

Dear Admiral Dunne,

First, I would like to thank you for your quick response to my letter to the Secretary. Even if I wasn't pleased with the content, I am pleased that you took the time to answer me. I doubt that anything that I can say will influence you and General Shinseki to make changes in this matter. However, I feel obligated to respond to your letter and explain the reasoning behind my feelings about this matter.

In your response you stated that based on the AO act the Secretary, not the IOM has the duty to determine which diseases are covered by the presumption of exposure. I agree and I don't think that I indicated anything any different, however the point I was making is based on the fact in the IOM's original charge from the DVA, indicates that the AO act included these now excluded Naval Veterans. I believe this is demonstrated by this excerpt for their last update:

*"In its charge to the original VAO committee, the Department of Veterans Affairs asked the committee to include military personnel who served in inland waterways, offshore of the Republic of Vietnam, and in the airspace above the Republic of Vietnam. A presumption of exposure to Agent Orange and other herbicides used as defoliants applied to each of those groups as well as to those who served on land. In light of the findings of the Australian study regarding potential drinking-water contamination and those serving offshore, the presumption seems well founded".* Veterans and Agent Orange: Update 2008, <http://www.nap.edu/catalog/12662.html>, Chapter 3 Page 47, ¶2.

From what I read in the above excerpt from this last update from the IOM, they are not attempting to make a change, they are only stating the facts that would or should give the Secretary reason to believe that it is more likely as it is not that these veterans were exposed to the ravages of Agent Orange.

This next excerpt goes even further to demonstrate the fact that all of the recommendations, from the IOM, to the Secretary in the past have included these veterans. Therefore, it would stand to reason that if the data regarding the health and conditions of these excluded veterans was part of the evidence that was used to originally determine that there was a connection to the use of Agent Orange and the Vietnam Veterans then that in itself should demonstrate the fact that they should never have been excluded from the presumption of exposure.

*"When the first Veterans and Agent Orange committee received its charge from VA, service in the Republic of Vietnam was defined in Subsections a and f of Section 1116 of Title 38 of the United States Code as including military personnel who served in "the inland waterways of such Republic, the waters offshore of such Republic, and the airspace above such Republic". Using that definition, the original and later Veterans and Agent Orange committees routinely considered any research material pertaining to veterans from any of the armed forces who served in the Vietnam theater as relevant to its charge."* Veterans and Agent Orange: Update 2008, <http://www.nap.edu/catalog/12662.html>, Chapter 3 Page 47, ¶2.

This charge clearly makes the point that the DVA originally requested research on ALL Veterans of the Vietnam War; including the Naval personnel off shore. Therefore it must be assumed that their inclusion at that time was part of the original definition of Service in Vietnam as a result of the AO act of 1991. If as it appears, the IOM did not know "until recently" that the Secretary had changed the definition of service in Vietnam, then it is apparent that the change to the definition that was invoked, in 2002, by the DVA was done so without the benefit of any medical or scientific data from anyone. An interesting fact is that is when the Australian Study was released. The timeframe of the IOM's knowledge of that change is indicated by the following excerpt taken from their last update:

*"It has recently come to the committee's attention that the definition of a qualifying exposure in VA's manual for processing veterans' applications was modified in 2002 and now limits presumption of exposure to Vietnam veterans whose service involved duty or visitation on land in the Republic of Vietnam."* Veterans and Agent Orange: Update 2008, <http://www.nap.edu/catalog/12662.html>, Chapter 1 Page 13, ¶3.

If this change of policy was required by law, then the question that begs to be answered is why did it take 11 years to reach that conclusion?

In your letter it seems that you are saying that the only evidence that these veterans may have been exposed to Agent Orange is the Australian Study. If that is the case, then the IOM disagrees with that assessment as it is revealed with the

following excerpt from this last update.

*The epidemiologic evidence itself supports a broader definition of “service in Vietnam” to serve as a surrogate for presumed exposure to Agent Orange or other herbicides sprayed in Vietnam. For instance, the Centers for Disease Control and Prevention (CDC, 1990) study of selected cancers among Vietnam veterans found that the risk of the “classic AO cancer” non-Hodgkin’s lymphoma was highest and most significant among Blue Water Navy veterans. More recently, the AFHS has demonstrated that TCDD concentrations in Vietnam-era veterans deployed to Southeast Asia, not just the “Vietnam veteran” Ranch Hand subjects, are generally higher than US background concentrations (although notably lower than in Ranch Hand sprayers themselves). Veterans and Agent Orange: Update 2008, <http://www.nap.edu/catalog/12662.html>, Chapter 10 Page 464, ¶6.*

To me, and I imagine most any other reasonable thinking person, based on what is established by the above paragraph, it would be concluded that there is a very likely association between Agent Orange and these excluded veterans. Then you add the Australian Study and it then becomes rather obvious that there is unmistakably an association. I cannot understand why that is so hard to perceive. If these scholarly members of the IOM have concluded that there is an association, then why is it that you and the Secretary cannot? Please read the following excerpt which makes it almost unbelievable for anyone to conclude anything else.

