

## **VA Requirements for an Herbicide Exposure Claim**

Table of Contents.....	1
VA Rules for Herbicide Exposure Case .....	2
Updated Rules (Jan 4, 2013) .....	5
Internal VA Process for Approving Herbicide Exposure Claims .....	8

See Page Three for Herbicide Exposure Outside of Vietnam

UNITED STATES  
DEPARTMENT OF VETERANS AFFAIRS



## VA's Guide on Agent Orange Claims

### As a Vietnam Veteran, What Kind of Benefits Can I Get?

U.S. Department of Veterans Affairs (VA) pays disability compensation to Vietnam veterans with injuries or diseases that began in, or were aggravated by, their military service. These are called "service-connected" disabilities. VA has several pamphlets describing VA benefits. They are available on the Internet at: <http://www.warms.vba.va.gov/21pamphlets.html>. If you do not have Internet access at home, you can get free access at most public libraries. Publications are also available at your VA Regional Office or by calling these offices at 1-800-827-1000. [Return to the TOP](#)

### How Much Compensation Will I Get?

Monthly payment rates are based on the veteran's combined rating for his or her service-connected disabilities. These ratings are based on the severity of the disabilities. Additional amounts are paid to certain veterans with severe disabilities ("special monthly compensation") and certain veterans with dependents.

Current and Historical [Compensation Rate Tables](#) are available on the web.

[Return to the TOP](#)

### What Evidence Do I Need?

In an Agent Orange-based claim by a Vietnam veteran for service-connected benefits, VA requires:

1. a medical diagnosis of a disease which VA recognizes as being associated with Agent Orange (listed below),
2. competent evidence of service in Vietnam, and
3. competent medical evidence that the disease began within the deadline (if any).

[Return to the TOP](#)

### Who Can Get Benefits?

Under the law, veterans who served in Vietnam between 1962 and 1975 (including those who visited Vietnam even briefly), and who have a disease that VA recognizes as being associated with Agent Orange, are presumed to have been exposed to Agent Orange.

These veterans are eligible for service-connected compensation based on their service, if they have one of the diseases on VA's list of "*Diseases associated with exposure to certain herbicide agents.*" This list is found in VA's regulation, [Section 3.309\(e\)](#), in title 38 of the Code of Federal Regulations. VA updates this list regularly based on reports from the National Academy of Sciences, an independent research and education institution. *(If you do not have Microsoft Word software installed, you may [download free viewer and reader software](#) to view the Section 3.309 document.)* [Return to the TOP](#)

### Diseases Associated With Exposure to Agent Orange

[These](#) are the diseases which VA currently presumes resulted from exposure to herbicides like Agent Orange. The law requires that some of these diseases be at least 10% disabling under VA's rating regulations within a deadline that began to run the day you left Vietnam. If there is a deadline, it is listed in the information regarding the disease.

[Return to the TOP](#)

### What Benefits Can My Family Get?

Learn more about [Spina bifida birth defect](#) and [other Agent Orange birth defects](#) benefits.

In 1996, President Clinton and VA Secretary Jesse Brown asked Congress to pass legislation providing health care, monthly disability compensation, and vocational rehabilitation to the children of Vietnam veterans suffering from the serious birth defect spina bifida, which has been linked to the veterans' exposure to Agent Orange. Congress passed the legislation, marking the first time our nation had ever compensated the children of veterans for a birth defect associated with their parent's exposure to toxic chemicals during their military service.

Effective December 16, 2003, Congress authorized these benefits to children with spina bifida of certain veterans who served at or near the demilitarized zone in Korea between September 1, 1967 and August 31, 1971, because Agent Orange is known to have been sprayed in that area.

### Survivor Benefits

Survivors of veterans (including spouses, children and dependent parents) who died as the result of a service-connected disease may be eligible for monthly Dependency and Indemnity Compensation benefits. These survivors may also be eligible for education, home loan and medical care benefits.

[Return to the TOP](#)

### How Can I Apply for VA Benefits?

2

To apply for benefits, [apply on-line](#) or send the VA Regional Office a letter stating that you have a specific health problem and that you claim it is due to your exposure to Agent Orange while serving in Vietnam. This is called an informal claim and will set the effective date for your benefits payments, if your claim is granted. The VA Regional Office will then send you an application form, which you must fill out and return. To get the address of your VA Regional Office, call 1-800-827-1000. [Return to the TOP](#)

### Can I Get a Representative to Advocate for Me?

You may get a representative to help you present your claim to the VA. Most veterans service organizations and state and county veterans service agencies offer free representation. A listing of veterans service organizations is available on the Internet at: [www.va.gov/vso/index.htm](http://www.va.gov/vso/index.htm). A listing of state veterans agencies is available on the Internet at: [www.va.gov/partners/stateoffice/index.htm](http://www.va.gov/partners/stateoffice/index.htm). [Return to the TOP](#)

### What If My Claim is Denied?

If the VA Regional Office says your disability is not service-connected or if the percentage of disability is lower than what you think is fair, you have the right to appeal to the Board of Veterans' Appeals. The first step in appealing is to send the VA Regional Office a "Notice of Disagreement." This Notice of Disagreement is a written statement saying that you "disagree" with the denial. Be sure your Notice includes the date of the VA's denial letter and be sure to list the benefits you are still seeking.

The Notice of Disagreement must be mailed to the VA Regional Office within one year of the VA Regional Office's denial of your claim or you cannot appeal.

In response to the Notice of Disagreement, you will get a "Statement of the Case" from the VA Regional Office. This will repeat the reasons stated in the VA's denial letter why your claim was denied and will include the relevant VA regulations. Once you get the Statement of the Case, if you still wish to pursue your appeal, you should file a VA Form 9, "Appeal to Board Veterans' Appeals," which is sent to with the Statement of the Case. You have 60 days from the date on the Statement of the Case, or one year from the date the VA first denied your claim, to file the VA Form 9. Whichever date is later is your deadline. [Return to the TOP](#)

### Can I Appeal Beyond the VA Regional Office?

The Board of Veterans' Appeals (also known as "BVA") is a part of the VA, located in Washington, D.C. Members of the BVA review benefit claims decisions made by VA Regional Offices and issue a new decision. You may have a hearing before the BVA in Washington, DC or at your VA Regional Office.

Anyone appealing to the BVA should read the "[Understanding the Appeal Process](#)" pamphlet. It explains the steps involved in filing an appeal and to serve as a reference for the terms and abbreviations used in the appeal process. The Board mails a copy of this pamphlet to anyone who appeals their case. It is also available on the [Internet](#). [Return to the TOP](#)

### Can I Appeal to a Court?

If the BVA does not grant all the benefits you are seeking, you have four choices:

1. decide not to pursue your claim
2. appeal to the U.S. Court of Appeals for Veterans Claims
3. ask the BVA to reconsider its decision or
4. reopen your case at the VA Regional Office with new and material evidence.

