



Agent Orange Review

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Information for Veterans Who Served in Vietnam

May 1990

VA Approves Compensation for Non-Hodgkin's Lymphoma Based on Vietnam Service; CDC Study Shows Link Between Rare Cancer and Vietnam, But Not Agent Orange

On March 29, 1990, Secretary of Veterans Affairs Edward J. Derwinski announced that Vietnam veterans stricken with a rare form of cancer, known as non-Hodgkin's lymphoma (NHL), are entitled to disability payments based on their service in Vietnam.

Secretary Derwinski indicated that his determination was prompted by the release of the Centers for Disease Control's (CDC) Selected Cancers Study which provided evidence that Vietnam veterans are at increased risk of non-Hodgkin's lymphoma. He emphasized that his decision is not a scientific decision, but rather should be viewed as a "policy determination." Secretary Derwinski and other key VA officials first learned the results of the CDC investigation the afternoon of March 28.

At a news conference held on March 29 to announce his decision, Secretary Derwinski noted that the CDC findings included the following statement: Results of this study strongly suggest that Vietnam veterans have a roughly 50 percent increased risk of developing non-Hodgkin's lymphoma about 15 to 25 years after military service in Vietnam. The results do not show a similar increased risk among veterans who served in other locations during the Vietnam Era; this finding suggests that the association is specific to Vietnam service rather than military service in general.

Secretary Derwinski reported that he made his decision based on the CDC study and all other available literature, following consultation with President Bush. He noted that although the Veterans' Advisory Committee on Environmental Hazards did not find enough evidence to show a significant statistical association between NHL and exposure to herbicides, the Committee could not "rule out such an association." While the CDC study did not find any evidence that NHL was related to Agent Orange or other herbicides used in Vietnam, researchers did see a significant link with military service in the Vietnam theater, Secretary Derwinski announced "I am exercising my authority as Secretary of Veterans Affairs to make a determination that in my judgment there is at the present time a relationship between Vietnam service and non-Hodgkin's lymphoma."

He added that non-Hodgkin's lymphoma will be "service-connected" for purposes of disability compensation and that VA will extend as much latitude as possible in awarding retroactive benefits and in assisting the widows and children of Vietnam veterans whose

deaths were due to NHL." Secretary Derwinski indicated that the details of his ruling will be provided in proposed regulations planned for publication in early May.

CDC Selected Cancers Study

The Selected Cancers Study, upon which Secretary Derwinski relied, is one of several studies undertaken by CDC to assess the effects of military service in Vietnam and exposure to herbicides on the subsequent health of American veterans of that conflict. This investigation is the third and final component of the epidemiology study mandated by Congress in 1979. In 1983, responsibility for the design and conduct of the epidemiology study was transferred from VA to CDC by interagency agreement.

The other parts of the epidemiology study are the Vietnam Experience Study and the Agent Orange Exposure Study. The results of the Vietnam Experience Study were published in the Journal of the American Medical Association in 1987 and 1988. A previous issue (October 1988) of the "Agent Orange Review" described the findings. The Agent Orange Exposure Study was canceled when CDC researchers found it impossible to conduct because military records did not reveal who was exposed to herbicides. CDC also conducted a large-scale birth defects study of the children of Vietnam veterans. The birth defects study results were published in the Journal of the American Medical Association in 1984.

The Selected Cancers Study is a population-based, case-control study designed to determine if Vietnam veterans are at increased risk of contracting any of six specific cancers: (1) non-Hodgkin's lymphoma, (2) soft tissue and other sarcomas, (3) Hodgkin's disease, (4) nasal cancer, (5) nasopharyngeal cancer, and (6) primary liver cancer, that is, cancer that originated in the liver. These conditions were chosen by CDC scientists because of published studies suggesting an association with herbicide exposure.

Dr. William L. Roper, Director, CDC, reported "For men aged 35-59, the age of most Vietnam veterans, the annual risk of developing non-Hodgkin's lymphoma is 1 in 10,000. For Vietnam veterans, the risk appears to be about one and a half per 10,000." There is no similar increase in risk among veterans who served in locations other than Vietnam. Investigators concluded that Vietnam veterans are not at increased risk for developing the other five types of cancers studied.

Agent Orange Not Related

Because of the difficulty in estimating Agent Orange exposure in individual veterans, CDC only indirectly evaluated the effects of such exposure. According to Dr. Roper, "The study did not find any evidence that the increased risk (of NHL) might be due to Agent Orange exposure."

The pattern of risk among subgroups of Vietnam veterans seemed to be the opposite of the pattern of use of Agent Orange in Vietnam. Navy veterans who served on ocean-going vessels off the coast of Vietnam tended to be at higher risk than Vietnam veterans



Edward J. Derwinski



based on land. Vietnam veterans who served in III Corps, the region of heaviest Agent Orange use, tended to be at somewhat lower risk than Vietnam veterans who served in other regions.

Only 1 of the 99 veterans with NHL reported that he had handled equipment of containers used with Agent Orange. None of these 99 veterans reported having sprayed Agent Orange or other defoliants. CDC was unable to identify any cause for the increased NHL risk. The investigators also found no evidence that men with the other five cancers included in the study were more likely to have been Vietnam veterans who had greater opportunity for exposure to Agent Orange.

