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## BRIEFING NOTE TO THE MINISTER

### HERBICIDE SPRAYING AT CFB GAGETOWN

#### AIM

1. To provide you with updated information on herbicide spraying in general and Agent Orange testing specifically at CFB Gagetown.

#### BACKGROUND

2. Since the 1950s, various types of herbicides have been applied at CFB Gagetown to reduce brush in the training areas and reduce the risk of forest fires. Some of these applications were composed of the same mixture of chemicals that make up Agent Orange. The two chemicals are 2,4-D and 2,4,5-T. Both of these are herbicides in their own right and were commercially available in Canada. We are checking on whether these herbicides were officially registered. Agent Orange first became a concern as a result of its use as a defoliant in the Vietnam War. It is estimated that 72 million litres of Agent Orange was sprayed in Vietnam from 1965 to 1971. In 1970 it was discovered that as a result of the manufacturing process, Agent Orange and possibly other herbicides containing 2,4,5-T were contaminated with varying levels of dioxin, a toxic and persistent substance. 2,4,5-T registrations were cancelled in the US and the product voluntarily removed by the manufacturers in 1985.

3. Precision regarding how Gagetown was selected for testing of Agent Orange forty (40) years ago is difficult to obtain. It does appear from one set of available records that the US Department of the Army, Fort Detrick, Maryland, was charged with finding effective chemical agents that would cause rapid defoliation of woody and herbaceous vegetation. To further develop these objectives, large areas similar in density to those of interest in Southeast Asia were needed. In March 1965, the Canadian Ministry of Defence offered large areas of densely forested land located at CFB Gagetown for experimental tests of defoliant chemicals. This land was suitable in size and density to meet US objectives. Another record indicates that in a cooperative effort with the US, it was apparent both countries would benefit from brush control testing and evaluation. Throughout the years 1955 to 1964, CFB Gagetown personnel had difficulty in controlling seedling growth and timber regrowth. The same document suggests that Canada would benefit from the technical advice, which could be given by US experts. It also indicates that the US would benefit by being given the use of tracts of first and second growth timber in an environment similar to that of the Northern United States where new herbicides, which had never been employed in this type of climatic zone, could be tested. The United States interest in this trial was related to evaluating effective measures for reducing foliage coverage.

4. In June 1966 and 1967, aerial spray tests were conducted at CFB Gagetown under the guidance of personnel from the Biological Sciences Laboratory. A total of 153 plots were sprayed with up to 15 mostly commercial herbicides and desiccants to determine the

effectiveness of compounds and combinations. One of the herbicides was Agent Orange. In 1966 it was tested on 14 plots and in 1967 it was tested on 2 plots. This herbicide was sprayed in an unused area of the base, not in proximity to any residential or working areas, under strictly controlled conditions. Records show that spraying was conducted when there was little or no wind. The test plots were in a relatively small zone about 6.4 kilometres from the airstrip.

5. One of the reports from the testing in 1966 indicates that the test plots were flagged for helicopter pilots with poles that extended to a height of 50 feet. A flag was attached to the tip of the poles. The flagman stood on the trail halfway between pole markers, and the helicopter doing the spraying flew over the flags. Occasionally trees hid the flag and the pilot had to request ignition of smoke pots. This suggests that there were people on the ground during the 1966 tests. Another document about the same set of tests lists 13 Canadians (11 military and 2 civilians) and 9 Americans who were involved in the planning and execution from 1964 to 1966 for the tests in 1966, but this list may not include everyone who was involved in the actual tests nor does it indicate if any of the listed individuals were actually on the ground during the testing. At this time, ADM(IE) has not seen a list of individuals who may have been involved in the 1967 test. There could be more individuals who assisted in the tests in 1966 and 1967 who have not been identified to date. We are not aware of any way for DND to confirm categorically everyone involved in the tests. People would have to self-identify to permit compilation of a fuller list, which again, may not be complete.

6. Since 1966, more than 150,000 CF personnel were trained at CFB Gagetown. Other than one confirmed veteran who was awarded a Veterans' Affairs Canada (VAC) pension for illness associated with exposure to Agent Orange at Gagetown, there are no indications that CF personnel who served in Gagetown since the testing have suffered ill health effects. (It should be noted that another veteran is in receipt of benefits through VAC for an illness associated to Agent Orange exposure in Vietnam.) It is not possible to determine the names of everyone who served at CFB Gagetown during the testing or who traversed the test plots since 1966, as there are no nominal rolls that date back to the mid 1960s.

6. A previous briefing note mentioned that soil testing had been done in 1985 and nothing was found. It was thought that this testing pertained to the Agent Orange test area. This is not accurate. To the best of our knowledge, the testing was on a related issue, at a burial site for barrels that were suspected of containing Agent Orange. To date, we are not aware of any soil testing that has been done in the actual test areas. The department will investigate and do soil and vegetation samples within the next year.

