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COMMENTS TO THE INSTITUTE OF MEDICINE
16 JANUARY 2013

Summary:
Air Force C-123 transports used for spraying Agent Orange during the Vietnam War were contaminated with TCDD until their destruction as toxic waste in 2010. Veterans who were assigned to these aircraft need military herbicide exposure medical benefits from the Veterans Administration. VA opposes, stating that TCDD is not actually shown to cause harm to humans, and TCDD on the aircraft could not have exposed crews via ingestion, inhalation or dermal routes.

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January 16, 2013

Committee to Review the Health Effects in Vietnam Veterans of Exposure to Herbicides
The Institute of Medicine of the National Academies

Dear Members of the Committee:

Along with 1560 other veterans we bring to the attention of the Committee the fact of our exposure to Agent Orange and other military herbicides. Agent Orange was sprayed during the Vietnam War from our modified C-123 transports. Following the war, these airplanes returned to the United States. Spray apparatus was removed, thus about 42% of all our airplanes as former spray aircraft. Along with my friends, I flew them between 1972 and 1982. Then, the C-123 fleet was labeled obsolete and retired to desert storage.

The problem: USAF and GSA records released in 2011 detailed the C-123 contamination by military herbicides, which lingered long after Vietnam. AF toxicologists first officially confirmed contamination by military herbicide residue in 1979 following complaints from our maintenance personnel. The problem was better revealed with far more extensive official testing in 1994 in which toxicologists confirmed our airplanes were "heavily contaminated" and "a danger to public health." The contamination was not theoretical, but confirmed many times by Air Force military and civilian toxicologists, as well as contract laboratories, and also described under sworn testimony in federal court. In 2010, the C-123s, still judged too contaminated for landfill, were all destroyed as toxic waste except for a few museum displays.

Aircrews and maintenance personnel knew of a terrific stench, later determined to be Malathion residue with a mixture of Agent Orange, and the usual aviation petroleum distillates. After the 1979 tests we were assured the airplanes posed no health concerns. Of our 18 aircraft, official records show ten were spray airplanes, and it turns out that all remained contaminated with military herbicides, and one both malathion and military herbicides. Several had that characteristic stench we still remember. Although we understand that Agent Orange itself was odorless, this might suggest the odor was caused by a combination.

Our veterans tried to scrape off an oily film from surfaces and to dig out from nooks and crannies a dirty brown tar substance and generally scrub down the aircraft to decrease the stench. Advisory teams came from HQ Air Force Material Command, but could only advise ineffective scrubbing with Dawn detergent. Eventually, efforts ceased when depot-level maintenance failed to correct the problem and we were told the wings would have to be pulled and cargo decks removed to improve the situation. Our problem proved impossible to resolve without depot-level disassembly of the wing structure and cargo deck and thus had to be tolerated.

In 1994, twelve years after our airplanes were retired, the USAF Armstrong Laboratories did the first extensive testing on them. 100% of the test surfaces proved positive for TCDD contamination, "heavily contaminated" wrote Dr. Ron Porter, the civilian toxicologist's report. In 1996, the USAF Office of Environmental Law directed all contamination information "be kept in official channels only." This was because two contaminated aircraft had accidently been sold to Walt Disney Films, and others to foreign governments, so the contamination became a potentially embarrassing political issue. There the matter lay until details were released via Freedom of Information Act requests made by the veterans in 2011.

Affected veterans then approached the VA claiming exposure to military herbicides and were advised that no exposure was possible. We have been assured that no exposure occurred during the full decade we flew the C-123, with hundreds of hours aloft, hundreds of hours on the ground, hours spent cleaning, scraping, grinding, repairing, sleeping aboard during tactical deployments, trying to clean the airplanes and also to fly our assigned missions throughout the Western Hemisphere and Europe.

VA advanced an illogical position, claiming that human skin is a near-perfect barrier preventing "dry dioxin transfer." The dioxin had dried on all surfaces inside the cargo area (although it also formed a tar-like substance in many nooks and crannies). VA also claims no exposure occurred in this unpressurized, high-vibration old airplane through which rain flowed like a river when we went through storms. We often flew in raincoats or ponchos flying through rain, amusing our Army passengers until they got wet.

We disagreed with the VA. We learn from IOM and other reports that much occupational exposure to dioxin is via the dermal route. The VA's slant has been described as "unscientific" by toxicologists, ten of whom joined with five physicians in forwarding their challenge to the Secretary of Veterans Affairs on 29 November 2012. Names on their letter are familiar to this Committee – Drs. Jeanne Stellman, Arnold Schecher, and Linda Birnbaum among them…experts we see named throughout the several IOM reports and cited so very frequently. Expert scientists and physicians who concluded our C-123 crews were exposed and need dioxin exposure care.

