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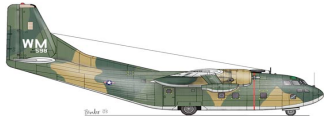
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THE C-123 VETERANS ASSOCIATION

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June 2013

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MISSION STATEMENT:

**VA RECOGNITION OF C-123 VETERANS' AGENT
ORANGE ILLNESSES & SERVICE CONNECTION**

On June 7 2013, the Secretary of Veterans Affairs commented on the post-Vietnam C-123 veterans and their claims for Agent Orange exposure.

His message, a response to Senator Burr of North Carolina (Ranking Member Senate Veterans Affairs Committee) was a cover letter followed by two pages of discussion, covering key elements of the concerns raised by the Department of Veterans Affairs regarding the veterans' exposure claims. The veterans have responded, respectfully, by offering corrective comments and clarification.

Air Force, VA, CDC and other official documents substantiating the veterans' position are available for download and examination at www.c123kcancer.blogspot.com.



THE SECRETARY OF VETERANS AFFAIRS
WASHINGTON

June 7, 2013

(Veterans' comments follow the
Secretary's report)

The Honorable Richard M. Burr
Ranking Member
Committee on Veterans' Affairs
United States Senate
Washington, DC 20510

Dear Senator Burr:

Thank you for your letter regarding Department of Veterans Affairs (VA) processing of disability claims based on Agent Orange (AO) exposure aboard C-123 aircraft outside the Republic of Vietnam. You provided scientific information on this issue and asked that I take any necessary steps to ensure Veterans receive a fair evaluation of these claims.

The statutes and regulations governing VA's evaluations of AO exposure provide for a presumption of exposure for Veterans with service in Vietnam and in certain units on the Korean demilitarized zone during the Vietnam era. VA also acknowledges AO exposure on a direct or facts-found basis in other locations, for example, if evidence shows that the Veteran was directly involved with handling or testing AO.¹ Furthermore, while there are no provisions for acknowledging presumptive, indirect, secondary, or remote exposure based on claimed contact outside of Vietnam or Korea with aircraft, equipment, or personnel from these locations,² VA evaluates such claims on a case-by-case basis to determine if the available evidence supports service connection on a facts-found basis. In making such determinations VA applies the benefit-of-the-doubt principles contained in 38 United States Code § 5107(b) and 38 Code of Federal Regulations § 3.102. Accordingly, VA does not have a "blanket policy" for denying such claims.³

There are a number of issues that will be considered by VA, along with any other lay or scientific evidence available, when evaluating disability claims based on AO exposure from Veterans who flew aboard C-123 aircraft previously flown in Southeast Asia during the Vietnam War. These issues are described in the attached fact sheet. VA is committed to assisting these Veterans and evaluating their claims on a case-by-case basis, and ensuring that AO exposure-related laws and policies are applied in a fair and equitable manner to all Veterans.⁴

If you or your staff would like additional information on this issue, please contact Mr. John Kruse, Director of Benefits Legislative Affairs, at (202) 461-6467 or by e-mail at John.Kruse3@va.gov. Thank you for your continued support of our mission.

Sincerely,

Eric K. Shinseki

Enclosure

Department of Veterans Affairs (VA)
Fact Sheet for the Honorable Richard M. Burr Regarding Processing of
Disability Claims Based on Agent Orange (AO) Exposure Aboard C-123 Aircraft
Outside the Republic of Vietnam

Several hundred C-123 aircraft were used during the Vietnam War for a variety of purposes, including troop and supply movements in Vietnam, flare dropping and gunship security on Thailand airbases, and aerial spraying of insecticides to control malaria-causing mosquitoes in both Vietnam and Thailand. Only a small number of these C-123s (approximately 30) were rotated through Vietnam and used for the aerial spraying of tactical herbicides, such as AO. This occurred from 1962 to 1971 during Operation Ranch Hand, which was designed to destroy enemy food crops and reveal enemy jungle positions. Following the 1971 termination of tactical herbicide use in Vietnam, the involved aircraft may have been assigned other missions in Vietnam or sent back to the United States. Eventually, all C-123s in Southeast Asia were sent back to the United States, where they were used by Air National Guard or Reserve units for the remainder of their useful life.⁵ VA does not currently have a method of determining if a Veteran claiming stateside AO exposure was flying on one of the Operation Ranch Hand C-123s or one of the many other post-Vietnam C-123s flown stateside during the 1970s and 1980s.⁶

