

**Prepared for Tri-Valley CAREs'  
September 17, 2022 Strategic Planning Retreat**

***LOOKING BACK; PROVIDING A FRAMEWORK TO MOVE FORWARD***

***A SUMMARY ANALYSIS OF OUR PROGRAMS OVER THE PAST 11 MONTHS***

- *Goals and program priorities from our October 2021 Virtual Strategic Planning Retreat*
- *Victories enjoyed and objectives yet to be achieved*

**Introduction:**

Our Strategic Planning virtual retreat in October 2021 assumed that the pandemic would “end” in a more definitive way than the ragged edge of Omicron we see in September 2022. Some of the challenges we face have grown since our last planning retreat - yet our work has continued apace, our organization is strong, and we have much to celebrate this year. Our programs continue to change U.S. policy and budgets regarding nuclear weapons, nuclear materials, cleanup and health. And, we continued to maintain our dual focus on the Livermore Lab at the community level and, at the national level, on the U.S. Department of Energy (DOE) National Nuclear Security Administration’s (NNSA) weapons complex, of which Livermore Lab is an integral part.

Our influence in shaping operations at the Lab and public policy nationally often leads to visible outcomes. These pages contain some examples.

During this period, we have produced detailed, yet readable analyses, comment letters and issue briefings. We have met with members of the U.S. Congress, the Biden Administration, the California State legislature, and other decision-making bodies using Zoom, WebEx and similar tools.

We participated in virtual press conferences and gave interviews to local and national reporters. Our staff, board and members wrote more than 20 “op-eds” and “letters to the editor” that were featured in local, regional and national publications. We organized virtual rallies, created a film for Hiroshima-Nagasaki days, and sponsored in-person banner holdings at Livermore Lab. We made common cause with numerous groups and individuals to amplify our message.

Our virtual community organizing and public involvement activities have contributed directly to some of our victories.

Three of the watch-phrases that have guided us since our last Strategic Planning Retreat are: (1) be flexible and continue to adapt new methods in a changing environment; (2) stay strategic and keep our mission and goals front and center; and (3) be open, collaborative and connected to our membership, funders and allied groups.

Overall, we have achieved considerable progress on the program issues we chose at our strategic planning retreat last year.

## **What we said we would prioritize at last year's retreat:**

### **1st Place: STOP NEW NUCLEAR BOMBS AND BOMB PLANTS (TIE)**

This is about preventing the development of new and modified nuclear weapons – and the new factories that would produce them. Under this priority, Tri-Valley CAREs will address Livermore Lab's warhead development programs, with a particular focus on the novel-design W87-1 and other new warheads. This priority involves a parallel focus on expanded plutonium bomb core production, including Livermore Lab's role. Through this priority, Tri-Valley CAREs will influence national nuclear policy and the federal budget process.

### **1st Place: REMEDY AND PREVENT ENVIRONMENTAL DAMAGE; INVOLVE FENCELINE COMMUNITIES (TIE)**

This is about achieving a publicly accepted, comprehensive cleanup under the Superfund law of toxic and radioactive contamination from past activities at the Livermore Lab Main Site and Site 300. This priority also seeks to proactively prevent pollution from Livermore Lab's current and proposed programs, including by addressing open-air bomb blasts at Site 300 and Livermore Lab Main Site's hazardous waste permit revisions. This priority also addresses projects that may be revealed in Livermore Lab's upcoming Site Wide Environmental Impact Statement. Through this priority, Tri-Valley CAREs will increase public involvement in environmental decision-making.

### **3rd Place: INVESTIGATE LIVERMORE LAB FACILITIES AND PUBLICIZE FINDINGS**

This is about scrutinizing key nuclear facilities at Livermore Lab. With this priority, Tri-Valley CAREs will use the Freedom of Information Act and other community right-to-know laws alongside other means to monitor Livermore Lab activities. Through this priority, Tri-Valley CAREs will exercise its watchdog capabilities and increase public knowledge of the connection between weapons activities and environmental contamination.

