

# Blue Ridge Environmental Defense League

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January 22, 2022

President Joseph Robinette Biden, Jr.  
The White House  
1600 Pennsylvania Ave NW  
Washington, DC 20500

RE: US Nuclear Posture Review and the Treaty on the Prohibition of Nuclear Weapons

Dear Mr. President:

On behalf of the Blue Ridge Environmental Defense League, I write to formally request that you take action to have the United States adopt the Treaty on the Prohibition of Nuclear Weapons (TPNW). Further, we ask that the treaty become a core element of your administration's upcoming Nuclear Posture Review.

As you know, the Treaty on the Prohibition of Nuclear Weapons was overwhelmingly adopted in 2017 by 122 member states of the United Nations. The TPNW addresses the humanitarian and environmental impacts of nuclear weapons. Today, January 22<sup>nd</sup>, marks the one-year anniversary of its entry into force, declaring nuclear weapons outlawed. However, the United States is not among the 86 nations who formally signed the treaty.

This presents you with an historic opportunity; that is, to put the United States on the right side of history to fulfill the solemn promise our nation made decades ago under the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), a treaty ratified by the US Senate and signed by the President over fifty years ago and which, under Article 6 of the US Constitution, is the law of the land.<sup>1</sup>

The Nuclear Non-Proliferation Treaty, states: "Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control."<sup>2</sup>

However, today in the United States nuclear weapons remain on hair-trigger alert, the President possesses sole control to launch them, the nation reserves the right to first use against nuclear armed nations and is pursuing the rebuilding of its nuclear weapons stockpile. This is plainly the opposite of the NPT's intent, and contrary to the law.

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<sup>1</sup> Ratification advised by U.S. Senate March 13, 1969; Ratified by U.S. President November 24, 1969

<sup>2</sup> *Treaty on the Non-Proliferation of Nuclear Weapons*, Article VI, 22 April 1970, True Copy, By letters addressed to the Director General on 5, 6 and 20 March 1970 respectively, the Governments of the United Kingdom of Great Britain and Northern Ireland, the United States of America and the Union of Soviet Socialist Republics, which are designated as the Depositary Governments in Article IX. 2 of the Treaty on the Non-Proliferation of Nuclear Weapons, informed the Agency that the Treaty had entered into force on 5 March 1970. <https://www.iaea.org/sites/default/files/publications/documents/infcircs/1970/infcirc140.pdf>

The opportunities now before us include 1) the international TPNW, which outlaws the development, manufacture, testing, possession, transfer, acquisition, stockpiling, or use of nuclear weapons, and 2) your Administration's upcoming Nuclear Posture Review (NPR), which offers the chance of signature achievement for decades to come.

Nuclear posture reviews also have potentially far-reaching effects on US adversaries, who base their own nuclear policy and posture decisions partly on what they see the United States doing and use the NPR as one way to understand what to expect. This can contribute to either a lessening<sup>222</sup> or increase of tension, ultimately leading to a greater or lesser potential for arms racing or even outright conflict.<sup>3</sup>

Our concerns are neither abstract nor academic. In 2020, our comments to the National Nuclear Security Administration opposed a potential new arms race caused by the manufacture of no fewer than 80 plutonium warhead pits per year by 2030 at the Savannah River Site in South Carolina—an initiative now being carried out by the United States Department of Energy and undergoing environmental review for licensing and production. The environmental impacts would affect our members.

The NPR can be used for good or for ill. For ill: The 2018 NPR freed the US Navy to produce and deploy a new, destabilizing submarine-launched nuclear missile, the W76-2. For good: You have the chance to end the pursuit of dangerous new weapons and declare America's commitment peace and security in a nuclear-free world.

### Conclusion

The Treaty on the Prohibition of Nuclear Weapons renders nuclear weapons illegal under International Law. And scores of nations are signing up in agreement. The Nuclear Posture Review now under discussion gives your administration a one-time opportunity to redirect both national and international policies on nuclear weapons.

Thank you for your attention to our concerns.

Respectfully



Louis A. Zeller  
Strategic Advisor

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<sup>3</sup> Eryn McDonald, Union of Concerned Scientists, "All things nuclear: Five Things Everyone Should Know About Nuclear Posture Review," 4 October 2021, <https://allthingsnuclear.org/emacsdonald/five-things-everyone-should-know-about-the-nuclear-posture-review/>