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Aloha,

My staff has put together information about the current on-going Pacific Health Research Lab (PHRL) Environmental Assessment which is planned for Kalaeloa, near Roosevelt Road and Coral Sea Road.

The Kalaeloa Bio-Lab is a Federal Project on Federal land (US Army) requiring both a Federal National Historic Preservation Act (NHPA) Section 106 consultation with the community as well as a National Environmental Protection Act (NEPA) report. The local Section 106 Consultation initiated with the Hawaii State Historic Preservation Division (SHPD) in April 5, 2012.

This letter for your information contains both presentations made in behalf of the proposed PHRL as well as collected comments and concerns already sent in to us which express some doubts and even fears about what a Level 3 Bio Safety Lab might really mean for the safety of the community. Will insurance rates go up? Will property values drop? Are our children safe? Could there be a major deadly virus accident and community lock-down by security police?

If you have concerns about this project or historic or Hawaiian cultural issues regarding this project you can make them known here:

University of Hawaii, Office of the Vice Chancellor for Research
2500 Campus Road, Hawaii Hall 211, Honolulu, HI 96822 (808) 956-7837

My own position based upon the comments we have already heard from the community is that this Bio Lab Project should not be located in West Oahu, so therefore I oppose its location in our district.

Sincerely,

A handwritten signature in black ink that reads "TOM BERG". The letters are bold and slightly slanted.

Tom Berg, Councilmember
District 1 West Oahu

The Pacific Health Research Lab (PHRL) site is located in an area zoned F-1 Military

The proposed PHRL will respond to needs of federal and state agencies within the State of Hawai'i, including UH, the State DOH, U.S. Pacific Command (PACOM), Tripler Army Medical Center (TAMC), the Navy Medical Research Unit 2 –Pacific (NAMRU-2), and the CDC.

The type of materials being studied in the UH PHR Lab, such as select agents, biological agents, biological material, agents, biological organisms, pathogens, bacteria, viruses, and infectious agents. This will include Dengue, West Nile, Anthrax, plague, Avian Influenza, Japanese Encephalitis, Chikungunya, and various other zoonotic viruses. Most in vivo experiments will involve rodents and some insects.

The community concern is that a Level 3 bio lab could later be upgraded to Level 4, bio-warfare laboratory, since it is a "secure" military facility on US Army property. The proponents of the Bio Lab say "that will never happen." In fact, a Level 4 Bio lab is part of the future agenda of the overall Bio Lab program international network and once "in the door" the facility could become CLASSIFIED for National Defense reasons and the public would no longer know what was actually going on in the F-1 Military zoned facility. Most BSL-4 facility locations are unknown for National Security reasons...

Bio Lab EA Statement About Site Choice

"Kalaeloa lacks tourist attractions drawing visitors to the site. Kalaeloa has historically been dominated by military and industrial use, with residential development now growing rapidly in the neighboring Kapolei and Ewa Beach area. The Kalaeloa region offers limited housing options (rental options only), and has a limited residential population."

And then says...

"Numerous housing developments are located to the north and east of the proposed Kalaeloa project site including the City of Kapolei and Villages of Kapolei to the North, and Ewa Villages, Ewa Gentry Makai, and Ocean Pointe to the east. Other developments in the vicinity include the Ko Olina Resort and Marina, as well as other municipal and private golf courses."

Pearl City and Kakaako did not want this lab in their communities. People in West Oahu believe they are getting it because West Oahu has become the dump site for all of the waste from the rest of the island. The people all for the lab are those who don't have their homes or schools near the bio lab site.

Description Of Bio Lab Facility

The proposed University of Hawai'i Pacific Health Research Lab (UH PHR Lab) facility would consist of a one-story building with a mechanical penthouse, approximately 31,179-square-foot standalone structure in a secure setting capable of supporting the University of Hawai'i infectious disease

research agenda, its local and regional partners' needs for high-containment facilities, and the National Institute of Health's Biodefense Research Agenda.

Biological research laboratories are classified into four categories, Biosafety Level (BSL)-1 through BSL-4. While various infectious diseases research is done in laboratories with BSL-1 and BSL-2 capabilities, a BSL-3 laboratory is required to provide an environment for work with more serious agents associated with human disease, especially those that can cause illness by spreading through the air. *(See more information about BSL-3 and BSL-4 further below.)*

(Some scientists believe that the 1977 Russian flu, the most recent global outbreak, began when a virus escaped from a laboratory.)

The UH PHR Lab would include BSL-2 and BSL-3 laboratories, a small lab animal facility for primarily rodents, an insectary, physical plant, and support space for research, administration, and building operations.

“Infectious” Biological Waste Products

Waste regulated as “infectious” biological waste would be segregated from other wastes at the point of generation and would undergo autoclaving to sterilize the materials, rendering them safe for transport to the H-Power Incinerator. Potentially biologically contaminated, liquid waste from BSL and ABSL laboratory would be properly sterilized and decontaminated using a combination of time, temperature, and concentrated chemicals in accordance with waste management procedures and then be discharged to the sanitary waste system.

The hazardous waste would be collected at the PHRL and then disposed of offsite at permitted commercial facilities in accordance with UH chemical and waste management procedures and Resource Conservation and Recovery Act requirements. Removal of waste containers from the BSL and ABSL laboratories would occur only after the exteriors of the containers were wiped off with disinfectants.

A community concern based upon real experience: After the past recent disaster at the Waimanalo Landfill when hundreds of syringes and biomedical materials washed up on Kalaehoa and Ko Olina beaches, the public was warned about infections due to contact with these same biomedical materials. These materials weren't SUPPOSED to have been disposed in this manner, but in fact, no one was actually monitoring the disposal of hundreds of syringes and biomedical wastes, including vials of blood. This is what may happen- disposal monitoring becomes lax to “save money” and then- a major deadly virus outbreak killing hundreds...

For any hazardous waste that is generated during construction, the general contractor would be responsible for disposing of the waste in accordance with all applicable regulations. Disposable food containers and paper would be transported to either the Waimanalo Gulch Sanitary Landfill or the H-Power plant for disposal.

Lab Deaths not only include exposure to pathogens, but often from explosions due to a wide variety of chemicals, burners and other substances which are flammable and explosive... lab explosions are often deadly and can also release pathogens...

In memory of those who have lost their lives in laboratory accidents.

<http://www.resources.labsafetyinstitute.org/MemorialWall.html>

Personnel intending to use radioisotopes must adhere to the procedures and regulations included in the RSP's Radiation Safety Manual. Commonly used isotopes at UH include are Phosphorus-32, Phosphorus-33, tritium (H-3), Carbon-14, Sulfur-35, Chromium-51, and Iodine-125. *(Could this all eventually wind up on West Oahu beaches after a "100 year" rain storm?)*

Animal Holding Facilities

The building would include a self supporting animal facility, which would serve and house the animals required for research. The animal space would include a small vivarium, four ABSL-3 animal holding rooms, and a quarantine holding room.

The ABSL-3 Suite would include seven ABSL-3 labs. Included within the suite would be two ABSL-3 animal holding rooms and two ABSL-3 animal holding/procedure rooms. The suite would also include two additional procedure rooms, and another room to support aerobiology procedures.