### **4th Place: PROMOTE GLOBAL NUCLEAR DISARMAMENT, NON-PROLIFERATION AND THE RULE OF LAW.**

This is about contributing to the global abolition of nuclear weapons. Under this priority, Tri-Valley CAREs will focus on the UN Treaty on the Prohibition of Nuclear Weapons, which entered into force early this year. This priority also addresses our participation as a non-governmental organization (NGO) at the UN in proceedings such as the Review Conference on the nuclear Non-Proliferation Treaty and other similar instruments of international and humanitarian law.

### **5th Place: SAFEGUARD WORKER HEALTH AND SAFETY**

This is about justice for Livermore Lab, and Sandia, Livermore, workers exposed to toxic and radioactive materials. Through this priority, Tri-Valley CAREs will assist nuclear workers, and families of deceased workers, obtain compensation under the Energy Employees Occupational Illness Compensation Program Act (EEOICPA). With this priority, we will also act to preserve and enhance worker health and safety measures, including by interacting with the Defense Nuclear Facilities Safety Board and other oversight institutions.

## Measuring our progress over the past 11 months:

This section speaks to our “accountability” in doing strategic planning. Did we do what we said we would at the last retreat? How faithfully did we hew to the priorities we chose in expending our collective time, energy and resources over the course of the year? Did we address each one? Did we make good use of our strategic “toolbox” and employ the appropriate methods to achieve our goals? Was our work plan strategic? What did our work accomplish? How well did we do overall? Where did we fall short? And, how did we handle any unforeseen events?

Here is our look back, which is foundational to our 2022 strategic planning retreat in particular - and to our collective ability to “look forward” as an organization in general.

### **STOP NEW NUCLEAR BOMBS AND BOMB PLANTS**

#### **For example:**

a. Throughout the period following our October 2021 planning retreat, we tracked the nuclear weapons budget process. We provided analyses of the Biden Administration’s Fiscal 2023 budget request. We are one of only a few groups in the country to focus on NNSA and, specifically, its spending on nuclear weapons activities (read as funding for new warheads and bomb plants). TVC’s analyses covered both the overall NNSA budget request and the specific LLNL budget request. These were done by Marylia Kelley (NNSA) and Scott Yundt (Livermore Lab). Our Executive Director also presented on budget issues (and promoted our recommendations) at multiple venues hosted by colleague groups across the country. Indeed, TVC is often called on by others groups for its budget expertise. And, our materials, including Spanish language translations done by Raiza Marciscano-Bettis, continue to be used by decision-makers and non-governmental groups alike. *(Note: while the who-did-which-tasks will not be reproduced for each subsection, it is offered here as one example of staff division of labor within TVC.)*

b. Throughout the 11-month period, Tri-Valley CAREs played a leadership role in challenging new weapons development, particularly the W87-1 (Livermore design) to sit atop a new land-based missile, the W80-4 and its SLCM modification (Livermore design) to sit atop new air launched and sea launched missiles. We have also played a leadership role in challenging the new W93 and in promoting retirement of the B83 (Livermore design), which is the last megaton class warhead in the stockpile. TVC was influential (although we did not get everything we asked for). To give one example, we were asked by several congressional offices to submit language to constrain the funding for the Sea-Launched Cruise Missile warhead. To give another example, one of our board members had his op-ed on the Sea-Launched Cruise Missile published in a national journal, “Responsible Statecraft.”

c. During this period, Tri-Valley CAREs also played a leadership role in challenging the new bomb plants that would produce the new warheads. Much of our work focused on the W87-1’s requirement for new plutonium cores (pits). Here, too, we worked with congressional offices that sought our input on language for legislation to force some answers about the projected cost, schedule and risks of expanded pit production, as well as some language to hold NNSA accountable for responses. We also shared information we first obtained last year about Livermore Lab’s role in

this pit production scheme, including that that Los Alamos Lab will send plutonium to Livermore as part of expanded pit production and that there is money in the budget for new plutonium glove boxes at Livermore to enable its role in production (though the full pits would not be made here).

