

February 2008

# CHEMICAL AND BIOLOGICAL DEFENSE

## DOD and VA Need to Improve Efforts to Identify and Notify Individuals Potentially Exposed during Chemical and Biological Tests





Highlights of [GAO-08-366](#), a report to congressional requesters

## Why GAO Did This Study

Tens of thousands of military personnel and civilians were potentially exposed to chemical or biological substances through Department of Defense (DOD) tests since World War II. DOD conducted some of these tests as part of its Project 112 test program, while others were conducted as separate efforts. GAO was asked to (1) assess DOD's efforts to identify individuals who were potentially exposed during Project 112 tests, (2) evaluate DOD's current effort to identify individuals who were potentially exposed during tests conducted outside of Project 112, and (3) determine the extent to which DOD and the Department of Veterans Affairs (VA) have taken action to notify individuals who might have been exposed during chemical and biological tests. GAO analyzed documents and interviewed officials from DOD, VA, the Department of Labor, and a veterans service organization.

## What GAO Recommends

GAO suggests that Congress direct DOD to develop guidance to notify potentially exposed civilians. GAO also recommends that DOD and VA take steps to improve their efforts to obtain, share, and use available information to more effectively identify and notify individuals. DOD and VA generally agreed with most of the recommendations. However, DOD did not agree with the recommendation to conduct a cost-benefit analysis regarding additional Project 112 research. As a result, GAO suggests that Congress direct DOD to conduct such an analysis.

To view the full product, including the scope and methodology, click on [GAO-08-366](#). For more information, contact Davi M. D'Agostino at (202) 512-5431 or [dagostinod@gao.gov](mailto:dagostinod@gao.gov).

## CHEMICAL AND BIOLOGICAL DEFENSE

### DOD and VA Need to Improve Efforts to Identify and Notify Individuals Potentially Exposed during Chemical and Biological Tests

#### What GAO Found

Since 2003, DOD has stopped actively searching for individuals who were potentially exposed to chemical or biological substances during Project 112 tests, but did not provide a sound and documented basis for that decision. In 2003, DOD reported it had identified 5,842 servicemembers and estimated 350 civilians as having been potentially exposed during Project 112, and indicated that DOD would cease actively searching for additional individuals. However, in 2004, GAO reported that DOD did not exhaust all possible sources of information and recommended that DOD determine the feasibility of identifying additional individuals. In response to GAO's recommendation, DOD determined continuing an active search for individuals had reached the point of diminishing returns, and reaffirmed its decision to cease active searches. This decision was not supported by an objective analysis of the potential costs and benefits of continuing the effort, nor could DOD provide any documented criteria from which it made its determination. Since June 2003, however, non-DOD sources—including the Institute of Medicine—have identified approximately 600 additional names of individuals who were potentially exposed during Project 112. Until DOD provides a more objective analysis of the costs and benefits of actively searching for Project 112 participants, DOD's efforts may continue to be questioned.

DOD has taken action to identify individuals who were potentially exposed during tests outside of Project 112, but GAO identified four shortcomings in DOD's current effort. First, DOD's effort lacks clear and consistent objectives, scope of work, and information needs that would set the parameters for its effort. Second, DOD has not provided adequate oversight to guide this effort. Third, DOD has not fully leveraged information obtained from previous research efforts that identified exposed individuals. Fourth, DOD's effort lacks transparency since it has not kept Congress and veterans service organizations fully informed of the progress and results of its effort. Until DOD addresses these limitations, Congress, veterans, and the American public cannot be assured that DOD's current effort is reasonable and effective.

DOD and VA have had limited success in notifying individuals potentially exposed during tests both within and outside Project 112. DOD has a process to share the names of identified servicemembers with VA; however, DOD has delayed regular updates to VA because of a number of factors, such as competing priorities. Furthermore, although VA has a process for notifying potentially exposed veterans, it was not using certain available resources to obtain contact information to notify veterans or to help determine whether they were deceased. Moreover, DOD had not taken any action to notify identified civilians, focusing instead on veterans since the primary impetus for the research has been requests from VA. DOD has refrained from taking action on notifying civilians in part because it lacks specific guidance that defines the requirements to notify civilians. Until these issues are addressed, some identified veterans and civilians will remain unaware of their potential exposure.

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Table 4: Number of Civilians Potentially Exposed as of December 2007

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**Abbreviations**

DOD	Department of Defense
VA	Department of Veterans Affairs
OUSD (AT&L)	Office of the Undersecretary of Defense for Acquisition, Technology, and Logistics
OUSD (P&R)	Office of the Under Secretary of Defense for Personnel and Readiness
OASD (HA)	Office of the Assistant Secretary of Defense for Health Affairs

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United States Government Accountability Office  
Washington, DC 20548

February 28, 2008

The Honorable Ike Skelton  
Chairman  
Committee on Armed Services  
House of Representatives

The Honorable Vic Snyder  
Chairman  
Subcommittee on Oversight  
and Investigations  
Committee on Armed Services  
House of Representatives

The Honorable Mike Thompson  
House of Representatives

As we have previously reported, since World War II, tens of thousands of military personnel and civilians have been involved in classified human experimentation and were potentially exposed to chemical and biological substances<sup>1</sup> through tests conducted or sponsored by the Department of Defense (DOD).<sup>2</sup> Some of these tests and experiments involved the intentional exposure of people to hazardous substances such as blister and nerve agents, biological agents, lysergic acid diethylamide (LSD), and phencyclidine (PCP). In some cases, healthy adults, psychiatric patients, and prison inmates were used in these tests and experiments. According to a 1994 staff report to the Senate Committee on Veterans Affairs, in some instances, servicemembers who consented to serve as human subjects

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<sup>1</sup> In this report the term “substance” is synonymous with the term “agent.” Both terms are used to mean chemical and biological agents, simulants (a substitute for a more toxic agent), tracers, vaccines, and medical and “non-harmful” substances.

<sup>2</sup> GAO, *Chemical and Biological Defense: DOD Needs to Continue to Collect and Provide Information on Tests and Potentially Exposed Personnel*, [GAO-04-410](#) (Washington, D.C.: May 14, 2004); *Human Experimentation: An Overview on Cold War Era Programs*, [GAO/T-NSIAD-94-266](#) (Washington, D.C.: Sept. 28, 1994); *Veterans Disability: Information from Military May Help VA Assess Claims Related to Secret Tests*, [GAO/NSIAD-93-89](#) (Washington, D.C.: Feb. 18, 1993); Department of Veterans Affairs, *Chemical Warfare Agent Experiments Among U.S. Service Members* (Washington, D.C.: Updated August 2006); Institute of Medicine, *Veterans at Risk: The Health Effects of Mustard Gas and Lewisite* (Washington, D.C.: 2003).

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found themselves participating in experiments quite different from those described at the time they volunteered.<sup>3</sup> These tests and experiments were conducted to support weapon development programs, identify methods to protect the health of military personnel against a variety of diseases and combat conditions, and analyze U.S. defense vulnerabilities. From 1962 through 1974, DOD conducted a series of classified ship-based and land-based chemical and biological warfare tests involving military and civilian personnel as well as, in some cases, foreign personnel observers—both military and civilian. These tests were called Project 112 because in 1962 it was the 112th project of 150 delineated by the Secretary of Defense involving the classified testing of chemical and biological agents.

Precise information on the number of tests, experiments, and participants is not available, and the exact numbers will never be known. However, as a result of questions raised by members of Congress and veterans since 1993, DOD has undertaken three major initiatives to identify individuals potentially exposed to chemical or biological substances during tests it has sponsored or conducted. First, from 1993 to 1997, the former Office of the Assistant Secretary of Defense for Force Manpower and Personnel within the Office of the Under Secretary of Defense (OUSD) for Personnel and Readiness (P&R) participated in a working group with the military services and the Department of Veterans Affairs (VA) in response to a January 1993 Institute of Medicine report<sup>4</sup> on the exposure of individuals to mustard agents and lewisite.<sup>5</sup> The working group identified approximately 6,400 servicemembers and civilians who were exposed to mustard agents and other chemical substances.

Second, in August 2000, the acting Secretary of Veterans Affairs wrote a letter to the Secretary of Defense requesting assistance in obtaining information about a series of then-classified chemical and biological tests under DOD's Project 112 program. In response to this request and subsequent congressional direction in the Bob Stump National Defense

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<sup>3</sup> Senate Committee on Veterans Affairs, *Is Military Research Hazardous to Veterans' Health? Lessons Spanning Half a Century*, 103rd Cong., 2d sess., 1994, Committee Print 103-97.

<sup>4</sup> Institute of Medicine, *Veterans at Risk: The Health Effects of Mustard Gas and Lewisite*.

<sup>5</sup> Mustard agents and lewisite are chemical warfare agents known as vesicants because of their ability to form vesicles, or blisters, on exposed skin.

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Authorization Act for Fiscal Year 2003,<sup>6</sup> the Office of the Assistant Secretary of Defense (OASD) for Health Affairs (HA) within OUSD (P&R) conducted an internal DOD investigation into Project 112.<sup>7</sup> In a resulting report issued in 2003, DOD identified 5,842 servicemembers and estimated that 350 civilians had been potentially exposed during Project 112 tests.<sup>8</sup> We subsequently evaluated DOD's efforts, and in May 2004, we reported that DOD appeared to have accurately identified all major chemical and biological tests associated with Project 112, but that there likely were servicemembers and civilian personnel potentially exposed to substances who had not been identified for various reasons.<sup>9</sup>

Third, and in further response to congressional direction in the Defense Authorization Act for FY 2003, the Office of the Special Assistant for Chemical and Biological Defense and Chemical Demilitarization Programs (hereafter referred to as the chemical and biological defense office) within the OUSD for Acquisition, Technology, and Logistics (AT&L) issued a task order to a contractor in September 2004 to identify servicemembers and civilian personnel who might have been exposed to chemical and biological substances outside of Project 112 tests.<sup>10</sup> The research being done as a result of this task order is ongoing as of December 2007.

For this review, you asked us to examine DOD's current effort to identify and notify individuals who were potentially exposed during chemical and biological tests conducted or sponsored by DOD, including tests conducted as a part of DOD's Project 112 program and tests conducted outside of Project 112. Accordingly, this report (1) assesses DOD's efforts

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<sup>6</sup> Pub. L. No. 107-314, § 709 (2002), hereafter referred to as the Defense Authorization Act for FY 2003.

<sup>7</sup> A team from the Office of the Deputy Assistant Secretary of Defense for Force Health Protection & Readiness within OASD (HA) led the investigation.