The study has been peer reviewed by committees of the National Academy of Sciences, Institute of Medicine, and the congressional Office of Technology Assessment. An interagency group of Federal scientists also reviewed the study. On April 4, 1990, the House Committee on Veterans' Affairs held a hearing, in Washington, DC, on the study results. CDC anticipates that the findings will be published in a professional journal later this year.

Environmental Hazards Committee Meeting

The results also have been provided to the Scientific Council of the Veterans' Advisory Committee on Environmental Hazards Committee. The full Committee will review this study along with the results of approximately one hundred other research projects at its next meeting, planned for May 16-17, to determine if veterans should be compensated for various diseases or conditions.

Secretary Derwinski can accept or reject any recommendations that this group may offer. He also will receive the recommendation of Admiral Elmo Zumwah, Jr., who, as a special advisor to the Secretary, has been preparing his own analysis of relevant studies and their outcomes.

For additional information regarding the results of the Selected Cancers Study, contact the CDC public affairs office in Atlanta, telephone: (404) 639-3286.

VA Issues Regulations for Evaluation of Dioxin Studies

On October 2, 1989, VA issued amendments to regulations on the evaluation of scientific and medical studies to establish criteria for determining when a "significant statistical association" exists between exposure to dioxin or ionizing radiation and specific diseases.

The regulation change, published in the *Federal Register* as a "final rule," was effective on November 1, 1989. It was first used by the Veterans' Advisory Committee on Environmental Hazards at its meeting of November 2-3, 1989. (See article about the Committee elsewhere in this issue.)

Court Decision

The change was necessitated by a decision of the United States District Court for the Northern District of California in *Nehmer, et al. v. U.S. Veterans Administration, et al.* in early May 1989, invalidating a portion of VA regulations on the handling of some disability compensation claims.

The District Court struck down the VA provision indicating that, due to the lack of scientific evidence establishing a cause-and-effect relationship between dioxin exposure and the development of diseases other than chloracne (a skin disorder), any such disability and death claims based upon other diseases are generally to be denied. (Exceptions exist if the disease can be shown to have been present during military service or, for some diseases, within statutorily prescribed periods thereafter.)

The Court concluded that, in the process of deciding which diseases would be recognized as being caused by Agent Orange, VA used an erroneous and too demanding standard. Rather than using the cause-and-effect standard, the Court indicated that VA should have recognized any disease for which the scientific evidence shows there is a "significant statistical association" with exposure to dioxin.

The Court also ruled that in evaluating the scientific literature, VA should have applied the "reasonable doubt" standard used when weighing evidence in individual claims. This long-standing VA rule of claims adjudication provides that if the weight of evidence tending to support a claim is in balance (or near balance) with that tending to oppose it, the benefit of doubt goes to the claimant, that is, the veteran or dependent.

Because a specific portion of VA's regulation was invalidated, VA claims decisions based upon it since its adoption in 1985 were also voided. (See article regarding the legal notice and what it means elsewhere in this issue.)

VA Response

On May 11, 1989, Secretary Derwinski announced that VA would not appeal the U.S. District Court ruling. He explained that an appeal "would not be in the best interests of the Administration or the veterans' community served by this Department." Secretary Derwinski pledged that the Department would proceed expeditiously in revising the voided regulations.

On July 18, 1989, VA had published in the Federal Register a "proposed rule" designed to implement the court decision. Interested persons were invited to submit comments, suggestions or objections by August 17, 1989.

Continued page 3.

About the "Review"...

This issue of the "Agent Orange Review" was prepared by VA's Environmental Medicine Office. (Last year, responsibility for the newsletter was transferred to this office from VA's Office of Public Affairs, which prepared all previous issues, except the October 1989 edition.) The "Review" is published periodically to provide information on Agent Orange and related matters to Vietnam veterans, their families, and others with concerns about herbicides used in Vietnam. The most recent issue of the "Review" was published in October 1989.

Comments or questions about the content of the "Review" are encouraged. Suggestions and ideas for future issues of the newsletter should be sent to Donald J. Rosenblum, Writer/Editor, Agent Orange Review, Environmental Medicine Office (10B/AO), VA Central Office, 810 Vermont Avenue, NW, Washington, DC 20420.

Requests for additional copies of this issue, should also be directed to Mr. Rosenblum. Please specify the number of copies you are requesting. Copies of the October 1989 issue are also available. VA facilities should order additional copies from the VA Supply Depot.

If you have had an Agent Orange Registry examination and have questions about the examination or your results, contact the Environmental Physician or Agent Orange Coordinator at the VA medical center where you had the examination.

If you have questions about VA benefits, contact a veterans benefits counselor at the VA facility nearest you. The telephone number can be found in your telephone book under "U.S. Government" listings.

VA Response from page 2

Comments were received from nineteen individuals and organizations. In addition, a special session of the Veterans' Advisory Committee on Environmental Hazards was convened on September 8, 1989. The Committee received an oral presentation by four individuals representing the views of the American Legion. The Committee also reviewed all the comments received by VA and offered their views on them. The Committee made a number of recommendations, some in response to the oral presentation made at the meeting and others in response to written comments that were received. The regulations published on October 2, 1989, were based on the Committee's recommendations.

