THE ASSISTANT SECRETARY OF DEFENSE

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WASHINGTON, DC 20301-1200

HEALTH AFFAIRS

APR 26 2005

The Honorable John Warner
Chairman, Committee on Armed Services
United States Senate
Washington, DC 20510-6050

Dear Mr. Chairman:

The Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005, House Report 108-491 requests that the Department of Defense (DoD) implement the recommendations of Government Accountability Office (GAO) Report, GAO-04-410, CHEMICAL AND BIOLOGICAL DEFENSE: The Department of Defense Needs to Collect and Provide Information on Tests and on Potentially Exposed Personnel, May 2004. The GAO identified three unresolved issues remaining after the Department's September 2000 to June 2003 investigation of Project 112/Shipboard Hazard and Defense (SHAD), which are summarized below (detailed report enclosed).

- Identification of military participants of land-based tests was incomplete.
- Civilian participants in both land- and ship-based tests were not identified.
- All possible sources of relevant information were not exhausted because additional participants continue to be identified.

Since ceasing active investigation in June 2003, DoD has certified 192 additional military participants. The participants now identifying themselves are producing individual personnel records and documents that would not have been permanently retained. Therefore, it is not feasible to search for additional sources or records, but to remain open to certifying participation based on documentation produced by veterans.

DoD estimated that approximately 350 civilian personnel directly participated in testing activities. These participants knew enough about the tests at the time they were conducted to file disability claims with the Office of Workmen's Compensation Programs if they believed any adverse health effects were caused by work-related exposures. Thus, it is unnecessary to undertake the substantial task of seeking now to locate and notify these participants.

The Deputy Assistant to the Secretary of Defense (Chemical and Biological Defense) has begun investigating chemical and biological testing from 1942 to present. They are building on work previously done for DoD in the mid-1990s, with work to be completed in three years. The Deployment Health Support Directorate will serve as the point of contact within DoD for providing information on chemical and biological exposures in and outside Project 112/SHAD. This includes the DoD Mustard Gas Test Participant Database. It is the intent of DoD to exhaust all plausible means to identify participants within this three-year effort.

Thank you for your continued support of the Military Health System.

Sincerely,

William Winkenwerder, Jr., MD

Enclosure:
As stated

cc:
Senator Carl Levin

INTRODUCTION

House Report 108-491 requests that the Department of Defense (DoD) implement the three recommendations of Government Accountability Office (GAO) Report "GAO-04-410, CHEMICAL AND BIOLOGICAL DEFENSE: The Department of Defense Needs to Collect and Provide Information on Tests and on Potentially Exposed Personnel, May 2004," and report on the status of their implementation. This report provides the background leading up to the GAO recommendations and actions taken to implement them.

BACKGROUND

DoD began its investigation into the chemical and biological operational testing activities of the Deseret Test Center, headquartered at Fort Douglas, UT, in September 2000 in response to a request from the Secretary of Veterans Affairs (VA) to provide information on three named ship-based tests. VA would use the information collected to assist in adjudicating claims of former Service members. The investigation expanded over the next two years, to include more ship-based tests, collectively referred to as Project 112/Shipboard Hazard and Defense (SHAD), and land-based tests. The ship- and land-based tests were collectively known as Project 112/SHAD.

As the investigation was entering its third year, the Bob Stump National Defense Authorization Act for Fiscal Year 2003, Public Law 107-314, codified the investigation according to its then established scope, and added the requirement that the Department enumerate the number of civilian personnel potentially affected by testing activities. DoD interpreted this latter requirement to mean the number of civilian personnel who participated in testing activities. The public law also required the Comptroller General to evaluate DoD's investigative efforts.

