago," he said. "Developers cannot find enough available lots to meet the demand they have for new houses. There's a desire to protect what is valuable in Ravalli County, while still accommodating people who want to come here and enjoy it," he said.

Subject: Draft Environmental Impact Statement comments for proposed upgrade at Rocky Mountain Labs (cont'd)

It is clear that there will be added burdens on the taxpayers, added burden to the infrastructure of Hamilton and surrounding areas, added burden/impacts on the environment if the proposed Level 4 lab is built. Hamilton is an inappropriate location for such a facility.

We would also like to request a **new** Supplemental Draft Environmental Impact Statement be provided, since the questions, concerns, and comments in the first Supplemental are inadequately addressed.

Sincerely,

**Mary & Greg Tilford**

**PO BOX 1645**

**Hamilton MT 59840**

**Nottingham, Valerie (NIH/OD/ORF)**

**From:** animals@bitterroot.net  
**Sent:** Wednesday, February 11, 2004 8:58 PM  
**To:** ORS RMLEIS (NIH/OD/ORS)  
**Subject:** Supplemental Comments on SDEIS for RML  
  
**Importance:** High

Ms. Nottingham,  
It has come to my attention on the eve of the comment period deadline, that quite a few animals died at Rocky Mountain Labs this last weekend, as a result of a failed computer system. This is just another reason that the proposed Level 4 lab should not be built at Rocky Mountain Labs. I would appreciate this whole scenario being included in the NEXT Supplemental Draft EIS.

63-26 {

Thankyou  
  
Mary Tilford  
PO BOX 1645  
Hamilton MT 59840

| <b>Comment</b> | <b>Response</b>                       |
|----------------|---------------------------------------|
| <b>63-26</b>   | Please see response to comment 39-21. |

**Nottingham, Valerie (NIH/OD/ORF)**

**From:** carolyn mast [mastcl@yahoo.com]  
**Sent:** Wednesday, February 11, 2004 5:56 PM  
**To:** ORS RMLEIS (NIH/OD/ORS)  
**Subject:** comments on the RML 2nd draft EIS

Valerie Nottingham  
9000 Rockville Pike  
Bethesda, MD 20982

Dear Valerie,

64-1 { My main concern about the first draft EIS is that a great majority of the comments submitted have never been addressed by the NIH. As a citizen of the Bitterroot Valley, I feel that I have been illegally denied information that will allow me to fully and meaningfully participate in the NEPA process. The information I am talking about is the NIH's response to the comments from the Bitterroot Valley community. Because a great majority of the comments have not been addressed, I do not feel confident or secure that the RML is doing what they legally need to be doing which is to present all the applicable information regarding the level 4 extension. There is a large lack of information regarding environmental and community safety. Since these comments have not been addressed, I feel very uneasy and I request an extension of the deadline for comments until we citizens get the responses to the first set of comments which is entitled to us by law.

64-2 { A number of comments submitted on the first draft requested a medical facility with a doctor who specializes in infectious diseases be located on the RML campus. If this medical facility with its isolation room were located on the RML campus, it would help put the community at ease. Another thing that would put the community at ease would be to have a dedicated helicopter at RML for the sole purpose of transporting an infected worker directly to Bethesda, MD for treatment. Transporting an infected person to Missoula is a ridiculous idea. The ambulance workers are not experts in dealing with these diseases, not to mention any other person who comes into contact with the ambulance. There may be one doctor in Missoula who could be of assistance if an infected person ended up in Missoula, but the vast majority of all the other hospital staff are not trained in treatment of these types of infectious diseases. Basically, too many other people could get infected along the way. This, is one of the largest concerns of the citizens of the Bitterroot Valley. If the NIH made these concessions, the community would feel safer. The community would also feel better about RML, thinking that they care about the concerns of the community in which they live. Not addressing this huge concern is a slap in the community's face. I feel that this issue is the single most important issue of the Bitterroot community, and if the NIH made these concessions, the community would feel better about RML and about building the level 4 lab.

By the NIH not addressing this concern or any of the

*LETTER 64 - CAROLYN MAST*

- | Comment | Response                             |
|---------|--------------------------------------|
| 64-1    | Please see response to comment 47-3. |
| 64-2    | Please see response to comment 11-9. |

other concerns of the community, it is hard for me at this point to spend much time making other comments on the second draft EIS. If I look back at all the time put into the first sets of comments on the first draft EIS, I cannot help but think that my comments might not get addressed. The Bitterroot community would love to feel good about RML and the level 4 extension.

But, since the NIH has not addressed the community's concerns with responses to comments, or with some concessions, the community is not feeling too good about RML.

Sincerely,

Carolyn Mast

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**Nottingham, Valerie (NIH/OD/ORF)**

**From:** Bob Scott [discovry@MONTANA.COM]  
**Sent:** Wednesday, February 11, 2004 7:17 PM  
**To:** ORS RMLEIS (NIH/OD/ORS)  
**Subject:** RML Biosafety Lab 4 DEIS comment

Valerie Nottingham  
National Institutes of Health  
9000 Rockville Pike  
Bldg. 13, Room 2W64  
Bethesda, MD 20892

Please include the following comments in the permanent record for this proposal.

I am a long time resident of Hamilton, and have resided at the same address on the north side of Hamilton for the last 18 years. I grew up in Hamilton within one block of the Rocky Mountain Laboratory. Although I have never worried about the activities at RML (my mother worked at RML for many years in the 1950's and 1960's), I have recently become quite concerned about the proposed new activities and the scale of the activities proposed in the recently released DEIS. It seems to me that the current proposal could have severe negative impacts for our community.

The fact that this proposal seems to have grown out of the newly created "War on Terror," suggests that the RML may be taking on a wholly new character and one that could seriously and detrimentally affect our lives and the local environment in a way that the old lab never could.

As the Biosafety Lab 4 planned for Hamilton on 4th Street will be responsible for researching "dangerous/exotic agents which pose high risk of life-threatening diseases," including such agents as Ebola, Encephalitis, Marburg Fever, and Mad Cow disease, it seems prudent to investigate what possible dangers this could present to our town and the surrounding area. The Supplemental Draft Environmental Impact Statement raises my level of concern above previously released documents, and has compelled me to comment.

In particular (and this is by no means a complete list), the Supplementary DEIS has no emergency plan included, no real provision for emergency services support, makes increased use of the incinerator to burn medical/infectious waste, has insufficient air pollution analysis, and no analysis of the risks posed by an accidentally infected lab worker. And there are no real alternatives to the building the Biosafety Lab 4 in Hamilton which are presented the document.

Last year I was elected to the City Council of the City of Hamilton. As a Councilor, I am responsible, in a relatively direct way, for protecting the interests of the citizens of Hamilton and the welfare of our city. The Supplementary DEIS suggests that my job is going to be much more difficult if the Biosafety Lab 4 is built as currently described. There is nothing in the DEIS that indicates any resources will be provided to the City of Hamilton to deal with the impact of the Biosafety Lab 4. There are no resources, financial or otherwise, suggested that would help us mitigate the impacts to our infrastructure including our sewer system, water system, wastewater treatment plant, streets, law enforcement capability, and many other City systems during the normal operations of the fully completed lab complex. And, equally if not more importantly, there are no resources provided to help the City of Hamilton deal with the possible emergencies (such as dangerous disease outbreaks or terrorism incidents) that could result from the existence of the Biosafety Lab 4.

*LETTER 65 - BOB SCOTT*

**Comment**

**Response**

65-1

65-1

Please see Section 1.7.2 where comments on the emergency plan were addressed. Please see Section 1.7.3 where comments on the use of the incinerator were addressed. Please see Section 1.7.1 where comments on the alternatives were addressed.

Chapter 5 – Response to Comments

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65-2

I ask, as a resident and a public official, that the Final DEIS address the resources the City of Hamilton will need to cope with the impacts of the Biosafety Lab 4 project. Otherwise, the project could face severe opposition from parts of the community that will be left to provide those resources unaided by the Federal government.

Bob Scott  
102 Geneva  
Hamilton MT 59840  
406-363-0234

**Comment**

**Response**

65-2

Please Section 1.7.3 where comments on the effects on community infrastructure were addressed.

**Nottingham, Valerie (NIH/OD/ORF)**

**From:** Ted Kerstetter [tedker@spamarrest.com]  
**Sent:** Wednesday, February 11, 2004 7:18 PM  
**To:** ORS RMLEIS (NIH/OD/ORS)  
**Subject:** RML expansion to BSL-4 level

Dear Ms. Nottingham;

Below,I quote from a *Friends of the Bitterroot* statement, with which I fully concur. There are hundreds of Bitterroot Valley (MT) residents who are outraged at NIH ignoring a legal FOIA request. Please believe that we will not be dissuaded or intimidated by NIH intransigence and are perfectly prepared to move to the level of federal courts if we must.

