

# **EXHIBIT 33**

**Outreach Efforts of Project 112/SHAD, Mustard Gas and Chemical  
Biological Programs as of January 31, 2010**

**Prepared by  
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February 5, 2010**

**Background:** Project 112/SHAD was part of the joint service chemical and biological warfare test program conducted during the 1960s and early 1970s. Project SHAD encompassed tests designed to identify U.S. warships' vulnerabilities to attacks with chemical or biological warfare agents and to develop procedures to respond to such attacks while maintaining a war-fighting capability.

On June 30, 2003, the Department of Defense (DoD) completed its investigation of the Project 112/SHAD operational tests. DoD planned 134 tests but conducted only 50. As of July 2008, DoD has provided VA with the names of 6,442 Veterans who participated in Project 112/SHAD tests.

**Most Recent Updates:** In June 2008, it was noted that VBA had received 752 claims initially identified as Project 112/SHAD claims. We adjusted this number by 111 claims found not to be Project 112/SHAD claims. The number of actual Project 112/SHAD claims received from Veterans claiming disabilities related to exposure to chemical/biological agents/substances used in testing, since the adjustment is 641.

The table below shows the number of claims pending and the number VBA has decided as of January 31, 2010. The total number of Project 112/SHAD cases granted is 39 out of 753 cases that have been decided.

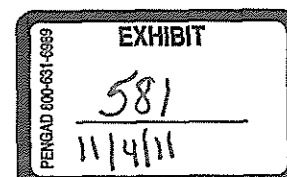
Monthly	Pending	Decided	Total
January 2010	16	753	769

There are three requirements to service connect a disability: (1) evidence of a disease, injury, or event that occurred during active duty service, (2) evidence of a current disability, and (3) medical evidence establishing a nexus or link between the in-service disease, injury, or event, and the current disability. VA affords the Veteran reasonable doubt in any decision where the evidence weighs equally in favor of grant or denial of the claim. VA assists the Veteran in obtaining the required evidence.

**Project 112/SHAD calls to the Helpline are below.**

Number of Interviews	Period
969	FY 2003
475	FY 2004

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180	FY 2005
324	FY 2006
407	FY 2007
145	FY 2008
411	FY 2009
29	FYTD 2010 (January 2010)

### Mustard Agents and Lewisite (Mustard Gas)

Since January 2006, there have been no additions to the 4,495 Veterans who had been exposed to Mustard Gas or Lewisite. From matches against BIRLS, VHA, and NCA, we found that 2,120 test participants were deceased. Of the remaining presumed living Veterans, only 371 addresses were found. The following is a breakdown of identified master records by exposure and status:

Exposure	Unique Veterans	Living Veterans	Deceased Veterans
Full-Body	330	167	163
Partial-Body	41	25	16
<b>Total</b>	<b>371</b>	<b>192</b>	<b>179</b>

Of the 179 deceased Veteran records:

- o 68 surviving spouses are receiving DIC
- o 50 surviving spouses are receiving non-service connected death pension
- o 55 known spouses with Social Security numbers are not in receipt of DIC nor death pension
- o 6 records did not have a spouse identified on the award

The RMC in St. Louis reviewed a list of 168 retired folders in May 2006 and found only 15 social security numbers, which were forwarded to C&P Service in June 2006; however, addresses for these Veterans were not found.

To date, VBA has received 1,578 claims from Veterans alleging disabilities related to exposure to Mustard Gas. The table below shows the number of these claims currently pending and the number VBA has decided.

Mustard Gas Claims/ FYTD 2010			
Month	Pending	Decided	Total
January 2010	100	1478	1578

Mustard Gas calls to the Helpline are below.

Number of Interviews	Period
311	FY 2005

118	FY 2006
270	FY 2007
61	FY 2008
94	FY 2009
03	FYTD 2010 (January 2010)

## Chem – Bio Exposures

In December 2005, Veterans Benefits Administration (VBA) received a list of names of 1,012 participants used in tests conducted at Edgewood Arsenal. The tests consisted of 140 known agents at the time. This was the beginning of the Chemical, Biological, Radiological, Nuclear and Explosives (CBRNE) database. The Department of Defense (DoD) met with VBA staff in February 2006, to share a draft copy of a DoD fact sheet entitled “Edgewood Arsenal Chemical Agent Exposure Studies: 1955-1975.” In April 2006, VBA’s Compensation and Pension Service (C&P) staff received an updated CBRNE database with an additional 3,434 names for a total of 4,446 names.

