



**THE SECRETARY OF VETERANS AFFAIRS  
WASHINGTON**

June 25, 2015

The Honorable Jeff Miller  
Chairman  
Committee on Veterans' Affairs  
U.S. House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

Thank you for your April 30, 2015, co-signed letter requesting that the Department of Veterans Affairs (VA) create a presumption of Agent Orange exposure for stateside flight and ground crew members associated with C-123 aircraft previously involved with Agent Orange aerial spray missions in Vietnam. I regret the delay in responding.

On June 18, 2015, VA published a new regulation that expands eligibility for some benefits for a select group of Air Force Veterans and Air Force Reserve personnel who were exposed to the herbicide Agent Orange through regular and repeated contact with contaminated C-123 aircraft that had been used in Vietnam as part of Operation Ranch Hand (ORH). The new regulation is on public display on the Federal Register's website as of June 18, 2015. This rulemaking became effective on June 19, 2015, and it will be open for public comment through August 18, 2015.

VA published this regulation as an interim final rule so that it could immediately begin providing benefits to eligible Air Force Veterans and Air Force Reserve personnel who submit a disability compensation claim for any of the 14 medical conditions that have been determined by VA to be related to exposure to Agent Orange.

I made the decision to expand benefits following receipt of a 2015 report by the National Academy of Sciences Institute of Medicine (IOM) on Post-Vietnam Dioxin Exposure in Agent Orange-Contaminated C-123 Aircraft. This VA-requested report found evidence that as many as 1,500 to 2,100 Air Force and Air Force Reserve personnel who served as flight, medical, and ground maintenance crew members on ORH C-123 aircraft previously used to spray Agent Orange in Vietnam were exposed to the herbicide.

Under this new rule, Air Force and Air Force Reserve flight, medical, and ground maintenance crewmembers who served on the contaminated ORH C-123s are presumed to have been exposed to herbicides during their service, thus making it easier for them to establish entitlement for some VA benefits if they develop an Agent Orange-related presumptive condition. In addition, for affected Air Force Reserve crew members, VA will presume that their Agent Orange-related condition had its onset

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during their Reserve training. This change ensures that these reservists are eligible for VA disability compensation and medical care for any Agent Orange-related presumptive condition, and that their surviving dependents are eligible for dependency and indemnity compensation and burial benefits.

The interim final rule can be found on the Federal Register website at <https://www.federalregister.gov/articles/2015/06/19/2015-14995/presumption-of-herbicide-exposure-and-presumption-of-disability-during-service-for-reservists>. VA will immediately begin processing claims and issuing benefits to eligible Air Force crew members.

Should you have additional questions, please have a member of your staff contact Mr. Ryan Fiacco, Congressional Relations Officer, at (202) 461-9513 or by email at [Ryan.Fiacco@va.gov](mailto:Ryan.Fiacco@va.gov). Identical responses are being sent to other co-signers of your letter.

Thank you for your continued support of our mission.

Sincerely,



Robert A. McDonald