d. As part of stopping new bomb plants, we also contributed this past year to the litigation Tri-Valley CAREs and three colleague groups filed under the National Environmental Policy Act. Our lawsuit asks the federal judge to compel a Programmatic Environmental Impact Statement (PEIS) that would cover all of the sites involved in NNSA's plans to expand plutonium pit production, meaning not only the Savannah River Site and Los Alamos but also Livermore Lab and numerous other locations. We worked with our lead attorneys at the South Carolina Environmental Law Center to update and augment our original Court filings, including a new brief we recently filed to counter the government's attempt to get the case thrown out.

e. In sum, continue to do work on pit production, on the one hand assisting our lead attorney at the South Carolina Environmental Law Project with the litigation and, on the other hand, interacting with congressional offices, other decision-makers, and the public about the multiple risks and dangers posed by expanded pit production. Our public-facing work has included newspaper and radio interviews, speaking engagements (virtual) around the country, local letters to the editor, etc.

f. The NNSA and Livermore Lab emailed Tri-Valley CAREs that the draft Site-Wide Environmental Impact Statement would be circulated in October. In September our group had 4 separate letters to the editor published, and we are working on a "readers guide" that covers "what to look for in the Livermore Lab SWEIS." Our community forum is scheduled for September 29, just after our strategic planning retreat. The SWEIS will determine the scope and extent of Livermore lab's nuclear weapons activities over the coming 15 years, as well as look at environmental programs and the environmental impacts of all Lab programs.

g. We collaborated with Bay Area groups in 2022 on the 77<sup>th</sup> anniversary of the U.S. atomic bombing of Hiroshima and Nagasaki to create a film that featured Tri-Valley CAREs speaking at the gates of Livermore Lab. Additional speakers were filmed in the Bay Area, New York and St. Petersburg, Russia. The release of event attracted more than 450 viewers. Prior to the release, Tri-Valley CAREs published several letters to the editor. The release also garnered media attention including an extensive interview on Pacifica Evening News (KPFA) and an article in People's World.

h. We have been on radio programs from Chico, to the Bay Area to Fresno to discuss the nuclear dimensions of Russia's invasion of Ukraine. Our members have also connected those dots in letters to the editor published in local and regional newspapers.

i. While we did not go to DC in person this past year, we have maintained our relationships with colleague groups in virtual space. For example, we participate in weekly strategy meetings with our DC allies. Additionally, we have conducted numerous Biden Administration and congressional meetings with our DC allies; some have been set up by TVC while others were set up by our DC colleague organizations.

j. Tri-Valley CAREs also continues to play a leadership role in organizing the Alliance for Nuclear Accountability’s virtual DC Days. We served on the editorial committee that produced a special report showcasing ANA recommendations on new bombs and bomb plants for Congress and the Administration. We conducted the training for activists on new warheads. We are currently planning ANA’s fall meeting.