In an effort to obtain addresses for the test participants, C&P Service contacted Office of Performance Analysis & Integrity (OPA&I) in May 2006, for them to conduct a data match between the CBRNE database with BIRLS and the C&P master record. This match provided social security numbers for a limited number of test participants, 1,818 were a match. For those participants where an address was not found, C&P Service contacted Choice Point, an agency used to obtain current mailing addresses.

In June 2006, C&P Service began mailing notification letters to Veterans from the CBRNE database. In early July 2006, C&P Service sent a list of names of CBRNE test participants to Veterans Health Administration’s (VHA) Eligibility Center, in order to help them determine which Veterans were eligible for medical treatment. By the end of July 2006, C&P Service mailed out 1,818 notification letters to test participants.

In early September 2006, C&P Service received an additional 2,261 names from DoD to add to the CBRNE database. This updated information brought the amount of names in the CBRNE database to 6,707. Additional notification letters were mailed to 758 test participants in March 2007 and 338 were mailed in mid September 2007. C&P Service has sent out another 15 individual notification letters since mid September 2007.

In June 2008, C&P Service received 3,821 new names to be added to the CBRNE database, bringing the total to 10,528 names. C&P Service was able to identify and obtain current addresses for 304 of the 3,821 newly referred test participants. In March 2009, C&P Service sent out 304 notification letters with DoD’s updated fact sheet to those Veterans. *In August 2009, DoD brought 2,239 new names in the CBRNE database to VA (bringing total in database to 12,767). VA requested a data*

match from PA&I against the list, which returned incomplete information needed to accurately contact Veterans involved in this database. DoD was notified in September 2009 at a joint meeting for VA and DoD of the incomplete data that was furnished to VA. DoD also sent a list of all chemical agents and non-agents that were used for CBRNE testing for a total of 427 agents.

During September 2006, VBA provided the field with Training Letter 06-04, Department of Defense (DoD) Identifies Additional Service Members Who Participated in the Testing of Chemical and Biological Warfare Agents During Service, with special procedures for processing and controlling claims related to these tests.

VBA has received 87 claims from Veterans alleging disabilities related to exposure to chemical/biological agents/substances. The table below shows the number of these claims pending and the number VBA has decided.

Chem-Bio Claims for FYTD 2010			
Month	Pending	Decided	Total
January 2010	1	86	87

To date, two of the 86 decisions listed above include a grant of service connection.

**Notification Efforts (SHAD, MG, and CBRNE):** As of March 31, 2009, VBA has mailed a total of 8,053 outreach letters to Veterans who were participants in Project 112/Shipboard Hazard and Defense (SHAD), Mustard Gas (MG), and Chemical Biological Radiological Nuclear Explosives (CBRNE) tests. VBA enclosed a DoD Fact Sheet with each notification letter depending on the tests in which the Veteran participated. VBA has completed outreach efforts to Project 112/SHAD and MG participants. Outreach efforts will continue to Chem-Bio test participants because of the additional listing of names anticipated from DoD.

Data Base	Returned Mail	New SSNs	Previously Mailed	Total Letters Mailed
SHAD	459	0	4,439	4,441
Mustard Gas	22	164	318	321
CBRNE	313	775	2,649	3,291
Totals	794	939	7,406	8,053

### **VA Outreach Efforts Made Since October 1, 2009**

DoD informed VA that Project 112/SHAD and Mustard Gas programs have been officially closed as of June 2008. Chemical Biological (also known as Edgewood Arsenal) remains open at this time, as DoD continues to identify Veterans who were “test participants” in the program. There have been no outreach letters mailed since March 31, 2009. VA is currently locating accurate addresses of Veterans whose notification letters were returned from the last outreach effort in March 2009.

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February 5, 2010

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