

US called to account over Agent Orange

Thursday 17 May 2007, by [CHENG Eva](#) (Date first published: 10 May 2007).

On April 29, eight solidarity groups from across Europe adopted a Public Appeal of International Lawyers issued in December that calls on the US government to honour its responsibility towards the Vietnamese victims of Agent Orange. Used during the Vietnam War, this dioxin-rich defoliant is still seriously contaminating pockets of Vietnam's environment and food chain, with devastating human consequences.

Dioxin, says the appeal, is a substance one million times more toxic than the most powerful natural poison known at the time and whose harmful effect was such that President Franklin Roosevelt prohibited the US Army to use it during World War II.

According to the appeal, the 72 million litres of herbicides that the US Air Force sprayed over nearly 2 million hectares of forest and rice fields included 41,635,000 litres of Agent Orange.

The appeal quotes US Senator Gaylord Nelson's forecast in August 1970 that "it is not impossible that our country has dropped a delayed-action bomb that will reverberate on the affected populations with consequences that will only be possible to evaluate in a distant future".

It is estimated that there are up to 4.8 million potential or "silent" victims of Agent Orange, not counting victims poisoned later via the food chain. "It is indisputable that the families of Agent Orange victims have experienced an abnormally high number of stillbirths; children suffering from malformations and monstrous deformities, and that the second and third generations have not been spared. Even people who are not visibly injured are suffering from dermatological and psychiatric problems", the appeal states.

Washington has so far refused to take any responsibility for the devastating effects of its use of Agent Orange. However, it sees no contradiction in seeking to get chemical major Hercules to pay for a US\$120 million bill to clean up a chemical plant in Arkansas that Hercules once used to produce Agent Orange. Hercules was one of the US military's suppliers of Agent Orange.

Earlier, a court ordered Hercules to pay for the US government clean-up. Hercules appealed. But on April 23, the US Supreme Court affirmed the lower court judgement. US Solicitor General Paul Clement accused Hercules of burying thousands of drums containing the chemical waste. Quoting a 1980 court opinion, Clement called dioxin "the most acutely toxic substance yet synthesised by man".

Meanwhile, on April 30, Canadian environmental firm Hatfield Consultants released the finding of a study on dioxin in Vietnam revealing a contamination level 300-400 times higher than the Western standard.

Hatfield's Thomas Boivin told CBC News on April 30, "We are very shocked ... the [contamination] levels were significantly higher than we had anticipated". He added: "If this was in Canada or the United States, the area would be cordoned off ... There would be immediate studies and a cleanup of the site."

According to the April 30 Vancouver Sun, Hatfield's vice-president Grant Bruce said: "We've proven

beyond a doubt that this dioxin contamination is from Agent Orange, and the Americans are responsible ... We've proven that there's a mind-boggling amount of it, probably not widespread, but confirmed in at least a handful of concentrated hot spots."

The Sun explained: "Dioxin isn't a single chemical, but rather a family of more than 70 related ones, and the variant found in the Da Nang [an Agent Orange hot spot] is not only one of the deadliest but also the one associated only with Agent Orange."

Hatfield, which has specialised in environmental studies since 1974, was commissioned by Vietnam's ministry of health to conduct the study. Vietnam is calling for Washington to help with the clean-up of dioxin as well as to compensate for the Agent Orange victims in Vietnam.

In early 2004, on behalf of the estimated millions of Agent Orange victims in Vietnam, the Vietnam Association of Victims of Agent Orange/Dioxin launched a legal action against nearly 40 chemical companies that supplied Washington during the Vietnam War. The case was rejected by a US court in early 2005 and is under appeal.

P.S.

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