### Appeal to the Court

You may appeal to the Court only if BVA has denied some or all of your benefits. You may not appeal a BVA decision to remand your claim back to the VA Regional Office. You must file your appeal by mail or by fax. Send your name, address, phone number, and the date of the BVA decision to:

Clerk of the Court  
U.S. Court of Appeals for Veterans Claims  
625 Indiana Avenue NW  
Washington DC 20004

Fax number: (202) 501-5848

To get a list of veterans' representatives who practice at the Court, and for more information on the Court, see the Court's web site at [http://www.vetapp.uscourts.gov/about/how\\_to\\_appeal/](http://www.vetapp.uscourts.gov/about/how_to_appeal/). This list is also available by calling the Court at 1-800-869-8654.

#### Ask BVA to reconsider

The BVA will reconsider its denial decision, if it finds an "obvious error of fact or law" in that decision. Such a request should be sent to the BVA.

#### Reopen your case

If you can get additional evidence that is both new and material, you can reopen your claim at the VA Regional Office and get a new decision. [Return to the TOP](#)

### What If I Served in Vietnam and Have a Disease Not on VA's List

If you served in Vietnam and believe that you have a disease caused by herbicide exposure, but that disease is not on VA's list of diseases associated with <sup>3</sup>

herbicides like Agent Orange, you may still apply for service-connection. Such a veteran needs to establish entitlement to service connection on a "direct" (rather than "presumptive") basis. In these cases, VA requires:

1. competent medical evidence of a current disability;
2. competent evidence of exposure to an herbicide in Vietnam; and
3. competent medical evidence of a nexus (causal relationship) between the herbicide exposure and the current disability.

[Return to the TOP](#)

### What If I Was Exposed to an Herbicide Outside Vietnam?

Herbicides were used by the U.S. military to defoliate military facilities in the U.S. and in other countries as far back as the 1950s. This page contains information from the Department of Defense (DoD) on projects to test, dispose of, or store herbicides in the U.S. Even if you did not serve in Vietnam, you can still apply for service-connected benefits if you were exposed to an herbicide while in the military which you believe caused your disease or injury. If you have a disease which is on the list of diseases which VA recognizes as being associated with Agent Orange, the VA requires:

1. a medical diagnosis of a disease which VA recognizes as being associated with Agent Orange (listed below),
2. competent evidence of exposure to a chemical contained in one of the herbicides used in Vietnam (2,4-D; 2,4,5-T and its contaminant TCDD; cacodylic acid; or picloram), and
3. competent medical evidence that the disease began within the deadline for that disease (if any).

If you have a disease which is not on the list of diseases which VA recognizes as being associated with Agent Orange, VA requires:

1. competent medical evidence of a current disability;
2. competent evidence of exposure to an herbicide during military service; and
3. competent medical evidence of a nexus (causal relationship) between the herbicide exposure and the current disability.

[Return to the TOP](#)

### VA Medical Care

VA offers a variety of health care benefits to veterans for diseases associated with Agent Orange exposure. [Learn more](#) about the health care benefits VA offers.

[Return to the TOP](#)

### Social Security Benefits

The Social Security Administration (SSA) offers both disability insurance benefits and supplemental security income benefits. Veterans can receive both Social Security disability insurance benefits and VA disability compensation. (The supplemental security income benefit (SSI) is offset for VA pension or compensation.) Unlike VA compensation benefits that are measured in degrees of disability, SSA benefits require a total disability that will last at least one year. If you cannot work because of your disability, contact the nearest district office of SSA at 1-800-772-1213. SSA benefits information is available on the Internet at [www.ssa.gov](http://www.ssa.gov).

[Return to the TOP](#)



## Veterans Exposed to Agent Orange

Veterans who were exposed to [Agent Orange](#) or other herbicides during military service may be eligible for a variety of VA benefits, including disability compensation for diseases associated with exposure. Your [dependents and survivors](#) also may be eligible for benefits.

["Agent Orange"](#) refers to a blend of tactical herbicides the U.S. military sprayed in the jungles of Vietnam and around the Korean demilitarized zone to remove trees and dense tropical foliage that provided enemy cover. Herbicides were also used by the U.S. military to defoliate military facilities in the U.S. and in other countries as far back as the 1950s.

VA and federal law presumes that certain [diseases](#) are a result of exposure to these herbicides. This "presumptive policy" simplifies the process for receiving compensation for these diseases since VA foregoes the normal requirements of proving that an illness began during or was worsened by your military service.

A Veteran who believes he or she has a disease caused by Agent Orange exposure that **is not** one of the conditions listed below must show an actual connection between the disease and herbicide exposure during military service.

### Eligibility – Service in Vietnam or Korea

VA presumes that Veterans were exposed to Agent Orange or other herbicides if they served:

- In Vietnam anytime between January 9, 1962 and May 7, 1975, including brief **visits ashore** or service aboard a ship that operated on the **inland waterways** of Vietnam
- In or near the Korean demilitarized zone anytime between April 1, 1968 and August 31, 1971

If you fall into either category listed above, you do not have to show that you were exposed to Agent Orange to be eligible for disability compensation for [diseases](#) VA presumes are associated with it. Check the list of [U.S. Navy and Coast Guard ships that operated in Vietnam](#) to confirm whether your service aboard a ship allows VA to concede you were exposed to Agent Orange..

### Eligibility – **Service Outside of Vietnam** or Korea

Even if you did not serve in Vietnam or the Korean demilitarized zone during the specified time periods, you can still apply for disability compensation if you were exposed to an herbicide while in the military and believe it led to the onset of a disease. This includes:

- Veterans who served on or near the perimeters of [military bases in Thailand](#) during the Vietnam Era.

- Veterans who served where herbicides were [tested and stored outside of Vietnam](#).
- Veterans who were crew members on [C-123 planes flown after the Vietnam War](#).
- Veterans associated with Department of Defense (DoD) [projects](#) to test, dispose of, or store herbicides in the U.S.

If eligible, you must prove that you were exposed to Agent Orange or other herbicides during your military service to be eligible for service-connection for [disease](#) VA presumes are related to Agent Orange exposure.

*Exception:* Blue Water Veterans with [non-Hodgkin's lymphoma](#) may be granted service-connection without showing inland waterway service or that they set foot in Vietnam. This is because VA also recognizes non-Hodgkin's lymphoma as related to service in Vietnam or the waters offshore of Vietnam during the Vietnam Era.

