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# STARS AND STRIPES

## 2 Vets Win Agent Orange Exposure Cases from Okinawa



*Former Marine lieutenant colonel Kris Roberts and dozens of men under his command came into contact with more than 100 leaking barrels that were unearthed at Marine Corps Air Station Futenma, Okinawa, in 1981. Roberts believes this was the cause of a slew of medical issues that have long plagued him and his family. A doctor who examined Roberts said he was most likely exposed to Agent Orange. COURTESY OF KRIS ROBERTS*

**By MATTHEW M. BURKE AND CHIYOMI SUMIDA | STARS AND STRIPES**

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CAMP FOSTER, Okinawa - There have long been rumors that Agent Orange was stored or used on Okinawa, but no one has been able to find proof. Now two servicemembers who served on the Japanese island during the Vietnam War era have won court cases claiming they developed ailments from exposure to the toxic defoliant.

Judges in the separate lawsuits cited specific diseases that have been linked to Agent Orange and a lack of proof that the chemical compound wasn't on Okinawa, based on a two-year gap in records and other evidence. The judges were careful to limit their rulings to the specific cases, likely to avoid opening the door for hundreds of former servicemembers to seek class-action status for physical problems that may be linked to Agent Orange.

Pentagon officials referred requests for comment to the Department of Veterans Affairs, which declined to answer questions or discuss how many similar cases there have been in recent years.

Each case is heard on its own merits, the agency said in a statement to Stars and Stripes. "VA can grant a claim and award disability compensation if there is evidence of a current disability, an in-service exposure, and a medical nexus or link between the in-service exposure and the subsequent development of the illness," the statement said. "VA has no credible evidence of Agent Orange use, storage, testing, or

transportation in Okinawa, and thus no evidence to support claims of exposure to Agent Orange during military service in Okinawa.”

The U.S. military began using plant-killing chemicals called herbicides in the 1950s to defoliate military facilities. Agent Orange is a blend of “tactical herbicides,” according to the VA’s website, that was used in Korea to deprive the enemy of cover and in Vietnam to defoliate jungles and kill crops. The toxic mixture has been blamed for a slew of veterans’ health problems, from cancers to heart disease, and has been known to cause birth defects in the offspring of those exposed.

The military discontinued use of Agent Orange in 1970, and veterans have battled the VA for benefits regarding exposure ever since. The VA has recognized the claims of some veterans who served in Vietnam, Korea, Thailand, on some ships and in some aircraft, while denying others. Guam and Japan — most notably Okinawa — have been left off the list despite claims.



*Stacks of barrels at Camp Kinser, Okinawa, can be seen in the background of this May 1971 photo, taken during an unrelated on-base demonstration. While the contents of the barrels remain a mystery, large quantities of hazardous chemicals and wastes coming back from Vietnam were stored in barrels at U.S. bases on the island. COURTESY OF THE OKINAWA PREFECTURE*

In January, Guam Gov. Eddie Calvo ordered the Environmental Protection Agency to investigate claims made by U.S. military veterans who served there in the 1960s and '70s that Agent Orange was sprayed on the island. That investigation is ongoing.

### **Disability Awarded**

In October 2015, an unnamed veteran was awarded disability benefits related to Agent Orange exposure on Okinawa. An unnamed aircraft crew chief who served at Air Force bases on Okinawa and Moses Lake, Wash., in the mid- to late-1950s was granted disability after alleging a service connection to his prostate cancer, which is associated with herbicides like Agent Orange. The veteran said he was exposed to 2,4-D and 2,4,5-T — later known as Agent Orange — JP-4 jet fuel, benzene and other chemicals while working on the flight lines for hours at a time with no protection. The veteran said the chemicals were used to control vegetation on flight lines, runways and around “structures” on Okinawa. “The Veteran explained that, approximately 15 to 16 times a day for 18 months, he regularly inhaled and ingested 2,4-D; and 2,4,5-T, and dioxin-treated dirt that covered his skin. He was exposed, inhaled, ingested, and absorbed 2,4-D; and 2,4,5-T, and dioxin-treated dirt about 5,850 to 6,000 times while at Naha Air Force

Base in Okinawa,” according to the Oct. 8, 2015, decision by Veterans Law Judge Mark Hindin after an appeal from a regional office in Oakland, Calif. The veteran provided newspaper articles, testimony and family research to back his claim. “Given this evidence, the Board accepts that the Veteran was exposed to 2,4-D and 2,4,5-T and other chemicals during his active service while in Okinawa,” Hindin’s decision said.