Dr. Tom Sinks, Deputy Director of the Agency for Toxic Substances and Disease Registry, evaluated our situation and stated "I believe aircrews operating in this, and similar, environments were exposed to TCDD." Drs. Schecter and Stellman differ only in the degree of exposure our crews experienced, with Stellman saying it was more than Vietnam ground soldiers and Schecter saying exposure was about the same as the troops.

At meetings chaired by Senator Burr's staff, VA executives promised me to refer the C-123 issue for an IOM special project. That promise was broken this fall, wasting another year as we try to qualify for VA as the VA continues to deny every veteran's claim. My own claim was also recently denied, with extra language added by Mr. Tom Murphy of the VA's Compensation Service who informed me "In summary, there is no conclusive evidence that TCDD exposure causes any adverse health effects." He summarized the "dry dioxin transfer" concept, claiming dermal transfer impossible even with broken skin, or skin that was moist, soiled or oily. He said opinions from physicians were considered, but not those from scientists. He did not discuss the physicians' opinions that I had included, but instead seems to have simply ignored their expert opinions.

Our survivors range in age from 60 to 85. This seems to be the only situation where VA recognizes a contamination situation but denies exposure. We believe this to be because VA feels compelled to keep the numbers of veterans seeking their care at a minimum. Although VA assures us C-123 veterans will be considered on an individual basis, they also carefully deny *every* veteran's claim…on an individual basis. VA even rejected claims because the pilot didn't prove a particular airplane had flown in Vietnam, the records needed unavailable until 2011.

Your committee rules govern what might be done to help us. We understand IOM actions are based on information presented in the peer-reviewed published biomedical literature but clearly, adequate literature and source documents ***already*** exists to permit IOM to help us. That literature is further supported by the opinions of experts you respect. The numerous official tests performed on our airplanes by competent toxicologists are adequate evidence to help form a conclusion.

The committee's responsibility is to "review and evaluation of the available scientific evidence regarding the statistical association between exposure to dioxin and other chemicals in the herbicides used in Vietnam and various adverse health outcomes." We fall squarely within your charter because we have do have adverse health outcomes from exposure to herbicides used in Vietnam, although we present here a post-Vietnam issue, and we do have scientific evidence and testimony to provide of interest to the committee.

We have to ask that in some way, there be an expression by IOM that our C-123 veterans have met the VA's requirement for evidencing both contamination and exposure. There's no new science required. As Dr. Stellman concluded, *less exposure than Ranch Hand veterans but more than Vietnam ground soldiers*. Dr. Schecter wrote "*In my professional judgment you are at increased risk for illness from the dioxin in Agent Orange because of your exposure to it from your military service."*

We stress an important point: No consideration has been allowed by the VA of the fact that tests weren't done until decades after the Vietnam spray missions and after many decades of dioxin breakdown. No new science is needed to understand that the dioxin was more intense 1972 to 1982 than when tested in 1994. The airplane testing "heavily contaminated" in 1994 had to have been even more toxic twenty years earlier.

There are only approximately 1500 to 2500 of us, with about a third Vietnam veterans and an unknown number service-connected in the VA system. We have more retired military than the other services, as flyers and maintenance folks tend to make it a career and thus nare covered by Tricare. Altogether, we are not much of a threat to the VA's healthcare budget.

There is no science or justice in leaving this issue unresolved for more years. The Air Force should have told the veterans of our exposure once the 1994 tests were done at Wright-Patterson AFB. We have the Air Force and other government source documents to verify each of our points at www.c123cancer.org . Thank you for your very kind consideration of our situation and for this opportunity to place our concerns on the record. Thank you especially if the committee can find a manner, however publically or privately it may be expressed, to further the issue with the VA.

Respectfully submitted,

Wesley T. Carter
Chair, The C-123 Veterans Association

CHRONOLOGY OF SUPPORTING DOCUMENTS (*generally newer to older***)** [1]: note: About one-quarter of all C-123K/UC-123K aircraft were used for spraying Agent Orange in Vietnam until 1971. Most Vietnam-based aircraft returned USAF Reserve inventory in 1971-1972, then flown until 1982 when most were sent to Davis-Monthan AFB AZ for storage with some diverted to museum use. 42% of all post-Vietnam C-123 aircraft had been Agent Orange spray airplanes during the war. Full documentation & discussion at http://www.c123cancer.org

3 Jan 13. Independent Medical Opinion, Arnold Schecter M.D., Univ. of Texas School of Public Health; "aircrews were exposed."

