



State of Maine
131st Legislature, First Regular and First Special Session

Gagetown Harmful Chemical Study Commission

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Office of Policy and Legal Analysis



**STATE OF MAINE
131st LEGISLATURE
FIRST REGULAR AND FIRST SPECIAL SESSION**

Gagetown Harmful Chemical Study Commission

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Table of Contents

Executive Summary	iii
I. Introduction	1
II. Background	1
III. Commission Process.....	6
IV. Findings and Recommendations.....	10
V. Conclusion.....	14

Appendices

- A. Authorizing Legislation: Resolve 2023, c. 95
- B. Membership List: Gagetown Harmful Chemical Study Commission
- C. Commission Correspondence:
 - Letter to Maine’s Federal Congressional Delegation
 - Letter to Secretary of Veterans Affairs, United States Department of Veterans Affairs

Executive Summary

The 131st Legislature established the Gagetown Harmful Chemical Study Commission, referred to in this report as the “commission” with the passage of Resolve 2023, chapter 95 (Appendix A). Pursuant to the resolve, ten members were appointed to the commission: two members of the Senate appointed by the President of the Senate, including a member from each of the two parties holding the largest number of seats in the Legislature; two members of the House of Representatives appointed by the Speaker of the House, including a member from each of the two parties holding the largest number of seats in the Legislature; two members who represent veterans’ advocacy organizations; one member who is a family member of a veteran who served at the Canadian military support base in Gagetown, New Brunswick, Canada; one member with expertise processing veterans’ claims for benefits related to harmful chemicals; and two members who served at Gagetown and were exposed to harmful chemicals during their service.

A list of commission members may be found in Appendix B.

The duty of the commission is set forth in Resolve 2023, chapter 95 (Appendix A) and charges the commission with studying the impacts of exposure to harmful chemicals on veterans who served at the Canadian military support base in Gagetown, New Brunswick, Canada.

Over the course of four meetings, the commission developed the following recommendations:

Recommendation #1. To request that the United States Department of Veterans Affairs provide access to medical care and assistance to members of the National Guard who have trained at the Canadian military support base in Gagetown, New Brunswick, Canada and who have been diagnosed with a condition or illness associated with exposure to tactical herbicides or exposure to other dioxins.

Recommendation #2. The Veterans and Legal Affairs committee should invite individuals with relevant expertise to review and discuss the existing reports and underlying data that comprise the *Canadian Forces Base Gagetown Herbicide Spray Program 1952-2004 Fact-Finders’ Report*, as well as other related content, in order to evaluate the reports’ processes, methods, data and analysis and to determine what steps and resources would be required in order to either reanalyze the existing data or to conduct new studies.

Recommendation #3. The Department of Defense, Veterans and Emergency Management, Bureau of Veterans’ Services should reestablish and expand the registry of individuals who served/serve in the Maine National Guard who have trained at the Canadian military support base in Gagetown, New Brunswick, Canada.

Recommendation #4. The Legislature should reestablish the Gagetown Harmful Chemical Study Commission.

I. Introduction

The Gagetown Harmful Chemical Study Commission, referred to in this report as the “commission” was established by Resolve 2023, chapter 95 to study the impacts of exposure to harmful chemicals on veterans who served at the Canadian military support base in Gagetown, New Brunswick, Canada. The resolve directs the commission to submit a report that includes its findings and recommendations to the Legislature no later than December 6, 2023. An extension of that deadline was requested and granted on November 14, 2023 creating a new report submission deadline of December 15, 2023.¹

Pursuant to the resolve, the commission has ten members:² four legislative members and six non-legislative members representing individuals directly or indirectly affected by the spraying of chemicals at the Canadian military support base in Gagetown, New Brunswick, Canada. Those members include:

- Five members appointed by the President of the Senate as follows:
 - Two members of the Senate, including members from each of the 2 parties holding the largest number of seats in the Legislature;
 - One member who represents veterans' advocacy organizations;
 - One member who is a family member of a veteran who served at the Canadian military support base in Gagetown, New Brunswick, Canada; and
 - One member who served at Gagetown and was exposed to harmful chemicals during their service.
- Five members appointed by the Speaker of the House as follows:
 - Two members of the House of Representatives, including members from each of the 2 parties holding the largest number of seats in the Legislature;
 - One member who represents veterans' advocacy organizations;
 - One member with expertise processing veterans' claims for benefits related to harmful chemicals; and
 - One member who served at Gagetown and was exposed to harmful chemicals during their service.

Senate President Troy Jackson was named Senate chair and Representative Ronald Russell was named House chair.

II. Background

Agent Orange is a blend of tactical herbicides sprayed by the U.S. military from 1962 to 1971 during the Vietnam War to remove trees and dense tropical foliage that provided enemy cover. Agent Orange was the most used tactical herbicide combination of the so-called “rainbow”

¹ A copy of the commission’s authorizing legislation is included as Appendix A.

² The complete membership list of the commission is included as Appendix B.

herbicide combinations – which also include pink, blue, white, green and purple. The two active ingredients in the Agent Orange herbicide combination were equal amounts of 2,4-dichlorophenoxyacetic acid (2,4-D) and 2,4,5-trichlorophenoxyacetic acid (2,4,5-T), which contained traces of 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD), an unwanted byproduct of herbicide production. TCDD is the most toxic of the dioxins, and is classified as a human carcinogen by the Environmental Protection Agency. The U.S. Department of Defense developed these tactical herbicides to be used in combat operations. These tactical herbicides were also used, tested and stored in areas outside of Vietnam, including in the United States and Canada.³ With the permission of the Canadian government, the U.S. military conducted small-scale testing of tactical herbicides, including Agent Orange and Agent Purple, at 5th Canadian Division Support Base Gagetown (Base Gagetown), in New Brunswick, Canada, on June 14-16, 1966 and June 21-24, 1967 to test their effectiveness for vegetation management.^{4 5}

In addition to the use, testing, and storage of tactical herbicides, the U.S. Department of Defense and the Canadian Department of National Defence both deploy commercial grade herbicides for installation vegetation management, including an annual vegetation management program at Base Gagetown. Many commercial grade herbicides also contain dioxins or other impurities.⁶

In 2005, the Canadian Department of National Defence, along with Veterans Affairs Canada, Health Canada and various other departments and agencies, began a fact-finding project to understand the health and environmental risks associated with the past use of herbicides at Base Gagetown. The investigation included several enumerated tasks, including: compiling a list of individuals and military units who were present at Base Gagetown during the testing of herbicides in 1966 and 1967; an historical records review of past herbicide use at Base Gagetown between 1952 and 2005, including water and soil sampling; consulting with current and former Canadian Armed Forces/Department of Defence personnel, contractors, local community members and members of the public about areas to investigate; barrel investigations, excavation and analysis of former disposal sites; human health risk assessments, including how individuals may have been exposed to herbicides, and how the herbicides may have migrated through the air and groundwater/surface water at specific sites; an epidemiological literature review to understand the relationship between herbicides and human health; and testing the tissue of fish and freshwater clams from Base Gagetown for dioxin concentrations.⁷

³ U.S. Department of Veterans Affairs. (2015, June 3). *Facts About Herbicides*. Public Health.