### **SAFEGUARD COMMUNITY HEALTH AND SAFETY**

#### **For example:**

- a. Tri-Valley CAREs continues to oppose the Lab’s proposal to increase the strength and frequency of open-air bomb blasts at Site 300. Our work on this issue is incorporated into our meetings with elected officials and relevant environmental agencies. The decision is still pending by the Air District. They could decide to issue an air permit and/or conduct further environmental review. Or, they could reject the permit request. Our conversations during the last 11 months suggest that the Lab has still not satisfied the Air District’s request for more information, and so the matter is still “on hold.” One success is that the Air district has told us that its request for more information was triggered by our written comments on the permit.
- b. TVC continued to play a leadership role in the statewide Calif. Environmental Justice Coalition. Raiza Marciscano-Bettis has participated in monthly conference calls and in numerous joint actions with CEJC over the past year.
- c. We tracked the cleanup budgets for Fiscal 2023, and helped assure appropriate funding for the Main Site and Site 300 Superfund cleanup programs.
- d. TVC has “gone to bat” for more cleanup funding, advocating in virtual meetings with Congressional staff and agency officials over the last 11 months. Our advocacy has also extended to Biden Administration meetings, including with the head of Environmental Management at the Department of Energy.
- e. Our work on Livermore Lab’s new SWEIS, noted in the weapons and bomb plants section above, also belongs in this section. Our September community forum and our new “readers-guide” on “what to look for in the SWEIS” focus on environmental impacts of proposed and current Lab activities. Specifically, we also cover the Superfund cleanup and the abandoned, contaminated “high risk” buildings at the Lab.
- f. From December 2021 to February 2022, TVC implemented a campaign to influence the CA State Department of Toxic Substances Control’s (DTSC) renewal of an “amended” hazardous waste permit for the Livermore Lab main site. Worth noting is that the permit had to be amended by the DTSC due to an administrative challenged previously filed by Tri-Valley CAREs. Our activities in 2021-22 to continue to improve the permit – and encourage public participation – involved meetings with the DTSC permit writer and others, our invitation to DTSC’s public participation specialist to attend a monthly meeting prior to the public hearing (which he did), our unique outreach to publicize the DTSC public hearing, our production of sample comments for the public to consider, and our submittal of detailed technical comments during the written comment period.

g. Our environmental activities since the last strategic planning retreat have centrally included Spanish language translation of key materials. During the pandemic, it has been more difficult to measure our impact in Latinx communities because so much of that work had been done through in-person contacts, including during neighborhood walks in Tracy and participation in cultural festivals like Cinco de Mayo, prior to the pandemic. That said, Tri-Valley CAREs undertook its first in-person tabling since the pandemic earlier this year when we participated in Tracy’s Earth Day celebration (appropriately held outdoors).

h. Tri-Valley CAREs has maintained a focus on environmental issues at Livermore Lab this past 11 months also through letters to the editor, published in the Tracy Press, Stockton Record, the Independent, the Valley Vine, the East Bay Times and other newspapers.

### **INVESTIGATE LIVERMORE LAB FACILITIES AND PUBLICIZE FINDINGS**

#### **For example:**

a. We continued to track the Lab’s budget with specific attention to: (a) the cleanup budget generally, (b) the budget for decontaminating and decommissioning of the “high-risk” buildings, and (c) the budget for several specific new nuclear weapons for which Livermore is the “lead” laboratory. As noted in the bombs and bomb plants section above, we combed through the budget request documents and found the funding request for new plutonium glove boxes at Livermore Lab as well as the notation in a table buried in a NEPA document that plutonium would come here from Los Alamos for unspecified activities in support of pit production.

b. We filed several Freedom of Information Act request for records including, (a) the full Performance Evaluation Report for Livermore Lab (which is an annual report), (b) information on the Livermore Lab’s “missed milestones” (read as delays) for the W87-1 and W80-4 warhead development projects, and (c) information on why the contained firing facility at Site 300 was shut down for a significant portion of last year. These FOIA request have gone unanswered, as have three earlier FOIA requests. While we cannot report that we have filed litigation during the past 11 months, we can report that we sent “notices of violation” to the NNSA for the outstanding FOIA requests. This is a preparatory step toward litigation.

### **PROMOTE GLOBAL NUCLEAR DISARMAMENT, NON-PROLIFERATION AND THE “RULE OF LAW.”**

#### **For example:**

a. We planned, sponsored and spoke at major demonstrations for disarmament at Livermore Lab, particularly the aforementioned Hiroshima-Nagasaki events at the Good Friday events hosted by our colleagues at the Ecumenical Peace Institute.

b. We planned, sponsored and spoke at rallies (some virtual) to publicize and support the Treaty on the Prohibition of Nuclear Weapons (TPNW), including through public actions with our 8-foot long “*Nuclear Weapons Are Illegal*” banners at the gates of Livermore Lab. For example, in February, we celebrated the TPNW and Dr. Martin Luther King’s birthday (and his stated opposition to nuclear weapons) with MLK and TPNW banners at the Lab gates. We also conducted a banner holding at the Lab gates in June to publicize the First Meeting of States parties to the TPNW, and called on the U.S. to send an observer to the meeting in Vienna (the U.S. did not). Here, too, we

wrote letters to the editor to make the connections and also co-wrote an article that appeared in newsletters around the country.