"Bitterroot valley citizens have been illegally denied important information and documents relating to the proposed RML Biolevel-4 expansion. This information was requested by *Friends of the Bitterroot* six months ago in a FOIA (Freedom of Information Act) request, and we as citizens need that information in order for us to fully and meaningfully participate in the NEPA process. We therefore request that the deadline for comments be extended until we have access to this information that we as citizens of the United States are legally entitled."

--

Ted Kerstetter  
Hamilton, MT

LETTER 66 - TED KERSTETTER

**Comment**

**Response**

**66-1** Please see response to comment 47-3.

66-1 {

**Nottingham, Valerie (NIH/OD/ORF)**

**From:** cynthia [cynthia@blackfoot.net]  
**Sent:** Wednesday, February 11, 2004 9:25 PM  
**To:** ORS RMLEIS (NIH/OD/ORF)  
**Subject:** Response to EIS on BSL-4 lab at RML

February 11, 2004

To Valerie Nottingham:

I am writing this in regards to the Rocky Mountain Labs proposed construction and operation of the BSL-4 laboratories.

Firstly I would like to address the documents asked for through the FOIA stating that the "The RML campus is located in rural western Montana, well removed from major population centers. The location of the laboratory reduces the possibility that an accidental release of a biosafety level-4 organism would lead to a major public health disaster." We have not received all information pertaining to this, and the citizens of the Bitter Root valley are entitled to all information to make informed and thorough comments because this affects every aspect of our lives. I request that an extension of the deadline be extended until such time that we receive the documents that we are entitled to by law.

67-1

Furthermore, my main concerns are the containment of and disposal of the hazardous material at the lab; the amount of particulates generated during the incineration of said contaminants; and the amount of water the lab will use, including for the showering of the employees working in the BSL-4 labs. This water may end up in the ground water around the facility.

67-2

Another concern is the fact that the lab doesn't have to inform the public if any of the pathogens at the lab are lost or stolen stated in the Homeland Security Act. That is just wrong!

67-3

I think that this administration is trying to play on people's fears to justify building and operating a BSL-4 lab.

The Bitter Root valley is too beautiful of a place to contaminate with the hazardous materials that the lab will be manufacturing. Why not build such a lab on George W. Bush's ranch in Texas?

James D. Cerasoli  
 3803 Reed Butte Rd.  
 Stevensville, MT 59870

*LETTER 67 - JAMES CERASOLI*

| <b>Comment</b> | <b>Response</b>                                                                            |
|----------------|--------------------------------------------------------------------------------------------|
| <b>67-1</b>    | Please see response to comment 47-3.                                                       |
| <b>67-2</b>    | Please see Section 1.7.3 where comments on increased use of the incinerator are addressed. |
| <b>67-3</b>    | Please see response to comment 62-136.                                                     |

**Nottingham, Valerie (NIH/OD/ORF)**

**From:** cynthia [cynthia@blackfoot.net]  
**Sent:** Wednesday, February 11, 2004 10:06 PM  
**To:** ORS RMLEIS (NIH/OD/ORF)  
**Subject:** response to Draft EIS on BSL-4 lab @ RML

February 11, 2004

To Valerie Nottingham:

I am writing this letter in regards to the Supplemental Draft of the EIS concerning the RML facility in Hamilton, MT, and the proposed construction of a BSL-4 lab at this complex. I highly disagree with such a facility at this location and will outline my reasons below.

**68-1** { The first point to address is that we as citizens of the Bitter Root valley have not received all the information that we asked for under the Freedom of Information Act, and until such time we cannot fully make informed decisions until we have all pertinent information concerning this facility. I request that we have an extension on the deadline because of the information that we have not yet been given.

Concerning the information not yet fully released on the NIH memo that states " The RML campus is located in rural western Montana, well removed from major population centers. The location of the laboratory reduces the possibility that an accidental release of a biosafety level-4 organism would lead to a major public health disaster." I would like to say that Hamilton, MT is a substantial community, and that the Bitter Root valley is one of the fastest growing areas of the state, with growth projected to go up 60% by 2025. It is not prudent to build such a facility in this setting. I also believe that many times in looking at where to house a BSL-4 lab, the natural environment is often overlooked. MT is still a fairly intact ecosystem as far as quality of water, air, and the land which includes all of the wildlife. A BSL-4 lab should not be constructed in a place such as this, where the pristine quality and health of the environment is of utmost importance.

**68-2** { There are many points to cover that were not addressed, or not addressed sufficiently in the Supplemental Draft Environmental Impact Statement: There is no emergency plan included in the EIS. How would emergency services be supported with federal help? How much money and training would be provided? The idea that released, stolen, or lost agents or toxins are prohibited from being made public, stated in the Homeland Security Act is an outrage and reason enough to not build such a facility. The increase of use of the incinerator to burn medical/infectious waste is not fully addressed, and the Bitter Root valley is not a place to have an incinerator period, and certainly not to increase output. The increase in water usage per day I feel is too much, especially with the rapid growth that is occurring in this area. One must remember that Montana is a semi-arid climate, and is suffering through many years of drought, as is most of the western United States. We will have to make good decisions about how our water is being used, and a BSL-4 lab should not be a priority for our precious water. Alternatives to building in Hamilton which are standard in EIS's were not provided. The transportation of pathogens is another issue that must be addressed. Winter driving in MT can be very treacherous, and this is another reason that the valley is an improper place for such a facility.

**68-3** { There are so many reasons that a BSL-4 lab should not be built in Hamilton, MT, and I close as I started that there must be an extension to the deadline until we receive all information pertaining to the documents and correspondence requested.

*LETTER 68 - CYNTHIA SANTOS*

**Comment**

**Response**

**68-1** Please see response to comment 58-1.

**68-2** Please see Section 1.7.2 where comments on the emergency plan are addressed.

**68-3** Please see Section 1.7.3 where comments on the impacts on the water supply are addressed. Please see Section 1.7.1 where comments on alternative locations are addressed. In the SDEIS, please see Appendix C – Transportation of Agents.

## Chapter 5 – Response to Comments

The concerns and dangers of a BSL-4 lab exponentially outweigh the positive aspects of locating it in Hamilton, MT. I trust that you consider all that I have said in far away MD, and understand the reasons to go with the No Action alternative.

Cynthia Santos  
4581 Rathbun Lane  
Stevensville, MT 59870

### Nottingham, Valerie (NIH/OD/ORF)

**From:** Brian Jameson [brianvayu@juno.com]  
**Sent:** Wednesday, February 11, 2004 10:17 PM  
**To:** ORS RMLEIS (NIH/OD/ORF)  
**Subject:** comment for revised draft eis

69-1 { I appreciate that NIH has tried to address many concerns of the citizens of the Bitterroot Valley. However, I am not in support of this project. I don't think that the draft eis has analyzed the water supply realistically, I don't think that alternative sites have been given due consideration, I don't think that the increased incineration of toxic materials has been given wise consideration, I don't think that the lack of security here has been given wise consideration.

Truthfully, I don't think it is a good idea to put a BSL-4 lab here in the Bitterroot Valley. The idea seems to be primarily due to the call by President Bush for more bioterrorist research. The lab as it is has been functioning well and proudly recognized throughout the community. I would like to see the lab continue as it is, a BSL-3 lab.

sincerely, Brian

Jameson

### LETTER 69 - BRIAN JAMESON

#### Comment

#### Response

69-1 Please see Section 1.7.1 where comments on alternative locations are addressed. Please see Section 1.7.3 where comments on the impacts on the water supply and effects of increased use of the incinerator are addressed.

**Nottingham, Valerie (NIH/OD/ORF)**

**From:** s cole [bltrtsharon@yahoo.com]  
**Sent:** Wednesday, February 11, 2004 10:54 PM  
**To:** ORS RMLEIS (NIH/OD/ORS)  
**Subject:** RML Integrated Research Facility

Valerie Nottingham

I have worked at RML for 49 years, working with bordetella pertussis, both group A and B streptococcus, AIDS, gonococcus and Q-fever, retiring 01-01-03. I feel that I have a very good sense of the work done in RML and the people that work there. I attended one of the meetings held about the proposed BL-4. I am for the project and would have no qualms about living next to the perimeter fence on the downwind side. I believe that this project would be a good thing for Hamilton and the schools. I know how the researchers here have worked with the schools to further the students understanding about scientific research.

This is a personal note regarding my impressions of the situation here. There are certain people who are adamantly against the project and no amount of information will change their minds.

Robert L Cole

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*LETTER 70 - ROBERT COLE*

**Nottingham, Valerie (NIH/OD/ORF)**

**From:** Suzanna McDougal [sumac@northlink.com]  
**Sent:** Wednesday, February 11, 2004 11:51 PM  
**To:** ORS RMLEIS (NIH/OD/ORS)  
**Subject:** FW: RML comment deadline: Feb 11

Attention Valerie Nottingham:  
 CONCERNING:  
 Rocky Mountain Labs  
 Biosafety level 4  
 Comment deadline: February 11, 2004

A Biosafety Lab 4 planned for Hamilton on 4th Street and will be responsible for researching "dangerous/exotic agents which pose high risk of life-threatening diseases." (DEIS, 1-5). Included in the list are: Ebola, Encephalitis, Marburg Fever, and Mad Cow disease.

