Written Statement

Reserve Officers Association of the United States

and

Reserve Enlisted Association of the United States

before the

VA Advisory Committee on Disability Compensation

Presumptive Eligibility for Veterans from Vietnam and Other Conflicts

June 21, 2011

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"Serving Citizen Warriors through Advocacy and Education since 1922."™

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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, alongside American ships – delivering naval gunfire support for allied ground forces.

The Institute of Medicine released the "Blue Water Navy Vietnam Veterans and Agent Orange Exposure" on Friday, May 20th, 2011. The conclusion of the Committee was that it is impossible to document the level of Agent Orange exposure in Blue Water Navy veterans, just as it is impossible to document the level of exposure in land-based and riverine personnel. The Committee did find that the Agent Orange dioxin entered the estuarine waters off shore through both wind drift and the discharge of direct spray and run-off of contaminated particulate matter into rivers and streams leading to the harbors and the seas.

The Committee validated the studies commissioned by the Australian Department of Veterans Affairs and conducted by researchers at the National Research Centre for Environmental Toxicology (NRCET) and the Queensland Health Scientific Services which proved that the distillation process did not remove and in fact enhanced the effect of the Agent Orange dioxin. The IOM Committee study found a tenfold enrichment in the toxicity of the dioxin, higher than that of the Australians.

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.

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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