

Agent Orange: The Basics

Legal Self Help Guide

In Vietnam, dense foliage gave cover to the enemy, putting American lives at risk. To clear foliage—and destroy enemy food crops—the U.S. adopted a tactic that put even more lives at risk: it sprayed millions of gallons of defoliants. The best-known was Agent Orange. This compound was contaminated with dioxin, one of the most toxic substances on earth.

Over the years, the VA has developed a list of medical conditions linked to exposure to Agent Orange. If you're disabled by any of these conditions, special rules make it very likely that your claim for VA service-connected disability compensation will be approved, as long as there's evidence showing that you served in a location where the VA presumes that you would have been exposed to Agent Orange.

Who will the VA presume was exposed to Agent Orange?

For the purpose of proving eligibility for VA service-connected disability compensation for conditions related to Agent Orange exposure, the VA will presume certain veterans were exposed to Agent Orange based on where and when they served, and will not require actual proof of exposure.

The VA presumes the following veterans were exposed to Agent Orange while serving in the military:

- ☐ Veterans who stepped foot in Vietnam or served on the inland waterways of Vietnam for at least one day between January 9, 1962 and May 7, 1975. As of January 1, 2020, the VA extended this presumption to “blue water” veterans who served on a vessel operating within 12 nautical miles of Vietnam during that same time period. For a list of the qualifying vessels, see <https://www.benefits.va.gov/compensation/docs/shiplist.docx>
- ☐ Veterans who served along the Korean Demilitarized Zone (DMZ) between April 1, 1968 and August 31, 1971
- ☐ Active-duty personnel who served in a regular Air Force unit location where a contaminated C-123 was assigned, who had regular contact with the aircraft through flight, ground, or medical duties between 1969 and 1986.
- ☐ Reservists who were assigned to flight, ground, or medical crew duties at the following locations:
 - Between 1969 and 1986 at Lockbourne/Rickenbacker Air Force Base in Ohio (906th and 907th Tactical Air Groups or 355th and 356th Tactical Airlift Squadron)
 - Between 1972 and 1982 at Westover Air Force Base in Massachusetts (731st Tactical Air Squadron and 74th Aeromedical Evacuation Squadron)
 - Between 1972 and 1982 at Pittsburgh, Pennsylvania, International Airport (758th Airlift Squadron)

Who will the VA presume was exposed to Agent Orange?

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Certain other veterans may also be eligible for VA service-connection based on Agent Orange exposure, but their cases will be decided on a case-by-case basis:

- ☐ Veterans who served on U.S. Military bases and Royal Thai Air Force bases in Thailand between January 9, 1962 and May 7, 1975
- ☐ Veterans who worked at Department of Defense herbicide test and storage facilities. For a list of these facilities, see <https://www.publichealth.va.gov/exposures/agentorange/locations/tests-storage/index.asp>

In theory, if you were exposed to Agent Orange **anywhere in the world** while serving in the United States military, you can receive VA disability compensation for **any** related condition—but **only if the VA finds that you were, in fact, exposed to Agent Orange, and that there is sufficient medical evidence linking your condition to Agent Orange**. Cases involving exposure to Agent Orange in locales and during time frames not specified above are generally difficult to win. Check with a Veterans Service Organization (VSO) to determine your prospects for success. For a list of VSOs, visit <https://www.va.gov/vso/>.

What conditions are presumed to be Service-Connected due to Agent Orange exposure?

The VA created a list of conditions for which they will provide service-connected disability compensation to any veteran who is presumed to have been exposed to Agent Orange. The list of conditions linked to Agent Orange exposure is expanded from time to time. The following list is current as of November 2021. To check for any recent additions, visit <https://www.publichealth.va.gov/exposures/agentorange/conditions/index.asp>.

It does not matter when these conditions first appeared, except as noted below.

- **AL Amyloidosis, also known as primary amyloidosis**
- **Bladder cancer**
- **Chloracne or similar acneform disease**
(Under the VA's rating schedule, this condition must have been at least 10% disabling within 1 year of herbicide exposure.)
- **Chronic B-cell leukemias, such as hairy-cell leukemia and chronic lymphocytic leukemia**
- **Type 2 diabetes mellitus, also known as adult-onset diabetes**
- **Hodgkin's disease**
- **Hypothyroidism**
- **Ischemic heart disease**
- **Multiple myeloma**
- **Non-Hodgkin's lymphoma**
- **Parkinson's Disease**
- **Parkinsonism, or Parkinson's-like symptoms**
- **Peripheral neuropathy, early on-set** (Under the VA's rating schedule, this condition must have been at least 10% disabling within 1 year of herbicide exposure.)
- **Porphyria cutanea tarda**
(Under the VA's rating schedule, this condition must have been at least 10% disabling within 1 year of herbicide exposure.)
- **Prostate cancer**
- **Respiratory cancers, such as cancers of the lung, bronchus, larynx, or trachea**
- **Soft-tissue sarcomas, such as cancers in muscle, fat, blood and lymph vessels, and connective tissues** (Does not include osteosarcoma, chondrosarcoma, Kaposi's sarcoma, or mesothelioma.)

Other Information Related to Agent Orange Claims:

Priority Processing: Veterans who are homeless, suicidal, are suffering from extreme financial hardship, are over the age of 85, and/or have a current life-threatening illness have priority in VA claims processing. When filing your service-connection claim, you should indicate as such on your application.

Agent Orange Registry: The VA runs an Agent Orange registry that helps them study the effects of Agent Orange and provide resources to veterans who were exposed. The VA will provide a thorough, free medical examination to any veteran concerned about the health effects of Agent Orange exposure. The doctor takes a medical history, conducts a physical exam, and orders several basic lab tests. Sometimes the veteran is asked to report for follow-up testing. Information from the exam is entered in the VA's Agent Orange Registry, which tracks health problems among Vietnam veterans. Participation in the Agent Orange Registry exam does not start a claim for VA benefits, or guarantee that you will receive them. But it's still wise to get the exam. More information is available here: <https://www.publichealth.va.gov/exposures/agentorange/benefits/registry-exam.asp>

Dependent Benefits: If you were exposed to Agent Orange and have a child with spina bifida, you should apply for VA benefits. Your child may be eligible for medical care, vocational training, and a monthly stipend based upon the level of disability. The Blue Water Vietnam Veterans Act of 2019, which went into effect January 1, 2020, mandated that the VA extend the consideration of benefits to children of parents who served in Thailand between January 9, 1962 and May 7, 1975. **The veteran's character of discharge and length of service do not affect their child's eligibility for disability benefits relating to spina bifida.**

Other Information Related to Agent Orange Claims:

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So far, spina bifida is the only condition that has been linked to Agent Orange exposure in the children of **male** veterans. However, special rules apply if you're a **female** veteran who served in Vietnam between February 28, 1961 and May 7, 1975, and have a child with a birth defect. Additional information on benefits for children with birth defects linked to Agent Orange can be found at <https://www.va.gov/disability/eligibility/special-claims/birth-defects/>.

If you're receiving VA disability compensation for any condition on the basis of exposure to Agent Orange, your dependents or survivors may be eligible for education, indemnity compensation, or pension benefits from the VA. A VSO can provide more information.

Disclaimer

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