

**STATEMENT FOR THE RECORD
OF
VETERAN WARRIORS
FOR THE
HOUSE COMMITTEE ON VETERANS' AFFAIRS
SUBCOMMITTEE ON HEALTH
CONCERNING
AN ASSESSMENT OF THE POTENTIAL HEALTH EFFECTS OF BURN PIT EXPOSURE AMONG
VETERANS**

JUNE 7, 2018

Chairman Dunn, Ranking Member Brownley, and members of this Panel, Veteran Warriors expresses their gratitude for the opportunity to offer our views on the potential health effects of exposure to burn pits (operated in combat areas of operation).

There is currently legislation pending that would provide the Department of Veterans Affairs (VA) with the impetus and budget to institute a "Center of Excellence"; in order to research what, if any harm is done to those service members who are exposed to toxic chemicals that are emitted from open-air burning of trash.

That particular legislation will only succeed in solidifying what the "burn pits" have already been deemed; that being "this war's Agent Orange". The term is not used lightly; rather it is in reference to the over thirty years it took the Department to lawfully acknowledge the effects of "Agent Orange" had on service members.

What many legislators, veterans and citizens are not aware of is that the Department of Veterans Affairs already has a substantial and specific policy in place regarding providing medical care and rating claims; for those veterans who have been exposed to burn pits. That policy; "Training Letter 10-03" (Environmental Hazards in Iraq, Afghanistan, and Other Military Installations); was issued throughout the VA on April 26, 2010. The only part of that policy that most do recognize is the "Camp Lejeune Water Contamination" section; (which is AFTER the burn pit policy section).

Since that policy was issued; thousands of veterans have succumbed to burn pit related diseases. Just as many if not more, are dying. Yet, the VA continues to deny benefits and medical care for the

predominance of those veterans who report illnesses associated with burn pit exposure. As of May 1, 2018; there are 141,246 veterans registered on the Burn Pit Registry.

The VA established the Burn Pit Registry on April 25, 2014. Unfortunately, the Registry questions were so poorly designed as to leave the resulting data useless. Veterans who succumbed to their injuries before the Registry was initiated; are banned from being registered. Most VA providers have no knowledge of it or its use. None of the providers can “see” the veteran’s answers. VA rating examiners cannot see them either; leaving the veteran with no recourse to be properly rated for their burn pit exposures.

In February 2017, The National Academies of Sciences, Engineering, and Medicine, published their congressionally mandated study of the VA’s Burn Pit Registry. While the study results are lengthy and offer other-use possibilities for the data collected; the most notable of the comments are as follows:

“While registries that rely on voluntary participation and self-reported information are a common means of collecting data on large populations, they are an intrinsically poor source of information on exposures, health outcomes, and possible associations among these events. Even under the best of circumstances, there are substantial limits to the accuracy of the data and—when the respondents constitute only a small, unrepresentative fraction of the eligible population—the generalizability of analyses made with them as well.

These weaknesses are apparent in the Airborne Hazards and Open Burn Pit (AH&OBP) Registry questionnaire and in the data collected in the registry’s first 13 months. The weaknesses have been exacerbated by a series of flaws in the structure and operation of the questionnaire and in the questions that are asked and the way they are asked. The AH&OBP Registry questionnaire is flawed in that it;

- *inappropriately uses questions that were validated for and meant to be administered by other survey means such as a face-to-face or computer-assisted phone interview;*
- *asks questions that may be confusing for respondents because they are ambiguous or otherwise poorly written;*
- *elicits information on topics such as hobbies and places of childhood residence that do not yield information that could be productively used in any analysis that would be appropriate to undertake using registry data;*
- *fails to ask questions (regarding non-burn-pit trash burning, for example) that could yield information related to relevant exposures;*
- *does not take full advantage of its Web-based format to streamline and focus questions based on previous responses;*
- *does not permit answers to be supplemented or updated later in time; and*
- *requires respondents to complete a sometimes lengthy set of repetitive questions regarding deployments before addressing core issues such as health, increasing the possibility of response fatigue.”*

For over a decade, both the Department of Defense (DoD) and Department of Veterans Affairs (VA); have relied on their own internal research facilities and staff; who at the direction of their respective leadership; have denied that there is any correlation between service members and contractors contracting rare and inexplicable (through genetics or by other know impetus) diseases and the use of open-air burn pits as a method of waste disposal in combat zones.

Both entities continue to deny the existence of any “valid” research which proves the direct causal links between open-air burning and over 141,000* (This number is taken from the VA’s “Burn Pit Registry”. It is not inclusive of all exposed and does not account for those who have succumbed to their diseases; as they are banned from being registered) service-members who are sick and in many cases dying. These agencies’ refusal to publically acknowledge these causal links has had a direct impact on the service

members receiving medical care and specific benefits that they would otherwise be entitled to under U.S. laws and regulations.

