

No winning side

Vets stick by claims; nation refuses to admit chemical was spilled on island

By John O'Connor
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In September 2017, a report disputed Agent Orange claims made by retired Master Sgt. Leroy Foster that the chemical had been sprayed on Guam in the 1960s and 1970s.

About eight months earlier, Foster had been featured on WFLA TV, admitting to spraying Agent Orange, a known herbicide linked to multiple diseases, on Guam.

But the report, "The Agents Orange and Purple Controversy on the Island of Guam," in Environmental Pollution and Protection, was definitive in its conclusion: Agent Orange and its cousin - Agent Purple - had never spilled on Guam.

Scientist Alvin Young, a familiar name in the field of Agent Orange, co-authored the review.

The findings, of course, are not revolutionary. The federal government for years has denied Agent Orange use on Guam over the backdrop of numerous veterans claiming otherwise.

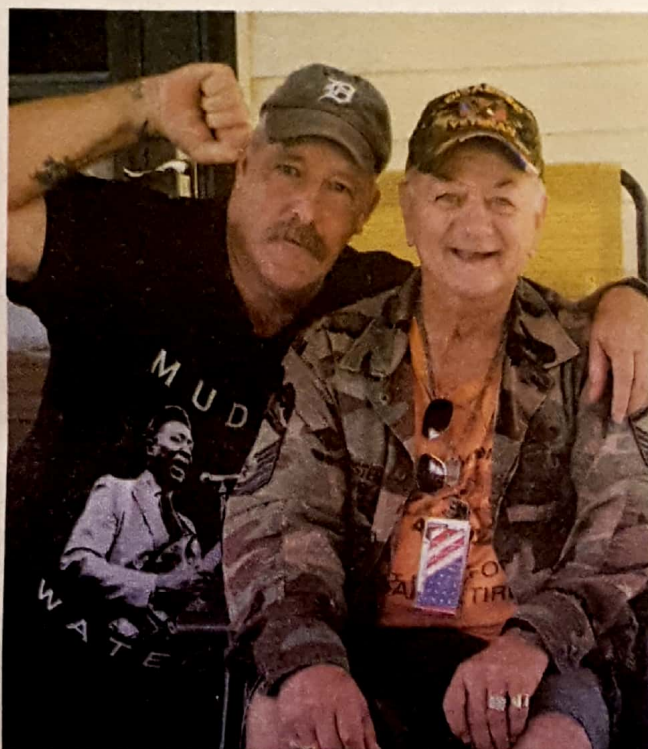
That fight goes on - propelled by the voices of service members suffering from illnesses they can only see as stemming from Agent Orange exposure.

And for a man like Foster, who has expressed regret over exposing his fellow soldiers, federal recognition of Agent Orange use in Guam would finally take "the weight of the world" off his shoulders.

The Young findings

An Air Force veteran himself, Young devoted most of his military career to studying Agent Orange and other Rainbow Herbicides. Now in his 70s, Young has spent more than four decades researching and documenting the application, effects and history of the chemicals - work that became part of the bedrock beneath the federal government's denial of Agent Orange use in Guam.

In the September report, Young explained that the criteria for determining whether Agent Orange was used, stored or buried at a



VIVID MEMORY: Brian Moyer poses for a photo with Leroy Foster, right. Both have claimed to have been exposed to Agent Orange on Guam. Photo courtesy of Brian Moyer

site required references in various Department of Defense forms, historical documentation in the National Archives, technical reports published by government agencies, verifiable documentation from a Vietnam-era veteran, or the site must be a location where military personnel participated in activities involving tactical herbicides.

Agents Orange and Purple were not registered herbicides by the U.S. Department of Agriculture or by the U.S. Environmental Protection Agency and would have required special permission and regulation from the Department of the Army, regulatory agencies on Guam or the Vietnam Military Assistance Command, if the chemicals would have been shipped from Vietnam - as was the case for the Demilitarized Zone in 1968, according to Young.

(Department of Veterans Affairs) to provide the historical records, and all decisions rest with the VA."

Young's work has entrenched him as an integral, but relatively obscure - and ultimately controversial - figure in the spotlight on Agent Orange discussions. He has not, however, been able to escape media attention entirely.

Pro Publica, in conjunction with the Virginia Pilot, ran a scathing exposé on Young in October 2016, tracing the history, work and criticism of "Dr. Orange," as Young had been known.

Vietnam-era Guam veterans

Foster, too, is familiar with the doctor's work. As is retired Sgt. Ralph Stanton and other Vietnam-era Guam veterans who see Young as an agent of federal authorities seeking to explain away their testimonies.

