

PROPOSED BU BIOSAFETY LEVEL 4 LAB

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The Massachusetts Nurses Association is the professional association for registered nurses in the Commonwealth and is committed under our professional ethics to advance public policy that protects the health and safety of all residents of our communities. It is with this mission in mind that we register our opposition to the placement of any Biosafety Level 4 laboratory (BSL-4 lab) in an urban, densely populated area, where the accidental or deliberate release of a deadly biological agent could have a devastating impact on a large population of residents.

Therefore, we believe the BSL-4 lab proposed for a site located very near and directly between Boston Medical Center and the I-93 on-ramp should not be built in inner-city Boston.

While the stated purpose of enhancing public health is commendable, a number of questions arise concerning the decision to build this facility in this place at this time. Among the areas of concern are the following:

Safety

While it is true that those working within the facility will be at the greatest risk of exposure, any breach would potentially infect those living and working nearby, as well as those at some distance, through known or unknown human vectors.

Are nearby hospital emergency departments prepared to contain, and treat victims of, such an outbreak? Indications are that they are not. Congressman Barney Frank testified last year that Massachusetts hospitals are not prepared for the "average Friday night," referring to overcrowding and frequent diversion of emergency patients.

Is evacuation of the community possible? Massachusetts was recently ranked as one of the states least prepared to respond to a disaster in the entire country. While this proposed laboratory is cited as a means of enabling the country to better respond to terrorist threats, the threat posed by the laboratory does not appear designed to resolve Massachusetts' disaster preparedness deficiencies.

What will be done with the waste products of this laboratory? Will waste be adequately processed prior to disposal? Will adequate care be taken to maintain

the efficiency of this equipment? It takes 48 hours to verify these tests. Will waste products be held long enough for the completion of tests to confirm decontamination of the load? Where? Will any organisms or parts of organisms be chemically disinfected and poured down the drain? Is incineration or transportation to another site the last stage in decontamination of waste products? What is the environmental impact of the total disposal process?

Security

The assertion that there have been no reported breaches at existing Level 4 laboratories is of little predictive value. Most of these laboratories are described as “urban,” but none are in as congested a neighborhood or with such a narrow buffer. Despite increasingly tight rings of internal security and a nearly impenetrable ground perimeter, has there been any thought of attack from the air or from surface-launched projectiles? The proposed laboratory is within two air-miles of Logan Airport and traffic helicopters regularly fly over this area near the heart of Boston. The only way to avoid harm from an accidental or intentional plane crash into the facility is to remove it to a location where this occurrence would present a lesser threat.

In July 2004, I-93, the major transportation thoroughfare across Boston, was closed during the Democratic National Convention out of just such a concern. Moreover, indications are that the anthrax attack on this country in 2001 was birthed using anthrax specimens originating in a U.S. government facility.

Competent Staff/Maintenance

In support of maximum safety and security, all individuals entering this facility in whatever capacity need to pass muster both with government agencies and with appropriate credentialing bodies. While those using and maintaining this laboratory need to be assessed to be of the highest caliber, history shows that there is still no guarantee that mistakes and security breaches will never occur.

The fact that this laboratory will be used as a teaching facility and the fact that cost-containing impulses may lead to the employment, even on an ad hoc basis, of service and support personnel less than fully competent raise long-term concerns. As doors, units and biosafety cabinets are opened and closed, the airflow system must remain balanced to ensure that the potentially contaminated air not enter open areas. All contaminated air is to exit through hepa filters. Failure to maintain such filters has had disastrous effects in the past. Preventative maintenance with on-board skilled staff is necessary to ensure all equipment is serviced and operating appropriately.

Transparency

Will the exact nature of the organisms being studied or developed be open knowledge? With international cooperation at an all-time low and with long-standing treaties and covenants being abrogated, any military or proprietary secrecy would help create a climate of suspicion, possibly fostering a germ-warfare arms race.

The Ontario nursing community in the spring and summer of 2003 found official denial by both provincial and municipal officials to be prolonging and exacerbating the SARS outbreak it was mobilized to defeat. It is particularly alarming that Boston University failed to meet its legal requirements to disclose recent safety lapses and resulting harm to workers, and that subsequently, other regulatory agencies and public officials also failed to publicly disclose the potentially lethal outbreaks.

Oversight

In a democracy, those affected by such a project have a right to know and object to potential threats to their well-being. The professional, technical and residential communities, and organs of government at all levels, need ongoing representation on all oversight committees. Private-citizen appointments to such bodies should be made from a list of nominees submitted by long-standing groups which are independent of Boston University and the federal government.

Accountability

Boston University's spokespeople have asserted that there will be a "number" of oversight committees, but the MNA's concern is that there also be a single, ultimately accountable entity charged with the responsibility for planning and responding to an emergency or unexpected attack from or on the laboratory. Moreover, Massachusetts currently has no regulatory program for BSL-4 laboratories.

Massachusetts does have standards for other inherently dangerous facilities such as landfills and power plants as to where they might be sited, how the location decision is to be made, operations and maintenance requirements and other appropriate standards to protect the public health and environment. Similar requirements are equally relevant and important for BSL-4 laboratories. The recent multiple failures to protect workers, to report incidents appropriately, and to provide accurate information in legal filings for the proposed laboratory have underscored the need for legislation to provide the accountability, and to protect the public health and common good.

Notwithstanding our strong opposition to this project, if policymakers ultimately decide to support construction of this facility at this site, it is imperative that a single responsible entity be identified and be required to develop and

communicate to the community a *safety plan* that outlines community response, protection and evacuation in the event of the accidental or deliberate release of any infectious organism or infectious substance and/or potentially infectious RNA or DNA material considered a biohazard. We would further request that members of the community participate in the development of that *safety plan*, and that there be quarterly review of both the plan and the status of the project.

Any risk/benefit analysis of this Level 4 laboratory-construction proposal must take into account the criteria associated with these principles. In situations such as these, it is prudent to err on the side of caution.