

Statement for the Record:

Reserve Officers Association of the United States

and

Reserve Enlisted Association of the United States

before the

Senate Veterans Affairs Committee

Presumptive Eligibility for Veterans from Vietnam and Other Conflicts

SD-50 Dirksen – Sept. 23, 2010



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The Reserve Officers Association of the United States (ROA) is a professional association of commissioned and warrant officers of our nation's seven uniformed services, and their spouses. ROA was founded in 1922 during the drawdown years following the end of World War I. It was formed as a permanent institution dedicated to National Defense, with a goal to teach America about the dangers of unpreparedness. When chartered by Congress in 1950, the act established the objective of ROA to: "...support and promote the development and execution of a military policy for the United States that will provide adequate National Security."

The Association's 65,000 members include Reserve and Guard Soldiers, Sailors, Marines, Airmen, and Coast Guardsmen who frequently serve on Active Duty to meet critical needs of the uniformed services and their families. ROA's membership also includes officers from the U.S. Public Health Service and the National Oceanic and Atmospheric Administration who often are first responders during national disasters and help prepare for homeland security.

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The Reserve Enlisted Association is an advocate for the enlisted men and women of the United States Military Reserve Components in support of National Security and Homeland Defense, with emphasis on the readiness, training, and quality of life issues affecting their welfare and that of their families and survivors. REA is the only Joint Reserve association representing enlisted reservists – all ranks from all five branches of the military.

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DISCLOSURE OF FEDERAL GRANTS OR CONTRACTS

The Reserve Officers and Reserve Enlisted Associations are member-supported organizations. Neither ROA nor REA have received grants, sub-grants, contracts, or subcontracts from the federal government in the past three years. All other activities and services of the associations are accomplished free of any direct federal funding.

Introduction

Mr. Chairman and members of the committee, the Reserve Officers Association (ROA) and the Reserve Enlisted Association (REA) thank the committee for the opportunity to submit testimony. Many Soldiers, Sailors, Marines, and Airmen from both the Active and Reserve Components were exposed to Agent Orange and other toxic herbicides in Vietnam. While many ailments may appear to be that of an aging population, statistically the incidents of these ailments are much more prevalent than the general populations. In addition to those veterans whose illnesses have been exacerbated by exposure, there are other veterans who remain ineligible that suffer from ailments that are recognized by the Department of Veterans Affairs (VA).

Both ROA and REA believe that blue-water sailors, and blue-sky airmen need to be included under the eligibility for VA treatment of ailments relating to exposure to toxic herbicides. The current litmus test of “boots on the ground” is inadequate when the effects of exposure extended beyond the boundaries of Vietnam.

Decisions being made by this committee will affect not only veterans of the Southeast Asia conflict, but also later generations, such as veterans who have fought in the Southwest Asia during Desert Storm, and the Iraq and Afghanistan contingency operations. Precedents will be set, for not only contemporary conflicts but for the next generations’ wars as well.

ROA has a resolution, number 11, that passed in 2008 (see page 7) that talks to “Preserving Veteran Status and Benefits for Those Who Have Served in Theaters of Operations” that originates from the lack of available treatment for certain Vietnam veterans.

ROA and REA recognizes that exposures to chemicals, toxins and heavy metals can occur in any war and that these can be spread more widely by airborne drift or water-borne runoff than calculated computer models. It remains vitally important in any theater of contingency operations that individuals are recognized for their service and remain eligible for health benefits regardless of the manner of exposure whether on land, sea, or in the air. Medical treatment of serving members as well as veterans needs to take precedence over determining statistical correlations.

Background

As the committee is aware, American forces sprayed millions of gallons of Agent Orange and other defoliants over parts of Vietnam from 1961 to 1971. During "Operation Ranch Hand," US forces sprayed about 20 million gallons of Agent Orange and other herbicides ion southern and central Vietnam to deprive enemies of jungle cover.

Veterans who served “in country” in Vietnam may be eligible for disability compensation and health care benefits for diseases that VA has recognized as associated with exposure to Agent Orange and other herbicides. These are the diseases which VA currently presumes resulted from exposure to herbicides like Agent Orange.