7. We have also found a briefing by a DND representative to the Province of New Brunswick Cabinet in 1985 entitled "CFB Gagetown Brush Regrowth Control Program". The briefing included a reference to a spraying accident in 1964 where the combination of 2,4-D and 2,4,5-T were being applied. Due to a weather inversion, the spray stayed suspended longer than expected. Later, strong winds carried the spray to the upper Gagetown and Sheffield area. The Crown paid approximately \$250 000.00 to several

market gardens in the area as reparation for the damage to their crops. This information was part of an Access to Information release last year.

8. A CBC news story in December 2001 reported that New Brunswick Power also used contaminated 2,4,5-T herbicide in the 1950s and 60s to clear vegetation from its power lines. The report states that the utility company announced that it was settling a lawsuit brought by a group of workers exposed to the herbicide. We have confirmed with plaintiffs' counsel that the lawsuit has been settled.

9. While there has been some reference to the work of The Chemical Warfare Agent Testing Recognition Program in the press of late, media coverage has incorrectly linked chemicals such as Agent Orange, to chemical warfare agents such as mustard gas. Further, some media have erroneously associated the benefits and services available from VAC with *ex gratia* payments awarded as recognition for service for those who were chemical warfare agent test subjects.

10. DND implemented the Chemical Warfare Agent Testing Recognition Program in February 2004 to compensate veterans who participated in chemical warfare testing in Suffield and Ottawa. The rationale for the program was that the veterans were used as actual test subjects for the chemical warfare agents, which in several cases resulted in injuries. There was a causal linkage from exposure to the chemical warfare agents and the injuries. In some cases, the secrecy of the trials impeded access to disability pension benefits under the Pension Act. Eligible veterans can obtain a tax-free \$24,000 *ex-gratia* payment in recognition of their service.

11. Agent Orange is a defoliant (herbicide); not a chemical warfare agent. Furthermore, it was not tested on human subjects in Gagetown in 1966 and 1967. Individuals concerned about Agent Orange, who have contacted the Chemical Warfare Agent Testing Recognition Program with the intent of making an application for the *ex gratia* payment, are informed of these important distinctions and are referred to VAC if the subject of health conditions is raised.

## DISCUSSION

12. The health effects of Agent Orange exposure remain controversial. The US Institute of Medicine (IOM) is considered the leading expert in this regard and has found 'associations' between exposure and certain illnesses. Contrary to general public and media perception, however, the IOM has not found that exposure to Agent Orange is the cause of any illnesses. It is also important to note that the possible associations are based primarily on agricultural and industrial workers with far greater exposure than Vietnam veterans involved in Agent Orange spraying. These Vietnam veterans, in turn, had far greater exposure than CF members involved in the Gagetown spraying. The Canadian Forces Surgeon General and her expert staff have confidence in the quality of the Institute of Medicine's analysis and findings.

13. The potential health risks associated with Agent Orange spraying at Gagetown in 1966 and 1967 can be summarized as follows:

- Scientific evidence linking exposure to the ingredients of Agent Orange and adverse health effects are largely based on heavily exposed populations and only provide evidence of associations, not of causation.
- Test sites in the United States where far greater amounts of spraying took place do not suggest that environmental contamination of any human health significance could have persisted.
- Based on U.S. studies, the C.F. Surgeon General has advised that spray drift beyond the borders of target areas in low wind conditions (as was the case in Gagetown) would be extremely unlikely and that any herbicide remaining in the air would be rapidly degraded by sunlight. The vast majority of Agent Orange sprayed in Gagetown would have been absorbed by the forest canopy or would have broken down in sunlight, with very little reaching the ground. It is extremely unlikely that individuals travelling through the Gagetown test area, even shortly after spraying, could have received an exposure to Agent Orange of any health significance. In the absence of deliberate ingestion of large amounts of contaminated material, there is virtually no risk of significant exposure related to the spraying among CF members who subsequently trained in Gagetown. Even most US ground troops who served in Vietnam are unlikely to have experienced exposure of any health significance. The Surgeon General's assessment is supported by a recent study by the University of Oklahoma at Eglin Air Force Base, Florida, on the environmental fate of Agent Orange, which demonstrated that the majority of the dioxins sprayed on the testing grid were broken down by sunlight within hours of application. Studies also indicated that the half-life of dioxins in soils ranged from 2 to 14 years.

14. VAC has the mandate to provide a disability pension and health care services to veterans who suffer a service-related illness or disability. A claim for a disability pension as a result of exposure to Agent Orange must follow the same application and adjudication process as for any other claimed condition. The applicant must demonstrate that the condition was associated with exposure to Agent Orange. Where there is uncertainty, VAC's pension adjudication process gives the benefit of the doubt to the veteran. With no oath of secrecy associated with exposure to Agent Orange, the ability of these individuals to come forward to VAC to apply for a disability pension, if they feel they have an illness associated with the testing, is not limited in any way.