Under full operation, the PHRL is expected to generate approximately 8500 to 12000 gallons per day of waste water. The existing wastewater collection system at Kalaeloa is currently owned by the Navy and is operated under license by the City and County of Honolulu Department of Environmental services. *(The current Barbers Point waste water system is extremely old and decaying badly. Pipes are rusting and leaking.)*

Possible Terrorist Attacks?

Given the extensive physical and operational security measures that would be in place, and the proximity of HIARNG and FBI personnel and facilities, the likelihood of a terrorist attack is extremely low the Bio Lab EA says. Yet, in fact, the United States has seen lone gunman terrorist attacks at US Army bases by members of the US Army and deadly Anthrax smuggled out of high security Army bio lab bases, - which all indicate that the most likely terrorism act could be through a "trusted" high security cleared employee.

Weather and Climatic Effects

Changes have seen the effects of very powerful new storm systems with tornadic winds capable of flattening lines of telephone poles and dumping huge amounts of rain in a very short period of time- as this same area saw last year. There was a great deal of flooding in this same area and power was off for several days in some areas. An event like this could present

serious operational and security issues for a bio-lab.

The very near proximity of the day-care center to the bio-lab site may likely force center's closure in the future, once a wide range of deadly agents are brought into the area and handled by deadly agents transporting vehicles and aircraft.

"The International Building Code as adopted by the City and County of Honolulu (the island of Oahu) will require the PHRL to withstand wind speeds of up to 120 mph – equivalent to a Category 4 hurricane, the maximum credible strength storm expected in Hawaii." However, a category 5 hurricane - Iniki, came extremely close to hitting Ewa in 1900 and did massive damage to the island of Kauai, leveling buildings.

Local approach flight path for Honolulu International Airport

"In the highly unlikely event that a larger plane were to crash into the structure, the resulting fuel fire would likely incinerate the small amounts of biological materials within the PHRL."

It would be extremely difficult to predict and suppose with certainty that a plane crash would instantly erupt into a fireball destroying every bio organism in the building.

The Bio Lab facility is in the direct approach flight path for Honolulu International Airport and is exposed to close over flight by a wide variety of military and civilian fixed wing and rotary aircraft on regular daily training missions. A couple of years ago a civilian plane crashed on Coral Sea Road near the proposed bio-lab site. This brings into question the concern that an accidental crash into the bio-lab building is a possibility, releasing dangerous and deadly toxic diseases into the environment, which includes a nearby day care center and hundreds of private homes.

The Army National Guard plans to make the adjacent location to the bio lab site their primary aviation base and flight training center, meaning the higher potential of crashes or mishaps near the bio lab. The Kalaeloa area is already a major General Aviation flight training area and expected to increasingly be used by student pilots flying overhead in light planes and helicopters. In addition, the nearby Barbers Point runways near the bio-lab site constantly used by a wide variety of large military transport and patrol aircraft doing touch and go flight training.

Special Bio Lab Air Filtering Systems

HEPA filters remove 99.97 percent of particulates with a diameter of 0.3 micrometers (or 0.00001 inches). Their efficiency is greater than 99.97 percent at particle sizes larger and smaller than 0.3 micrometers (NSC 1996). The majority of particles that would be encountered in operations at the PHRL would be larger than the 0.3-micrometer size. The number of viable microorganisms present following HEPA filtration would be virtually zero, and most would not survive long in external conditions such as ultraviolet light (via the sun), dehydration, high temperatures, and the presence of free oxygen.

Note the words: "The majority of particles, would be virtually zero, most would not survive long" When dealing with extremely deadly viruses and microorganisms this still means that the facility is by no means 100% safe and secure for the surrounding West Oahu population.

HEPA filters at the PHRL would be tested using the dioctylphthalate (DOP) testing method, the industry standard for verifying HEPA efficiency. Magnahelic gauges and other sensors would constantly monitor the functionality of the HVAC system. HEPA filters would be replaced and safely disposed on a regular schedule.

All of this requires very diligent maintenance practices, because one mistake anywhere in the system could release deadly viruses and microorganisms into the nearby community. In fact, The UH Bio Lab FAILED in this area, including certification and serious safety breaches, as noted in the letter further below by Rep. Mark Takai.

The PHRL will include specially designed air handling and circulation systems to protect workers and prevent the release of airborne pathogens from the laboratory. First, all manipulations involving infectious pathogens will be conducted within Class II BSCs that prevent airflow out of the BSC that has not been HEPA filtered. Second, workers manipulating potentially aerosolized infectious agents must wear proper protective clothing and equipment, including specialized masks or respirators, and eye goggles. Third, BSL-3 and ABSL-3 laboratories are under negative pressure so that the air potentially containing airborne pathogens can only exit the laboratory through the HEPA filtered HVAC system.

Again, the UH Level 3 Bio Lab FAILED in this area and potentially placed many workers and visitors at great risk. See the letter further below by Rep. Mark Takai.

Vehicle-borne transmission: Vehicle-borne transmission refers to a situation in which a person or material (e.g., clothing, laboratory supply, etc.) acts as a vehicle for the transmission of a pathogen. An individual coming into contact with the vehicle could then be exposed to the pathogen. The primary concern for vehicle-borne transmission would be via a workers' clothing, skin or hair as all other materials leaving the PHRL must go through a sterilizing autoclave. The BMBL guidelines, which would be followed by the PHRL, are designed to reduce this potential method of transmission.

Laboratory workers would wear disposable hair bonnets, laboratory gowns, and double latex gloves. Clean laboratory clothing would be provided to workers in the change room prior to entering the biocontainment zone, and they would change out of this clothing before leaving the biocontainment zone. The BSL-3 and ABSL-3 areas would have a shower where laboratory workers must wash off before leaving the biocontainment zone. This would substantially reduce any potential for a worker to unknowingly transport biohazardous materials from the PHRL.

It was stated by Bio Lab proponents to the Makakilo Neighborhood Board, (June Limited Meeting Minutes) that there have been no such incidents of pathogens escaping here or on the mainland

with any of the labs. Yet not mentioned was the recent death of an experienced BSL-2 technician in San Francisco which involved a violation of CDC guidelines and who was "highly experienced with dealing with these organisms." (See full story below.)

Section 106 Consultation initiated with SHPD in April 5, 2012

"Should areas of known or inferred archaeological and traditional features be revealed, a more sensitive analysis may be conducted." – Bio Lab EA

Historic Resources: Historic resources include buildings and structures at the former NASBP encompassing a range of World War II and Cold War era resources.

It should be noted that the Historic resources in this EA are greatly out of date and inadequate based upon current information, including the MCAS Ewa Battlefield Survey and Mason Architects inventory of WW-II buildings and Cold War buildings done in 2012.

Cultural Resources: Cultural resources encompass prehistoric and historic districts, sites, structures, artifacts, or any other physical evidence of human activity considered important to a culture or community for scientific, traditional, religious, or other reasons.

