

**Senator Richard Burr (R-NC) SVAC Preview Statement 9/29/2015**

**Hearing: Examining the Impact of Exposure to Toxic Chemicals on Veterans and the VA's Response**

- Thank you, Chairman Isakson and Ranking Member Blumenthal for the opportunity to give the Committee my perspective on the effects of toxic exposure on our nation's veterans and the Department of Veterans Affairs often inadequate and frustrating response.
- Before I begin, I'd like to recognize Master Sergeant Jerry Ensminger, US Marine Corps-Retired, from White Lake, North Carolina, who is here today and who has been a relentless advocate for Lejeune veterans for over fifteen years.
- Jerry, we wouldn't be here today without your fidelity, courage and commitment.
- Mr. Chairman, during my time on the committee, one toxic exposure issue continued to garner our attention because of its scope, severity and the intense public interest: the contamination of the water supply at Marine Corps Base Camp Lejeune in North Carolina.
- From 1953-1987, we know Camp Lejeune residents were exposed to poisoned water from industrial dumping on the base and contamination from a dry cleaner off the base.
- This thirty four year event has been called the worst incident of environmental exposure in our nation's history.
- Hundreds of thousands of service members, their families, and civilian workers drank and bathed in water that had been exposed to a mix of cancer causing chemicals that in one case took the life of a 9 year old girl, Janey Ensminger, who was born on the base.
- Once metabolized, the chemicals in the water could cause birth defects and increased risk of multiple cancers.

- The government's scientific investigation into Camp Lejeune began in 1989, but we've only seen significant progress in the last five years, spurred by the uncovering of critical Navy and Marine Corps records and the completion of long overdue studies on effects of the contamination.
- Along the way, I went to great lengths to reveal the truth about Camp Lejeune and hold the military and the VA accountable.
- To this day, I remain appalled at how the US government has treated these service members and their families.
- Our government rewarded the sacrifices of these patriotic men and women by negligently poisoning them and their families and by engaging in a decade's long cover-up.
- It wasn't until 2011, after significant Congressional pressure, that VA began consolidating all disability claims at one VA regional office and coding and tracking them.
- During that time, I introduced The Janey Ensminger Act, named in honor of Master Sergeant Ensminger's late daughter.
- That law was passed and signed into law in 2012.
- It has provided much needed and overdue medical relief to veterans and eligible family members seeking health care for cancers and conditions associated with toxic exposures at Camp Lejeune.
- Janey's Law was based on scientific findings required by a Congressionally mandated review, because within the VA there wasn't the expertise or the resources to explore the science of toxic exposures.
- The government studies on Lejeune conducted by the CDC's Agency for Toxic Substances and Disease Registry, ATSDR, are based on test results from water samples taken at Lejeune over successive years.

- The studies show some of the highest levels of recorded toxins in any U.S. water system and it reached the taps in houses, barracks, and offices.
- ATSDR has found Lejeune residents experienced higher rates of mortality at a younger age than those from an unaffected Marine Corps base, higher incidences of birth defects in children born on the base and a statistically high number of male breast cancer survivors.
- In fact, several chemicals found in Lejeune's water are now classified as known human carcinogens by the EPA and the International Agency for Research on Cancer.
- Mr. Chairman, the resistance inside the VA to the scientific data and facts for Lejeune demonstrates how VA has dealt with the scientific facts of toxic exposure overall.
- In the case of Lejeune, their approach ranged from scare tactics, like issuing overinflated estimates of the long term cost of care and benefits and suggesting the Department of Defense should take care of Lejeune families instead of VA.
- They produced passive-aggressive rebuttals of the scientific findings; have sought additional scientific studies, and created a bizarre procedural hurdle for Lejeune veterans to overcome in the disability claims process.
- To this day, Lejeune veterans from across the country contact my office and relate demoralizing accounts of ignorant VA doctors and a claims process that is frequently deaf and blind to scientific evidence and medical opinion.
- This summer, Secretary McDonald indicated he wants his people to back away from this adversarial approach, work with veterans with a history of toxic exposure, and begin by engaging Congress and government scientists to develop sound policy for Lejeune veterans.
- In July, Senator Tillis and I sat down with the Chairman and Secretary McDonald to raise some very serious concerns about a VA team of clinicians reviewing Lejeune veterans' disability claims before final decisions were made on service connection.

- These VA doctors were in various cases cherry picking the science, misrepresenting or misinterpreting scientific studies, using questionable sources, and overruling the opinions of veterans' oncologists.
- In the glaring case of one Marine veteran, Norman Mcilhenny, suffering from kidney cancer, a VA clinician stated there was no evidence one of the chemicals in Lejeune's water– the carcinogen TCE – was known to cause kidney cancer. VBA later denied Mr. Mcilhenny's claim.
- When VA was later shown evidence that exposure to TCE is widely accepted as a cause of kidney cancer, VA removed the citation in the denial notice, then reissued it, and denied Mr. Mcilhenny again.
- This is unbelievable, but sadly true. There are many other Lejeune veterans with similar stories, Mr. Chairman.
- At our July meeting, Secretary McDonald, to his credit, openly and fully recognized the fact that the science on Lejeune was undeniable and he agreed to work with ATSDR to compile data for a presumptive disability policy– soon afterward, VA publicly announced support for three cancers that could be covered.
- Last week, ATSDR submitted its seventy page report to VA detailing at least six cancers where sufficient evidence of causation from toxic exposure at Lejeune exists and several more conditions where moderate evidence of causation exists.
- Secretary McDonald has taken the first step to acknowledge ATSDR and other key agencies must play an integral role in helping VA confirm and understand toxic exposures, but I'm not convinced the olive branch from the Secretary will result in good policy beyond Lejeune if VA ultimately decides polishing its image is more important than scientific merit.

- When it comes to confirmed toxic exposures like those at Camp Lejeune, making certain the VA heeds the best science will require strong and engaged leadership from Secretary McDonald and continued, rigorous oversight from the committee.
- Congress must ensure VA health and benefits policy is based on facts, not conjecture or emotion, so those veterans who have been harmed by toxic exposures are properly cared for and compensated for their suffering.
- Thank you again Mr. Chairman for the opportunity to speak on this important issue.