

United States House of Representatives
House Veterans Affairs Committee

Member Day Testimony
Provided by Congressman Michael F.Q. San Nicolas (GU-00)

Wednesday, May 26, 2021

Chairman Takano, Ranking Member Bost, and Members of this valued Committee. I come before you today, representing tens of thousands of Veterans who have put their lives on the line serving their country over decades. These same Veterans fight, and some sadly have died fighting, for this very government to extend decency that they so deserve for their service

When this body enacted the Veterans' Dioxin and Radiation Exposure Compensation Standards Act in 1984 and Agent Orange Act in 1991, we recognized the "mounting scientific evidence that herbicides containing dioxin" caused very serious, and even debilitating, health conditions. Nervous system disorders, cancer, ischemic heart disease, and other rare ailments are scientifically linked to herbicide exposure.

While the VA and DoD continue to deny that Agent Orange was used by this government on the island of Guam, there exists substantial evidence indicating otherwise. Our Armed Forces on Guam, as well as the island itself, were used to support the operations of the Vietnam War including logistics, artillery and manpower replenishment, and even refugee processing.

If we are not going to take the word of the brave service members who offered their lives for our country who tell us that they themselves sprayed toxic herbicides throughout various areas on the island of Guam in the course of their duties, then let us believe the scientific and independent evidence that supports their consistent account.

A Government Accountability Office report released in November 2018 reported (1) at least one vessel carrying Agent Orange ported in Guam, (2) record keeping on behalf of the DoD was deficient with many lost or destroyed, (3) the records that do exist do not indicate what cargo was unloaded or remained on board, (4) identification of Agent Orange testing and storage sites outside of Vietnam was deficient, and (5) some of the commercial herbicides that the VA conceded were used in Guam contained 2,4-D; 2,4,5-T, or both. As a refresher, the provisions of the Agent Orange Act of 1991 apply to all herbicides containing 2,4-D or dioxin used in support of combat operations in Vietnam, and is therefore inclusive of these used on Guam.

Using the VA's legal standard, the Veterans Legal Services Clinic of the Jerome N. Frank Legal Services Organization at the Yale Law school examined widely available evidence and determined that it is "as likely as not" that service members who served on Guam were exposed to toxic herbicides containing dioxin. This comprehensive study "includes official government documents describing widespread practices of herbicide spraying, mishandling, and improper disposal prior to the enactment of federal hazardous waste regulations enacted in 1976. [I ask that this study be entered into the record.]

Over the course of three decades, soil testing by the U.S. Environmental Protection Agency and the Guam Environmental Protection Agency have revealed herbicide and dioxin pollution in locations throughout the island where Veterans have been telling us toxic chemicals were sprayed. Very recent soil samples tested in 2018 and repeated in 2019 detected 2,4-D and 2,4,5-T as well as the toxic TCDD byproduct.

It was a bad decision for this government to have exposed our heroes to toxic chemicals. While we cannot change history, we can provide justice and fairness by taking care of our Veterans. We need to ease their pain and suffering that has been caused by the consequences of their herbicide exposure. The time is now. My good friend from Florida, Representative Gus Bilirakis, has joined me in introducing H.R. 3368, which will expand the presumptions of service-connection for Veterans who were exposed to herbicides on the island of Guam. I ask this Committee to make right by our Veterans and make H.R. 3368 a priority.