**71-1** { The citizens of the Bitterroot Valley have been illegally denied information that will allow us to fully participate in the National Environmental Policy Act process. I am requesting an extension of the deadline for comments until I receive the documents that I am entitled to by law.

**71-2** { The NIH is illegally withholding information and other important documents relating to the proposal. In our Freedom Of Information Act request we asked for all documents and correspondence relating to the NIH memo that states "The RML campus is located in rural western Montana, well removed from major population centers. The location of the laboratory reduces the possibility that an accidental release of a biosafety level-4 organism would lead to a major public health disaster." This has not been forthcoming. This must be sent as entitled by law.

**71-3** { These points have not been addressed and I request that you do so now and provide an extension of the deadline for comments.  
 1. No emergency plan was included in the Supplemental Draft Environmental Impact Statement. We must have this in the SDEIS.  
 2. Emergency services have not been detailed, in case of an accident.  
 3. Released, stolen, or lost agents or toxins are prohibited from being made public, stated in Homeland Security Act. We need to know if this were to ever happen in our community. Our right to know is affected here.  
 4. Increased use of the incinerator to burn medical/infectious waste is dangerous to our health and our children's.  
 5. Air pollution analysis must be available for the citizens of the Hamilton, MT area.  
 6. Inventory of toxic chemicals proposed to be used onsite must be detailed and that information given to the public.  
 7. There is not an analysis of the risks posed by an accidentally infected lab worker. This must be included.  
 8. What is the potential income to the local government from payroll taxes?  
 9. What is the solid waste stream expected from the proposed lab?  
 10. There are conflicts between the proposed projects and the goals of the Ravalli County Growth policy.  
 11. What will the noise level be and what lights will glare into the houses near the lab at night?  
 12. You did not address the traffic in the neighborhood adjoining the lab. What will the increase be and how will it affect the homes that are next to the lab?  
 13. What is the potential target by terrorist?

Suzanna McDougal

**LETTER 71 - SUZANNA MCDUGAL**

| Comment     | Response                                                                                                               |
|-------------|------------------------------------------------------------------------------------------------------------------------|
| <b>71-1</b> | Please see response to comment 47-3.                                                                                   |
| <b>71-2</b> | Please see response to comment 58-1.                                                                                   |
| <b>71-3</b> | Please see Section 1.7.2 where the emergency plan comment is addressed.                                                |
|             | Please see Section 1.7.2 where the emergency response comment is addressed.                                            |
|             | Please see response to comment 62-136.                                                                                 |
|             | Please see Section 1.7.3 where the increased use of the incinerator and air pollution comments are addressed.          |
|             | Please see Section 1.7.3 where the use of toxic chemicals comment is addressed.                                        |
|             | Please see response to comment 39-16 for effects of an exposed laboratory worker.                                      |
|             | Please see response to comment 39-15 on tax revenue.                                                                   |
|             | Please see response to comment 39-19 for consistency with the Ravalli County Growth Policy.                            |
|             | Please see Section 1.7.3 where comments on noise, light, traffic, and the increased threat of terrorism are addressed. |

PO Box 1335  
Hamilton, MT 59840

Emailing my comments to:  
Valerie Nottingham  
Orsrmls-r@mail.nih.gov

Valerie Nottingham  
National Institutes of Health  
9000 Rockville Pike  
Bldg. 13, Room 2W64  
Bethesda, MD 20892

**Nottingham, Valerie (NIH/OD/ORF)**

**From:** DorindaTroutman@aol.com  
**Sent:** Thursday, February 12, 2004 12:05 AM  
**To:** ORS RMLEIS (NIH/OD/ORS)  
**Subject:** Comment on RML Environmental Impact Statement

Ms. Nottingham:

I did not find the new environmental impact statement enlightening, nor an improvement over the original. My concerns having to do with human error, location in the middle of a small town, and in the middle of a beautiful mountain valley have not been met.

Last week's problem with a malfunctioning heating system and warning system at the Lab is just one small reminder of how things can go wrong.

I quote from the NIH press release, (that has not been released to the press) follows:  
"A temperature sensor that regulates the flow of hot air into an animal research holding facility malfunctioned between 4 p.m. Saturday, Feb. 7, and 8 a.m. Sunday, Feb. 8, at the Rocky Mountain Laboratories (RML) in Hamilton, MT. When animal technicians arrived to feed and water the animals Sunday morning they discovered the malfunction. RML maintenance personnel, the chief veterinarian and the chairman of the RML Animal Care and Use Committee (ACUC) were immediately notified.

The malfunction created a constant flow of hot air into a 10,000 square-foot animal facility. For a period of time temperatures in some animal holding rooms reached 100 degrees Fahrenheit, or about 25 degrees above normal. An alarm properly activated in the facility and in a maintenance area. At the time, however, the alarm was not programmed to notify RML security employees, who are on duty 24 hours per day.

The malfunction resulted in the deaths of some squirrel monkeys and hamsters due to complications of hyperthermia. The holding facility sustained no breach in containment, and all animals remained in their cages. At no time was there any risk to staff in the facility or to persons in the surrounding area."

Although this "accident" did not harm humans, it is exactly the type of simple mishap that concerns me when working with such deadly pathogens.

**72-1** { Please answer my questions of how this kind of error, or any other, may never be repeated in any manner again at RML.

Sincerely,  
Dorinda Troutman  
PO Box 174  
Hamilton MT 59840  
406-363-1806

*LETTER 72 - DORINDA TROUTMAN*

**Comment**

**Response**

**72-1** It is impossible to guarantee that a malfunction, mishap, or error will never occur. Safety mechanisms and backup systems greatly reduce the likelihood of an incident.

**Nottingham, Valerie (NIH/OD/ORF)**

**From:** cindy nicholls [nickmt23@earthlink.net]  
**Sent:** Thursday, February 12, 2004 12:13 AM  
**To:** ORS RMLEIS (NIH/OD/ORS)  
**Subject:** EIS comments

Dear Ms Nottingham,

- 73-1** { I am writing to continue to voice my concern for the proposed Bio Level 4 lab planned for Hamilton. I feel that many, many peoples concerns and questions were not addressed. I especially wish to know how the public would be protected from an accidentally infected lab worker-one who does not know he has been infected and goes out o the grocery or the high school basketball game and exposes everyone else.
- 73-2** { Also, Hamilton does not have the medical services to treat an accidental exposure of any magnitude above one person being affected. Have you seen our hospital?  
Where is the emergency evacuation plan for the county????  
Alternative sites were not provided in your eis.
- 73-3** { I am also very disturbed to learn of the computer malfunction resulting in the "cooking to death" of 13 squirrel monkeys and numerous hamsters and rats over this past weekend. Your alarms went off but not to the people who could have saved the animals. A similar malfunction could prevent us from knowing of an accidental release of deadly pathogens. Nothing is fail safe. This lab needs to be on a military base where people choose to be working in such an environment, Not in a residential neighborhood in a valley with one 2 lane road leading north or south for an escape.

Sincerely,  
Cindy Nicholls

*LETTER 73 - CINDY NICHOLLS*

**Comment**                      **Response**

- 73-1** It is virtually impossible for a laboratory worker to become infected without knowing it. Please also see response to comment 71-3.
- 73-2** Please see Section 1.7.2 where this comment was addressed.
- 73-3** Please see Section 1.7.1 where this comment was addressed.

**Nottingham, Valerie (NIH/OD/ORF)**

**From:** Vogt [calamity@montana.com]  
**Sent:** Thursday, February 12, 2004 12:31 AM  
**To:** ORS RMLEIS (NIH/OD/ORF)  
**Subject:** Rocky Mountain Lab

Dear Valerie Nottingham:

Apparently accidents DO happen. This time we were all lucky.

I am intensely bothered by the idea that my neighbors and I appear to be the expendible portion of the population. We have been denied access to important information as related to the expansion of the Rocky Mountain Lab to a Biolevel-4. Considering the gravity of this decision I wouldn't think that it would be unreasonable to extend the deadline in order to allow this information to reach the Americans who have a legal right to it.

Please see to it that justice remains an American tradition.

Sincerely,

Marla-Jane Vogt  
Hamilton, Montana

**HEATING MALFUNCTION CAUSES RESEARCH SETBACK**

A temperature sensor that regulates the flow of hot air into an animal research holding facility malfunctioned between 4 p.m. Saturday, Feb. 7, and 8 a.m. Sunday, Feb. 8, at the Rocky Mountain Laboratories (RML) in Hamilton, MT. When animal technicians arrived to feed and water the animals Sunday morning they discovered the malfunction. RML maintenance personnel, the chief veterinarian and the chairman of the RML Animal Care and Use Committee (ACUC) were immediately notified.

The malfunction created a constant flow of hot air into a 10,000 square-foot animal facility. For a period of time temperatures in some animal holding rooms reached 100 degrees Fahrenheit, or about 25 degrees above normal. An alarm properly activated in the facility and in a maintenance area. At the time, however, the alarm was not programmed to notify RML security employees, who are on duty 24 hours per day.

