



Statement of the

Fleet Reserve Association

On

Veterans Toxic Exposure

Presented to the

United States Senate

Veterans' Affairs Committee

By

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March 29, 2022

The FRA

“Heading to 100 Years”

Military service for our nation can require service members to go places that may expose them to toxins that cause illness and diseases that may not be diagnosed for years or even decades after their service. That is why the Fleet Reserve Association (FRA) is a member of the Toxic Exposures in the American Military (TEAM) Coalition to ensure that no veteran who suffered exposure to burn pits or other environmental toxins goes without access to VA health care benefits.

The Association is the oldest and largest organization serving enlisted men and women in the active, reserve, and retired communities plus veterans of the Navy, Marine Corps, and Coast Guard. The Association is Congressionally Chartered, recognized by the Department of Veterans Affairs (VA), and entrusted to serve all veterans who seek its help.

FRA started in 1924 and its name is derived from the Navy’s program for personnel transferring to the Fleet Reserve after 20 or more years of active duty, but less than 30 years for retirement purposes. During the required period of service in the Fleet Reserve, assigned personnel earn retainer pay and are subject to recall by the Secretary of the Navy.

The Association testifies regularly before the House and Senate Veterans’ Affairs Committees, and it is actively involved in the Veterans Affairs Voluntary Services (VAVS) program. A member of the National Headquarters’ staff serves as FRA’s National Veterans Service Officer (NVSO) and as a representative on the VAVS National Advisory Committee (NAC). FRA’s VSOs oversee the Association’s Veterans Service Officer program and represent veterans throughout the claims process and before the Board of Veteran’s Appeals.

In 2016, FRA membership overwhelmingly approved the establishment of the Fleet Reserve Association Veterans Service Foundation (VSF). The main strategy for the VSF is to improve and grow the FRA Veterans Service Officers (VSO) program. The newly formed foundation has a 501(c) 3 tax exempt status and nearly 800 accredited service officers with FRA.

FRA became a member of the Veterans Day National Committee in 2007, joining 24 other nationally recognized VSOs on this important committee that coordinates National Veterans’ Day ceremonies at Arlington National Cemetery. FRA will host the ceremony in their centennial year, 2024. The Association is a leading organization in The Military Coalition (TMC), a group of 35 nationally recognized military and veteran groups jointly representing the concerns of over five million members. FRA staff also serve in several key TMC leadership positions.

The Association’s motto is “Loyalty, Protection, and Service.”

Introduction

FRA is thankful that President Joe Biden addressed the veterans burn-pit/toxic exposure issue in his first State of the Union address to Congress. He called on Congress to pass legislation. He noted his deceased Son Beau, an Army veteran, was exposed to burn pit pollutants and said many veterans, like his son, suffer from lifelong injuries, including cancer, after serving in combat. Beau may have developed his brain cancer as a result of exposure to toxins from burn pits in Iraq. The Department of Veterans Affairs (VA) is called upon to expand presumptions for these types of disability claims.

VA Will Add Rare Cancers to Presumption List

In response to the President's State of the Union address the VA has proposed adding certain rare respiratory cancers to the list of presumed service-connected disabilities in relation to military environmental exposure to particulate matter.

The VA determined, through a review of scientific and medical evidence, there is biologic plausibility between airborne hazards, specifically particulate matter, and carcinogenesis of the respiratory tract. The unique circumstances of these rare cancers warrant a presumption of service connection. Based on these findings, VA's Secretary is proposing a rule that will add presumptive service connection for several rare respiratory cancers for certain veterans. The cancers under consideration include:

- Squamous cell carcinoma of the larynx;
- Squamous cell carcinoma of the trachea;
- Adenocarcinoma of the trachea;
- Salivary gland-type tumors of the trachea;
- Aden squamous carcinoma of the lung;
- Large cell carcinoma of the lung;
- Salivary gland-type tumors of the lung;
- Sarcomatoid carcinoma of the lung; and
- Typical and atypical carcinoid of the lung.

“This is the right decision. The rarity and severity of these illnesses, and the reality that these conditions present a situation where it may not be possible to develop additional evidence prompted us to take this critical action,” said VA Secretary Denis McDonough. “We’ll continue

to hold ourselves accountable to veterans to provide more care, more benefits and more services to more veterans than ever before.”

The VA intends to focus its rule on the rare respiratory cancers above in veterans who served any amount of time in the Southwest Asia theater of operations and other locations. VA will invite and consider public comments as part of this process. Once rulemaking is complete, the VA will conduct outreach to impacted veterans and survivors to inform them about potential eligibility.

