

The Lonnie Kilpatrick Central Pacific Herbicide Relief Act

The Lonnie Kilpatrick Central Pacific Herbicide Relief Act, would grant presumptive herbicide exposure status to US servicemembers who served on the islands of Guam, American Samoa, the Northern Mariana Islands and Johnston Atoll.

Lonnie Kilpatrick: Mr. Kilpatrick was a Navy veteran of Guam who died, after a VA mis-diagnosis, of diseases related to herbicide exposure. After a fight lasting several years he was granted service connected compensation shortly before his death. His last words "Make it count," have become the rallying cry of the Guam veteran community.

Background: The recent GAO report was unable to confirm the presence of Agent Orange on the island although there are sworn affidavits to the effect that it was there. But as confirmed by other scientific studies, the GAO found that the chemical 2,4,5-T was present on Guam. A by-product of this chemical contained is the lethal 2,3,7,8-TODD otherwise known as dioxin. This was present in commercial herbicides as well as the tactical herbicides which was widely used on Guam until at least 1980. This was confirmed by the Draft Environmental Impact Statement for the Disposal and Reuse of Surplus Navy Property Identified in the Guam Land Use Plan published in 1994. Recent testing by Guam EPA and the U. S. EPA confirmed the presence of 2,4,5-T.

Most of the discussion surrounding veteran exposure has centered on tactical herbicides. The inclusion of 2,4,5-T in commercial herbicides makes this a difference without distinction. It is the exposure to 2,4,5-T and it's dioxin by-product, while on active duty in the armed forces, that is relevant. If military personnel were exposed to this chemical, and it appears that they were, any disease or disorder flowing from that chemical component should be service connected pursuant to 38 U.S.C. § 1113(b).

Exposure on Johnston Island is even clearer. Johnston Island consists of four small uninhabited atolls covering 1.03 square miles in the Pacific Ocean. During and after World War II, it was the site of United States military facilities. It was downwind of the fallout from several atmospheric nuclear tests. Additionally, it was a storage site for Agent Orange drums between 1972 and 1977. The herbicide was disposed at sea during the summer of 1977. However, during the storage period, corrosion caused significant leakage which seeped into the grounds. Military personnel stationed on the island were exposed to the leakage during the storage and disposal phases. The last military left the island in 2004. Since then it has been designated a wildlife refuge. A presumption of exposure to herbicide would affect only a small number of people. MVA estimates approximately 2000 personnel were stationed there during the storage period with decreasing number thereafter.

Why this legislation is needed: Despite evidence to the contrary, the VA refuses to recognize a presumption of herbicide exposure for veterans assigned to these islands. While some Board of Veterans Appeals have granted service-connected benefits, legislation is needed to provide uniform coverage for all casualties of military toxic exposure.

The legislation: This bill establishes presumptive coverage for veterans who during active military, naval, or air service, served on the islands of Guam, Samoa or the Northern Mariana Islands, or within the harbors and territorial seas of those islands during the period beginning on January 9, 1962, and ending on July 31, 1980 or who served on Johnston Island during the period beginning on January 1, 1972, and ending on September 30, 1977.