<https://www.publichealth.va.gov/exposures/agentorange/basics.asp>

⁴ Government of Canada. (2019, January 30). *Agent Orange Investigations at Base Gagetown*. National Defence.

<https://www.canada.ca/en/department-national-defence/corporate/reports-publications/agent-orange.html>

⁵ Maine Bureau of Veterans' Services, CFB Gagetown & Agents Orange/Purple Information Paper as of 28 June 2005 (2005). Retrieved December 13, 2023, from

<https://www.maine.gov/veterans/docs/CFB%20Gagetown%20Agent%20Orange%20Information%20Paper.pdf>.

⁶ Furlong, D. (2007). CFB Gagetown Herbicide Spray Programs 1952-2004 Fact-Finders' Report (D. Furlong, Ed.) [Review of CFB Gagetown Herbicide Spray Programs 1952-2004 Fact-Finders' Report]. *Note*: Commission staff was unable to locate a complete set of the reports that comprise the Fact-Finders' Report. Meg Sears, Ph.D., an invited speaker, indicated she retained copies of most of the original reports downloaded from the publicly accessible website maintained by the Canadian government at the time the reports were issued. The reports she was able to locate and share can be found at <https://preventcancer.ca/canadian-forces-base-gagetown-fact-finding-project-reports-re-herbicide-spraying-1952-2004/>.

⁷ Government of Canada. (2019, January 30). *Agent Orange Investigations at Base Gagetown*. National Defence. <https://www.canada.ca/en/department-national-defence/corporate/reports-publications/agent-orange.html>

The Fact-Finding Project concluded that most people who lived near or worked at Base Gagetown were not at risk for long-term health effects from the herbicides applied there and that only specific populations, including those directly involved with herbicide applications and brush clearings soon after application were at a greater risk for developing adverse health outcomes.⁸ On September 12, 2007 the Government of Canada provided eligible individuals with a one-time, tax free ex gratia payment of \$20,000 as compensation for the possible exposure to tactical herbicides sprayed by the U.S. military in 1966 and 1967.⁹

The United States Department of Veterans Affairs (Veterans Affairs) has statutory authority to presumptively recognize a number of diseases for veterans of the Vietnam War as connected to exposure to herbicides used in the Vietnam War, but these presumptions only apply to veterans who were on active duty in Vietnam during the war¹⁰ or in limited other locations during specific time periods as determined by Veterans Affairs.¹¹ Veterans Affairs currently maintains an active Agent Orange Registry and provides medical treatment or disability compensation to Vietnam War veterans.

The Maine National Guard began training at Base Gagetown in 1971 and continues to use the base as a training site, as do National Guard units from other states, including Massachusetts and Connecticut. As investigations in Canada uncovered testing of tactical herbicides at Base Gagetown and allegations of significant harm to human health as a result of the chemical spraying conducted there increased, concerns from National Guard members in Maine who had trained at Base Gagetown regarding their health also emerged.

As the Canadian Fact-Finding Project began, the Maine Bureau of Veterans' Services (MBVS) established an internet website and contact list to provide updates regarding the issue of Agent Orange and other herbicides sprayed at Base Gagetown in order to share information as it became available.¹² Of concern is not just the exposure to tactical herbicides, but also the continued exposure to all the herbicides used at Base Gagetown since 1956, which includes over 40 different herbicides made up of 24 active ingredients that have two known manufacturing impurities: dioxin and hexachlorobenzene.¹³ MBVS also began a registry of self-reported individuals who served at Base Gagetown, which totaled 413, and published a questionnaire that individuals who trained at Base Gagetown could submit, for which MBVS received 108 responses.¹⁴

⁸ Ibid.

⁹ Order amending the Testing of Unregistered US Military Herbicides, including Agent Orange, at CFB Gagetown Ex Gratia Payments Order, P.C. 2010-1607, 09 December, 2010, SI/2010-0096.

¹⁰ Maine Bureau of Veterans' Services, & Ogden, P. W., Update #3 to Information Paper Agent Orange/Agent Purple and Canadian Forces Base Gagetown (2007). Retrieved December 13, 2023, from <https://www.maine.gov/veterans/benefits/healthcare/agent-orange-purple.html>.

¹¹ See: <https://www.publichealth.va.gov/exposures/agentorange/index.asp> and <https://www.va.gov/disability/eligibility/hazardous-materials-exposure/agent-orange/>

¹² See: <https://www.maine.gov/veterans/benefits/healthcare/agent-orange-purple.html>

¹³ Maine Bureau of Veterans' Services, & Ogden, P. W., Update #2 to Information Paper Agent Orange/Agent Purple and Canadian Forces Base Gagetown (2006). Retrieved December 13, 2023, from <https://www.maine.gov/veterans/benefits/healthcare/agent-orange-purple.html>.

¹⁴ Presentation by Director Richmond, Maine Bureau of Veterans' Services, Department of Defense, Veterans and Emergency Management at the November 15, 2023 commission meeting.

Unlike Vietnam War veterans, members of the Maine National Guard who trained at Base Gagetown do not have the same presumption of exposure because the use of Base Gagetown as an official training site for the Maine National Guard did not begin until 1971, four years after the last documented instance of tactical herbicide spraying, and because National Guard members conducting training and who have not served on active duty are not considered veterans. Additionally, it was determined, through the Canadian Fact-Finding Project's reports, that the exposure to commercial grade herbicides does not represent a public health hazard. Given these three elements, no path toward recognition and assistance currently exists for members of the Maine National Guard who trained at Base Gagetown and who have an illness or condition attributable to exposure to harmful chemicals sprayed at Base Gagetown.