[Acute and Subacute Peripheral Neuropathy](#)

A nervous system condition that causes numbness, tingling, and motor weakness.

[AL Amyloidosis](#)

A rare disease caused when an abnormal protein, amyloid, enters tissues or organs.

Chloracne (or Similar Acneform Disease)

A skin condition that occurs soon after exposure to chemicals and looks like common forms of acne seen in teenagers.

Chronic Lymphocytic Leukemia and Other Chronic B Cell Leukemias

A type of cancer which affects white blood cells. Currently, only chronic lymphocytic leukemia is recognized as associated with Agent Orange exposure.

Diabetes Mellitus (Type 2)

A disease characterized by high blood sugar levels resulting from the body's inability to respond properly to the hormone insulin.

Hodgkin's Disease

A malignant lymphoma (cancer) characterized by progressive enlargement of the lymph nodes, liver, and spleen, and by progressive anemia.

Ischemic Heart Disease

A disease characterized by a reduced supply of blood to the heart that leads to chest pain.

Multiple Myeloma

A disorder which causes an overproduction of certain proteins from white blood cells.

Non-Hodgkin's Lymphoma

A group of cancers that affect the lymph glands and other lymphatic tissue.

Parkinson's Disease

A motor system condition with symptoms that include a trembling of the hands, imbalance, and loss of facial expression.

Porphyria Cutanea Tarda

A disorder characterized by liver dysfunction and by thinning and blistering of the skin in sun-exposed areas.

Prostate Cancer

Cancer of the prostate; one of the most common cancers among men.

Respiratory Cancers

Cancers of the lung, larynx, trachea, and bronchus.

Soft Tissue Sarcoma (other than Osteosarcoma, Chondrosarcoma, Kaposi's sarcoma, or Mesothelioma)

A group of different types of cancers in body tissues such as muscle, fat, blood and lymph vessels, and connective tissues.

Under current law, only veterans who served in the Republic of Vietnam during the war are entitled to a presumption of exposure to Agent Orange and other toxic herbicides when seeking compensation for conditions linked to herbicide exposure. Excluded are sailors from ships who sailed in littoral waters of Vietnam and airmen who may have been exposed to toxins at storage and load out locations

The "boots on the ground" policy was unsuccessfully challenged in *Haas vs. Nicholson*. In January 2009, the Supreme Court let stand an earlier court ruling that requires a veteran to have served on land or on the inland waterways of Vietnam in order to be presumed exposed to Agent Orange.

ROA and REA thank the committee for earlier letters sent by the Chairman to expand the presumption, and the associations believe that there is justification to introduce legislation that will extend eligibility to those who were exposed to toxic herbicides outside of Vietnam.

Blue Water Exposure

In addition to the Navy's reverie "brown water" missions in Vietnam, the U.S. Navy controlled the coastal waters off of Vietnam, provided power projection along the shore, and provided logistic support both afloat and ashore by having a sizable portion of its fleet in Vietnam waters. This blue water Navy supplemented the Republic of Vietnam navy to deny access along the coastal waterways for infiltration of men and supplies from the North.

One tactic used by the Navy was to use shipboard guns as artillery along the coast to support military operations, and destroy military targets. Working from four corps areas, a destroyer (and cruiser) gunline of U.S. and Australian ships furnished shore bombardment and naval gunfire support. Located between one to two miles off the coast, they accurately fired 5 inch shells at a rate of 40 rounds per minute on targets at ranges beyond 14 nautical miles inland. This bombardment would go 24 hours a day, with ships firing thousands of rounds. These ships were close enough ashore that during the war, twenty-nine gunline ships were hit by enemy shore artillery.

Operation Sea Dragon provided coast destroyer and cruiser patrols that searched for water borne logistic craft head to the South. Destroyers and frigates also gave search and rescue support along the coast for downed pilots.

Navy supplies ships cruised along the coast resupplying these littoral vessels allowing them to stay on station.