In an evaluation that lasted almost a year, the GAO identified a few unresolved issues with the Project 112/SHAD investigation and recommended that DoD determine the feasibility of addressing these unresolved issues as well as the appropriateness of and responsibility for reporting new information. In addition, the GAO recommended that DoD finalize and implement a plan for identifying similar DoD projects and tests conducted outside Project 112/SHAD. The third recommendation was that DoD designate a single point of contact for providing additional information related to exposures occurring either during or outside of the Project 112/SHAD tests.

UNRESOLVED ISSUES

The GAO Report "GAO-04-410, CHEMICAL AND BIOLOGICAL DEFENSE: DoD Needs to Collect and Provide Information on Tests and on Potentially Exposed

Personnel, May 2004," identified the following unresolved issues remaining after the Department's September 2000 to June 2003 investigation of Project 112/SHAD:

- Identification of military participants of land-based tests was incomplete.
- Civilian participants in both land and ship-based tests were not identified.
- All possible sources of relevant information were not exhausted because additional participants continue to be identified.

In addition to the issues identified by the GAO, the Department also acknowledges that it still lacks sufficient information to identify all Navy crewmembers of the five Army tugboats in the Project 112/SHAD fleet, the Project 112/SHAD Technical Staff aboard the USS Granville S. Hall, and supporting pilots and aircrews for all relevant periods.

The GAO Report recommended that the Department determine the feasibility of addressing the unresolved issues outlined above and the appropriateness and responsibility for reporting new information. The issue of identifying military participants of Projects112/SHAD poses a different set of problems from identifying the civilians associated with these tests. For the military, DoD personnel searched both obvious and obscure places and compiled an extensive list of participants. The investigation team also recognized that more people were involved because the records searched were incomplete.

Throughout the investigation, the investigative team maintained close contact with various veteran service organizations to solicit assistance in spreading the word to locate potential military participants and test documentation. In September 2001, results of the investigation began to be posted on the DeploymentLINK website to further expand the reach of the information being provided to the VA. Through media interviews, the investigation attained some notoriety in the veteran community. Veterans were forthcoming about identifying themselves via the Deployment Health Hotline or e-mail system.

Since ceasing active investigation of Project 112/SHAD activities in June 2003, DoD has certified 192 additional individuals as Project 112/SHAD participants and added them the official database. Most of these certifications resulted from documentation provided by fewer than ten individual veterans. This documentation consisted mainly of records (e.g., travel orders) that are not permanently retained by the military. It is DoD policy that if such a document is accepted for the veteran submitting it, it is accepted for all personnel similarly named in the document and all names listed are added to the official database.

Other participants have been added as a result of the VA forwarding individual personnel records as part of the claims process. Several members of the Project 112/SHAD Technical Staff were substantiated in this manner. While their Navy Forms 6, a document in their individual personnel records, reflected assignment to the USS

Granville S. Hall, they were not included on the USS Granville S. Hall's Enlisted Distribution and Verification Report or Officer Distribution Control Report.

DoD believes that it has exhausted all reasonable sources of information available to identify Project 112/SHAD military participants. For this reason, it is not actively seeking documentation of additional participants. However, the Department remains open to receipt of relevant documentation from veterans. Upon receipt of such documentation, the DoD investigative team will validate it and, if appropriate, add names to the official database.

For the civilians, a whole new investigation would be required. In its Report to Congress on the results of its investigation mandated by Public Law 107-314, DoD estimated that approximately 350 civilian personnel directly participated in Project 112/SHAD testing activities. This number was based on a documented name count of approximately 210 people, plus an additional 65 percent to account for observed turnover on the civilian test teams. Civilian participants included government employees, contractors, and foreign scientists. These personnel planned and executed the tests. Unlike many of the military personnel present at test sites, the civilian participants were intimately familiar with the details of the tests and substances used. Such work was a routine part of their duties, whereas test support was incidental to the military personnel's normal duties as vessel, aircraft and artillery crewmen, carpenters, photographers, etc.

