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# Were Vets Who Served in Guam Exposed to Agent Orange and Denied Benefits?

SEP 25, 2013 4:45 AM - BY DIANE DIMOND

Diane Dimond reports on the veterans who claim they regularly sprayed Agent Orange on a military base and have been denied [benefits for](#) the illnesses they've had ever since.

The life-changing damage done by the Agent Orange herbicide continues to haunt American soldiers who served during the Vietnam War. It took years for the government to yield to pressure and acknowledge the devastating effects of the chemical. Many Vietnam veterans have been compensated for the debilitating illnesses but others who served outside Vietnam [continue](#) to be denied benefits by the VA. Diane Dimond spoke with a group of these forgotten veterans, and heard from some that they fear they will die before receiving treatment and justice from the country they served.

Air Force Master Sergeant LeRoy Foster is a monumental pain in the ass to the Veterans Administration. He has been leading a small army fighting the VA's years-long refusal to grant Agent Orange benefits to hundreds of veterans who served on Guam during the Vietnam Era.

Foster served as a Fuels Specialist assigned to the 43rd Supply Squadron at Andersen Air Force Base, Guam, from September 1968 until June 1978. Part of his duties included getting rid of weeds and other vegetation on the base. In sworn testimony to the U.S. Congress and in several affidavits to the VA Foster maintains that Agent Orange—which contains deadly TCDD dioxin—was among the defoliants he regularly mixed and loaded into his 750 gallon trailer-mounted sprayer and dispersed base-wide.

The government's own analysis of chemicals present in the island's soil and resolutions passed by Guam's legislature also suggest that Agent Orange was among the herbicides routinely used on the Air Force base. Despite this evidence, the DOD continues to deny that Agent Orange was ever used on Guam and has refused to award afflicted veterans the [disability coverage](#) that has become standard for those who were harmed by the chemical in Vietnam.

Foster, 65, is the rare exception. He finally won his VA claim for Agent Orange benefits in January 2011 after producing medical records from 1968 when he was treated at Andersen AFB for chloracne—an oily, painful condition of cysts and pustules that erupts on a dioxin-exposed person's cheeks, arms, torso and groin area. While chloracne is not exclusively attributed to Agent Orange, it is consistent with the symptoms caused by dioxin and the VA, when it reviewed Foster's claims, did not dispute them or offer alternative explanations for his condition.

Hundreds of other Guam-based veterans from that era have also filed VA claims citing exposure to Agent Orange as the cause of their health problems but the vast majority has seen their cases rejected.

Numerous [VA records](#) examined by The Daily Beast reveal that out of the 270 claims filed by Guam-based veterans for Agent Orange-related illnesses, fewer than 10 have been approved. Among the diseases afflicting the group are: Hodgkin's Disease, Parkinson's Disease, chloracne, prostate or respiratory cancers, soft tissue sarcoma, [diabetes](#) mellitus (Type 2), chronic B-cell leukemia and ischemic heart disease.

The VA declined to provide comment for this story but in their own official response to claims filed by veterans, two issues are commonly cited for [denying benefits](#): the lack of surviving records proving that Agent Orange was present on Guam and the fact that claims were filed too long after the initial exposure occurred. Testimony from Foster and others that the chemical drums used for spraying were marked with the telltale orange stripe that gives the herbicide its name has not been enough to overturn the government's official denial.



Air Force Master Sergeant LeRoy Foster at home in his wheelchair. (Courtesy of The Family)

The Department of Defense is resolute on the issue. “There was never any Agent Orange on Guam,” public information officer Lt. Col Jeff Pool told The Daily Beast recently. “The D.O.D has found no records of the use, storage or testing of Agent Orange on Guam.”

Pool said the DOD recently conducted an “exhaustive” nine month examination of stateside shipping documents from the Vietnam-era after similar Agent Orange claims were made by Vietnam vets stationed on Okinawa. The study of these hardcopy records took place at 16 different locations, according to the DOD, and found, “No source documents that validate the claims that Agent Orange was shipped to, or through, unloaded, stored, used or buried,” at any U.S. military installation outside the immediate area of Vietnam.

MSgt Foster says that this is preposterous and that he spent years spraying “over a million gallons” of the damaging herbicide all over vegetation at Andersen AFB. Other eyewitness vets at the base have backed up Foster’s story.

“The DOD has its canned response,” Foster said in a telephone conversation from his home in Westfield, New York. “The dioxin is there on Guam. It didn’t get there by accident.”