Questions concerning the regulations should be referred to the Chief, Regulations Staff (21 IB), Compensation and Pension Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420.

Secretary Names Zumwalt as Advisor on Agent Orange

In October 1989, Secretary of Veterans Affairs Edward J. Derwinski announced the appointment of Admiral Elmo R. Zumwalt, Jr., as senior advisor to provide counsel on a variety of issues affecting veterans. Admiral Zumwalt, who retired as Chief of Naval Operations in 1974, indicated that the Agent Orange issue will be first on his agenda.

In announcing the appointment, Secretary Derwinski praised Admiral Zumwalt for his distinguished military career and reemphasized VA's commitment to help Vietnam veterans who may have been exposed to Agent Orange. Secretary Derwinski declared, "Admiral Zumwalt's experience as a seasoned and respected military leader and his well-known empathy for those who, like him, saw service in Vietnam, will add immeasurably to the advice and counsel I will rely on in this most sensitive and critical area."

A graduate of the U.S. Naval Academy, Admiral Zumwalt was commander of in-country naval forces in Vietnam in the late 1960's when Agent Orange was sprayed in the Mekong Delta to remove enemy cover and protect American forces piloting patrol boats. In 1970, Admiral Zumwalt was appointed Chief of Naval Operations. He was the youngest person ever to serve in that position.

His son, Elmo R. Zumwalt, III, served in Vietnam and later developed cancers that some people suspect may be related to Agent Orange exposure. Together they authored a best-selling account of their experiences. Admiral Zmnwalt has also offered Congressional testimony on the Agent Orange issue.

Secretary Derwinski recently appointed Admiral Zumwalt to the Veterans' Advisory Committee on Environmental Hazards.

LEGAL NOTICE

IMPORTANT INFORMATION FOR THOSE INTERESTED IN AGENT ORANGE DISABILITY COMPENSATION OR DEPENDENCY AND INDEMNITY COMPENSATION (DIC)

The Court's decision in the lawsuit of *Nehmer v. U.S. Veterans' Administration*, 712 F. Supp. 1404 (N.D. Cal. 1989) ("Nehmer lawsuit") may affect your entitlement to disability compensation or dependency and indemnity compensation (DIC) benefits from the

Department of Veterans Affairs, formerly known as the Veterans Administration ("VA"). The Nehmer lawsuit was brought on behalf of all current or former members of the U.S. Armed Forces, or their next of kin, who have had a claim denied by VA, or have a claim pending, or are or will become eligible to file a claim for service-connected disability or death benefits arising from exposure during military service during the Vietnam war to herbicides containing dioxin. Dioxin is a chemical that was contained in the herbicide "Agent Orange" that was sprayed in Southeast Asia during the Vietnam war.

On May 3, 1989, U.S. District Judge Thelton Henderson overturned a portion of VA's regulations covering disability and death claims based on Agent Orange/dioxin exposure and all benefit denials made under those regulations.

As a result of the Court's decision, VA has begun to create regulations to cover Agent Orange-related claims. You and other members of the public may participate in this process (referred to as rulemaking proceeding).

Once VA publishes its new regulations, VA will provide written notice both to those of you denied benefits under the previous regulation (all claimants who submitted dioxin benefit claims that were denied by VA after September 25, 1985) and to those of you who have pending claims based on Agent Orange, and allow you a reasonable and specified time to present additional evidence and reasons why your claim should be granted under the new regulations. If you don't present any additional evidence, VA will examine your claim on the basis of the information already before it.

If you have not filed a claim, you have a right to do so to seek compensation for any disability or death that you believe is connected with exposure to Agent Orange during military service. Any claim you now file will be decided under the rules VA ultimately adopts in the new rulemaking proceeding. If your claim is approved by VA, under the new regulations the amount of money you will receive may depend upon the date VA receives your claim. The earlier VA receives your claim, the more money you may receive if your claim is approved. Claims forms (VA Form 21-526 for service-connected disability claims and VA Form 21-534 for service-connected death claims) are available at any VA Regional Office.

If you already have filed a claim for compensation for a disability or death that you believe was connected with exposure to Agent Orange and that claim was finally denied (after all appeals, if any) by VA before September 26, 1985, the decision in the Nehmer lawsuit does not require VA to reopen your claim. However, you may now file a new claim. Any new claim you now file will be decided under the rules that VA ultimately adopts in the new rulemaking proceeding.

Questions about this notice and your rights can be answered by a benefits counselor at a VA Regional Office who can be reached by calling the local or "800" number listed under "United States Government" or "Veterans Administration" in your local telephone book. You can also contact the lawyers who represent the veterans or their next of kin who are class members in the Nehmer lawsuit. The address of these lawyers is:

Counsel for Plaintiff's Class
National Veterans Legal Services Project
Attention: Nehmer Class Member Information
2001 s. Street, N.W.
Suite 610
Washington, DC 20009

...What Does It Mean

On or about March 1, 1990, this legal notice was sent to hundreds of thousands of Vietnam veterans and their families

throughout the Nation. Unfortunately, many veterans were confused or unduly alarmed by the notice. The information below is designed to clarify this matter.

