

Veterans: We sprayed Agent Orange on Guam

MONDAY, 10 MAY 2010 05:30 BY MAR-VIC CAGURANGAN | VARIETY NEWS STAFF



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DVA inconsistent on herbicide use on Guam

An undated picture of the Cross Island pipeline booster station, where retired Master Sgt. Leroy Foster was assigned.



VETERANS who were stationed at Andersen Air Force Base between the 1960s and 1970s are pressing Congress to include Guam in the expanded Agent Orange compensation bill, frustrated over the Department of Veterans Affairs' inconsistent declarations about the use and storage of herbicides on the island.

Despite four previous cases confirming the use of Agent Orange on Guam, the Veterans Appeals Court recently denied the benefits claim sought by Sgt. Ralph Stanton, saying "data from the Department of Defense does not show any use, testing or storage of tactical herbicides" on island.

"The Joint Services Records Research Center informed us that research of available historical information does not document the spraying, testing or storage of Agent Orange at Andersen Air Force Base," the appeals court stated in its April 29 decision on Stanton's case.

Stanton, who worked in AAFB's 43rd CES Squadron fuels maintenance shop between 1968 and 1978, is suffering from type 2 diabetes mellitus, which he believed was caused by his exposure to toxic herbicides.

In denying Stanton's claim, the appeals court said the veteran failed to establish service connection to herbicide exposure, noting that he did not serve in Vietnam.

Vietnam is the only place covered by current law that compensates veterans for dioxin and radiation exposure based on the "boots on the ground" principle.

Inconsistent

The most recent ruling was discordant with four previous decisions, in which veterans' benefits were awarded based on the 1991 Dow Chemical report that confirmed dioxin contamination at AAFB. The report stated that up to 1,900 ppm has been measured in some areas on base.

"Evidence reviewed showed Agent Orange on Guam was confirmed. During the Vietnam War era, Guam was used

as storage facility for Agent Orange,” the Department of Veterans Affairs stated in a March 27, 2007 decision on the case filed by Robert Burgett.

The first case that acknowledged the use of Agent Orange on Guam was decided by veterans law judge Robert Sullivan in 2005.

Committee hearing

On May 5, the U.S. House Veterans Affairs Committee conducted a hearing on H.R. 2254, “The Agent Orange Equity Act of 2009,” which would expand the eligibility for presumptive conditions to all combat veterans of the Vietnam War regardless of where they served.

The bill’s author, Rep. Bob Filner, D-CA, acknowledges that the current law “ignores veterans who served in the blue waters and the blue skies” outside of Vietnam.

Filner issued the statement in November last year following another appeals court’s decision in Texas that rejected a veteran’s claim for benefits.

At last week’s committee hearing, retired Master Sgt. Leroy Glenn Foster submitted a written testimony recounting his tasks while stationed on AAFB at the same time Stanton was on Guam.

“I prepared, mixed and sprayed Agent Orange herbicides on Andersen AFB and off-base Air Force fuels facilities at Potts Tank Farm, Tumon Tank Farm, NAS Air Force Booster Pump Station, Naval Fuel Supply Depot Air Force underground fuel storage tanks and the Cross Island pipeline,” Foster said.

“It is without question an atrocity to let this happen to us and not say anything to us to warn us of what could happen after this exposure to Agent Orange,” he added.

Optimistic

Katrina J. Eagle, a San Diego-based attorney who provides legal representation to American veterans, expressed confidence Congress will act on H.R. 2254 in favor of Agent Orange victims.

“I know it is discouraging to see the Veterans Affairs current tactics, but these claims are valid and have merit, so please do not give up,” Eagle stated in a mass email to veterans. “I believe – eventually – Congress will take the reins on this issue and force the VA to adjudicate these claims more fairly. Or even better, force the VA to accept what many credible veterans have been saying for years – that is, that Agent Orange was used in many, many other places than just in Vietnam.”

Several blog sites devoted to veterans are filled with long threads of posts from dozens of retired airmen stationed on Guam, describing their duties and corroborating claims that they sprayed Agent Orange on Guam.

“Not only did the Air Force spray the old runways with Agent Orange. The planes were loaded at Andersen AFB, it spills on tarmac, washes down the drain to the aquifer and we all drank it,” wrote David Starr.

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