<sup>8</sup> DOD, *2003 Report to Congress Disclosure of Information on Project 112 to the Department of Veterans Affairs* (Washington D.C.: 2003).

<sup>9</sup> [GAO-04-410](#).

<sup>10</sup> As defined in the Federal Acquisition Regulation, a "task order" is issued against an indefinite delivery services contract, also referred to as an umbrella contract, which does not procure or specify a firm quantity of services (other than a minimum or maximum quantity). In this case the umbrella contract is for operations of the DOD Chemical, Biological, Radiological and Nuclear Defense Information Analysis Center. This umbrella contract is being administered by a contracting officer's representative with the Air Combat Command.

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since 2003 to identify individuals who were potentially exposed during chemical or biological tests conducted during Project 112, (2) evaluates DOD's current effort to identify individuals who were potentially exposed during chemical or biological tests conducted outside of Project 112, and (3) determines the extent to which DOD and VA have taken action to notify individuals who might have been exposed during chemical and biological tests.

To evaluate DOD's efforts to identify all individuals who were potentially exposed to chemical or biological substances during Project 112 tests and tests outside of Project 112, we interviewed and obtained documentation from cognizant DOD, Institute of Medicine, and contractor officials. To determine how potentially exposed individuals were identified, we visited record repository sites where contractors were conducting research and observed their research and documentation process. To determine the extent to which DOD and VA have taken action to notify servicemembers who might have been exposed during chemical and biological tests, we met with DOD officials to discuss their efforts to provide names of identified servicemembers to VA and with VA officials to describe VA's notification process. We evaluated the reliability of DOD's and VA's databases containing the names of individuals potentially exposed during chemical and biological tests and found that there were potential problems with the quality and reliability of the information. Although we determined that the information was sufficiently reliable for the purposes of our review, this report discusses weaknesses with DOD's information, and our recommendation to address them. Consequently, the number of individuals whom we report as having been identified and notified is based on information from DOD's and VA's databases and is approximate. We also met with representatives from a veterans service organization to gain their perspectives on DOD and VA efforts to identify and notify veterans potentially exposed to chemical and biological substances during DOD tests. Because DOD identified civilians who might have been exposed to chemical or biological substances, we also met with DOD and Department of Labor officials to ascertain their roles and responsibilities in notifying such civilians. Additional information on our scope and methodology appears in appendix I. We conducted this performance audit from June 2007 to February 2008 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.



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## Results in Brief

DOD stopped actively searching for individuals who were potentially exposed to chemical or biological substances during Project 112 tests in 2003, but has yet to provide a sound and documented basis for its decision. In 2003, DOD reported it had identified 5,842 servicemembers and estimated 350 civilians as having been potentially exposed during Project 112, and indicated that DOD would cease actively searching for additional individuals, but that it would investigate any new information that might be presented and share any additional or changed information with VA and the public. In 2004, after reviewing DOD's efforts, we reported that DOD did not exhaust all possible sources of information during its investigation of Project 112, and we recommended that DOD determine the feasibility of identifying additional individuals.<sup>11</sup> Sound management principles require that such a determination be based on an objective analysis of the related costs and benefits. However, in response to our recommendation, DOD determined continuing an active search for individuals had reached the point of diminishing returns, and reaffirmed its decision to cease active searches. DOD officials could not provide us with a supporting analysis based on objective data. Nor could they provide any documented criteria which they used to make their determination, since OASD (HA) was not required to provide any support or basis for the decision. However, since June 2003, non-DOD sources have identified approximately 600 additional names of servicemembers and civilians who were potentially exposed as a result of Project 112. For example, in 2007, the Institute of Medicine identified 394 individuals not previously identified by DOD while researching the long-term health effects of participants in the shipboard hazard and defense tests, which were a subset of Project 112 tests. In light of the increasing number of individuals who have been identified since DOD ceased actively searching, until DOD makes a sound and documented decision about the costs and benefits of actively searching for Project 112 participants, DOD's efforts may continue to be questioned. We are recommending that DOD perform and document a sound, methodologically defensible analysis of the costs and benefits of searching for individuals who may have been exposed to chemical or biological substances during Project 112 tests and share this analysis with Congress.

DOD has taken actions to identify individuals who were potentially exposed during chemical or biological tests outside of Project 112, but we identified four shortcomings in DOD's current effort. First, DOD's effort lacks clear and consistent objectives, scope of work, and information

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<sup>11</sup> [GAO-04-410](#).

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needs that would set the parameters for this effort. For example, DOD believes it should focus its efforts on individuals who were potentially exposed during chemical or biological tests as directed by the Defense Authorization Act for FY 2003, but the VA would like to have information on individuals who have been potentially exposed to chemical or biological substances during testing, transportation, and storage since VA is responsible for adjudicating all claims by servicemembers, regardless of how they were exposed. We found inconsistent objectives provided by DOD to the contractor and determined they were the result of various executive, congressional, and DOD directions establishing different expectations. Second, until June 2007, OUSD (AT&L)'s chemical and biological defense office had not assigned an official to oversee the contractor's effort, nor had the officials from that office visited any repositories where the contractor had proposed or completed work, resulting in little substantive oversight of the contractor. Numerous factors affect the office's ability to provide oversight, including a lack of consistent leadership, a shortage of personnel, and a lack of defined roles and responsibilities. Third, OUSD (AT&L)'s chemical and biological defense office did not fully leverage all available prior knowledge and research of DOD and non-DOD entities to identify and use information they developed on individuals potentially exposed during DOD's chemical and biological tests. For example, in the current effort, OUSD (AT&L)'s chemical and biological defense office had not contacted or coordinated with former members of the OUSD (P&R) task force, or the non-DOD scientists who developed data from another study on servicemembers who were potentially exposed. Such coordination could have helped DOD identify and prioritize site visits and ensure that the contractor was not duplicating efforts. Fourth, DOD had not worked with veterans and veterans service organizations to identify DOD projects or tests outside Project 112 that may have exposed members of the armed forces to chemical or biological substances, as required by the Defense Authorization Act for FY 2003, and has not kept Congress and veterans service organizations fully informed about its efforts. Until DOD addresses these shortcomings, DOD leadership and Congress have little assurance of the reasonableness and effectiveness of DOD's current effort. We are recommending that DOD take a number of specific steps to enhance these efforts.

DOD and VA have had limited success in notifying individuals potentially exposed during chemical or biological tests, both within and outside of Project 112. While DOD has a process and has shared the names of identified servicemembers with VA, we identified three shortcomings. First, the transmission of information between DOD and VA has been

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inconsistent because, according to DOD officials, the exchange of information does not follow a specific schedule, there are competing priorities for resources, and DOD has experienced database management issues. Second, although VA has a process for sending notification letters to veterans who have been identified as having been potentially exposed, VA has not used certain available resources to obtain contact information. To date, VA has sent notification letters to 48 percent of the names that DOD has provided to them and that they may be able to contact. VA officials noted that while the total number of notification letters sent is 48 percent of the number of names that DOD has provided to them and that they may be able to contact, it represents all of the individuals for whom they were able to obtain contact information. A number of factors VA cannot control have impeded its ability to notify veterans, such as missing social security numbers. However, we found that VA was not using certain available resources to obtain contact information to notify servicemembers who could be identified and notified, or to help determine whether they were deceased. For example, VA officials told us that they were using credit bureau databases as a source for contact information, and they had not regularly coordinated with the Internal Revenue Service to use their databases and had not coordinated directly with the Social Security Administration to obtain contact information from veterans receiving social security benefits or to identify deceased veterans using the agency's death index. Third, while we previously recommended that DOD address the appropriateness of and responsibility for reporting new information related to civilians who were identified and DOD concurred with our recommendation,<sup>12</sup> DOD has not taken any action to notify approximately 1,900 civilians who were potentially exposed during chemical or biological tests. DOD officials told us they have primarily focused on servicemembers since the primary impetus for the research has been requests for information from VA. In addition, DOD has not notified these civilians in part because it lacks specific guidance that defines the requirements, roles, responsibilities, and mechanisms to notify civilians or transmit civilian exposure information to the appropriate agency for notification. Specifically, while the Defense Authorization Act for FY 2003 required DOD to identify its tests or projects that may have exposed members of the armed forces to chemical or biological substances, it did not specifically address civilian personnel who may have been affected by these tests. Furthermore, there does not appear to be a requirement for DOD or other federal agencies, such as the Department of

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<sup>12</sup> [GAO-04-410](#).

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Labor, to notify civilians of their potential exposure. Until DOD and VA address these shortcomings, some veterans and civilians will remain unaware of their potential exposure. To ensure that civilians who were potentially exposed to chemical or biological substances as a result of tests conducted or sponsored by DOD are aware of their circumstances, we are suggesting that Congress consider requiring the Secretary of Defense, in consultation with the Secretary of Labor, to develop specific guidance that ensures that civilians who were potentially exposed to chemical or biological substances as a result of tests conducted or sponsored by DOD are aware of their circumstances. We are also recommending that DOD and VA take steps to improve their efforts to share, obtain, and use available information and to more effectively notify servicemembers who may have been exposed to chemical or biological substances during DOD tests.

We provided DOD, VA, and the Department of Labor with a draft copy of this report for comment. DOD generally agreed with five recommendations, but disagreed with the recommendation to conduct and document a cost-benefit analysis associated with continuing the search for additional Project 112 participants, and to provide Congress with the results of this analysis. The department noted that it has made a full accounting of its Project 112 efforts to date and has no credible leads to continue this research. However, because the department has not adequately addressed our May 2004 recommendation to determine the feasibility of addressing unresolved issues associated with Project 112 and a number of non-DOD sources have identified additional names of individuals potentially exposed during Project 112 since DOD's 2003 report to Congress, we are suggesting Congress consider requiring the Secretary of Defense to conduct and document an analysis that includes a full accounting of information known, and the related costs, benefits, and challenges associated with continuing the search for additional Project 112 participants; and to provide Congress with the results of this analysis. VA agreed with one recommendation and partially agreed with another recommendation that pertained to their activities, and the Department of Labor did not provide us with any comments. The departments' comments and our evaluation of them are discussed on pages 30-32. DOD and VA also provided technical comments, which we incorporated as appropriate. DOD's and VA's comments are reprinted in appendices II and III, respectively.

