

Department of Veterans Affairs Manual Excerpts
Presented here are two sections of the VA manual pertaining to herbicide claim requirements for veterans who served in Thailand during the Vietnam era

VA Manual M21-1 Part IV Subpart ii Chapter 1 Section H -5 Sub Sections a and b
plus
VA Manual M21-1MR Part IV Subpart ii Chapter 2 Section C Sub Section q and r

This Information added August 23, 2015, **last updated November 24, 2015**
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The following pages were created by downloading from the Department of Veterans Affairs on November 24, 2015 two files which comprise M21-1 Part IV Subpart ii Chapter 1 (VA file name M21-1IV_ii_1_SecH.docx) and a second file which comprises M21-1MR Part IV Subpart ii Chapter 2 (ch02_secc.doc). Both of these files were downloaded from the VA homepage on November 24, 2015. I extracted and present with this file two areas from these files which deal with herbicide exposure for veterans assigned to Thailand during the Vietnam era. The Vietnam era with respect to Thailand veterans is anytime between February 28, 1961 and May 7, 1975.

NOTE - these sections have been updated frequently since August 2015. Read both chapters and sections carefully.

First area which follows is from VA Manual M21-1 Part IV Subpart ii Chapter 1 section H-5. This section of the manual shows it was updated on November 12, 2015. This section was downloaded from the Veterans Administration homepage on November 24, 2015. **IMPORTANT NOTE** see the change to Section H - 5 with the 11/24/15 revision - added sub sections 6 and 7 which were not present on earlier versions.

Section H - 5. Developing Claims Based on Herbicide Exposure in anytime between February 28, 1961 and May 7, 1975 Thailand During the Vietnam Era.

IMPORTANT - the VA gives presumption of exposure to Thailand veterans only to those who were served as Security Police or K-9 Handlers. Thailand veterans who were not Security Police or K-9 Handlers must complete steps 2 through 7 to prove eligibility for herbicide exposure.

Second area which follows is from VA Manual M21-1MR Part IV Subpart ii Chapter 2 section C-10. Section C - 10 of the manual does not show the date written, or date updated, however it was downloaded from the Veterans Administration homepage on November 24, 2015 and should be current.

Section C - 10. Service Connection for Disabilities Resulting From Exposure to Herbicides or Based on Service in the Republic of Vietnam (RVN), q. Herbicide Exposure in Thailand During the Vietnam Era.

5. Developing Claims Based on Herbicide Exposure in Thailand During the Vietnam Era

Introduction This topic contains information on developing claims based on herbicide exposure in Thailand during the Vietnam Era, including

- special consideration for claims based on herbicide exposure in Thailand during the Vietnam Era, and
 - verifying exposure to herbicides in Thailand during the Vietnam Era.
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Change Date November 12, 2015

a. Special Consideration for Claims Based on Herbicide Exposure in Thailand During the Vietnam Era Compensation Service has determined that a special consideration of herbicide exposure on a factual basis should be extended to Veterans whose duties placed them on or near the perimeters of Thailand military bases.

Reference: For more information on verifying exposure to herbicides in Thailand, see M21-1, Part IV, Subpart ii, 1.H.5.b. http://www.ecfr.gov/cgi-bin/text-idx?SID=eeb25614ff133ec52c6f89f62aa156dc&mc=true&node=se38.1.3_1307&rgn=div8http://www.ecfr.gov/cgi-bin/text-idx?SID=eeb25614ff133ec52c6f89f62aa156dc&mc=true&node=se38.1.3_1307&rgn=div8

b. Verifying Exposure to Herbicides in Thailand During the Vietnam Era When a Veteran with service in Thailand during the Vietnam Era claims SC for disability based on herbicide exposure, follow the steps in the table below to verify exposure to herbicides.

http://www.ecfr.gov/cgi-bin/text-idx?SID=eeb25614ff133ec52c6f89f62aa156dc&mc=true&node=se38.1.3_1156&rgn=div8

Step	Action
1	Did the Veteran serve in the U.S. Air Force in Thailand during the Vietnam Era <ul style="list-style-type: none">• at one of the following Royal Thai Air Force Bases (RTAFBs)<ul style="list-style-type: none">– U-Tapao– Ubon