## Diseases Associated with Agent Orange

VA currently presumes that some diseases resulted from exposure to herbicides like Agent Orange. The Veterans Health Administration's Public Health website lists these [diseases VA presumes are associated with exposure to Agent Orange or other herbicides](#) during military service:

### Evidence Needed

If you are seeking service connection for one of the diseases VA presumes is associated with exposure to herbicides during service, VA requires the following:

- ➡ • [A medical diagnosis of a disease which VA recognizes](#) as being associated with Agent Orange (listed above)
- ➡ • [Competent evidence of](#)
  - service in Vietnam or at or near the Korean demilitarized zone during the dates shown above, or
  - ➡ ○ [exposure to herbicides in a location other than the Vietnam or the Korean demilitarized zone](#).
- Competent medical evidence that the disease began within the deadline (if any). (See [38 CFR 3.307\(a\)\(6\)\(ii\)](#) for more information on deadlines.)

If you believe that you have a disease caused by herbicide exposure, but that disease is not on the list of diseases associated with Agent Orange, you may still apply for service-connection. In these cases, VA requires all of the following:

- Competent medical evidence of a current disability,
- Competent medical evidence of an actual connection between herbicide exposure and the current disability, **AND**
- Competent evidence of:
  - service in Vietnam or at or near the Korean demilitarized zone during the dates shown above, or
  - exposure to herbicides in a location other than Vietnam or the Korean demilitarized zone.

# Compensation Benefit

Monthly payment rates are based on the Veteran's combined rating for his or her service-connected disabilities. These ratings are based on the severity of the disabilities. Additional amounts are paid to certain Veterans with severe disabilities ("special monthly compensation") and certain Veterans with dependents. You can view the current [Compensation Rate Tables](#) to determine the amount you may receive.

## How to Apply

- Apply online using [eBenefits](#), **OR**
- Work with an accredited [representative](#) or [agent](#), **OR**
- Go to a VA regional office and have a VA employee assist you. You can find your regional office on our [Facility Locator](#) page
- Vietnam Veterans with [chronic b-cell leukemias](#), [Parkinson's disease](#), or [ischemic heart disease](#) may apply for disability compensation for these diseases using VA's [Fast Track Claims Processing System](#)

For more information on how to apply and for tips on making sure your claim is ready to be processed by VA, visit our [How to Apply](#) page.

## More Information

Check [VA's Guide to Agent Orange Claims](#) to learn more about how to establish eligibility to disability compensation and how much VA pays. You can also call the Agent Orange Help Line at 1-800-749-8387 or send an e-mail to [GW/AOHelpline@vba.va.gov](mailto:GW/AOHelpline@vba.va.gov). You must provide your name, e-mail address, telephone and/or fax number, and VA file number/Social Security Number. We will do our best to respond within a reasonable amount of time (usually 3 to 10 workdays)

U.S. Department of Veterans Affairs - 810 Vermont Avenue, NW - Washington, DC 20420

**Reviewed/Updated Date: January 4, 2013**



## 10. Service Connection for Disabilities Resulting From Exposure to Herbicides or Based on Service in the Republic of Vietnam (RVN)

### Introduction

{ PRIVATE INFOTYPE="OTHER" }

This topic contains information on service connection for disabilities resulting from exposure to herbicides or based on service in the Republic of Vietnam (RVN), including

See page 2 for the VA Definition of "herbicide agent"

See page 13 for comments on the "JSRRC System" for screwing veterans!!

#### Note:

Any exposure to herbicide agents during service in locations other than the RVN must be established on a factual basis.

Verifying Herbicide Exposure on a Factual Basis in Locations Other Than in RVN go to page 12

- the definitions of a *herbicide agent* and *service in the Republic of Vietnam* (RVN)
- presuming exposure to a herbicide agent
- determining the last date of exposure
- the time limits for disease manifestation
- when to consider direct service connection
- the definition of *acute* and *subacute peripheral neuropathy*
- handling claims based on acute and subacute peripheral neuropathy and later-occurring peripheral neuropathy
- the date of presumptive service connection under 38 CFR 3.309(e)
- conditions determined to have no positive association with herbicide exposure
- considering claims based on service aboard ships offshore the RVN
- U.S. Army and Joint Services Records Research Center (JSRRC) memorandum – Herbicide Exposure During Naval Service
- exposure to herbicides during service aboard the USS Ingersoll
- **verifying herbicide exposure on a factual basis in locations other than in RVN**
- exposure to herbicides along the demilitarized zone in Korea
- exposure to herbicides in Thailand during the Vietnam Era
- memorandum for the record on herbicide use Thailand
- storage of herbicides on Johnston Island
- Fact Sheet: Storage of Agent Orange on Johnston Island, and
- service connection for non-Hodgkin's lymphoma (NHL) under 38 CFR 3.313 based on service in the RVN.

### Change Date

July 20, 2009

Compensation and Pension Service has reviewed a listing of herbicide use and test sites outside Vietnam provided to our office by the Department of Defense (DoD). This list contains 71 sites within the U.S. and in foreign countries where tactical herbicides, such as Agent Orange, were used, tested, or stored. Testing and evaluations of these tactical herbicides were conducted by or under the direction of the U.S. Army Chemical Corps, Fort Detrick, Maryland. The list does not contain names of individuals. Additionally, it does not contain any references to routine base maintenance activities such as range management, brush clearing, weed killing, etc., because these vegetation control activities were conducted by the Base Civil Engineer and involved the use of commercial herbicides approved by the Armed Forces Pest Control Board. The application of commercial herbicides on military installations was conducted by certified applicators. DoD has advised us that commercial herbicides were routinely purchased by the Base Civil Engineer under federal guidelines and that records of these procurements were generally kept no longer than two years. (See Page 18)

## 10. Service Connection for Disabilities Resulting From Exposure to Herbicides or Based on Service in the Republic of Vietnam (RVN), Continued

a. **Definition: Herbicide Agent** Under 38 CFR 3.307(a)(6)(i), a **herbicide agent** is a chemical used in support of the U.S. and allied military operations in the Republic of Vietnam (RVN) during the Vietnam Era, specifically

- 2,4-D
- 2,4,5-T and its contaminant, TCDD (dioxin)
- cacodylic acid, and
- picloram.

Agent White

Agent Blue

b. **Definition: Service in the RVN** For the purposes of establishing service connection under [38 CFR 3.307\(a\)\(6\)](#) and [38 CFR 3.309\(e\)](#), **service in the Republic of Vietnam** (RVN) means

- service in the RVN or its inland waterways, or
- service in other locations if the conditions of service involved duty or visitation in the RVN.