But the ruling included a caveat: “While the Veteran was not exposed to Agent Orange per se, the evidence is in equipoise as to whether he was exposed to its chemical components that VA determined cause prostate cancer.”

In a second case, an unnamed Army veteran with the 412<sup>th</sup> Transportation Company said he was exposed between October 1968 and May 1970 at Naha Military Port as the defoliant spilled on him numerous times while he was loading and unloading barrels from cargo ships. The veteran said the barrels had orange bands around them, a telltale sign of Agent Orange. The veteran claimed that caused his diabetes mellitus, type 2, which is associated with herbicide exposure. He collected multiple statements from fellow veterans over the years that supported his claim. Those veterans said the drums were shipped to Okinawa, offloaded and loaded onto other boats heading to Vietnam. They often leaked and reportedly came back through the port the same way, the veterans said.

Pentagon officials said the 412<sup>th</sup> Transportation Company’s unit records from 1968-70 had been lost. “Credible evidence sustains a reasonable probability that during service, while performing regular duties at the Naha Naval Port in Okinawa, Japan, the Veteran was exposed to Agent Orange from leaking barrels,” said the Sept. 8, 2016, decision by the Department of Veterans Affairs, Board of Veterans’ Appeals. Veterans Law Judge Michelle Kane heard the case on appeal from the Winston-Salem, N.C., regional office.

Despite ruling in the veteran’s favor, Kane said the determination was in no way a comment “as to whether Agent Orange was ever actually stored, used, tested, and/or transported in Okinawa, Japan.”

### **Checked Past**

Okinawa has a checkered history regarding U.S. military chemical storage and contamination. A 1993 U.S. government position paper provided to Stars and Stripes by the Japan Times described how large amounts of hazardous chemicals and waste coming back from Vietnam were stacked in barrels at U.S. bases on the island. They included insect, rodent and plant killers; acids; alkalis; degreasers; and solvents.

The barrels, which appear to number in the thousands, according to photographs from the time, were exposed to the elements for long periods and leaked into the soil, which then seeped into the sea, the paper said. Cleanup efforts were launched in 1973 and continued throughout the years. Nearly 30,000 pounds of highly toxic ferric chloride was buried across from the Camp Kinser theater. Pesticides were repackaged and buried in a landfill. Some were neutralized and flushed away, and in some cases Mother Nature was left to her own devices to expel the toxins. In 1974, dead fish were reported directly offshore from Camp Kinser. They showed up on the base shoreline in early 1975, the paper said. Pesticides, dioxin (a component of Agent Orange) and the cancer-causing chemical compound polychlorinated biphenyl, or PCB, were found. “Marks of leaked chemicals meet the eyes at every turn,” the report said.

“One of our top priorities is the health and safety of our community, both on-base and off-base,” a Marine Corps spokeswoman said in a statement in late 2015 about the report.

“As the author himself noted, further sampling found no suspected toxins present,” the statement said. “Importantly, U.S. and Okinawa Prefectural Government authorities continued to test decades later, with no further environmental action required. The Marine Corps takes any environmental concerns very seriously, and is committed to exercising due diligence in thoroughly identifying and addressing any environmental issues.”

Since Okinawa's reversion back to Japan in 1972, the U.S. has continued to consolidate its forces on the island and return large swaths of land to the host nation. While Agent Orange has not been found, local officials have made some troubling discoveries.

In 2013, the first of 108 barrels was unearthed in returned land adjacent to Kadena Air Base. Tests revealed they contained traces of cancer-causing dioxin and toxic ingredients found in Agent Orange and other common pesticides and herbicides.