Veteran’s Toxic Exposure Legislation

FRA supports the “Health Care for Burn Pit Veterans Act” (S. 3541) sponsored by SVAC Chairman Jon Tester (Mont.) and Ranking Member Jerry Moran (Kan.) that was recently passed by the Senate unanimously. The bill offers Post 9/11 combat veterans, who are suffering from conditions caused by toxic exposures, access to VA health care. The bill creates a three-step approach to:

1. Expand access to health care for exposed veterans;
2. Establish a new process to determine future presumptive conditions; and
3. Provide overdue benefits to thousands of toxic-exposed veterans who have been ignored or forgotten.

The Association is a member of the Toxic Exposures in the American Military (TEAM) Coalition and wants to ensure that no veteran who suffered exposure to burn pits or other environmental toxins goes without access to VA health care benefits. The recent jet fuel leak at Hawaii’s Joint Base Pearl Harbor-Hickam, impacted more than 9,000 military families in Hawaii after jet fuel from underground storage tanks at the Red Hill Bulk Storage Facility leaked into a well that supplies water to their on-base homes. This is a perfect example for the need for toxic exposure presumption.

Last year the Senate Veterans Affairs Committee (SVAC) approved the “Comprehensive and Overdue Support for Troops (COST) of War Act” (S. 3003) sponsored by SVAC Chairman Jon Tester. The Senate approved this bill unanimously. The House also approved the "Honoring Our PACT Act" (HR 3967) sponsored by the House Veterans Affairs Committee (HVAC) Chairman Mark Takano (CA). Both bills would allow all veterans who were at risk of toxic exposure, including 3.5 million Iraq and Afghanistan veterans, to obtain immediate and lifelong access to health care from the VA for the first time. One of the largest expansions of health care eligibility in the VA’s history. The bills would provide presumptive care for numerous conditions for veterans sickened by exposure to burn pits and other toxins. Both bills would also establish a new science-based and veteran-focused process for the establishment of new presumptive conditions and would provide benefits to thousands of toxic exposure veterans who have been long-ignored or forgotten, including Agent Orange veterans suffering from hypertension. The “Promise to Address Comprehensive Toxins (PACT) Act” (H.R. 3967), goes much farther than the Senate bill. It creates new service presumptions for over 20 health conditions, expands

research, and allows more veterans to receive coverage for the effects of toxic exposure. Another major difference between the “Health Care for Burn Pit Veterans Act” (S. 3541) and legislation approved by both committees last year (S. 3003/HR 3967) is that S. 3541 applies only to Post-911 veterans and the bills from last year apply to all veterans. The “Promise to Address Comprehensive Toxins (PACT) Act” (H.R. 3967) is estimated to cost \$300 billion over 10 years.

Burn pits were a common way to get rid of waste at military sites in Iraq and Afghanistan. More than 3.7 million service members have been deployed to the Southwest Asia theater of military operations since 1990. Deployment to the region exposed service members to airborne hazards including oil-well fire smoke, emissions from open burn pits, dust suspended in the air, exhaust from military vehicles, and local industrial emissions. Temperature extremes, stress, and noise encountered by service members may have increased their vulnerability to these exposures. Toxins in burn pit smoke may affect the skin, eyes, respiratory and cardiovascular systems, gastrointestinal tract, and internal organs. The VA has received 12,582 claims related to burn pit exposure but only 2,828 have been granted.

As noted above many claims have been rejected because of the lack of evidence of burn pit exposure. Each VA claim related to burn pit exposure must include:

1. Medical evidence of a current disability;
2. Evidence of burn pit exposure; and
3. Evidence of a link between the claimed disease/injury and exposure to burn pits.

The second step puts a very high burden of proof on a service member: each has to provide their own, personal evidence that they were exposed to burn pits. FRA is looking forward to working with both committees and bill sponsors to pass a bill on toxic exposure this year.

Agent Orange Blue Water Navy Claims

FRA is thankful to members of both committees for their support of the Agent Orange Blue Water Navy Act that passed in 2019, and that the VA began re-adjudicating Blue Water Navy claims for veterans who served in the offshore waters of Vietnam. This review is part of the Veterans Benefits Administration's implementation of the U.S. District Court for the Northern District of California order to re-adjudicate previously denied claims, per the *Nehmer vs. U.S. Department of Veterans Affairs* consent decree.

"This review provides an entire generation of veterans with another shot at getting the health care and benefits they've earned. And it sends a clear message that VA is working to right a wrong perpetrated by a government that ignored their service and sacrifice for far too long." Said SVAC Chairman Jon Tester (Mt.). As of April 30, 2021, the VA processed more than 45,000 Blue Water Navy claims and paid nearly \$900 million in retroactive benefit payments to disabled Blue Water Navy veterans.

