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## **Toxic Exposure: Recognition of Illnesses Caused by Hazardous Warfare Agents**

***ROA urges Congress to enact legislation to recognize exposure to toxins as a service-connected disability for service members to include, but not limited to, Korea, Vietnam, Gulf War, Iraq, Afghanistan, Camp Lejeune, and Canada.***

Military members who leave the service through separation or retirement under conditions that are other than dishonorable are eligible for a service connected disability. While the application for disability may be long it is simply done by the service member proving they were "...disabled by an injury or illness that was incurred or aggravated during active military service."

Presumption of service connection comes into play because a servicemembers symptoms may not manifest until after their service is completed. According to the Congressional Research Service, "... where the manifestation of the disabling disease or condition is remote from the veteran's service and any relation between the disability and service is not readily apparent, the burden of proving service connection can be a challenge." Historically presumption has been linked to exposure to toxins.

Consideration for use of toxic chemicals can be traced as far back as the Civil War but the decision was ultimately made to not use the chemicals. In each war since, servicemembers have been exposed to toxic chemicals.

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| <b>World War I</b> .....          | Chlorine Gas, Phosgene, and Mustard Gas   |
| <b>Korean War</b> .....           | Radiation and Iodizing Radiation  |
| <b>World War II</b> .....         | Mustard Agent, Depleted Uranium and Lewisite  |
| <b>Vietnam War</b> .....          | Napalm and Agent Orange   |
| <b>Gulf War</b> .....             | Depleted Uranium, Pyridostigmine Bromide, Sarin, and Anthrax and Botulinum Vaccines   |
| <b>Iraq and Afghanistan</b> ..... | Burn Pits (reported to include plastics, Styrofoam, rubber, medical waste and solvents such as paint. He also identified substances found via air-sample tests, including arsenic, benzene, formaldehyde, metals and sulfuric acid. |

Presumptions of service connection for diseases incurred during war are recognized by the Department of Veterans Affairs to include the following:

- **Former Prisoners of War:** who have a condition that is at least 10 percent disabling
- **Vietnam Veterans:** who were exposed to Agent Orange or served in the Republic of Vietnam between Jan. 9, 1962, and May 7, 1975
- **Atomic Veterans:** who were exposed to ionizing radiation and who were in locations for testing; Hiroshima or Nagasaki; or Paducah, Kentucky, Portsmouth Ohio or Oak Ridge Tennessee diffusion plants; Amchitka Island, Alaska before January 1, 1974.
- **Gulf War Veterans:** who served in the Southwest Asia Theater of Operations or are 10 percent disabling by Dec. 31, 2021.

Presumptions previously existed for World War veterans for chronic and tropical diseases

However, war is not the only situation where servicemembers and even their families can be exposed to toxic chemicals. VA has issued a presumption of service, "From the 1950s through

the 1980s, people living or working at the U.S. Marine Corps Base Camp Lejeune, North Carolina, were potentially exposed to drinking water contaminated with industrial solvents, benzene, and other chemicals.”

VA has recognized that toxic exposure may have occurred at Fort McClellan for the following chemicals, but a presumption of service connection currently has not been made.

- Radioactive compounds (cesium-137 and cobalt-60) used in decontamination training activities in isolated locations on base.
- Chemical warfare agents (mustard gas and nerve agents) used in decontamination testing activities in isolated locations on base.
- Airborne polychlorinated biphenyls (PCBs) from the Monsanto plant in the neighboring town.

In December 2018 Doris Brock held a listening session at the 157<sup>th</sup> Air Refueling Wing to hear firsthand accounts of health issues of affected military members. As reported by the Portsmouth Herald, N.H. “She believes her husband's exposure to 12 different chemicals on the base known to be carcinogens -- along with drinking contaminated water at the former air base -- caused his cancer.”

Proving presumption of service connection is difficult because it is hard to determine the connection between exposure and the disability as there is often no documentation in the military health record. This can occur when symptoms don't appear until after the servicemember leaves the service. There can also be a situation where the symptoms are so mild at the beginning that the servicemember does not go to sick call for treatment.

On November 28, 2018, the National Academies of Sciences, Engineering, and Medicine released a report that recommended the creation of a health monitoring and research program (HMRP), “To help determine if the descendants of Gulf War and post-9/11 veterans are at risk for health effects resulting from the service members' exposure to toxicants during deployment.”<sup>1</sup>

ROA agrees with this approach but takes it further by recommending a cohort study be established every time toxic exposure is identified. This will allow health data to be collected from the beginning of the exposure thus eliminating the need for presumption.

Supported by *Recognition of Illnesses Caused by Hazardous Warfare Agents* ROA Resolution No. 16-31 and *Preserving Veteran Status and Benefits for Those Who Have Served in Theaters of Operations* ROA Resolution No. 17-16.

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<sup>1</sup> National Academies of Sciences, Engineering, and Medicine. 2018. *Gulf War and Health: Volume 11: Generational Health Effects of Serving in the Gulf War*. Washington, DC: The National Academies Press. <https://doi.org/10.17226/25162>.