

Vietnam Veterans of America
Agent Orange/Dioxin &
Other Toxic Substances Committee
January 15, 2010

Draft: Position Paper: Blue Water Veterans/Southeast Asia/Guam

Back Ground: With the passage of Agent Orange Act of 1991, veterans stationed in Vietnam were afforded presumptive exposure status. They no longer had to prove they were exposed to Agent Orange or the other tactical herbicides. At that time VA recognized that personnel stationed on ships off the coast of Vietnam (in Blue Water) were also included under this presumptive exposure status. These Blue Water Veterans continued to be included under this presumptive exposure status until 2002.

In 2002 The VA changed the rules in its M-21 manual that effectively excluded Blue Water Veterans from the presumptive exposure status.

The timing of this change becomes suspect when we look at the time lines in regards to the granting of presumptive service connection for Type 2 Diabetes.

In 1999, in response to a request from the Department of Veterans Affairs, the Institute of Medicine (IOM) called together a committee to conduct an interim review of the scientific evidence regarding Type 2 diabetes. The report was finally released in October 2000 showing an association between Type 2 diabetes and herbicide exposures.

In November 2000 the Secretary of the VA announced that the VA would presumptively recognize diabetes for service connection. Purpose rules to implement this were published in the Federal Register in January 2001. Final rules were published in May of 2001.

Why is it important to see the time lines of the diabetes presumptive? The addition of Type 2 Diabetes to the presumptive service connected list for Vietnam Veterans resulted in an enormous budgetary impact for the VA.

The 2008 Veterans Agent Orange (VAO) Review addressed the issue of Blue Water Veterans. First the Committee points out: *“Although serum TCDD measurements are available for only a small portion of Vietnam-era veterans, the observed distributions of these most reliable measures of exposure make it clear that they cannot be used as a standard to partition veterans into discrete exposure groups, such as service on Vietnamese soil, service in the Blue Water Navy, and service elsewhere in Southeast Asia. For example, many TCDD values observed in the comparison group from the AFHS exceeded US background levels and overlapped considerably with those of the Ranch Hand subjects.”*

The Committee also pointed out: *“The current definition of Vietnam service is not supported by existing data. The evidence that this committee has reviewed makes a definition of Vietnam service limited to those who set foot on Vietnamese soil seem inappropriate. The ongoing series of hearings and appeals in the US Court of Appeals for Veterans Claims (Haas v. Nicholson) reflect this controversy. As discussed in Chapter 3, there is little reason to believe that exposure of US military personnel to the herbicides sprayed in Vietnam was limited to those who actually set foot in the Republic of Vietnam. Having reviewed the Australian report (NRCET, 2002) on the fate of TCDD when sea water is distilled to produce drinking water, the committee is convinced that this would provide a feasible route of exposure for personnel in the Blue Water Navy, which might have been supplemented by drift from herbicide spraying. The epidemiologic evidence itself supports a broader definition of “service in Vietnam” to serve as a surrogate for presumed exposure to Agent Orange or other herbicides sprayed in Vietnam. For instance, the Centers for Disease Control and Prevention (CDC, 1990) study of selected cancers among Vietnam veterans found that the risk of the “classic AO cancer” non-Hodgkin’s lymphoma was highest and most significant among Blue Water Navy veterans. **More recently, the AFHS has demonstrated that TCDD concentrations in Vietnam-era veterans deployed to Southeast Asia, not just the “Vietnam veteran” Ranch Hand subjects, are generally higher than US background concentrations (although notably lower than in Ranch Hand sprayers themselves).** The committee notes that all previous VAO committees evaluating the epidemiologic evidence concerning exposure to the herbicides sprayed in Vietnam and the full spectrum of health outcomes have always considered information from naval Vietnam veterans to pertain to possible Agent Orange exposure. This committee considers that exposure assignment to be appropriate. No new studies considered in this update contained Navy-specific information, but such information has been factored into the evolving conclusions of VAO committees. Given the available evidence, the committee recommends that members of the Blue Water Navy should not be excluded from the set of Vietnam-era veterans with presumed herbicide exposure.”*

The VAO review makes clear that Thailand, Cambodia and Laos are part of the review.

Guam is not covered under the VAO Review. However the AO/DOTS Committee has elected to include it in this position paper. One reason, The Agent Orange Equity Act of 2009 may include Thailand, Cambodia, Laos, and Guam along with the Blue Water Veterans for presumptive exposure. Another reason is the EPA Superfund Site for Andersen Air Base Guam points toward Dioxin exposures as well as many other chemical compounds including TCE.

B52 bombing mission during the Vietnam War flew out of Guam. Solvents containing TCE were used to wash down these planes when they returned. This resulted in solvent and TCE contamination on Guam. Again like Vietnam the EPA Superfund site at Andersen Airbase Guam show that service members on Guam during the Vietnam War were exposed to a large number of chemicals and mixtures of chemicals including Dioxins and TCE.

The AO/DOTS Committee position is:

- VVA should petition the VA to reverse the rules that exclude Blue Water Veterans from presumptive service connection for Agent Orange (herbicides) exposure,
- VVA should actively support the Agent Orange Equity Act of 2009 and its expansion to include Veterans from Southeast Asia including Thailand, Laos, Cambodia and Guam.
- That more work needs to be done on the issue of the use of herbicides and other chemicals outside of Vietnam.
- That the positions above are in keeping with both an evidence base and VVA's principle of "Leaving No Veteran Behind".

This position paper impacts various VVA Staff and the Government Affairs Committee.

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Chairman