

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

Draft: Position Paper: Hypertension

Back Ground:

Hypertension is the only disease found to be associated with tactical herbicides in the Veterans Agent Orange (VAO) biennial review that has not recognized by VA as presumptive service connected. The last two VAO Review committees have found there is an association between hypertension and these herbicides.

In the 2006 the VAO Review committee found a limited or suggestive evidence of association between exposure to the chemical of interest (tactical herbicides) and hypertension.

In 2008, a new VAO Review committee again evaluated the available research regarding hypertension and found *“After extensive deliberations regarding the strengths and weaknesses of the new evidence and evidence from studies reviewed in previous VAO reports, the present committee deemed that the strengths of the evidence related to hypertension out weighed the weaknesses and concluded that there is limited or suggestive evidence of an association between exposure to the chemicals of interest (tactical herbicides) and hypertension (ICD-9 401–405), but that issues of chance, bias, and confounding could not be ruled out entirely.”*

After the 2006 VAO Review was released, VVA sent a letter to VA petitioning the Secretary to add Hypertension to the list of diseases presumptive service connected to tactical herbicide exposure. The VA responded to this letter stating they were not taking action to add Hypertension to the list. From the VA response it is clear the Secretary made a decision on the issue of Hypertension.

Public Law 1102-4, the Agent Orange Act of 1991, requires the Secretary to make his decision within sixty days of receiving the VAO Review. It also requires: *“If the Secretary determines that a presumption of service connection is not warranted, the Secretary, not later than 60 days after making the determination, shall publish in the Federal Register a notice of that determination. The notice shall include an explanation of the scientific basis for that determination.”*

After intensive searches, the Agent Orange/Dioxin and Other Toxic Substances Committee can not find a publication of the Secretary's decision for hypertension in the federal register after the 2006 VAO Review.

After the 2008 VAO Review was released, VVA also sent a letter to the VA petitioning to add Hypertension, B-Cell Leukemia, Parkinson's disease and Ischemic Heart disease to the list of presumptive diseases.

On October 13, 2009, the Secretary announced a decision to add B-Cell Leukemia, Parkinson's and Ischemic Hear disease to the list of presumptive diseases. There was no mention of Hypertension in the announcement. To date the VA has remained silent on the issue of Hypertension.

As mentioned above if the Secretary finds that a presumption of service connection for Hypertension is not warranted he has a legal obligation to publish that decision and the basis for the determination.

It is the position of the AO/DOTS Committee that:

- VA has not complied with the Agent Orange Act of 1991 in regards to service connected presumption for Hypertension.
- VVA again petition the VA on Hypertension and ask for VA compliance with the Agent Orange Act of 1991.
- AO/DOTS Committee continue to mine data and scientific evidence on the association between hypertension and the tactical herbicides.

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

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Chairman