**LETTER 74 - MARLA-JANE VOGT**

**Comment**

**Response**

74-I {

74-I Please see response to comment 47-3.

The malfunction resulted in the deaths of some squirrel monkeys and hamsters due to complications of hyperthermia. The holding facility sustained no breach in containment, and all animals remained in their cages. At no time was there any risk to staff in the facility or to persons in the surrounding area.

The affected animals were involved in research on transmissible spongiform encephalopathies (TSE), also known as prion diseases. These are fatal brain diseases associated with the accumulation of misshapen protein molecules. These diseases include chronic wasting disease in deer and elk, bovine spongiform encephalopathy (mad cow disease), scrapie in sheep and Creutzfeldt-Jacob disease in humans. All macaques involved in the research survived, as did many of the squirrel monkeys and hamsters, which will allow those experiments to continue.

The sensor malfunction was repaired by 9 a.m. on Sunday, and the system was tested and is functioning. The temperature sensor has been reprogrammed to notify security employees and other key RML officials whenever the temperature fluctuates up or down 5 degrees from the normal temperature (normal range from 72 to 78 degrees Fahrenheit) for more than 10 minutes.

The squirrel monkey research, begun in April 2003, is designed to determine whether non-human primates become infected when exposed to infected tissue from deer or elk with chronic wasting disease. Such research could help determine whether, and how, other types of TSEs become infectious in different species.

Drs. Richard Race and Bruce Chesebro and the team of TSE researchers estimate the incident will set back portions of their research project about 12 to 18 months. Dr. Chesebro called the loss of the animals a tragedy. The team will continue its experiment with the surviving animals, however, and with new animals to replace those that died.

An RML veterinary pathologist has examined the dead animals to learn more about their deaths and to recover any research information that may be useful to the TSE experiment, such as whether brain tissues showed signs of CWD infection.

An emergency meeting of the Animal Care and Use Committee was held to review and document the incident. The committee will send documentation to the director of the Office of Animal Care and Use, National Institutes of Health.

###

Media inquiries can be directed to RML Public Affairs at 406-375-9690.

RML is part of the National Institute of Allergy and Infectious

Diseases, a component of the National Institutes of Health (NIH). NIH is an agency of the Department of Health and Human Services. NIAID supports basic and applied research to prevent, diagnose and treat infectious and immune-mediated illnesses, including HIV/AIDS and other sexually transmitted diseases, illness from potential agents of bioterrorism, tuberculosis, malaria, autoimmune disorders, asthma and allergies.

Press releases, fact sheets and other NIAID-related materials are available on the NIAID Web site at <http://www.niaid.nih.gov>.

Prepared by:  
Office of Communications and Public Liaison  
National Institute of Allergy and Infectious Diseases  
National Institutes of Health  
Bethesda, MD 20892

U.S. Department of Health and Human Services

**Nottingham, Valerie (NIH/OD/ORF)**

**From:** Doug Soehren [dsjl@micro-mania.net]  
**Sent:** Thursday, February 12, 2004 1:01 AM  
**To:** ORS RMLEIS (NIH/OD/ORS)  
**Cc:** Doug Soehren  
**Subject:** Comments to RML SDEIS

Valerie Nottingham

National Institutes of Health NEPA coordinator,

Please enter the following comments in the EIS records for the proposed Rocky Mountain Laboratories proposed BSL 4 expansion project.

- 75-1** { The range of alternatives studied is still inadequate. You need to consider building in other locations.
- 75-2** { We and many other citizens of the Bitterroot Valley have been illegally denied information that will allow us to fully and meaningfully participate in the National Environmental Policy Act process.
- We are members of one or more groups who submitted an FOIA request for information relevant to the NEPA process which these comments are a part. An apparently willful failure to comply with this request since last summer has illegally denied us access to information that should be analyzed by the public before any decision to implement this project is made.
- 75-3** { We request an extension of the deadline for comments until such time that we receive the documents we are entitled to by law and have had time to analyze them.
- Another issue of great concern to us has recently come to light and should be resolved before this proposal is considered further:
- 75-4** { A reading of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002, particularly Title II, Sec. 351A, leaves us with the impression that the NIH and the RML are prohibited from advising our local health authorities in the event of loss, theft or spill of infectious agents within the RML facility. This is not acceptable and must be addressed immediately.
- 75-5** { A comprehensive emergency plan is still noticeably absent from the SDEIS.

*LETTER 75 - DOUG SOEHREN*

- | <b>Comment</b> | <b>Response</b>                                           |
|----------------|-----------------------------------------------------------|
| <b>75-1</b>    | Please see Section 1.7.1 where this comment is addressed. |
| <b>75-2</b>    | Please see response to comment 58-1.                      |
| <b>75-3</b>    | Please see response to comment 47-3.                      |
| <b>75-4</b>    | Please see response to comment 62-136.                    |
| <b>75-5</b>    | Please see Section 1.7.2 where this comment is addressed. |

Chapter 5 – Response to Comments

Your assessment of risk is overoptimistic. You have failed to learn the lessons of history and seem to be ignoring our warnings that the proliferation of deadly organisms you seek to study has as much potential to harm humanity as it does to aid it. You fail to acknowledge the risk of proliferated organisms finding their way into the hands of terrorists by way of disgruntled employees or sold by scientists to the highest bidder. We hate to think of these risks but they are very real as history has shown.

You ignore your responsibility to the public and your mandate under NEPA to fully disclose these risks in the SDEIS.

**75-6** { Your assertion that "RML does not and will not conduct research to develop offensive biological weapons" is meaningless. We are familiar with the workings of US Government bureaucracies. We know how reality differs from the image and the rhetoric. We have been alive too long with our eyes and ears open to believe the assurances of one of your many contractors who processes documents for money.

We know this project is about money. It's not about health or safety or security. We have seen and heard from the short sighted and the greedy who are lining up for the jobs and the contracts and the handouts. We are not among them. We don't want your money and we don't want you to put our lives and health at needless risk.

Sincerely,

Doug Soehren

Joetta Lawrence

**Comment**

**Response**

**75-6** Please see response to comment 63-4.

Nottingham, Valerie (NIH/OD/ORF)

From: Kierstin Lange [klange1@qwest.net]  
Sent: Thursday, February 12, 2004 1:44 AM  
To: ORS RMLEIS (NIH/OD/ORS)  
Subject: ROCKY MOUNTAIN LAB

Dear Ms. Nottingham and the staff at NIH and NIAID,  
I am writing regarding the proposed expansion of the Rocky Mountain Lab in Hamilton.  
Here are a few of my concerns:

- 76-1 { 1. No EMERGENCY PLAN included in the SEIS
- 76-2 { 2. No analysis of the adequacy EMERGENCY SUPPORT SERVICES in comparison to urban settings.
- 76-3 { 3. RELEASED, STOLEN, LOST AGENTS or TOXINS are PROHIBITED from being made PUBLIC, as stated in as stated in the Bioterrorism Preparedness Act
- 76-4 { 4. FREEDOM of INFORMATION ACT requests have been ignored
- 76-4 { 5. No analysis of the risks posed by an accidentally INFECTED LAB WORKER.
- 76-5 { 6. Increased use of the INCINERATOR to burn waste
- 76-5 { 7. Increased NOISE and TRAFFIC in residential neighborhoods
- 76-5 { 8. ALTERNATIVES - which are absolutely standard in EIS's - were not provided.
- 76-5 { 9. PURPOSEFUL RELEASE or POTENTIAL TARGET by terrorists

We, and the Bitterroot valley citizens whom we represent and inform, have been illegally denied important documents and information that are crucial to meaningful participation in the NEPA process for the proposed BSL-4 expansion at Rocky Mountain Laboratories (pursuant to 40 C.F.R. 1506.6 and 1507.1). The NIH is currently in violation of Freedom of Information Regulation 5.35(b)(2) for not responding to Friends of the Bitterroot's FOIA appeal, received by the FOIA appeals office November 10th, 2003, by the required deadline. The NIH has also violated 5 U.S.C. 552(a)(6)(A)(iii) and 45 C.F.R. 5.45(a)(1)(2) for not granting a fee waiver request, as required by law. The NIH has been in possession of this FOIA request for 6 months and has failed to act. We view these actions as deliberate stonewalling of our groups and the large number of citizens that we represent, while NIH hurriedly moves forward with the scoping process on the proposal. For this reason, we require that the deadline for comments on the SDEIS be extended until 45 days after we receive the documents in our FOIA request, to which we are legally entitled.

These are not small, insignificant issues.