*The evidence that this committee has reviewed makes a definition of Vietnam service limited to those who set foot on Vietnamese soil seem inappropriate. The ongoing series of hearings and appeals in the US Court of Appeals for Veterans Claims (Haas v. Nicholson) reflect this controversy. As discussed in Chapter 3, there is little reason to believe that exposure of US military personnel to the herbicides sprayed in Vietnam was limited to those who actually set foot in the Republic of Vietnam. Having reviewed the Australian report (NRCET, 2002) on the fate of TCDD when sea water is distilled to produce drinking water, the committee is convinced that this would provide a feasible route of exposure for personnel in the Blue Water Navy, which might have been supplemented by drift from herbicide spraying. Veterans and Agent Orange: Update 2008, <http://www.nap.edu/catalog/12662.html>, Chapter 10 Page 464, ¶5.*

The committee members of the IOM went on to again express the fact that the evidence that has been used to make all of their recommendations to the Secretary, from the first committee to the last, has always included the data collected from and about these excluded Veterans.

*The committee notes that all previous VAO committees evaluating the epidemiologic evidence concerning exposure to the herbicides sprayed in Vietnam and the full spectrum of health outcomes have always considered information from naval Vietnam veterans to pertain to possible Agent Orange exposure. This committee considers that exposure assignment to be appropriate. No new studies considered in this update contained Navy-specific information, but such information has been factored into the evolving conclusions of VAO committees. Veterans and Agent Orange: Update 2008, <http://www.nap.edu/catalog/12662.html>, Chapter 8 Page 464, ¶2.*

So the question is, if these excluded veterans have always been included in the evidence that defines the parameters of the Presumption of Exposure, then how in the world can it be justified that they are excluded from its protections. Even without the above mentioned statements by the committee, this final one sentence leaves no doubt as to what these scholarly members of the medical and scientific community have determined.

*Given the available evidence, the committee recommends that members of the Blue Water Navy should not be excluded from the set of Vietnam-era veterans with presumed herbicide exposure. Veterans and Agent Orange: Update 2008, <http://www.nap.edu/catalog/12662.html>, Chapter 10 Page 464, ¶3.*

So in the face of what the committee members of the IOM has actually said, why is there a need to conduct more studies while this group of Veterans continue to suffer and die without the benefits that they were promised by Congress. That’s right, there is none, period. The only thing that should have been done by the Secretary was to return the promised benefits back to these excluded Veterans. Their removal was done by the stroke of a DVA pen therefore it should be undone by the stroke of a DVA pen.

One other thing, in your letter you said that the US Navy hasn’t duplicated the Australian study. What does that have to do with anything? The Australian study was conducted by some of the most respected scientist in the world. Their results have been in the public domain for nearly 10 years and no one has disputed its conclusions. When coupled with

the fact that the ships that served the Australian Navy were built in the US, used the same distillation process as our ships and the fact that they were operating in the same water as our Navy, it would be totally unreasonable to suggest that there was a difference between the water consumed by the Australian Naval personnel and the US Naval Personnel.

Also in your letter you described the use of Agent Orange in Vietnam, as if there is no way possible for it to have contaminated the waters off shore. Now Admiral, with all due respect, you and I both know that runoff drains into the waters off shore. You and I both know that Agent Orange was use all along the coast to kill the mangrove forest. You and I both know that there were also emergency dumps made while over the open water. Run off and wind drift did not just mystically stop at the coast line.

But let's take this one step further, in this same update the IOM indicated that there was:

*“On the basis of its evaluation of the evidence reviewed here and in previous VAO reports, the committee concluded that there is limited or suggestive evidence of an association between exposure to the compounds of interest and PD.”* Veterans and Agent Orange: Update 2008, <http://www.nap.edu/catalog/12662.html>, Chapter 8 Page 457, ¶1.

Now that the Secretary has decided that there was enough of an association with “limited or suggestive” evidence to place that disease on the list of diseases that are covered by the presumption of exposure. You remember the fact that the IOM said that their research included all veterans deployed to the Vietnam War Theater, which does include the group of veterans that have been excluded from the presumption of exposure. The IOM then presented those results to the Secretary, who then when on decide to include this disease under the umbrella of the presumption of exposure. When looked at like that, it just doesn't seem right to exclude these veterans, does it?

NO, I am not saying that the Vietnam War Veterans that have been diagnosis with Parkinson's should be removed from coverage of the presumption of exposure, even though their inclusion is only based on the “limited or suggestive” evidence as shown in this decisive IOM Update, what I am saying is that based on the absolute recommendation, not limited or suggestive evidence, from this same IOM update, these excluded Vietnam War Veterans should have been returned to the group of Veterans that are included in the presumption of exposure, not put off.

Now speaking straight from the heart, I personally believe that any justification that is used to not expedite the return of these promised and earned benefits to these Veterans is an intentional direct slap in the face and an act of absolute disrespect directed towards these veterans that volunteered to serve their country in a time of war.

Respectfully submitted,

(signed)

Joe L. Covington, Vietnam War Veteran

Cc: Secretary Shinseki