



THIS ISSUE

Herbicide Agent

Presumption of Service

Agent Orange

Vietnam Veterans, OEF, OIF

HISTORY

TCDD was a chemical found in Agent Orange exposure and also in Burn Pits exposure.

PRESUMPTION

There is currently no presumption for exposure to Burn Pits.

TCDD

Victims of burn pit exposure during Operations Iraqi and Enduring Freedom should receive the same presumption of service connection for the same diseases as Vietnam Veterans receive based on their presumed exposure to herbicide agents (i.e., Agent Orange) during the Vietnam War. How has exposure to burn pits exposed Veterans to an herbicide agent? A “herbicide agent” means a chemical in an herbicide agent used in support of the United

States and allied military operations in the Republic of Vietnam . . . , specifically: 2,4-D; 2,4,5-T and its contaminant TCDD; cacodylic acid; and picloram.” 38 C.F.R. § 3.307(a)(6). Therefore, exposure to any of these five chemicals satisfies the meaning of “herbicide agent” for the purpose of presumptive service connection. TCDD is “2,3,7,8-Tetrachlorodibenzo-p-dioxin” (or “2,3,7,8 TCDD”) and was the toxic contaminant in 2,4,5-T, which was the primary herbicide in Agent Orange. TCDD is the most potent of all dioxins, and is one of the chemicals that satisfy the definition of “herbicide agent” for the purpose of presumptive service connection for herbicide-related diseases. Unfortunately, TCDD is also produced as an unintentional by-product of incomplete combustion of municipal and industrial wastes, including fossil fuels. In other words, burn pits. When DoD performed air sampling around certain burn pits, TCDD was detected. When VA published its current policy on burn pits (VBA Training Letter 10-03: SUBJ: Environmental Hazards in Iraq, Afghanistan, and Other Military Installations), they expressly cited to evidence obtained from DoD’s air sampling analysis.[1] In doing so, VA acknowledged that 2,3,7,8-TCDD was one of the many toxins produced by the burn pits. See TL 10-03, pg 4. Based on this information, it is clear that burn pit victims were exposed to the same

Add herbicide agent (TCDD) as Vietnam Veterans, including many, many other toxins. However, VA is not affording OIF/OEF Veterans the same presumption of service connection for herbicide-related disease as Vietnam Veterans receive. How the presumption of service connection works for Vietnam Veteran and how it should work for veterans exposed to Burn Pits The law presumes that Veterans who served on ground in Vietnam, including its inland waterways, were exposed to herbicide agents. If a Veteran exposed to an herbicide agent later develops certain diseases, the law then presumes that disease is associated with the exposure. In turn, that Veteran is then eligible for service connection on a presumptive basis for that disease, which means the Veteran does not have to prove to VA his or her disease is related to the exposure. Entitlement to service connection by the VA then becomes much easier to establish.

The following diseases are those in which the law presumes are related to herbicide agents: 1. AL amyloidosis 2. Chloracne or other acneform disease consistent with chloracne 3. Type 2 diabetes (also known as Type II diabetes mellitus or adult-onset diabetes) 4. Hodgkin's disease 5. Ischemic heart disease (including, but not limited to, acute, subacute, and old myocardial infarction; atherosclerotic cardiovascular disease including coronary artery disease (including coronary spasm) and coronary bypass surgery; and stable, unstable and Prinzmetal's angina) 6. All chronic B-cell leukemias (including, but not limited to, hairy-cell leukemia and chronic lymphocytic leukemia). 7. Multiple myeloma 8. Non-Hodgkin's lymphoma 9. Parkinson's disease. 10. Early-onset peripheral neuropathy 11. Porphyria cutanea tarda 12. Prostate cancer 13. Respiratory cancers (cancer of the lung, bronchus, larynx, or trachea) 14. Soft-tissue sarcoma (other than osteosarcoma, chondrosarcoma, Kaposi's sarcoma, or mesothelioma) Note 1: The term "soft-tissue sarcoma" includes the following: Adult fibrosarcoma, Dermatofibrosarcoma protuberans, Malignant fibrous histiocytoma, Liposarcoma, Leiomyosarcoma, Epithelioid leiomyosarcoma (malignant leiomyoblastoma) Rhabdomyosarcoma, Ectomesenchymoma, Angiosarcoma (hemangiosarcoma and lymphangiosarcoma) Proliferating (systemic) angioendotheliomatosis, Malignant glomus tumor, Malignant hemangiopericytoma, Synovial sarcoma (malignant synovioma) Malignant giant cell tumor of tendon sheath, Malignant schwannoma, Malignant mesenchymoma, Malignant granular cell tumor, Alveolar soft part sarcoma, Epithelioid sarcoma, Clear cell sarcoma of tendons and aponeuroses Extraskelatal Ewing's sarcoma, Congenital and infantile fibrosarcoma Malignant ganglioneuroma

[1] U.S. Army Center for Health Promotion and Preventive Medicine (USACHPPM) Report No. 47-MA-08PV- 08/AFIOH Report No. IOH-RS-BR-TR-2008-0001, May 08.