In the spring and summer of 2012, U.S. Representative Michael Michaud and U.S. Senator Susan Collins sent letters to Veterans Affairs, the Environmental Protection Agency (EPA), and the Centers for Disease Control and Prevention (CDC). Representative Michaud requested more information from Veterans Affairs about their handling of benefit claims related to service at Base Gagetown and the reason for the denials of these claims, as well as information on how the claimed incident rate of Agent Orange-associated diseases and illnesses for this cohort compares to a similar population that did not train at Base Gagetown. He also requested that the EPA provide more information on the standards of use for commercial herbicides used at Base Gagetown and whether amounts sprayed during the training periods and the Reservists' interaction with their surroundings meets those standards and whether the rainbow agents and the chemical impurities present at Base Gagetown during the Reservists' training posed a health risk, specifically when they were breathing in contaminated soil disturbed by digging.¹⁵ Senator Collins requested that the Director of the Agency for Toxic Substances and Disease Registry (ATSDR) review the report "Environmental Site Assessment of CFB Gagetown," completed on behalf of the Canadian Department of National Defence concerning the use of Agent Orange and other commercial herbicides at Base Gagetown as a part of the Fact-Finding Project. Senator Collins specifically asked ATSDR to assess whether concentrations and quantity of TCDD and other herbicides used at Base Gagetown could lead to health problems among those who were exposed to it over time and to evaluate whether the concentrations of contaminants at Base Gagetown could be considered a past public health hazard, according to EPA guidelines.¹⁶

ATSDR completed its review on January 30, 2013. The review concluded that the methodology used in the report was consistent with CDC guidelines, but noted the limitations of its own conclusions, which relied on the assumptions and uncertainties included in the original report. The review by ATSDR reiterated the following statement from the original report:

"The level of uncertainty resulting from... activities, some of which occurred more than 50 years ago, coupled with the uncertainties inherent in standard forward-looking risk assessment, is very large. As a result, the expectations regarding the

¹⁵ Michael, M. H. (2012, July 19). Letter from Representative Michael Michaud to General Allison A. Hickey, Under Secretary for Benefits. *Maine Department of Defense, Veterans and Emergency Management, Bureau of Veterans' Services*. Retrieved from <https://www.maine.gov/veterans/benefits/healthcare/agent-orange-purple.html>.

¹⁶ Agency for Toxic Substances and Disease Registry. (2013, January 30). *ATSDR Review of Gagetown Herbicide Spray Programs, Canadian Forces Base Gagetown, New Brunswick, Canada*. Retrieved December 13, 2023, from <https://www.maine.gov/veterans/benefits/healthcare/agent-orange-purple.html>.

level of precision that this risk assessment exercise can produce should be limited.”¹⁷

Given these noted limitations and the considerable degree of dispute as to the potential harm that exposure to the chemical herbicides sprayed at Base Gagetown may have on service members who trained there, Senator Collins requested that Veterans Affairs commission an independent study to examine potential health risks to veterans, including Maine National Guard members, who may have been exposed to harmful toxins while training at Base Gagetown. In addition, Senator Collins requested that Veterans Affairs establish a registry to track individuals who may have been exposed to harmful substances at Base Gagetown and who have previously or subsequently applied for Veterans Affairs healthcare services, filed claims for compensation on the basis of any disability which may be associated with such service, had claims filed by survivors of such veterans, or requested a health examination for inclusion in the Registry.¹⁸

In 2014, during the Second Regular Session of the 126th Maine Legislature, two bills were considered and then enacted related to the potential health risks and disabilities connected to members of the Maine National Guard who trained at Base Gagetown. Resolve 2013, chapter 100 (LD 1632),¹⁹ directed the Commissioner of the Department of Defense, Veterans and Emergency Management (DVEM) to request Veterans Affairs to recognize the environmental hazards present at Base Gagetown and the resulting potential health risks and disabilities to veterans who, as members of the Maine National Guard, trained at the base. It also directed the Commissioner of DVEM to report no later than January 10, 2015 to the joint standing committee of the Legislature having jurisdiction over veterans and legal affairs on the status of that request and to include a summary of any correspondence regarding these issues to and from the State’s congressional delegation. Public Law 2013, chapter 569 (LD 1612),²⁰ added a requirement to include information on the status of communications with Veterans Affairs regarding the potential health risks to and the potential disabilities of veterans who, as members of the Maine National Guard, were exposed to environmental hazards at the Base Gagetown.

With no progress made as a result of these previous actions, the 131st Legislature enacted Resolve 2023, chapter 95 (LD 1597),²¹ which established the Gagetown Harmful Chemical Study Commission to study the impacts of exposure to harmful chemicals on veterans who served at Base Gagetown.

¹⁷ Collins, S. M. (2013, March 29). Letter from Senator Susan Collins to Hon. Eric Shinseki, Secretary, U.S. Department of Veterans Affairs. *Maine Department of Defense, Veterans and Emergency Management, Bureau of Veterans’ Services*. Retrieved from <https://www.maine.gov/veterans/benefits/healthcare/agent-orange-purple.html>.

¹⁸ Ibid.

¹⁹ A copy of Resolve 2013, c. 100 can be found at:

<https://legislature.maine.gov/legis/bills/getPDF.asp?paper=SP0623&item=3&snum=126>

²⁰ A copy of P.L. 2013, c. 569 can be found at:

<https://legislature.maine.gov/legis/bills/getPDF.asp?paper=HP1184&item=5&snum=126>

²¹ Appendix A.

III. Commission Process

The commission held four public meetings at the State House on November 15, November 30, December 6 and December 14.²²

A. First Meeting – November 15, 2023

The commission held its first meeting on November 15, 2023. The meeting began with opening remarks by the chairs and introductions by commission members. Staff then provided an overview of the commission’s authorizing legislation, including duties, the study process and the projected timeline for completion of the commission’s work.²³

The commission received a presentation from David Richmond, Director of the Maine Bureau of Veterans’ Services, who presented on the history of the use of harmful chemicals at Base Gagetown and the bureau’s involvement with the issue. Director Richmond described the facts as they are known to the bureau and outlined steps that the bureau has taken, such as establishing a list of members of the National Guard who have trained at Base Gagetown. Director Richmond also offered suggestions for the commission on what components are necessary for a member of the National Guard to make a claim for disability compensation and other benefits with Veterans Affairs. Throughout the presentation, commission members asked clarifying questions. Commission members acknowledged the good work that veterans service officers do, but expressed frustration at the onerous path towards recognition and the complete lack of success from any claims related to Base Gagetown.