The general claim of AO exposure among stateside C-123 crewmembers is based on a wipe test sample of residual 2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD) (the carcinogenic element in AO herbicide) found in only one C-123,⁷ which is exhibited at the Wright-Patterson U.S. Air Force Museum in Dayton, Ohio. That aircraft, named "Patches" because of the numerous enemy bullet holes that were patched during its Vietnam service, was assigned to Operation Ranch Hand initially and stayed with the operation longer than other C-123s.⁸ Most of the Operation Ranch Hand C-123s arrived in Vietnam after 1968, when the application of tactical herbicides was on the decline and herbicides other than AO, such as Agent White and Blue, were in use. These other tactical herbicides did not contain TCDD.⁹

Despite these facts, there seems to be a widespread and unfounded assumption that all other C-123 aircrafts would contain TCDD samples equivalent to "Patches," if tested.¹⁰ VA has no way of verifying this assumption,¹¹ but government documents provided by Dr. Alvin Young, a retired U.S. Air Force Colonel and leading expert on tactical herbicides, do shed light on the issue.¹² Analysis of surface wipe samples taken from four mothballed Operation Ranch Hand C-123 aircraft between 1996 and 2009 showed no evidence of TCDD in two of the aircraft and only trace amounts of TCDD in the other two.¹³ Air samples from all four planes showed no TCDD. It is not clear how VA could obtain additional aircraft samples and determine if residual TCDD was present in other C-123s because they are no longer in use, and in some cases, have been destroyed.¹⁴ Additionally, wipe sampling is a universally accepted method used to detect at what level a chemical is present on a surface, but cannot be directly extrapolated to represent human health risk, as chemical intake must also be taken into account.¹⁵ Further, the use of a solvent removes more of the chemical from the surface than would be available

through casual contact with the surface.¹⁶ This illustrates the difficulty VA faces when evaluating whether a particular Veteran claiming stateside AO exposure was actually aboard a C-123 used for Operation Ranch Hand and, if so, whether there was any residual TCDD present in that aircraft, and if it was able to enter the body.¹⁷

VA assumes that some Veterans flew stateside aboard post-Vietnam Operation Ranch Hand C-123s that did contain residual solidified TCDD similar to that found in "Patches," and so the issue of exposure and long-term health effects among those Veterans must be considered. To that end, the Veterans Health Administration's (VHA) Office of Public Health has already conducted a specific scientific investigation into the theory of exposure to TCDD via incidental aircraft contact.¹⁸ The results are posted on VA's Web site. The general conclusion is that: (1) any residual TCDD in the Operation Ranch Hand aircraft had solidified and is unable to enter the human body in any significant amount, and (2) there is no scientific evidence that a Veteran's presence in an aircraft containing solidified TCDD can lead to adverse long-term health effects.¹⁹

Regarding this VHA Office of Public Health scientific investigation:

²⁰
1. Some scientists have argued against the VHA conclusions and provided opinions stating that the concentration of TCDD in "Patches" was excessive, and, therefore, crew members in any post-Vietnam Operation Ranch Hand C-123 would have been exposed to a high dose. However, several other scientists who are involved with ongoing toxicology research have independently and without solicitation contacted VA to refute the aforementioned opinions.²¹ They note that the percentage of TCDD in a wipe sample obtained with a solvent does not translate into a high dose that would be absorbed by the human body. They further note that studies show the skin to be a strong barrier against absorption and that extremely high temperature would be required to vaporize TCDD and make it available for absorption through the lungs.²²

2. Regarding VHA's conclusion on adverse long-term health effects, numerous public sources have identified the 20-year longitudinal *Air Force Health Study*, initiated in 1982, as a source of scientific information.²³ It followed and studied 1,261 Vietnam Veterans who were actual pilots and crew members of Operation Ranch Hand C-123s. As such, they were exposed to tactical herbicides on a daily basis and testing showed the presence of TCDD in their bodies. However, current health data (obtained as late as 2012) fail to show a general increased risk of adverse long-term health effects as compared to other populations. Given that the evidence from actual participants in Operation Ranch Hand does not show a health risk from direct exposure to TCDD, it is difficult to ascertain a basis upon which to find a health risk among crew members of post-Vietnam Operation Ranch Hand C-123s.²⁴



C-123 Veterans' Responses and Observations regarding Secretary Shinseki's 7 June 2013 paper:

1,2: The various laws promulgating the VA response to Agent Orange and other herbicide exposures do not specify liquid or dry form, nor whether veterans qualify only handling, testing, distributing or any other form of exposure. It does not specify which of the three exposure routes, dermal, inhalation or ingestion. The law simply reads "exposure."

