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Report/Article Title	Memorandum: From William R. Elliott, Jr., Chief, Aviation and Admiralty Law, Office of The Judge Advocate General, USAF, to Captain Ben Chappell regarding defense motion in United States v. Robert R. Garwood and an affidavit by Alvin L. Young, dated June 17, 1980
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DEPARTMENT OF THE AIR FORCE
HEADQUARTERS UNITED STATES AIR FORCE
WASHINGTON, D.C. 20324

17 JUN 1980

REPLY TO
ATTN OF: JACC

SUBJECT: Affidavit re Agent Orange

TO: 6750 ABG/JA (Captain Ben Chappell)

1. Reference is made to our earlier telephone conversation concerning the attached defense motion in the case of United States v. Garwood.

2. Request that you meet with Major Al Young of the Epidemiology Laboratory and secure an affidavit which addresses the allegations raised in Paragraphs 2 and 3 of the motion. Specifically, is there any scientific evidence of psychiatric disorders or mental abnormalities associated with the exposure of humans to Agent Orange? Also, are there U.S. Government reports which specifically deal with the effects of Agent Orange on humans?

3. Please assist Major Young with the proper format for the affidavit and, once completed, mail it directly to Captain Hellmer at Camp Lejeune. If I may be of any assistance, please call at 223-1070.

Bill Elliott

WILLIAM R. ELLIOTT JR., Major, USAF
Chief, Aviation & Admiralty Law
Claims and Tort Litigation Staff
Office of The Judge Advocate General

1 Atch
Defense Motion 31,
U.S. v. Garwood

UNITED STATES	)	Camp Lejeune, North Carolina
	)	
v.	)	MOTION TO DISCOVER THE EFFECTS OF AGENT ORANGE
	)	
ROBERT R. GARWOOD	)	
Private First Class, USMC	)	DEFENSE MOTION 31
314-46-3268	)	
	)	

1. The defense hereby notifies the Court that the effects of Agent Orange on human beings who have come in contact with that powerful pesticide used by the Army to defoliate millions of acres of jungle in Vietnam will be a material issue in this case.

2. Exposure to this pesticide frequently causes a variety of mental abnormalities that require both medical and psychiatric treatment, and proper identification and evaluation of such effects on PFC Garwood is essential to any medical evaluation of him.

3. Many agencies of the federal government of the United States have studied and published reports on the effects that are documented to date of Agent Orange on human beings. The defense hereby requests the Court to require the government to furnish all of those studies both to the Court and to the defense.

4. Defense counsel requests an opportunity for an evidentiary hearing at which time evidence and legal authorities will be presented in support of this Motion, in the event it cannot be agreed to.

5. A copy of this Motion was mailed or delivered to trial counsel and the military judge on or before the 30th day of May, 1980.

John C. Lowe
Defense Counsel

Vaughan E. Taylor
Dermot G. Foley
Lewis R. Olshin, CPT, USMC
Defense Counsel

AFFIDAVIT

Before me, this date, personally appeared MAJOR ALVIN L. YOUNG, [redacted], United States Air Force, Brooks AFB, Texas, who, after being duly sworn, stated as follows:

My name is Alvin L. Young, SSN: [redacted]. I am a Major in the United States Air Force with a current assignment as an Environmental Sciences Consultant with the United States Air Force School of Aerospace Medicine, Aerospace Medical Division, Air Force Systems Command, Brooks Air Force Base, San Antonio, Texas.

Qualifications as an Expert

I hold the Bachelor of Science Degree in Agricultural Science and the Master of Science Degree in Crop Physiology. Both of these degrees were obtained from the University of Wyoming. My Doctor of Philosophy Degree was obtained in the specialty of Herbicide Physiology from Kansas State University (1968). My first assignment with the United States Air Force in 1968 was as a Project Scientist assigned to investigate the ecological impact of repetitive applications of phenoxy herbicides. For the past ten years, I have continued to extensively research the fate of 2,4,5-T and TCDD in the environment. I have also gained extensive teaching experience during these years, having taught courses in three universities. The courses that I have taught include Ecology, Botany, Human Physiology, Medical Genetics, Plant and Animal Taxonomy, and Environmental Public Health. In my capacity as an Air Force expert on the environmental fate of TCDD, I have served as an advisor or consultant to the United States Environmental Protection Agency, the United States Department of Agriculture, the National Institute of Environmental Health Sciences, the Veterans Administration, the Federal Aviation Administration, the National Aeronautics and Space Administration, and the National Academy of Sciences.