If you have filed a claim for VA disability compensation or VA dependency and indemnity compensation based on Agent Orange or dioxin exposure and VA has not yet made a decision, you need not take any action. When the new regulations are issued, VA will notify you that your claim is being reevaluated and that you may submit additional evidence to support your claim.

If you have filed a claim for VA disability compensation or VA dependency and indemnity compensation based on Agent Orange or dioxin exposure and VA denied your claim after September 25, 1985, you do not have to take any action. When the new regulations are issued, VA will notify you that your claim is being reevaluated and that you may submit additional evidence to support your claim.

If you have filed a claim for VA disability compensation or VA dependency and indemnity compensation based on Agent Orange or dioxin exposure and VA denied your claim before September 26, 1985, VA is not required to reopen your claim. You may want to file a new claim. Any new claim will be decided under the new regulations when they are issued.

If you have not yet filed a claim (or if you wish to file a new claim) for compensation for any disability or death that you think is related to exposure to Agent Orange exposure in military service, you should do so without delay. It is important to remember that the earlier VA receives your claim, the more money you may receive if your claim is approved. Claim forms are available at all VA regional offices. Veterans benefits counselors at VA medical centers also should have these forms. The telephone numbers can be found in your telephone book under "U.S. Government." VA personnel will be happy to assist you in any way possible. Do not contact the VA Data Processing Center, which mailed the legal notice, except to provide address update information.

Please understand that the VA compensation program is completely separate and totally unrelated to the Agent Orange Veteran Payment Program, established as a result of the settlement of the class action lawsuit brought by Vietnam veterans and their families against the manufacturers of Agent Orange. Unfortunately, many veterans have confused these two programs.

Environmental Hazards Committee Focuses on Non-Hodgkin's Lymphoma

On November 2-3, 1989, the Veterans' Advisory Committee on Environmental Hazards held a meeting to assess the relationship between phenoxy herbicides which contain dioxin (for example, Agent Orange) and non-Hodgkin's lymphoma.

Established in accordance with Public Law 98-542, the Veterans' Dioxin and Radiation Exposure Compensation Standards Act, the Committee is charged with responsibility for advising VA on guidelines and (where appropriate) standards and criteria for the resolution of claims for VA benefits where the criteria for eligibility include a requirement that a death or disability be service connected and the claim of service connection is based on a veteran's exposure during service in Vietnam to a herbicide containing dioxin, or in connection with such veteran's participation in atmospheric nuclear tests or with the American occupation of Hiroshima or Nagasaki, Japan, prior to July 1, 1946, to ionizing radiation from the detonation of a nuclear device.

At the November meeting, the Committee examined three dozen studies that shed light upon the questions raised about non-Hodgkin's lymphoma and herbicides used in Vietnam. The term non-Hodgkin's lymphoma is used to describe a group of malignant tumors that affect

the lymph glands and other lymphatic tissue. These tumors are relatively rare (about 3% of all cancers that occur among the U.S. general population). Although survival has improved during the past fifteen years, these diseases tend to be fatal.

The possibility that exposure to phenoxy acid herbicides such as Agent Orange may have caused rare forms of cancer in humans was suggested in Swedish studies published in 1979 and 1981. Investigations in Sweden reported a six-fold increased risk of malignant lymphoma (Hodgkin's Disease and non-Hodgkin's lymphoma combined) among persons occupationally exposed to phenoxy acids or chlorophenols compared to persons without exposure. Several other research efforts have also suggested the non-Hodgkin's lymphoma may be related to phenoxy herbicide exposure. Other investigations have revealed no relationship between tumors and exposure.

Statement Issued

At the conclusion of the two-day November meeting, the Committee agreed upon the following statement: The Committee does not find the evidence sufficient at the present time to conclude that there is a significant statistical association between exposure to phenoxy acid herbicides and non-Hodgkin's lymphoma. However, the Committee cannot rule out such an association.

At future meetings, the Committee will look at other illnesses in Vietnam veterans that may have been caused or worsened by exposure to phenoxy herbicides.

Membership

The Committee consists of three dioxin experts, three radiation experts, five other scientists, and four individuals from the general public, including one disabled veteran. Membership structure is specified in the law. The dioxin experts are George Lathrop, M.D., Ph.D., of the Science Applications International Corporation; Walter Melvin, M.D., Sc.D., Professor of Environmental Health Sciences at Colorado State University; and James Whitlock, M.D., of the Department of Pharmacology at Stanford University School of Medicine.

Formerly the Chief, Epidemiology Division, U.S. Air Force School of Aerospace Medicine, Dr. Lathrop was the first chief investigator for the Air Force "Ranch Hand" study. He is a Fellow of the American College of Preventive Medicine and is certified by the American Board of Preventive Medicine. Dr. Lathrop is a member of several professional organizations, including the American Public Health Association and the Texas Society of Infectious Diseases.

