

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 OAKLAND DIVISION
4

5 VIETNAM VETERANS OF AMERICA, *et al.*,

6 Plaintiffs,

7 v.

8 CENTRAL INTELLIGENCE AGENCY, *et al.*,

9 Defendants.

Case No. CV 09-0037-CW

DECLARATION OF ARNOLD
DUPUY, OFFICE OF THE
ASSISTANT SECRETARY OF
DEFENSE FOR HEALTH AFFAIRS

10
11 I, Arnold Dupuy, am familiar with the complaint in this case. I make the following
12 statement based on personal knowledge or information made available to me in my official
13 capacity. I declare the following under penalty of perjury:

14 1. I am a government contractor working in the Office of the Assistant Secretary of
15 Defense for Health Affairs (OASD(HA)). I am responsible for maintaining the Chemical and
16 Biological Tests Repository, a database of servicemembers who participated in chemical or
17 biological test programs. My duties entail conducting database searches to verify if a veteran is
18 listed as having potentially been exposed to chemical agents. Other duties include ad hoc
19 searches and queries.

20 2. The Department of Defense has a contract with the Battelle Memorial Institute to
21 identify all servicemembers who participated in chemical or biological tests as test volunteers.
22 The data from Battelle's searches is included in the database.

23 3. The Chemical-Biological Warfare Exposures database is broken down into three
24 main entities; Mustard-Lewisite (WWII era), Project 112/Shipboard Hazards and Defense
25 (SHAD)(Cold War era) and Chem-Bio (Cold War era). For the purposes of this declaration,
26 only the Chem-Bio period will be addressed. The Chem-Bio portion of the data base identifies
27 16,645 individuals exposed to chemical or biological agents. The earliest recorded exposure
28 date is 1946 and the latest recorded exposure date is 1975. The database includes the test name,

1 the substance tested, the location of the test, and the dose of the substance (if known). A sample
2 of data from the database, with names of servicemembers redacted, is attached as Exhibit 1.

3 4. The database is a web-based application accessible by designated personnel in
4 both the Department of Defense (DOD) and the Veterans Administration (VA). One purpose of
5 the database is to enable the Veterans Administration to compile identifying information it can
6 use to contact test volunteers. Identifying veterans for inclusion in the database is a detailed and
7 thorough process. Battelle field analysts scan medical notes and records from the test sites
8 looking for names of individual test participants. This information is reviewed for accuracy and
9 spelling by both Battelle and DoD analysts before being loaded into the data base. At this point,
10 the VA points of contact are notified. Once a veteran is identified, DOD and VA have
11 simultaneous access to all known information about that veteran's participation in chemical or
12 biological tests.

13 5. My office coordinates with VA concerning information about test volunteers
14 and if VA has questions about whether a veteran had participated in testing it would contact me.
15 For instance, the VA sends DoD requests from veterans claiming exposure while in military
16 service. DoD conducts a thorough review of the individual veteran's personnel file, as well as
17 performs a database search to determine whether the veteran's claim of exposure is substantiated
18 by information in the personnel file. This determination is then returned to the VA for final
19 adjudication. My office maintains a list of these veterans.

20 6. As part of my duties, I am familiar with the Chemical-Biological Warfare
21 Exposures website maintained by DoD: <http://fhp.osd.mil/CBexposures/index.jsp>. The website
22 provides veterans basic information about the Cold War chemical and biological test programs,
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including contact information veterans can use to obtain more information, including whether the veteran is included in the database.

I hereby declare under penalty of perjury that the foregoing is true and correct. Executed this 15 day of September, 2010.



Arnold Dupuy
Office of the Assistant Secretary of Defense
for Health Affairs