Japanese government officials said the barrels and their contents did not pose a risk to public safety, but Japanese media reports accused them of inaccurately reporting the contamination levels, eroding some faith in the investigation.

Toxic substances like arsenic, asbestos, lead and hexavalent chromium have also been discovered on reverted land near Camp Lester.

In 2015 and again last year, habu snakes captured adjacent to Camp Kinser tested positive for toxic substances.

Early last year, local officials announced that high levels of the hazardous organic compound perfluorooctane sulfonate were detected in streams running through Kadena Air Base and in adjacent groundwater wells. Air Force officials later admitted the use of a banned firefighting foam that contains the compound.

Japanese officials maintained there was no cause for alarm. "We have been conducting environmental surveys every year since 1970s by taking samples of water, bottom sediments and fish in rivers and ocean in the vicinity of [the] military bases," said Satoru Matsuda, former director of the Okinawan prefectural task force investigating pollution claims. "No abnormal counts have been detected that lead us to assume that environmental contamination is flowing out from military bases."

### **Vindication?**

With further land givebacks on the horizon, at Camp Kinser and Marine Corps Air Station Futenma, Japanese officials worry about pollution that might be lurking below the surface. "When polluted land is returned, it is a huge obstacle for redevelopment, as we've seen in Chatan, Okinawa City and Onna," said Kenei Miyagi, chairman of the Urasoe Military Landowners' Association, which leases land to Camp Kinser. Miyagi was referring to dozens of barrels containing tar-like substances and waste oil, as well as toxic substances, that have been uncovered on land returned recently to the Japanese government. The U.S. military allows sites to be investigated only when they are returned to Japanese control. "It is impossible for us to accurately assess the environmental situation," Miyagi said. "However, by piecing together the stories of former base employees, which we believe are reliable, we can assume that a considerable amount of substances and chemicals had been stored and discharged ... We need assurance that the returned land is free of pollutants."

Veterans claiming Agent Orange-related disabilities on Okinawa say they feel vindicated by the evidence that keeps being unearthed and the cases found in the veterans' favor, even if they are a small portion of the total claims. They hope more veterans will receive benefits.

Some say Agent Orange is just another meaningless buzzword, and that the bar of contamination and exposure to toxic chemicals on Okinawa has been exceeded.

Kris Roberts, a former facilities maintenance officer at Marine Corps Air Station Futenma and a New Hampshire state representative, is the first servicemember to receive VA recognition for a condition — prostate cancer — related to hazardous chemical exposure at Futenma.

The retired lieutenant colonel said he and dozens of men under him unearthed more than 100 leaking barrels from the base in 1981. After loading the barrels for transport off the island, a typhoon struck and flooded the area. Roberts said he and some of his men were forced into the neck-deep water to open a flood-control gate. Shortly after, the onetime marathon runner said he began suffering from asthma and blackouts. He said he had two strokes and damage to his central-nervous system that was stopping his heart. He said he developed thymus cancer, and his daughter was born suffering from a multitude of similar conditions. Roberts began fighting for VA disability in 2007. His doctors told him in a 2012 medical report provided to Stars and Stripes that they believed he had been exposed to Agent Orange. The records also indicate the Marine Corps could not provide documentation about the barrels. Roberts was awarded disability in August 2015. He already gets 100 percent VA disability, so he won't see an increase in benefits. To him, it was the principle. "What I'd really like to see out of all of this is stop the blaming, stop pointing fingers," he said. "I have been telling people, I don't care if it's Agent Orange." Dioxin and PCBs "kill people too."

"We've been arguing for years over the name of a hazardous chemical while not dealing with any other hazardous chemicals." Roberts said he feels responsible for the Okinawans and the Navy Seabees who worked for him. They may be sick and have no idea why. "To me, there's no way the U.S. military and government can deny hazardous chemical hot spots on Okinawa," he said.

*Stars and Stripes staffer Yoo Kyong Chang contributed to this report.*

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