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## Background

On January 6, 1993, the Institute of Medicine published a report that discussed secret U.S. chemical weapons programs during World War II.<sup>13</sup> The report found that an estimated 60,000 military personnel participated as human experimental subjects in tests of exposure to mustard agents and lewisite and unknown numbers of additional servicemembers may have been exposed to these substances through their participation in the production, transportation, and/or storage of these chemical substances. On February 18, 1993, we issued a report that found VA lacked information about individuals who were exposed during secret DOD chemical tests.<sup>14</sup> After Members of Congress, the President of the United States, and the Secretary of Defense exchanged a series of letters about this issue in 1993, the Deputy Secretary of Defense issued an agencywide memo that released all individuals from any nondisclosure restrictions that might have been placed on them, tasked the secretaries of the military departments to undertake efforts to declassify and provide to VA as soon as possible information about individuals who were potentially exposed, and directed OUSD (P&R) to establish a task force to monitor the status of DOD's efforts. As a result, OUSD (P&R), the military services, and VA developed the Chemical Weapons Exposure Study Task Force to identify DOD personnel exposed to chemical substances during testing, training, transport, production, and storage. By conducting site visits and other research efforts, the task force identified approximately 6,400 servicemembers and civilians who were potentially exposed to mustard, lewisite, and other chemical substances. The office created a database with information about these individuals (hereafter referred to as OUSD (P&R) database) and, according to OUSD (P&R), sent certificates of commendation to more than 700 individuals for whom it could find contact information. In addition to its own research, OUSD (P&R), on behalf of the task force, issued a task order for a contractor to analyze, extract, and develop a database of information on all volunteers and/or other subjects potentially exposed to live chemical or biological substances. The contractor developed a database and issued a series of reports that identified the locations of human exposures to chemical substances, including those resulting from tests and a variety of other

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<sup>13</sup> Institute of Medicine, *Veterans at Risk: The Health Effects of Mustard Gas and Lewisite*.

<sup>14</sup> [GAO/NSIAD-93-89](#).

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activities such as transportation, production, storage, and disposal.<sup>15</sup> Congress continued to look into this issue during 1994 through a series of hearings and a staff report that was prepared for the U.S. Senate's Committee on Veteran Affairs.<sup>16</sup>

The issue of servicemembers being used as human subjects during DOD's chemical and biological tests received high-level attention again in 2000, when the acting Secretary of Veterans Affairs wrote a letter to the Secretary of Defense requesting assistance in obtaining information about a series of then-classified chemical and biological tests under DOD's Project 112 program. OASD (HA) officials consequently initiated some actions to identify potentially exposed individuals. Subsequently, DOD, VA, and Congress exchanged a series of correspondence about the need to identify individuals who were potentially exposed during these tests. Eventually, the Defense Authorization Act for FY 2003 required DOD to submit to Congress and the Secretary of Veterans Affairs a comprehensive plan for the review, declassification, and submittal to VA of all DOD records and information on Project 112 that are relevant to the provision of benefits by the Secretary of Veterans Affairs to members of the armed forces who participated in that project. During this effort, DOD identified 5,842 servicemembers and estimated that 350 civilians had been potentially exposed during Project 112 tests, and this information was entered into a Project 112 database. The act further required the Comptroller General to evaluate the plan and its implementation.

The Defense Authorization Act for FY 2003 also required DOD to work with veterans and veterans service organizations to identify DOD projects or tests outside of Project 112 that may have exposed members of the armed forces to chemical or biological substances. In June 2004, we reported that DOD had not yet begun its investigation to identify such projects or tests and recommended that the Secretary of Defense direct the appropriate office(s) to finalize and implement a plan for identifying DOD projects and tests conducted outside of Project 112 that might have exposed servicemembers to chemical or biological substances and ensure

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<sup>15</sup> DOD, *Phase II Final Report on Chemical Weapons Exposure Study Task Force (CWEST) Event Database* (Arlington, Va.: August 1995) and DOD, *Phase III Chemical Weapons Exposure Study Task Force (CWEST) Event Database* (Arlington, Va.: June 1996).

<sup>16</sup> *Is Military Research Hazardous to Veterans' Health? Lessons Spanning Half a Century.*

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that the plan addresses the scope, reporting requirements, milestones, and responsibilities for those involved in completing this effort.<sup>17</sup> According to an OASD (HA) official, OASD (HA) made an informal agreement with OUSD (AT&L) to undertake this effort since OASD (HA) did not have the resources to conduct an investigation itself or to fund a contractor to do the research. In September 2004, OUSD (AT&L)'s chemical and biological defense office issued a task order to fulfill this provision of the legislation. The research being done as a result of this task order is ongoing as of December 2007.

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## DOD's Decision to Stop Actively Searching for Project 112 Individuals Was Not Based on a Sound and Documented Cost-Benefit Analysis

In June 2003, after having identified several thousand servicemembers and hundreds of civilians as having been potentially exposed to chemical or biological substances during Project 112, DOD stopped actively searching for additional individuals. According to a knowledgeable DOD official, this decision was made without a sound and documented cost-benefit analysis. The Defense Authorization Act for FY 2003 required DOD to review records and information necessary to identify members of the armed forces who were or may have been exposed to chemical or biological substances as a result of Project 112. Subsequently, in June 2003, DOD issued a report to Congress that stated that 5,842 servicemembers and an estimated 350 civilians might have been exposed during Project 112 tests. The report also indicated that DOD had ceased its active search for individuals potentially exposed during Project 112 tests and that it would investigate any new information that may be presented as well as share any additional or changed information with VA and the public.

In 2004, we reported that DOD performed a reasonable investigation of servicemembers who were potentially exposed to the substances used during Project 112 tests. However, we found that DOD had not exhausted all possibilities for identifying additional servicemembers and civilian personnel who had been potentially exposed. Therefore, we recommended that DOD determine the feasibility of addressing these unresolved issues. In response to our recommendation, DOD determined continuing an active search for individuals had reached the point of diminishing returns, and reaffirmed its decision to cease active searches. This decision was not supported by any objective analysis of the potential costs and benefits of continuing the effort. Instead, this decision was made by officials in OASD

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<sup>17</sup> [GAO-04-410](#).

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(HA) who had a working knowledge of Project 112 tests and the contents of chemical and biological test record repositories. These officials concluded that the record repositories that had been searched contained the majority of Project 112 documents; therefore, they believed that the bulk of exposures related to Project 112 tests had already been identified. Furthermore, the officials decided that the application of resources necessary to continue searching for Project 112 exposures would result in a diminishing return on their investment. The Office of Management and Budget has stated that a good cost-benefit analysis should include a statement of the assumptions, the rationale behind them, and a review of their strengths and weaknesses.<sup>18</sup> This could include a full accounting of information known, related costs, benefits, and challenges of continuing to search for additional Project 112 participants. Moreover, our prior work has shown that there are elements integral to a sound cost-benefit analysis.<sup>19</sup> For example, the analysis should include a thorough evaluation of the social benefits and costs of investments, identify objectives to ensure a clear understanding of the desired outcome, and include a list of the relevant impacts to ensure that all aspects are considered. DOD could not provide us with a quantitative analysis based on objective data or any documented criteria because OASD (HA) was not required to provide any support or basis for the decision.

Since DOD's June 2003 report to Congress and its decision to cease actively searching for additional exposures, additional individuals who may have been exposed as a result of Project 112 tests have been identified through various non-DOD sources, as shown in table 1. For example, the Institute of Medicine conducted a study on the long-term health effects of participation in the shipboard hazard and defense tests that were conducted as a subset of Project 112.<sup>20</sup> This study identified 394 individuals who had been potentially exposed and who were previously unknown to DOD. According to DOD and Institute of Medicine officials, the additional names were discovered when the Institute of Medicine applied a more inclusive methodology in its research. In addition, our previous work in 2004 reported that DOD did not exhaust all possible

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<sup>18</sup> Office of Management and Budget, *Guidelines and Discount Rates for Benefit-Cost Analysis of Federal Programs*, Circular A-94 (Washington, D.C.: Oct. 29, 1992).

<sup>19</sup> GAO, *Surface Transportation: Many Factors Affect Investment Decisions*, [GAO-04-744](#) (Washington, D.C.: June 30, 2004).

<sup>20</sup> Institute of Medicine, *Long-Term Health Effects of Participation in Project SHAD (Shipboard Hazard and Defense)* (Washington, D.C.: 2007).



sources of information during its investigation of Project 112 and our own research for that report resulted in the identification of 39 additional potentially exposed servicemembers.<sup>21</sup> For example, DOD had limited success in identifying exposures during land-based tests because it was unable to find documentation, and it did not specifically search for individual civilian personnel in its investigation because it considered them to be outside of its scope. Furthermore, DOD officials have told us that veterans who participated in Project 112 tests have contacted DOD on their own initiative in search of information and documentation related to their exposures, which has resulted in 165 additional veterans being identified as having been potentially exposed during these tests.

**Table 1: Number of Servicemembers Identified as Having Been Potentially Exposed during Project 112**

Total number of Project 112 names identified as of December 2007	6,440
DOD's 2003 Report to Congress	5,842
Number of names identified since DOD's 2003 report	598
Institute of Medicine research (394 names)	
Veterans' inquiries (165 names)	
GAO research (39 names)	

Source: GAO analysis of DOD data.

Note: The number of individuals that we report as identified is based on information from DOD's and VA's databases and is approximate. Cases reported in this table may reflect duplicates. Naming nomenclature (suffixes, nicknames, abbreviations, etc.) makes it difficult to eliminate all potential duplicate names. When in doubt, DOD treats cases as separate individuals.

DOD's current effort to identify individuals who may have been exposed to chemical or biological substances during activities outside of Project 112, discussed in the following section of this report, has also resulted in the discovery of information related to Project 112 tests. Specifically, the DOD contractor has found evidence that individuals who DOD already knew were potentially exposed to substances during at least one known Project 112 test were also potentially exposed during other Project 112 tests.

In light of the increasing number of individuals who have been identified since DOD ceased actively searching, until DOD makes a sound and

<sup>21</sup> [GAO-04-410](#). Our research for the 2004 report resulted in the identification of 167 additional potentially exposed individuals, including 39 servicemembers and 128 civilians.

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documented decision regarding the cost and benefits of actively searching for individuals potentially exposed during Project 112 tests, Congress and veterans may continue to question the completeness and accuracy of DOD's effort.

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## DOD's Effort to Identify Individuals Potentially Exposed during Non-Project 112 Tests Has Several Shortcomings

Although DOD has taken action to identify individuals who were potentially exposed during chemical or biological tests outside of Project 112, we identified several shortcomings in the current effort. Specifically, we found that DOD's approach was hampered by (1) a lack of clear and consistent objectives, scope of work, and information needs; (2) management and oversight weaknesses; (3) a limited use of the work of other entities that previously identified exposed individuals; and (4) a lack of transparency in DOD's efforts.