The meeting closed with a discussion of the information that commission members had individually collected, as well as information that the commission should seek to acquire or have presented at future meetings. Some of the information requested included a presentation from Barret Fisher, a Veterans’ Services Supervisor, on claims made by former members of the Maine National Guard in Aroostook County, a presentation by a subject matter expert on harmful chemicals, and verification of information provided to commission members by various parties interested in the commission’s work.

B. Second Meeting – November 30, 2023

The second commission meeting was held on November 30, 2023 and consisted primarily of presentations covering various elements relevant to the commission’s duties and which were requested by the commission at their first meeting.²⁴

The commission received brief remarks from individuals representing three members of Maine’s federal Congressional delegation: U.S. Senator Susan Collins, U.S. Senator Angus King and U.S. Representative Jared Golden. The representative from Senator Collins’ office specifically provided information on the previous work conducted by her office in 2012 and 2013.

²² Materials distributed and reviewed at the meetings are available at <https://legislature.maine.gov/gagetown-harmful-chemical-study-commission>.

²³ The archived video of the first meeting is available at the following link: <https://legislature.maine.gov/Audio/#437?event=89738&startDate=2023-11-15T12:00:00-05:00>

²⁴ The archived video of the second meeting is available at the following link: <https://legislature.maine.gov/Audio/#437?event=89825&startDate=2023-11-30T12:00:00-05:00>

Representatives of the federal delegation agreed that there is not a lot of information regarding the progress of examining the potential health risks to individuals who may have been exposed to harmful toxins while training at Base Gagetown and that there has not been any significant activity since prior to 2014. The representatives also indicated that they have not seen any initial filing of claims, nor resubmission of claims related to harmful chemical use at Gagetown, despite the expanded coverage and messaging related to the Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics (PACT) Act of 2022. The representatives all indicated their offices' willingness to use their resources to help acquire the information the commission is seeking or may seek in the future.

The commission next heard from Barrett Fisher, Supervisor Veterans' Services, who answered questions regarding the process for, and the challenges of, filing disability compensation claims with Veterans Affairs. Mr. Fisher highlighted that one of the major issues with preparing claims, even before the filing process, is the access to and availability of records of service. Most required records, such as the DD-214, are in paper form due to their age and some may have been lost to fire²⁵ or other unintended damages. Additionally, Mr. Fisher explained that there have been no successful claims for harm from chemical spraying at Base Gagetown, as the recognized dates and locations at Base Gagetown are only for those days that tactical herbicides were sprayed in 1966 and 1967. He explained that individuals who have only served in the National Guard are not eligible for Veterans Affairs benefits unless they have a service-connected injury, which are most often determined through a line-of-duty investigation. For such an investigation to be successful, Veterans Affairs would, among other things, need to acknowledge the harmful effects of the chemicals sprayed and recognize specific "injuries" associated with that exposure. An individual making a claim would need to prove exposure at a significant enough amount to cause harm and that the exposure occurred while training with the National Guard and that the "injury" is "at least as likely as not" to be as a result of that exposure while training and not a result of something else. Exposure could also occur over time, rather than from a specific incident, as is frequently seen with tinnitus claims, for example. This would not necessarily require a line-of-duty investigation, but would still require acknowledgement of the harmful effects of the chemicals sprayed and recognition of specific "injuries" associated with that exposure. He also acknowledged that, over the years, Veterans Affairs has expanded the geographic areas in which recognized spraying or storage occurred.

The commission then heard from Meg Sears, who has a Ph.D. in biochemical engineering and is the chair of Prevent Cancer Now, a Canadian organization working to eliminate preventable contributors to cancer through research, awareness, education and advocacy.²⁶ Ms. Sears presented on her experience with the Fact-Finding Project and with harmful chemicals such as those sprayed at Base Gagetown. Ms. Sears was critical of the methods and processes used in the Fact-Finding Project studies. Specifically, Ms. Sears addressed Task 4 of the project, testing the tissue of fish and freshwater clams from Base Gagetown for dioxin concentrations, which she

²⁵ In 1973, a fire at the National Personnel Records Center (NPRC) in St. Louis destroyed records held for Veterans who were discharged from the Army and Air Force during certain periods of time. If your records were destroyed in this fire, the Department of Veterans Affairs can help you in reconstructing them. *See:* <https://www.va.gov/disability/how-to-file-claim/evidence-needed/>

²⁶ Prevent Cancer Now. (2022, October 4). *About Us*. Prevent Cancer Now. <https://preventcancer.ca/about-us/>

described as an after-thought to the project, based on criticism from many interested parties, including herself. She described the methods for testing used in Task 4 of the project as scientifically faulty and purposely manipulated to result in a conclusion that aligned with the overall project's conclusions that most people who lived near or worked at Base Gagetown were not at risk for long-term health effects from the herbicides applied there. Ms. Sears explained that dioxins accumulate in fatty tissue, but that in conducting the study, the fat layer was removed from fish samples before being tested for dioxin levels, resulting in inaccurate results. She noted that the underlying data collected as a part of Task 4, which was included in the appendix of the Task 4 report, was good – the issue was the analysis. She also noted concerns with the methodology in the medical study. Commission members discussed with Ms. Sears the methods and feasibility in collecting new data or in reanalyzing the data that has already been collected. The process for collecting similar data in humans was also discussed. Ms. Sears offered some advice on the benefits and hurdles of conducting both another environmental study and a health study connected to the spraying of chemicals at Base Gagetown. Ms. Sears praised the work of the commission and indicated her willingness to continue to assist in any future work recommended by the commission.