**Reference:** For more information on the definition of service in the RVN, see [VAOPGCPREC 27-97](#).

*Continued on next page*

c. **Presuming Exposure to a Herbicide Agent**

Presume that a veteran who served on active duty in the RVN during the Vietnam Era was exposed to a herbicide agent *unless* there is affirmative evidence to the contrary.

**Note:** Any exposure to herbicide agents during service in locations other than the RVN *must* be established on a factual basis.

**Reference:** For more information on verifying exposure to herbicides in locations other than the RVN, see [M21-1MR, Part IV, Subpart ii, 2.C.10.n through q](#).

d. **Determining the Last Date of Exposure**

Under [38 CFR 3.307\(a\)\(6\)\(iii\)](#), the last date of exposure is the last date on which the veteran served in the RVN during the Vietnam Era.

*Continued on next page*

## 10. Service Connection for Disabilities Resulting From Exposure to Herbicides or Based on Service in the Republic of Vietnam (RVN), Continued

---

### e. Time Limits for Disease Manifestation

In order to establish presumptive service connection, the following diseases listed in [38 CFR 3.309\(e\)](#) must become manifest to a degree of 10 percent or more within one year of the last date of exposure to herbicides:

- chloracne or other acne-form disease consistent with chloracne
- porphyria cutanea tarda, and
- acute and subacute peripheral neuropathy.

#### *Notes:*

- There is no time limit for the other listed diseases.
- Previously, respiratory cancers, cancers of the lung, bronchus, larynx, and trachea had to become manifest within 30 years of last exposure. *PL 107-103* eliminated this requirement effective January 1, 2002.

**Reference:** For more information on time limits for manifestation of diseases subject to presumptive service connection, see [38 CFR 3.307\(a\)\(6\)\(ii\)](#).

---

### f. When to Consider Direct Service Connection

Under [38 CFR 3.303\(d\)](#) the requirements for presumptive service connection do *not* preclude consideration of direct service connection when a medical nexus (link, relationship, or association) has been provided.

---

### g. Definition: Acute and Subacute Peripheral Neuropathy

*Acute peripheral neuropathy* and *subacute peripheral neuropathy* are *transient* peripheral neuropathies that

- appeared within one year of last exposure to an herbicide agent
  - resolved within two years of the date of onset, and
  - do not include chronic peripheral neuropathy.
- 

*Continued on next page*

## 10. Service Connection for Disabilities Resulting From Exposure to Herbicides or Based on Service in the Republic of Vietnam (RVN), Continued

---

### **h. Handling Claims Based on a History of Acute and Subacute Peripheral Neuropathy and Later-Occurring Peripheral Neuropathy**

Do not assign a “0-percent” evaluation based on a history of acute and subacute peripheral neuropathy that

- manifested within one year of the date of last exposure, and
- resolved within two years of the date of onset.

**Rationale:** There can be no valid claim without proof of a present disability.

**Reference:** For more information on what constitutes a valid claim for service connection, see [Brammer v. Derwinski](#), 3 Vet. App. 223 (1992).

Claims of service connection for later occurring peripheral neuropathy should be evaluated under the ordinary standards governing direct service connection.

**Note:** Because any acute or subacute peripheral neuropathy will, by definition, resolve within a short time after exposure do *not* presume any later occurring peripheral neuropathy, whether transient or chronic, to be related to the

- prior herbicide exposure, or
- previously-resolved acute or subacute peripheral neuropathy.

---

*Continued on next page*

## 10. Service Connection for Disabilities Resulting From Exposure to Herbicides or Based on Service in the Republic of Vietnam (RVN), Continued

**i. Date Disabilities Became Subject to Presumptive Service Connection**

The table below shows the dates on which the diseases listed in [38 CFR 3.309\(e\)](#) became subject to presumptive service connection.

Disability	Effective Date
<ul style="list-style-type: none"> <li>• Chloracne or other acne-form disease consistent with chloracne, and</li> <li>• soft-tissue sarcoma, <i>other than</i> <ul style="list-style-type: none"> <li>– osteosarcoma</li> <li>– chondrosarcoma</li> <li>– Kaposi’s sarcoma, or</li> <li>– mesothelioma</li> </ul> </li> </ul>	February 6, 1991  <i>Note:</i> Originally, September 25, 1985, under <a href="#">38 CFR 3.311a</a> .
Non-Hodgkin’s lymphoma	February 6, 1991  <i>Note:</i> Originally, August 5, 1964, under <a href="#">38 CFR 3.313</a> .
<ul style="list-style-type: none"> <li>• Porphyria cutanea tarda, and</li> <li>• Hodgkin’s disease</li> </ul>	February 3, 1994
<ul style="list-style-type: none"> <li>• Respiratory cancers, such as cancer of the               <ul style="list-style-type: none"> <li>– lung</li> <li>– bronchus</li> <li>– larynx, or</li> <li>– trachea, and</li> </ul> </li> <li>• multiple myeloma</li> </ul>	June 9, 1994

*Continued on next page*

## 10. Service Connection for Disabilities Resulting From Exposure to Herbicides or Based on Service in the Republic of Vietnam (RVN), Continued

---

### i. Date Disabilities Became Subject to Presumptive Service Connection (continued)

Disability	Effective Date
<ul style="list-style-type: none"><li>• Prostate cancer, and</li><li>• acute and subacute peripheral neuropathy</li></ul>	November 7, 1996
Type 2 diabetes mellitus	May 8, 2001
Chronic lymphocytic leukemia	October 16, 2003
AL amyloidosis	May 7, 2009

**Note:** Unless an earlier effective date is determined pursuant to the *Nehmer* stipulation, the provisions pertaining to retroactive payment under [38 CFR 3.114\(a\)](#) apply.

**Reference:** For more information on the *Nehmer* stipulation, see [M21-1MR, Part IV, Subpart ii, 2.C.11](#).

---

*Continued on next page*

## 10. Service Connection for Disabilities Resulting From Exposure to Herbicides or Based on Service in the Republic of Vietnam (RVN), Continued

---

**j. Conditions Determined to Have No Positive Association With Herbicide Exposure**

Under the Agent Orange Act of 1991, the Secretary receives from the National Academy of Science (NAS) periodic reviews and summaries of the scientific evidence concerning the association between exposure to herbicides and diseases suspected to be associated with those exposures.