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## DOD Issued a Task Order to Identify Individuals Potentially Exposed during Tests Conducted Outside of Project 112

In response to the Defense Authorization Act for FY 2003 and our May 2004 recommendation that DOD finalize and implement a plan to identify individuals who were potentially exposed during tests conducted outside of Project 112, DOD issued a task order in September 2004. The task order identified four sets of tasks that the contractor was to undertake to accomplish the task order's objectives within 3 years—perform literature searches, conduct and review on-site data collections, data mine existing databases, and augment a database maintained by the contractor. The contractor has issued monthly reports on its work to OUSD (AT&L)'s chemical and biological defense office, which indicate that the contractor has taken action on each of these tasks. OUSD (AT&L)'s chemical and biological defense office and the contractor have agreed that the on-site reviews will be conducted at a total of 18 sites that were identified and prioritized based on established criteria, such as relevance and number of documents expected to be present. As of October 2007, the contractor has completed on-site data collection at 5 of these 18 sites, and as of December 2007 was collecting data at 3 additional sites.

During its site visits, the contractor's staff searches a variety of documents for information that pertains to human exposure to chemical or biological substances.<sup>22</sup> The documents that are identified as having relevant

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<sup>22</sup> The current effort has identified an array of substances to which individuals have been potentially exposed, which include medicinal substances (e.g., Benadryl), chemical or biological agents (e.g., LSD), biological simulants (e.g., bacillus globigii), vaccines (e.g., rubella virus vaccine), and "non-harmful" substances (e.g., caffeine).

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information are then scanned into an electronic file and the information from those documents—such as the individual’s name, the substance to which the subject was exposed, and the activity that resulted in the exposure—is entered into a database. The contractor conducts a quality assurance review before this information is delivered to OASD (HA) officials. OASD (HA) officials told us that they perform a detailed review of this information, query the contractor to resolve errors or inconsistencies, and make modifications to the information provided by the contractor if they have received or read other information that they believe could add contextual sophistication. Once OASD (HA) officials complete their review of the information, it is added to the DOD chemical and biological test database that they maintain (hereafter referred to as the OUSD (AT&L) task order database). While the database information is not provided to OUSD (AT&L)’s chemical and biological defense office, the contractor’s monthly report to this office includes the number of identified individuals that the contractor has provided to OASD (HA).

The task order identified specific locations for the contractor to review and was supposed to be completed in September 2007; however, the contractor was unable to complete its work within the 3-year schedule and has subsequently received a 3-year extension. This task order is valued at almost \$4.5 million, and the estimated value of the extension is between \$2.5 million and \$3.7 million. Based on the project’s June 2007 concept of operations plan, which DOD developed as a result of this review, the contractor is expected to meet the project’s objectives and complete collection and analysis of information obtained from 18 data collection sites by September 2010. Since the remaining sites have been prioritized based on expected level of information and other criteria, DOD officials believe that the remaining data collection efforts could be completed more quickly.

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**DOD’s Current Effort Lacks Clear and Consistent Objectives, Scope of Work, and Information Needs**

DOD’s current effort to identify individuals potentially exposed to chemical or biological substances lacks clear and consistent objectives, scope of work, and information needs, which affects DOD’s ability to know whether it has accomplished the project’s goals. First, the objectives of DOD’s current effort are inconsistent. The Defense Authorization Act for FY 2003, which was the genesis for DOD’s current effort, directed the Secretary of Defense to identify DOD projects or tests outside of Project 112 that may have exposed members of the armed forces to chemical or biological substances. However, the focus of the current effort has expanded to include other exposures, including those resulting from immunizations, transportation, storage, and occupational accidents. This

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occurred because the documents that are guiding this effort, including the project's September 2004 statement of work and its June 2007 concept of operations plan, have been used interchangeably to define the scope of the work.

We identified a difference of opinion between DOD and VA regarding the overall focus of the contractor's research efforts. Officials in OUSD (AT&L)'s chemical and biological defense office stated that they believe the contractor should focus only on identifying participants in DOD tests since the Defense Authorization Act for FY 2003 was the genesis of this task order, and they believe that the primary interest is in individuals who were not aware of their exposures or are unable to report their exposures due to the classified nature of the tests. They also believe that individuals accidentally exposed at a work location might be protected under occupational health regulations and statutes. However, VA officials stated that they would prefer that DOD provide information on all exposures, including those not associated with DOD tests, since VA is responsible for adjudicating all claims by servicemembers, regardless of how they were exposed. The contractor conducting the search has included all types of exposures in its research, which according to DOD and contractor officials is based on VA's stated preferences.

Second, the scope of DOD's current effort is unclear. Specifically, while the Defense Authorization Act for FY 2003 directed DOD to identify only members of the armed forces, the task order's 2004 statement of work and the June 2007 concept of operations plan state that the objective of the project is to collect information on all servicemembers and civilian personnel who might have been exposed from 1946 to present. However, DOD's current effort has not included an active search of civilian personnel. Instead, at the direction of DOD, the contractor is collecting information on civilians who may have been exposed to chemical or biological substances when it comes across those names while searching for servicemembers. DOD officials stated that they focused their efforts on servicemembers because VA has actively requested information about servicemembers from DOD for years and the department has not received any inquiries about the civilians. At the time of our review, the contractor had collected information on approximately 700 civilian personnel who were potentially exposed to chemical or biological substances.

Third, the amount and type of information that the contractor needs to collect for this effort has been expanded from the original task order requirement. The task order specifies that the information to be collected should identify potential human exposure events, the names of test

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programs, chemical and biological substances involved, and the names of volunteers or participants. However, DOD has expanded the information that the contractor should collect, which may be lengthening the time for the contractor to complete its work. For example, in February 2007, officials from one of the repository sites provided the contractor a CD with names and exposure information for 2,300 individuals who were exposed to a series of biological tests at Fort Detrick, Maryland, known as Operation Whitecoat. However, as of October 2007, the contractor had not provided DOD with these names because it was adding information, such as the test objective and summary, and exposure and treatment information. Since most of these 2,300 individuals had been previously aware of their exposures due to Fort Detrick's independent outreach efforts, a DOD official who has worked with these individuals has stated that it is unclear how much additional information the contractor needs to collect about this group. While OASD (HA) officials have said that the additional information has been helpful for their needs, they and VA officials have also acknowledged that the identity of the chemical or biological substance to which an individual was potentially exposed is the most pertinent information.<sup>23</sup>

Without consistent guidance about the objectives, scope of work, and information necessary to meet DOD's goals and objectives, DOD's current effort might not produce the desired results. After discussing this issue with DOD officials, in December 2007 officials in OUSD (AT&L)'s chemical and biological defense office stated that they plan to revise the task order's statement of work, concept of operations plan, and a DOD implementation plan to clarify the scope of work and the focus of the research to servicemembers—the original focus as identified in the Defense Authorization Act for FY 2003.

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## DOD's Current Effort Has Lacked Adequate Oversight

Until recently, DOD's current effort has lacked adequate oversight of the contractor activities and results. We have previously reported that providing effective oversight is essential and, at times, DOD's oversight was wanting, as it did not always task personnel with oversight duties or

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<sup>23</sup> The identity of the substance to which an individual was potentially exposed is the most pertinent information because any potential benefits that the veteran could receive would be based on the veteran's ability to link a current ailment to that particular substance, regardless of the details about the amount of the individual's exposure.

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establish clear lines of accountability.<sup>24</sup> While OUSD (AT&L)'s chemical and biological defense office established three different points of contact throughout the life of the task order who participated in meetings when the work started in 2004 and assisted the contractor undertaking the effort in accessing repository sites when requested, these points of contact were not performing active oversight activities nor were they designated as the project manager for this effort. During our review, officials in OUSD (AT&L)'s chemical and biological defense office realized that their predecessors had not selected a project manager and selected one of the office's civilian employees to oversee the effort.

We also found that DOD had not visited any of the repository sites where the contractor had proposed or completed its research to ensure that the work was effectively and efficiently meeting the task order's objectives. We visited the three repository sites where the contractor was conducting its work during our review. At one location, a knowledgeable DOD official expressed concerns to us that the contractor's presence and research in one of the site's libraries might not be needed. However, since officials in OUSD (AT&L)'s chemical and biological defense office had not visited the site or met with site officials, they were unaware of these concerns and therefore were unable to decide whether the contractor should be conducting work at that particular site or whether the research funds and time should be spent at a site that they believe might provide more relevant information.

In addition, until June 2007, OUSD (AT&L)'s chemical and biological defense office had not regularly evaluated the effectiveness or efficiency of the contractor's work. For example, at the time of our review, officials in OUSD (AT&L)'s chemical and biological office told us that they did not know the extent to which each of the task order's four tasks was meeting its objective to identify servicemembers and civilians who were potentially exposed to chemical or biological substances during testing and other activities. Therefore, DOD was not in a position to determine whether the task order needed to be modified to focus DOD's resources and the

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<sup>24</sup> GAO, *A Call For Stewardship: Enhancing the Federal Government's Ability to Address Key Fiscal and Other 21st Century Challenges*, [GAO-08-93SP](#) (Washington, D.C.: December 2007); *High-Risk Series: Department of Defense Contract Management*, [GAO-07-310](#) (Washington, D.C.: January 2007); *Contract Management: Opportunities to Improve Surveillance on Department of Defense Service Contracts*, [GAO-05-274](#) (Washington, D.C.: Mar. 17, 2005).

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contractor's research efforts to those tasks that will best meet its objectives.

Further, while the contractor had implemented its own quality assurance/quality control process that was approved by OUSD (AT&L)'s chemical and biological defense office, the office had not taken any action to independently assess the accuracy and characterization of the information that the contractor was providing to the OASD (HA), which maintains DOD's databases of potentially exposed individuals. As a result, officials in OUSD (AT&L)'s chemical and biological defense office, who are responsible for overseeing the contractor's efforts, have limited knowledge about the accuracy and characterization of the information that was being collected.

