

United States Senate

WASHINGTON, DC 20510

February 3, 2011

The Honorable Eric K. Shinseki
Secretary of Veterans Affairs
810 Vermont Avenue, NW
Washington, DC 20420

Dear Secretary Shinseki:

Thank you for the Veterans Benefits Administration "fast letter" to Veterans Affairs (VA) Regional Offices and Centers dated January 11, 2011. It is a positive step that all disability claims and appeals related to veteran exposure to contaminated water at Marine Corps Base (MCB) Camp Lejeune will be transferred to the Louisville Regional Office. This will enhance the VA's ability to process these claims more effectively, efficiently and consistently. Ultimately, I hope this action can lead to a presumptive policy on water contamination cases, similar to that governing exposure to the Vietnam-era chemical, Agent Orange. A presumptive policy would simplify and expedite the process for veterans to receive compensation for diseases resulting from chemicals in Camp Lejeune's water supply.

I understand that the Claims and Processing Service within the VA is drafting a new Training Letter that will provide updated guidance to all Regional Offices and Centers regarding exposure to water contamination at Camp Lejeune. As you know, the VA previously issued Training Letter 10-03 dated April 26, 2010, which referenced the 2009 National Research Council (NRC) report *Contaminated Water Supplies at Camp Lejeune: Assessing Potential Health Effects*. Well-respected scientists, including those at the Agency for Toxic Substances and Disease Registry (ATSDR), have disputed this report. The VA's utilization of the report has been a major stumbling block to veterans seeking service-connected disability benefits.

I believe the VA must consult with ATSDR in drafting a new Training Letter. ATSDR is statutorily required under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA, Title 42 of the U.S. Code) to study and determine human health effects at designated National Priority Listed sites – MCB Camp Lejeune being one of them. It is important that the Training Letter clearly states that the VA is no longer using the NRC report to adjudicate claims and determine benefits for veterans who were exposed to water contamination at the base. I encourage the VA to provide to its Regional Offices and Centers a copy of ATSDR's letter to the Department of the Navy, dated October 22, 2010. Moreover, posting the ATSDR letter on the VA website would help achieve clarity for VA administrators, as well as the public at-large.

The letter followed a meeting between myself and ATSDR Director Dr. Christopher Portier, and states ATSDR's position that the NRC report failed to provide an accurate picture of the contaminants in Camp Lejeune's drinking water and potable water system, and adverse health effects associated with exposure. It highlights the report's scientific shortcomings and inaccurate conclusions.

I agree with ATSDR that there was undoubtedly a hazard associated with contaminated water at Camp Lejeune. The NRC report only focused on tetrachloroethylene (PCE) and trichloroethylene (TCE) without considering other contaminants that were present in Camp Lejeune's drinking water such as benzene, vinyl chloride, and mixtures of other volatile organic compounds. The report significantly downplayed the level of exposure to PCE and TCE in the drinking water and potable water system; significantly downplayed the adverse health effects resulting from such exposure; did not assess or provide conclusions based on scientific associations between benzene, vinyl chloride, and adverse health effects; and did not take into account the Environmental Protection Agency's new draft health risk assessment for TCE. Additionally, the report's conclusions on TCE and PCE differed from the International Agency for Research on Cancer and the National Toxicology Program's classification of these chemicals as "probable human carcinogens" or "reasonably anticipated to be a human carcinogen" with cancers, including kidney tumors.

In late October 2010, ATSDR released a groundbreaking report known as Chapter C, which provides scientific evidence suggesting that the water on the base was contaminated with harmful chemicals. The report detailed ground water contamination at the base, confirming that significant concentrations of benzene, PCE, TCE, and vinyl chloride had been detected in water supply wells and in drinking water from water treatment plants. It is the first in a series focusing on the contaminated water at Camp Lejeune. Such detailed and relevant scientific information can only be obtained through an effective relationship with ATSDR.

An effective VA-ATSDR relationship will benefit veterans, civilians, and their family members who have been adversely affected by water contamination aboard Camp Lejeune. It can also provide the VA with a stream of updated scientific information relevant to the adjudication of claims. ATSDR scientists can also potentially serve as a resource for VA administrators in determining exposure levels and adverse health impacts. ATSDR's ongoing human health studies, including the exposure water modeling will also help provide more insight.

My final point that I want to emphasize involves the extensive length of time it takes for veterans to be awarded service-connected disability benefits. The VA should determine additional ways to be proactive in assisting veterans to obtain the required documentation and nexus letter that demonstrates exposure to the contaminated water and adverse health effects.

Since coming to the Senate, I have been working to help provide answers regarding the historical water contamination aboard Camp Lejeune to veterans, civilians, and their families that have lived or worked on the base. Thank you for your attention to this matter. I look forward to working with the VA on this issue.

Sincerely,



Kay R. Hagan
United States Senator

Enclosure: Letter from ATSDR to the Department of the Navy dated October 22, 2010.