Archaeological, Historic and Cultural Resources

The NHPA defines historic property as "any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion on the National Register..." (16 USC 470w). For the purposes of this EA, the terms "archaeological resources", "historic resources", and "cultural resources" are used synonymously. The two categories of historic properties considered in the EA are archaeological sites and historic buildings.

Because the project is on Federal Property (US Army) and will Received Federal funding, both a State (Chapter 343) and Federal EA (NEPA) is required. A Section 106 consultation was initiated only with a handful of Hawaiian organizations.

Native Hawaiian Cultural Resources

The Expanded Mo'olelo in Appendix A contains the Legendary Accounts Of the Honouliuli Region with the epic account of Hi'iaka-i-ka-poli-o-Pele, the youngest sister of the goddess Pele. These chants by Hi'iaka help to establish the geographic place names for the Ewa Plains, such as Puu-o-kapolei, Kanehili and Kaupe'a. Translation by Kepa Maly.

These accounts were originally published in the Hawaiian newspaper Ka Hoku O Hawai'i (The Star of Hawaii) in 1924 and again in 1928. This account is really excellent because it includes many references to plants, trees, birds, sea life, etc. that helps to fill out the landscape as Hi'iaka journeys through the Ewa Plains from Waianae to an eventual landing by canoe in what is today called Honolulu.

The Pele Family at Honouliuli Kapolei (literally "beloved Kapo"), specifically the 166-foot high cone of that name, is understood to have been named in reference to one of the volcano goddess Pele's sisters, Kapo (Pukui et al. 1974:89). Hi'iaka, as she was returning from Kaua'i with Pele's lover Lohiau (Fornander 1919 Vol. V: 188 note 6). A considerable number of mele (songs) and pule (prayers) are ascribed to Hi'iaka. A spring located at Kualaka'i near Barbers Point was named Hoaka-lei (lei reflection) because Hi'iaka picked lehua flowers here to make a lei and saw her reflection in the water.

Mythological and Traditional Accounts

The traditions of Honouliuli Ahupua'a have been compiled and summarized numerous times by Sterling and Summers (1978), Hammatt and Folk (1981), Kelly (1991), Charvet-Pond and Davis (1992), Maly and Rosendahl (1993), and Tuggle and Tuggle (1997). Some of the themes of these traditions include connections with Kahiki (i.e., Tahiti, thought to be one of the primary sources of major migrations to Hawai'i in pre-Contact times) and the special character and relationship of the places known as Pu'uokapolei and Kualaka'i.

There are several versions of the chief Kaha'i leaving from Kalaeloa for a trip to Kahiki; on his return to the Hawaiian Islands he brought back the first breadfruit (Kamakau 1991a:110) and planted it at Pu'uoloa, near Pearl Harbor in 'Ewa (Beckwith 1940:97). Several stories associate places in Honouliuli to the gods Kane and Kanaloa, with the Hawaiian pig god Kamapua'a and the Hina family, and with the sisters of Pele, the Hawaiian volcano goddess, all of who have strong connections with Kahiki (Kamakau 1991a:111; Pukui et al. 1974:200).

Honouliuli, O'ahu is associated with a number of legendary accounts. Many of these concern the actions of gods or demi-gods such as Kane, Kanaloa, Kamapua'a, the pig god, Maunauna, the shark deity, Ka'ahupahau, and the hero Palila.

Archeological Surveys

It should be noted here that the archeological surveys of the Bio Lab site are extremely out of date and were last done in 1999. Much more has been discovered since then by other surveys, including the very recently identified wahi pana that meet the National Register definition of sites; the 27th wahi pana, the Leina a ka 'uhane, may meet the National Register definition of a historic district. (This includes Kanehili - MCAS Ewa and NAS Barbers Point and includes the Bio Lab site. There are also historic 1825 Malden Trails that this EA neglects to mention.)

Some Initial Bio lab EA Comments

Interestingly, the US Dept. of Interior, Pacific Islands Water Science Center said that due To "prior commitments and lack of available staff time" they (Stephen Anthony, Center Director) were unable to review and comment on the EA. (!!!?)

The State DOE through superintendent Kathryn Matayoshi expressed concerns about the

proximity of the bio lab to nearby existing schools and planned schools in the area, including Barbers Point Elementary and also the proposed Hawaiian cultural center. She also wanted To know about escaped microorganism emergency plans, effects of wind direction, etc.

The State Department of Civil Defense expressed concerns about the effects of very high winds On the facility and on potential flood hazards as the bio-lab will be in a Flood Zone D (hazards not determined).

Rep. Mark Takai, - Serious Problems With UH BIO-LAB

July 22 Letter to Dr. Thomas Apple, UH, reveals serious management problems with UH Bio Lab, including certification and serious safety breeches. This should cause serious concerns for the Ewa-West Oahu Community that Bio-Labs are not the 100% safe and secure facilities that they are purported to be.

Rep. Mark Takai also makes mention of the 2009 Congressional Research Report which brought up serious regulatory non-compliance, facility management issues and failures to handle dangerous biological agents in a safe manner.

"Terrorists could obtain the know-how to fashion biological weapons by finding scientists willing to share or sell their knowledge," the commission warns. "The United States should be less concerned that terrorists will become biologists and far more concerned that biologists will become terrorists," the report says. -US Congressional Report

Rep. Takai further brings up another important point- that there is rush to build the Kalaeloa Bio Lab without any actual business plan that addresses operations and security.

It appears very evident that the Bio-Lab in Kalaeloa is being built as a construction project and that who and how it will be operated remains a big black hole- and why the West Oahu Community should be extremely about a facility that would be bringing in to the community the deadliest and most contagious diseases in the entire world.

West Oahu Community Concerns

A recent death from apparent failure to follow Bio-Lab procedures, Congressional Reports and deadly virus mis-shipments suggests the West Oahu public deserves to be concerned about the Kalaeloa Federal Bio Lab project near local schools and homes.

Also, a recent presentation made by the PHRL Project Staff to the Makakilo Neighborhood Board 34 led to answers about concerns that were not clearly addressed or were not entirely transparent- and even false.

Is this Bio-Lab the "Next Big Thing" requiring massive new high tech security systems, highly armed security police and lock down security drills simulating massive pandemics and bio-attacks? Does the West Oahu community want to be a possible "guinea pig" for international pandemic research

and development programs requiring importation of deadly pathogens from all over Asia and the world? These are legitimate community concerns...

Makakilo NB34 June Limited Meeting Minutes:

PHRL Project Staff: gave an overview on the purpose of the lab and explained the safety and security features and procedures with the lab operations.

"why the lab is important" - ?

"it increases the capacity and flexibility to deal with threats and infectious diseases...because of amount of infectious diseases coming out of Asia."

Does this mean that all these infectious and deadly diseases need to be brought here?

Board member Kioni Dudley asked if the Kalaeloa lab will replace the Kakaako BSL-3 facility. Yanagihara responded that it would not, but *"it increases the capacity and flexibility to deal with threats and infectious diseases."*

This leads to the question that the Kalaeloa BSL-3 facility must have a different purpose in that it will be located on US Army property at a secure National Guard base next to helicopter and fixed wing aircraft. "infectious diseases coming out of Asia" suggests that deadly pathogens will be flown in, stored and then transported possibly elsewhere using military aircraft and special high security ground vehicles.