Review and assessment of the contractor-provided data by the project manager are important because we identified potential problems with the accuracy of that information. For example, our work indicated that there are discrepancies between the number of individuals reported by the contractor in its monthly reports to OUSD (AT&L)'s chemical and biological office and the number of individuals that exist in OASD (HA)'s database that could not be adequately explained. In addition, at the time of our review, the characterization in the contractor's monthly reports provided to OUSD (AT&L)'s chemical and biological defense office that all of these individuals were potentially exposed during chemical or biological tests gave the wrong impression to the project manager. For example, while the contractor has characterized the individuals it has identified as having been involved in DOD's chemical and biological "tests", an unknown number of these exposures resulted from immunizations, transportation, occupational, and storage accidents. This number also includes individuals who might have been associated with the tests but who were not exposed to any substances, such as those who participated in physical exercises to test the durability of chemical and biological suits or who could have been part of a test control group. OASD (HA) officials were able to identify at least 1,800 names in the database that were not exposed to any substances, which leaves about 7,100 names in the database that have been potentially exposed to chemical or

biological substances, as shown in table 2.<sup>25</sup> DOD and contractor officials stated that they have included these names in the database so that they could appropriately respond to these individuals' concerns if they contact DOD or VA. Specifically, according to DOD, including these names in the database enables the department to refute any claims by individuals who participated in tests where they were not exposed to any chemical or biological substances.

**Table 2: Number of Non-Project 112 Servicemembers Identified by DOD as of December 2007**

Number of names in OUSD (AT&L) task order database	8,979
Number of names in OUSD (AT&L) task order database that have been identified as having been potentially exposed to a chemical or biological substance	7,120
Number of names in OUSD (AT&L) task order database that have not been exposed to any chemical or biological substances	1,859
Number of names awaiting entry into database	844
<b>Total</b>	<b>9,823</b>

Source: GAO analysis of DOD data.

Note: The number of individuals that we report as identified is based on information from DOD's and VA's databases and is approximate. Cases reported in this table may reflect duplicates. Naming nomenclature (suffixes, nicknames, abbreviations, etc.) makes it difficult to eliminate all potential duplicate names. When in doubt, DOD treats cases as separate individuals.

We identified a variety of factors affecting the ability of OUSD (AT&L)'s chemical and biological defense office to provide oversight, including a lack of consistent leadership, inadequate internal controls, a shortage of personnel, and a lack of defined roles and responsibilities. For example, the position that was identified as the office's point of contact for the task order is a 1-year position. Consequently, the contractor has had to work with three different individuals during the first 3 years of the task order. The official holding this position during our review requested and was granted a 2-year extension in this position, and thus he has been able to

<sup>25</sup> OASD (HA) officials told us that they were unable to precisely identify the number of individuals in the database who were either potentially exposed in a nontest event or not exposed to any chemical or biological substance for multiple reasons, such as the information that they collected did not clearly identify whether the individuals were exposed to any substances. Since DOD assigns an exposure to an individual when the information is not clear, it is possible that some of the people recorded as exposed in the database were in fact not exposed.



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implement a number of internal controls to improve the oversight and accountability of this project. In addition, until September 2007, the respective roles and responsibilities of OUSD (AT&L)'s chemical and biological defense office and OASD (HA) had not been clearly identified. In September 2007, in response to our review, OUSD (AT&L)'s chemical and biological defense office and OASD (HA) signed an implementation plan that identified their respective roles and responsibilities.

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### DOD Did Not Fully Leverage the Work of Other Entities that Identified Exposed Individuals

In planning, executing, and evaluating DOD's current effort, OUSD (AT&L)'s chemical and biological defense office did not fully leverage the work of other entities that had previously identified exposed individuals. Multiple DOD and non-DOD organizations have conducted a variety of independent efforts since the early 1990s, through which they have identified thousands of individuals who were potentially exposed during chemical or biological tests. These entities possess specific information about the tests—to include the location of test records—and the personnel conducting the work developed institutional knowledge. While OUSD (AT&L)'s chemical and biological defense office leveraged Project 112 information from the OASD (HA), it did not leverage information available from other DOD and non-DOD sources. For example, between 1993 and 1997, the joint DOD-VA task force identified approximately 6,400 individuals who were potentially exposed to sulfur mustard, lewisite, and other chemical substances. OUSD (P&R) led the effort by using some of its own personnel to conduct the research and visit several repository sites in addition to issuing a task order for a contractor—the same contractor DOD is currently using to research and identify tests and exposures—to develop a database containing information on the location, chemicals tested, and dates of the chemical weapons research program. During this period, OUSD (P&R) personnel involved with the research became very knowledgeable about the issues, collected boxes of information, and issued various reports. OUSD (P&R) officials transferred the names of the individuals who were identified to OASD (HA) officials in April 2005. According to OUSD (P&R) officials, however, officials in OUSD (AT&L)'s chemical and biological defense office had not met with any of the personnel with institutional knowledge or examined any of the documents that OUSD (P&R) still maintained. Since OUSD (P&R)'s reports identified locations of exposures, officials in OUSD (AT&L)'s chemical and biological defense office could have used this information as another source to help validate and prioritize the repository sites proposed by the contractor for its current effort, and to eliminate potential redundancy.

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Furthermore, as a result of independent research efforts by the Institute of Medicine about the health effects of DOD chemical tests using human subjects, the organization developed a database that contained the names and addresses of more than 4,000 servicemembers who were potentially exposed to chemical substances during a series of tests at Edgewood, Maryland. However, OUSD (AT&L)'s chemical and biological defense office was not aware of this database since the office had not coordinated with the organization. Institute of Medicine officials told us that they believe the names and contact information in this database could help DOD with its efforts since the names were collected from the same locations where the contractor for DOD's current effort is doing its research. Subsequent to our September 2007 meeting with the Institute of Medicine, its officials contacted OASD (HA) to establish the protocols to transfer the names of identified individuals to DOD so that it can determine whether these individuals are already included in any of DOD's databases. Without communicating and coordinating with DOD and non-DOD organizations that have previously conducted similar efforts, DOD's current effort will not be able to take advantage of existing information so that it can focus its resources on the areas where information is missing.

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## DOD's Current Effort Lacks Transparency

DOD's current effort lacks transparency since it has not worked with veterans, and it has not kept Congress and veterans service organizations fully informed about the status of its efforts. Although DOD officials conducted outreach to veterans during its Project 112 research effort and the Defense Authorization Act for FY 2003 required DOD to work with veterans and veterans service organizations to identify projects and tests outside of Project 112 that may have exposed members of the armed forces to chemical and biological substances, DOD has not included veterans and veterans service organizations during its current effort. DOD also has not kept Congress, veterans, and the public informed on the status of its current effort as it did during its Project 112 investigation. Specifically, in 2002, DOD established a public internet site to provide interested persons with information on what happened during those tests that might have affected the health of those who served. The internet site included a status report on DOD's efforts so that veterans and others could monitor the progress, and it also contained reports, documents, and links to related internet sites. The internet site, which was operated by OASD (HA), has not been updated with information about DOD's current effort to identify individuals outside of Project 112. Representatives from a veterans service organization that has pursued information regarding DOD's use of servicemembers as human subjects told us they were not aware of DOD's current effort and they believe DOD has not been

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transparent and forthcoming with the information that it has obtained. These officials stated that the continuous lack of collaboration and transparency has negatively affected the level of trust veterans and the veterans service organization have in DOD regarding its commitment to fully identify and disclose information regarding these tests. The representatives stated that it is imperative for DOD to be as transparent as possible so that Congress, veterans, and the public have reason to believe the cloak of secrecy regarding these tests has been lifted and individuals who were potentially exposed could receive appropriate medical care and benefits. DOD officials acknowledged the importance of keeping veterans informed so that they know that these tests are no longer classified, they are entitled to a medical screening for long-term health effects, and they can assist in DOD's efforts to identify other individuals who might have been exposed. Until DOD is more transparent about its efforts to identify individuals who were potentially exposed during these previously classified tests, Congress, veterans, and the public could have reason to believe that the cloak of secrecy has not been lifted and not realize the reasonableness, effectiveness, success, and challenges of DOD's current effort.

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## DOD and VA Have Had Limited Success in Notifying Potentially Exposed Individuals

DOD and VA have had limited success in notifying individuals who were potentially exposed to chemical and biological substances during Project 112 tests or testing that occurred outside of Project 112 due to several factors. First, DOD has inconsistently transmitted information about identified servicemembers to VA. Second, VA has not used all available resources to obtain contact information for servicemembers who were identified as having been potentially exposed. Finally, DOD has not taken any actions to notify civilians who have been identified.

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## DOD Has Inconsistently Transmitted Information to VA

While DOD and VA have a process in place to share the names of servicemembers who are identified as having been potentially exposed to chemical and biological substances, the transmission of information between the two agencies has been inconsistent. To date, DOD has provided information to VA as agreed upon through an informal arrangement. Under the arrangement, DOD generally provides VA with the servicemember's name, as well as any information related to the potential exposure that DOD uncovered during its investigation, such as the chemical or biological substance that was used, the dosage of the chemical or biological substance, and the date of the exposure. As of October 2007, DOD had used this process to transmit to VA approximately 20,700 names of servicemembers who had been potentially exposed to chemical or

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biological substances.<sup>26</sup> The informal arrangement between DOD and VA did not establish a schedule for the exchange of information, so DOD provides newly acquired exposure information to VA in batches of varying size and at inconsistent intervals. When we began our work we found that DOD had not provided VA with any updates after September 2006 even though, as of June 2007, DOD had added approximately 1,800 additional servicemember names to its chemical and biological exposure database. Subsequent to our inquiries, however, DOD provided VA with an update in September 2007. According to DOD officials, regular updates to VA have been delayed because of a number of factors, including competing priorities such as current military operations, lack of personnel, database management issues, and lack of an impetus to take a proactive approach. Although limited personnel and competing priorities might be valid issues, until DOD provides regular updates of identified servicemembers to VA in a timely manner, VA will be unable to notify identified veterans about their potential exposure to chemical or biological substances.

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### VA Has Not Used Certain Available Resources to Notify Veterans

VA has not used certain available resources to obtain contact information for and to notify veterans who were identified as having been potentially exposed to chemical or biological substances. To notify veterans who were potentially exposed to chemical or biological substances during DOD tests, VA matches the list of potentially exposed veterans it obtains from DOD against its own database of veterans to find either contact information or a Social Security number. If no Social Security number is located, VA matches the available veterans' information to information contained in the National Personnel Records Center. Once a Social Security number is obtained, VA usually uses a private credit bureau and on occasion has used the Internal Revenue Service database to obtain contact information for the veteran. In responding to a draft of this report, VA notes that it uses the credit bureau for a variety of reasons, including its up-to-date data transmissions from the Social Security Administration, expedience in responding, and general accuracy of information. As shown in table 3, as of December 2007, VA had obtained contact information for and sent notification letters to 48 percent of the names that DOD provided

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<sup>26</sup> This number includes the total number of servicemembers who were identified as having been potentially exposed during chemical and biological tests conducted or sponsored by DOD, including tests conducted as part of DOD's Project 112 program and tests conducted outside of Project 112.

to them and that they may be able to contact.<sup>27</sup> VA officials noted that while the total number of notification letters sent is 48 percent of the number of names that DOD has provided to them and that they may be able to contact, it represents all of the individuals for whom they were able to obtain contact information.