The commission next heard from Gary Goode, chair of Brats In The Battlefield Association, Inc., whose mission is to demand the convening of a public inquiry relating to the Pesticide Applications Program carried out at Base Gagetown and adjacent communities beginning in the mid-1950s until the present.²⁷ Mr. Goode spoke about his work advocating for a public inquiry into the history of chemical use at Base Gagetown. Mr. Goode described information that he and others have collected related to the spraying of chemicals at Base Gagetown, including information on the number of barrels of herbicide sprayed on the training areas and that there are documents that show chemicals were sprayed that were not registered, and therefore would not be accounted for in the official records. He also explained that dioxins can remain in the environment for a long time, up to 100 years or more, seeping deeply into soil and sediments. Mr. Goode indicated that a significant percentage of those members of the Black Watch (Royal Highland Regiment) of Canada stationed at Base Gagetown and believed to have been exposed to tactical herbicides have died. He also noted that few people have actually been successfully compensated for their exposure, either through the ex gratia payment, which he believes went to mostly civilians, or through a Canadian Veterans Affairs pension. Mr. Goode explained to the commission how he acquired his information, which was largely through Access to Information Act requests, akin to Freedom of Information Act requests in the United States, made by himself or by others whom he was associated with during his time with the Agent Orange Association of Canada. He also spoke about the significant concerns held by many that the groups involved in the Fact-Finding Project were biased and, in some cases, outright corrupt. He also discussed his connections to experts in the field, such as Dr. Wayne Dwernychuk, who served as Chief Scientist for Hatfield Consultants' comprehensive studies in Vietnam from 1994 through 2006 involving the impact of dioxins on the environment and humans.²⁸

Finally, the commission heard from Kelly Porter Franklin, who presented on his personal and family experience growing up at Base Gagetown. Mr. Franklin shared with commission

²⁷ *Mission Statement*. Brats In The Battlefield. <https://www.bratsinthebattlefield.ca/>

²⁸ Dwernychuk, W. (2023, November). *Curriculum Vitae*. Hatfield Group. <https://hatfieldgroup.com/wp-content/uploads/2023/04/dr-wayne-dwernychuk-cv-2023-april.pdf>

members his story and described seeing firsthand the medical hardships that his father suffered, as well as his own. He described the many birth defects that his father's other child had, who was born in the Base Gagetown community. Mr. Franklin answered questions regarding his father's position at Base Gagetown, how long he has been researching chemical spraying at Base Gagetown and spoke of the other connections to individuals and information he has established over his 18 years of research, including his visit to Vietnam as a part of the Agent Orange Association of Canada. Mr. Franklin described the issue as being bigger than the capacity of either the United States government or the government of Canada to resolve and suggested that the commission, or others, contact the United Nations.

The second meeting ended with a discussion between commission members and commission staff regarding next steps. During this discussion, preliminary recommendations that the commission should consider were offered and it was determined that commission members would work between the second and third meetings to solidify these proposed recommendations.

C. Third Meeting – December 6, 2023

The third commission meeting was held on December 6, 2023.²⁹ Commission members were instructed to come to the meeting with proposed recommendations for discussion. During the meeting, members were invited to bring forward recommendations that they wished the commission to discuss and ultimately vote on. The commission engaged in a lengthy and deliberate discussion of each of the presented recommendations, including posing clarifying questions to commission staff and chairs and ultimately weighed the merits of each recommendation before taking a vote. As described in Section IV of this report, the commission voted unanimously in favor of four recommendations to be included in the final study report. The meeting concluded with additional discussion regarding the distribution of a draft report and the review of that report at the fourth and final commission meeting.

D. Fourth Meeting – December 14, 2023

The fourth and final commission meeting was held on December 14, 2023.³⁰ Based on discussion and the initial voting on recommendations at the third meeting, commission staff prepared and distributed to commission members a draft report for review and discussion at this meeting. The meeting began with commission chairs directing members to discuss their thoughts and comments on the draft report. Commission members posed clarifying questions regarding the report and made additional technical suggestions for changes to the report and its recommendations, which were discussed and, without objection, agreed to be included in the final report. After a final discussion regarding the process for finalization and distribution of the report, as well as what steps come after the report is submitted to the Legislature, the commission adjourned its fourth and final meeting.

²⁹ The archived video of the third meeting is available at the following link:
<https://legislature.maine.gov/Audio/#437?event=89900&startDate=2023-12-06T12:00:00-05:00>

³⁰ The archived video of the fourth meeting is available at the following link:
<https://legislature.maine.gov/Audio/#437?event=89921&startDate=2023-12-14T12:00:00-05:00>

IV. Findings and Recommendations

Although the commission would have liked more time to fully study the impacts of exposure to harmful chemicals on veterans who served at the Canadian military support base in Gagetown, New Brunswick, Canada, as tasked by its authorizing legislation, the commission focused its very limited time on identifying obstacles and determining logical next steps for National Guard members securing recognition of and support for the recognition of harmful impacts of chemical exposure at Base Gagetown. The commission is mindful that the recognition and support sought must ultimately come from the federal government, through Veterans Affairs. Therefore, the following recommendations are put forward as necessary steps towards achieving that recognition.³¹

- **Recommendation 1: To request that the United States Department of Veterans Affairs provide access to medical care and assistance to members of the National Guard who have trained at the Canadian military support base in Gagetown, New Brunswick, Canada and who have been diagnosed with a condition or illness associated with exposure to tactical herbicides or exposure to other dioxins.**

The federal government is failing to support those members of the National Guard who, through their commitment to and willingness to serve their country, have been exposed to dangerous and harmful chemicals that have directly impacted their health, including directly leading to premature death in some cases. This includes those individuals who trained at Base Gagetown during the Vietnam War era through those who continue to train there today and into the future. It is ultimately within the power of the U.S. Department of Veterans Affairs to recognize the health hazards associated with exposure to tactical herbicides and to products containing other dioxins and to recognize those locations and groups exposed, which include National Guard members who have trained at Base Gagetown in the past and those who continue to train there. It is also within the department's control to provide access to medical care and assistance to those members of the National Guard who have trained at Base Gagetown and who have been diagnosed with a condition or illness associated with such exposure.

In even the brief time allowed for the commission to meet, it became clear that the underlying data and analysis, provided as a part of the Canadian government's Fact-Finding Project reports and used as evidence to support the claim that individuals living, working and training at Base Gagetown are not at higher risk to health hazards from exposure to these herbicides, are flawed. It is the belief of the commission that a reevaluation of the body of evidence linking exposure to tactical herbicides and other herbicides containing dioxins to harmful effects on human health would demonstrate a connection similar to those Veterans Affairs has made for Vietnam War veterans exposed to Agent Orange and other tactical herbicides and for other service members exposed to burn pits and other specific environmental hazards recognized in the Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics (PACT) Act of 2022. This reevaluation would prove the necessity for Veterans Affairs to provide access to medical care and assistance for these individuals.