Based on cumulative scientific data reported by the NAS since 1993, the Secretary has determined that there is no positive association between herbicide exposure and the following conditions:

- bone cancers
- brain tumors
- breast cancer
- circulatory disorders
- cognitive and neuropsychiatric effects
- female reproductive system cancers
- gastrointestinal and digestive disease, other than Type 2 diabetes mellitus
- gastrointestinal tract tumors
- hepatobiliary cancers
- immune system disorders
- leukemia
- lipid and lipoprotein disorders
- nasal and nasopharyngeal cancer
- Parkinson's disease
- chronic persistent peripheral neuropathy
- renal cancer
- reproductive effects, such as abnormal sperm parameters and infertility
- respiratory disorders, other than certain respiratory cancers
- skin cancer
- testicular cancer, and
- urinary bladder cancer.

**Note:** No positive association means that the evidence for an association does not equal or outweigh the evidence against association.

---

*Continued on next page*

## 10. Service Connection for Disabilities Resulting From Exposure to Herbicides or Based on Service in the Republic of Vietnam (RVN), Continued

---

### k. Considering Claims Based on Service Aboard Ships Offshore the RVN

When a veteran claims exposure to herbicides during service aboard a Navy or Coast Guard ship that operated on the offshore waters of the RVN, establish exposure on a presumptive basis if

- evidence shows the ship
  - docked on the shores of the RVN, or
  - operated temporarily on the RVN inland waterways
- evidence places the veteran onboard the ship at the time the ship docked on the shore or operated in inland waterways, and
- if the veteran claims the ship docked on the shore, the veteran has stated that he/she went ashore after the ship docked.

**Important:** In all cases where a veteran claims exposure to herbicides during service aboard a ship in offshore waters, regional offices should place a copy of the U.S. Army and Joint Services Records Research Center’s (JSRRC’s) memorandum shown in [M21-1MR, Part IV, Subpart ii, 2.C.10.1](#) in the veteran’s claim folder. This document will

- substitute for individual inquiries to the Compensation and Pension Service’s Agent Orange mailbox and to the JSRRC, and
- establish that the JSRRC has no evidence to support a claim of herbicide exposure during shipboard service.

#### **Notes:**

- Service aboard a ship that *anchored* in an open deep-water harbor, such as Da Nang, Vung Tau, or Cam Ranh Bay, along the RVN coast does not constitute inland waterway service or qualify as docking to the shore and is not sufficient to establish presumptive exposure to herbicides. Evidence of shore docking is required in order to concede the possibility that the veteran’s service involved duty or visitation in the RVN.
- Veterans who served aboard large ocean-going ships that operated on the offshore waters of the RVN are often referred to as “blue water” veterans because of the blue color of the deep offshore waters. They are distinguished from “brown water” veterans who served aboard smaller river patrol and swift boats that operated on the brown-colored rivers, canals, estuaries, and delta areas making up the inland waterways of the RVN.
- Brown water Navy and Coast Guard veterans receive the same presumption of herbicide exposure as veterans who served on the ground in the RVN.

---

*Continued on next page*

## 10. Service Connection for Disabilities Resulting From Exposure to Herbicides or Based on Service in the Republic of Vietnam (RVN), Continued

---

**I. JSRRC  
Memorandum  
– Herbicide  
Exposure  
During Naval  
Service**

Shown below is the JSRRC's memorandum confirming it has no evidence to support a veteran's claim of herbicide exposure during naval service offshore the RVN.

DEPARTMENT OF THE ARMY  
U.S. ARMY & JOINT SERVICES RECORDS RESEARCH CENTER  
7701 TELEGRAPH ROAD  
KINGMAN BUILDING, ROOM 2C08  
ALEXANDRIA, VA 22315-3828

AAHS-RDC

01 May 09

MEMORANDUM FOR RECORD

SUBJECT: Joint Services Records Research Center Statement on Research Findings Regarding Navy and Coast Guard Ships During the Vietnam Era

1. In the course of its research efforts, the JSRRC has reviewed numerous official military documents, ships histories, deck logs, and other sources of information related to Navy and Coast Guard ships and the use of tactical herbicide agents, such as Agent Orange, during the Vietnam Era.
2. To date, the JSRRC has found no evidence that indicates Navy or Coast Guard ships transported tactical herbicides from the United States to the Republic of Vietnam or that ships operating off the coast of Vietnam used, stored, tested, or transported tactical herbicides. Additionally, the JSRRC cannot document or verify that a shipboard veteran was exposed to tactical herbicides based on contact with aircraft that flew over Vietnam or equipment that was used in Vietnam.
3. Therefore, the JSRRC can provide no evidence to support a veteran's claim of exposure to tactical herbicide agents while serving aboard a Navy or Coast Guard ship during the Vietnam era.

/s/

Domenic A. Baldini  
Director

---

*Continued on next page*

## 10. Service Connection for Disabilities Resulting From Exposure to Herbicides or Based on Service in the Republic of Vietnam (RVN), Continued

---

### **m. Exposure to Herbicides During Service Aboard the USS Ingersoll**

The National Archives and Records Administration (NARA) has confirmed that the Navy destroyer USS Ingersoll (DD 652) traveled into the inland waterways of RVN on October 24 and 25, 1965. Therefore, according to [38 CFR 3.307](#), concede exposure to herbicides for crewmembers that served aboard the USS Ingersoll on these dates.

If a veteran alleges herbicide exposure based on duty aboard the USS Ingersoll, request Navy personnel records via the Personnel Information Exchange System (PIES) (request code O19).

If personnel records are unavailable, or do not confirm a specific shipboard assignment during this timeframe, send a request for a review of NARA records to C&P Service via e-mail at VAVBAWAS/CO/211/AGENTORANGE. This request should include the veteran's

- name
- date of birth
- VA claim number
- Social Security number (SSN), and
- service number, if different than SSN.

---

*Continued on next page*

## 10. Service Connection for Disabilities Resulting From Exposure to Herbicides or Based on Service in the Republic of Vietnam (RVN), Continued

**n. Verifying Herbicide Exposure on a Factual Basis in Locations Other Than in RVN**

The table below shows how to verify herbicide exposure on a factual basis in locations *other than* in the RVN during the Vietnam Era.

