

**Peace and Justice Commission  
Regular Meeting**

**North Berkeley Senior Center  
January 6, 2003**

**MINUTES**

The meeting convened at 7:00 p.m. with Anne Wagley, Chairperson, presiding.

**ROLL CALL**

Present: Roya Arasteh, Elliot Cohen, Steven Freedkin, John Lavine, Mark McDonald, Robert Stephen Rose, Thom Seaton, Michael Sherman, Anne Wagley

Absent: Donald Brody, David Weinberg

On Leave: Sandy Curtis

**COMMENTS FROM THE PUBLIC**

Pamela Shivola, Committee to Minimize Toxic Waste, regarding the proposed construction of a molecular foundry by Lawrence Berkeley National Laboratory.

Dona Spring, Councilmember, regarding the Council Rules Committee.

Leuren Moret regarding the Council Rules Committee.

**ACTION ON MINUTES**

*M/S/C (Cohen, Lavine)* to approve the minutes from the regular meetings of December 9, 2002. **Ayes:** Unanimous; **Absent:** Brody, Weinberg.

**ACTIONS TAKEN:**

**Add an Emergency Item to the Agenda**

*M/S/C (McDonald, Cohen)* to add an emergency item to the agenda regarding the extension of the public comment period for the proposed construction of a molecular foundry by Lawrence Berkeley National Laboratory, which is to end on January 21, 2003. This issue came to the attention of the Commission less than 72 hours before the meeting, and too late to be added to the agenda in accordance with the Brown Act. Further, the public comment period would end before the next Commission meeting in February 2003. **Ayes:** Unanimous; **Absent:** Brody, Weinberg.

## MINUTES – January 6, 2003

### Proposed Molecular Foundry

M/S/C (*McDonald, Cohen*) to adopt a Resolution supporting the request from the City Manager for an extension of the period for public comment on the proposed Molecular Foundry to February 13, 2003, and the request for a public hearing to be held approximately two weeks prior to this date, and communicating these requests to Lawrence Berkeley National Laboratory, Energy Secretary Spencer Abraham, and other appropriate officials.

WHEREAS, "peace and social justice" is defined as a world community in which the relations between people are based on equality, respect for human rights, and the abhorrence of exploitation and all forms of oppression (*Berkeley Municipal Code (BMC) Section 3.68.030*); and

WHEREAS, it is a function of the Peace and Justice Commission to advise the City Council on matters of justice, to help create citizen awareness around issues of social justice, and to act as a liaison between community groups and the City government on these issues (*BMC Sections 3.68.070 A, B, & H*); and

WHEREAS, Lawrence Berkeley National Laboratory (LBNL) proposes to construct and operate a Molecular Foundry, a six-story laboratory building of approximately 86,500 square feet with a utility building of approximately 8,000 square feet on the southeast corner of LBNL's site adjacent to Strawberry Canyon; and

WHEREAS, the proposed Molecular Foundry would be located adjacent to a densely populated neighborhood without adequate buffer zones for toxic materials and processes; and

WHEREAS, LBNL has a proven record of violating environmental regulations; and

WHEREAS, the proposed Molecular Foundry represents new technologies involving unknown materials and processes, and needs adequate review by the public and City officials to ensure the health and safety of local people; and

WHEREAS, we are concerned that a mitigated negative declaration in this case is inappropriate given the uncertainties of the environmental impact of new untested technology; and

WHEREAS, providing pertinent project information and allowing adequate time for public review and comment are essential for meeting Berkeley's principles of democracy and fairness; and

WHEREAS, for this project the Department of Energy (DOE) has attempted to circumvent the normal review and impact process and laws by granting itself an exemption, and has scheduled a 30-day public comment period on this exemption starting on December 14, 2002 and ending on January 13, 2003; and

WHEREAS, a request by the City's Office of Toxics Management for basic data relating to materials, waste streams and processes was declined; and

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WHEREAS, the Office of the City Manager has received several requests from the community for a public hearing to be held two weeks before the close of the comment period; and

WHEREAS, the Berkeley City Manager requested that the period for public comment be extended an additional 30 days due to the holidays and the delayed release of relevant documents, which resulted in LBNL granting only a one-week extension for comment to January 21, 2003.

NOW THEREFORE, BE IT RESOLVED that the Peace and Justice Commission asks the City Council to support the request from the City Manager for an extension of the period for public comment on the proposed Molecular Foundry to February 13, 2003, and the request for a public hearing to be held approximately two weeks prior to this date; and to communicate these requests to LBNL, Energy Secretary Spencer Abraham, and other appropriate officials.

BE IT FURTHER RESOLVED, that the Peace and Justice Commission urges the City Council to insist that LBNL provide the public and the City's Office of Toxic Management with all necessary, relevant data in order to assess potential threats to the health and safety of people near the site and throughout the City if transportation, creation, or storage of hazardous, biological or radioactive materials is planned.

BE IT FURTHER RESOLVED, that the Peace and Justice Commission urges the City Council to ask that a full Environmental Impact Report be completed for this project, given the uncertainties of the untested technology involved. **Ayes:** Arasteh, Cohen, Freedkin, Lavine, McDonald, Rose, Sherman, Wagley; **Abstain:** Seaton; **Absent:** Brody, Weinberg.

Commissioner Seaton abstained from the vote because he was not sure that this issue falls within the purview of the Peace and Justice Commission.

### **“Non-Defended Localities”**

M/S/C (*Cohen, Freedkin*) having been advised that there is a movement in a number of cities in Japan to declare themselves as “Non-Defended Localities”, that we shall study “Non-Defended Localities” as defined by the Geneva Convention and the potential for the City of Berkeley to declare itself a “Non-Defended Locality”. **Ayes:** Arasteh, Cohen, Freedkin, Lavine, McDonald, Rose, Sherman, Wagley; **Noes:** Seaton; **Absent:** Brody, Weinberg.

### **NEXT MEETING:**

The next regular meeting will be on Monday, February 3, 2003 at 7:00 pm in the North Berkeley Senior Center. The meeting was adjourned at 10:06 pm.

Respectfully submitted,

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Manuel Hector, Secretary  
Peace and Justice Commission