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TOXINS AND THE CWC

The current draft of the CWC defines "toxic chemical" in such a way as to include toxins. The coverage of toxins by the CWC is underscored by the listing of saxitoxin and ricin on Schedule 1 as acknowledged "place holders" for the addition of other toxins in accordance with the guidelines for Schedule 1.

BACKGROUND.

toxins in the CWC for a variety of reasons:

- 1) It was believed that the Soviets were weaponizing saxitoxin and
- 3) The CWC was destined to have a "strident" verifiability
- believed would render the treaty "verifiable,"
- 4) It was believed that there were no commercial uses for saxitoxin and ricin, and
- 5) It was believed that toxins would eventually be easily synthetically produced via chemical reaction rather than relying

since that time:

ricin might be useful as assassination weapons, they would not be

- 2) The third CWC Review Conference...

...is "not effective" ... to make it so,"

us

synthetically and toxins like botulinum toxin are simply too complex of a protein to synthesize,

- 6) Desert Storm highlighted the need to immunize our forces against BW, and

IMPACT OF THE CWC ON THE

The immediate effect of the CWC is that weapons that have or will have a biological or chemical nature will be defined as CW for the purposes of the Convention. Prior to 1969 the USG weaponized botulinum toxin (BT) in two locations and studied at least one other toxin, saxitoxin. Under Article II, Paragraph 4(a)(ii) the two facilities where the USG weaponized BT

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are considered "chemical weapons production facilities" and thereby subject to the provisions concerning declaration, destruction or conversion, and the requisite on-site inspection which will stem from electing to convert rather than destroy such facilities. These obligations flow from the inclusion of toxins in the definition of "toxic chemical": by definition, any weaponization of a toxic chemical (independent of whether it is on a Schedule) yields a chemical weapon. In turn, the place where this is done is a "chemical weapons production facility."

Under Part V of the Verification Annex the USG will be obliged to declare specific and detailed information regarding the weaponization of BT including the type of weapon filled, the weight of the chemical fill per unit, production capacity and a process flow diagram of the facility. Much of this information regarding chemical weapons production facilities could be used in the development of BW programs and therefore is destabilizing from a proliferation standpoint.

Under Article III, the USG will be required to declare any facilities used "wholly or in part" for the development of chemical weapons. This may include facilities where the USG conducted offensive research on sarin.

A less immediate effect of including toxins in the CWC will be that if the USG will have to declare its weaponization of BT, it will be a prime candidate for Schedule 1 which includes chemicals known to allow a two thirds majority to make additions to the Schedules even if the USG objects. BT is known to be a Schedule 1 chemical and detailed information and to submit to increased on-site inspections if certain thresholds for production, processing or use are met. While the data reporting obligations are fixed, the modalities for the inspections will be resolved during the Preparatory Conference and the negotiation of facility specific agreements.

The current threshold for Schedule 1 chemicals for medical and pharmaceutical purposes is 100 grams. If the USG were to accept this its ability to produce BT vaccine (in a single year) would be

vaccinate FY 95 Force (500,000 soldiers). The current treaty text would allow the USG to produce more than 250,000 dose series but would trigger the requirements for data reporting and on-site inspections. The USG will also be extremely sensitive. Accordingly, data reporting and in-process sampling of our vaccine facilities must be protected.

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Given the importance of the DOD vaccine production program, future requirements in this area, both known and unknown, and the likelihood that the BW threat will grow in the future, there is a strong requirement that we fully protect DOD vaccine production programs from any inadvertent limitations or compromise by the terms of the CWC. No other program is at present and must be solved by technical amendment of the CWC along the lines of the option paper distributed to the CWC Steering Group on 2 July.

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