

Legislation on Toxic Exposure

A common cost of war is the [toxic exposures](#) that were used as a weapon or from the austere living and operating environments. Centuries ago, it was smallpox blankets. In World War I and II, it was [mustard gas](#). [Radiation](#) also came into play during World War II and for decades following the war. The Vietnam War became infamously known for [Agent Orange](#) or dioxin exposure. Then came the [Gulf War](#) and post-9/11 veterans with a vast variety of toxic exposures, especially from [burn pits](#). But not all toxic exposures were in war zones, the most recognized of these happened on [Camp Lejeune](#), [Fort McClellan](#), and various military bases with airstrips due to the use of [PFAS](#).

Agent Orange

The majority of legislation for toxic exposure focused on veteran health care, veteran disability, and compensation. One of the first pieces of legislation to address veterans' service-connected toxic exposures is [H.R. 3892](#), an act that included a requirement for the VA to conduct an epidemiological study regarding veterans exposed to Agent Orange. This study is to find out whether Agent Orange exposure left adverse effects. The very next congressional session passed a bill, [H.R. 3499 - Veterans' Health Care, Training, and Small Business Loan Act of 1981](#), that expanded the scope of the study, but most of it states, "the administrator may." That means the VA isn't required to do it.

[H.R. 1961 - Veterans' Dioxin and Radiation Exposure Compensation Standards Act](#) was one of the first bills to pass veteran disability compensation for veterans that were exposed to Agent Orange and radiation. This bill passed 8 years after the VA started to receive disability claims alleging that they developed conditions from Agent Orange exposure. But H.R. 1961 did not establish any presumptive conditions that would be near automatic claims approval for specific conditions that were developed from the toxic exposures. The first batch of presumption conditions was not approved until [H.R. 556 – Agent Orange Act of 1991](#) was passed. This was the first ever law to have to establish presumption conditions for any toxic exposure that happened during military service in the United States. But this bill falls short of including those serving in the navy who was deployed to the waters near Vietnam, who are later called "Blue Water Veterans." Some of these veterans did not receive this benefit until [H.R. 299 – Blue Water Navy Vietnam Veterans Act of 2019](#) passed in 2019, but for others, the coordinates were not enough for all those who may have been impacted. There is still more that needs to be done because it is often an act of Congress to get a new condition added to the presumption conditions list.

Gulf War and Post-9/11 Exposures

The next big toxic exposure to happen to the US military is what service members encounter during the Gulf War conflicts and the operations following September 11th. The loudest cause of

these conflicts' toxic exposures is the burn pits used by our military. Opponents of legislation on this issue complained that it would cost too much to approve presumption conditions, while advocates would argue that this is the true cost of war. That conversation did become very heated when the [S.3373 - Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics Act of 2022](#). At the last vote for this bill, a group of Republicans voted against it because approximately additional funding was added. This happened because weeks before, Congress killed the [AIM Commission](#), a VA-run study that recommended that some VA hospitals or clinics be downgraded or closed, and also creates new ones. Opponents of this bill claimed that the additional funding was pork barrel spending and that the money would not go to veterans. This was a lie because the bill specifically states where the funding would go, like opening up VA outpatient clinics. It is very important to read the bills to ensure that politicians are being truthful. But the PACT Act was truly a landmark bill because it made various illnesses and cancers as presumption conditions to the Gulf War and burn pits exposure. This also created an official process for the VA and Congress to make add more conditions to the presumption list.

Stateside Exposures

There are also stateside toxic exposures, which can be more damaging because they would also affect service member families, government civilians, and government contractors. This is exactly what happened with [Camp LeJeune](#); the water system on the base became contaminated and it not only poisoned the military, it caused birth defects to the infants that were born there. While there was water contamination from the 1950s to the 1980s. In 1982, the Marine Corps discovered that two of the eight water treatment plants were [contaminated](#), and they were shut down by 1985. But victims of this toxic exposure did not see any movement in benefits until [H.R.4200 - Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005](#), which only directed a study on the contamination and the related health effects. Two years later, Congress ordered the National Academy of Sciences to study human exposure to Camp LeJeune's contaminated drinking water with [H.R.5122 - John Warner National Defense Authorization Act for Fiscal Year 2007](#).