- 76-6 { Our community may be well removed from major population centers and may reduce the possibility that an accidental release of biosafety level-4 organism would lead to a major public health disaster, however, we want all the information on the table. There has been some blatant disregard for requests for information and risk

LETTER 76 - KIERSTIN LANGE

| Comment | Response                                                                                                                                             |
|---------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| 76-1    | The emergency plan comment is addressed on page I-10 of the SDEIS. An analysis of emergency support services was included in Chapter 4 of the SDEIS. |
| 76-2    | Please see response to comment 62-136.                                                                                                               |
| 76-3    | Please see response to comment 58-1.                                                                                                                 |
| 76-4    | Please see response to comment 71-3.                                                                                                                 |
| 76-5    | Please see Sections I.7.1 and I.7.3 where comments were addressed.                                                                                   |
| 76-6    | Please see response to comment 47-3.                                                                                                                 |

analysis that are of greatest importance to us.

Incidents such as these are examples of negligence and potential danger, especially when it is not reported to the community until the day of the comment deadline!

*" The malfunction created a constant flow of hot air into a 10,000 square-foot animal facility. For a period of time temperatures in some animal holding rooms reached 100 degrees Fahrenheit, or about 25 degrees above normal. An alarm properly activated in the facility and in a maintenance area. At the time, however, the alarm was not programmed to notify RML security employees, who are on duty 24 hours per day."*

Please consider the potential impact on our beautiful valley and community.

Thank you.  
Sincerely,  
Kierstin Lange

**Nottingham, Valerie (NIH/OD/ORF)**

**From:** Judy Hoy [bwrehab@mtwi.net]  
**Sent:** Thursday, February 12, 2004 1:57 AM  
**To:** ORS RMLEIS (NIH/OD/ORS)  
**Subject:** Rocky Mountain Lab Expansion to Biolevel-4.

Dear Ms. Nottingham,

77-1

I would like to request that the deadline for comments on the RML Biolevel-4 expansion be extended until the citizens of Ravalli County and surrounding area are provided with the information which they requested under the FOIA. While I completely support the RML's work, a Biolevel-4 laboratory can be much more hazardous to the health of the people and animals in a large area surrounding the laboratory. Therefore it is essential that the citizens of Ravalli County are able to make an informed decision based on all available information as to whether we want a Biolevel-4 lab in our community.

It is my understanding that RML recently had an unfortunate accident with the heating which caused the deaths of important study animals. I used to be on the ACUC committee and it was my understanding several years ago, when a similar incident caused study animal deaths, that an alarm system such as the new alarm system just put in place was put in place several years ago. Some of the deaths were to primates in the recent accident, which is very concerning to me.

Please provide the citizens with the information they requested, and note that I fully believe that a Biolevel-4 laboratory in Hamilton, Montana is unwise and a waste of taxpayers money. The RML always needed more Biolevel-3 space to study the diseases and other problems which are much more of a threat.

I have also voiced my concern for the health of the families of scientists moving to the Bitterroot Valley because of the extremely high rate of developmental malformations in wildlife and domestic animals here.

Sincerely,  
Judy Hoy

LETTER 77 - JUDY HOY

**Comment**

**Response**

77-1 Please see response to comment 47-3.

Dear Ms Nottingham -

I'm happy to see a supplemental draft EIS for the RMC expansion was prepared, since the first was so flawed & limited. Though the Supplement stinks too.

It's obviously biased towards the expansion. The alternatives still aren't realistically considered. It's obvious the decision was made years ago and this small rural community was chosen because the amount of citizens knowledgeable enough to speak out against it is few. So big government can march in & do whatever they want.

I'm opposed! And I'm embarrassed by "my" government once again.

Sincerely  
Connie Johnson  
415 S 8th St  
Hamilton, MT  
59840

LETTER 78 - CONNIE JOHNSON

**ATTORNEY GENERAL**  
STATE OF MONTANA

Mike McGrath  
Attorney General



Department of Justice  
215 North Sanders  
PO Box 201401  
Helena, MT 59620-1401

February 11, 2004

Ms. Valerie Nottingham  
NIH B-13/2 W 64  
9000 Rockville Pike  
Bethesda, MD 20892

VIA FAX (301) 480-8056

Re: Rocky Mountain Laboratories

Dear Ms. Nottingham:

Please accept this letter in support of the proposed expansion of Rocky Mountain Laboratories in Hamilton.

As Montana's attorney general, I take seriously the challenges of homeland security and public safety. The upgrade to Biosafety Level 4 in Hamilton would allow the most talented of scientists to scrutinize the most dangerous of diseases.

As a native Montanan, I know the history of the Rocky Mountain Labs and the facility's importance to the Bitterroot Valley. The labs have a long history of doing important work while meeting demanding standards for safety and quality.

I have visited the lab and reviewed the supplemental Environmental Impact Statement and other relevant materials. I am confident that the plans to expand the Hamilton facility and upgrade it to Biosafety Level 4 are thorough and that the possible threat to the community is negligible.

Very truly yours,

A handwritten signature in black ink, appearing to read "Mike McGrath".

MIKE McGRATH  
Attorney General

mm/lds

*LETTER 79 - MIKE MCGRATH, ATTORNEY  
GENERAL OF MONTANA*

614 South Second Street  
Hamilton, Montana 59840  
(406) 375-9126  
February 11, 2004

*LETTER 80 - ROBERT SUTHERLAND*

Valerie Nottingham  
NIH, B13/2W64  
9000 Rockville Pike  
Bethesda, MD 20892

Regarding the DEIS for the Rocky Mountain Laboratories expansion project.

Dear Ms. Nottingham:

Last Fall I was elected to the Hamilton City Council, along with a slate of candidates that campaigned for reform of the way Hamilton city government has been managed. All three of us on the slate were elected by a two to one majority. The three new members of the council, along with one incumbent are cooperating in a four to two majority.

As of today, the city administrator has resigned, and the next two highest-salaried city employees have indicated that they plan to leave as well. All this has happened while the council members have had their hands full, trying to take care of the backlog of business that the previous council have left undone. This council have not yet had time to begin investigating the rationale for the decisions that were made by the mayor and the former administrator regarding the RML expansion project, but it is clear that these officials could not have been acting in the interests of the citizens and businesses of Hamilton.

The city government is now considering proposals by real estate developers that would make use of city water and sewer services and street maintenance, and that would have impacts on the costs of traffic and pedestrian safety, fire protection and police protection. The costs of those services to the residents and businesses of this city and those impacts are being considered against the benefits of the proposed developments. The same considerations will be given to the very significant impacts that the Lab expansion will have, particularly during the construction phase, on the immediate neighborhood of the Lab and on city resources used by the Lab. Those impacts are far more important than the way they are depicted in the DEIS or the Supplemental Draft, and I believe that that is due to the very bland responses made to the NIH interrogatories by city officials who apparently were not representing the City of Hamilton's interests.

Sincerely,



Robert Sutherland

**RML Integrated Research Facility  
Public Meeting – January 22, 2004**

**Comments on the Supplemental Draft Environmental Impact Statement**

I understand that all kinds of scenarios have been examined showing that the level 4 lab will be safe. However, humans will be employed there and humans are sometimes ignorant. I personally know of one RML employee who brought home animal bedding + feces for that person's garden mulch before other employees discovered this error. I also know of another person who is the proud owner of a heavy-duty stainless steel animal cage from RML. Both people were well-meaning citizens that made hazardous mistakes. Humans would be working with extremely hazardous chemicals at the proposed bio-level 4, and humans have (and will) make mistakes – not to mention the toxic chemicals legally dumped on the lab property in the recent past!

81-1

- \* There's a lack of alternatives to use Hamilton RML space
- \* Hazardous emissions of increased use of incubator not minimized
- \* I'm not comfortable with biolevel 4 pathogens in this valley
- \* The public concerns submitted were not addressed in the EIS

Name: Sally Blevins  
Company/Organization: \_\_\_\_\_  
Address: PO Box 7746  
City, State, Zip: Hamilton, MT 59840

Please send comments to: Valerie Nottingham  
NIH, B13/2W64  
9000 Rockville Pike  
Bethesda, MD 20892

Please note that this document will become part of the administrative record for the EIS and will be subject to public review.

**Comments must be post marked by February 11, 2004**

**LETTER 81 - SALLY BLEVINS**

**Comment**

**Response**

81-1

Please refer to Sections 1.7.1 and 1.7.3 in the SDEIS where these comments were addressed.