Dr. Melvin received his medical degree from the University of Colorado, a Master of Public Health degree in industrial hygiene from the Harvard University School of Public Health, and a Doctor of Science degree from the University of Cincinnati. He is a founding member of the American College of Toxicology, a Fellow in the American Public Health Association, and a member of a number of other professional organizations.

Dr. Whitlock has a particular interest in chemical carcinogenesis focusing on the genetic and molecular aspects of carcinogenesis. He is a member of several professional societies including the American Association for Cancer Research and the American Society for Pharmacology and Experimental Therapeutics. Dr. Whitlock has written many articles relating to the effects of dioxin at the cellular level.

May 1990 Meeting

The next meeting of the Committee is scheduled for May 16-17, 1990, in VA Central Office in Washington, DC. The Committee will review about one hundred studies at that meeting.

For additional information regarding the Veterans' Advisory Committee on Environmental Hazards, write to Mr. Frederic L. Conway, III, Deputy Assistant General Counsel (026B), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. Mr. Conway serves as Executive Secretary of the Committee.

Herbicides Advisory Committee Appointed; Holds Forum in Washington

In October 1989, Secretary Derwinski reappointed eight members to the VA Advisory Committee on Health-Related Effects of Herbicides. He also selected four other distinguished individuals as first time appointees to the Committee.

Membership

The members reappointed were Michael Gough, Ph.D., a Senior Fellow at Center for Risk Management, Resources for the Future; Turner Camp, M.D., a Medical Consultant for Veterans of Foreign Wars of the United States; Joseph S. Cara, a scientist at the U.S. Environmental Protection Agency; Charles F. Conroy, Jr., who has directed the Agent Orange Assistance Program at the West Virginia Department of Health; Allen E. Falk, an attorney, who chairs the New Jersey Agent Orange Commission; Thomas Hagel, Associate Professor of Law at the University of Dayton School of Law; Philip R. Wilkerson, Assistant Director for Information Management, National Veterans Affairs and Rehabilitation Division, The American Legion; and James S. Woods, Ph.D., M.P.H., a Senior Research Scientist at the Battelle Seattle Research Center.

Secretary Derwinski reappointed Dr. Gough as Committee Chairman. A former official at the congressional Office of Technology Assessment, Dr. Gough has chaired the Committee since 1987, when he was appointed by then Administrator Turnage.

The four new members are Ronald J. Ignelzi, M.D., a neurologist in private practice in La Jolla, California; Genevieve M. Matanoski, M.D., Dr.P.H., a Professor of Epidemiology and the Program Director of Occupational and Environmental Epidemiology at the Johns Hopkins School of Hygiene and Public Health; Thomas A. Sherwood, M.A, M.P.H., M.Ed., Director for Health Policy and Planning at Vietnam Veterans of America; and James W. Stewart, an official at the Disabled American Veterans (DAV) since 1975, currently serving as a DAV supervisor at the Board of Veterans Appeals in Washington.

Committee Functions

The Committee, originally established in 1979, has five primary functions under its charter. The Committee has and will (1) review and make recommendations relative to VA's programs to assist Vietnam veterans who were exposed to herbicides (such recommendations may concern the information delivery system and outreach efforts, scheduling of Agent Orange-related examinations, essential follow-up activities and related matters); (2) advise the Secretary on VA Agent Orange-related programs, programs of the Federal Government, and State programs which are designed to assist veterans exposed to herbicides, and will minimize duplication of VA and other Federal programs concerned with the Agent Orange issue; (3) receive and review information from veterans service organizations regarding services provided by VA to Vietnam veterans concerned about the possible adverse health effects of exposure to herbicides; (4)

review and comment on proposals for research on the possible health effects of exposure to herbicides; and (5) serve as a forum for individual veterans to inform VA of their views on policy issues and on the operation of Department programs designed to assist veterans exposed to herbicides and dioxins in Vietnam.

Observing that the Committee was efficiently and effectively accomplishing these essential functions, Secretary Derwinski approved a two year extension of the Committee charter on June 26, 1989.

Meeting of October 31 - November 1, 1989

At its March 16, 1989 meeting, the Committee concluded that a special two-day Committee meeting was desirable (with one day set aside to hear from Vietnam veterans and their representatives, followed by a second day for the Committee to discuss and act upon what it learned during the "hearing"). Secretary Derwinski agreed, and the meeting was set for October 31 - November 1, 1989, at VA headquarters in Washington, DC.

Invitations to participate in the meeting were distributed throughout the Nation in early September. Responses were received from State officials in Virginia, Pennsylvania, New York, Michigan, California, and New Jersey, plus veterans service organization officials from the Veterans of Foreign Wars of the United States, Vietnam Veterans of America, National Vietnam Veterans Coalition, Veterans of the Vietnam War, Vietnam Veterans Agent Orange Victims, and Oklahoma Agent Orange Foundation. Many of these organizations sent speakers to the meeting; others submitted written testimony.

Most of the comments made were critical of the existing VA program. Speakers urged that compensation be provided, examination and treatment efforts be improved, and that information be shared more effectively. The Committee prepared a series of recommendations for the Secretary's consideration. These proposals focused on information collection and dissemination, compensation regulations, and Agent Orange examination form modification.