In March 2021, SVAC sent a bipartisan letter asking VA Secretary Denis McDonough to provide the VA's estimated timeline for completing initial processing of Blue Water Navy Vietnam Veterans Act claims and the VA's plan to adhere to the *Nehmer v. U.S. Department of Veterans Affairs* consent decree.

Veterans Prostate Cancer

FRA is supporting the “Veterans’ Prostate Cancer Treatment and Research Act” (S.2720/H.R. 4880) to expand treatment and research of prostate cancer to help diagnose and treat veterans through the VA. This is the number one cancer diagnosed by the Veterans Health Administration. Recent studies have reported over 500,000 veterans are living with prostate cancer and receiving treatment within VHA. There are over 16,000 of those with metastatic disease and there are over 15,000 new diagnoses annually. The need to standardize treatment across VHA with the introduction of a comprehensive system-wide Prostate Cancer Clinical Pathway should be implemented. Studies have shown that prostate cancer develops more frequently in men exposed to Agent Orange and VHA has established it is a presumptive condition thus qualifying exposed veterans for full disability benefits. New data supports a link between prostate cancer and exposure to jet fuel (JP-8), cadmium, and aircraft component cleaning solvents.

The need to enhance research for this disease is clear as the number of diagnosed veterans continues to rise. The legislation requires VHA to establish a Clinical Pathway for Prostate Cancer and to expand VHA research efforts related to screening, diagnosis, and treatment options. VHA should promote veteran’s prostate cancer awareness, standardization of diagnosis and treatment, expanded educational resources, and continued research.

Gulf War Illness

FRA appreciates that the VA last year extended the presumptive period to Dec. 31, 2026, for qualifying chronic disabilities rated 10 percent or more, resulting from undiagnosed illnesses in veterans from the Persian Gulf War. This is meant to ensure the benefits established by Congress are fairly administered.

If an extension of the current presumptive period was not implemented, service members whose conditions arise after Dec. 31, 2021, would be substantially disadvantaged compared to service members whose conditions manifested at an earlier date.

Limiting entitlement to benefits due to the expiration of the presumptive period would be premature given that current studies remain inconclusive as to the cause and time of onset of illnesses suffered by Persian Gulf War veterans.

The VA presumes certain medically unexplained illnesses are related to Persian Gulf War

service without regard to cause, including, chronic fatigue syndrome, fibromyalgia, and functional gastrointestinal disorders. Also included are undiagnosed illnesses with symptoms that may include but are not limited to abnormal weight loss, cardiovascular disease, muscle and joint pain, headache, menstrual disorders, neurological and psychological problems, skin conditions, respiratory disorders, and sleep disturbances.

Conclusion

In closing, allow me to express the sincere appreciation of the Association's membership for all that you and the members of the Senate Veterans' Affairs Committees and your outstanding staffs do for our Nation's veterans.

Our leadership and Legislative Team stand ready to work with the Committee members and their staffs to improve benefits for all veterans who have served this great Nation.

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Christopher J. Slawinski **National Executive Director, FRA**

Christopher J. Slawinski serves as the thirteenth National Executive Director for the Fleet Reserve Association (FRA), a congressionally chartered military and veterans' service organization serving current and former enlisted members of the Navy, Marine Corps and Coast Guard.

First Hired in October 2004, Slawinski was the National Service Director and the Association's primary voice between our members and the Department of Veterans Affairs.

Slawinski is an accredited service officer with the FRA and holds TRIP certification within the VA. He is the National Representative with FRA in the VA Voluntary Service National Advisory Committee, and a local VAVS Representative for the VA Medical Center in Washington, DC. Slawinski also serves as the Treasurer and Board member for the VAVS James H. Parke Memorial Scholarship Fund.

Slawinski is a Vice President of The Military Coalition (TMC) along with being a Co-Chairman of TMC Veterans Subcommittee.

Slawinski is a life member of the FRA Navy Department Branch 181, Arlington, VA, and has served as president of the East Coast Region. During his term as a member of the Association's National Board of Directors, he represented FRA members who reside in Maryland, District of Columbia, Delaware, Virginia, West Virginia and North Carolina.

Slawinski enlisted in the Navy in 1978, transferred to the Naval Reserve in 1982 and retired in 1998. He holds a bachelor's degree in communications from The University of Toledo and spent 20 years in civilian broadcast media, during which he earned two regional Emmy awards.

Slawinski, born and raised in Toledo, Ohio, now resides in Annandale, Va. Chris is the proud father of his daughter, Victoria, who currently attends Pennsylvania State University (Penn State) in State College, PA.