Post-Vietnam C-123 crews flying former Ranch Hand Agent Orange spray aircraft had direct, dermal exposure to lingering contamination inside the warplanes. The exposure was not secondary, or remote, or hypothetical, or other indirect type, but using EPA and Society of Toxicology terms, it was primary...skin to contamination, as well as via inhalation of dioxin dust.

3: The applicable laws are the 1991 Agent Orange Act, 38 CFR, and the Federal Register of 8 May 2001 p. 23166. Within 38 CFR, 3.03 a), 3.07 a)(6), and 3.307 a). The "blanket policy" was described by Mr. Tom Murphy, Director of Compensation Services when he explained no amount of evidence would be permitted to advance a C-123 veteran's claim to "as likely to as not" acceptability.

4: As the Secretary writes, the VA policy against C-123 veterans may be "equitable," but only from the perspective that *all* claims are denied equally, and *none* approved equally. It is inappropriate to term it "fair" because laws meant to protect such veterans are arbitrarily dismissed, and rather than staff trying to sympathetically weigh evidence in a veteran-friendly manner, veterans have been officially informed no claims will be approved regardless of the merit of any argument. No attempt by VA has been made to observe the requirements of the 8 May 2001 Federal Register, page 23166. No veteran-friendly procedures have been permitted to interfere with the uniform rejection of all veterans' claims.

Dr. Terry Walters, VHA Deputy Director Post-Deployment Health, explained to a field grade officer of the Army Chemical Corps, then serving as a Military Legislative Fellow, while both were attending the meeting between VA and C-123 veterans in March 2012, that VA "*could not*

permit” claims such as the C-123 veterans’.¹ This makes for an impression of unfairness, as well as one in contrast with law.

Mr. Tom Murphy on 28 February 2013 at the C-123 veterans conference hosted by him at 1800 G Street explained to Majors Wes Carter and Marlene Wentworth of the C-123 Veterans Association that no amount of supporting evidence would be permitted to raise a C-123 veteran’s claim to the threshold of “as likely to as not.” He further explained this was because Veterans Health Administration already made the determination that C-123 veterans were not eligible for service connection. Dr. Terry Walters confirmed the C-123 veterans’ classification as not exposed in conversation with Major Wes Carter, explaining that without veterans first proving bioavailability there can be no VA concession of exposure. She also explained that from her perspective that meant that no Vietnam veterans, including Ranch Hand crews, were ever exposed.

Further, VA has provided their regional offices at which veterans’ claims are decided with convenient boilerplate language and directions that all C-123 claims are to be denied even in the face of regional office recommendation for approval.

5: The UC-123 and C-123 fleet was partly dispersed in the final years of Vietnam, with many aircraft transferred to the RVNAF, and also Cambodia, Thailand and South Korea, with remaining warplanes returning to the US. Most cycled through an AFMC-contract maintenance depot at Dothan AL, where spray tanks were removed from most UC-123s. The aircraft were assigned to three squadrons, based at Westover AFB MA, Rickenbacker ANGB Ohio and Pittsburgh Air Reserve Station PA. Pittsburgh and Westover were both parts of the 439th Tactical Airlift Wing with significant crossover of personnel, missions and aircraft. All three had aeromedical evacuation squadrons, maintenance and aerial port squadrons and associated flying personnel such as headquarters staff and flight surgeons. Rickenbacker retained the only spray-configured aircraft to continue a worldwide insect control program. All aircraft were by then designated C-123K, and were flown between 1972 and 1982, at which point most were retired to desert storage and a few to museum display. Note that the Air Force officially lost track of which aircraft were configured to spray and back to cargo, then again to spray, and by the late 1990s had been forced to consider all stored aircraft to

¹ The officer’s name is available in the proper circumstances but he is no longer a Military Legislative Fellow, having returned to his traditional duties.

be former spray airplanes and toxic.