It was stated by Bio Lab proponents to the Makakilo Neighborhood Board, (June Limited Meeting Minutes) that there have been no such incidents of pathogens escaping here or on the mainland with any of the labs. Yet not mentioned was the recent death of an experienced BSL-2 technician in San Francisco which involved a violation of CDC guidelines and who was "highly experienced with dealing with these organisms." (See full story below.)

Board member Dudley also asked what would happen in the event of a tsunami and was told that **sea water would kill the virus samples** if they were to escape containment.

Apparently sea water does NOT kill viruses...

<http://www.virology.ws/2009/03/20/the-abundant-and-diverse-viruses-of-the-seas/>

"The quantity and diversity of viruses in the seas are staggering. Each milliliter of ocean water contains several million virus particles. Viruses constitute 94% of all nucleic-acid containing particles in the sea and are 15 fold more abundant than bacteria and archaea."

"Diluted seawater contains almost the same concentration of minerals and trace elements as blood plasma, and its sodium content matches that of blood. Sea water has been used successfully in animal tests as a blood transfusion substitute."

How Could Deadly Diseases Escape?

Deadly diseases could escape from the facility in many ways, including by accidental attachment to clothing or disposed trash items. The West Oahu community has previously experienced "never happen in one hundred years" events with medical materials- syringes, needles and vials of blood washing down from Waimanalo land fill onto public beaches along the Ewa coastline. These medical waste materials were illegally disposed of in an apparently unregulated or unsupervised disposal process...

Deadly diseases could escape as well through water systems such as drains, toilets, etc.

Deadly diseases could escape as well through the remains of live animals given disease inoculations.

The bio-lab site is being built on an ancient coral reef that goes down hundreds of feet. The area has thousands of known sinkholes, karst caves and water channels that carry Mountain water down to the sea underground. Just because the surface area is currently flat because of bulldozing during WW-II, does not mean that the subsurface isn't a vast below ground web of tunnels, caves and water channels.

Definitions of BSL-3 and BSL-4 labs

Biosafety level 3

This level is applicable to clinical, diagnostic, teaching, research, or production facilities in which work is done with indigenous or exotic agent which may cause serious or potentially lethal disease after inhalation. It includes various bacteria, parasites and viruses that can cause severe to fatal disease in humans but for which treatments exist. Anthrax, plague, Japanese encephalitis virus, etc.

Biosafety level 4

This level is required for work with dangerous and exotic agents that pose a high individual risk of aerosol-transmitted laboratory infections, agents which cause severe to fatal disease in humans for which vaccines or other treatments are not available, such as Bolivian and Argentine hemorrhagic fevers, Marburg virus, Ebola virus, Lassa fever, Crimean-Congo hemorrhagic fever, smallpox, and various other hemorrhagic diseases. When dealing with biological hazards at this level the use of a positive pressure personnel suit, with a segregated air supply, is mandatory.

According to the United State Government Accountability Office (GAO) Report published on October 4, 2007, a total of 1356 CDC/USDA registered BSL-3 facilities were identified throughout the United States (GAO-08-108T. This represents a very conservative estimate of the number of facilities in the US in 2007. Approximately 36% of these laboratories are located in

academia. Only 15 BSL-4 facilities were identified at the time, including 9 at federal labs.

Protests Against Bio Lab in Boston...

http://boston.com/community/blogs/crime_punishment/2012/04/fatal_flaws_in_biolab_report.html

ARTICLE COMMENTER...

BU and NIH presented their 5th version of their risk assessment last night. They forgot to study what happened in Ft. Detrick biodefense lab, where anthrax was smuggled out of a government lab and used for bioterrorism. They forgot to study how 9000 vials of pathogens are missing from the Ft. Detrick. They forgot to study how anthrax escaped from a Russian biodefense lab and killed ~70 people. They forgot to study how researchers carried SARS out of the lab three times and infected many people around them. As a scientist, I have been appalled at the shoddy work that has gone into each of their risk assessments. It has been window dressing to give BU and NIH cover to allow BU to start sucking on the teat of government funded 'biodefense' spending.

CONGRESSIONAL HEARING December 10, 2008 SENATE COMMITTEE ON HOMELAND SECURITY Senator Joe Lieberman, Chair WEAPONS OF MASS DESTRUCTION INVESTIGATIVE COMMISSION

Sen. Coleman:

This is an area that needs great oversight... this is an area of great vulnerability, great vulnerability. And I presume at the state level there's not a lot of oversight.

Ms. Cleveland:

I think that's true. You have problems at the federal, state and local level, and you currently have in place a system that requires voluntary recording of the transfer of these lethal pathogens from lab to lab, but as we all know when you have voluntary reporting and if it doesn't happen and if there's no follow-up and accountability in terms of federal oversight or Congressional oversight, voluntary reporting sometimes falls between the cracks.

Sen. Coleman:

Looking at the biological area, the question is - First, the regulation that we have is a regulation with a specific select agent list. The nature of biological materials is that you can create new agents today that aren't on any list. So the first question to Ms. Cleveland, how easy would it be to create a bogus BSL-3 lab, one, to get pathogens, and then secondly if in operation, what is the capacity and capability at the state and federal level to know that there's a problem?

Ms. Cleveland:

Senator, I don't think you need to create a bogus lab because I think that the oversight and regulation in place already presents a risk with the proliferation of labs that we have in the United States and the lack of clear accountability, it doesn't need to be bogus.

Experienced Lab Worker Dies From Deadly Virus Exposure In San Francisco

May 3, 2012: According to Dr. Harry Lampiris of the VA, unvaccinated researchers at the lab had been working with several strains of Neisseria meningitidis, including serotype B, the strain believed to have killed the researcher now identified as Richard Din, 25, of San Francisco.

This appears to be a violation of CDC guidelines, which specify that lab workers handling any type of Neisseria should be vaccinated, even though the vaccine is ineffective against serotype B. The researcher, said Lampiris, "was working in a lab that was highly experienced with dealing with these organisms."

Lampiris added, the vaccine might not have saved the man, because this particular strain of Neisseria meningitidis, serotype B, is resistant to existing vaccines. "No vaccine would have prevented it," said Lampiris. Meningitidis is classified as a biosafety level 2 (BSL-2) pathogen.

The Kalaeloa Lab will be BSL-3 with even more deadly pathogens than Neisseria meningitidis.

Article Comments:

As a health and safety consultant with many years of experience advising research laboratories (including NIH facilities), I can tell you that unfortunately, as educated as they are, scientists (many of whom hold PhDs) are among the most recalcitrant in terms of adhering to health and safety procedures. You'd think as logical as they are, they would understand and manage the risks instead of usually adopting the "it won't happen to me" attitudes that seem to prevail.

Baxter Sent Bird Flu Virus to European Labs by Error

<http://www.bloomberg.com/apps/news?pid=newsarchive&sid=aTo3LbhcA75I>

The incident is drawing scrutiny over the safety of research using the H5N1 bird flu strain that's killed more than three-fifths of the people known to have caught the bug worldwide.