To date, no effort has been made to locate the identified civilian participants. Unlike most of the military participants, the civilian participants knew enough about the tests at the time they were conducted to file disability claims with the Office of Workmen's Compensation Programs (OWCP) if they believed there was a connection between health problems and exposures during the testing program. Therefore, the Department believes that it is unnecessary to undertake the very substantial task of seeking to identify, locate and notify the civilian participants of Project 112/SHAD.

IDENTIFYING PROJECTS AND TESTS OUTSIDE PROJECT 112/SHAD

There is an ongoing effort within the DoD to identify veterans involved in Chemical and Biological testing from 1942 to present. The current three-year effort is between the Deputy Assistant Secretary of Defense for Force Health Protection and Readiness (DASD (FHP&R)) and the Deputy Assistant to the Secretary of Defense for Chemical and Biological Defense (DATSD (CBD)).

The effort is divided into five phases, each lasting approximately six months. The Deployment Health Support Directorate (DHSD) represents DASD (FHP&R), and DATSD (CBD) has contracted with Battelle's Chemical and Biological Information Analysis Center to conduct the investigative work. Each phase of this five-phase

operation consists of continuous efforts within the Department to locate and document information pertaining to chemical and biological tests.

Phase one began with a series of meetings between DoD and the VA. DoD representatives explained the division of responsibilities between DHSD and DATSD (CBD). After the initial meeting, the VA notified the Department of its plans to release names and test information from the Mustard test database collected and stored by Defense Military Data Center controlled by the Under Secretary of Defense for Personnel and Readiness.

In the next meeting, the action plan for identifying names of veterans involved in testing was briefed. The VA stated that quarterly data with names and test dates would be sufficient. The DHSD agreed to start developing fact sheets on mustard testing and push information collection efforts to coincide with the VA release of information and notification to identified veterans.

Representatives of DoD discussed in detail the plan for information collection and the phase one effort to obtain access to data repositories. Currently, the main effort in phase one involves accessing data repositories. Documentation and requests for access are pending at major commands and facilities across the United States.

Phase two starts after access to necessary facilities has been granted. Contractors under the control of DATSD (CBD) will begin keyword searches of archived documents. In phase two, DoD will conduct monthly internal in-process reviews with a status update every three months provided to VA. To enhance communication, liaison personnel from DATSD (CBD) will be located on site in the DHSD. Staff at DHSD will analyze veteran feedback and send information via liaison personnel to investigators in the field.

Phase three consists of finishing information collection from large data repositories and following information leads to small data repositories. DHSD will begin web posting fact sheets as information is declassified. The information format of the fact sheet outlines key information about the tests to include time, place and units involved. Fact sheets may be available prior to phase three if they pertain to tests about which many names have already been released (e.g. World War II Mustard Tests).

By Phase four, primary data collection at the large and small repositories should be complete. This phase will involve finding data that gives resolution on names and units. For example, we may identify that a test occurred but have no participant list. If a unit is given, we can then use archived unit records to identify individuals assigned to the unit during the time of the test. Gathering contextual information and unit information will become critical to assisting veterans in determining participation.

By Phase 5, DoD will have identified the majority of identifiable participants. Veteran claims not yet investigated will be finalized.

SINGLE POINT OF CONTACT

The Assistant Secretary of Defense for Health Affairs has designated its Deployment Health Support Directorate as the single point of contact for providing information related to chemical and biological tests and potential exposures. The DHSD will use self-developed data on Project 112/SHAD and research conducted by DATSD (CBD) for all other projects and tests and will assume responsibility for the DoD Mustard Gas Test Participant Database from the Defense Manpower Data Center to provide this information.

DoD realizes that this large scale collection of data has major challenges: old and unclear documents; names of participants not listed; test names not included; test sites not included; exposure data not provided; and unclear information on safety/protective gear. Through its effort for Project 112/SHAD, the DoD has learned much about how and where to look for information and data about chemical and biological testing. It is the intention of DoD to exhaust all plausible means to identify participants within this three-year effort.