

contaminated water exposure is received evidence provided to or obtained by VBA must show manifestation of a current disease or disability. When this first requirement is met, military records are reviewed for evidence of service, and the length of service, at Camp Lejeune. This will determine whether the requirement for an in-service event has been met. When Camp Lejeune service is verified, an initial determination is made regarding the likelihood that the claimed disease or disability can be associated with the specific water contaminants. If the claimed disease is supported by sufficient private medical evidence indicating an association with a known contaminant or the disease is one specifically recognized by scientific organizations as being associated with one of the known contaminants, VA will fulfill its duty to assist Veterans by scheduling a VHA medical examination. As part of the examination, the qualified VHA medical examiner will be asked to provide a reasoned and scientifically supported opinion as to whether it is at least as likely as not that the claimed disease or disability is related to exposure to water contaminated ion water exposure at Camp Lejeune. This VHA medical opinion will be the primary consideration for VBA's when determination of ing whether the required medical link or nexus has been established and whether service connection can be granted.

Broken into its most basic requirements, processing claims for compensation believed to be the result of exposure to the contaminated drinking water at Camp Lejeune requires the following:

- **Evidence of service at Camp Lejeune during the period of water contamination;**
- **Evidence of a current disability that may be associated with the contaminants; and,**
- **A medical opinion from the Veterans Health Administration.**

Actions Going Forward

VBA is concerned with some of the medical opinions provided in these claims. They do not appear, on their face, to meet our need for an informed opinion that takes into account all that is known about the contaminants in the water at Camp Lejeune and the development of claimed disabilities. VBA met with Dr. Gerald Cross and his staff on Monday, February 27, to discuss this issue. He is very willing to work with us in developing procedures to ensure that the best medical opinion evidence is provided to VBA. With this as the desired outcome, VBA will work with VHA to take the following steps:

- For cases that are "straight forward" (link to science is reasonably clear) we will continue the current process
- For cases that are not "straight forward," the Louisville RO will send cases to DMA Consultation Service

- DMA will establish regionally based senior / experienced examiners to review these cases
- Review may or may not require that the claimant be seen by the senior examiner. If travel length is prohibitive, it is possible to provide the medical nexus opinion first and have the residual exam completed locally.
- DMA will ensure that all senior examiners are familiar with the current scientific findings
- VBA will forward any "straight forward" cases to the DMA consultation service if the findings appear to be inconsistent with scientific and medical facts or exposure data, whether positive or negative
- The Consultation Service will focus on exams and science, with no intent to deny claims
- Work closely with staff at the Louisville RO to ensure consistent application of guidance on processing Camp Lejeune claims
- Continuing to work with the Agency for Toxic Substances and Disease Registry as they progress with the Camp Lejeune studies underway
- Monitoring further developments/reports on Camp Lejeune-related issues through the VA/DoD Deployment Health Work Group.

Prepared by Compensation Service (211)
March 1, 2012



Initial Guidance for Evaluating Claims for Disability Based upon Exposure to Contaminated Water at Camp Lejeune, North Carolina

While it has been determined that the potable water supplies at Camp Lejeune were contaminated with several toxicants during the period of 1957 to 1987; the exact locations of specific contaminant among the 15 different water supplies and the levels of contamination during different periods of time is not yet (and may never be) determined. While ATSDR is in the process of providing a model to determine levels and locations of contamination, it will probably not be a definitive documentation.

Good clinical acumen, knowledge of toxicology, environmental medicine and the ability to understand and interpret epidemiological and statistical studies is imperative to developing scientifically sound medical opinions which are fair and impartial, but still give the benefit of the doubt to the Veteran as required.

- A. **Period of Water Contamination/ Duration of exposure:** VBA should be determining whether the Veteran served during the specified period of contamination. However, VHA examiners must determine if the period of time spent on Camp Lejeune is sufficient to reasonably suspect enough exposure to develop stochastic responses to a toxicant. Examiners must take into consideration:
1. Length of tour at Camp Lejeune including periods of deployment away from the camp
 2. Whether the Veteran lived on base or off base
 3. Multiple tours during the period of contamination
 4. Military occupational status while stationed on the base:
(I.e. whether a ground troop subjected to rigorous daily PT versus hospital personnel or legal personnel not so exposed)
 5. TAD/TDY personnel probably not significantly exposed; however, must evaluate on a case by case basis based upon length of TAD/TDY; season in which TAD/TDY occurred (Camp Lejeune is in Eastern NC and is beastly hot and humid in the summer) and occupational status.
- B. **Routes of Exposure:** Different conditions are more prevalent with different types of exposures:
1. The major source of individual exposures at Camp Lejeune were through ingestion of drinking water
 2. Because water also used for bathing and cooking, it is possible that vaporized solvents were inhaled during bathing and other activities in which hot water was used.
 3. Dermatological conditions can be caused by exposure to almost any organic solvent (eczema etc:). However, these conditions would be expected to be acute or at most subacute. Therefore, the condition should be manifest while the Veteran was stationed to Lejeune or very shortly thereafter(within 2 -3 months after leaving).

C. Diseases and Conditions: The IOM report on contaminated drinking water contains a list of conditions with limited or suggested evidence of association with contaminated drinking water at Camp Lejeune. There are several comments to be made about this list:

1. It cannot be taken as prima facia evidence of causation either in general or in individual cases
2. This is an extremely broad category and includes conditions for which only one positive study exists to those with many studies with conflicting evidence
3. Therefore, other scientific and medical information must be utilized in conjunction with this list to make a valid, defensible opinion.
4. Benzene was not known to have been a contaminant when that report was published. Subsequent information determined that Benzene (a Class 1A human carcinogen) was present in some parts of the water system.
5. Literature both on the contamination in general and on these toxicants in particular is continuing to be published and the weight of the scientific evidence may change accordingly.

Flohr, Brad, VBAVACO



From: Cassano, Victoria
Sent: Wednesday, March 28, 2012 1:44 PM
To: Cross, Gerald M. (SES EQV); [REDACTED] Flohr, Brad, VBAVACO; Walters, Terry
Subject: CAMPLEJEUNEOpinions30nov1230pm.pptx
Attachments: DBQworkshopMedical Opinions30nov1230pm.pptx

Draft slide deck for USH briefing.
This may be too long and involved, but it gives a clear understanding.
Edits/Comments please