

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

VIETNAM VETERANS OF AMERICA,  
*et al.*,  
  
                                Plaintiffs,  
  
                                v.  
  
CENTRAL INTELLIGENCE AGENCY,  
*et al.*,  
  
                                Defendants.

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No. C 09-0037-CW

**DECLARATION OF VICTOR  
KALASINSKY**

I, Victor Kalasinsky, declare:

1. I am employed as the Senior Program Manager for Gulf War Research and Military Environmental Exposures for the Veterans Health Administration’s (VHA) Office of Research and Development of the U.S. Department of Veterans Affairs (VA). The information contained in this declaration is based on my personal knowledge and information made available to me in my official capacity.
2. As the Senior Program Manager for Gulf War Research and Military Environmental Exposures, I am responsible for VHA policy and guidance related to research associated with military exposures. I hold a Ph.D. in chemistry and have worked with specimens from patients who might have been exposed to sulfur mustard.
3. I am aware of this litigation, the plaintiffs’ claims, and the plaintiffs’ discovery requests for information. I understand that plaintiffs have alleged that VA was involved in testing mustard gas and have identified five citations in VA’s annual reports on medical research where the use of mustard agents was mentioned. I further understand

that, based on the information plaintiffs provided, the VA historian located five articles corresponding to the annual report citations.


4. I have reviewed the five articles, attached to this declaration, identified by plaintiffs as supporting their allegation that VA has been involved in dealing with VA research involving mustard agents. Three of the articles describe studies that did not involve clinical intervention, which means that the individuals directing the study did not perform testing on human subjects. Two of the articles describe studies that did involve clinical intervention, although using a chemical compound, “nitrogen mustard” (HN<sub>2</sub>), which is different from the chemical warfare agent “sulfur mustard” (HD) used in WWI. The researchers studied nitrogen mustard as a chemotherapeutic treatment due to its enhanced effect on the lymphatic tissue compared to sulfur mustard. The following are my summaries of these articles:
  5. Exhibit A: Medical Research in the Veterans’ Administration, ARC—3798, Page 18 Item 6, and Page 30: “Mustard Gas and Post influenza Pneumonia in World War in Relation to Subsequent Lung Cancer – NIH”.
    - a. This is an executive summary describing a study aimed to determine the effects of war-related exposure. No clinical intervention is described, which means that the individuals directing the study did not perform testing on human subjects.
  6. Exhibit B: “Nitrogen Mustard as an Adjunct to Radiation in the Management of Bronchogenic Cancer” , Radiology, 1951 Sept;57(3):384-94
    - a. This research article describes the use of Nitrogen Mustard (note: not the chemical warfare agent sulfur mustard) in 40 patients with bronchogenic cancer where radiation therapy was deemed to be infeasible or ineffective. This is a

chemotherapy treatment study for individuals with severe disease and little alternative treatments at the time of the study. It represents an appropriate scientific treatment trial of chemotherapy for the period.

7. Exhibit C: The Veterans Administration Surgical Adjuvant Group- Interim Report”, “Cancer Chemotherapy Reports, Part 1, 1962 Feb ; 16():141-8
  - a. This research study was designed to determine the effectiveness of two chemical compounds on cancer (the alkylating agents, nitrogen mustard (HN2) and thioTEPA (TSPA)). Twenty-two hospitals participated and patients with primary lung cancer received HN2 (this chemical is “nitrogen mustard” and not the chemical warfare agent “sulfur mustard”). No improvement in the disease was found compared to the control group of patients. 395 patients were treated with HN2.
8. Exhibit D: “ Lung Cancer Mortality in World War I Veterans With Mustard-Gas Injury: 1919-1965”, Journal of the National Cancer Institute, Vol 54, No 2, Feb 1975
  - a. This study was a retrospective review of medical records; there was no clinical intervention. The study examined lung cancer and other mortality (death) in 2,718 WWI sulfur-mustard gas exposed Veterans previously admitted in 1918 to “special gas hospitals.” The odds ratio (occurrence of death compared to WWI Veterans who were not gas casualties) was elevated but was not statistically significant..
9. Exhibit E: “Lung Cancer in World War I Veterans: Possible Relation to Mustard-Gas Injury and 1918 influenza Epidemic”, Journal of the National Cancer institute, 1960 Dec; 25():1231-52

- a. This study was a retrospective review of medical records; there was no clinical intervention. This study examined lung cancer mortality in 2718 WWI mustard gas exposed (determined via a review of Army Clinical records) Army Soldiers from VA records and autopsy files. The lung cancer deaths were higher in the exposed Veterans 1.3% vs. 1.0 % (non-exposed WWI controls) but were not statistically significant. The authors attempted to improve their statistical power by comparing to US population controls. Using this comparison group (which they did not plan for when initiating the study) they found a statistical difference with exposed Veterans having a higher number of lung cancer deaths than the general US population.

I declare under penalty of perjury that the foregoing is true and correct. Executed on  
March 14, 2012.

  
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Victor Kalasinsky, Ph.D.