*Please  
NO MAILING  
LISTS*

*Don't  
forget  
to  
submit*

17 of 17 alternatives to location not fine

NO analysis of risk posed by infected waste

• missing for recent analysis for public review in <sup>2009</sup> EIS

bioged emissions from increased use of incinerator not assessed

not comply w/ brook 4 <sup>biohazard</sup> contaminants in valley

little consideration for threats (terrorists, plans, etc.) to lab

public concerns were not addressed in EIS  
submitted

better sci. analysis of Env. services in valley

February 10, 2004

Valerie Nottingham  
NIH, B13/2W64  
9000 Rockville Pike  
Bethesda, MD 20892

Dear Ms. Nottingham,

This letter is in response to the supplemental draft environmental impact statement (SDEIS) on the proposed Rocky Mountain Laboratories (RML) Integrated Research Facility containing a Biosafety Level 4 (BSL-4) laboratory. Comments are as follows:

- 82-1** { 1. The SDEIS fails to justify the need for construction of a BSL-4 lab at RML. The statement on page 2-17 that “Construction of the proposed Integrated Research Facility at RML at the Bethesda, Maryland campus would not meet the purpose “to provide a ... intramural laboratory at RML” “ does not answer this question, but simply dismisses it. As indicated in my previous letter on this issue, the reasons given for construction at RML which include the existence of BSL-2 and BSL-3 labs, expertise in infectious diseases, core of unparalleled scientific knowledge, and existing infrastructure, are far surpassed by the existing labs, expertise, core of knowledge, and infrastructure at the main NIH campus in Bethesda, MD. The Bethesda campus employs over 15,000 staff and scientists versus 224 at RML. The main campus offers a broader level of scientific expertise, greater core of knowledge, and far superior infrastructure than is available at RML. In addition, the main campus enjoys excellent support services from the Bethesda community, including the nation’s best fire, law enforcement, and biohazard expertise. RML is served by a volunteer fire department, a small local police force, and few trained biohazard personnel. Finally, NIH’s main campus already houses a BSL-4 lab that is not being used for BSL-4 level research. The availability of a broad base of scientific expertise, superior infrastructure and support services, and an existing BSL-4 facility make the main NIH campus in Bethesda the most appropriate site for an additional NIH BSL-4 laboratory.
2. The SDEIS fails to consider project alternatives to building a BSL-4 lab at RML. Rather it again dismisses this possibility because it “does not meet the purpose and need to provide a .... laboratory at RML” (pg 2-18). This statement alone indicates that NIH has no intention of considering other sites. NIH has already decided that RML is the only option for this lab and local concerns are obviously irrelevant to the individuals making this decision. For all the reasons raised previously by myself and other concerned citizens, including the existence of a deadly disease only nine blocks from Main St. in a town with limited fire, police, and biohazard personnel, surrounded by residential houses and a middle school in a neighborhood of families with small children and elderly singles, the potential risks are unacceptable to many residents.
- 82-2** { Increased traffic, increased potential for exposure to lab pathogens, and potential difficulties in selling homes so close to a deadly disease lab single out these residents as being heavily impacted by the proposed facility. Alternative building sites in this immediate area were dismissed due to the additional time and effort it may cost NIH, although the statement that relocation would take 10 years and \$1 billion dollars is so greatly exaggerated as to be ridiculous. The supplemental DEIS does not answer any of the concerns raised by the citizens of Hamilton. The revised document is a joke unworthy of a government agency.

*LETTER 82 - LINDA PERRY*

**Comment**

**Response**

**82-1** Please see Section 1.7.1 where this comment is addressed.

**82-2** Please see Section 1.7.1 where this type of comment is addressed.

Chapter 5 – Response to Comments

- 82-3** { 3. The SDEIS fails to consider adequately the potential impacts of a BSL-4 lab on the health, safety and welfare of community residents. The DEIS conceded that “it is not specifically known what agents would be studied at the integrated research facility”. Nonetheless, the next paragraph indicated that “the nature of transmission of many diseases that would be studied at RML provides a natural mechanism controlling their spread in the community”. Since new viruses and virus-induced diseases have appeared with increasing frequency in recent decades and since this trend promises to continue, there is no way of predicting the nature of the agents to be studied or the modes of transmission that will dictate their potential for spread through the community. To ensure the continued health and safety of valley residents, full disclosure and compensation should be offered as follows:
- 82-4** { a. Full disclosure of all BSL-4 biological agents that enter RML’s BSL-4 lab. This should be accomplished through reporting in the Ravalli Republic newspaper within 72 hours of arrival on the RML campus. Each report should include the symptoms of accidental exposure to the relevant agent and steps to follow in the event of a suspected exposure. This will provide emotional assurance to community members regarding the risks or lack thereof of agents under investigation as well as a protocol for early detection, containment, and treatment of any accidental exposures.
- 82-5** { b. Full disclosure of all laboratory accidents involving hazardous agents, including chemical, biological, and/or radioactive materials. Accidents should be reported to the Ravalli Republic newspaper within 24 hours of filing at RML and published in the next edition in a space designated for RML reports. Follow-up reports of actions taken in response to each accident should also be reported and published in the same manner as described above. This will provide assurance to community members that the research being performed at RML provides a minimal risk to their health and welfare, which is a major concern to many area residents and the very foundation of RML’s local support.
- 82-6** { c. A specific community information officer versed in the current status of RML’s BSL-4 research should be appointed from RML as a contact person for community members with questions or concerns. A similarly versed community information officer should also be appointed from the main NIH/NIAID campus in Bethesda, MD for community members with additional questions/concerns. Each position should carry primary as well as alternate information officers to ensure the availability of at least informed individual during regular business hours (8 am to 4:30 pm EST, weekdays). The same or alternate individuals should be designated as emergency contact community information officers to cover after hours and weekend emergencies. Phone numbers and addresses of these information officers should be made public, and updated as needed. This will provide an information pathway for local residents with questions or concerns of local and/or national relevance.
- 82-7** { d. NIH should provide full medical coverage for any community member that acquires a lab-related infection. This includes all expenses incurred during diagnosis and/or treatment (acute and/or chronic) of any infection and/or disease with an agent being maintained in a BSL-3 or BSL-4 biocontainment lab on the RML campus. A death benefit should be awarded to the survivors of any individual who succumbs to a lab-related infection or disease. This will ensure that community members who are negatively impacted by the research being performed at RML have access to the best medical care available regardless of their health insurance status. This is particularly important in

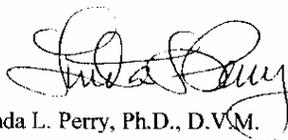
- | <b>Comment</b> | <b>Response</b>                                                                                      |
|----------------|------------------------------------------------------------------------------------------------------|
| <b>82-3</b>    | Please see Section 1.7.3 where comments on health and safety were addressed.                         |
| <b>82-4</b>    | Please see response to comment 62-11.                                                                |
| <b>82-5</b>    | Please see response to comment 47-5 and 58-3.                                                        |
| <b>82-6</b>    | RML recently hired a Public Information Officer.                                                     |
| <b>82-7</b>    | Please see Section 1.7.2 where information about filing claims for personal injuries were addressed. |

Ravalli County where at least 20% of the population lacks medical insurance coverage of any kind. It also provides for long-term financial support of victims' families.

- 82-8 { e. RML/NIAID/NIH should provide free training for Missoula and Ravalli County emergency personnel, including police, fire, medical, and biohazard specialists, in the recognition and management of an accidental release of a BSL-4 agent into the community. In addition, RML/NIAID/NIH should contribute to the salaries plus benefits for any additional staff that must be employed by these emergency agencies to provide adequate community protection from an outbreak of infectious agents from RML.
- 82-9 { f. RML/NIAID/NIH should publish an emergency evacuation plan for Ravalli County residents in the event of an accidental release of infectious agents from the BSL-4 laboratories.
- 82-10 { g. NIAID/NIH should provide tax assistance to Ravalli County to cover the increased costs associated with RML expansion at any location. Road, school, water, and other expenses directly or indirectly attributable to the proposed expansion should be paid by the government agency responsible for the expenses, not by the residential taxpayer who receives no benefit from this facility.

None of these issues were addressed in the SDEIS. None of them. We are still awaiting a response to our concerns. The residents of this valley do not consider themselves as being expendable, but it appears that NIH does. I am ashamed to have worked for such an organization with such little regard for the public it serves.

Sincerely yours,



Linda L. Perry, Ph.D., D.V.M.



Linda L. Perry PhD, DVM  
691 Bowman Rd  
Hamilton, MT 59840

| Comment | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|---------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 82-8    | While NIH does not have legal authority to support training and hiring of community emergency personnel directly, funds for training and enhancement of emergency personnel staff, if needed, may be available through State and Federal programs for public health emergency preparedness supported by the Federal Emergency Management Agency (FEMA) of the Department of Homeland Security (DHS), and sister agencies of the NIH at the Department of Health and Human Services (HHS), including the Health Resources and Services Administration, and the Centers for Disease Control and Prevention. Information about those programs is available through the DHS and HHS websites. Further, DHS and HHS have emergency response personnel who can be called into action to support State and local efforts as needed. Local emergency responders could obtain public information from the NIH. |
| 82-9    | Please see Section 1.7.2 where comments on an emergency plan were addressed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 82-10   | Please see Section 1.7.3 where comments on the impacts on community infrastructure, including schools, roads, and emergency response were addressed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

February 10 '04

LETTER 83 - KENNETH AND BARBARA STRIGH

To Whom It May Concern:

I am a resident of Corvallis, Montana an adjacent town to Hamilton, Montana the future home of a "Level-4" lab. My wife and myself would like to go on record as opposing this Lab in a beautiful, Western Montana area.

I do realize that this type of Research is necessary, but would be better served in a more selective are with a modern facility, with modern up to date security, and with minimum impact on its environment. I believe the cost

83-1

**Comment**

**Response**

83-1

Please see Section 1.7.1 where this comment is addressed.

