



# Ministry of Defence

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Dear [REDACTED],

Thank you for your letter of 3 March in which you requested the following information:

*"How frequently does the MoD review its list of accepted radiogenic diseases, when was the last such review, who leads on such, what is the process and what external expert opinion or advice is taken? In terms of CLL, and bearing in mind:*

- (1) the reaffirmation in the UT (Abdale et al v. SSD Dec 2014) that the causal 'standard of proof is not 'on the balance of probability' but is (to paraphrase much) that 'the Appellant must be given the benefit of any doubt raised by evidence beyond the "fanciful" level';*
- (2) the 'Covenant' between HMG and Veterans (et al),*
- (3) the papers by Richardson et al, Abramenko et al and Rericha et al cited by Professor Parker in support of her expert opinion at 264 of the reserved decision of the FtT, and also the 2012 paper by Zablotska et al referred to by Dr Busby in his responses to the UT hearings a study which perhaps was overlooked by the FtT, and finally*
- (4) the US National Institute for Occupational Safety and Health's conclusion that it 'no longer believes that it is possible to state that the probability of causation (i.e., that of ionizing radiation for CLL) equals zero', what note was taken by any such review (and on what date) of the above?"*

I am treating your correspondence as a request for information under the Freedom of Information Act 2000 (FOIA). A search for the information has now been completed within the Ministry of Defence, and I can confirm information in scope of your request is held.

A review of radiogenic disorders does not take place at prescribed time intervals, the Department routinely maintains oversight of the scientific and medical literature for any emerging changes in understanding relevant to war pensions. Particular attention is given to the interval reports of international bodies such as United Nations Scientific Committee on the effects of Atomic Radiation (UNSCEAR) or the Committee for the Biological Effects of Ionising Radiation (BEIR), a committee of the National Research Council of the USA (US National Academy of Sciences) which summarise new published peer-reviewed work since the previous edition. The present policy statement on war pensions claims for ionising radiation related conditions includes a list of radiogenic disorders and is dated 2003.

The reviews are multi-professional and led by the war pensions Medical Adviser. The process involves systematic review of the published peer-reviewed literature and discussion, as required, with independent experts. The aim is for the policy on war pensions and individual decisions to be evidence-based reflecting contemporary understanding in the context of war pensions law.

Since 2007 the long-held view that Chronic Lymphocytic Leukaemia (CLL) is not radiogenic and has been increasingly questioned. We are familiar with the papers cited and views of the US National Institute for Occupational Safety and Health's (US NIOSH). There are issues in the papers regarding small case numbers, difficulty in diagnosis of leukaemia type and the fact that the radiation dose responses for CLL were in many cases non-significant.

The Richardson, Abremko and Rericha papers were studied in the context of Professor Parker's expert opinion for the war pensions grouped appeals. The Zablotska paper was adduced during re-examination of Professor Parker during the grouped appeal hearings and has since been addressed during the more recent Upper Tribunal hearings.

The evidence on the radiogenicity of CLL will be carefully examined in the next ionising radiation policy statement review.

If you are not satisfied with this response or you wish to complain about any aspect of the handling of your request, then you should contact me in the first instance. If informal resolution is not possible and you are still dissatisfied then you may apply for an independent internal review by contacting the Information Rights Compliance team, 1<sup>st</sup> Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail [CIO-FOI-IR@mod.uk](mailto:CIO-FOI-IR@mod.uk)). Please note that any request for an internal review must be made within 40 working days of the date on which the attempt to reach informal resolution has come to an end.

If you remain dissatisfied following an internal review, you may take your complaint to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not investigate your case until the MOD internal review process has been completed. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website, <http://www.ico.org.uk>.

Yours sincerely,

Defence Personnel Secretariat