6. VA's Mr. James Sampsel and JSRRC's Mr. Dominic Baldini have been provided USAF Historical Records Research Agency documentation confirming our specific Ranch Hand aircraft by tail number. We have gathered Form 5s showing tail numbers and dates of missions between 1972, 1982, our post-Vietnam years with the C-123, and have also collected flight orders. Between all these we can establish which veteran flew which confirmed Ranch Hand aircraft and on which day and with what other crewmembers.

Earlier this year, JSRRC was provided confirmation by HQ Air Force Reserve Command that our aircraft were former spray aircraft, and JSRRC was provided confirmation from Dr. Christopher Portier, Director CDC/ATSDR that C-123 veterans were exposed to Agent Orange aboard our aircraft, but Mr. Sampsel directed JSRRC to consider only official military documentation, not official documentation from other federal agencies such as CDC/ATSDR, NIH, US Public Health Service, etc. This most recent data collection should solve the most recent requirements of both VA and JSRRC.² (attached)

7,8: The "general claim of AO exposure" is based on 1979 USAF tests confirming military herbicide (no dioxin testing performed) and on 1994 testing in which USAF toxicologists, using the gold standard wipe tests, confirmed *Patches* was "heavily contaminated on all test surfaces" and "a danger to public health." The senior AF toxicologist confirmed in 2011 he stands by his test report, and when it was written in 1994 he directed all personnel, not just restoration workers, to wear protective HAZMAT suits and full-face respirators, preceded by 2 days ventilation of the aircraft. It is inappropriate to stress a point about only one aircraft (*Patches*) being found contaminated with dioxin. It was the only one tested between 1979-1994, so from that perspective TCDD "was found in only one aircraft" but the language used by the Secretary implies only one of many showed contamination. *Patches* was the first, but others later were also confirmed to be toxic to the point that AF toxicologist Dr. Ron Porter testified in federal legal procedures that they were "a danger to public health." Veterans note the airplanes were so toxic the AF eventually had to arrange special high-security quarantined storage at the Boneyard, a relocation expense costing over \$120,000.

Veterans also note the effort to deal with the health concerns

² Veterans Flight Documentation Package (Form 5s, flight orders, [spreadsheet](#))

caused by the inadvertent sale of two contaminated C-123 aircraft to Walt Disney for films.

Subsequent tests on various Boneyard aircraft continued to show contamination, although decreasing over time and in desert conditions, until all C-123s were destroyed as toxic waste in 2010 on the recommendation of Col Al Young, who in his position paper addressing the C-123 contamination cited the toxicity and also explained to the AF that if veterans learned of the contamination, the veterans would seek VA care for AO illnesses. He aided Hill AFB Public Affairs in creating an unreleased press release eliminating attention-grabbing words like "Agent Orange, toxin, TCDD," and congratulated base officials on eliminating all the airplanes without arousing media attention.

9: The Secretary is incorrect - dioxin was found in other herbicides as well, especially Blue.

10-14: There is a widespread perfectly well founded assumption that *Patches* and other UC-123K aircraft were similarly contaminated. We must make this assumption partly based on the fact that all the others, except for one at Warner-Robins AFB Museum and perhaps the one at Pima Air Museum, were all destroyed specifically because they were toxic in 2010. Additionally, considering that *Patches* flew only malathion missions after 1965 (that's why it was the silver C-123), the others sprayed herbicides for more years, until Ranch Hand was suspended and therefore their herbicide contamination is even more intense.

Respectfully, the Secretary is misinformed by Colonel Young regarding the 1996 testing. That test series, according to AMARG at Davis-Monthan, actually resulted in 17 of 18 aircraft testing positive for dioxin. The four aircraft test series was later, around 2005, and once two were confirmed toxic and two left showed no contamination, Colonel Young recommended the testing stopped because it permitted interpretation in several ways - the AF could state they'd identified dioxin in only 2 of the 18 aircraft in the Boneyard, inferring the other 16 were clean.

Negatively, the AF could otherwise state that half of the tested aircraft were contaminated. In any case, it is inappropriate to use a testing of four aircraft in 2005 to infer that only 2 of the 18 were contaminated as the record conflicts with the 1996 test. The Secretary should also note that most veterans from Westover AFB and many others can provide confirmation of flights aboard *Patches*, and can rely on those tests to establish significant contamination. And that stall game is obviously

designed to prevent veterans' claims. Colonel Young's manipulation of facts prevented an accurate, meaningful statement by a member of the President's cabinet.

