



October 11, 2016

Department of Veterans Affairs
Regulation Policy & Management, Office of the Secretary
ATTN: Mr. Michael Shores
810 Vermont Ave., NW
Washington, DC 20420

Submitted via Regulations.gov

Subject: RIN 2900–AP66 - Diseases Associated with Exposure to Contaminants in the Water Supply at Camp Lejeune

Dear Mr. Shores;

The Project On Government Oversight (POGO) provides the following public comment to RIN 2900–AP66 - Diseases Associated with Exposure to Contaminants in the Water Supply at Camp Lejeune (81 Fed. Reg. 62419, September 9, 2016). POGO is an independent nonprofit organization committed to achieving a more accountable and transparent federal government. For many years, POGO has fought to expose the military’s cover-up of the Camp Lejeune contaminations and get the government to recognize and provide care for the many illnesses that it caused. POGO also supported the Honoring America’s Veterans and Caring for Camp Lejeune Families Act of 2012.

POGO welcomes this rule and the streamlining of benefits that it will bring to the members of our armed forces who ingested contaminated water while stationed at Camp Lejeune. However, POGO is concerned about several aspects of this rule that might unnecessarily limit the benefits received by those veterans.

First, the qualifying of leukemia with the word “adult” serves only to confuse and potentially limit coverage. Adults can experience any of the four types of leukemia, and all four types have been found by the Agency for Toxic Substances and Disease Registry (ATSDR) to be connected to the chemicals found in Camp Lejeune’s water supply. Therefore, the inclusion of “adult” allows for misinterpretation of the rule by claims evaluators, who may wrongfully deny a veteran the service-connected presumption due to the presence of a leukemia type that may be more common in children (Acute Lymphoblastic Leukemia).

Second, POGO is concerned about the exclusion of Scleroderma from this rule, which is included in the Honoring America’s Veterans and Caring for Camp Lejeune Families Act of 2012. Scleroderma was found to meet the standards required to be included in this rule by ATSDR and the Camp Lejeune Science Liaison Team (CLSLT), but was rejected by the Department of Veterans’ Affairs Working Group. The Working Group concluded that “the evidence is currently not strong enough” to presume that the disease is service-connected.

While the Working Group may not believe it has enough evidence to support a causal link, the studies used by the Working Group to make its determination were based on occupational exposure to hazardous chemicals and used sample sizes that were too small. The quoted studies focused on individuals who were exposed to these chemicals through their occupation—occupations which did not require individuals to regularly drink or bathe in contaminated water. These studies, while useful in estimation, are not directly relatable to the contamination at Camp Lejeune, and the Working Group’s heavy reliance on them over the recommendation of the CLSLT is concerning.

While a scientific causal link is justifiably difficult to prove, the National Research Council, Environmental Protection Agency (EPA), and International Agency for Research on Cancer all found there to be a probable link between the chemicals present in Camp Lejeune’s water and diseases like Scleroderma. It is also important to note that the two parties that did find a causal link, the ATSDR and the CLSLT, were the two with the most intimate knowledge of and direct contact with Camp Lejeune. In the event that the evidence is less than completely clear, it is common sense to land on the side of those with more knowledge about the contaminated water, and the veterans and their families who were exposed to it.

The agency should also take into account the will of the people, expressed through Congress in the Camp Lejeune Act, and not exclude Camp Lejeune veterans who are fighting Scleroderma simply due to the rarity of the disease and the inadequacies of previous scientific study.

Finally, veterans who spent even one day in Vietnam and show signs of Agent Orange exposure are presumed to be service-connected. Given the severity of the exposure to contaminated water at Camp Lejeune, the duration it was allowed to continue despite the government’s knowledge, and the fight for recognition since then, these veterans deserve more than an apology. These service members have earned prompt, hassle-free healthcare, regardless of whether they spent one day or one year at Camp Lejeune. Since VA experts agree that there is no minimum exposure level for any of the conditions, and that the degree to which these chemicals were present in the water is unknown, any minimum duration of exposure is arbitrary. POGO believes this minimum duration of stay for this rule should be reduced, and that the VA should seriously consider implementing a one-day rule similar to that for veterans of Vietnam and Korea. Given the following facts, a shorter minimum duration of stay is warranted: 1.) the chemicals present at Camp Lejeune cause cancer and various other diseases (shown both in historical occupational studies and current evidence of sick veterans), 2.) there is no known “safe” amount of contamination for these chemicals, and 3.) anyone stationed at Camp Lejeune during the given time frame may have been exposed to and ingested a significant amount of these chemicals even over the course of a single day. The VA exists to care for our nation’s veterans—it should not be placing arbitrary hurdles in their path.

In addition, POGO encourages the VA to create a similar rule for veterans, national guardsmen, and reservists who were exposed to deadly chemicals while they were stationed at Fort McClellan. Fort McClellan has since been designated a “Superfund” toxic cleanup site by the EPA, and the residents of a nearby town won a \$700 million settlement for damage to their

health. Unfortunately, veterans who were exposed to deadly chemicals while stationed there have yet to receive official recognition that some of their illnesses are related to their time there.

The VA needs to fight for these veterans who fought for us and provide them with the care that they have earned. This proposed rule needs to be strengthened to ensure that everyone who was exposed to contaminated water receives the medical care that they deserve.

Sincerely,

A handwritten signature in cursive script that reads "Danielle Brian".

Danielle Brian
Executive Director