The September report, after all, is one more example to contrast more than a decade of statements from individuals like Foster and Stanton who, along with other veterans, have collected numerous evidence to support the claim that Agent Orange had been used on Guam.

Ten years going

Both Stanton and Foster were stationed at Andersen Air Force Base between 1969 and the very early 1970s. Foster was assigned to vegetation control and would often meet Stanton along his work route. The herbicides Foster sprayed included Agents Orange and Blue, packaged into 55-gallon drums identified by colored bands and chemical bags with the word "Monsanto," according to written statements from Foster.

From 1965 to 1969, Monsanto Company manufactured Agent Orange for the U.S. military as a wartime government contractor, the company's website stated. Monsanto has evolved into a U.S. producer of seeds for fruits, vegetables and key crops - such as corn, soybeans and cotton.

"I found none of those records in the National Archives when I reviewed thousands of DD forms 250 or 173," Young told The Guam Daily Post. DD forms are certificates of release or discharge from military duty.

"I also checked with the (National Museum of Health and Medicine in Fort Detrick, Maryland) to verify if a trip report had been prepared on a visit to Guam, or a spray operation in that time period, as had occurred on a visit to South Korea. Again, no records," Young added.

What was not acceptable in validating Agent Orange claims was the presence of herbicide-related diseases in veterans, anecdotal testimonies and media reports.

"It is not my responsibility to judge the complaints by veterans or to question their allegations," Young added. "I was asked by DOD and

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The men reconnected more than three decades later after Stanton found Foster through the internet. Both developed a litany of diseases that they attributed to Agent Orange exposure and were searching for any former colleagues on Guam.

Foster remembers the day he got the call.

"Aug. 7, 2009. Ralph called me that day. He found me. He said, 'You little bastard, where have you been?'" Foster told The Guam Daily Post, recalling their days on Guam decades ago. "He always called me 'a little bastard' when I drove by - spraying. I asked for him to forgive me. I was so sorry."

Foster and Stanton were diagnosed with infertility, heart disease and other health concerns they attribute to Agent Orange, according to their testimonies. The Board of Veterans Appeals granted Stanton some disability compensation for herbicide exposure in 2014 and to Foster in 2011.

Challenging the VA, however, required resources and took its toll on men who are already in poor health.

Foster said he does not anticipate living much longer. Stanton was advised by his lawyer to maintain a low-profile after he won his appeal.

But neither man has held silent.

Stanton and Foster began relating their stories through internet posts and then to various media publications both well before and after their appeals were granted. The Post featured the veterans in 2008, 2010, 2011 and 2013.

Other veterans joined in contacting media outlets, molding a cornucopia of witnesses all pointing to Agent Orange on Guam.

Young actually offers a timeline of reports dating more than a decade, including a citation in the 2004 "Dow Chemical: Risks for Investors" report.

WFLA TV picked up Foster's story in January last year. And the rekindled interest in herbicides that followed - both from local and federal authorities - constitute just the latest entry in the fight to get recognition from the federal government and the military that Agent Orange was used on Guam during the Vietnam War era.

Dismal success rate

The Post learned of at least 14 appeals granted by the board since 2001.

These appeals sometimes claim witness to herbicide spraying or that the veteran performed spraying



LIFTING THE WEIGHT OFF HIS SHOULDERS: An undated picture of the Cross Island pipeline booster station, where retired Master Sgt. Leroy Foster was assigned. Foster was featured on Florida's WFLA TV, reporting that he has sprayed hundreds of thousands of gallons of Agent Orange while stationed on Guam in the early 1970s. Post file photo

himself. The 2001 appeal identifies an unnamed individual who worked as a fuel specialist, similar to Foster's job at the time he was on Guam.

This veteran suffered from peripheral neuropathy. A result of damage to your peripheral nerves, peripheral neuropathy often causes weakness, numbness and pain, usually in your hands and feet, according to the Mayo Clinic.

Much has been said of the 2005 appeal, which became the basis for a 2008 Guam resolution seeking the island's inclusion in the federal Agent Orange Equity Act.

But regardless of approval, the decisions maintain that no records exist of the herbicide being used on island.

And despite the victories, the success rate for Guam appeals remain "quite dismal," according to attorney Jim Radogna of the Law Office of Katrina J. Eagle - a California based law firm heavily involved in Guam Agent Orange cases.

