

# VA Delays Key Agent Orange Decisions

*Since March 2016, the U.S. Department of Veterans Affairs has been weighing whether to expand Agent Orange benefits to Vietnam vets with bladder cancer and hypothyroidism, as well as other ailments. It keeps missing its own deadlines to act.*

**by Charles Ornstein | Nov. 2, 6:20 p.m. EDT | ProPublica**



Days after he was sworn in as Veterans Affairs secretary this year, Dr. David Shulkin held a digital town hall meeting to take veterans' questions.

A veteran named Jack posed a question of paramount importance to many Vietnam veterans: Would the U.S. Department of Veterans Affairs expand the list of diseases that are presumed to be linked to Agent Orange, a toxic herbicide used to kill forests during the Vietnam War?

"We're getting very close to being able to give you a final answer on that," Shulkin said on Feb. 24, adding that he was weeks away from being presented with the data he needed to make a decision. "I'm anxious to get it so that we can begin to get answers to people like Jack, because it's been too long that they've been waiting to get those answers."

Yet more than eight months later — and after his department promised a decision by Nov. 1 — the VA essentially punted, issuing a statement late Wednesday saying it would "further explore" the issue and pushing its decision to some undisclosed point in the future.

The VA said the department would now work with others in the Trump administration to conduct a legal and regulatory review of conditions for awarding disability compensation to eligible veterans.

Many veterans said they thought that was exactly the review that has been ongoing since March 2016, when the National Academy of Medicine, then known as the Institute of Medicine, said there is now evidence to suggest that Agent Orange exposure may be linked to bladder cancer and hypothyroidism. The National Academy also confirmed, as previous experts have said, that there is some evidence of an association with hypertension, stroke and various neurological ailments similar to Parkinson's Disease.

In the past, the VA has found enough evidence to link 14 health conditions, including various cancers, to Agent Orange, which the U.S. military sprayed by the millions of gallons in Vietnam.

The Agent Orange Act of 1991 had required that the VA secretary take action on National Academy recommendations within 60 days of receiving a report; the law expired in 2015.

“Son of a gun,” said Dick Pirozzolo, 73, when he was informed of the VA’s decision to delay. Pirozzolo served as an information officer in the Air Force in Vietnam and has had bladder cancer and a thyroid condition called Graves’ disease. “That sucks.”

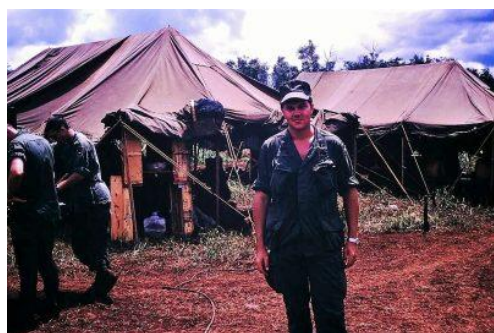


*Dick Pirozzolo on the banks of the Saigon River during a day off (Courtesy of Dick Pirozzolo)*

Pirozzolo said he applied for benefits based on his bladder cancer — and was denied. He is in the process of seeking benefits for his thyroid. “It’s frustrating,” he said. “The politicians all talk a good game about the VA, but then when it comes down to making a decision, they drag their heels.”

Carla Dean’s husband, James T. Dean Jr., died of bladder cancer last year at age 72, six days after his birthday. His application and appeals for VA benefits have been denied. Dean said she feels “gobsmacked” by the VA’s actions this week, especially because her husband died feeling relieved that he and his wife had helped persuade the National Academy of the link between his disease and Agent Orange exposure.

“My husband gave 11 1/2 years of his life to the United States Army willingly, 19 months in Vietnam, heavy combat,” Dean said. “Never in a million years did he dream basically that his government betrayed him.”



*James T. Dean Jr., who served in Vietnam as a field artillery forward observer (Courtesy of Carla Dean)*

Since the National Academy of Medicine issued its report last year, saying there was some evidence to link Agent Orange exposure to bladder cancer and hypothyroidism, the VA has set and then missed numerous deadlines for action.

First, in March 2016, former VA Secretary Robert McDonald formed a working group of scientists and experts to evaluate the National Academy report and make recommendations. A VA official said the department hoped to make decisions by August of that year. None were made.

Then, that November, the VA said its working group was “nearing completion” of its work and preparing a draft response and action plan, which would be given to a more-senior task force in early December 2016. From there it would be forwarded to the VA secretary for review. But because of the changeover in presidential administrations, “the deadline for proposing new rules for potential new presumptions (of service connection) has passed and this will become work for the new administration to take to completion.”

The Senate Committee of Veterans Affairs inquired about the status of the review in February and was told that recommendations had been forwarded to the secretary. The panel inquired again in June and was told that the decision was still with the secretary.

More recently, the VA had been pledging action by this week, specifically Wednesday.

“Because of the importance of this issue, VA has followed a deliberate, established process to review the National Academy of Medicine’s report carefully and to ensure a thoughtful consideration of the issues it raises. The Secretary will announce a decision on or before November 1st,” agency spokesman Randal Noller wrote in an email last month.

The VA did not provide a new date by which it expects to act.

Asked why the VA did not meet its deadline, Noller responded Thursday: “Your premise is incorrect ... Yesterday’s press release announced his decision — he is considering possible new presumptive conditions that may qualify for disability compensation related to Agent Orange exposure.”

Numerous senators have been raising pressure on the administration to act. Five Democrats signed a letter to Shulkin in September. “The care owed to our servicemembers should not be delayed and denied any longer,” they wrote. “They fought for our country, were exposed to a toxic chemical while carrying out their daily duty, and in return, we are failing to provide medical care and disability compensation.”

Some veterans groups say they believe Shulkin has made up his mind but is working to get approval from other parts of the administration, namely the Office of Management and Budget, which has to sign off on new federal outlays, and perhaps the White House.

“We believe this is just absurd,” said Rick Weidman, the legislative director of Vietnam Veterans of America. “If you can afford the goddamn war, you can afford to take care of the warriors.”

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