Step	Action								
1	<table border="1"> <thead> <tr> <th>If the veteran alleges exposure ...</th> <th>Then ...</th> </tr> </thead> <tbody> <tr> <td>along the demilitarized zone (DMZ) in Korea</td> <td>see <a href="#">M21-1MR, Part IV, Subpart ii, 2.C.10.o.</a></td> </tr> <tr> <td>in Thailand</td> <td>see <a href="#">M21-1MR, Part IV, Subpart ii, 2.C.10.p.</a></td> </tr> <tr> <td>in other locations</td> <td>go to Step 2.</td> </tr> </tbody> </table>	If the veteran alleges exposure ...	Then ...	along the demilitarized zone (DMZ) in Korea	see <a href="#">M21-1MR, Part IV, Subpart ii, 2.C.10.o.</a>	in Thailand	see <a href="#">M21-1MR, Part IV, Subpart ii, 2.C.10.p.</a>	in other locations	go to Step 2.
If the veteran alleges exposure ...	Then ...								
along the demilitarized zone (DMZ) in Korea	see <a href="#">M21-1MR, Part IV, Subpart ii, 2.C.10.o.</a>								
in Thailand	see <a href="#">M21-1MR, Part IV, Subpart ii, 2.C.10.p.</a>								
in other locations	go to Step 2.								
2	Ask the veteran for the approximate dates, location, and nature of the alleged exposure.								
3	<p>Did the veteran furnish this information within 30 days?</p> <ul style="list-style-type: none"> <li>• If <i>yes</i>, go to Step 4.</li> <li>• If <i>no</i> <ul style="list-style-type: none"> <li>– refer the case to the JSRRC coordinator to make a formal finding that sufficient information required to verify herbicide exposure does not exist. (<i>Note:</i> For a sample of a formal finding, see <a href="#">M21-1MR, Part IV, Subpart ii, 1.D.16.c.</a>), and</li> <li>– decide the claim based on the evidence of record.</li> </ul> </li> </ul>								
4	<ul style="list-style-type: none"> <li>• Furnish the veteran's detailed description of exposure to C&amp;P Service via e-mail at VAVBAWAS/CO/211/AGENTORANGE, and</li> <li>• request a review of DoD's inventory of herbicide operations to determine whether herbicides were used as alleged.</li> </ul>								

Continued on next page

## 10. Service Connection for Disabilities Resulting From Exposure to Herbicides or Based on Service in the Republic of Vietnam (RVN), Continued

### n. Verifying Herbicide Exposure on a Factual Basis in Locations Other Than in RVN (continued)

This JSRRC system apparently has been set up as a road block to stop Non-Vietnam service Veterans from having a chance to prove their herbicide exposure case. The DoD and the JSRRC would not respond to the evidence I sent to them. The Inspector General of the DoD assigned a case number and that was the last I heard from them.

Step	Action
5	<p>Did C&amp;P Service's review confirm that herbicides were used as alleged?</p> <ul style="list-style-type: none"> <li>• If <i>yes</i>, determine whether service connection is otherwise in order.</li> <li>• If <i>no</i>, go to Step 6.</li> </ul>
6	<p>Has the veteran provided sufficient information to permit a search by the JSRRC?</p> <ul style="list-style-type: none"> <li>• If <i>yes</i>, send a request to the JSRRC for verification of exposure to herbicides.</li> <li>• If <i>no</i> <ul style="list-style-type: none"> <li>– refer the case to the JSRRC coordinator to make a formal finding that sufficient information required to verify herbicide exposure does not exist. (<i>Note:</i> For a sample of a formal finding, see <a href="#">M21-1MR, Part IV, Subpart ii, 1.D.16.c.</a>),</li> <li>– decide the claim based on the evidence of record.</li> </ul> </li> </ul>

Continued on next page

## 10. Service Connection for Disabilities Resulting From Exposure to Herbicides or Based on Service in the Republic of Vietnam (RVN), Continued

**o. Exposure to Herbicides Along the DMZ in Korea** The Department of Defense (DoD) has identified specific units that served in areas along the DMZ in Korea where herbicides were used between April 1968 and July 1969.

Concede exposure to herbicides on a factual basis if a veteran

- alleges service along the DMZ in Korea, and
- was assigned to one of the units shown in the table below between April 1968 and July 1969.

Combat Brigade of the 2 <sup>nd</sup> Infantry Division	Division Reaction Force	3 <sup>rd</sup> Brigade of the 7 <sup>th</sup> Infantry Division
1 <sup>st</sup> Battalion, 38 <sup>th</sup> Infantry	4 <sup>th</sup> Squadron, 7 <sup>th</sup> Cavalry, Counter Agent Company	1 <sup>st</sup> Battalion, 17 <sup>th</sup> Infantry
2 <sup>nd</sup> Battalion, 38 <sup>th</sup> Infantry		1 <sup>st</sup> Battalion, 31 <sup>st</sup> Infantry
1 <sup>st</sup> Battalion, 23 <sup>rd</sup> Infantry		1 <sup>st</sup> Battalion, 32 <sup>nd</sup> Infantry
2 <sup>nd</sup> Battalion, 23 <sup>rd</sup> Infantry		2 <sup>nd</sup> Battalion, 10 <sup>th</sup> Cavalry
3 <sup>rd</sup> Battalion, 23 <sup>rd</sup> Infantry		2 <sup>nd</sup> Battalion, 17 <sup>th</sup> Infantry
2 <sup>nd</sup> Battalion, 31 <sup>st</sup> Infantry		2 <sup>nd</sup> Battalion, 31 <sup>st</sup> Infantry
<i>Note:</i> Service records may show assignment to either the 2 <sup>nd</sup> or the 7 <sup>th</sup> Infantry Division.		<i>Note:</i> Service records may show assignment to either the 2 <sup>nd</sup> or the 7 <sup>th</sup> Infantry Division.
		2 <sup>nd</sup> Battalion, 32 <sup>nd</sup> Infantry
3 <sup>rd</sup> Battalion, 32 <sup>nd</sup> Infantry		3 <sup>rd</sup> Battalion, 32 <sup>nd</sup> Infantry
<i>Note:</i> Service records may show assignment to either the 2 <sup>nd</sup> or the 7 <sup>th</sup> Infantry.		<i>Note:</i> Service records may show assignment to either the 2 <sup>nd</sup> or the 7 <sup>th</sup> Infantry.
1 <sup>st</sup> Battalion, 9 <sup>th</sup> Infantry		13 <sup>th</sup> Engineer Combat Battalion
2 <sup>nd</sup> Battalion, 9 <sup>th</sup> Infantry		
1 <sup>st</sup> Battalion, 72 <sup>nd</sup> Armor		
2 <sup>nd</sup> Battalion, 72 <sup>nd</sup> Armor		
1 <sup>st</sup> Battalion, 12 <sup>th</sup> Artillery		
1 <sup>st</sup> Battalion, 15 <sup>th</sup> Artillery		
7 <sup>th</sup> Battalion, 17 <sup>th</sup> Artillery		

Continued on next page

## 10. Service Connection for Disabilities Resulting From Exposure to Herbicides or Based on Service in the Republic of Vietnam (RVN), Continued

### o. Exposure to Herbicides Along the DMZ in Korea (continued)

Combat Brigade of the 2 <sup>nd</sup> Infantry Division	Division Reaction Force	3 <sup>rd</sup> Brigade of the 7 <sup>th</sup> Infantry Division
5 <sup>th</sup> Battalion, 38 <sup>th</sup> Artillery		
6 <sup>th</sup> Battalion, 37 <sup>th</sup> Artillery		
United Nations Command Security Battalion-Joint Security Area (UNCSB-JSA)		
Crew of the <i>USS Pueblo</i>		

**Note:** Use the table in [M21-1MR, Part IV, Subpart ii, 1.D.15.b](#) to determine how to verify the location of a veteran's unit when the veteran

- alleges service along the DMZ between April 1968 and July 1969, and
- was assigned to a unit other than one listed in the table above.

