

John W. Libby
Major General
Commissioner
207-626-4205



Peter W. Ogden
Director
207-626-4464

**Department of Defense, Veterans and Emergency Management
Maine Veterans' Services
117 State House Station, Augusta, ME 04333-0117
Tel.: 207-626-4464**

August 10, 2006

Office of the Director

**UPDATE # 2
to
INFORMATION PAPER
Agent Orange/Agent Purple
and
Canadian Forces Base Gagetown**

1. While we are very concerned about the potential exposure of our National Guard personnel to Agents Orange, Purple, and White, Maine's veteran community is concerned about what they believe is a bigger issue, the continued exposure to all the herbicides used at CFB Gagetown since 1956. The Canadian military has used 40 different herbicides made up of 24 active ingredients that have two known manufacturing impurities: dioxin and hexachlorobenzene.

a. The chemicals 2,4-D and 2,4,5-T, used to make Agents Orange, Purple, and White were used either individually or in combination in the years prior to 1967 by the Canadian military as herbicides. The chemical 2,4-D was used in 1969 and 1970 along with TORDON 101.

b. Agent White is a 4:1 mixture of 2,4-D and Picloram (also known as TORDON 101). Unlike Agent Orange, Agent White did not contain dioxin. However, it appears the Picloram was contaminated with hexachlorobenzene (HCB) and nitrosamines, both known carcinogens. TORDON 101 and TORDON 10K (pellet version of TORDON 101) were used by the Canadian military between 1965 and 1984 as herbicides.

2. Although all of the chemicals used by the Canadian military other than the Agents Orange, Purple and White (provided by the US Government) were commercially available and approved by the Canadian Government for use as herbicides, it does not negate the fact that military training in the sprayed areas is much different than casual exposure to the public. Maine National Guard soldiers dug foxholes, low crawled, slept in pup tents, and lived in some of these areas for up to 12 days at a time. Guard engineers graded roads where herbicides were used to keep brush growth down on the edge of the road; cleared brush out of and constructed bivouac sites; and conducted demolition and engineer missions all over CFB Gagetown. Artillerymen fired thousands of rounds into the impact areas and the detonation of those rounds put those chemicals back into the air to be dispersed wherever the wind took them.

3. As the Director of the Bureau of Maine Veterans' Services, the State of Maine's primary public advocate for veterans, I asked the Department of Veterans Affairs in writing on June 1, 2006 to review the history of the herbicide spraying at CFB Gagetown and provide us with guidance on how our veterans should proceed if they feel they have illnesses caused by herbicide spraying other than Agent Orange at CFB Gagetown. On July 18, 2006 I received the following response to my letter from the Department of Veterans Affairs.

As you know, the Department of Veterans Affairs (VA) has statutory authority to presumptively recognize a number of diseases for veterans of the Vietnam War as connected to exposure to herbicides used in the Vietnam War and to dioxin contaminant that some of them contained.

These statutorily defined presumptions do not extend to veterans who did not serve in the Vietnam War. Service members exposed to the herbicides used in Vietnam while on active duty outside of Vietnam must show evidence of exposure to be eligible for VA service-connected compensation. That is, a veteran diagnosed with an illness presumptively service-connected to herbicides used in Vietnam would have to show evidence that they were exposed to one of those herbicides while on active duty to support a disability claim.

For all the herbicides not used in Vietnam, a veteran would have to show both 1) that the particular herbicide they were exposed to is known through credible scientific and medical evidence to cause their specific illness, and 2) that they were exposed while on active duty to an amount of the herbicide that would make it at least as likely as not that their illness was caused by their exposure. This is the same standard that applies to any veteran seeking disability compensation from an illness or injury caused by any environmental exposure that occurred while they were on active duty.

4. Presumptive illnesses associated with Agent Orange:

a. The Department of Veterans Affairs (VA) currently offers service-connected compensation for only the following diseases believed to be associated with Agent Orange exposure: **chloracne** (a skin disorder); **porphyria cutanea tarda**, acute or subacute; transient **peripheral neuropathy** (a nerve disorder); **Type 2 diabetes**; **non-Hodgkin's lymphoma**; **chronic lymphocytic leukemia**; **soft tissue sarcoma**; **Hodgkin's disease**; **multiple myeloma**; **prostate cancer**; and **respiratory cancers** (including cancers of the lung, larynx, trachea, and bronchus).

b. If an individual who trained in CFB Gagetown suffers from one of the above presumptive illness attributed to Agent Orange he/she should file a claim with the VA. A veteran who served in Vietnam (boots on the ground) is presumed to have been exposed to Agent Orange because of the large volume and the widespread use of Agent Orange in Vietnam. Individuals who trained at CFB Gagetown will not have the same presumption of exposure given to Vietnam Veterans due to the limited use of Agent Orange at CFB Gagetown. National Guardsmen and women will have to provide credible evidence they were in Gagetown and in the area where Agent Orange was used. Surviving spouses and/or children of National Guard members who trained at CFB Gagetown and died of one of the presumptive illness can also file a claim with the VA.

5. Illnesses not presumed to be associated with Agent Orange:

a. If a veteran suffers from an illness that is not presumptively associated with exposure to Agent Orange but he/she believes that it is attributed to exposure to herbicides while on active duty, they should file a claim with the VA.

b. When filing the claim they will have to provide the following credible evidence to support their claim:

(1) Exposure to a specific herbicide(s) while on active duty to an amount of the herbicide(s) that would make it at least as likely as not that their illness was caused by their exposure.

(2) Current diagnosis of an illness and evidence that the particular herbicide(s) they were exposed to is known through credible scientific and medical evidence to cause their specific illness.

c. The claims process for illnesses not presumed to be attributed to Agent Orange will take time to adjudicate. The better the medical evidence that is submitted with the claim the shorter time it will take to adjudicate the claim.

6. Where to get help in filing a claim with the Veterans Administration or information on Agent Orange/Agent Purple and exposure to herbicides:

a. Maine Veterans' Services (MVS): MVS has offices in seven locations throughout the state staffed by Veterans Advocates that are familiar with Agent Orange and herbicide exposure issues and are ready to assist Maine's National Guard member's with claims assistance.

| | | | |
|----------------|----------------|----------------|----------------|
| (1) Bangor | (207) 941-3005 | (2) Caribou | (207) 492-1173 |
| (3) Lewiston | (207) 783-5306 | (4) Machias | (207) 255-3306 |
| (5) Springvale | (207) 324-1839 | (6) Waterville | (207) 872-7846 |
| (7) Togus | (207) 623-5732 | | |

b. Veteran Service Organizations: The following service organizations have service officers familiar with Agent Orange and herbicide exposure issues and are ready to assist in the claims process.

| | | |
|--------------------------------|----------------|--------------|
| (1) American Legion | (207) 623-5726 | Togus Office |
| (2) Disabled American Veterans | (207) 623-5725 | Togus Office |
| (3) Veterans of Foreign Wars | (207) 623-5723 | Togus Office |

c. The Department of Veterans Affairs (VA): Veterans wishing to file their own claim with the VA can do so by going to the VA website: <http://www1.va.gov/agentorange/> or calling 1-800-827-1000. The VA stands ready to assist any veteran who wishes to file a claim for service-connected injuries/illnesses.