



# Department of Justice

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**STATEMENT OF THE  
U.S. DEPARTMENT OF JUSTICE**

**BEFORE THE**

**COMMITTEE ON VETERANS' AFFAIRS  
UNITED STATES HOUSE OF REPRESENTATIVES**

**FOR A HEARING ENTITLED**

**“FULFILLING OUR PACT: ENSURING EFFECTIVE  
IMPLEMENTATION OF TOXIC EXPOSURE LEGISLATION”**

**PRESENTED**

**DECEMBER 7, 2022**

**Statement of the  
U.S. Department of Justice  
Before the  
House of Representatives  
Committee on Veterans' Affairs  
For a Hearing Entitled**

**“Fulfilling Our PACT: Ensuring Effective Implementation of Toxic Exposure Legislation”**

**December 7, 2022**

On August 10, 2022, President Biden signed the “Honoring our PACT Act of 2022” into law. Under Section 804—the Camp Lejeune Justice Act (CLJA)—service members and others who were exposed to water at Camp Lejeune in North Carolina between 1953 and 1987 may file suit for injuries caused by the exposure. The Department of Justice (Department) strongly supports expanding veterans’ access to health care and benefits to address the health effects of harmful environmental exposures that occurred during military service. In order for the CLJA to work as intended and for veterans and their families to recover efficiently, the Department’s Civil Division will need to find ways to handle the enormous volume of cases that will be brought under the CLJA. As discussed further below, based on the expected costs associated with implementation, the Department may need to reprogram existing priority funds to accommodate these needs. We look forward to working with Congress and our partners at the Department of Defense to ensure we are able to implement CLJA as intended by Congress.

CLJA cases will be handled by the Department’s Civil Division, and specifically the Environmental Tort Litigation office (ETL). The ETL defends the government in property damage, wrongful death, and personal injury cases, involving toxic substances in the environment, the workplace, and government-owned housing. ETL’s toxic tort matters are filed and litigated under the Federal Tort Claims Act (FTCA) and commonly involve complex scientific and medical issues requiring expert testimony. ETL is a small office consisting of 24 attorneys (including three supervisors) and four paralegals. In addition to the CLJA matters and prior Camp Lejeune matters, the office is currently handling at least five mass tort multi-thousand, multi-billion-dollar cases, as well as numerous smaller environmental torts cases.

CLJA cases will be markedly different from the prior Camp Lejeune litigation and ETL’s other mass torts cases. Unlike most toxic tort cases brought under the FTCA, an unprecedented number of these cases will likely go to trial. That is because under the CLJA, Congress reset the FTCA statute of limitations, abrogated many traditional threshold defenses previously raised in Camp Lejeune cases, and lowered the FTCA causation standard. While these changes were intended by Congress to increase the likelihood of recovery for Camp Lejeune plaintiffs, they will also create complex litigation and strain the existing resources of ETL because most cases will now require more extensive factual discovery and adjudication.

The Department expects thousands of CLJA cases to be filed on behalf of hundreds of thousands of plaintiffs. The Agency for Toxic Substances & Disease Registry, a component of the Department of Health and Human Services, estimates that as many as one million people may have consumed drinking water at Camp Lejeune between 1953 and 1987. Press reporting has suggested that more than 500,000 claims could be submitted.<sup>1</sup> Even if only a fraction of the claims filed thus far quickly ripen into suit, the number of cases will represent a significant undertaking for the Department, the Navy, and the federal district court in the Eastern District of North Carolina, which is the exclusive venue under the PACT Act. And based on the CLJA's date of enactment, properly presented claims could ripen for court filing as early as February 10, 2023.

In light of these extraordinary circumstances, the Department has taken a number of steps to begin implementation of the CLJA. The Department is working closely with the Navy, United States Marine Corps, Department of Veterans Affairs, National Archives and Records Administration, Department of Health and Human Services, and plaintiffs' attorneys to coordinate efficient handling of matters related to the CLJA. The Department has also fielded and responded to inquiries from the public through its devoted CLJA hotline (202-353-4426) and email box ([CampLejeune.PACTAct@usdoj.gov](mailto:CampLejeune.PACTAct@usdoj.gov)). The Department has been actively assessing various case management options and has already filed dozens of briefs responding to the cases that have been prematurely filed in district court. Since March of 2022, when the House of Representatives passed the PACT Act, the Civil Division has devoted well over 3,000 hours to this matter. And upon enactment of the CLJA, pursuant to Sections 205 and 505 of the Consolidated Appropriations Act, 2022, the Department transferred \$3 million to the Civil Division for preliminary stop-gap hiring and technical support needs.

But given the sheer volume of cases, the complexity of this new litigation, and the fact that the Department's existing appropriated funding did not contemplate this change, the Department faces a significant challenge to ensure CLJA is implemented as intended. The Department anticipates that thousands of suits on behalf of hundreds of thousands of plaintiffs will be filed in the near term. The Department has consistently explained that the currently allocated resources will not meet the Division's need for attorneys, support staff, and information technology resources that are essential to effectively respond to the litigation demands that will result from the CLJA.

Accordingly, to support CLJA implementation, the Department estimates that it will need an additional 27 attorneys and eight paralegals to augment ETL. In addition, the Division will also require one accountant and one information technology position to support the ETL's Camp Lejeune caseload. The Department will also need one support staff position for the United States Attorney's Office for the Eastern District of North Carolina to help process cases that are served on that office (as required by the Federal Rules), and to liaise and coordinate with ETL. ETL will also require an additional 33 litigative and administrative support contractors. In subsequent

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<sup>1</sup> The Navy estimates that it has thus far received approximately 14,000 administrative claims. The Navy is currently working on launching a Camp Lejeune-specific database to accept administrative claims electronically. We expect that the Navy will thereafter receive hundreds of thousands of administrative claims.

years, we expect that the Civil Division will need significantly more Department resources to handle the large increase in CLJA litigation and resulting expenses. To support these needs, the Department may require the reprogramming of funds currently allocated to other investigating, litigating, and prosecuting components across the Department.

The Department is committed to responsibly and effectively implementing the CLJA and to preventing unnecessary delay. To do so, the Department will need to adequately staff and manage the massive volume of new litigation arising under the CLJA that were not contemplated in appropriated funds. The sheer volume of anticipated litigation will present substantial challenges to the Department's ability to meet its responsibilities to timely and effectively handle these cases. The Department looks forward to working to find creative ways to ensure that the intent of the CLJA can be advanced.