Copies of the minutes of this meeting are available from the Committee Manager (10B/AO), Environmental Medicine Office, VA Central Office, 810 Vermont Avenue, NW, Washington, DC 20420. Telephone requests should be directed to (202) 233-4117. Questions about the Committee and its operations are also handled by that Office.

New Law Excludes Settlement Payments from Countable Income for All Federal Means-Tested Program

Public Law 101-201, signed by President Bush on December 6, 1989, excludes Agent Orange settlement payments from countable income and resources under Federal means-tested programs.

The law provides that "none of the payments made from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in the In Re Agent Orange product liability litigation, M.D.L. No. 381 (E.D.N.Y.), shall be considered income or resources in determining eligibility for or the amount of benefits under any Federal or federally assisted program."

Enactment of this legislation had been strongly supported by the VA Advisory Committee on Health-Related Effects of Herbicides. The effective date of the new law is January 1, 1989.

Related legislation was approved in 1988. Section 1203 of Public Law 100-687, signed by President Reagan on November 18, 1988, provides that payments received from the settlement be treated for purposes of laws administered by VA as "reimbursement for prior unreimbursed medical expenses, and no such payment shall be countable as income for any such purpose."

Class Action Lawsuit Referral Information

The Department of Veterans Affairs (VA) has received a large number of inquiries regarding the status of claims for compensation from the Agent Orange Settlement Fund, established as a result of the settlement of a class action lawsuit ("Agent Orange" Product Liability Litigation) brought by Vietnam veterans and their families against the manufacturers of Agent Orange.

Neither VA nor any other Federal department or agency is directly involved in the distribution of the settlement funds. Information on this matter can be obtained by calling, toll-free 1-800-225-4712, or writing to the Agent Orange Veteran Payment Program, P.O. Box 110, Hartford, Connecticut 06104.

NIS for Vietnam Veterans (A Service Funded by the Agent Orange Class Assistance Program)

(At its most recent meeting, the VA Advisory Committee on Health-Related Effects of Herbicides recommended that VA assist in the dissemination of information and announcements concerning the Agent Orange Class Assistance Program. The Committee added that wide dissemination of such information will greatly assist veterans in receiving services that are not otherwise available. The article below is included in response to this recommendation.)

The National Information System (NIS) for Vietnam veterans and their families is a nationwide computer-based *information and referral system*. It is designed to help (1) veterans' children with special health needs; (2) veterans' families in need of counseling and other support services related to their child's disabilities; and (3) the Agent Orange Class Assistance Program by providing support and outreach services.

This system uses counselors trained to assist veterans' families who have children with disabilities or other special health needs. Vietnam veterans can get information and guidance about available child and family services by calling a counselor on a toll-free telephone line from anywhere in the country.

Counselors provide information and referral assistance by giving basic Agent Orange information on a wide range of issues of concern to Vietnam veterans. This includes information and referrals for genetic counseling and genetic testing for Vietnam veterans and their partners.

According to information provided by Program Director Bryan C. Smith, Ed.D., there are over 13,000 agencies with more than 114,000 services in 50 states currently listed on the database. This number keeps growing as NIS searches out new programs and the Agent Orange Class Assistance Program family of services grows.

To use the NIS system, call toll-free 1-800-922-9234. In South Carolina, call 1-800-922-1107.

Air Force Issues Third Ranch Hand Morbidity Report

In February 1990, Air Force investigators released the results of the 1987 follow-up examination of its long-term study, entitled *Air Force Health Study - An Epidemiologic Investigation of Health Effects in Air Force Personnel Following Exposure to Herbicides*.

The purpose of this ongoing research effort is to determine whether individuals involved in Operation Ranch Hand herbicide spraying missions have experienced adverse health effects as a result of participation in that program. The study is designed to evaluate mortality (death) and morbidity (disease) in these individuals over a 20-year period beginning in 1982.

The initial mortality report was released in June 1983. Follow-up mortality reports or updates were issued in 1984, 1985, 1986, and 1989. The initial morbidity report, the 1982 baseline study, was published in February 1984. The results of the first follow-up examinations, conducted in 1985, were released in July 1987. The latest report describes the results of the second follow-up examinations. These examinations were conducted in 1987.

The results of the most recent effort were similar to the earlier findings. Principal investigator Dr. William H. Wolfe, indicated that there is "not sufficient evidence at this time to implicate a causal relation between herbicide exposure and adverse health...." He added that no cases of chloracne or porphyria cutanea tarda were detected in the study. One case of soft tissue sarcoma was found among the Ranch Hand personnel and one among the control group. One Ranch Hander had Hodgkin's lymphoma. Dr. Wolfe indicated that continued medical surveillance is warranted.

A common skin cancer, basal cell carcinoma, is closely correlated with exposure to sunlight. It and other light-related skin cancers were more common among members of the Ranch Hand group. Their occurrence, however, could not be related to the apparent higher exposures to Agent Orange. Overall, cancers were no more frequent in the Ranch Handers than in the control group.