	<ul style="list-style-type: none"> – Nakhon Phanom – Udorn – Takhli – Korat, or – Don Muang, <i>and</i> • as an Air Force <ul style="list-style-type: none"> – security policeman – security patrol dog handler – member of the security police squadron, or – otherwise near the air base perimeter as shown by evidence of daily work duties, performance evaluation reports, or other credible evidence? • If <i>yes</i>, concede herbicide exposure on a direct/facts-found basis. • If <i>no</i>, proceed to Step 2. <p>Notes:</p> <ul style="list-style-type: none"> • Concede herbicide exposure on a direct or facts-found basis for U.S. Army Veterans who served on RTAFBs in Thailand if the Veteran <ul style="list-style-type: none"> – provides a statement that he was involved in perimeter security duty, <i>and</i> – there is additional credible evidence supporting this statement. • U.S. Army personnel may have provided RTAFB security early in the war before the base was fully operational.
2	<p>Did the Veteran serve at a U.S. Army Base in Thailand during the Vietnam Era</p> <ul style="list-style-type: none"> • as a member of a military police (MP) unit, or • with a military police occupational specialty? <ul style="list-style-type: none"> • If <i>yes</i>, concede exposure to herbicides on a facts-found or direct basis <i>if</i> the Veteran states his duty placed him at or near the base perimeter. • If <i>no</i>, go to Step 3.
3	<p>Ask the Veteran for the</p> <ul style="list-style-type: none"> • approximate dates • location, and • nature of the alleged exposure.
4	<p>Did the Veteran furnish this information within 30 days?</p> <ul style="list-style-type: none"> • If <i>yes</i>, proceed to Step 5. • If <i>no</i>, <ul style="list-style-type: none"> – refer the case to the JSRRC coordinator to make a formal finding that sufficient information required to verify herbicide exposure does not exist. (<i>Note:</i> For a sample of a formal finding, see M21-1, Part IV, Subpart ii, 1.D.4.c.), and – decide the claim based on the evidence of record, ensuring the

	rating decision and decision notice adequately explain the basis of the decision.
5	Review the information provided by the Veteran and proceed to Step 6.
6	<p>Can exposure to herbicides be acknowledged on a direct or facts-found basis as a result of this review?</p> <ul style="list-style-type: none"> • If <i>yes</i>, proceed with any other necessary development before referring the claim to the rating activity. • If <i>no</i>, proceed to Step 7.
7	<p>Has the Veteran provided sufficient information to permit a search by the JSRRC?</p> <ul style="list-style-type: none"> • If <i>yes</i>, send a request to the JSRRC for verification of exposure to herbicides. • If <i>no</i>, <ul style="list-style-type: none"> – refer the case to the JSRRC coordinator to make a formal finding that sufficient information required to verify herbicide exposure does not exist. (Note: For a sample of a formal finding, see M21-1, Part IV, Subpart ii, 1.D.4.c.), and – decide the claim based on the evidence of record, ensuring the rating decision and decision notice adequately explain the basis of the decision.

Reference: For more information on Thailand military bases and herbicide exposure, see the [VA Public Health site](#).

10. Service Connection for Disabilities Resulting From Exposure to Herbicides or Based on Service in the Republic of Vietnam (RVN), Continued

q. Exposure to Herbicides in Thailand During the Vietnam Era

C&P Service has determined that a special consideration of herbicide exposure on a factual basis should be extended to Veterans whose duties placed them on or near the perimeters of Thailand military bases.

Follow the steps in the table below to verify exposure to herbicides when a Veteran with service in Thailand during the Vietnam Era claims a disability based on herbicide exposure.

Step	Action
1	<p>Did the Veteran serve with the U.S. Air Force in Thailand during the Vietnam Era</p> <ul style="list-style-type: none"> • at one of the Royal Thai Air Force Bases (RTAFBs) at <ul style="list-style-type: none"> – U-Tapao – Ubon – Nakhon Phanom – Udorn – Takhli – Korat, or – Don Muang, and • as an Air Force <ul style="list-style-type: none"> – security policeman – security patrol dog handler – member of the security police squadron, or – otherwise near the air base perimeter as shown by evidence of daily work duties, performance evaluation reports, or other credible evidence? <ul style="list-style-type: none"> • If <i>yes</i>, concede herbicide exposure on a direct/facts-found basis. • If <i>no</i>, go to Step 2. <p><i>Notes:</i></p> <ul style="list-style-type: none"> • Also concede herbicide exposure on a direct or facts-found basis for Veterans who served on RTAFBs in Thailand, while a member of the U.S. Army, if the claimant <ul style="list-style-type: none"> – provides a statement that he was involved with perimeter security duty, <i>and</i> – there is additional credible evidence supporting this statement. • U.S. Army personnel may have provided RTAFB security early in the war before the base was fully operational.