"I recently reviewed 200 AO board decisions and only nine of those were granted," Radogna told the Post.

The apparent culprit is the lack of concrete evidence.

Government denial persists

"The few cases that have been

granted is because the board judge afforded the benefit of the doubt to the veteran. Although there is a substantial body of evidence that Agent Orange was indeed used on Guam, it's unfortunately very easy for the majority of board judges to deny service connection based upon the fact that neither DOD nor VA leadership will acknowledge Agent Orange usage on Guam," Radogna added.

The most significant evidence of AO use comes from credible lay testimonies of veterans, Radogna said.

While the presence of dioxin on Guam adds fuel to these accounts, Air Force studies explain this as the result of burning material rather than herbicide use. In addition, a 2003 letter from the Office of the Undersecretary of Defense to the late Illinois Rep. Lane Evans, a member of Congress from 1983 to 2007 stated that the department found no records of storage or use of Agents Orange, Blue or White in Guam. Evans had been inquiring about the dioxin.

Fate of the first

The island's history with tactical herbicides reportedly began with 5,000 drums of Agent Purple.

The 2003 letter to Evans indicated that the material made its way to the island in 1952 in preparation for the Korean War.

The herbicides were never used and later returned to the mainland, according to the letter.

Stanton, who spent a decade researching Rainbow Herbicides in order to defend his exposure claims to the VA, said he could not find evidence that Agent Purple was shipped back to the U.S.



FIGHTING AN UPHILL BATTLE: Guam veterans Ralph Stanton and Leroy Foster have been researching and compiling documents related to Agent Orange on Guam. Contributed photo

Vietnam-era vets share their stories

By John O'Connor
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Several Vietnam-era veterans who served on Guam have spoken about their experiences and what they now believe to be illnesses associated with Agent Orange exposure. A few have shared their stories with The Guam Daily Post.

Brian Moyer

Brian Moyer remembers vividly witnessing herbicide spraying at Apra Harbor. Occasionally, he would be sent to Andersen Air Force Base for firefighter training, where they practiced on fires set up in 55-gallon oil drums. He stated in an affidavit that the fuel used to light the fires were from the tank trailer Leroy Foster used in his spraying duties. Foster is another veteran who has expressed regret over exposing his fellow soldiers to the chemical, while stationed on Guam.

Moyer said he also recalls seeing trees at the main entrance of Andersen all brown and appearing dead, something that didn't make much sense considering Guam's tropical climate.

Bruce Borton

Bruce Borton was a Naval Facilities and Engineering Command Guam Seabee who said he sprayed some chemicals on Guam to keep weeds from growing. He told the Post that he has a claim filed with the VA and several sicknesses.

Edward Jackson

Retired Master Sgt. Edward Jackson wrote to former Congressman Steve Buyer in 2010. Buyer was a ranking member of the Veterans Affairs committee at the time.

Jackson was assigned to drive cargo trucks as part of his duty. This sometimes meant transporting Agent Orange and other Rainbow Herbicides for "transport by ship, the flight line for transport by aircraft, and even to Northwest Field" where the material would be dumped.

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"My best guess is after 20 years or so there would have been lots of (leaking drums) and most likely it got thrown over the cliff at (Northwest) Field," Stanton said. Northwest Field is located within the fence of Andersen Air Force Base.

"When I was there, they would sometimes re-drum leakers, but most of the time, they would throw them off the cliff. It was a different time then, there was not much worry about pollution."

Young, on the other hand, travels a different road toward the fate of Agent Purple, challenging the herbicide's arrival to Guam entirely.

In "The Agents Orange and Purple Controversy," Young stated that "there were no DD Form 250/250a ... found in the (National) Archives indicating that Agent Purple was ever shipped to or stored on the island of Guam."

A smoking gun, a puzzle piece

The federal denial of Agent Orange Guam has been consistent but so have the supporters been in pressing for recognition.

After all, the recognition of Agent

Orange exposure has extended beyond Vietnam to cover the Korean Demilitarized Zone, Thailand, crews of C-123 planes that flew defoliation missions in Vietnam and several other locations identified by the VA. Veterans that did not serve in Vietnam or the DMZ must prove they were exposed to herbicides to gain service-connection eligibility.

Past Guam initiatives, however, fell to roadblocks. The 2008 resolution, despite passing the local legislature, led nowhere, according to Sen. Benjamin Cruz.

Foster's recent statements to national media did result in more significant congressional action - the drafting of House bill H.R. 809, also known as the Foster Act. The bill promises to grant presumptive Agent Orange exposure status to service members who served in Guam, the Northern Mariana Islands or American Samoa during the Vietnam War.