In addition to studying mortality and morbidity of Vietnam veterans who were exposed to herbicides, the Air Force investigative team is examining questions that have been raised about birth defects among these veterans. According to Major General James G. Sanders, a report analyzing medical records of more than 6,500 children fathered by study participants should be completed in the latter part of 1990.

CDC Publishes Agent Orange Validation Study Final Report

In September 1989, the Centers for Disease Control (CDC) published the "Final Report" of its Agent Orange Validation Study formally known as the "Comparison of Serum Levels of 2,3,7,8-Tetrachlorodibenzo-p-Dioxin With Indirect Estimates of Agent Orange Exposure Among Vietnam Veterans."

(Preliminary results of this study were announced by CDC in August 1987. *The Journal of the American Medical Association* published an article on the research effort in September 1989.)

The 171-page final report describes the investigation in great detail. To test the validity of several indirect methods for estimating the exposure of ground troops to Agent Orange in Vietnam during 1966-1969, CDC scientists identified a sample of U.S. Army Vietnam veterans of that era and asked them to have blood drawn in order to measure the level of 2,3,7,8-Tetrachlorodibenzo-p-Dioxin (TCDD) in serum. These veterans were selected from among those who served in 65 combat battalions in III Corps, a heavily sprayed part of Vietnam around Saigon.

The men selected had all served only one tour in Vietnam and had been discharged with a pay grade of E1-E5, after having spent, on the average, over 300 days in Vietnam. The sample was chosen after the veterans had been classified on the likelihood of exposure (based on time and space proximity to recorded herbicide sprays) according to military records. For comparison, a sample of non-Vietnam U.S. Army veterans of the same era was also examined.

The results show no meaningful association between TCDD levels and indirect estimates of Agent Orange exposure in Vietnam, with or without adjustment for other characteristics of the veterans, including age, race, body mass index, and self-reported civilian occupational and home herbicide exposure.

For additional information regarding the final report or the study, contact the Centers for Disease Control, Center for Environmental Health and Injury Control, Agent Orange Project, Atlanta, Georgia 30333.

VA Vietnam Veterans Suicide Study Published

In January 1990, the *Journal of Nervous and Mental Disease* published a small scale study that examined potential risk factors for suicide among 38 Vietnam veterans using 46 Vietnam veterans who died from motor vehicle accidents as a comparison group. The study was conducted by scientists in the VA Office of Environmental Epidemiology and the Los Angeles Suicide Prevention Center, with the assistance and cooperation of the Los Angeles County Medical Examiner/Coroner's office.

The veterans were selected from the Los Angeles County Medical Examiner's file (1977-82). Data for these veterans were obtained from military service records, the coroner's reports, and the psychological autopsy conducted with the decedents' family members.

Investigators found that military service factor was not associated with suicide. The characteristics of Vietnam veteran suicide cases were not substantially different from non-Vietnam veteran suicide cases with respect to known demographic risk factors.

The psychological profile of Vietnam veteran suicide cases were also similar to non-Vietnam veteran suicide cases in most instances. Symptoms related to post-traumatic stress disorder were observed more frequently among suicide cases than accident cases. However, suicides were not associated with specific combat experiences or military occupation. The extent of combat experience in Vietnam per se as measured in this study is not a good predictor of suicide death.

For additional information about this study, write to Han K. Kang, Dr. P.H., Director, Office of Environmental Epidemiology, Department of Veterans Affairs, 1825 K Street, NW, Room 322, Washington, DC 20006.

VA Scientists Participate in International Dioxin Meeting

An international conference of approximately 250 scientists reviewed the latest biochemical and engineering advancements in dioxin research. The 9th International Symposium on Chlorinated Dioxins and Related Compounds (DIOXIN '89) was held September 17-22, 1989, in Toronto, Canada.

A portion of the meeting was devoted to current research on the possible health effects of dioxin among exposed individuals. Three scientists from the VA's Office of Environmental Epidemiology presented results of ongoing research of Vietnam veterans who were potentially exposed to Agent Orange. The VA study results have been submitted to scientific journals for publication.

One VA presentation compared the level of dioxin in adipose tissue of Vietnam veterans to that of non-Vietnam veterans and civilian controls. Another VA effort evaluated the risk of non-Hodgkin's lymphoma and Hodgkin's disease associated with Vietnam service among Vietnam era veteran patients treated in VA medical facilities. The third VA project compared mortality patterns of Army Chemical Corps Vietnam veterans with the U.S. general population.

Several Vietnamese investigators presented the results of studies related to Agent Orange exposures in Vietnam. One study reported a higher infant mortality rate in areas sprayed with Agent Orange than in areas not sprayed, particularly for birth years 1966 to 1971. A second investigation reported a higher rate of birth defects in an area sprayed with Agent Orange than in an area not sprayed.

Several presentations were made by Dr. Arnold Schecter dealing with dioxin level determinations conducted in populations of North and South Vietnam as well as a population of Massachusetts Vietnam veterans.

A number of studies were reported at the symposium regarding the health effects of occupational exposures to dioxin. Many of these presentations dealt with chemical workers in the United States and elsewhere.