³¹ All recommendations were supported unanimously by commission members.

Therefore, the commission has mailed letters to each member of Maine's federal congressional delegation urging them to request Veterans Affairs to provide access to medical care and assistance for members of the National Guard who have trained at Base Gagetown and who have been diagnosed with a condition or illness associated with exposure to tactical herbicides or exposure to other dioxins, and to take any other steps necessary to recognize the harm they have caused. The commission has also sent a letter directly to the Honorable Denis Richard McDonough, Secretary of Veterans Affairs.³²

- **Recommendation 2: The Veterans and Legal Affairs committee should invite individuals with relevant expertise to review and discuss the existing reports and underlying data that comprise the *Canadian Forces Base Gagetown Herbicide Spray Program 1952-2004 Fact-Finders' Report*,³³ as well as other related content, in order to evaluate the reports' processes, methods, data and analysis and to determine what steps and resources would be required in order to either reanalyze the existing data or to conduct new studies.**

Due to the very limited time frame for the commission to complete its work, as well as the highly technical nature of the information, the commission was not able to hear from all of the experts and review all of the materials necessary to gain a complete picture of the *Canadian Forces Base Gagetown Herbicide Spray Program 1952-2004 Fact-Finders' Report*, including all of the underlying task reports, the existing criticisms and critiques of those reports, current and ongoing work related to these types of chemical herbicides and dioxins, or the necessary steps, resources, and costs in conducting either a reanalysis of existing data or entirely new environmental or health outcome studies.

Therefore, the commission recommends that the Veterans and Legal Affairs Committee invite individuals with relevant expertise to review the existing data and analysis related to herbicide spraying at Base Gagetown and to provide insight into the study methods and processes, underlying data collection, analysis of data, and report conclusions. In considering individuals to conduct such a review, the commission would recommend reaching out to Hatfield Consultants,³⁴ one of western Canada's leading environmental consultancies, the University of Maine³⁵ and the Muskie School of Public Health at the University of Southern Maine. Additionally, the commission recommends that the committee inquire of these groups whether it would be advisable to conduct a new analysis of existing data or to conduct a new set of studies and if so, what would it take to design and implement such studies, the costs, and potential groups capable of contracting to perform such work. These groups could also consult with MBVS on what information might be useful for them to collect as a part of their registry,³⁶ given

³² Copies of the letters are provided in Appendix C.

³³ Furlong, D. (2007). CFB Gagetown Herbicide Spray Programs 1952-2004 Fact-Finders' Report (D. Furlong, Ed.) [Review of CFB Gagetown Herbicide Spray Programs 1952-2004 Fact-Finders' Report].

³⁴ The commission reached out to Hatfield Consultants regarding a presentation to the commission, but due to time restraints, was not able to finalize the presentation.

³⁵ President Jackson, chair of the commission, spoke with representatives at UMaine regarding their possible involvement, but due to time restraints, no further action was possible.

³⁶ See recommendation #3.

that one goal of the registry is to identify health outcome patterns and provide data that could be used to conduct a health outcomes study of affected individuals.

The commission feels that this information is crucial. In order for an individual to be successful in applying for disability compensation and associated benefits with Veterans Affairs, there must be a significant, recognized body of evidence to support the claim that the chemicals sprayed at Base Gagetown are harmful to human health and are known to be associated with specific health conditions or illnesses. The current narrative, as supported by the *Canadian Forces Base Gagetown Herbicide Spray Program 1952-2004 Fact-Finders' Report* is that the levels of toxins as a result of chemical herbicide spraying are below the levels that would cause harm to human health. The commission, as a result of presentations by individuals who are connected to Base Gagetown and to the work of the Fact-Finding Project, find that the data and analysis within those reports is incorrect, biased, and based on, in some cases, incomplete data and poor study design – at times exacerbated by the rapid period in which these reports were required to be conducted and issued. Additionally, the reports and their underlying data are not widely available and accessible, which undermines their scientific credibility and usability, and the reports were issued over 15 years ago; significant new knowledge about these chemicals, scientific methods and the health of those connected to Base Gagetown have since emerged and been developed.

Finally, conducting this further analysis and study mirrors the process Veterans Affairs has gone through in the decades following the Vietnam War regarding Agent Orange exposure, and more recently in the PACT Act of 2022, regarding burn pits and other associated hazards: claims by those affected, multiple studies, scientific advancements, acceptance. Providing trustworthy evidence of the harmful effects of spraying is vital to securing the recognition and help these members of the National Guard deserve.

➤ **Recommendation 3: The Department of Defense, Veterans and Emergency Management, Bureau of Veterans' Services should reestablish and expand the registry of individuals who served/serve in the Maine National Guard who have trained at the Canadian military support base in Gagetown, New Brunswick, Canada.**

In July of 2005, the Department of Defense, Veterans and Emergency Management, Bureau of Veterans' Services (MBVS) began a registry of individuals who trained at Base Gagetown and self-reported to MBVS. The total list size reached 413 individuals. In addition, MBVS published a questionnaire that members of the National Guard who trained at Gagetown could submit to MBVS, which resulted in 108 responses.³⁷ The commission strongly believes that data collection is a core component of assisting members of the National Guard in receiving the support they deserve. Therefore, the commission recommends that MBVS reestablish and expand the registry in order to collect data to support future health outcome studies or analyses, to support the record collection and verification process of service and training records for Veterans Affairs claims, and for education and outreach campaigns related to on-going and future work. Maine Bureau of Veterans' Services should submit an annual report to the Veterans and Legal Affairs Committee regarding the status of the registry, outreach methods, emerging trends and patterns based on the

³⁷ The questionnaire can be found at:
https://www.maine.gov/veterans/docs/CFB%20Gagetown_Questionnaire%202013%20APRIL.pdf

data collected, obstacles to data collection or verification, and recommended next steps for the registry or for the data collected as a part of the registry.