c. In August, we arrived with our banners at the West Gate to commemorate the U.S. atomic bombings of Hiroshima and Nagasaki. As noted, Tri-Valley CAREs and colleague organizations produced a significant new film for the occasion, *"Making the Unthinkable Impossible."* We also blogged, got letters to the editor published and conducted considerable outreach in support of the TPNW.

### **SAFEGUARD WORKER HEALTH AND SAFETY**

#### **For example:**

a. TVC has assisted numerous individual workers with their compensation claims under the Energy Employees Occupational Illness Compensation Program Act (EEOICPA). This work has included properly masked meetings in our office when necessary with individual sick workers. Prior to the pandemic, we partnered with health care providers to offer workshops on EEOICPA in Livermore, Tracy and other nearby communities. That has not taken place since some months prior to our last strategic planning retreat, but is expected to resume soon.

b. Another way we support worker and public safety and prevent more toxic spills at the Lab is by meeting with – and advocating for – the Defense Nuclear Facilities Safety Board (DNFSB). Our meetings were more frequent before the pandemic, but have been ongoing in a virtual environment during the past year. Our first in-person meeting with the DNFSB Board vice-chair and the Livermore site representative took place in person in August 2022. We expect regular meetings to resume.

**Note:** In addition to specific priority program work, we have pursued multi-program activities through our participation in the Alliance for Nuclear Accountability (weapons, disarmament and cleanup) and through other coalitions such as the California Environmental Justice Coalition. We have also supported multi-programmatic goals through numerous local activities, including monthly meetings, LTE parties and more. Moreover, we have done significant “ally” work to support initiatives in clean energy and climate change, to cite but two examples.

Notably, we have continued to shift from an emphasis on disseminating our info in postal newsletters to more frequent electronic newsletters instead. E-news now goes out about twice monthly with additional event and action notices sent when needed. Last year, we said we would evaluate this shift away from paper newsletters (which some of our members told us they preferred). Our decision this year involves sending one to two mailings per year to all of our members, and encouraging more of our members to sign up for the electronic newsletters.

You can also see among our achievements above that there are objectives yet to be realized, from big picture global nuclear disarmament and national policy change on nuclear weapons to local objectives such as achieving comprehensive cleanup of contamination from past bomb activities at Livermore Lab, among others. It is intended that this progress report will be one of multiple elements employed in determining our goals for the coming year.

### **Conclusion:**

At Livermore Lab and other DOE NNSA sites, the continued development, testing and production of U.S. nuclear weapons is both proliferation-provocative and hazardous to human health and the environment. We who live around U.S. nuclear weapons facilities have the fundamental moral, legal and democratic right to participate in decision-making. Moreover, the broader public at large also has a right and responsibility to participate in these important policy decisions.

Yet it appears that the last thing DOE and its NNSA want is an informed public exercising these rights. Many of the agencies' most controversial program details and decisions are shrouded by techno-speak and buried in the middle of complex technical planning documents, if they are made public at all.

Tri-Valley CAREs serves as a unique watchdog and "counterweight" in Livermore. Our events are generally well attended (though challenged by pandemic), and we continue to play an important role in catalyzing a wide range of groups to come together and influence decisions.

The residents of Livermore, Tracy and surrounding communities, including many people who work at the Livermore Lab, value the information and education services we provide. This can be seen in many ways, including our receipt of info from Livermore Lab employees who want to share what they know but are afraid of reprisal.

Further, our ability to monitor DOE and NNSA activities and influence policy can be seen in instances where government officials have modified decisions based on public pressure we have generated. Tri-Valley CAREs' combination of research, public education and grassroots advocacy is designed to help affected communities – here in Livermore and across the country – become better informed and exercise their rights.

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