**Table 3: Veterans Who VA Has Notified of Their Potential Exposure as of December 2007**

	<b>OUSD (P&amp;R)</b>	<b>Project 112</b>	<b>OUSD (AT&amp;L) task order</b>	<b>Total</b>
Number of names DOD has provided to VA	6,739	6,440	7,531	<b>20,710</b>
Names with no numeric identifier (e.g., social security number or service number)	666	385	none	<b>1,051</b>
Names of veterans known to be deceased	2,157	733	500	<b>3,390</b>
Possible number of veterans to be notified (i.e., veterans who have an identifier and are not documented as deceased)	3,916	5,322	7,031	<b>16,269</b>
Number of notification letters mailed by VA	319 <sup>a</sup>	4,438	2,987	<b>7,744</b>
Percentage of veterans sent notification letters for those known not to be deceased and for which VA has a numeric identifier	8%	83%	42%	<b>48%</b>

Source: GAO analysis of VA data.

Note: The number of individuals that we report as notified is based on information from DOD's and VA's databases and is approximate. Cases reported in this table may reflect duplicates.

<sup>a</sup>OUSD (P&R) officials told us that they also sent 722 "Certificates of Commendation" to veterans who had been identified and for whom contact information could be obtained. It is unknown whether these certificates were sent to veterans who also received notification letters from VA.

A number of factors beyond VA's control have impeded its ability to notify veterans of their potential exposure to chemical or biological substances.

<sup>27</sup> While DOD had provided 20,710 names to VA, the VA office that is responsible for notifying veterans has identified 3,390 of these veterans as deceased and consequently did not send notification letters to them. In addition, VA officials stated that they are unable to obtain contact information for the 1,051 veterans missing a numeric identifier. Of the remaining 16,269 names, some of these individuals could be deceased or impossible to locate due to various factors, such as missing social security numbers.

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For example, some records have been lost or destroyed, and existing documentation contains limited information and often does not identify names of participants, while others were not turned in by the scientists who were conducting the research. When the records can be found, they do not necessarily identify the participants, but may instead refer to control numbers that were issued to the participants, which cannot be cross-referenced to other documents for identification. For those records that do include identification of participants, the information may contain only the participants' initials, nicknames, or only first or last names. Also, since a number of these records do not include the participant's military service number or social security number, it is difficult to determine the exact identity of these individuals. Further, the contact information that VA is able to obtain may not be accurate. For example, more than 860 notification letters have been returned as undeliverable to VA.

However, VA is not using other available resources to obtain contact information to notify veterans. For example, while VA told us that it was using a company that is able to provide current contact information as a source, it had not coordinated with the Social Security Administration to obtain contact information for veterans receiving social security benefits or to identify deceased veterans using the agency's death index and had not regularly used the Internal Revenue Service's information. VA officials acknowledged that they had not directly used the death index and that a memorandum of understanding with the Social Security Administration might facilitate a new way to accomplish this. However, they noted the credit bureau receives weekly updates from the Social Security Administration's death index. VA officials also acknowledged that it planned to make more frequent use of IRS databases. Until VA implements a more effective process to obtain contact information for veterans, some veterans will remain unaware of their potential exposure or the availability of health exams and the potential for benefits directly related to an exposure.

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### DOD Has Not Notified Civilians Due in Part to a Lack of Specific Guidance

DOD has not taken any actions to notify civilians who have been identified as having been potentially exposed during Project 112 tests and other chemical and biological tests, due in part to a lack of specific guidance defining the requirements to notify civilians. The Defense Authorization Act for FY 2003 required DOD to identify its tests or projects that may have exposed members of the armed forces to chemical or biological substances, but did not specifically address civilian personnel who may have been affected by these tests. However, in our 2004 report we recommended that DOD address the appropriateness of and responsibility

for reporting new information, such as the identification of additional potentially exposed servicemembers, civilian employees, contractors, and foreign nationals who participated in the tests. In its response to our report, DOD concurred with our recommendation and stated that it would determine the appropriate reporting channels for civilian employees, contractors, and foreign national participants who were identified as being potentially exposed.<sup>28</sup> However, DOD has not taken any action with the approximately 1,900 civilian names that it maintains, as shown in table 4. Instead, DOD has focused its efforts on the identification and notification of servicemembers who were potentially exposed. DOD officials stated that they have focused on identifying and notifying servicemembers since the primary impetus for their efforts to identify and notify individuals who may have been exposed has been requests for information from veterans and VA.

**Table 4: Number of Civilians Potentially Exposed as of December 2007**

Civilians identified during OUSD (P&R)'s investigation	882
Civilians identified during OASD (HA) investigation of Project 112	327
Civilians identified during OUSD (AT&L)'s chemical and biological office task order	715
<b>Total number of civilians identified as being potentially exposed</b>	<b>1,924</b>

Source: GAO analysis of DOD data.

Note: The number of individuals that we report as identified and notified is based on information from DOD's and VA's databases and is approximate. Cases reported in this table may reflect duplicates. Naming nomenclature (suffixes, nicknames, abbreviations, etc.) makes it difficult to eliminate all potential duplicate names. When in doubt, DOD treats cases as separate individuals.

OASD (HA) has not acted in part because it is unclear whether it is required to notify civilians or transmit civilian exposure information to another agency for notification. During our review, DOD and Department of Labor officials stated that they were unaware of a requirement for them to notify civilians of their potential exposure. However, our April 2005 report about civilian and contractor exposures to chemical substances in Vietnam identified compensation programs that might be available for civilians who were exposed during these chemical and biological tests if they come forward and present evidence that they were potentially

<sup>28</sup> [GAO-04-410](#).

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exposed.<sup>29</sup> Specifically, federal employees can file claims for workers compensation with their employing agency, which refers the claims to the Department of Labor under the Federal Employees Compensation Act. Employees who work under contract to the U.S. government can file workers compensation claims through their employers with the employers' insurance carrier. Without an effort to develop and provide guidance for notifying civilians, those civilians who have been identified may not be aware of their potential exposure.

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## Conclusions

Since World War II, potentially tens of thousands of military personnel and civilians have been exposed to chemical or biological substances during previously classified DOD tests. As this population becomes older, it will become more imperative for DOD and VA to identify and notify these individuals in a timely manner because they might be eligible for health care or other benefits. While DOD has concluded that continuing an active search for individuals potentially exposed during Project 112 has reached a point of diminishing returns, it has not conducted an informed cost-benefit analysis, which could guide DOD in identifying the extent to which it might need to take additional actions. Without conducting a sound and documented cost-benefit analysis that includes a full accounting of information known and the challenges associated with continuing to search for Project 112 participants, DOD will not be in a position to make an informed and transparent decision about whether any of the remaining investigative leads could result in meaningful opportunities to identify additional potentially exposed individuals. Furthermore, until DOD conducts such an analysis, Congress, veterans, and the public may continue to question the completeness and accuracy of DOD's efforts. Moreover, while DOD has undertaken efforts to identify and notify individuals who were potentially exposed during tests outside of Project 112, the department has not worked with veterans and veterans service organizations during its current effort as required by the Defense Authorization Act for FY 2003, and it has not coordinated its efforts with other DOD and non-DOD organizations. Until DOD and VA undertake more effective and efficient efforts to identify and notify potentially exposed individuals—including consistent guidance about the scope of

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<sup>29</sup> GAO, *Agent Orange: Limited Information Is Available on the Number of Civilians Exposed in Vietnam and Their Workers' Compensation Claims*, GAO-05-371 (Washington, D.C.: Apr. 22, 2005). The report identified compensation programs that are available to restore lost wages and pay medical expenses of those who are disabled by an occupational-related illness.



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work, such as clearly defined goals and objectives and agreement on the type and amount of information that is necessary to collect; effective internal controls and oversight practices; coordination with other entities to leverage existing information; regular updates to VA; and utilization of all available resources—Congress, veterans, and the public may continue to question DOD and VA’s commitment to this effort. Furthermore, in the absence of transparency about these previously classified tests and DOD’s efforts to identify individuals who were potentially exposed, Congress, veterans, and the public could have reason to believe that the cloak of secrecy has not been lifted and may not understand the success and challenges of DOD’s current effort. While DOD and VA have developed a process for notifying servicemembers who were potentially exposed, it is unclear whether DOD or any other agency, such as the Department of Labor, is required to notify potentially exposed civilians who are identified. Therefore, without specific guidance that defines the requirements, roles and responsibilities, and mechanisms to notify civilians who have been potentially exposed to chemical or biological substances, these individuals might continue to be unaware of their circumstances.

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## Matters for Congressional Consideration

We are suggesting the Congress consider the following two matters:

- To provide greater transparency and resolve outstanding questions related to DOD’s decision to cease actively searching for the identification of individuals associated with Project 112, Congress should consider requiring the Secretary of Defense to consult with and address the concerns of VA, veterans, and veterans service organizations; to conduct and document an analysis that includes a full accounting of information known, and the related costs, benefits, and challenges associated with continuing the search for additional Project 112 participants; and to provide Congress with the results of this analysis. Our draft report addressed this recommendation to the Secretary of Defense; however, because DOD disagreed, we elevated this to a matter for congressional consideration.
- To ensure that civilians who were potentially exposed to chemical or biological substances as a result of tests conducted or sponsored by DOD are aware of their circumstances, Congress should consider requiring the Secretary of Defense, in consultation with the Secretary of Labor, to develop specific guidance that defines the requirements, roles and responsibilities, and mechanisms to notify civilians who have been potentially exposed to chemical or biological substances.

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## Recommendations for Executive Action

To ensure a sound and documented process for DOD's decision regarding the identification of individuals associated with Project 112, we recommend that the Secretary of Defense direct the Office of the Under Secretary of Defense for Personnel and Readiness to conduct and document an analysis that includes a full accounting of information known, and the related costs, benefits, and challenges associated with continuing the search for additional Project 112 participants, and to provide Congress with the results of this analysis. In developing the analysis, DOD should consult with and address the identified concerns of VA, veterans, and veterans service organizations.