Many blue water ships were exposed to herbicide runoff from Vietnam river basins. With 13 large river systems, Vietnam is considered to have a complex and dense river network with most of the large river systems linked. The Mekong River, alone, splits into nine arms, with all flowing down and emptying into the sea. Agent Orange is insoluble. It was carried whole into the swamps, down creeks into the rivers and down the rivers into the South China Sea.

It can also be noted in Figure One (see page 6) that herbicides were heavily sprayed along the coast. The Navy ships stationed off the coast were adrift in an herbicide soup, with runoff continuing to occur even after spraying ended in 1971. Even today, certain areas off the Vietnam coast are off limits to fishing, remaining as toxic hot spots.

Aboard Navy ships, potable water is produced by evaporative distillation of seawater. In distillation plants on ships seawater was usually fed into an evaporator where the water was boiled by a combination of heating and reduced pressure (vacuum). The vapor was condensed in the condenser from where it was pumped into the feed tanks.

As a result insoluble agents remained in the potable water. An Australian study focused on the evaporative distillation process that was used to produce potable water by Navy ships from surrounding estuarine waters. It was entitled Co-Distillation of Agent Orange and other Persistent Organic Pollutants in Evaporative Water Distillation, and found that "the main contaminant in Agent Orange was found at about 85 percent of the quantity observed in the control samples and co-distilled to a greater extent than any other PCDD/F investigated here." Sailors were being exposed to herbicides through their drinking water.

A question needs to be asked as to what happened to the remaining 15 percent? As kitchen chemistry demonstrates to anyone who cooks, an agent in the water when it is boiled migrates to the sides of a container. Boil insoluble salt in a coffeepot, soon that insoluble salt coats the inside of the coffeepot. Through the distilling process, Agent Orange continued to percolate within the evaporators even after external exposure ceased because it coated the system. Every additional load of seawater taken into a Navy ship and then boiled added to the concentration of Agent Orange on the inside of the evaporators and condensers – continuing to contaminate potable water used on the ship.

The Australian study was motivated by an Australian Veterans Administration report noted that veterans of the Royal Australian Navy (RAN) experienced higher mortality than other Australian Vietnam Veterans. Australia's largest naval commitment to the Vietnam War was the provision of destroyers, on rotation, to serve on the gunline, along side American ships – delivering naval gunfire support for allied ground forces.

Blue Sky Airmen Exposure

In 1996, Dr. Michael Gough, the chairman of the federal panel charged with investigating the potential health impacts of Agent Orange use, “[The Centers for Disease Control and Prevention] found that while the Air Force's Operation Ranch Hand sprayed 90 percent of the Agent Orange used in Vietnam, there is no difference in the health of the Ranch Hands, the only veterans known to have been exposed, and that of other veterans who served in Southeast Asia at the same time and flew the same kinds of airplanes but were not exposed to Agent Orange.”

Yet, the Air Force studies of the Operation Ranch Hand personnel showed that the exception was an increased mortality rate for circulatory diseases seen in enlisted ground crew personnel, a group at higher risk for skin exposure to herbicides. In 2005, an AFHS update reviewing 20 years of Epidemiologic data on mortality rates reported a small, but significant, increase in all cause death rates for Ranch Hand veterans.

Research has determined that there was significant use of herbicides on the fenced in perimeters of military bases in Thailand intended to eliminate vegetation and ground cover for base security purposes. Security policemen, security patrol dog handlers, members of a security police squadron, or others that served near the air base perimeter during the Vietnam Era were exposed to toxins.

A U.S. Court of Appeals for Veterans' ruling in 2005, concluded that an air force veteran contracted a disease as a result of his exposure to Agent Orange while stationed on Guam in the late 1960s. During the Vietnam War era, Guam was used as storage facility for Agent Orange.

Johnston Island is less than 2 miles long and less than a half mile wide. Approximately 113,400 kg of Agent Orange accidentally spilled in 1972 during redrumming after the Air Force brought approximately 5.18 million liters of unused Agent Orange from Vietnam to Johnston Island. In addition, 49,000 gallons per year of Agent Orange are estimated to have leaked from drums at the Johnston Island storage site.