Lab Accident at San Francisco VA Leaves Man Dead of Bacterial Meningitis

<http://blogs.kqed.org/newsfix/2012/05/02/lab-accident-at-san-francisco-va-leaves-man-dead-of-bacterial-meningitis/>

A young lab assistant at the VA Medical Center in San Francisco died on Saturday after becoming infected with a deadly strain of bacterial meningitis that he had been working with in the lab.

Harry Lampiris, Chief of Infectious Disease at the San Francisco VA and a professor of medicine at UCSF, said the man began complaining of a headache and nausea on Friday evening. The next morning, his symptoms worsened, and he developed a full body rash. The man asked his friends to take him to the hospital but became unresponsive in the car and arrived at the VA around noon without a pulse. He was briefly revived, but died of a heart attack soon after. His death came just 17 hours after the first symptoms had appeared.

Had he called an ambulance and received medical attention sooner, said Lampiris, he might have survived. "I don't think anyone had any concept as to how sick he was."

Lampiris said San Francisco VA lab workers were accustomed to handling the deadly bacteria, and had been doing so for 25 years. He said researchers followed standard CDC protocol, wearing gowns and gloves and working under a device known as a hood, designed to pull air - and potential contaminants - away from the researcher.

The researcher, said Lampiris, "was working in a lab that was highly experienced with dealing with these organisms." But, Lampiris added, the vaccine might not have saved the man, because this particular strain of *Neisseria meningitidis*, serotype B, is resistant to existing vaccines. "No vaccine would have prevented it," said Lampiris.

Dean Capelouto, Kapolei Resident, sent in these comments:

"The BIOLAB folks claim they had given proper notification to the community, and that simply was not true. We walked door to door to 800 homes (two days prior to the info briefing by UH), and only one home, or household knew what was planned for their backyard, and it was a person employed in "lab work". The UH folks notified HCDA (Tasha Malama), who notified the property managers, but the property managers in Kalaeloa failed to let the community (renters) or the daycare center parents know what was going on.

This gives the impression that the UH officials attempted to hide from the community the potential impact or risk to the surrounding areas, which include three housing development areas, one day care center, two elementary schools, one middle school, and one high school."

A BIOLAB, being within a stone throw from a day care center - is NOT recommended. Lessons learned from the Oklahoma City bombing, reveal that day care centers should NEVER be placed in the vicinity of any potential terrorist target.

Community Survey results from the Star Advertiser Poll

Do you agree with plans to build a Level 3 biosafety lab at Kalaeloa, to test infectious agents and viruses for public health?

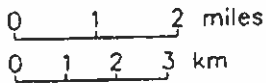
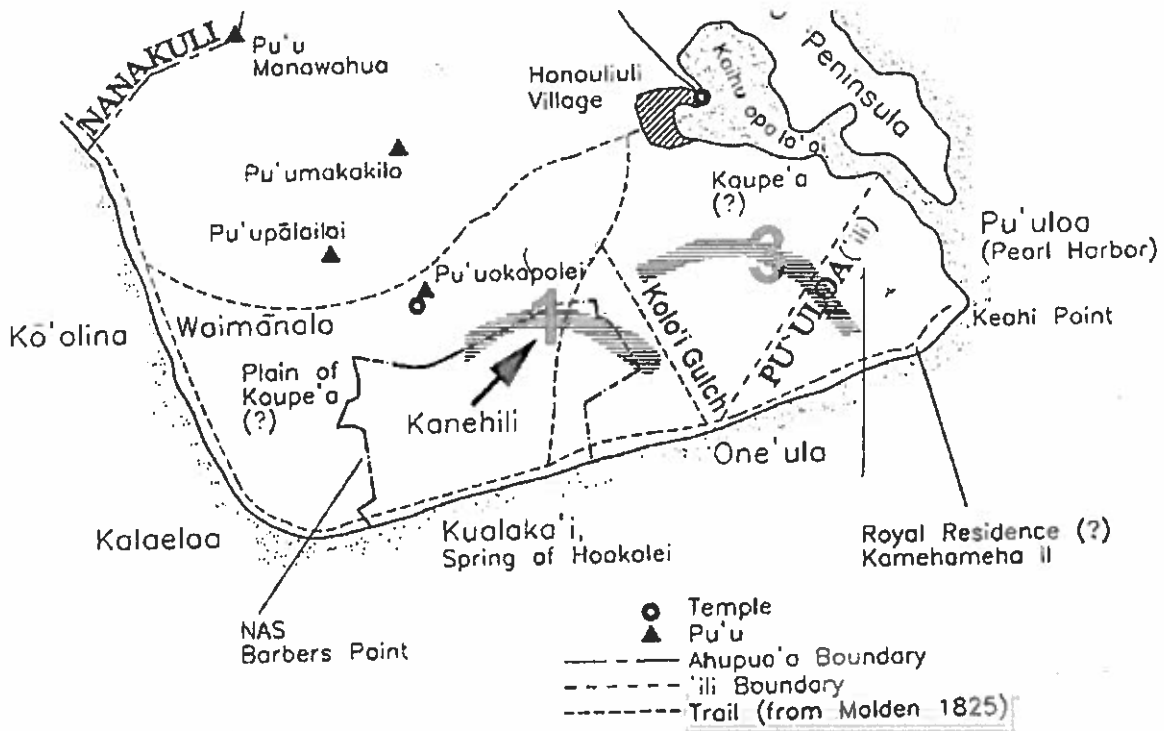
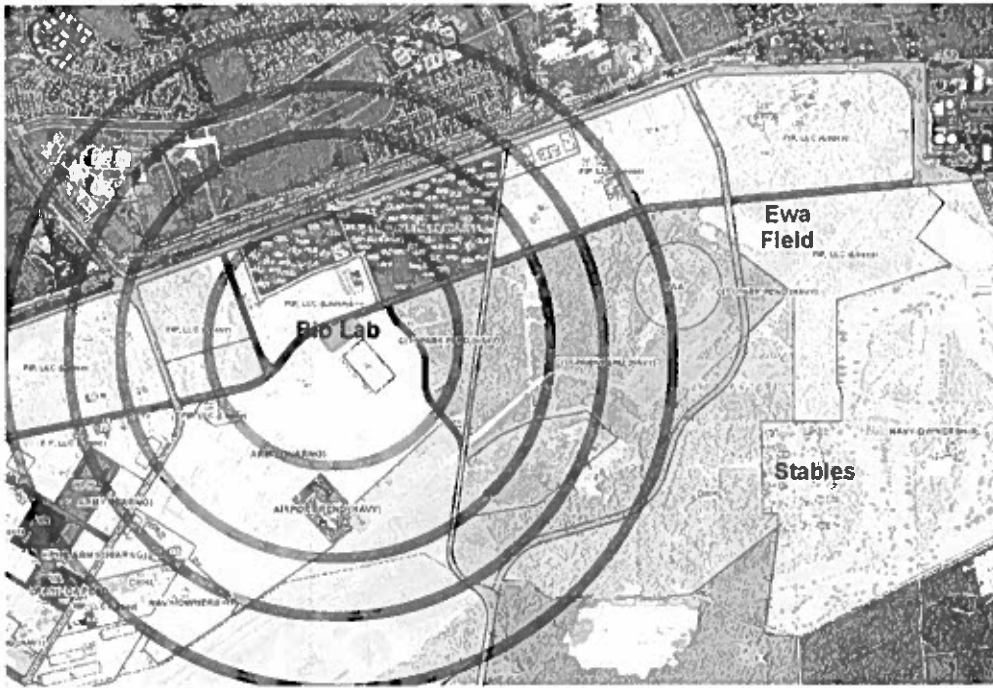
.B. No (56%, 1,540 Votes)