Though the DOD has been consistent in denying any Agent Orange use at Andersen Air Base, the VA’s position has been harder to pin down. On its official website the [VA states that](#):

“You must prove that you were exposed to Agent Orange or other herbicides during your military service to be eligible for service-connection for diseases VA presumes are related to Agent Orange exposure.” But the VA has never explained why it approved giving benefits to Foster, who only submitted his paperwork in 2009, and denied them to the majority of his fellow vets who served on Andersen AFB during the same period and exhibit similar symptoms.

Many of these aging vets fighting for medical care bitterly complain that the military they proudly served has turned against them. Some privately question whether the government deliberately destroyed records of Agent Orange use in Guam in order to evade responsibility and payment for the harm it caused.

While the DOD continues to deny Agent Orange was ever present on Guam its findings appear to contradict the reports from other groups, including another government agency.

The official measurement made by the Agency for Toxic Substances and Disease Registry in a [2002 Public Health Report](#) put the dioxin soil contamination at Andersen AFB at an astronomical 19,000 ppm (parts per million). According to the EPA, safe levels have been placed at below 1 ppb (parts per billion).

Advisory [reports assessing risk](#) for potential investors in Monsanto and Dow Chemical, two manufacturers of Agent Orange, state in nearly identical language: “Soldiers stationed on Guam who handled Agent Orange have become ill and symptoms of TCCD (dioxin) poisoning are apparent in the general population of the island as well.” The report goes on to quantify the “extraordinary level of contamination” still apparent when it was written in 2004.



Foster's granddaughter was born with multiple birth defects, including extra fingers and toes. (Courtesy of The Family)

In 2008, Guam's legislature [passed a resolution](#) petitioning the U.S. government to acknowledge the use of Agent Orange on the island and requesting inclusion in the “Agent Orange Equity Act,” which granted benefits to areas that were officially recognized as being contaminated by the chemicals use. The resolution also addressed the VA's stance.

“...The VA procedures have also resulted in an unjustified withholding of benefits for military and civilian workers in staging areas for the Vietnam War such as Guam through which military personnel munitions equipment and supplies including herbicides containing Agent Orange were shipped.”

Health officials in Washington first began to acknowledge that the widely used Agent Orange was a health hazard beginning in 1970 but it wasn't [banned](#) by the Environmental Protection Agency until 1979.

Today, the VA recognizes 15 Agent Orange related diseases. Foster's various illnesses have left him in a wheelchair to fight, among other maladies, Type 2 diabetes, ischemic heart disease, spinal stenosis, and degenerative joint and disc disease. Foster stands as an anomaly—a modern-day, human Catch 22. The DOD denies that he could have been exposed to Agent Orange yet the VA has awarded him disability payments specifically tied to the deadly herbicide's effects.

Foster says his VA claim probably succeeded where hundreds of others have failed because he has been so vocal. Since he began fighting, Foster has deluged the Agency and Congress with mountains of documentation, eye-witness accounts to his spraying activities and testimonials from sick Andersen AFB colleagues. Foster traveled to Washington in both 2010 and again in 2012 to speak to members of the [Senate and House Veterans' Affairs Committee](#). He has written directly to President Obama. He says he is motivated by the guilt he feels over the illnesses and deaths of his Guam-based comrades.

"This is why I do not sleep at night," Foster wrote in a recent letter to his VA counselor. "This is what I carry around in me all day long and all night long for I am directly responsible for their deaths. I am responsible for the continuing suffering on Guam by so many children and so many young adults who have no idea what I did there."

Many of the Guam-based vets [point to studies](#) about Vietnam's Agent Orange contamination and say they show that the herbicides Foster sprayed forty years ago still remain in Guam's soil, water table and food chain—just as it does in Vietnam. These vets blame the herbicide's aftereffects for the miscarriages and birth defects among military dependents as well as the civilian population on Guam. Perhaps not coincidentally, the island does have a higher than normal [cancer rate](#), especially rare leukemia-type [cancers in children](#).

Despite the health problems on the island, no official acknowledgment or funding for treatment has come out of the 2008 resolution by Guam's legislature.



Veteran's Law attorney Katrina Eagle of San Diego has won cases for two Guam-based vets and currently represents several more. The claims, "never move swiftly" through the VA system, Eagle said with a sigh, and most require a lengthy appeal process.

"It is an arbitrary law," Eagle told The Daily Beast, referring to the regulations dictating officially recognized Agent Orange zones. "It draws the line between the land mass of Vietnam and everywhere else. If you had boots on the ground in Vietnam you are automatically assumed to have been exposed to Agent Orange," and thus qualify for benefits.