### p. Exposure to Herbicides in Thailand

Follow the steps in the table below when a veteran alleges exposure to herbicides in Thailand during the Vietnam Era.

Step	Action
1	Place in the veteran's claims file a copy of Compensation and Pension (C&P) Service's "Memorandum for the Record" shown in <a href="#">M21-1MR, Part IV, Subpart ii, 2.C.10.q</a> .  <b>Note:</b> This document will substitute for an individual inquiry to C&P Service's Agent Orange mailbox.
2	Ask the veteran for the approximate dates, location, and nature of the alleged exposure.
3	Did the veteran furnish this information within 30 days?  <ul style="list-style-type: none"> <li>• If <i>yes</i>, go to Step 4.</li> <li>• If <i>no</i> <ul style="list-style-type: none"> <li>– refer the case to the JSRRC coordinator to make a formal finding that sufficient information required to verify herbicide exposure does not exist. (<b>Note:</b> For a sample of a formal finding, see <a href="#">M21-1MR, Part IV, Subpart ii, 1.D.16.c.</a>), and</li> <li>– decide the claim based on the evidence of record.</li> </ul> </li> </ul>
4	Review the information provided by the veteran together with the "Memorandum for the Record."

---

*Continued on next page*

## 10. Service Connection for Disabilities Resulting From Exposure to Herbicides or Based on Service in the Republic of Vietnam (RVN), Continued

---

### p. Exposure to Herbicides in Thailand (continued)

Step	Action
5	<p>Can the issue of exposure to herbicides be resolved on the basis of this review?</p> <ul style="list-style-type: none"> <li>• If <i>yes</i>, decide the claim based on the evidence of record.</li> <li>• If <i>no</i>, go to Step 6.</li> </ul>
6	<p>Has the veteran provided sufficient information to permit a search by the JSRRC?</p> <ul style="list-style-type: none"> <li>• If <i>yes</i>, send a request to the JSRRC for verification of exposure to herbicides.</li> <li>• If <i>no</i> <ul style="list-style-type: none"> <li>– refer the case to the JSRRC coordinator to make a formal finding that sufficient information required to verify herbicide exposure does not exist. (<i>Note:</i> For a sample of a formal finding, see <a href="#">M21-1MR, Part IV, Subpart ii, 1.D.16.c.</a>),</li> <li>– decide the claim based on the evidence of record.</li> </ul> </li> </ul>

*Continued on next page*

## 10. Service Connection for Disabilities Resulting From Exposure to Herbicides or Based on Service in the Republic of Vietnam (RVN), Continued

---

q.  
**Memorandum  
for Record –  
Herbicide Use  
in Thailand**

Shown below is C&P Service's "Memorandum for the Record" on herbicide use in Thailand during the Vietnam Era.

### **Memorandum for the Record**

**Subject: Herbicide use in Thailand during the Vietnam Era**

The Compensation and Pension Service has reviewed a listing of herbicide use and test sites outside Vietnam provided to our office by the Department of Defense (DoD). This list contains 71 sites within the U.S. and in foreign countries where tactical herbicides, such as Agent Orange, were used, tested, or stored. Testing and evaluations of these tactical herbicides were conducted by or under the direction of the U.S. Army Chemical Corps, Fort Detrick, Maryland. The list does not contain names of individuals. Additionally, it does not contain any references to routine base maintenance activities such as range management, brush clearing, weed killing, etc., because these vegetation control activities were conducted by the Base Civil Engineer and involved the use of commercial herbicides approved by the Armed Forces Pest Control Board. The application of commercial herbicides on military installations was conducted by certified applicators. DoD has advised us that commercial herbicides were routinely purchased by the Base Civil Engineer under federal guidelines and that records of these procurements were generally kept no longer than two years. We have also reviewed a series of official DoD monographs describing in detail the use, testing, and storage of herbicides at various foreign and domestic locations. In addition, the *Project CHECO Southeast Asia Report: Base Defense in Thailand*, produced during the Vietnam era, has been reviewed.

Regarding your veteran claimant with Thailand service, the DoD list indicates only that limited testing of tactical herbicides was conducted in Thailand from 2 April through 8 September 1964. Specifically, the location identified was the Pranburi Military Reservation associated with the Replacement Training Center of the Royal Thai Army, near Pranburi, Thailand. The Report of these tests noted that 5 civilian and 5 military personnel from Fort Detrick, Maryland conducted the spray operations and subsequent research. This location was not near any U.S. military installation or Royal Thai Air Force Base.

Tactical herbicides, such as Agent Orange, were used and stored in Vietnam, not Thailand. We received a letter from the Department of the Air Force stating that, other than the 1964 tests on the Pranburi Military Reservation, there are no records of tactical herbicide storage or use in Thailand. There are records indicating that commercial herbicides were frequently used for vegetation control within the perimeters of air bases during the Vietnam era, but all such use required approval of both the Armed Forces Pest Control Board and the Base Civil Engineer. In Vietnam, tactical herbicides were aerially applied by UC-123 aircraft in Operation RANCH HAND or by helicopters under the control of the U.S. Army Chemical Corps. Base Civil Engineers were not permitted to purchase or apply tactical herbicides.

---

*Continued on next page*

## 10. Service Connection for Disabilities Resulting From Exposure to Herbicides or Based on Service in the Republic of Vietnam (RVN), Continued

---

**q.**  
**Memorandum  
for Record –  
Herbicide Use  
in Thailand  
(continued)**

There are no records of tactical herbicide spraying by RANCH HAND or Army Chemical Corps aircraft in Thailand after 1964, and RANCH HAND aircraft that sprayed herbicides in Vietnam were stationed in Vietnam, not in Thailand. However, there are records indicating that modified RANCH HAND aircraft flew 17 insecticide missions in Thailand from 30 August through 16 September 1963 and from 14–17 October 1966. The 1966 missions involved the spraying of malathion insecticide for the “control of malaria carrying mosquitoes.” These facts are not sufficient to establish tactical herbicide exposure for any veteran based solely on service in Thailand.

