



DEPARTMENT OF THE ARMY
UNITED STATES ARMY TEST AND EVALUATION COMMAND
4501 FORD AVENUE
ALEXANDRIA VA 22302-1458

December 7, 2004

Deputy Chief of Staff for Information Management

Mr. Edward H. Hammond III
The Bioweapons and Biodefense
Freedom of Information Fund
Post Office Box 41987
Austin, Texas 78701

Dear Mr. Hammond:

Your Freedom of Information Act (FOIA) request dated December 1, 2003, was forwarded to this office for response to you.

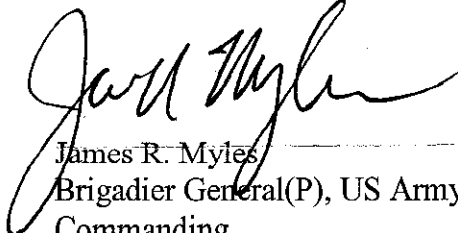
After careful review of "Chemical Warfare Agent Toxicity for Both Genders from Different Age and Ethnic Groups", your request must be denied. This document is withheld pursuant to the FOIA Exemption High 2, Title 5 USC. 552 (b)(2), which authorizes withholding, since disclosure of this internal document would risk circumvention of a legal requirement; specifically the document is internal to the Department of Defense and contains information on the human toxicity of chemical warfare agents. This information could enable unauthorized individuals to further develop chemical agents. This is particularly evident under a "mosaic" theory. Disclosure also risks circumvention of international law. The development of chemical weapons is prohibited by international law under the Chemical Weapons Convention of 1993.

This document is also withheld under Exemption 3 of the FOIA, which permits the withholding of information that is exempt from disclosure by statute. In this case, the document contains technical data related to biological agents, which are listed on the U.S. Munitions List. Such information is restricted from public release under 10 USC § 130 (Authority to Withhold from Public Disclosure Certain Technical Data).

This denial is made in my capacity as the Initial Denial Authority for records of US Army Test and Evaluation Command Headquarters and its subordinate commands, units, and activities that relate to test and evaluation operations. You may appeal this denial to the Secretary of the Army. To appeal, send it to FOIA Officer, Deputy Chief of Staff for Information Management, US Army Test and Evaluation Command, 4501 Ford Avenue, Alexandria, Virginia 22302-1458. Your appeal will be forwarded to the Office of the General Counsel for final disposition on behalf of the Secretary of the Army. It must be sent so that it reaches the appellate authority for the U.S. Army within 60 days of receipt of this letter.

The point of contact at this headquarters is Andrée Woods at 703-681-6151 or email Andrée.Woods@atec.army.mil.

Sincerely,



James R. Myles
Brigadier General(P), US Army
Commanding