15-17: Wipe tests with water and hexane are the gold standard and would be the very tests used today at Davis-Monthan, at Wright-Patterson, at the White House or at Wal-Mart or the local high school. The military gold standard publication is TG312 that details the tests. Toxicologists understand how to weigh the results, and the results were further validated with comparison with the WTC and SUNY-reentry standards commonly in use. The only reason not to rely on them would be to construct a misleading hypothesis against the C-123 veterans' claims.

Finally, the VA must not hide behind the Air Force destruction of the C-123s as an excuse to pretend no conclusion can be reached about contamination and aircrew exposures doing that uses the AF missteps in destroying the aircraft exactly as Colonel Young recommended, and as both Hill and Davis-Monthan concurred...which was to prevent the veterans from seeking service connection for our exposures.

The Secretary's point about the "difficulty VA faces when evaluating whether a particular Veteran claiming stateside AO exposure was actually aboard a C-123 used to Operation Ranch Hand and, if so, whether there was any residual TCDD present in that aircraft" is resolved by official records recovered from AH AFRC, USAF Historical Records Research Agency, JSRRC and the veterans' own military papers. The difficulty the Secretary ends his sentence with "and if it was able to enter the body" is not an issue under the law, where veterans are obliged only to establish simple exposure.

18: It is appropriate that VA assume veterans flew aboard Ranch Hand aircraft with solid TCDD. It is also factual, based on the 1996 Davis-Monthan tests as well as numerous maintenance supervisors' VA21-4138 narrations of the intense buildup of powdered Agent Orange in the wing spaces, below the cargo deck, between inner and outer skins and wheel well areas. Further, Agent Orange had soaked into virtually every surface in the C-123, consisting of aviation grade unpainted aluminum, steel, painted surfaces, wood, leather, ceramics, plastics, adhesives, paper, fiberglass, insulation matting, and other substances each retaining dioxin in different ways. There is nothing in toxicology dismissing powder or caked, vs. liquid, dioxin as a dangerous toxin, nor which dismisses

dermal exposure. Again, the Secretary's attention is called to the fact that veterans need only establish exposure. Numerous juried scientific articles have been provided VBA supporting dermal exposure to dioxin in formats other than liquid.

19: Regarding the VA's "specific scientific investigation," the Secretary may be misinformed because VA's Assistant General Counsel Deborah McCallum certified to C-123 veterans in responding to our FOIA #25524, which we waited for over a year but were informed by her that VA had no materials. VA had accepted the FOIA and claimed no exemptions. Thus, it is difficult to be referred to the VA C-123 study described by the Secretary, which his attorneys explain does not exist. No C-123 Agent Orange materials exist anywhere in the Department of Veterans Affairs, except now this paper from the Secretary. We appreciate that this FOIA denial *may* be in error and perhaps such a study was actually accomplished. As described on the VA's Internet pages, this was only a literature review, the aircraft not being available to inspect. Further, the literature review, if actually conducted, must only have examined selected articles supportive of the VA's predetermined conclusion against exposure being possible, because the large body of evidence in juried scientific articles which do support our exposure was not selected for reading.

We again ask the Secretary to consider the 1991 Agent Orange Act, Title 38 and 8 May 2001 federal Register, because in none of these are there requirements placed on C-123 or any other veterans to prove our presence in TCDD lead to adverse, or any other, health effects. This requirement, impossible for Vietnam veterans to prove, was also known as medical nexus, The only instance in which a veteran must prove this is if claiming an illness not among the Agent Orange-presumptive illnesses.

20: Perhaps the Secretary was not fully informed of the broad-based challenge raised by the large group of concerned scientists and physicians who described their serious reservations about the VA construction of the position against C-123 veterans' exposure. Mr. Murphy dismissed their input in his response to Dr. Stellman at Columbia.

Included among the group were most of the principal names in science and medicine, including Shecter of the University of Texas Medical School, Stellman at Columbia University's Mailman School of Public Health, and others. Perhaps the Secretary was not advised of the official

findings that C-123 veterans were exposed offered by the Director, CDC/Agency for Toxic Substances and Disease Registry (Portier), and the Director MH/National Toxicology Center (Birnbaum), as well as the US Public Health Service. The EPA deferred to Dr. Portier's opinion.