.A. Yes (44%, 1,198 Votes)

Total Voters: 2,735

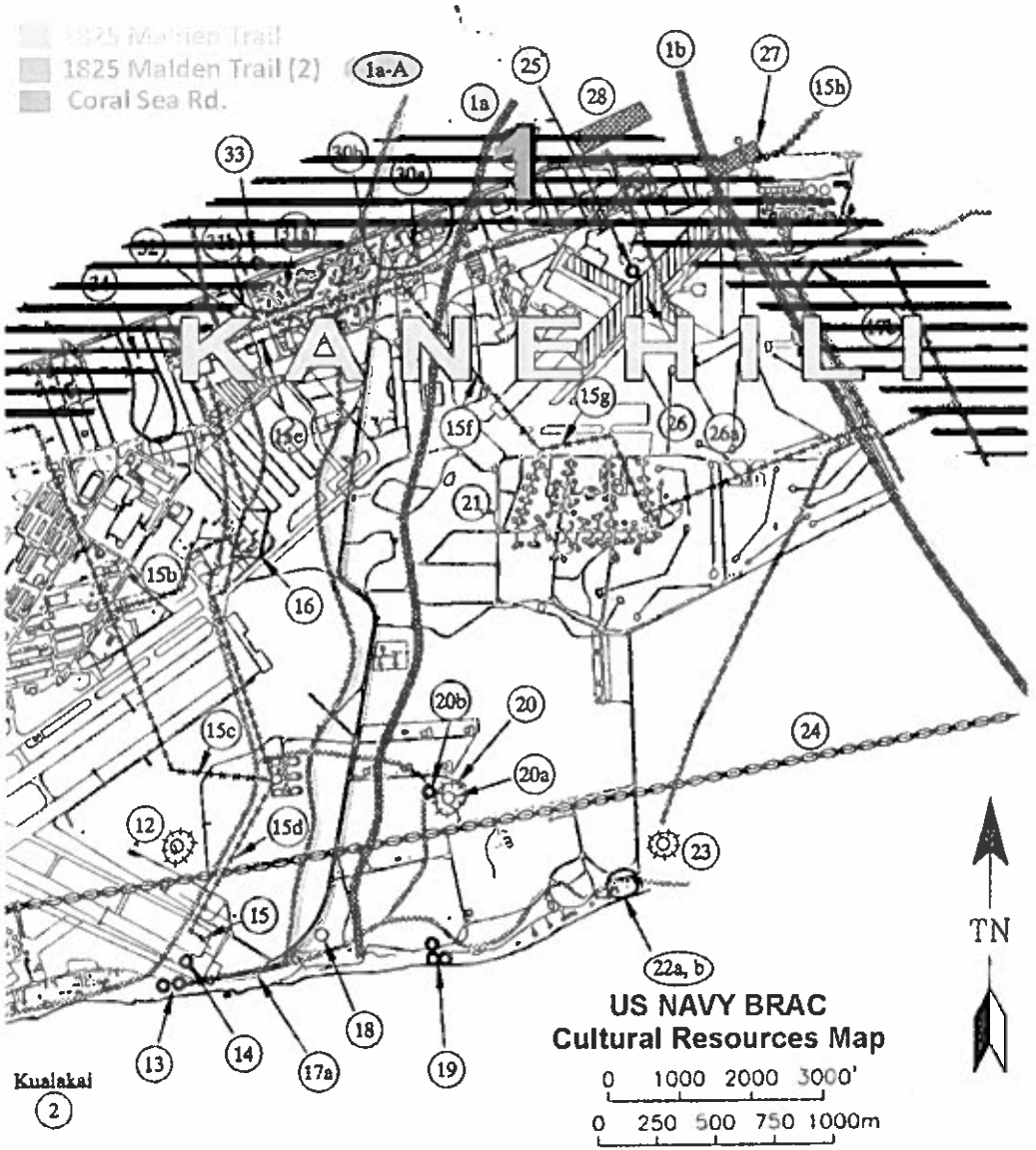
Start Date: July 11, 2012 @ 12:00 am

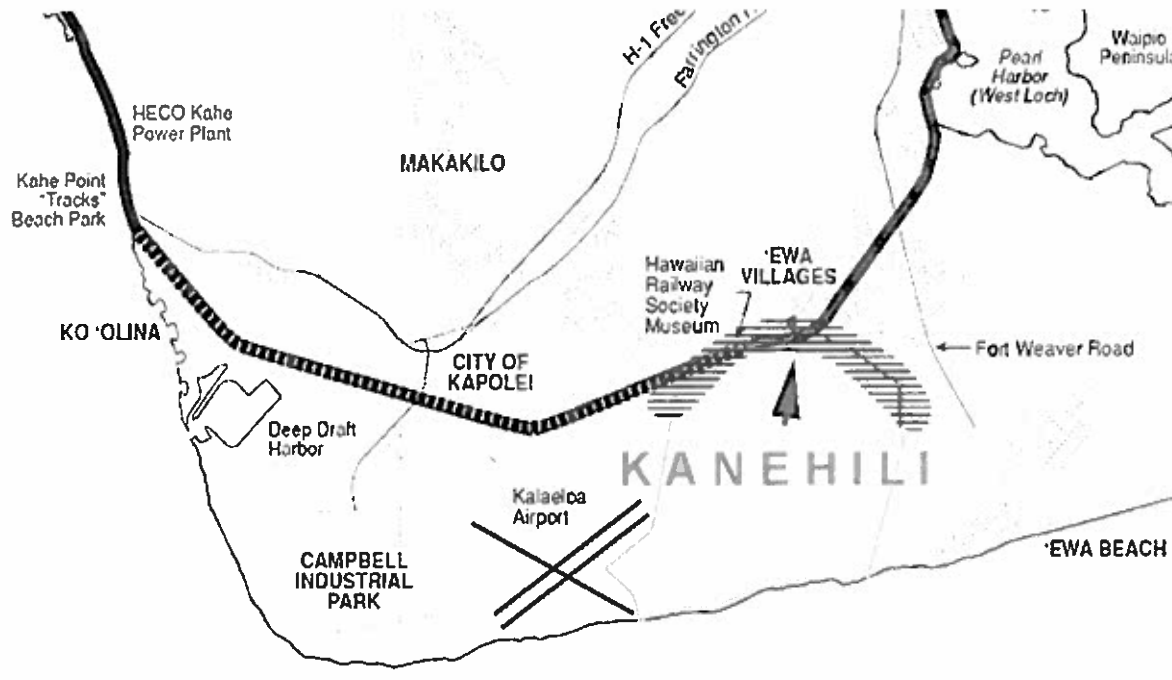