For decades, the United States government (USG) has created and enforced specific laws to protect human life and the environment; with regard to burning of household trash, chemical, medical, manufacturing and even military waste. There has been literally hundreds of thousands of man-hours spent researching the effects on humans, animals and the environment when trash is burned in open-air pits.

Inside the U.S. borders, it is illegal (under numerous federal and state statutes) to burn a wide variety of items in open-air burn pits. Yet, as the conflicts in the Middle East have worn on; the use of open-air burn pits not only was permitted, but it was openly sanctioned as “necessary”.

Each and every item burned in these pits emits a chemical or group of chemicals. Each of these chemicals has been studied by thousands of researchers around the world. The consistency in the results of that research is what the USG has used repeatedly to create and enforce laws about open-air burning of trash, inside our borders; yet the DoD and VA still refuse care and benefits to tens of thousands of service members on the basis of their myopic and pigeon-hole research base.

The irony and insult to each service member is obvious and overt. The DoD has lengthy and specific regulations regarding burning such items as any piece of military equipment painted with CARC paint. As all military equipment is painted with CARC paint, it is a logical conclusion that no military equipment or part of such equipment be burned in an open-air pit. Yet the DoD has sanctioned the burning of all manner of military equipment painted with CARC paint for the entire duration of the Middle East conflict.

1. https://phc.amedd.army.mil/PHC%20Resource%20Library/CARC_Paint_37-011-0313.pdf
2. https://phc.amedd.army.mil/PHC%20Resource%20Library/TG144_NOV2012.pdf

The VA also has a public policy about veterans who have been exposed to burning CARC paint and acknowledges that this paint contains toxic chemicals that can be harmful to humans.

1. <https://www.publichealth.va.gov/exposures/carc-paint/index.asp>

“Health problems associated with CARC paint:

Paint fumes present the most potential risk to users especially when CARC is spray painted, rather than applied with a brush or roller.

CARC paint contains several chemical compounds that can be hazardous when inhaled or exposed to the skin:

- Isocyanate (HDI) – Highly irritating to skin and respiratory system. High concentrations can cause: itching and reddening of skin; burning sensation in throat and nose and watering of the eyes; and cough, shortness of breath, pain during respiration, increased sputum production, and chest tightness.
- Solvents – Inhaling high concentrations can cause coughing, shortness of breath, watery eyes, and respiratory problems, including asthma
- Toluene diisocyanate (TDI) – High levels released during the drying process can cause kidney damage.”

CARC paint is only one specific known chemical compound that has been routinely burned in open-air pits. There are literally thousands more.

On April 26, 2010; the VA issued the “Environmental Training Letter” to all VA facilities nationwide. It is a policy document which clearly directs all rating examiners and clinical providers on specific chemicals known to be found in the open-air burn pits and how to rate and treat veterans who claim exposures.

http://archive.sgtsullivancenter.org/wp-content/uploads/2014/11/Training-Letter-10-03-OIF_OEF-Exposures.pdf

Most are familiar with parts of this document; as it has supported the legislation surrounding the Camp Lejeune Water Contamination presumption of exposure that the VA has granted to those who served on that base.

The existence of this "Training Letter" provides yet another layer of evidence that the VA is aware of the toxins veterans' who served near open-air burn pits were exposed to and continues to defy even its own edicts. Under this policy, the VA has granted "Presumptive Status" to those exposed to contaminated water at Camp Lejeune (only); even though this very policy encompasses the burn pits in Iraq, Afghanistan and Djibouti; as well as water contamination at Camp Lejeune and Atsugi, Japan.

As nearly all trash burned releases toxic chemicals and the USG has regulated this for decades; there is no excuse why it should even be an option, let alone continue.

Those doing so are subject to fines and criminal sanctions inside the U.S. borders. Those service members exposed to these chemicals should not be denied access to any medical care or benefits when the hazards are well known to the USG.

The Center for Disease Control (CDC) lists all of the chemicals found in the Middle East conflict areas, in their top three-hundred (in ranking of most dangerous); <https://www.atsdr.cdc.gov/spl/previous/07list.html>

As a nation, forcing our service members to fight or die waiting for rightfully earned benefits and services; solely based on two agencies refusal to acknowledge peer accepted science; should be a source of shame. To continue to behave as if these veterans are fabricating their injuries is tantamount to denying their service.

Veteran Warriors has drafted legislation that will actually provide relief to the tens of thousands of veterans who are contracted illnesses associated with exposure to toxic chemicals in combat zones. The draft of the text follows this statement.