While the Thailand CHECO Report does not report the use of tactical herbicides on allied bases in Thailand, it does indicate sporadic use of non-tactical (commercial) herbicides within fenced perimeters. Therefore, if a veteran’s MOS (military occupational specialty) or unit is one that regularly had contact with the base perimeter, there was a greater likelihood of exposure to commercial pesticides, including herbicides. Security police units were known to have walked the perimeters, especially dog handlers. However, as noted above, there are no records to show that the same tactical herbicides used in Vietnam were used in Thailand. Please consider this information when you evaluate the veteran’s claim.

If the veteran’s claim is based on servicing or working on aircraft that flew bombing missions over Vietnam, please be advised that there is no presumption of “secondary exposure” based on being near or working on aircraft that flew over Vietnam or handling equipment once used in Vietnam. Aerial spraying of tactical herbicides in Vietnam did not occur everywhere, and it is inaccurate to think that herbicides covered every aircraft and piece of equipment associated with Vietnam. Additionally, the high altitude jet aircraft stationed in Thailand generally flew far above the low and slow flying UC-123 aircraft that sprayed tactical herbicides over Vietnam during Operation RANCH HAND. Also, there are no studies that we are aware of showing harmful health effects for any such secondary or remote herbicide contact that may have occurred.

If the veteran’s claim is based on general herbicide use within the base, such as small-scale brush or weed clearing activity along the flight line or around living quarters, there are no records of such activity involving tactical herbicides, only the commercial herbicides that would have been approved by the Armed Forces Pest Control Board and sprayed under the control of the Base Civil Engineer. Since 1957, the Armed Forces Pest Control Board (now the Armed Forces Pest Management Board) has routinely provided listings of all approved herbicides and other pesticides used on U.S. Military Installations worldwide. The Compensation and Pension Service cannot provide any additional evidence beyond that described above to support the veteran’s claim. Therefore, unless the claim is inherently incredible, clearly lacks merit, or there is no reasonable possibility that further VA assistance would substantiate the claim [see 38 CFR 3.159(d)], regional offices should send a request to JSRRC for any information that this organization can provide to corroborate the veteran’s claimed exposure.

---

*Continued on next page*

## 10. Service Connection for Disabilities Resulting From Exposure to Herbicides or Based on Service in the Republic of Vietnam (RVN), Continued

---

### r. Storage of Herbicides on Johnston Island

Herbicides were stored in drums on Johnston Island in the north Pacific between April 1972 and September 1977. Because military contractors were responsible for the inventory, few military personnel who served on Johnston Island had duties involving the direct handling of herbicides.

If a veteran alleges exposure to herbicides during service on Johnston Island, obtain verification of exposure on a factual basis.

**References:** For more information on

- verifying exposure to herbicides on a factual basis, see [M21-1MR, Part IV, Subpart ii, 2.C.10.n](#), and
- storage of herbicides on Johnston Island, see [M21-1MR, Part IV, Subpart ii, 2.C.10.s](#).

---

*Continued on next page*

## 10. Service Connection for Disabilities Resulting From Exposure to Herbicides or Based on Service in the Republic of Vietnam (RVN), Continued

---

**s. Fact Sheet:** Below is a fact sheet on the storage of the herbicide Agent Orange on Johnston Island.  
**Storage of Agent Orange on Johnston Island**

### **FACT SHEET: STORAGE OF AGENT ORANGE ON JOHNSTON ISLAND**

- Approximately 1.5 million gallons of Agent Orange (AO) were stored on Johnston Island (JI) between April 1972 and September 1977, when it was incinerated at sea.
- There were approximately 25 thousand 55-gallon drums stored in rows stacked three high on about 3.5 acres on the NW corner of the island. The storage location was selected because the east-to-west trade winds would rapidly disburse any airborne AO into the Pacific.
- Military contractors (and not U.S. military personnel) were solely responsible for site monitoring and redrumming and dedrumming activities. The storage area was fenced and off limits from a distance.
- The entire inventory of AO was screened for leaks daily. Leaking drums were re-drummed on a weekly basis. Fresh spillage was absorbed, and surface soil was scraped and sealed.
- Leakage of drums began in 1974. Between 1974 and 1977, the equivalent of the contents of 405 drums was leaked.
- The floor of the storage site was comprised of dense coral. Because of the composition and properties of coral, leaked AO was literally bound to the coral, providing little opportunity for AO to become airborne.
- A 1974 Air Force report found that the condition of the storage area provided evidence of the rapid identification of leaking drums, as few spill areas were observed.
- Soil samples in 1974 revealed that herbicide contamination was not detected outside of the storage yard except in close proximity to the redrumming operation.
- Water samples were collected and analyzed twice per month from 10 different locations.
- A 1978 Air Force Land Based Environmental Monitoring study concluded that no adverse consequences of the minimal release of AO into the JI environment during the dedrumming operation were observed. The report further stated that “exposure to (land-based operations) workers to airborne 2,4-D and 2,4,5-T were well below permissible levels.”

---

## 10. Service Connection for Disabilities Resulting From Exposure to Herbicides or Based on Service in the Republic of Vietnam (RVN), Continued

**t. Service Connection for NHL Under 38 CFR 3.313 Based on Service in RVN**

VA regulations at [38 CFR 3.313](#) provide for a presumption of service connection for non-Hodgkin’s lymphoma (NHL) based on service in the RVN during the Vietnam Era.

*Important:* Exposure to herbicides is not a prerequisite for entitlement under [38 CFR 3.313](#). The claimant needs only to show service in the RVN, which includes the waters offshore.

**u. Subcategories of NHL Qualifying for Presumptive Service Connection**

When [38 CFR 3.313](#) was promulgated, the U.S. Center for Disease Control identified in its 1990 report, “The Association of Selected Cancers With Service in the U.S. Military in Vietnam,” a number of subcategories that are manifestations of NHL.

Extend the presumption of service connection to a veteran who claims service connection for NHL if

- the veteran had service in the RVN during the Vietnam Era, including naval service in the offshore waters of the RVN, and
- the medical evidence shows a diagnosis of any of the subcategories of low, intermediate, or high grade lymphoma listed in the table below.

<b>Low Grade Lymphoma</b>	<b>Intermediate Grade Lymphoma</b>	<b>High Grade Lymphoma</b>
Small lymphocytic with plasmacytoid features	Diffuse, small and large	Diffuse, small and large
Small lymphocytic	Diffuse, small cleaved	Lymphoblastic
Intermediate cell	Diffuse, large cleaved	Immunoblastic
Follicular, mixed small and large	Diffuse, large non-cleaved	Burkitt’s
Mantle zone	Diffuse, large	
Follicular, small cleaved	Follicular, large	