



Homeland Security

May 26, 2011

Bill Bullard
CEO
R-CALF United Stockgrowers of America
P.O. Box 30715
Billings, Montana 59107

Dear Mr. Bullard:

On behalf of Secretary Napolitano, we acknowledge your April 27, 2011 letter expressing your concern with the process conducted while siting the National Bio and Agro-Defense Facility (NBAF) in Manhattan, Kansas. In addition, we acknowledge your two previous letters dated May 3, 2010 and December 21, 2010. The Department of Homeland Security (DHS) provided responses to your letters on June 2, 2010 and January 20, 2011 respectively. We stand by these previous two responses that the selection of Manhattan, Kansas for the NBAF was based on numerous strengths, including the ability to research and develop vaccines and other countermeasures critical to the defense against foreign animal and zoonotic diseases.

Your letter incorrectly asserts that DHS found a 70 percent chance that Foot and Mouth Disease would be released from the NBAF. The Site-Specific Risk Assessment (SSRA) did not find that there would be a 70 percent chance of a release; rather it showed probabilities that referred to worst case frequency data which were then used to determine mitigation measures.¹ The numbers did not account for the mitigation measures that will be put in place when the facility is built. DHS is taking the proactive measure of updating the SSRA and its design and operational plans to address concerns identified in the National Academy of Sciences (NAS) report. It should be noted that the NAS found the SSRA to be an important "first step in an iterative process aimed at identifying and minimizing risk" and supported the need for the capabilities NBAF provides.

In addition, we reject the notion that members of any of the consortia groups, including the Kansas Bioscience Authority (KBA), were involved in any portions of the independent government review and selection process for the NBAF.² In January 2009, DHS issued a Record of Decision³ at the end of a thorough three-year process that documented the basis for its decision against the criteria without input from KBA or any other consortia group. In addition, the DHS Inspector General conducted an exhaustive investigation of the site selection process

¹ See NBAF Site-Specific Biosafety and Biosecurity Mitigation Risk Assessment Table 3-1: Accident Frequency Categories and Definitions, Available at http://www.dhs.gov/xlibrary/assets/nbaf_ssra_final_report.pdf

² See U.S. Department of Homeland Security, National Bio and Agro-Defense Facility Initial Selection Process, Available at http://www.dhs.gov/files/labs/gc_1170798884583.shtm

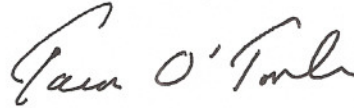
³ See U.S. Department of Homeland Security, Science and Technology Directorate; Record of Decision for the National Bio and Agro-Defense Facility Environmental Impact Statement, January, 16, 2009 available at <http://edocket.access.gpo.gov/2009/E9-914.htm>

and concluded that the site selection was carried out fairly and without bias.⁴ Any implications that improprieties within KBA may have tainted the NBAF selection process are completely unfounded and untrue.

We strongly disagree with your claim that the decision to locate NBAF in Manhattan, Kansas presents significant risk to U.S. livestock. The real risk to the agricultural economy of the Nation is a lack of research. In fact, DHS will not build or operate the NBAF unless it can be done in a safe manner. No permits to possess or use biological select agents in the NBAF will be issued by the Federal Select Agent Program until all biosafety and biosecurity requirements are met.

If you have any further questions, please contact the Science and Technology's Office of National Laboratories, Director Jamie Johnson at (202) 254-6098 or via email at james.johnson@hq.dhs.gov.

Sincerely,



Tara O'Toole, M.D., M.P.H.
Under Secretary for Science and Technology

cc: The Honorable Jon Tester, U.S. Senate
The Honorable Tom Vilsack, U.S. Secretary of Agriculture
The Honorable Mary Landrieu, Chair, Homeland Security Subcommittee of the Appropriations Committee

⁴ See Department of Homeland Security, Office of Inspector General, Review of the National Bio and Agro-Defense Facility Site Selection Process, available at http://www.dhs.gov/xoig/assets/mgmttrpts/OIG_11-13_Nov10.pdf