“Guam is its own Pandora’s box,” according to Eagle. After the VA has heard so much firsthand testimony and seen the drum photos, she says, “Everybody knows that stuff (Agent Orange) was there but they keep on with a wink-wink denying it.”

Even when tests on Guam-based vets turn up high dioxin levels in their blood, Eagle says that’s not enough. “That you have something in your bloodstream isn’t going to get you anything from the VA,” she said. “You have to prove an actual disability” stemming from military service.

The U.S. government has never been hasty about accepting responsibility for the health scourge left by Agent Orange. It wasn’t until August 2012 that the U.S. offered a \$43 million four-year toxic cleanup project for sites in Vietnam. That slow reaction gives many Guam-based vets little hope that they will live to see Washington recognize their health problems.

In another strange turn, it was Chuck Hagel, the current secretary of Defense who once presented himself as a stalwart advocate for veterans affected by Agent Orange.

In his 1981 testimony to the Senate Committee on Veterans’ Affairs Hagel responded to a question about the VA moving too slowly on Agent Orange claims.

“There is nobody who wants to get this resolved worse than I, simply because I have a very personal interest in this issue. I may have been sprayed along with my brother who spent a year with me in Vietnam. So, I stand behind no one as far as wanting to get this issue resolved.”

Responding to a request for comment, the DOD told The Daily Beast that Secretary Hagel has nothing to say on the issue of Agent Orange in Guam.

Among the many that have been rejected for Agent Orange benefits is Sgt. Ralph Stanton, 64, of Savannah, Missouri who became reunited with MSgt Foster 40 years after they both left Guam. Foster mentioned his war-time buddy in an April 12, 2012 letter to President Obama.

“I was the guy he used to call, “the little bastard,” as I use (sic) to make him sick when I came by spraying the Agent Orange ... on the security/perimeter fences,” Foster wrote in a letter pleading with the President to add Guam to the official list of Agent Orange locations. Foster mentioned the guilt he cannot shake.

“I feel responsible for all of these men, women and children (who became) ill because of what I did there for our country,” Foster wrote. “My only grandchild was born ... with multiple birth defects (twelve toes and twelve fingers, a heart murmur and now they think she may be autistic.)”

Both Foster and Stanton have children and grandchildren who are plagued with the same birth defects as [reported in post-war children born in Vietnam](#). According to them, birth defects are common among the Guam veterans from their era. However, the latest Institute of Medicine [report on Veterans and Agent Orange](#) says more study is needed on the question of “paternally transmitted effects to offspring.”

But, the liability assessment reports produced for Monsanto and Dow Chemical investors assert that, “TCDD has been shown in laboratory animals to have multigenerational impacts, not just on the offspring of exposed animals, but on the next generation as well.”

President Obama did not answer Foster’s letter but this past Memorial Day he said to the nation, “Let’s resolve to take care of our veterans ... Not just in the first five years after a war, but the first five decades. For our Vietnam veterans, this means the disability benefits for diseases connected to Agent Orange.”

MSgt. Foster ruefully says, “It’s hollow words until they actually do something.”

Foster and Stanton have knitted together a coalition of their fellow Guam-based vets. Stanton, who worked at Andersen’s fuels maintenance shop and burned excess fuel in empty Agent Orange drums, now

suffers from diabetes, heart trouble, chloracne eruptions on his torso and arms, kidney disease, and a degenerating spine. He established a [detailed website](#) about what he says was the toxic contamination left on Guam. He is writing a book about his experiences on with the military and the VA and with the help of Katrina Eagle he continues to appeal his rejected VA claim for benefits.

“They can do whatever they want,” Stanton told a radio host recently. “They can turn it down because you didn’t dot an “I.” Then, you can appeal and they’ll find a “T” you didn’t cross. If it was a real court of law we would have won our cases because we have our evidence. But the VA doesn’t want to hear it.”

In 1992, the Environmental Protection Agency put [Andersen AFB](#) on the list of Superfund sites, noting the area was vastly [contaminated with](#) dioxins, pesticides, trichloroethylene and other soil and water toxins. More than 20 years later, the base remains on the priority cleanup list and is currently home to more than 8,000 people—military personnel, their families and civilians. There is a plan underway, confirmed by the DOD’s Lt. Col. Pool, to transfer an additional 5,000 Marines from a base in Okinawa, “sometime in the near future.”

Those veterans who spoke with The Daily Beast about their service on Guam and the sickness they attribute to their time on the tiny island, shake their heads in disbelief that anyone still populates the highly contaminated Andersen AFB. Along with many concerned civilian Guamanians they worry that the U.S. military is risking the health of even more people, including children, while it denies the suffering visited on the last generation.