To ensure that DOD's current effort to identify individuals who were potentially exposed during chemical and biological tests outside of Project 112 are more efficient, effective, and transparent, and to ensure that its databases contain accurate information, we recommend that the Secretary of Defense direct the Office of Under Secretary of Defense for Acquisition, Technology, and Logistics to take the following four actions:

- in coordination with the Office of the Under Secretary of Defense for Personnel and Readiness and the Secretary of Veterans Affairs, modify the guidance about the scope of work for its current effort, such as the statement of work and concept of operations plan, to clearly define consistent, reasonable, and acceptable goals and objectives, and the type and amount of information that will need to be collected to meet these goals and objectives;
- implement effective internal controls and oversight practices, such as periodic site visits, regular assessments of the contractor's efforts, and quality assurance reviews of the information provided by the contractor;
- coordinate and communicate with other entities that previously identified exposed individuals to leverage existing information, including institutional knowledge and documents; and
- make its efforts transparent with regular updates to Congress, the public, and veterans service organizations.

To ensure that DOD has taken appropriate action in its efforts to notify servicemembers who were potentially exposed, we recommend that the Secretary of Defense direct the Office of the Under Secretary of Defense for Personnel and Readiness to take appropriate action to address the factors—such as competing priorities and database management weaknesses—affecting DOD's ability to forward the names of potentially exposed individuals to VA in a timely and effective manner.

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To ensure that all veterans who have been identified as having been potentially exposed to chemical or biological substances have been notified, we recommend that the Secretary of Veterans Affairs take steps to increase its use of available resources, such as the Internal Revenue Service, to implement a more efficient and effective process for obtaining contact information for living veterans.

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## Agencies' Comments and Our Evaluation

We requested comments from DOD, VA, and the Department of Labor on a draft copy of this report. DOD generally agreed with five recommendations, but disagreed with the first recommendation to conduct and document a cost-benefit analysis associated with continuing the search for additional Project 112 participants, and to provide Congress with the results of this analysis. VA agreed with one recommendation and partially agreed with another recommendation that pertained to its activities. The Department of Labor did not provide us any comments. Because DOD disagreed with the recommendation to conduct and document a cost-benefit analysis associated with continuing the search for additional Project 112 participants and has not adequately addressed our May 2004 recommendation to determine the feasibility of addressing unresolved issues associated with Project 112, we added a Matter for Congress to consider directing the Secretary of Defense to conduct such an analysis. DOD and VA also provided technical comments, which we incorporated as appropriate. DOD's and VA's comments are reprinted in appendices II and III, respectively.

DOD agreed to and has in some cases begun taking action to respond to five of the recommendations. Specifically, DOD stated that it has already coordinated on updating program goals and objectives for the identification of individuals who were potentially exposed during chemical and biological tests outside of Project 112 and is revising the statement of work, implementation plan, and concept of operations to ensure consistent guidance and deliverables. DOD also stated that it has taken steps to increase oversight of the project and has established an implementation plan with OASD (HA) delineating oversight responsibilities. In addition, DOD stated that it will take steps to determine if other organizations are conducting similar work to identify potentially exposed individuals and will coordinate and leverage all available information. The department also stated that it will expand its current efforts to update the public and make efforts more transparent. Finally, DOD and VA are in the process of discussing short-term and long-term improvements necessary for improving the transfer of information to VA in

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a timely and effective manner. We believe these are positive steps that, when completed, will address the intent of our recommendations.

DOD did not agree with the first recommendation to conduct and document an analysis that includes a full accounting of information known, and the related costs, benefits, and challenges associated with continuing the search for additional Project 112 participants, and to provide Congress with the results of this analysis. DOD stated that it believes it made a full accounting of its efforts available to Congress in 2003, that it has not received any credible leads that would allow DOD to continue its research, and that it currently knows of no other investigative leads that would meaningfully supplement what it believes to be a total picture of Project 112. However, as discussed in our May 2004 report, we identified a number of credible leads that could possibly result in additional Project 112 information. In addition, as discussed in this report, almost 600 additional individuals who were potentially exposed during Project 112 (more than a 10 percent increase) have been identified by non-DOD sources since DOD's 2003 report to Congress and its decision to cease actively searching for additional exposures. In light of the increasing number of individuals who have been identified since DOD provided its report to Congress in 2003 and ceased its active search for additional individuals, until the department provides a more substantive analysis that supports its decision to cease active searches for additional individuals potentially exposed during Project 112 tests, Congress and veterans may continue to question the completeness and level of commitment to this effort. Because DOD has disagreed with our recommendation and has not adequately addressed our May 2004 recommendation to determine the feasibility of addressing unresolved issues associated with Project 112, we have added a Matter for Congress to consider directing the Secretary of Defense to conduct such an analysis.

In response to our recommendations, VA agreed to work with DOD to modify the guidance about the scope of work for its current effort to clearly define consistent, reasonable, and acceptable goals and objectives; and the types and amount of information that will need to be collected to meet these goals and objectives. VA also agreed to contact the Internal Revenue Service to determine if a more timely response can be obtained from them to assist VA in notifying individuals potentially exposed to chemical or biological substances. We believe these steps are consistent with the intent of our recommendations. However, VA disagreed with a part of our recommendation that it needs to pursue information from the Social Security Administration since the credit bureau that VA uses to obtain contact information already receives the same information from the

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Social Security Administration. Accordingly, we adjusted our recommendation to the Secretary of Veterans Affairs so that it did not refer to the Social Security Administration as another source of information.

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We are sending copies of this report to other interested congressional committees, the Secretary of Defense, the Secretary of Veterans Affairs, and the Secretary of Labor. We will also make copies available to others upon request. In addition, the report will be available at no charge on the GAO Web site at <http://www.gao.gov>.

If you have any questions about this report, please contact me at (202) 512-5431 or [dagostinod@gao.gov](mailto:dagostinod@gao.gov). Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made contributions to this report are listed in appendix IV.

A handwritten signature in black ink, appearing to read "Davi M. D'Agostino". The signature is fluid and cursive, with the first name "Davi" being the most prominent.

Davi M. D'Agostino  
Director, Defense Capabilities and Management

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# Appendix I: Scope and Methodology

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To assess the Department of Defense's (DOD) efforts since 2003 to identify servicemembers and civilians who may have been exposed to chemical or biological substances used during tests conducted under Project 112, we reviewed and analyzed documents pertaining to Project 112, including *DOD's 2003 Report to Congress: Disclosure of Information on Project 112 to the Department of Veterans Affairs*. We interviewed officials at the Office of the Secretary of Defense, Washington, D.C., including the Under Secretary of Defense for Acquisition, Technology, and Logistics, and the Under Secretary for Personnel and Readiness. We also interviewed officials at the Office of the Assistant Secretary of Defense for Health Affairs who were responsible for conducting DOD's investigation of Project 112 tests and have been designated as the single point of contact for providing information related to tests and potential exposures during Project 112. We interviewed officials at the Institute of Medicine and reviewed their 2007 report on the long-term health effects of participation in the shipboard hazard and defense tests of Project 112.<sup>1</sup> In addition, we reviewed and analyzed our prior reports as well as reports of other organizations to provide a historical and contextual framework for evaluating DOD's efforts.

To evaluate DOD's current effort to identify servicemember and civilian exposures that occurred during activities outside of Project 112 tests, we reviewed and analyzed reports, briefings, and documents and interviewed officials at the Office of the Secretary of Defense, Washington, D.C., including the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Under Secretary of Defense for Personnel and Readiness. We also interviewed officials at the Office of the Assistant Secretary of Defense for Health Affairs, who have been designated as the single point of contact for providing information related to tests and potential exposures outside of Project 112. In addition, we interviewed officials at the U.S. Army Medical Research Institute of Infectious Diseases and the U.S. Army Medical Research and Materiel Command, Fort Detrick, Maryland; the Department of Veterans Affairs, Washington, D.C.; the Institute of Medicine, Washington, D.C.; the Vietnam Veterans of America, Silver Spring, Maryland; and DOD's contractor currently conducting research to identify potential exposures that occurred outside of Project 112. We also evaluated DOD's methodology for identifying servicemembers and civilians who may have been exposed to chemical or

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<sup>1</sup> Institute of Medicine, *Long-Term Health Effects of Participation in Project SHAD (Shipboard Hazard and Defense)* (Washington, D.C.: 2007).

biological substances by observing the process the contractor uses to conduct research at repositories containing documents related to chemical and biological exposures from tests and other activities, such as the transportation and storage of chemical and biological substances. We interviewed officials and observed storage facilities at the three chemical or biological substance exposure record repositories where the contractor was currently conducting its work: Edgewood Chemical and Biological Center Technical Library, Aberdeen Proving Grounds, Maryland; U.S. Army Research, Development, and Engineering Command Historical Office, Aberdeen Proving Grounds, Maryland; and U.S. Army Medical Research Institute of Infectious Diseases Technical Library, Fort Detrick, Maryland. In addition, we interviewed officials and observed the records storage area at the U.S. Army Medical Research Institute of Infectious Diseases Medical Records Office, Fort Detrick, Maryland, where information about Operation Whitecoat is maintained. We also reviewed DOD's outreach efforts and the extent to which DOD coordinated with other agencies that might have useful information, including the Department of Veterans Affairs (VA), the Department of Labor, the Institute of Medicine, and the Vietnam Veterans of America.

To evaluate VA's process to notify servicemembers whom DOD has determined may have been exposed to a chemical or biological substance, we interviewed VA officials with the Veteran's Benefit Administration, Veteran's Health Administration, and Office of Planning and Policy, and gathered data concerning their success in making notifications. In particular, we documented the number of servicemembers whose names had been provided to VA by DOD, the extent to which notification letters were sent, the extent to which veterans were deceased, and the number of cases where sufficient documentation was not available to obtain contact information to make notifications.

We assessed the reliability of DOD's and VA's data by interviewing agency officials knowledgeable about the data and by reviewing existing information about the data and the systems used to maintain and produce them. Although we found that there were potential problems with the quality and reliability of the information, we determined that the data were sufficient for the purposes of this report.

We conducted this performance audit from June 2007 to February 2008 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence

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obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.



