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November 3, 2009

**BY FACSIMILE 202-275-3591** and email [patrick.dunne@va.gov](mailto:patrick.dunne@va.gov)  
Rear Admiral Patrick Dunne, USN (Retired)  
Under Secretary for Benefits  
Department of Veterans Affairs  
810 Vermont Ave NW.  
Washington, DC 20420

Dear Admiral Dunne:

Your response to Joe Covington was referred to me for information. By way of introduction, I am a retired Navy Surface Warfare Officer with ten years of sea duty including three tours as Engineer Officer. Consequently, I am familiar with the distillation process on steam ships of the type used on the gun line off the coast of Vietnam. Last year I made the presentation to the Institute of Medicine's Committee to Review the Health Effects in Vietnam Veterans of Exposure to Agent Orange that led to the recommendation by the IOM that blue water Navy veterans be extended the presumption of exposure to Agent Orange. Representatives from my office have also interviewed the authors of the University of Queensland report concerning the effect of Agent Orange contamination via the distillation process on Navy veterans. I also filed an amicus brief in the *Haas v. Nicholson* case before the Federal Circuit.

I was rather bemused by your comment to Mr. Covington that there are many variables related to the University of Queensland study that may differ between Australian and American naval operations. Having operated with both Navies and being familiar with the gunfire support tactics used off the coast of Vietnam, I am curious about your conclusion. While the U. S. Navy has not conducted a similar study, there is simply no need to do so. The thermodynamic principles are standard and another study would be superfluous and unnecessary in light of the fact that the IOM independently validated the science.

The Australians, in reliance upon the University of Queensland report, have granted the presumption of exposure to their blue water Navy veterans. We need to follow suit. I will be in Washington the week of 1 December on other matters and can meet with you to discuss this issue. Please advise whether or not you will be available to meet with me.

Sincerely,

  
John B. Wells



THE UNDER SECRETARY OF VETERANS AFFAIRS FOR BENEFITS  
WASHINGTON, D.C. 20420

OCT 28 2010

Mr. Joe L. Covington  
549 Marino Road  
Bryan, TX 77808

Dear Mr. Covington:

I am responding to the inquiry you submitted to the Secretary regarding whether "blue water" veterans who served aboard Navy ships operating in the offshore waters of Vietnam should be granted the presumption of herbicide exposure.

The Agent Orange Act of 1991 established a procedure for adding diseases to the list of disabilities presumptively associated with herbicide exposure. The procedure requires the Secretary to consider reports received from the National Academy of Sciences' Institute of Medicine (IOM), as well as other scientific sources, on potential associations between certain diseases and exposure to herbicide agents. However, the procedure does not authorize IOM to determine which groups of veterans were possibly exposed to herbicides. This determination is made by the Secretary based on the facts of herbicide use in Vietnam.

Widespread aerial spraying over the landmass and inland waterways of Vietnam to kill vegetation and deny cover to the enemy is well documented. Such herbicide use did not occur over the open, offshore waters where "blue water" Navy operations were conducted. As a result, the Secretary has not extended the presumption of exposure to this group of veterans, and a federal court upheld that decision.

The Australian study of potential shipboard drinking-water contamination from waterborne herbicide agents that was cited by IOM has not been duplicated by the United States Navy. There are many variables related to the study that may differ between Australian and United States naval operations.

Although "blue water" Navy service itself does not entitle a veteran to a presumption of herbicide exposure, such a presumption will be granted if the veteran's ship either traveled on Vietnam's inland waterways or docked while the veteran went ashore.

I hope this information is helpful to you.

Sincerely yours,

P.W. Duane