The above examples are but a few cases where airmen were exposed to Agent Orange and other herbicides. During the Vietnam War, there is reported use of herbicides in Thailand, Okinawa, Guam, Philippines, and many other locations on the Pacific rim, mainly at Air Force bases. Additionally the Department of Defense has published a list of locations even in the U.S.s where these toxins were used.

Congress needs to continue to explore cases where the health of veterans has been compromised by Agent Orange and other toxic herbicides.

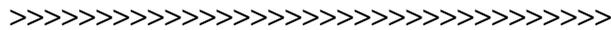
Conclusion

The majority of studies have focused on morbidity and mortality of Vietnam veterans. Studies on Agent Orange are historically burdened by the lack of reliable exposure data. For veterans who have been exposed to Agent Orange and other toxic herbicides, the burden of proof is placed on the veteran to demonstrate a causal link between ailments and exposure.

Thousands of Sailors served providing gunfire support aboard destroyers along the coast and on Yankee Station aircraft carriers providing air cover and bomb support over Vietnam. Navy veterans who were awarded the Vietnam Service Medal as a result of service in the waters offshore Vietnam (blue water vets) should be entitled to the same presumption of exposure to Agent Orange as veterans who set “foot on land” in Vietnam or did duty in brown water missions. As a result, many Navy veterans who served offshore and their survivors were granted disability or DIC benefits based on an Agent Orange-related disease.

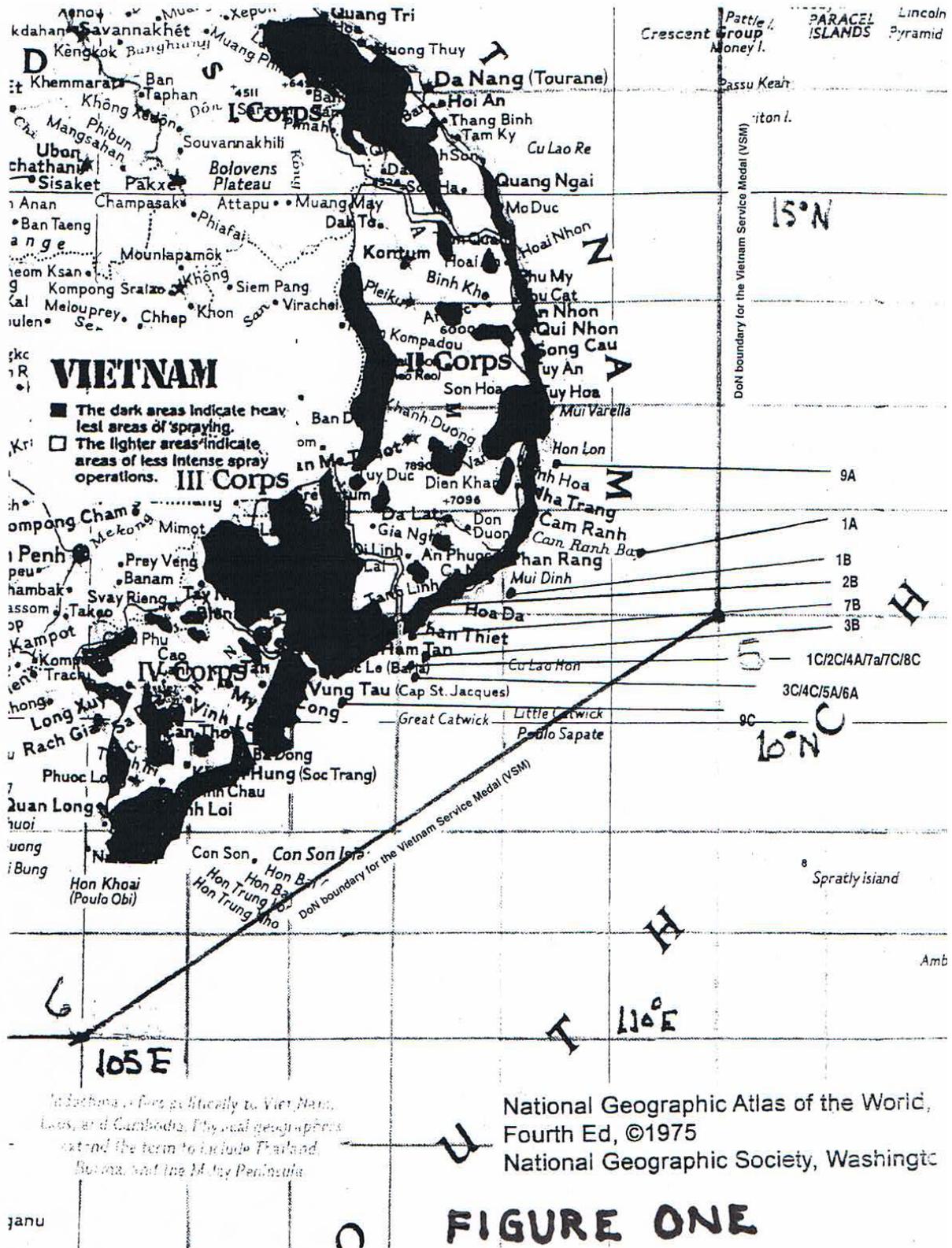
Also overlooked are Air Force Airmen who were exposed to herbicides stored at staging airbases, and storage sites outside of Vietnam and in the airspace above. Many of these same bases used herbicides to control vegetation along the perimeters of the bases and airfields for security reasons. Numerous mechanics, supply clerks, and air patrolman are suffering the same diseases as a result of exposure to the herbicide Agent Orange, and deserve Veteran health care, and disability benefits for their ailments, or care for survivors.