# Appendix II: Comments from the Department of Defense



NUCLEAR AND CHEMICAL  
AND BIOLOGICAL DEFENSE  
PROGRAMS

ASSISTANT TO THE SECRETARY OF DEFENSE  
3050 DEFENSE PENTAGON  
WASHINGTON, DC 20301-3050

JAN 24 2008

Ms. Davi M. D'Agostino  
Director, Defense Capabilities and Management  
U.S. Government Accountability Office  
441 G Street, N.W.  
Washington, DC 20548

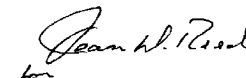
Dear Ms. D'Agostino:

This is the Department of Defense (DoD) response to the Government Accounting Office (GAO) draft report, "CHEMICAL AND BIOLOGICAL DEFENSE: DoD and VA Need to Improve Efforts to Identify and Notify Individuals Potentially Exposed during Chemical and Biological Tests," dated December 21, 2007 (GAO Code 351052/ GAO-08-366).

The DoD comments to GAO recommendations are contained in enclosure 1. The DoD concurred with four recommendations, concurred with comment on one recommendation, and non-concurred with recommendation 1 (pertaining to GAO's recommendation for full cost-benefit analysis associated with continuing the search for additional Project 112 participants). In support of our non-concurrence to recommendation 1, the Office of the Assistant Secretary of Defense for Health Affairs (OASD(HA)) made a full accounting of its efforts to Congress in August 2003 stating the DoD had ceased the active stage of its Project 112 investigation, but would pursue any new leads that became available as evidenced in the OASD(HA) information sheet, at enclosure 2. Finally, our technical comments to the draft report are provided at enclosure 3.

Should you have any questions, please phone or email the point of contact, COL David Jarrett, 703-697-5116, david.jarrett@osd.mil.

Sincerely,

  
for Arthur T. Hopkins  
Principal Deputy

Enclosures:  
As stated

GAO DRAFT REPORT – DATED DECEMBER 21, 2007  
GAO CODE 351052/GAO-08-366

**“CHEMICAL AND BIOLOGICAL DEFENSE: DoD and VA Need to Improve  
Efforts to Identify and Notify Individuals Potentially Exposed during  
Chemical and Biological Test” dated December 21, 2007 (GAO Code 351052)**

**DEPARTMENT OF DEFENSE COMMENTS  
TO THE RECOMMENDATIONS**

**RECOMMENDATION 1:** The GAO recommends that the Secretary of Defense direct the Office of the Under Secretary of Defense for Personnel and Readiness to conduct and document an analysis that includes a full accounting of information known, and the related costs, benefits, and challenges associated with continuing the search for additional Project 112 participants, and to provide Congress with the results of this analysis. In developing the analysis, DoD should consult with and address the identified concerns of the Department of Veterans Affairs (VA), veterans, and veterans service organizations.

**DOD RESPONSE:** Nonconcur. DoD believes it made a full accounting of its efforts available to Congress in 2003 (see enclosure 2 detailing DoD’s Project 112 efforts). At that time, DoD informed Congress that it had ceased the active stage of the investigation, but would pursue any new leads that became available. DoD does not believe that the cessation of the effort lends itself to a cost benefit analysis. To date, DoD has received no credible leads that would allow DoD to continue its research. Thus, DoD sees no advantage to conducting a cost-benefits analysis four years after informing Congress of its plans.

DoD does not believe that any degree of replicate searching of records archives for a program terminated long ago would result in a more complete documentation of all aspects of the program. DoD believes the evidence found to date produces an accurate, total picture of Project 112/SHAD (Shipboard Hazard and Defense). DoD currently knows of no other investigative leads that would meaningfully supplement that picture.

Most of the new names added to the Project 112 database came from reexamining existing data already in DoD possession, not from finding new documentation. Additionally, veterans continue to provide the Office of the Assistant Secretary of Defense (Health Affairs) (OASD(HA)) with temporary duty orders, letters of commendation, etc., (records that are not permanently archived by the military) that document their and fellow veterans participation in Project 112. In these cases, DoD uses this information to give these veterans credit for participating in Project 112.

**RECOMMENDATION 2:** The GAO recommends that the Secretary of Defense direct the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics in coordination with the Office of the Under Secretary of Defense for Personnel and Readiness and the Secretary of Veterans Affairs, modify the guidance about the scope of work for its current

effort, such as the statement of work and concept of operations plan, to clearly define consistent, reasonable, and acceptable goals and objectives, and the type and amount of information that will need to be collected to meet those goals and objectives.

**DOD RESPONSE:** Concur. Office of the Assistant Secretary of Defense (Health Affairs) (OASD(HA)) and Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics (OUSD(AT&L)) personnel have already coordinated on updating program goals and objectives for the identification of individuals who were potentially exposed during chemical and biological tests outside of Project 112. The statement of work, implementation plan, and concept of operations are under revision to ensure consistent guidance and deliverables.

**RECOMMENDATION 3:** The GAO recommends that the Secretary of Defense direct the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics implement effective internal controls and oversight practices, such as periodic site visits, regular assessments of the contractor's efforts, and quality assurance reviews of the information provided by the contractor.

**DOD RESPONSE:** Concur. The Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics (OUSD(AT&L)) has increased its oversight of the program and has established an implementation plan with the Office of the Assistant Secretary of Defense (Health Affairs) (OASD(HA)) delineating program oversight responsibilities. The following controls have been ongoing: monthly reporting, quarterly program reviews, and data reviews with OASD(HA). Per the recommendation, OUSD(AT&L) will conduct site visits on a quarterly basis.

**RECOMMENDATION 4:** The GAO recommends that the Secretary of Defense direct the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics to coordinate and communicate with other entities that previously identified exposed individuals to leverage existing information, including institutional knowledge and documents.

**DOD RESPONSE:** Concur. As part of the revised statement of work, a quarterly analysis/search will be conducted to determine if other organizations are conducting similar work. The Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics (OUSD(AT&L)) will coordinate and leverage all available information including institutional knowledge and documents.

**RECOMMENDATION 5:** The GAO recommends that the Secretary of Defense direct the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics make its efforts transparent with regular updates to Congress, the public, and veterans' service organizations.

**DOD RESPONSE:** Concur with comment. The draft report mentions using the existing DoD website to update veterans on the current search efforts for non-Project 112 exposed personnel. The Office of the Assistant Secretary of Defense (Health Affairs) (OASD(HA)) intends to add information on its current efforts to the Office of Force Health Protection & Readiness (FHP&R) website (<http://fhp.osd.mil/>) to update the public and make efforts more transparent. Similarly,

OASD(HA) will update Veterans' Service Organizations (VSO) on these efforts during regularly scheduled meetings with VSO representatives.

**RECOMMENDATION 6:** The GAO recommends that the Secretary of Defense direct the Office of the Under Secretary of Defense for Personnel and Readiness to take appropriate action to address the factors – such as competing priorities and database management weaknesses – affecting DoD's ability to forward the names of potentially exposed individuals to the Secretary of Veterans Affairs in a timely and effective manner.

**DOD RESPONSE:** Concur. Office of the Assistant Secretary of Defense (Health Affairs) (OASD(HA)) personnel and the Department of Veterans Affairs (VA) have discussed short term and long term improvements necessary for improving the transfer of information to the VA in a timely and effective manner. OASD(HA) and VA are in the process of formalizing data transfer agreements.

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# Appendix III: Comments from the Department of Veterans Affairs

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THE SECRETARY OF VETERANS AFFAIRS  
WASHINGTON

January 29, 2008

Ms. Davi M. D'Agostino  
Director, Defense Capabilities and Management  
U. S. Government Accountability Office  
441 G Street, NW  
Washington, DC 20548

Dear Ms. D'Agostino:

The Department of Veterans Affairs (VA) has reviewed the Government Accountability Office's (GAO) draft report, ***CHEMICAL AND BIOLOGICAL DEFENSE: DOD and VA Need to Improve Efforts to Identify and Notify Individuals Potentially Exposed during Chemical and Biological Tests*** (GAO-08-366). VA agrees with GAO's conclusions and concurs in part with GAO's recommendations that are addressed to VA.

The Department of Defense and VA need to improve efforts to identify and notify individuals potentially exposed during chemical and biological tests. The enclosure specifically addresses GAO's recommendation and provides additional discussion and comments to the draft report. VA appreciates the opportunity to comment on your draft report.

Sincerely yours,

A handwritten signature in black ink, appearing to read "James B. Peake".

James B. Peake, M.D.

Enclosure

Enclosure

Department of Veterans Affairs (VA) Comments to  
Government Accountability Office (GAO) Draft Report  
***CHEMICAL AND BIOLOGICAL DEFENSE: DOD and VA Need to Improve  
Efforts to Identify and Notify Individuals Potentially Exposed during  
Chemical and Biological Tests***  
(GAO-08-366)

To ensure that all veterans who have been identified as having been potentially exposed to chemical or biological substances have been notified, GAO recommends that the Secretary of Veterans Affairs take the following action:

- Increase its use of available resources, such as the Social Security Administration (SSA) and Internal Revenue Service (IRS), to implement a more efficient and effective process for obtaining contact information for living veterans.

Concur in part – VA will contact IRS to determine if a more timely response can be obtained from them. We do not agree that additional inquiry capability with SSA will yield additional information since ChoicePoint already uses the same data from SSA that we would be requesting.

**In coordination with the Office of the Under Secretary of Defense for Personnel and Readiness and the Secretary of Veterans Affairs, modify the guidance about the scope of work for its current effort, such as the statement of work and concept of operations plan, to clearly define consistent, reasonable, and acceptable goals and objectives, and the type and amount of information that will need to be collected to meet these goals and objectives.**

Concur – VA looks forward to working with DoD on this recommendation.

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# Appendix IV: GAO Contact and Staff Acknowledgments

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## GAO Contact

Davi M. D'Agostino, (202) 512-5431 or dagostinod@gao.gov

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## Acknowledgments

In addition to the contact named above, Robert L. Repasky (Assistant Director), Tommy Baril, Renee S. Brown, Brian D. Pegram, Steven Putansu, Terry L. Richardson, and Karen Thornton made key contributions to this report.

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# Related GAO Products

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*Agent Orange: Limited Information Is Available on the Number of Civilians Exposed in Vietnam and Their Workers' Compensation Claims.* [GAO-05-371](#). Washington, D.C.: April 22, 2005.

*Chemical And Biological Defense: DOD Needs to Continue to Collect and Provide Information on Tests and Potentially Exposed Personnel.* [GAO-04-410](#). Washington, D.C.: May 14, 2004.

*Human Experimentation: An Overview on Cold War Era Programs.* [GAO/T-NSIAD-94-266](#). Washington, D.C.: September 28, 1994.

*Veterans Disability: Information From Military May Help VA Assess Claims Related to Secret Tests.* [GAO/NSIAD-93-89](#). Washington, D.C.: February 18, 1993.



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