15. Between April 2000 and May 2005, twenty-five (25) pension claims related to exposure to Agent Orange have been ruled on by VAC. Two (2) resulted in rulings in favour of the claim and twenty-three (23) resulted in rulings not in favour of the claim. Four of the 25 (including one of the two successful applicants) were in respect to service in Vietnam. The Pension Act allows a review of a decision made by the Minister or the Commission under certain conditions. VAC officials have determined that it may be

appropriate to formally review nineteen (19) cases that have been previously considered (i.e., only those cases that have not been the subject of review/appeal by the Veterans Review and Appeal Board.)

*a re-insurance system*

16. Those former or currently serving DND employees who claim they have health problems as a result of exposure to Agent Orange during the performance of their duties will be able to apply for compensation through the Government Employees Compensation Act. This Act is administered by Human Resources Skills Development Canada. Civilian contractor personnel with concerns can apply through their employer's workers compensation plan.

*- farm out via provincial systems  
- they do adjudication at provincial level*

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18.

19. An interdepartmental meeting is being organized as quickly as possible so that other potentially concerned departments can be briefed and consulted on the file. PCO officials have been contacted and will be included in this meeting. The outstanding question of non-DND civilian claims will be discussed at the meeting and as soon as we have formalized our advice on this matter in consultation with other relevant departments, we will brief you.

20. After you have approved a policy approach, we will prepare appropriate fact sheets that will be placed on the DND and VAC websites to provide background on the tests and information about health issues and Agent Orange. The fact sheets will provide

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information about where and when the tests occurred and the latest medical information related to Agent Orange. This document will be provided to VAC for their use and will be the basis for other DND communications tools.

21. The Department will attempt to identify all of the herbicides including their chemical compositions that were used at Gagetown and at other military sites across Canada. This study will likely take well more than a year to complete, as there are more than 50 years of files to be researched from sites all over Canada. A risk assessment will also be required as part of this study.

## PUBLIC ENVIRONMENT

22. To the best of our knowledge the issue of Agent Orange spraying at CFB Gagetown first surfaced in the Canadian public domain in January 1981 through several media stories from such organizations as Canadian Press, Globe and Mail, Montreal Gazette, etc. It was raised again a few times in the intervening years primarily in New Brunswick. Most recently, the issue re-emerged on May 15, 2005 when Sun Media columnist, Greg Weston, reported that Veterans Affairs Canada had awarded a disability pension to BGen Gordon Sellar, who served in Gagetown in 1966/67 and later contracted lymphocytic leukemia. Several subsequent articles from various media outlets across Canada followed Weston's story.

23. Although the media queries on this issue have lessened in recent days, public interest, especially in south central New Brunswick, is still considered to be very high. Your office, the DND General Inquiries Office, and the DND/VAC Casualty Support Office continue to receive calls from veterans, CF members and civilians asking for information or seeking compensation. We also have one pending media query.

NB Telegraph-Journal, has spoken with a veteran, who claims he was a flagman during the spraying. The reporter is attempting, through ATI, to confirm the man's service record. He intends to incorporate DND/CF comments in his story in the next few days. In addition, on 1 June, CBC Newsworld aired a story about Agent Orange spraying and its speculative link to the high rate of cancer in the town of Enniskillen, which is one of the closest communities to CFB Gagetown. A similar story appeared in the New Brunswick Reader in May 2003.

24. It was reported in the New Brunswick Telegraph Journal today (2 June 05), that Greg Thompson, a New Brunswick Conservative MP, is drafting legislation as a private member's bill or motion, to require the Federal Government "to compensate all victims from the spraying of Agent Orange at CFB Gagetown 40 years ago." The same article also reported that the "local New Brunswick MLA, Jody Carr, has already written to federal Defence Minister Bill Graham demanding that civilians also be assisted with their lingering health effects."

## CONCLUSION

25. There was an Access to Information request to DND pertaining to all documents relating to Agent Orange in 2004. All released files were reviewed in the preparation of this note.

26. In summary, Agent Orange was tested at CFB Gagetown on two occasions (1966 and 1967). It is not possible at this time to identify all of the individuals that were involved in the tests in 1966 and 1967. It should also be noted that since the 1950's, herbicides have been used and continue to be used at Gagetown and other Canadian bases.

27. This BN is based on factual information available as of this date. We have requested available files from Base Gagetown to corroborate the information provided. As new information becomes available, this BN will be updated.

28. The information program that is being put in place will allow concerned individuals who feel they may have been exposed to the Agent Orange tests to have the facts as we know them and allow them to make informed decisions about the best course of action.

29. There is a clear way ahead on avenues for veterans and civilian employees of DND and non-DND contract employees.

- veterans and current CF members can apply for a disability pension as a result of exposure to Agent Orange and must follow the same application and adjudication process as for any other claimed condition
- former or currently serving DND civilian employees who claim they have health problems as a result of exposure to Agent Orange during the performance of their duties, will be able to apply for compensation through the Government Employees Compensation Act which is administered by Human Resources and Social Development Canada
- civilian contractor personnel with concerns can apply through their employer's workers compensation plan

30.

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