The "some" scientists include the leading names in dioxin research and their conclusion that veterans were exposed was unequivocal. If the VA "scientific review," (if actually conducted) were to seek publication in a scientific journal it would be refused as rejected by objective jurors, as it was when challenged by Dr. Stellman's colleagues. Except for Dr. Stellman, the other experts merely opined that we veterans had been exposed - she concluded our exposures were less than Ranch Hand veterans, and more than ground soldiers. This is especially so because our exposure was repeated mission after mission for a decade with an unending dioxin buildup even though, perhaps, to low concentrations.

Indeed, the wipe sample may but does not necessarily translate into a high dose of TCDD intake. The only scientists who had hands-on experience (Dr. Ron Porter, LtCol Wade Weisman) doing these samples testified the net result was indeed that airplanes' being "a danger to public health." The issue also remains exposure, which is indisputable. The scientific literature, including publications by VA, describe dermal exposure of dioxin as being the principal route of occupational exposure. The extremely high temperatures mentioned are also generated by the engines' heat from which is drawn into the cabin and mixed with cool air, but which transferred toxin from the wing areas.

Several scientists and senior maintenance supervisors (E9 & O6) have also stressed that the dirt in the aircraft which accumulated from combat assault landings and takeoffs, retains dioxin and when the aircraft's normal vibrations caused the dirt to create dust, allowed for inhalation of dioxin-laden dust. We again have to bring the Secretary's attention to the fact that exposure is the issue. Still, a great many federal agencies, state agencies, veterans organizations scientists and physicians have offered their unsolicited and unpaid opinions to establish the veterans' just claims for exposure, all dismissed as "some."

21-22: We must ask that the "several other scientists who are involved in ongoing toxicology research" be made public, as they are acting as witnesses and advisors to the Secretary in denying us veterans access to vital, life-saving VA medical care.

23,24: There is no legal justification in VA demanding that C-123 veter-

ans prove bioavailability, or absorption, or any specific harm caused by TCDD exposure. The 1991 Agent Orange Act lifted that impossible burden from veterans' shoulders, at least in reference to Agent Orange-presumptive illnesses, and only obliged a veteran outside a presumptive exposure group to establish the facts of his or her exposure. We've done that, Mr. Secretary. The Department is incorrect in stating, "It is difficult to ascertain a basis upon which to find a health risk among crew members of post-Vietnam Operation Ranch Hand C-123s." It is in fact, easy, because no effort need be made at all, given the Secretary's decision to order VHA and VBA to simply follow the law about us. We were exposed to TCDD aboard our warplanes, the exposure has been adequately confirmed and the law is clear.

Summation: comments regarding Colonel Al Young:

We veterans didn't get rid of the evidence because it was contaminated; the Air Force quietly (by special effort to restrict information) got rid of it because the planes were contaminated. The Air Force having rid itself of the airplanes that their reports had stressed for decades were contaminated with dioxin, an act driven because of the planes' toxicity as well as the concern raised by AF officials of a potential \$3.4 billion EPA fine, must leave the VA with an absolute duty to interpret every test in a manner most supportive of Post-Vietnam C-123 aircrewmembers, flight nurses and mechanics. The innocent victims in this situation of destruction of evidence must be protected, and treated as though the evidence substantiates, as indeed it does, our TCDD exposure claims.

With respect, we must call the Secretary's attention to the involvement in this issue of retired Colonel (Dr.) Al Young. Colonel Young certainly has a long career addressing Agent Orange issues. He was, and is, one of the staunchest defenders of its use in military situations and to the fact that it is harmless to humans. As noted, Colonel Young provided a selected group of papers, not the entire body of evidence nor even the large body of materials available at the USAF School of Aerospace Medicine.

Early on in our effort to bring our concerns to the VA's attention, Colonel Young noted the activity and in 2011 publically described us as "trash-haulers, freeloaders looking for a tax-free dollar from a sympathetic congressman." He said he had no respect for us but would respect an airman earning the Purple Heart. So, we offered to send him some of our Purple Hearts. Or of our Air Medals, POW Medals, Bronze Stars,

CIBs, jump badges, Air Force wings, Distinguished Flying Crosses and other combat decorations not available at Eglin AFB where he helped develop the early Ranch Hand technology and tactics.

