

From: [Clay, Robert, E. VBALOUV](#) on behalf of [VAVBALOU/RO/VSC](#)

To: (b) (6)

[Redacted content]

Cc: [VAVBALOU/RO/VSC](#); [Kuerzi-Rodgers, Laura, VBALOUV](#); [Holtzman, Dean, VBALOUV](#); (b) (6)

[Redacted content]

Subject: Secretary Announces CLCW Presumptions

Date: Friday, December 18, 2015 7:28:58 AM

Attachments: [CLCW Presumption Talking Points 2015-11-17.docx](#)

All VSC Employees,

Yesterday, December 18, 2015, the Secretary announced VA's intent to establish new presumptions of service connection for eight conditions (listed in the attachment) for Veterans exposed to contaminated drinking water at Camp Lejeune.

VBA has drafted proposed regulations, which are under review within the Administration, to implement the new presumption conditions. Notice and comment rulemaking generally takes one to two years, so this rulemaking will be designated as one VA's highest rulemaking priorities and will be coordinated with OMB for expedited review and clearance.

VBA will continue to process claims from Camp Lejeune Veterans under current policies and procedures until it issues final regulations. VBA will grant all claims for all disabilities that are found to be associated with exposure to the contaminants. If a claim for service connection for one of the proposed presumptive conditions would be denied under current procedures, the denial will be stayed until VA issues its final regulations.

While I look forward to the actual regulatory change that will allow us to provide benefits to these deserving Veterans and their families, for now, there is no change in our processing of these claims. I have attached the talking points that were shared with us yesterday afternoon. As more information is received, we will share it with you.

Thank you for all you do every day to serve our Veterans and their families.

Semper Ad Excellentiam!

Laura
Laura Kuerzi-Rodgers
Veterans Service Center Manager

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Talking Points on Camp Lejeune December 17, 2015

Today's Announcement

- Today VA is publicly announcing VA's intent to establish new presumptions of service connection for eight conditions (listed below) for Veterans exposed to contaminated drinking water at Camp Lejeune.
- VBA has drafted proposed regulations to implement the new presumptions that are under review within the Administration. Notice and comment rulemaking generally takes one to two years, so this rulemaking will be designated as one VA's highest rulemaking priorities and will be coordinated with OMB for expedited review and clearance.
- VBA will continue to process claims from Camp Lejeune Veterans under current policies and procedures until it issues final regulations. VBA will grant all claims for all disabilities that are found to be associated with exposure to the contaminants. If a claim for service connection for one of the proposed presumptive conditions would be denied under current procedures, the denial will be stayed until VA issues its final regulations.

Suggested Conversation Points

- Based on the report from the Agency for Toxic Substances and Disease Registry (ATSDR) and work done by other agencies, VA is proposing to add new presumptive conditions. We are proposing to add the following eight conditions:
 - Kidney Cancer
 - Liver Cancer
 - Non-Hodgkin Lymphoma
 - Leukemia
 - Multiple Myeloma
 - Scleroderma
 - Parkinson's Disease
 - Aplastic Anemia / Myelodysplastic Syndromes
- Eligible population includes Veterans who have a record of service at Camp Lejeune between August 1, 1953, and December 31, 1987, and develop a condition that they believe is related to exposure to the drinking water at the base.
- The proposal would also expand benefits eligibility to Reserve and National Guard personnel who served at Camp Lejeune for any length of time from August 1, 1953, through December 31, 1987. These personnel would be presumed to have been exposed to the contaminated water during their Reserve or National Guard service and, in appropriate circumstances, to have been disabled by such exposure during service, thus allowing them to qualify for VA benefits under the statutory definition of "Veteran." This would make them eligible for VA disability compensation and medical care for any of the

presumptive conditions, and their surviving dependents would be eligible for dependency and indemnity compensation and burial benefits.

- Rulemaking will be required. Rulemaking is typically a slow process as it requires public notice and opportunity to comment. Despite the complications, VA will make every effort to get this done as quickly as possible.