A summary of the current scientific literature presented by the National Institute of Environmental Health Sciences concluded that the evidence regarding a link between phenoxy compounds and soft tissue sarcomas and malignant lymphomas was weak. The summary suggested that the earlier reported associations may be due to exposures other than dioxin.

The tenth annual international dioxin symposium is planned for Bayreuth, Germany in September 1990.

VA Publishes Volumes 13-14 of Herbicide Literature Review; Additional Volumes Planned; Non-Technical Summary Also Printed

VA recently published Volumes 13 and 14 of the *Review of Literature on Herbicides, Including Phenoxy Herbicides and Associated Dioxins*. The report consists of an analysis and annotated bibliography of literature produced worldwide regarding Agent Orange and other herbicides. The comprehensive technical document is prepared primarily for researchers, physicians, scientists, and others with similar backgrounds.

The initial two volumes of the literature review, mandated by Public Law 96-151, were released in 1981. The latest issues describe herbicide literature that became available in 1988. Additional volumes covering more recent publications are planned. Volumes 15 and 16 should be published later this year.

Copies of all volumes are maintained at VA medical center libraries. The report has also been distributed to researchers throughout the world. The reviews are prepared by independent contractors.

To assist non-technical readers in understanding the complex scientific issues involving Agent Orange and other herbicides, VA also publishes a series of "lay language" summaries, entitled *Synopsis of Scientific Literature on Phenoxy Herbicides and Associated Dioxins*.

Number 6 in the synopsis series corresponds with Volume 13 and 14 of the literature review. The summaries, published as booklets, were prepared by the same contractors who produced the literature review. Copies of the synopses have been sent to all VA medical center libraries.

Agent Orange Fact Sheet Series Revised

The Environmental Medicine Office in VA headquarters in Washington, DC, has revised and released a series of Agent Orange fact sheets, known as "Agent Orange Briefs."

The updated "Briefs," dated October 1989, describe a wide range of Agent Orange-related matters. The following "Briefs" are

currently available: (1) Agent Orange - General Information, (2) Agent Orange Registry, (3) Agent Orange Litigation, (4) Agent Orange - Research Problem, (5) Agent Orange - Priority Treatment Program, (6) Agent Orange and Birth Defects, (7) Agent Orange and Chloracne, (8) Agent Orange and VA Disability Compensation, (9) Agent Orange and Soft Tissue Sarcoma, (10) Agent Orange and Vietnam Related Research - VA Efforts, (11) Agent Orange and Vietnam Related Research - Non-VA Efforts, (12) Agent Orange and Non-Hodgkin's Lymphoma, and (13) VA Information Resources on Agent Orange and Related Matters.

The "Briefs" were distributed widely throughout the VA system and to various State offices. An earlier version of the "Briefs" were released in October 1988. (The initial version of the "Briefs" was mentioned in the October 1989 issue of the "Agent Orange Review.")

For additional information or a copy of the revised fact sheets, contact the Agent Orange Coordinator at the nearest VA medical center or write to the Environmental Medicine Office (10B/AD), VA Central Office, 810 Vermont Avenue, NW, Washington, DC 20420.

VA Agent Orange Poster Distributed

In partial response to a congressional mandate for an active, continuous Agent Orange outreach program (Section 1204, Public Law 100-687), VA officials recently distributed several thousand copies of a multi-colored poster referring Vietnam veterans with Agent Orange concerns to the nearest VA facility,

The poster, measuring 17 by 22 inches, depicts a Vietnam veteran in the jungle against a blue and orange background. The text reads as follows: Vietnam Vets - Concerned about Agent Orange? For information and assistance contact the nearest VA Medical Center or Regional Office.

VA distributed copies of the poster to veterans services organizations, State Agent Orange programs, and other groups with

frequent contact with Vietnam veterans. A limited supply of the poster is maintained in the Environmental Medicine Office (10B/AD), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. Veterans groups that would like to receive the poster should contact that office.

VA Environmental Medicine Office Directs AO Program

At the beginning of Fiscal Year 1989, the VA's Agent Orange Projects Office was renamed the Environmental Medicine Office (EMO) in recognition of the office's assumption of responsibility for veterans exposed to low level ionizing radiation during their military service. Among other matters, the EMO oversees the national Ionizing Radiation Registry, similar to the Agent Orange Registry.

The EMO continues to have responsibility for the Veterans Health Services and Research Administration's national Agent Orange program. Correspondence with EMO should be addressed to Lawrence B. Hobson, M.D., Ph.D., Director, Environmental Medicine Office (10B/AD), VA Central Office, 810 Vermont Avenue, N.W., Washington, DC 20420. Dr. Hobson heads a staff of six individuals, several of whom have served in the Agent Orange program office since 1980, when it was formally established. The EMO can be contacted by telephone at (202) 233-4117.

Veterans seeking an Agent Orange Registry examination or information concerning the examination or treatment eligibility should contact the nearest VA medical facility. Each VA medical center has an "Agent Orange Coordinator" who schedules examinations and handles the administrative aspects of the Agent Orange program and an "Environmental Physician" who is responsible for the conduct of the Agent Orange examinations.

Agent Orange Review

**Information for Veterans
Who Served in Vietnam**



Department of Veterans Affairs

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May 1990