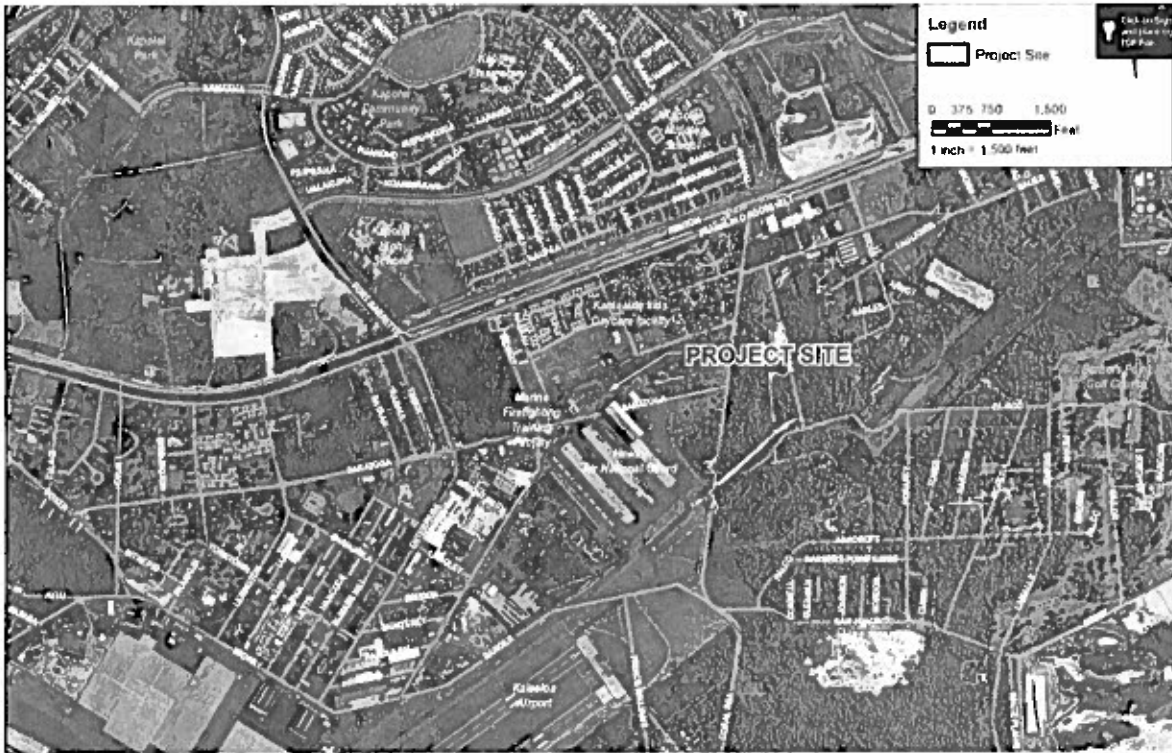
End Date: July 11, 2012 @ 4:00 pm



1 Kanehili

Ahupua'a of Honouliuli.

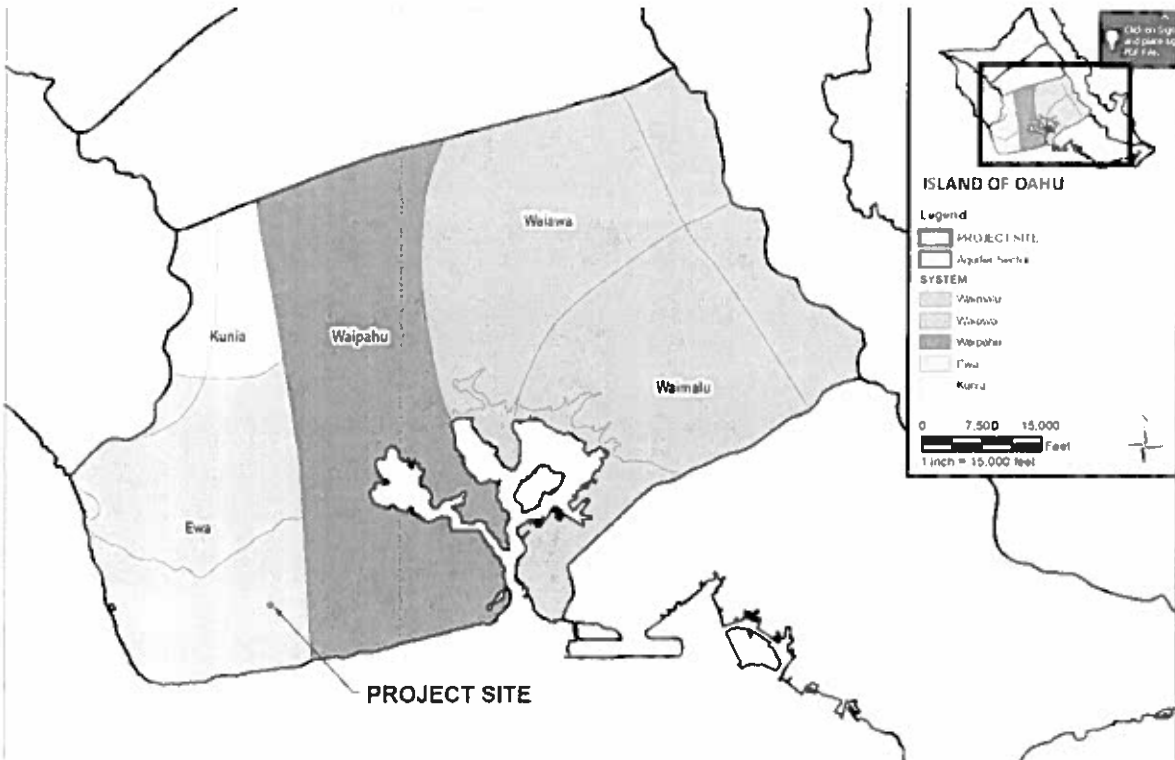
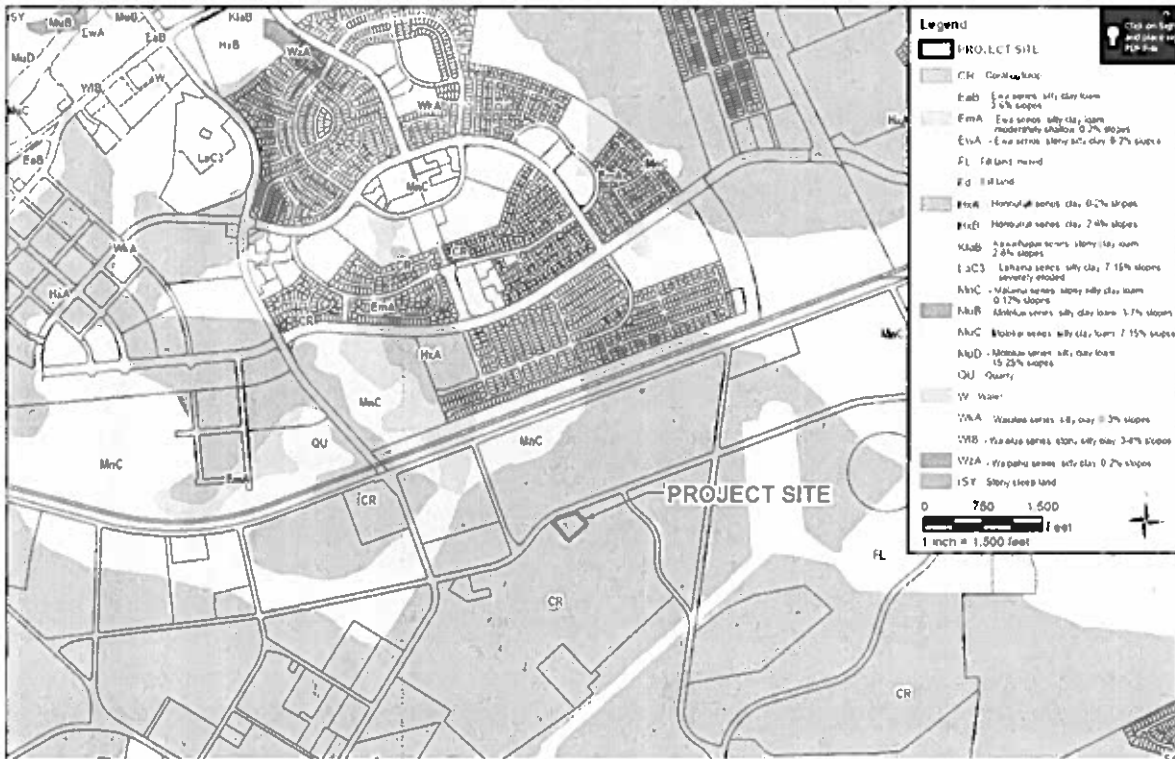