Historical Background

- From 1953 through 1987, people living or working at the U.S. Marine Corps Base Camp Lejeune, North Carolina, were potentially exposed to drinking water contaminated with chemicals from dry cleaning waste and leaking storage tanks on the base. Tetrachloroethylene (PCE), trichloroethylene, vinyl chloride, and benzene were detected at elevated levels in the water treatment plants on the base during this time.
- The current health care law, passed in 2012, covers the following conditions for Veterans and family members who were on base for 30 days or more during this period: esophageal cancer, kidney cancer, breast cancer, female infertility, multiple myeloma, leukemia, miscarriage, renal toxicity, neurobehavioral effects, lung cancer, bladder cancer, myelodysplastic syndrome, hepatic steatosis, non-Hodgkin's lymphoma, and scleroderma. These conditions were determined based on a literature review done by the National Academies of Science (NAS) for VA in 2009.

ATSDR Report and VA Review

- VA requested that the Agency for Toxic Substances and Disease Registry (ATSDR) collaborate with VA subject matter experts to review the current state of the science to determine if there were strong enough associations between the chemicals of interest and adverse health outcomes to warrant the creation of presumptions of service connection for Camp Lejeune Veterans. Scientists from ATSDR and VA subject matter experts met on August 19 and September 22, and ATSDR presented VA with a report on a review of the weight of evidence for 17 conditions ranging from those with “sufficient evidence for causation” to those with “limited/suggestive evidence of an association”. The representatives from the two agencies had productive discussions on the science and these discussions were witnessed by Congressional staff and Richard Clapp, who represented the Camp Lejeune Community Assistance Panel.
- VA subject matter experts then did a comprehensive review of the evidence that included not only the analysis done by ATSDR, but those done by the Environmental Protection Agency (EPA), the International Agency for Research on Cancer (IARC), the National Toxicology Program (NTP), and NAS as well. In each case, teams of scientists reviewed the literature and weighed the evidence to make official determinations and classifications on behalf of their agencies.

- ATSDR listed five conditions for which they determined there was “sufficient evidence for causation” for at least one chemical of interest and health effects in the person exposed. Of those, VA’s review confirmed that designation for kidney cancer, liver cancer, non-Hodgkin lymphoma, and leukemias. There is a general consensus among the scientific community that strong evidence exists supporting the causation of these conditions by the chemicals of interest.
- Of the four conditions designated by ATSDR as having “modest evidence for causation” for at least one chemical, VA’s review concluded that there was strong evidence for relationships between the chemicals of interest and multiple myeloma, Parkinson’s disease and scleroderma.
- VA concluded that the weight of evidence was not strong enough at this time to support the creation of presumptions for any other conditions included in ATSDR’s analysis, as the findings of key studies on these conditions were often conflicting. More studies will need to be done to add to the current body of evidence, and VA will continue to monitor these studies as they become available.
- ATSDR did not evaluate or give a recommendation regarding aplastic anemia, but based on the evaluations done by EPA and IOM, there is strong evidence of causation due to exposure to benzene; therefore, it is recommended that this and other myelodysplastic syndromes be included in the policy as well.

Summary Side-By-Side Comparison of ATSDR Report Conclusions and Draft VA Presumption Recommendations:

ATSDR Report:

Draft VA Presumption Recommendations:

Sufficient Evidence for Causation:

Kidney Cancer*
 Non-Hodgkin Lymphoma*
 Leukemia*
 Liver Cancer
 Bladder Cancer*

Kidney Cancer*
 Non-Hodgkin Lymphoma*
 Leukemia*
 Liver Cancer

Modest Evidence for Causation:

Multiple Myeloma*
 Parkinson’s Disease
 Kidney diseases
 Scleroderma*

Multiple Myeloma*
 Parkinson’s Disease
 Scleroderma*

Sufficient Evidence of an Association:

Pancreatic Cancer
 Prostate Cancer
 Esophageal Cancer*

Lung Cancer*
Rectal Cancer
Cervical Cancer
Brain / CNS Cancer

Limited / Suggestive Evidence of an Association:

Breast*

Aplastic Anemia / Myelodysplastic
Syndromes*

*Disease/Condition included in the “Honoring America’s Veterans and Caring for Camp Lejeune Families Act of 2012” (P.L.112-154), enacted on August 6, 2012. Also included in the law, but not listed above are Female Infertility, Miscarriage, Hepatic Steatosis, Neurobehavioral effects and Renal toxicity.