Page 2

difference between a new facility and a retrofitted building is small compared to other Government expenditure, such as "Wars", killing people instead of saving people.

I believe the present Rocky Mountain Lab will be well suited to be left as is and with no impact on its citizens.

This new lab could be in a very selective area, low density population and provide additional jobs.

Again this new "Level 4" lab would create new employment, in a new modern facility,

Page 3

with up to date security, better expansion opportunities and less environmental issues, creating a better situation for all concerned. I am an aged retiree with Myocular Degeneration, hence I do not have the ability to study all "documentation." Please excuse my writing and my informal letter

Concerned Citizens.  
Kenneth + Barbara Strigh  
488 Covey Run Ct  
Covallis, MT, 59828  
406 961 4877



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
REGION 8, MONTANA OFFICE  
FEDERAL BUILDING, 10 West 16<sup>th</sup> Street, Suite 3200  
HELENA, MONTANA 59626

Ref: 8MO

February 3, 2004

Ms. Valerie Nottingham, Chief  
Pollution Control Section, EPB, ORS,  
National Institutes of Health, B13/2W64  
9000 Rockville Pike  
Bethesda, Maryland 20892

Re: Supplemental Draft EIS for Rocky Mountain  
Laboratories Integrated Research Facility

Dear Ms Nottingham:

The Environmental Protection Agency (EPA) Region VIII Montana Office has reviewed the December 2003 Supplemental Draft Environmental Impact Statement (SDEIS) for the Rocky Mountain Laboratories (RML) Integrated Research Facility. The EPA reviews EISs in accordance with its responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. Section 309 of the Clean Air Act directs EPA to review and comment in writing on the environmental impacts of any major Federal agency action. The EPA provided comments on the earlier May 2003 Draft EIS for this project on July 15, 2003, and is updating agency DEIS comments based on our review of this SDEIS.

We are pleased that the SDEIS includes additional analysis and disclosure regarding community risk assessment for the proposal, including potential risks of release of biological agents to the community (including a literature review of laboratory acquired infections; a review of all infectious disease research protocols; review of all accidents, injuries and illnesses at NAAID laboratories; review of RML medical waste incinerator operations, infectious waste handling procedures, animal containment, and procedures for biological material shipment). Additionally a Maximum Possible Risk (MPR) model developed by NIH was used to assess risk of infectious agent release to the surrounding Hamilton community using anthrax spores.

We are also pleased that regular community liaison group meetings are held at the RML campus to provide a forum for discussion of public issues and concerns about RML, and that the community group will be used for oversight and monitoring of activities at the Integrated Research Facility. It is important for the NIH to implement a comprehensive risk notification and communication program for the Hamilton community. A comprehensive risk notification and communication for the Hamilton community should help provide assurances to the public that risk of escape or release of disease causing agents will be reduced to as close to zero as possible to help allay public concerns.

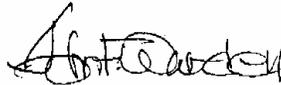
LETTER 84 - ENVIRONMENTAL  
PROTECTION AGENCY

The EPA's more detailed questions, concerns, and/or comments regarding the analysis, documentation, or potential environmental impacts of the Rocky Mountain Laboratories Integrated Research Facility SDEIS are included in the enclosure with this letter. The EPA's comments include a rating of both the environmental impact of the proposed action and the adequacy of the NEPA document (see explanation of EPA DEIS rating criteria enclosed). Based on the procedures EPA uses to evaluate the adequacy of the information and the potential environmental impacts of the proposed action and alternatives in an EIS, the Rocky Mountain Laboratories Integrated Research Facility DEIS has been rated as Category EC-2 (Environmental Concerns-Insufficient information).

EPA has concerns regarding responses to potential infections of facility staff; adequacy of backflow prevention devices on the water supply; adequacy of the liquid waste decontamination system; and risk of release of formaldehyde to the environment during gas decontamination procedures. EPA recommends development of a comprehensive risk notification and communication program for the local community. EPA recommends that additional information and discussion be included in the final EIS.

EPA appreciates the effort that went into the preparation of this SDEIS, and we thank you for the opportunity for review and comment. If you have any questions please contact Mr. Steve Potts of my staff in Helena at (406) 457-5022 or in Missoula at (406) 329-3313.

Sincerely,



John F. Wardell  
Director  
Montana Office

Enclosure

cc: Larry Svoboda/Julia Johnson, EPA, 8EPR-N, Denver  
Aubrey Miller, EPA, 8EPR-PS, Denver  
Terry Grotho, Maxim Technologies, Helena

**U.S. Environmental Protection Agency Rating System for Draft  
Environmental Impact Statements  
Definitions and Follow-Up Action\***

**Environmental Impact of the Action**

**LO - - Lack of Objections:** The Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

**EC - - Environmental Concerns:** The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

**EO - - Environmental Objections:** The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

**EU - - Environmentally Unsatisfactory:** The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

**Adequacy of the Impact Statement**

**Category 1 - - Adequate:** EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

**Category 2 - - Insufficient Information:** The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

**Category 3 - - Inadequate:** EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

\* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment, February, 1987.

**EPA Comments on the Rocky Mountain Laboratory Supplemental Draft  
EIS**

Brief Project Overview:

The National Institutes of Health (NIH) prepared this December 2003 Supplemental Draft EIS to further evaluate proposed construction and operation of an Integrated Research Facility at the Rocky Mountain Laboratories (RML) in Hamilton, Montana. An earlier Draft EIS had been prepared and released for comment in May 2003.

The proposed Integrated Research Facility would include high containment, secure Bio-Safety Level - 4 (BSL-4) laboratories, as well as BSL-2 and BSL-3 laboratories, animal research facilities, offices, conference rooms, and break areas. BSL-4 labs are necessary for research into the most dangerous and exotic agents which pose a high risk of life-threatening disease, aerosol transmitted lab infections or related agents with unknown risk of transmission. BSL-4 is required for research of certain agents and experiments, such as testing of vaccines for dangerous emerging infectious microbial agents and developing therapies. Existing facilities to conduct BSL-4 research are presently limited to Atlanta, Georgia; Frederick and Bethesda, Maryland; and San Antonio and Galveston, Texas.

The RML currently has BSL-2 and BSL-3 labs, and needs to improve and expand its research facilities, including development of BSL-4 lab capabilities to conduct basic biological research on new diseases (e.g., HIV/AIDS, hantavirus pulmonary syndrome, West Nile fever, severe acute respiratory syndrome (SARS), plague, ebola virus, etc.) and drug resistant pathogens (tuberculosis, malaria, Staphylococci aureus). In addition to basic biological research on disease causing mechanisms, RML research involves study of host immune response, new and improved vaccines and treatments, and techniques for rapidly and accurately identifying diseases and disease agents. The improved facilities are needed to improve the nation's ability to study and combat emerging infectious disease including causes, diagnosis, prevention and cure of human diseases and to protect public health in keeping with NIH's mission. NIH and its labs such as RML do not and would not work with weapons grade material, or any research associated with smallpox.

Two alternatives were considered in detail in the DEIS: the proposed action (and preferred alternative) to build and operate the Integrated Research Facility, and No Action, continuation of current RML operations. Four additional alternatives were also considered and dismissed. These include building the facility at Bethesda, Maryland; relocation of RML to a less populated area; construction of a BSL-4 research facility at another location; and construction of a research facility by another agency or at another NIH location.

The proposed action would be approximately 105,000 square feet of new buildings constructed within the 33 acre RML campus. Facilities would include a new BSL-4 laboratory located within the central core of the building surrounded by a buffer corridor between the lab

and the exterior; a new chilled water plant and emergency power backup system; a new addition to Boiler Building 26 to house a new natural gas fired boiler; and construction of a below grade systems and utility distribution tunnels to service the Integrated Research Facility. The BSL-4 lab at RML would be a suit laboratory (page C-11). Research will include pathogenesis, immun response, vaccine, diagnostics and therapeutics work and will focus on vector borne pathogens. RML does not and will not conduct research to develop offensive biological weapons.

Comments:

1. We are pleased that the SDEIS includes additional analysis and disclosure regarding community risk assessment for the proposal, including potential risks of release of biological agents to the community (pages S-4, 4-7 to 4-14). This risk assessment information includes: a literature review of laboratory acquired infections; a review of all infectious disease research protocols; review of all accidents, injuries and illnesses at NIAID laboratories; review of RML medical waste incinerator operations, infectious waste handling procedures, animal containment, and procedures for biological material shipment. Additionally a Maximum Possible Risk (MPR) model developed by NIH was used to assess risk of infectious agent release to the surrounding Hamilton community using anthrax spores.

We are very pleased that quantitative and qualitative risk analysis revealed that the potential risk of release of infectious agents to the community surrounding RML is negligible, and that the SDEIS reports that there is no probability of public health harm. The literature review and NIAID retrospective study of all NIAID laboratories indicates that there is no evidence that any microorganism was released from these laboratories; nor were there any infections in adjacent civilian communities (page 4-8). The safety and health risk assessment information provided by NIH indicates that in more than 30 years of working with BSL-4 agents in the U.S there has never been a confirmed release of an infectious agent to a community from a laboratory (page 4-5).