29 Nov 12. Experts' Joint Letter, Ten scientists & five physicians challenge to VA re: poor scientific procedures used to deny Agent Orange exposure finding to C-123 veterans, cover letter authored by Dr. Jeanne Stellman.

25 Sept 12. Advisory Opinion, Mr. Thomas Moore, Director Compensation Services, Dept of Veterans Affairs. Asserted TCDD is harmless, scientists' expert opinions inadequate to veterans claims.

6 May 12. Agent Orange - 50 Years History and Newest Concerns , Dr. T. Irons & others, poster display at San Francisco SOT, argued against C-123 veterans exposure via "dry dioxin transfer."

6 Mar 12. Independent Scientific Opinion, Dr. Jeanne Stellman, Mailman School of Public Health, Columbia University. Confirmed aircraft contamination and aircrew exposure.

4 Mar 12. Independent Scientific Opinion, Dr. Fred Berman, Director, Toxicology Department , Oregon Health Sciences University. Confirms aircraft contamination and aircrew exposure therein. With attachments.

22 Feb 12. Scientific Review of Agent Orange in C-123 Aircraft , VA Public Health announcement of low probability of crew TCDD exposure and unlikely long-term health problems from the contamination.

26 Jan 12. Official Letter, Dr. T. Sinks, Deputy Director Agency for Toxic Substances and Disease Registry, that C-123 aircraft were contaminated, aircrews exposed, and exposure even higher before first test were completed.

I9 Dec 11. Independent Scientific Opinion, Dr. J Goeppner (LtCol, USA Chemical Corps, Ret), confirming aircrew exposure to harmful levels of dioxin.

15 Dec 09. *Email,* Mr. Karl Nieman to Mr. Wayne Downs, re: value of C-123 engines and possible parting-out. *Herbicide Characterization of UC-123K Aircraft,* Phase I.

12 Nov 09. Memorandum and Support Paper for AMARG/CC from Mr. Wm. Boor, requesting "special handling for UC-123K aircraft because of Agent Orange." All C-123s were smelted as toxic waste May 2010.

27 Jul 09. *Memorandum,* Dr. Alvin Young to Mr. Wm. Boor, re: disposal of UC-123K aircraft. Recommends no add'l sampling to safe money and to avoid necessity of designating more aircraft as toxic if tested contaminated.

July 09. Final Dioxin & Herbicide Report Characterization of UC-123K Aircraft, *Phase I*, Dr. W. Downs 75CEG HAZMAT Program Manager.

26 Jun 09. Memorandum, Dr Alvin Young to Mr. Jim Malmgren, 505th ACSS re: Decision Memo for Contaminated UC-123K Aircraft. Discussed disposal of aircraft, preventing veterans' awareness re: claims.

24 Jun 09. Memo for the Record. Summarizes Jim Malmgren's presentation and response to comments.

24 Feb 09. Decision Memorandum on Contaminated C-123K Airplanes Dr. Alvin Young to Major C. McCrady. Suggests need for speedy destruction of aircraft, proper wording of press release for media.

Mar/Aug 08. UC-123 HAZMAT Safety Plan, Mr. Wayne Downs, 75ABW/CEG and Mr. Karl Neiman, Select Engineering Layton, UT. Reviewed contamination & dioxin tests, C-123s moved into AMARG quarantine area

31 Jul 03: Study Memorandum for AOO-ALCD/LCD from AFIOS. 100% contamination of all surfaces tested at Air Force Museum; contamination of remaining surplus planes, concerns about contaminated ground soil, etc.

05 Aug 97. *Memorandum* for Secretary of the Air Force/IA from Vice Commander, Air Force Security Assistance Center, WPAFB, Ohio. Details of C-123K aircraft provided allied military forces under Military Assistance Program.

18 Mar 97. *Memorandum* for AFCM/SG from Dr Ron Porter, Toxicologist Health Risk Assessment/Armstrong Laboratory. Concludes "potential for individual exposure to associated with residues of past mission activities".

10 Jan 97. *Memorandum* for AMARC/CD, from Brig. Gen. D. Haines, disposition of contaminated C-123 aircraft. Discusses sale by State Department & other agencies of toxic airplanes. Directed AF to seal all remaining C-123s.