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10. Service Connection for Disabilities Resulting From Exposure to Herbicides or Based on Service in the Republic of Vietnam (RVN), Continued

q. Exposure to Herbicides in Thailand During the Vietnam Era During the Vietnam Era
(continued)

Step	Action
2	<p>Did the Veteran serve at a U.S. Army Base in Thailand during the Vietnam Era</p> <ul style="list-style-type: none"> • as a member of a military police (MP) unit, or • with a military police occupational specialty? <ul style="list-style-type: none"> • If <i>yes</i>, concede exposure to herbicides on a facts-found or direct basis if the Veteran states his duty placed him at or near the base perimeter. • If <i>no</i>, go to Step 3.
3	<p>Place in the Veteran’s claims file a copy of Compensation and Pension (C&P) Service’s “Memorandum for the Record” shown in M21-1MR, Part IV, Subpart ii, 2.C.10.r.</p>
4	<p>Ask the Veteran for the approximate dates, location, and nature of the alleged exposure.</p>
5	<p>Did the Veteran furnish this information within 30 days?</p> <ul style="list-style-type: none"> • If <i>yes</i>, go to Step 6. • If <i>no</i> <ul style="list-style-type: none"> – refer the case to the JSRRC coordinator to make a formal finding that sufficient information required to verify herbicide exposure does not exist. (<i>Note:</i> For a sample of a formal finding, see M21-1MR, Part IV, Subpart ii, 1.D.16.c.), and – decide the claim based on the evidence of record.
6	<p>Review the information provided by the Veteran together with the “Memorandum for the Record.”</p>

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10. Service Connection for Disabilities Resulting From Exposure to Herbicides or Based on Service in the Republic of Vietnam (RVN), Continued

q. Exposure to Herbicides in Thailand During the Vietnam Era During the Vietnam Era (continued)

Step	Action
7	<p>Can exposure to herbicides be acknowledged on a direct or facts-found basis as a result of this review?</p> <ul style="list-style-type: none"> • If <i>yes</i>, proceed with any other necessary development, such as scheduling a VA medical examination, before referring the claim to the rating activity. • If <i>no</i>, go to Step 8.
8	<p>Has the Veteran provided sufficient information to permit a search by the JSRRC?</p> <ul style="list-style-type: none"> • If <i>yes</i>, send a request to the JSRRC for verification of exposure to herbicides. • If <i>no</i> <ul style="list-style-type: none"> – refer the case to the JSRRC coordinator to make a formal finding that sufficient information required to verify herbicide exposure does not exist. (<i>Note:</i> For a sample of a formal finding, see M21-1MR, Part IV, Subpart ii, 1.D.16.c.), – decide the claim based on the evidence of record.

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10. Service Connection for Disabilities Resulting From Exposure to Herbicides or Based on Service in the Republic of Vietnam (RVN), Continued

r.
**Memorandum
for Record –
Herbicide Use
in Thailand**

Shown below is C&P Service’s “Memorandum for the Record” on herbicide use in Thailand during the Vietnam Era.

Memorandum for the Record

Subject: Herbicide use in Thailand during the Vietnam Era

The Compensation and Pension Service has reviewed a listing of herbicide use and test sites outside Vietnam provided to our office by the Department of Defense (DoD). This list contains 71 sites within the U.S. and in foreign countries where tactical herbicides, such as Agent Orange, were used, tested, or stored. Testing and evaluations of these tactical herbicides were conducted by or under the direction of the U.S. Army Chemical Corps, Fort Detrick, Maryland. The list does not contain names of individuals. Additionally, it does not contain any references to routine base maintenance activities such as range management, brush clearing, weed killing, etc., because these vegetation control activities were conducted by the Base Civil Engineer and involved the use of commercial herbicides approved by the Armed Forces Pest Control Board. The application of commercial herbicides on military installations was conducted by certified applicators. DoD has advised us that commercial herbicides were routinely purchased by the Base Civil Engineer under federal guidelines and that records of these procurements were generally kept no longer than two years. We have also reviewed a series of official DoD monographs describing in detail the use, testing, and storage of herbicides at various foreign and domestic locations. In addition, the *Project CHECO Southeast Asia Report: Base Defense in Thailand*, produced during the Vietnam era, has been reviewed.