In addition to the prejudice revealed in his comments, we are highly offended at his role directing Air Force Material Command, and Hill AFB and Davis-Monthan AFB officials, in destroying the contaminated C-123 fleet stored in the Boneyard. Colonel Young recounted an article about the Boneyard published in *Orion Magazine* authored by Professor Ben Quick, and shared his concern with his military contacts (Mr. Billy Boor, Mr. Jim Maligram, and Major Carol McCrady) that unless the planes were destroyed, already-exposed post-Vietnam C-123 veterans could learn of their exposure and turn to the VA for what Colonel Young described as "presumptive compensation," by which we gather he meant service connection.

We stress that we'd already been exposed. Young, in his position paper submitted in his capacity as Senior DOD Agent Orange Consultant, was in effect suggesting the Air Force rid themselves of the evidence of our exposure precisely to prevent our claims, or at least to frustrate them if submitted. Worse, Mr. Boor officially repeated his recommendations as AMARG sought AFMC and Air Staff approval for destruction of the warplanes. What role does the Air Force legitimately play in any action preventing veterans' claims?

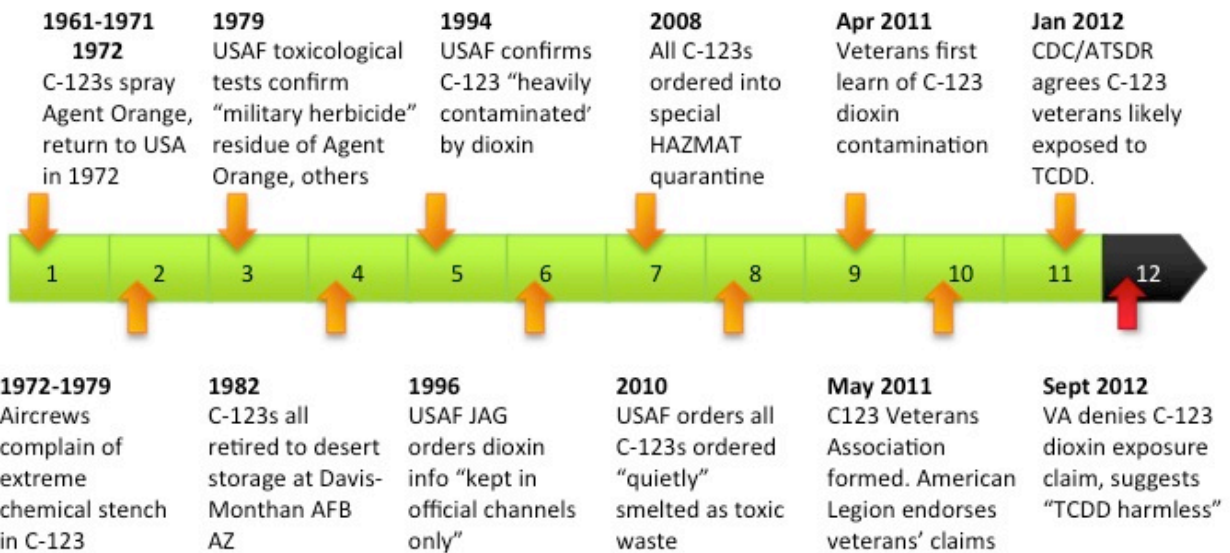
This would be the subject of criminal investigation in a civil setting. We cannot imagine a civilian firm, say Avis, destroying contaminated cars to keep renters from learning the vehicles were contaminated and the occupants exposed.

C-123 veterans remind the Secretary that the C-123 airplanes became "the Agent Orange airplanes" from the 1994 tests through the fleet's destruction as toxic waste in 2010. Only upon the first C-123 veteran's claim did they stop being in every Air Force document we have located, "the Agent Orange airplanes."

Colonel Al Young can have no say in this issue, as his input is tainted, prejudiced, unscientific and driven by his need to satisfy VA policy. We invite the Secretary to Google Colonel Young, or to discuss him with President John Rowan of the Vietnam Veterans of America, or the American Legion, or Dr. Stellman, or other acknowledged Agent Orange experts not on track with Colonel Young's agenda.