PEARL HARBOR HISTORIC TRAIL

Existing Historic Railway Operations

Pearl Harbor Historic Trail





HOUSE OF REPRESENTATIVES

STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

July 22, 2012

Dr. Thomas M. Apple
University of Hawaii at Manoa
Hawaii Hall, Room 202
Honolulu, HI 96822

Dear Chancellor Apple:

Re: University of Hawaii Biosafety Level-3 (BSL-3) Laboratory at the JABSOM Campus

I write to you after learning about very troubling facts regarding JABSOM's unsuccessful attempt earlier this month to secure independent third-party recertification of the BSL-3 lab at their Kakaako campus. I also heard that that the Centers for Disease Control (CDC) was notified about of this matter. I would appreciate knowing if UH President MRC Greenwood and the University's Board of Regents were informed about JABSOM's inability to recertify its BSL-3 lab and the matter reported to the CDC, and if so, when and to what detail were they briefed.

The BSL-3 Laboratory current 2011-2012 annual certification expired on or about June 20, 2012. Since UH officials failed to schedule and insure the lab's timely recertification prior to its annual certification expiration date, use of the BSL-3 lab has ceased. I understand prior to the lab securing 2012-2013 certification, a number of physical deficiencies need correcting and until then, the lab remains closed for improvements and necessary corrective repairs so as to ensure that the lab is compliant with the intent of the Biosafety in Microbiological and Biomedical Laboratories (BMBL) 5th Edition.

For researchers, the unexpected lost of the use of the BSL-3, especially when it was due to unscheduled repairs to correct physical and mechanical deficiencies, is disruptive to their ongoing and time-sensitive research. It's closure may also have adverse financial implications to the University if research funding is jeopardized because the lab was not recertified in a timely manner.

From my observations, these matters expose a much larger issue -- i.e. senior management's failure to provide adequate supervision and oversight to ensure that an important

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Representative K. Mark Takai
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campus facility is maintained and operated in compliance with the CDC and National Institutes of Health (NIH) guidelines.

My understanding is the JABSOM BSL-3 was not recertified because it failed to meet all requisite standards and requirements set forth in the BSL-3 Certification Checklist. What appears most troublesome is airflow reversals were observed and documented during the lab recertification testing process. As you know, indications of airflow reversals are quite serious. Under certain circumstances, potential harmful biological agents, which are suppose to be always contained within the confines of the sealed lab areas, could be inadvertently released under such conditions.

This also calls into question if UH officials can now creditably claim with certainty that airflow reversals did not occur prior to the date they were first observed (which was during the testing procedures to secure lab recertification). Frankly, I would expect that on the date the lab is physically inspected, UH would have had the lab fully pretested beforehand to ensure it would pass its annual recertification inspection, and especially test to ensure there are no airflow reversals. Clearly, that was not the case.

There has been broad media coverage on the University's renewed 10-plus year-old plans to build and operate another BSL-3 facility, this time at Kalaheo. During recent community hearings, senior UH officials assured the public that their BSL-3 facilities are "carefully designed and operated to prevent the escape of biological agents."

What I find disturbing and very troublesome is how UH can go before the community to discuss their propose plans to build an even larger BSL-3 laboratory at Kalaheo and continue to make claims about the safety of the operation of such a lab when senior University executives already knew their BSL-3 at JABSOM failed to be recertified because it could not meet rigid recertification standards that would insure harmful biological agents from being released.

Surely UH officials must be aware of the Congressional Research Service report (#R40418 dated May 4, 2009), which noted federal policymakers have become increasingly interested in the oversight of these facilities following reports of accidents, regulatory noncompliance, and community resistance. The report also cites some policymakers calling for a moratorium on new federally-funded construction of these laboratories or decreasing the number of laboratories under consideration for funding.

For health and safety reasons, significant human and capital resources are required to operate and maintain the facility to the high standards and rigors set forth by the National Institutes of Health (NIH) and the Centers for Disease Control (CDC). Federal policymakers also

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site the necessary high cost to operate and maintain such facilities. Current federal and state funding only builds the laboratory at Kalaheo and provides no operational funds.

The operations and maintenance of these highly-complex facilities requires a specialized and experience team of professionals. Unlike other graduate programs at the UH Manoa, JABSOM operates at a \$7 million biennium operating deficit. Further, I have seen UH's own internal communications highlighting that even when using best case estimates, an operating subsidy of \$1 million per year will be needed for a BSL-3 Laboratory.

Given all the many pressing teaching, research and outreach missions at the University, the decline in state and federal funding, the lack of congressionally-initiated federal earmarking for University projects, and the loss of more than \$85 million in direct extramural funding from the previous year (plus the accompanying 35-50 percent loss of indirect cost recovery), I am very concerned why UH has embarked on building such a costly facility at Kalaheo without a solid financial business plan to address the future operational and maintenance costs for the facility. When you add JABSOM's demonstrated failure to timely secure recertification of their BSL-3 facility at Kakaako, and its failure to not be candid and open with the local communities on its shortcomings operating the BSL-3, it just calls into question management's integrity and their ability to manage and operate these complex facilities safely and soundly.

In closing, I would welcome an opportunity to discuss this serious matter with you at your earliest convenience.

Sincerely,



K. Mark Takai
State Representative
Aiea/Pearl City

Attachment: Pacific Health Research Laboratory Website

cc: Dr. MRC Greenwood, UH President
Dr. Jerris Hedges, JABSOM Dean