8 Jan 97. *Memorandum of Caution* from Ms. Peggy Lowndes, General Services Administration to Major U. Moul, Staff Judge Advocate, AF Office of Environmental Law; describes GSA sales of dioxin aircraft to Disney.

30 Dec 96. *Note*, Brigadier General O. Waldrop Staff Judge Advocate HQ AFMC to BG Harris, "the political risk, cost of litigation and potential tort liability of third parties make FMS disposal of contaminated aircraft imprudent."

26 Dec 96. *Memo* from Brigadier General Todd Stewart HQ/AFMC/CE to Brigadier General Hanes, HQ AFMC/LG regarding sale of contaminated aircraft as inappropriate, unjustified double standard.

18 Dec 96. *Letter*, Major U. Moul to Mr. Doug Boylan GSA Sales, advising GSA of need to cancel sale of ten surplus UC-123K due to Agent Orange contamination

5 Dec 96. *Memorandum*, Ralph Shoneman Executive Director to HQ AFMC/LGH, Disposition of Dioxin Contaminated C-123 Aircraft.

31 Oct 96. *JAG Memorandum* from Major S. Gempote, Office of the Command Surgeon AFMC. Addresses contaminated C-123K at AMARC, concerns re: military and civilian workers and C-123 dioxin contamination.

31 Oct 96. *Memorandum* for HG AFMC/LtGen Farrell from Mr. R. Schoneman, Executive Director AMARC, re: "disposal contaminated C-123 aircraft" Dioxin-contaminated C-123K aircraft sold by GSA to general public.

30 Oct 96: Memo, HQ AFMC/LOG/JAV to ESOH C&C: JAG attorney Major Ursula Moul, endorsed by Colonel John Abbott, recommends *"I do not believe we should alert anyone outside official channels of this potential problem."*

30 Oct 96. *Staff Summary*, Brigadier General G. Haines to staff, decontamination and legal liabilities mentioned. Memo recommended "*for information only*."

16 Aug 96. Industrial Hygine Survey C-123 Aircraft, DO Consulting Ltd for AMARG. Tested presence of 2,4-D and 2,4,5-T. Water wipes confirmed herbicide contamination present 25 years after last Vietnam spray missions.

17 Apr 96, Memo, Mr. Wm. Emmer, Chief of Safety 355AMDS, directed personnel HAZMAT protection around all stored Davis-Monthan AFB stored C-123K airplanes.

19 Dec 94. Memorandum for 645 Med Group./USAF Museum, Capt. Wade Weisman, BSC & Dr. Ron Porter, AF Staff Toxicologists. Tested C-123 Tail #362 (*Patches*) as "*heavily contaminated on all test surfaces."* Recommended HAZMAT protection, restricted access, decontamination. Dr. Porter testified "*a danger to public health*" in a federal court action.

Sept 1979. Aircraft #362 Sampling, Westover AFB MA, SSgt W. Conway, USAF Occupational and Environmental Health Laboratory, Brooks AFB, TX. Confirmed military herbicide residue, no tests for dioxin.

C-123 Agent Orange Timeline

(greatly abbreviated)

1961-1971
1972
C-123s spray Agent Orange, return to USA in 1972

1979
USAF toxicological tests confirm "military herbicide" residue of Agent Orange, others

1994
USAF confirms C-123 "heavily contaminated' by dioxin

2008
All C-123s ordered into special HAZMAT quarantine

Apr 2011
Veterans first learn of C-123 dioxin contamination

Jan 2012
CDC/ATSDR agrees C-123 veterans likely exposed to TCDD.

1 2 3 4 5 6 7 8 9 10 11 12

1972-1979
Aircrews complain of extreme chemical stench in C-123

1982
C-123s all retired to desert storage at Davis-Monthan AFB AZ

1996
USAF JAG orders dioxin info "kept in official channels only"

2010
USAF orders all C-123s ordered "quietly" smelted as toxic waste

May 2011
C123 Veterans Association formed. American Legion endorses veterans' claims

Sept 2012
VA denies C-123 dioxin exposure claim, suggests "TCDD harmless"

AGENT ORANGE

1961-1971: C-123 transports sprayed Agent Orange in Vietnam and became contaminated with dioxin. The warplanes were flown by the USAF until 1982, then retired. In 2000 USAF confirmed in Federal court C-123 fleet remained "heavily contaminated' and "a danger to public health."

USAF-Mantaded HAZMAT protection once C-123 contamination was identified.. We flew in regular flight suits without such protection *(USAF Official Photo0*