Maine Bureau of Veterans' Services acknowledged that many individuals on the registry from 2005 are now deceased. The bureau should begin by verifying and updating existing information and contacting those individuals on the list who are still living and contacting surviving family members of those who are now deceased. The registry should contain information for both living and deceased individuals. It should also list members of the National Guard who are currently serving and train or have trained in the past at Base Gagetown and former members of the National Guard who have trained at the Base. Along with the names of these individuals, the registry should also contain, at a minimum, the following associated information: date of birth, dates of service, units, military occupational specialty, dates of training at Base Gagetown, self-reported health conditions/diagnoses, and cause of death, if applicable.³⁸

In order to compile the most complete registry possible, MBVS should undertake an education and outreach campaign to identify individuals who qualify for the registry, but are not currently on it, and to update existing information. The bureau should make it well known that both individuals who currently serve or have served in the past in the National Guard and family members of those individuals can report information, especially if that individual is now deceased. Maine Bureau of Veterans' Services should also work with existing veterans' organizations to conduct this outreach and education campaign. Additionally, as a part of the registry work, MBVS should reach out to other states' National Guard units in order to gather general information regarding those units' involvement with training exercises at Base Gagetown, including timeframes, frequency, duration, estimated numbers of individuals involved, and any health outcome patterns. Maine Bureau of Veterans' Services should encourage these other states to develop their own registries.³⁹

➤ **Recommendation 4: The Legislature should reestablish the Gagetown Harmful Chemical Study Commission.**

Due to the very abbreviated timeframe for authorized legislative studies to complete their work this interim, the Gagetown Harmful Chemical Study Commission was unable to review all the necessary materials and to speak with the experts in the field that would have allowed the commission to put forward more concrete recommendations. As a result, the commission's recommendations request that the Veterans and Legal Affairs Committee and MBVS continue the work started by this commission. The commission should have the opportunity to examine the information collected by the bureau and the committee and to determine the proper next steps. Too often this issue has come before the Legislature and failed to achieve any forward progress. Reestablishing the commission would ensure a continuity of purpose and action. In reflecting on what the commission has learned to date, it may also be helpful to consider expanding commission membership by two members, in order to include individuals with

³⁸ Pursuant to recommendation #2, MBVS could consult with experts in the field of data collection and human health studies to guide them in determining what types of information would be most beneficial to collect and what kinds of patterns in human health data for which they could monitor.

³⁹ Director Richmond, MBVS, indicated at the third meeting, during the discussion and voting on recommendations, that this work can be completed using existing resources. He also indicated his support for this recommendation.

expertise in chemical engineering, environmental science, or human health as they relate to exposure to hazardous chemicals.

V. Conclusion

The commission's work and publication of its report represent the most recent effort to bring necessary attention to an issue that is threatening the lives of former members of the Maine National Guard and has resulted in the untimely death of other members - and will continue to do so into the future for members who have more recently trained at Gagetown and for members who may do so presently. The United States Department of Veterans Affairs must recognize the harmful effects of chemical spraying on members of the National Guard who have trained or continue to train at the Canadian military support base in Gagetown, New Brunswick, Canada. The State must do everything in its power to gather, generate, and present the necessary data to force this recognition. This report presents a path forward for the State to begin that process and a plea to Veterans Affairs to take care of its people. This report represents not only the hopes of the commission, but also the hopes of all those affected - this work is not just an expression of passion to finally appropriately address the problem, it is also an expression of compassion. The commission is hopeful that with support from the Veterans and Legal Affairs Committee of these recommendations, progress towards recognition and medical care and assistance can be achieved. Commissioners look forward to working with the committee and the Legislature on the recommended proposals and next steps.

Finally, the commission would like to thank all of its members and presenters for generously offering their time, expertise, and advice on this emotional and complicated issue. Their knowledge and perspectives were invaluable in developing the recommendations of the commission.

APPENDIX A

Authorizing Legislation: Resolve 2023, c. 95

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-THREE

S.P. 628 - L.D. 1597

Resolve, to Establish the Gagetown Harmful Chemical Study Commission

Sec. 1. Study commission established. Resolved: That the Gagetown Harmful Chemical Study Commission, referred to in this resolve as "the study commission," is established.

Sec. 2. Study commission membership. Resolved: That, notwithstanding Joint Rule 353, the study commission consists of 10 members appointed as follows:

1. Two members of the Senate appointed by the President of the Senate, including members from each of the 2 parties holding the largest number of seats in the Legislature;
2. Two members of the House of Representatives appointed by the Speaker of the House, including members from each of the 2 parties holding the largest number of seats in the Legislature;
3. Two members who represent veterans' advocacy organizations, one appointed by the President of the Senate and one appointed by the Speaker of the House;
4. One member who is a family member of a veteran who served at the Canadian military support base in Gagetown, New Brunswick, Canada, appointed by the President of the Senate;
5. One member with expertise processing veterans' claims for benefits related to harmful chemicals, appointed by the Speaker of the House; and
6. Two members who served at Gagetown and were exposed to harmful chemicals during their service, one appointed by the President of the Senate and one appointed by the Speaker of the House.

Sec. 3. Chairs. Resolved: That the first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the study commission.

Sec. 4. Appointments; convening of study commission. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. After appointment of all members,

the chairs shall call and convene the first meeting of the study commission. If 30 days or more after the effective date of this resolve a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the study commission to meet and conduct its business.

Sec. 5. Duties. Resolved: That the study commission shall study the impacts of exposure to harmful chemicals on veterans who served at the Canadian military support base in Gagetown, New Brunswick, Canada.

Sec. 6. Staff assistance. Resolved: That the Legislative Council shall provide necessary staffing services to the study commission, except that Legislative Council staff support is not authorized when the Legislature is in regular or special session.

Sec. 7. Report. Resolved: That, no later than December 6, 2023, the study commission shall submit a report that includes its findings and recommendations, including suggested legislation, to the Joint Standing Committee on Veterans and Legal Affairs.

