As mandated under Public Law 102-4, the Agent Orange Act of 1991 (codified at 38 U.S.C §1116), the Institute of Medicine (IOM) of the National Academy of Sciences (NAS) is required to review available scientific and medical research, regarding the health effects of exposure to Agent Orange and other herbicides used in Vietnam, and publish its conclusions in biennial reports. On January 23, 2003, IOM released "Veterans and Agent Orange: Update 2002." This latest IOM report has found sufficient evidence of an association between exposure to at least one of the chemicals found in herbicides, such as Agent Orange, and chronic lymphocytic leukemia (CLL).

Based on IOM's findings, the Department of Veterans Affairs (VA) has announced that it will take appropriate action to establish CLL as an Agent Orange presumptive disease. As with any decision to add a disability to the list of conditions associated with herbicide exposure in Vietnam, VA must publish a proposed rule in the Federal Register, followed by a public comment period. Following consideration of public comments, VA will publish a final rule. This new regulation, when enacted, will enable VA to compensate, on a presumptive basis, "in-country" Vietnam veterans diagnosed with CLL. Although the regulation process is generally very time consuming, VA announced that it will make every effort to make the regulation effective as soon as possible. The effective date for the award of benefits will be addressed in the regulation. The American Legion will closely monitor all new developments.

In previous biennial reports, IOM concluded there was "inadequate/insufficient" evidence between exposure to herbicides and subsequent development of leukemia in exposed persons. In these previous reports all forms of leukemia were considered together and, as a group, had not risen to the level sufficient to support a link to Agent Orange exposure. In Update 2002, VA requested that IOM focus on CLL in its review because CLL shares some similarities with non-Hodgkin's lymphoma, a condition IOM had previously connected to herbicide exposure. The full report may be accessed on IOM's web site (www.iom.edu).

Based on the normal rate of CLL in adult American men, VA expects approximately 560 new cases of CLL every year. According to IOM, nearly all cases of CLL occur after the age of 50. Vietnam veterans diagnosed with CLL may call VA's Special Issues Helpline at 1-800-749-8387 for more information. Although disability claims can be filed at any time, claims for CLL based on the Agent Orange presumption will not be adjudicated until the final regulation becomes effective.

Please contact Steve Smithson, Assistant Director, VA&R or Shannon Middleton, Health Policy Analyst, VA&R, if you have any questions or need more information. Steve may be reached at (317) 630-1406 or ssmithson@legion.org and Shannon may be reached at (202) 861-2700 or smiddleton@legion.org.

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