In April 2017, three congressional representatives, including Guam Del. Madeleine Bordallo, requested that the Government Accountability Office investigate AO in the U.S. and its territories. A separate soil testing

is to take place this year.

A great deal of emphasis is placed on these recent developments by both sides. Young suggested putting off any conclusion until the investigation results are available. Conversely, John Wells, a retired Navy commander turned attorney and veterans advocate, said he believed the investigation and soil testing will prove the veterans' case long term.

What Guam is lacking in the fight, according to Radogna, is the "smoking gun," similar to what the CHECO Report did for Vietnam veterans who served in Thailand.

Of course, not everyone believes a single photograph or document will prove the case. Stanton sees the Agent Orange Guam as a puzzle - a murder mystery of sorts with evidence scattered beneath layers of documents and testimonies that form a clear picture to anyone willing to spend time putting pieces in place.

Brian Moyer, another veteran claiming to have witnessed spraying on Guam, believes to have found a weapon - smoke and all.

It was Moyer who connected

Foster with WFLA reporter Steven Andrews after meeting Foster in December 2016. He also founded the Facebook group Agent Orange Family and Veterans of Guam.

In late December 2017, Moyer posted a photograph of a page in the 1994 Guam Land Use Plan stating that 2, 4, 5-T was used on island until 1980. Combined with all other documents and testimonies, Moyer told the Post he believed the veterans have proven their case.

Wells considers the GLUP report significant in that it "effectively conceded that the dioxin was used." Although Radogna said he did not believe the report was the smoking gun as described, it "adds more credence to the argument that VA and DOD are missing/hiding evidence that the herbicides used on Guam were not just harmless 'commercial' grades."

It remains to be seen whether the GLUP report, or any document, will prove Agent Orange Guam in the eyes of the VA and other federal authorities.

In the meantime, veterans and advocates have one more piece for the puzzle.

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Airmen were ordered to dump leaking drums over a cliff to a trash pile 20 to 30 feet below, according to Jackson. The herbicides splashed over Jackson and his fellow airmen.

He developed Hodgkin's disease in 2007 and filed a claim with the VA, which was being appealed at the time of the letter.

Robert Fink

A sworn affidavit signed by Robert Fink in January 2017, and provided to the Post, details his time as a firefighter in the 43rd Civil Engineering Squadron at Andersen. Fink was on Guam from 1970 to 1972, during the B-52 Arc Light missions to Vietnam.

"During my patrols, I often would see brown gray areas of dead vegetation and noticed spraying being done to the areas of fencing, fuel hydrants, runway and other areas," Fink wrote.

He added that he would use a substance mixed with diesel fuel to kill grass and weeds around fire stations. Spraying also took place in the Marbo barracks, where Fink and several other servicemen lived.

Fink has developed 20 ailments from his exposure to herbicides and is waiting on a decision from the Veterans Review Board.



SUFFERS FROM 20 AILMENTS: Robert Fink, one of the men who claims to have sprayed herbicide on Guam, poses for this photo. Photo courtesy of Robert Fink

Gary and Donna Spurgin

Gary Spurgin was deployed to Guam from Dyess Air Force Base in Texas in 1972.

Spurgin spent most of his deployment in the Marbo Barracks.

Spurgin worked during the evening and slept during the day. He recalls having to close his louvers because spraying would enter his unit, "not knowing exactly what it was. It was just killing the greenery, keeping

the grass from growing."

Spurgin now has several diseases.

His wife, Donna Spurgin, has been assisting with telling her husband's story, submitting his testimony to different government officials.

Victor Vreeland

Retired Staff Sgt. Victor Vreeland was a firefighter at Andersen between 1966 and 1968.

He could not swear that Agent Orange was used on base, but said he had no doubt that Dichlorodiphenyltrichloroethane (DDT) was fogged and certain areas were defoliated with some kind of herbicide.

"I lived in Marbo (Barracks)," Vreeland said. "Those buildings had no windows - no air conditioning."

Pickup trucks with fogging equipment would roll through the area. The fog would drift through the interior of the building and areas of grass were sprayed to make way for the storage of bombs.

Vreeland later developed nerve damage attributable to trichloroethylene (TCE), a known carcinogen.

He founded the website "Deny Deny Until They Die" - named after a popular saying among veterans when it comes to VA actions, according to the retired sergeant. The website is intended to help others find information that could help them when communicating with the VA.