Regarding your Veteran claimant with Thailand service, the DoD list indicates only that limited testing of tactical herbicides was conducted in Thailand from 2 April through 8 September 1964. Specifically, the location identified was the Pranburi Military Reservation associated with the Replacement Training Center of the Royal Thai Army, near Pranburi, Thailand. The Report of these tests noted that 5 civilian and 5 military personnel from Fort Detrick, Maryland conducted the spray operations and subsequent research. This location was not near any U.S. military installation or Royal Thai Air Force Base.

Tactical herbicides, such as Agent Orange, were used and stored in Vietnam, not Thailand. We received a letter from the Department of the Air Force stating that, other than the 1964 tests on the Pranburi Military Reservation, there are no records of tactical herbicide storage or use in Thailand. There are records indicating that commercial herbicides were frequently used for vegetation control within the perimeters of air bases during the Vietnam era, but all such use required approval of both the Armed Forces Pest Control Board and the Base Civil Engineer. In Vietnam, tactical herbicides were aurally applied by UC-123 aircraft in Operation RANCH HAND or by helicopters under the control of the U.S. Army Chemical Corps. Base Civil Engineers were not permitted to purchase or apply tactical herbicides.

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10. Service Connection for Disabilities Resulting From Exposure to Herbicides or Based on Service in the Republic of Vietnam (RVN), Continued

**r.
Memorandum
for Record –
Herbicide Use
in Thailand
(continued)**

There are no records of tactical herbicide spraying by RANCH HAND or Army Chemical Corps aircraft in Thailand after 1964, and RANCH HAND aircraft that sprayed herbicides in Vietnam were stationed in Vietnam, not in Thailand. However, there are records indicating that modified RANCH HAND aircraft flew 17 insecticide missions in Thailand from 30 August through 16 September 1963 and from 14 –17 October 1966. The 1966 missions involved the spraying of malathion insecticide for the “control of malaria carrying mosquitoes.” These facts are not sufficient to establish tactical herbicide exposure for any Veteran based solely on service in Thailand.

While the Thailand CHECO Report does not report the use of tactical herbicides on allied bases in Thailand, it does indicate sporadic use of non-tactical (commercial) herbicides within fenced perimeters. Therefore, if a Veteran’s MOS (military occupational specialty) or unit is one that regularly had contact with the base perimeter, there was a greater likelihood of exposure to commercial pesticides, including herbicides. Security police units were known to have walked the perimeters, especially dog handlers. However, as noted above, there are no records to show that the same tactical herbicides used in Vietnam were used in Thailand. Please consider this information when you evaluate the Veteran’s claim.

If the Veteran’s claim is based on servicing or working on aircraft that flew bombing missions over Vietnam, please be advised that there is no presumption of “secondary exposure” based on being near or working on aircraft that flew over Vietnam or handling equipment once used in Vietnam. Aerial spraying of tactical herbicides in Vietnam did not occur everywhere, and it is inaccurate to think that herbicides covered every aircraft and piece of equipment associated with Vietnam. Additionally, the high altitude jet aircraft stationed in Thailand generally flew far above the low and slow flying UC-123 aircraft that sprayed tactical herbicides over Vietnam during Operation RANCH HAND. Also, there are no studies that we are aware of showing harmful health effects for any such secondary or remote herbicide contact that may have occurred.

If the Veteran’s claim is based on general herbicide use within the base, such as small-scale brush or weed clearing activity along the flight line or around living quarters, there are no records of such activity involving tactical herbicides, only the commercial herbicides that would have been approved by the Armed Forces Pest Control Board and sprayed under the control of the Base Civil Engineer. Since 1957, the Armed Forces Pest Control Board (now the Armed Forces Pest Management Board) has routinely provided listings of all approved herbicides and other pesticides used on U.S. Military Installations worldwide. The Compensation and Pension Service cannot provide any additional evidence beyond that described above to support the Veteran’s claim. Therefore, unless the claim is inherently incredible, clearly lacks merit, or there is no reasonable possibility that further VA assistance would substantiate the claim [see 38 C.F.R. § 3.159(d)], regional offices should send a request to JSRRC for any information that this organization can provide to corroborate the Veteran’s claimed exposure.

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