APPENDIX B

Membership List: Gagetown Harmful Chemical Study Commission

Gagetown Harmful Chemical Study Commission
[Resolve 2023, c. 95](#)

Membership List

Name	Representation
President Troy D. Jackson - Chair	Senate member, appointed by the President of the Senate
Representative Ronald Russell - Chair	House member, appointed by the Speaker of the House
Senator Bradlee Farrin	Senate member, appointed by the President of the Senate
Representative Mark Babin	House member, appointed by the Speaker of the House
Jan McColm	A family member of a veteran who served at the Canadian military support base in Gagetown, New Brunswick, Canada, appointed by the President of the Senate
David Donovan	Representing veterans' advocacy organizations, appointed by the President of the Senate
Don Page	Who served at Gagetown and was exposed to harmful chemicals during their service, appointed by the President of the Senate
Karen St. Peter	Representing veterans' advocacy organizations appointed by the Speaker of the House
Dana Michaud	Who served at Gagetown and was exposed to harmful chemicals during their service, appointed by the Speaker of the House
Jim Gehring	With expertise processing veterans' claims for benefits related to harmful chemicals, appointed by the Speaker of the House

APPENDIX C

Commission Correspondence:

- Letter to Maine's Federal Congressional Delegation
- Letter to Secretary of Veterans Affairs, United States Department of Veterans Affairs



**STATE OF MAINE
ONE HUNDRED AND THIRTY-FIRST LEGISLATURE
GAGETOWN HARMFUL CHEMICAL STUDY COMMISSION**

January 10, 2024

Senator Susan Collins
413 Dirksen Senate Office Building
Washington, D.C. 20510

Senator Angus King
133 Hart Building
Washington, D.C. 20510

Representative Jared Golden
1710 Longworth House Office Building
Washington, D.C. 20515

Representative Chellie Pingree
2354 Rayburn House Office Building
Washington, D.C. 20515

Dear Senator Collins, Senator King, Representative Pingree and Representative Golden:

We are writing to you on behalf of the Gagetown Harmful Chemical Study Commission, which was established by the 131st Maine Legislature through Resolve 2023, chapter 95 “to study the impacts of exposure to harmful chemicals on veterans who served at the Canadian military support base in Gagetown, New Brunswick, Canada.”

Throughout the course of our meetings, one obstacle has loomed large over our work – that the desperately needed recognition of the effects of exposure to harmful chemicals on members of the National Guard who have trained at Base Gagetown, and who continue to train there, as well as the access to medical care and assistance they deserve is ultimately within the power of the United States Department of Veterans Affairs. Our commission and the State can continue to take steps to prove these harmful effects and to demonstrate through scientific evidence the connection between exposure to these chemicals while training and the diagnosis of conditions or illnesses associated with such exposure, which this commission has recommended in our final report, but in the end, it is the responsibility of the Department of Veterans Affairs to make this determination and provide the requested care and assistance.

Therefore, we are urging you to advocate for the recognition of the effects of exposure to harmful chemicals, which include TCDD and other dioxins, on members of the National Guard who train at Base Gagetown and who are diagnosed with a condition or illness associated with such exposure, as already recognized by Veterans Affairs for Vietnam War veterans and others. We encourage you to request Veterans Affairs to review the most recent scientific reporting on the effects to human health of exposure to dioxins, to conduct independent environmental sampling and analysis at Base Gagetown related to dioxins and risks to human health, and to examine health outcomes for individuals who have trained there. We are confident that such a review would demonstrate a connection between the harmful chemicals applied and negative health outcomes similar to those Veterans Affairs has made for Vietnam War veterans exposed to tactical herbicides, including Agent Orange, which is known to have been tested

at Base Gagetown, and for other service members exposed to burn pits and other specific environmental hazards recognized more recently in the Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics (PACT) Act of 2022. This comprehensive review would demonstrate the necessity for Veterans Affairs to provide access to medical care and assistance for these individuals.

We acknowledge that your offices have been involved in some of the work that has been done to address this issue over the past decade or more, but nothing has come of it yet, and time is running out for many of those affected. We thank you in advance for using all of your resources to address this issue and to champion the unanimous recommendation of the commission. We stand ready to discuss this issue further.

Sincerely,



President Troy Jackson
Senate Chair



Ronald Russell
House Chair

cc (via email): Members, Gagetown Harmful Chemical Study Commission



**STATE OF MAINE
ONE HUNDRED AND THIRTY-FIRST LEGISLATURE
GAGETOWN HARMFUL CHEMICAL STUDY COMMISSION**

January 10, 2024

The Honorable Denis Richard McDonough
Secretary of Veterans Affairs
Department of Veterans Affairs
810 Vermont Avenue, N.W.
Washington, D.C. 20420

Dear Secretary McDonough:

We are writing to you on behalf of the Gagetown Harmful Chemical Study Commission, which was established by the 131st Maine Legislature through Resolve 2023, chapter 95 “to study the impacts of exposure to harmful chemicals on veterans who served at the Canadian military support base in Gagetown, New Brunswick, Canada.”

Throughout the course of our meetings, one obstacle has loomed large over our work – that the desperately needed recognition of the effects of exposure to harmful chemicals on members of the National Guard who have trained at Base Gagetown, and who continue to train there, as well as the access to medical care and assistance they deserve is ultimately within the power of the United States Department of Veterans Affairs. Our commission and the State can continue to take steps to prove these harmful effects and to demonstrate through scientific evidence the connection between exposure to these chemicals while training and the diagnosis of conditions or illnesses associated with such exposure, which this commission has recommended in our final report, but in the end, it is the responsibility of the Department of Veterans Affairs to make this determination and provide the requested care and assistance.

Therefore, we are urging you to recognize the effects of exposure to harmful chemicals, which include TCDD and other dioxins, on members of the National Guard who train at Base Gagetown and who are diagnosed with a condition or illness associated with such exposure, as you have already done for Vietnam War veterans and others. We implore you to review the most recent scientific reporting on the effects to human health of exposure to dioxins, to conduct independent environmental sampling and analysis at Base Gagetown related to dioxins and risks to human health, and to examine health outcomes for individuals who have trained there. We are confident that such a review would demonstrate a connection between the harmful chemicals and negative health outcomes similar to those your department has made for Vietnam War veterans exposed to tactical herbicides, including Agent Orange, which is known to have been tested at Base Gagetown, and for other service members exposed to burn pits and other specific environmental hazards recognized more recently in the Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics (PACT) Act of 2022. This

comprehensive review would demonstrate the necessity for Veterans Affairs to provide access to medical care and assistance for these individuals.

Time is running out for many of those affected, so we thank you in advance for using all of your resources to address this issue in an expeditious manner. We stand ready to discuss this issue further.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Troy Jackson', with a long horizontal flourish extending to the right.

President Troy Jackson
Senate Chair

A handwritten signature in black ink, appearing to read 'Ronald Russell', with a large, circular flourish on the left side.

Ronald Russell
House Chair

cc (via email): Members, Gagetown Harmful Chemical Study Commission