2. We are pleased that regular community liaison group meetings are held at the RML campus to provide a forum for discussion of public issues and concerns about RML, and that the community group will be used for oversight and monitoring of activities at the Integrated Research Facility (page 1-8). It is important for the NIH to implement a comprehensive risk notification and communication program for the Hamilton community.

84-I

This should occur in combination with the ongoing efforts to develop detailed plans in accordance with applicable regulatory guidances, standards, and safety practices for infectious agents and BSL-4 labs to ensure: 1) the security of the facility and materials transported in and out; 2) adequate safeguards against potential air, water, and solid waste/sewage release of infectious agents; and 3) adequate knowledge and training of facility workers. A comprehensive risk notification and communication for the Hamilton

**Comment**

**Response**

84-I

Please see Section 1.7.1 where this comment is addressed. The items mentioned will be considered when the emergency plan is revised.

community should help provide assurances to the public that risk of escape or release of disease causing agents will be reduced to as close to zero as possible to help allay public concerns.

Strong community involvement, risk management, and incident investigation programs similar to those developed for communities which are home to chemical demilitarization facilities (e.g., Tooele Army Depot) may provide useful lessons and insights which can serve as a model and help allay public concerns. Risk notification and communication is key to improving public understanding and trust, and effectively addressing public health and safety concerns. You may contact Dr. Aubrey Miller, Regional Medical Officer and Toxicologist with EPA Region 8, if you have questions about this risk notification and communication program (303-312-7023).

3. Thank you for including the Appendix E, Standard and Special Safety Practices for Biosafety Laboratories, that describes safety equipment, facility design and construction, biosafety levels, transport and transfer of biological agents, and special practices. This information provides improved understanding of proposed measures to reduce risks of release of disease causing organisms from the facility. We are pleased that proposed integrated research facility, including BSL-4 laboratory, would have special engineering and design features to prevent microorganisms from escaping into the environment, and that laboratory staff would have thorough training in handling hazardous, infectious agents; understanding primary and secondary containment functions of standard and special practices; containment equipment; laboratory characteristics; and be supervised by trained and experienced scientists (page 2-1).
4. Thank you also for including additional information regarding alternatives considered but eliminated from detailed study (pages 2-17 to 2-19). It is important for the alternatives analysis to include consideration of all reasonable alternatives, including discussion of alternatives considered but eliminated from detailed study (i.e., building the facility at Bethesda, Maryland; relocation of RML to a less populated area; construction of a BSL-4 research facility at another location; and construction of a research facility by another agency or at another NIH location). The SDEIS indicates that there are no available spaces on the existing Bethesda or Rockville, Maryland laboratory campuses capable of accommodating the proposed integrated research facility, and it is not practicable for a variety of reasons to relocate RML or to build the proposed integrated research facility at a more isolated alternate location.
5. We are pleased that the Emergency Plan would be updated to include the new Integrated Research Facility (page 2-12). It is important that emergency responses and contingencies be developed to address all potential threats and risks at the facility, from power failures to severe weather to uncontrollable natural events to criminal or terrorist activities to risk of infected insect, bird, rodent or small mammal or unknowing human contamination/transmission vectors for escape or release of disease causing agents.

|             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>Comment</b> | <b>Response</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|             | Ideally we believe the details of such an Emergency Plan should be provided, although we agree that any information that would compromise security should not be released.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>84-2</b> | 6. It is stated (page 4-7) that it takes at least 48 hours for a person exposed to infectious agents to become contagious regardless of the microbe type, and this provides adequate time to transport and initiate treatment and to isolate a potentially exposed person from the greater population. Is there potential for RML workers to become infected without their knowing it, so that they unknowingly return to their homes in the community after such a 48 hour period elapses and pose a contagious threat?                                                                                                                                             | <b>84-2</b>    | There is virtually no chance that an accident that could cause an infection would go unnoticed. This type of accident would require a puncture or tear in a suit. Please see Appendix E for the BSL-4 procedures that would be followed.                                                                                                                                                                                                                                                     |
| <b>84-3</b> | 7. It is stated that water supply to the Integrated Research Facility to the existing water main would be made with a backflow prevention device (page 2-2). Will this backflow prevention device (e.g., backflow prevention valve) adequately assure that potential backflow contamination of the Hamilton water supply by microbial agents from RML will not occur? Would potential for backflow contamination be eliminated by providing a separate water tank and water distribution system for RML to isolate it from the Hamilton water distribution system?                                                                                                   | <b>84-3</b>    | A separate water tank is not needed as the backflow device has proven to be very effective and the accepted method of construction. This device will assure one way direction of flow to the new building and prevents any water from traveling back into the Hamilton City water system. The potential for backflow contamination is eliminated.                                                                                                                                            |
| <b>84-4</b> | 8. There is some concern that harmful infectious agents or hazardous materials may have potential to escape the research facility through the wastewater stream. The description of the proposed waste decontamination system and alkaline hydrolysis process digester that would decontaminate liquid wastes is appreciated (page 2-6). We did not see information on the liquid waste decontamination system and alkaline hydrolysis process digester in Appendix E of the SDEIS. It would be helpful if the monitoring proposed to validate that adequate destruction of microbial agents has taken place in the digestion process were described in more detail. | <b>84-4</b>    | Please see Section 2.1.3 regarding waste decontamination. More specific protocols will be developed with the cooperation of the manufacturers of system components.                                                                                                                                                                                                                                                                                                                          |
| <b>84-5</b> | It is important that alkaline sludges and waste streams be adequately neutralized before disposal or discharge. Where will sludges and waste streams from the alkaline hydrolysis process be disposed of?                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <b>84-5</b>    | The organic component and pH of the effluent waste from a tissue digester are not at levels appropriate for direct discharge to the sanitary sewer. Discharge from the tissue digester will be collected in a holding tank. The contents of the holding tank will be incrementally added to the blending tank of wastewater discharge for the entire building. The dilution of the waste will in turn reduce its BOD, COD, and TSS levels to acceptable levels for discharge into the sewer. |
| <b>84-6</b> | We understand that odorous waste and emissions can be an issue with the alkaline hydrolysis digestion type of digestion process. Are there any measures being proposed to control potential odors emitted by this process? Also, are any environmental, safety or hazardous waste concerns anticipated with transport or use of hazardous alkaline reagents (e.g., sodium hydroxide) at the facility?                                                                                                                                                                                                                                                                | <b>84-6</b>    | Odorous emissions for the alkaline hydrolysis process are minimal. This equipment will be located in a well ventilated room which houses only this process. All chemical used in the process will be stored on site in minimum quantities necessary for use. Storage and use of all chemicals will follow the policies of the NIH Chemical Hygiene Plan.                                                                                                                                     |
| <b>84-7</b> | We suggest that redundant monitoring of high temperatures and pH levels be included in the system designs to assure that bio-waste cookers and digesters adequately operate at sufficiently high temperatures and/or high pH levels to fully destroy microbial agents, and convert proteins, nucleic acids and lipids to harmless compounds. It was stated in Appendix C of the DEIS that the process used for decontamination of liquid wastes must be validated physically and biologically (page C-12), but we did not see further                                                                                                                                |                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

Remainder on following page.

**84-7**

All controls for the BSL-4 liquid waste system are redundant including temperature and pH monitoring of the waste load. The system testing of the liquid waste decontamination system will include efficacy monitoring using biological indicators. Physical monitoring will include verification of physical parameters recorded by the electronic monitoring systems.

- information on this process in Appendix E of the SDEIS.
- 84-8** {
9. Thank you for including information on gas decontamination procedures using paraformaldehyde in Appendix E (page E-49, E-62 to E-70). Will gas decontamination procedures adequately provide for control potentially hazardous fugitive gas emissions (e.g., escape or release of formaldehyde)? Information on health concerns associated with formaldehyde use can be found at <http://www.epa.gov/iaq/pubs/formald2.htm>.
  10. We are pleased that the RML will comply with applicable air quality permitting requirements of the Montana Dept. of Environmental Quality to maintain compliance with National Ambient Air Quality Standards (NAAQS) and Prevention of Significant Deterioration increments (pages 3-17, 4-23).
  11. We are pleased that no construction would occur in or near riparian areas or wetlands, and that no liquids or wastes would be discharged to wetlands during construction and operation of the Integrated Research Facility (page 3-22).
  12. Thank you for including information about property values in the vicinity of other BSL-4 laboratories (page 4-2). This information should be of interest to local Hamilton residents who live near RML.
  13. We are also pleased that noise reduction features are proposed that would reduce noise from the proposed action to less than current noise levels (page 4-19).

**Comment**

**Response**

**84-8**

The BSL-4 containment facility is routinely tested to be gas tight. No fugitive gas emissions are expected. In the event of fugitive gas emission, the neutralization process would immediately begin.