C-123 Agent Orange Timeline

(greatly abbreviated)



**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 employees with required HAZMAT protection once C-123 contamination was identified. Veterans flew for ten years wearing regular flight suits lacking such essential protection (*USAF Official Photo*)



CHRONOLOGY OF SUPPORTING DOCUMENTS (*generally newer to older*): 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. VA awards service connection to veterans evidencing a source of Agent Orange contamination, exposure to that contamination, and an Agent Orange-presumptive illness; Title 38 3.09 VA opposes C-123 veterans by refusing to recognize exposure. Full documentation & discussion at <http://www.c123cancer.org>

11 Mar 13. [Official NIH Letter](#), CAPT Aubrey Miller MD MPH, US Public Health Service/NIH, Senior Medical Advisor to National Institutes of Health National Toxicology Program. "Veterans were exposed."

8 Mar 13 [Official Finding, Director Dr. Christopher Portier, CDC/Agency for Toxic Substances & Disease Registry, to Mr. Dominic Baldini, Director, Joint Services Records Research Center](#) , confirmed C-123 contamination, veterans' Agent Orange exposure, and increased cancer risk; followed up on Deputy Director Dr. Tom Sinks' earlier letter, same subject and same conclusions

14 Mar 13, VA Rating Decision (Denial) Maj Wes Carter, Portland VARO, denied veteran's claim re: service connection for Agent Orange exposure while flying the dioxin-contaminated C-123, 1974-1980

28 Feb 13 [VA Rating Decision \(Denial\) LtCol Paul Bailey of Bath NH](#), Manchester NH Regional Veterans Administration Office; denied veteran's claim re: service connection for Agent Orange exposure while flying the dioxin-contaminated C-123, 1974-1980.

10 Jan 13. [Letter](#), Mr. T. Murphy Director VA Compensation Services to Dr. J. Stellman, refuting Dr. Stellman's and colleagues' findings confirming C-123 veterans' exposure, repeats denial of exposure citing "scientific literature" relied upon by VA's Health Benefits Administration study.

3 Jan 13. [Independent Medical Opinion](#), Arnold Schechter 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 Murphy, VA Director Compensation Services. Asserted TCDD is harmless, scientists' expert opinions are unacceptable when considering C-123 veterans' claims.

6 May 12. [Agent Orange - 50 Years History and Newest Concerns](#), Dr. T. Irons & others, poster display (no peer review or juried evaluation) at San Francisco SOT, argued against C-123 veterans exposure via "dry dioxin transfer."

1 May 12. [Distribution Memorandum and Consultative Letter Post Vietnam C-123 Aircraft Agent Orange Exposure](#), MG Thomas Travis MD CFS, Deputy Surgeon General USAF, reviews USAF-SAM report that discounted exposure risk; opts not to inform veterans to spare them "**undue distress.**" In April 2013 this USAFSAM report was discredited by its civilian scientist author, Dr. Peter Lurker, who had been ordered to stop his research once he'd concluded veterans were exposed; his report was rewritten to change finding and report no exposure had occurred.

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.

19 Dec 11. [Independent Scientific Opinion](#), Dr. J Goepfner (LtCol, USA Chemical Corps, Ret), confirming aircrew exposure to harmful levels of dioxin.

26 Oct 11 [Email Weisman to Carter](#), Dr. Wade Weisman explaining his C-123 toxicological survey in 1994 of C-123 tail #362 at USAF Museum, determining "heavily contaminated" with dioxin and an exposure threat to visitors, employees, restoration workers.

9 Jun 11. [Official Letter](#). Dr. Linda Birnbaum, Director Nat'l Institute of Environmental Health, and Director National Toxicology Program, concluding, "exposure is assumed based on wipe-tests demonstrating high dioxin concentrations in the C-123Ks.

1 June 11. [HQ, Air Force Reserve Command FOIA Response re: C-123 Agent Orange Background](#), report confirms aircraft assigned to 731st TAS dispersed "chemical defoliants" over Southeast Asia.

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. Boor detailed Young's comments about preventing veterans' claims.

27 Jul 09. [Memorandum](#), Dr. Alvin Young to Mr. Wm. Boor, re: disposal of UC-123K aircraft. Recommends no add'l sampling to save 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, specifically for preventing veterans' awareness re: VA exposure 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

5 Nov 07. [Board of Veterans Appeals Citation 0734812](#). Award of Agent Orange service connection claim to C-123 veteran, Hanscom & Westover AFB

13 Jun 07. [Board of Veterans Appeals Citaton 0717857](#). Award of Agent Orange service connection claim to C-123 veteran, Pittsburgh Air Reserve Station

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 Hygiene 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 IAW AFR and USAF Surgeon General standards around all stored Davis-Monthan AFB stored C-123K airplanes.

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