



U.S. Department of
Veterans Affairs

Office of the General Counsel
Washington DC 20420

In Reply Refer To: 022

March 23, 2020

Commander John B. Wells, USN (Retired)
Military-Veterans Advocacy, Inc.
P.O. Box 5235
Slidell, LA 70469

Dear Commander Wells:

This is in response to your letters dated January 3, 2020, and February 10, 2020, requesting the Department of Veterans Affairs (VA) promulgate regulations extending the presumption of herbicide exposure to Veterans who served in Thailand from February 28, 1961, until June 30, 1976.

VA and the Department of Defense (DoD) have reviewed the recent Government Accountability Office (GAO) report concerning the use, testing, storage, and transportation of Agent Orange and other tactical herbicides outside of Vietnam and Korea. Moreover, DoD, working closely with VA officials, has recently completed its own extensive review of documentation concerning Agent Orange and other tactical herbicides outside of Vietnam and Korea. The review involved analysis of thousands of original source documents dating back to the inception of herbicide testing shortly after the end of World War II.

Based on VA's review of the GAO report and DoD's findings, on January 27, 2020, VA published an updated list of locations outside of Vietnam and Korea where Agent Orange and other tactical herbicides were used, tested, stored, or transported. The list can be found at the following link: <https://www.publichealth.va.gov/exposures/agentorange/locations/tests-storage/index.asp>.

As you referenced in your January letter, VA committed to initiate rulemaking on the issue of an herbicide presumption for service in Thailand in a letter responding to other petitioning parties on September 22, 2017. Consistent with that commitment, VA grants your petition to the extent that VA will undertake rulemaking on the issue of herbicide exposure in Thailand during the Vietnam era.

Your letter incorrectly suggests that VA in December 2019 issued new rules concerning herbicide exposure in Thailand in the Veterans Benefits

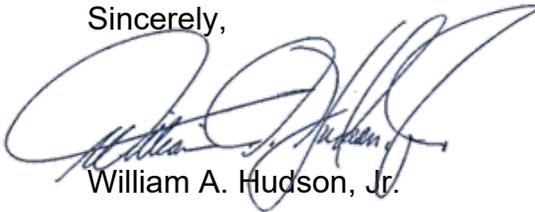
Administration's (VBA) M21-1 Manual in response to the prior petition referenced Page 2.

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above. On December 31, 2019, VBA made a technical update to the section of its Manual addressing this topic to reflect current information technology functionality. VBA did not make any change to its substantive policy. Enclosed for your reference is a document summarizing the key changes made to the Manual on December 31, 2019, and a copy of the prior Manual provisions. VA continues to deliberate on a proposed rule, taking into consideration the list noted above and all other available evidence. VA will publish the proposed rule in the Federal Register as soon as practicable.

We encourage you to submit comments after VA publishes the proposed rule. If you or your colleagues have any questions, please contact Mr. Brandon Jonas, the VA staff attorney assigned responsibility for this case, at (202) 461-5528 or by email at Brandon.Jonas@va.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "William A. Hudson, Jr.", is written over a faint, larger signature that also appears to read "William A. Hudson, Jr.".

William A. Hudson, Jr.

Enclosures