Less than two years after that, [H.R.4986 - National Defense Authorization Act for Fiscal Year 2008](#) required notification to residents and civilian employees who may have been exposed to this particular toxic exposure. The victims did not receive any restitution until [H.R.1627 - Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012](#) was passed. This bill required the Department of Veterans Affairs to furnish hospital care and medical services to veterans who were stationed at Camp Lejeune, North Carolina, while the water was contaminated at Camp Lejeune, to improve the provision of housing assistance to veterans and their families, and for other purposes. But thankfully, the Department of Veterans Affairs didn't wait for Congress. *On September 9, 2016, VA published in the Federal Register ([81 FR 62419](#)) a notice of a proposed rulemaking to amend 38 CFR 3.307 and 3.309 to establish presumptive*

service connection for certain diseases associated with contaminants present in the base water supply at U.S. Marine Corps Base Camp Lejeune, North Carolina, from August 1, 1953 to December 31, 1987. VA provided a 30-day public comment period, which ended on October 11, 2016, and received 290 comments on the proposed rule, one of which was received after the comment period.

[Fort McClellan](#) is another site of toxic exposure that had probably the least amount of legislation for its victims: zero. This exposure disproportionately affected Army women because Fort McClellan was home to the Women Army Corps (WAC) command and the only site of basic training for women from 1954 until 1977. It was exposed to toxins by a chemical plant that illegally disposed waste near a local watershed just outside of base. The residents of the town outside of McClellan received a payout from the plant but it left out the military residents because they figured the government would take care of them. Currently, Congress have failed to pass such legislation to help, and the VA have yet to do it on its own either. The Promise to Address Comprehensive Toxins -PACT Act originally had a section to establish a registry, but it was reduced to a study when it passed.

PFAS

Another major toxic exposure is from [firefighting foam](#) used on civilian and military airports. This foam is called Perfluoroalkyl and polyfluoroalkyl substances or often referred to as [PFAS](#). The first bit of legislation on this issue was part of [H.R.2810 - National Defense Authorization Act for Fiscal Year 2018](#), which directed a study on human health implications of PFAS contamination. In the very next year, [H.R.5515 - John S. McCain National Defense Authorization Act for Fiscal Year 2019](#) was passed to direct a report to Congress about the Assessment and Remediation Plan. [S.1790 - National Defense Authorization Act for Fiscal Year 2020](#) directed disposal, investigations, and remedial actions for active or decommissioned military installations. [H.R.6395 - William M. \(Mac\) Thornberry National Defense Authorization Act for Fiscal Year 2021](#) established prizes for the development of non-PFAS-containing fire-fighting agent and notification to agricultural operations located in areas exposed to Department of Defense (DOD) PFAS use.

[S.1605 - National Defense Authorization Act for Fiscal Year 2022](#) includes an establishment of a PFAS Task Force to monitor the health aspects of exposure, identifying and procurement of alternatives, coordinating mitigating effects of the release of PFAS, and assessing the perceptions of Congress and DOD's handling of the PFAS situation. [H.R.7776 - James M. Inhofe National Defense Authorization Act for Fiscal Year 2023](#) established prizes for the development of non-PFAS-containing turnout gear, modification of limitation on the disclosure of

results of testing for perfluoroalkyl or polyfluoroalkyl substances on private property, restriction on procurement or purchasing by Department of Defense of turnout gear for firefighters containing perfluoroalkyl substances or polyfluoroalkyl substances, annual report on PFAS contamination at certain military installations from sources other than aqueous film-forming foam, and report on critical PFAS uses; briefings on Department of Defense procurement of certain items containing PFOS or PFOA. But sadly, there have been a lack of legislation regarding benefits and health care for those exposed to PFAS.

According to the Environmental Working Group, 710 military locations worldwide have confirmed PFAS contamination.



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