The Reserve Officers Association and the Reserve Enlisted Association representing over 63 thousand members support expanding the presumptive coverage by the Department of Veterans Affairs.



Please see the following pages for Figure One: Spray Patterns of Herbicides in Vietnam, and Attachment One: ROA Resolution 08-11, “Preserving Veteran Status and Benefits for Those Who Have Served in Theaters of Operations.”

Figure One follows: Spray Patterns of Herbicides in Vietnam.





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**Preserving Veteran Status and Benefits for
Those Who Have Served in Theaters of Operations.
Resolution 08-11**

WHEREAS, the Department of Veterans Affairs (VA) has proposed to amend its adjudication regulations regarding the definition of service in the Republic of Vietnam in regard to exposure to Agent Orange;

WHEREAS, the current definition of service in Vietnam includes service in the waters offshore and service in other locations if "conditions of service involved duty or visitation in the Republic of Vietnam"; and

WHEREAS, the VA wishes the definition "to include only service on land and on inland waterways" of the Republic of Vietnam; and

WHEREAS, thousands of Sailors served providing gunfire support aboard destroyers along the coast and on Yankee Station aircraft carriers providing air cover and bomb support over Vietnam; and

WHEREAS, thousands of Airmen stationed in Thailand, prepared aircraft and flew missions over Vietnam; and

WHEREAS, Marines and Soldiers fought in Laos and crossed into Cambodia; and

WHEREAS, distinguishing types of service in an theater of operations is a bad precedent, when "boots-on-the-ground" veterans are differentiated from all other Armed Forces participants, especially when this Nation is currently at war; and

WHEREAS, exposures to chemicals, toxins and heavy metals can be spread more widely by airborne drift or water-borne runoff than calculated patterns;

NOW THEREFORE BE IT RESOLVED, that the Reserve Officers Association of the United States, chartered by the Congress, urge the Congress, the Department of Defense and the Department of Veterans Affairs, to retain current definitions of service in any theater of operations ensuring that individuals are recognized for their service and remain eligible for health benefits regardless of manner of exposure whether on land, sea, or in the air.

Time Sensitive - submitted by ROA Headquarters Staff
Adopted by the ROA National Convention, June 28, 2008