

# New Challenges To Animal Lab At UC Berkeley

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By Debra Lebl Holtz  
Chronicle Correspondent

The city of Berkeley, a citizens group and an animal rights organization filed lawsuits this week challenging the University of California's plans to build a \$14 million animal research facility.

The city's lawsuit alleges that the proposed Northwest Animal Facility at the corner of Oxford Street and Berkeley Way could release "toxic, infectious and radioactive agents into the environment." The complaint also contends that the project will increase noise and traffic congestion in the area.

Berkeley City Attorney Manuela Albuquerque said yesterday, however, that she is negotiating with university officials and expects to reach a settlement in the suit, which was filed in Alameda County Superior Court on Wednesday.

A similar lawsuit was filed yesterday in Alameda County by Berkeley Citizens for a Toxic Free Environment and by In Defense of Animals. That lawsuit marks the second legal challenge by the two groups to the animal laboratory.

The university contends that the new 54,500-square-foot facility, to be located mostly underground, is necessary to obtain accreditation for animal research on campus. Accreditation was denied in 1984.

In the lawsuit filed yesterday, the community groups contend that the university's argument about accreditation is "false and misleading." The groups said the university again has failed to consider alternatives such as improving its existing animal research facilities or building a new research center that does not use live animals.

The groups also allege that the university failed to identify specific safety measures for the transportation, use and disposal of hazardous materials such as pesticides, carcinogens, chemical solvents and bacteria. Many of the materials, which are tested on the animals, are highly flammable or explosive, the groups say.

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## City, activists file suit against UC animal lab

By Jennifer Packer  
Staff Writer

Two activist groups and the city of Berkeley have filed lawsuits against UC Berkeley over its plan to build a \$14 million animal research center on campus.

The university's claim that the Northwest Animal Facility must be built in order to gain accreditation for animal research on campus is "false and misleading," said Michael Freund, attorney for the two groups.

Freund filed the suit last Friday on behalf of Berkeley Citizens for a Toxic Free Environment, and In Defense of Animals.

The courts declared UC Berkeley's first environmental impact report invalid in 1987 when the groups challenged the document.

But gaining accreditation is only one of a number of reasons the facility is being built, said Daniel Boggan, the campus' vice chancellor of development.

Construction of the lab will also provide "a better facility" and better controls over the conditions of

animal research, he said.

The UC Board of Regents approved the report last month, and base construction of the facility, located on Oxford Street and Berkeley Way, has already begun and is slated for completion this summer.

The groups hope their suits will halt construction until some demands are met, members said.

But the only likely obstacle to completing the facility will be financing the lawsuit. "I don't think (the suits are) going to be a hindrance to completing the facility," Boggan said.

The university's newest environmental impact report also fails to adequately address non-animal research alternatives to the project, said Dennis Spring, president of the Berkeley citizens group.

The city of Berkeley filed a similar lawsuit Wednesday.

While the two suits were filed separately, both challenge the report as being inadequate under the California Environmental Quality Act. The cases will probably overlap in their charges, Freund said.

# Berkeley, UC talking settlement on animal

by Terry Link  
Tribune

BERKELEY — The city and the University of California are negotiating a deal on UC's controversial Northwest Animal Facility, city attorney Manuela Albuquerque said yesterday.

Albuquerque would not discuss what terms of settlement she expected, but a suit filed by the city earlier this week in Superior Court alleged the facility would release "toxic, infectious and radioactive agents into the environment."

The city also alleged that UC failed

to include adequate mitigation measures or consider cumulative impacts in the environmental impact report certified last month by the Board of Regents.

Albuquerque said the suit was filed because of a 30-day time limit following certification of the EIR.

Other opponents of the facility, Citizens for a Toxic Free Environment and In Defense of Animals, said they were dismayed to learn that the city expected a settlement.

The two groups said a settlement

would not deter them from filing their own suit against the university.

Donna Spring of Citizens for a Toxic Free Environment said UC had "not acted in good faith" by never stopping construction of the building following a state Court of Appeal decision last year.

Eliot Katz, head of In Defense of Animals, the group which successfully fought UC's original environmental impact report, said he hoped Cal would establish a center to develop alternatives to animal testing.

"If they invest millions of dollars in a holding facility for animals, they are making a commitment to that kind of research for years to come," Katz said.

"That only perpetuates the cruelty. I want to try to get their resources committed to technologies that don't harm and kill animals," he said.

Michael Freund, attorney for the two groups, said he would file suit today.

"We are not relying on the city," Freund said, noting that Berkeley was not a plaintiff in last year's action.

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