In 1977, at the request of the Government of Italy, I spent five days in Seveso, Italy, participating in scientific dialogue with the Seveso Authority, a group of scientists appointed by the Italian Government to research the consequences of an accidental industrial release of TCDD in July 1976. I have co-authored two books on "The Science of 2,4,5-T and Associated Phenoxy Herbicides" and "The Toxicology, Environmental Fate and Human Risk of Herbicide Orange and Its Associated Dioxin." I have published over 60 articles, 20 of which were related to Herbicide Orange.

Issue

> "Exposure to this pesticide (Herbicide Orange) frequently causes a variety of mental abnormalities that require both medical and psychiatric treatment. Are there available reports?"

Statement

No scientific studies have been conducted on either the acute or long-term (chronic) effects (including psychological) of personnel exposed to Herbicide Orange (a 50:50 mixture of the n-butyl esters of 2,4,5-T and 2,4-D Herbicides). There are a few documented case histories showing that 2,4-D exposure may cause peripheral neuropathy, but these cases did not discuss any subsequent mental abnormalities. The neuropathy generally cleared within weeks or months.

Since 1949, there have been at least 24 industrial accidents involving the synthesis of trichlorophenol (TCP) and/or 2,4,5-T herbicide. Trichlorophenol is the precursor to 2,4,5-T herbicide and it is in the synthesis of TCP that the toxic contaminant 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD) is produced. Acute symptoms in the men associated with these massive accidental chemical exposures include chloracne, porphyria cutanea tarda, and asthenia.

Chloracne is the hallmark of exposure to TCDD. Chloracne is a disorder of the pilosebaceous mechanism with the overproduction of keratin in the sebaceous ducts. This results in the development of the comedone or blackhead seen in all types of acne. In mild cases, this may represent the full extent of the disorder. However, the natural progression is the formation of cysts and in severe cases to the development of inflammatory lesions and scar formation. Inflammation, however, tends to be less prominent than that found in acne vulgaris (common or juvenile acne). Frequently associated with the chloracne are hyperpigmentation and hirsutism manifested by excessive facial and body hair.

In the mildest cases acne may only appear in the area of the outer canthus of the eye and pre- and post-auricular regions. In somewhat more severe cases, the rest of the face and neck may be involved with a sparing of the nose. In even more pronounced cases, the trunk and extremities, except for the hands and feet, may be affected. Acne may appear as early as two to three weeks after the first exposure; however, there may be a delay of several months. The delay could represent a time for the development of a skin burden of TCDD. Normally chloracne will clear within a few years. However, in cases where massive exposure to TCDD occurred, the chloracne persisted for many years, thus the condition can also be considered chronic.

Porphyria cutanea tarda is a disorder of heme pigment metabolism characterized by skin sensitivity, accumulation of excess pigment in the liver, and the build-up of the various porphyrin pigments. Skin findings include skin fragility, bullous lesions, pigmentation, and photosensitivity. Porphyria cutanea tarda has been shown to clear within a few months.

Many asthenic and other vegetative symptoms have been described in 2,4,5-T, TCP and TCDD intoxication. Asthenia includes the following: headache, apathy, fatigue, anorexia, weight loss, sleep disturbances, decreased learning ability, decreased memory, hyspepsia, sweating, muscle pain, joint pain and sexual dysfunction. True pathology is closely interwoven with the depression which undoubtedly exists as a result of other disorders, particularly the disfigurement of chloracne, therefore causing difficulty in interpretation of these symptoms. There is little question, however, that asthenic symptoms can develop following TCDD exposure. In an early plant accident in which exposure is felt to have been massive (and where all those exposed developed chloracne), workers developed fatigue and severe muscle pain. Impotency was present. As it was one of the first such episodes, the symptoms of TCDD or TCP exposure had not been delineated, and therefore, the effect of suggestion would have been minimal. It needs to be emphasized, however, that the exposure was massive and the symptoms did clear. One must be very careful in transposing the results of this industrial accident to another where exposure was much less. One is on particularly tenuous ground if he attempts to attribute the symptoms to the exposure levels found in herbicide spraying. The asthenia would be expected to clear with time.

In summary, based on the majority of studies, systemic disease and asthenia do not result unless chloracne is present. Only the chloracne appears to be

chronic. However, all the long-term effects of acute or chronic exposure to TCDD (or Herbicide Orange) are not known. Adequate long-term studies have not been conducted.

FURTHER HE SAYETH NAUGHT:

Alvin L. Young

ALVIN L. YOUNG, Major, USAF

STATE OF TEXAS)
)
COUNTY OF BEXAR)

Subscribed and sworn to before me this 26th day of June 1980 at San Antonio, Bexar County, Texas.

ELAINE DEWERFF, Notary Public
Bexar County, Texas