



THE AMERICAN LEGION LEGISLATIVE POINT PAPERS

Address Toxic Exposures & Burn Pits

Background

When deploying to various locations around the world, servicemembers are often well prepared for the armed conflict they will face. However, environmental airborne hazards are not typically at the forefront of their minds. Instead, it is a concern that develops as they are frequently exposed to pesticides, burning materials, encumbered air particles, and tainted water supplies throughout the course of their duties. Unfortunately, it is not a concern that remains in the theater, but rather returns home with them along with potentially new medical complications.

Over 3.5 million veterans have deployed in the Global War on Terror (GWOT), and a disturbingly high percentage of them have been exposed to airborne toxic hazards during their service as a result of burn pits.⁴ The Department of Defense (DoD) is beginning to admit and concede exposure in locations where it utilized burn pits, but this data is far from exhaustive and many years late.⁵ Regrettably, the conversation on toxic exposures is not a new concept to The American Legion and the Department of Veterans Affairs (VA). The American Legion has for decades fought for service-connected disability benefits for adverse health conditions linked to toxic exposures from a variety of toxic substances.⁶

In August 2021, VA announced that asthma, rhinitis, and sinusitis would be the first presumptive conditions for veterans exposed to burn pits and other airborne toxic hazards during the Gulf War and Global War on Terror. Additionally, VA announced that it would begin a 90-day review of rare respiratory cancers to identify possible service connection. While the efficiency of VA rulemaking allows for quicker action, legislation is needed to comprehensively address the deadly effects of toxic exposures.

It took decades for VA to provide relief for Vietnam veterans exposed to Agent Orange. Now a new generation of veterans has deployed in support of the Global War on Terror and is coming home with illnesses and conditions caused by toxins. We must break this cycle of providing care that is considered “too little, too late” for our veterans. They cannot wait decades to receive the care they need and rightfully deserve.

The American Legion continues to urge Congress to pass legislation that uses a three-prong approach of (1) establishing the presumption of exposure to all veterans deployed to identified

⁴ Va.gov. 2010. [online] Available at: <<https://www.va.gov/vetdata/docs/SurveysAndStudies/NVSSurveyFinalWeightedReport.pdf>> [Accessed 31 January 2022].

⁵ 2019. Acq.Osd.Mil. <https://www.acq.osd.mil/eie/Downloads/Congress/Open%20Burn%20Pit%20Report-2019.pdf>.

⁶ "Exposure Wars: The Long, Connected And Continuing Fight For Accountability." 2018. The American Legion. <https://www.legion.org/magazine/242263/exposure-wars-long-connected-and-continuing-fight-accountability>.



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locations during the Gulf War and the Global War on Terror; (2) establishing a list of presumptive illnesses associated with exposure to burn pits and other toxic hazards where sufficient scientific evidence exists; and (3) by creating a transparent framework for VA to establish additional presumptive illnesses when scientific evidence displays an association between exposure and illness.

Key Points

- For veterans with exposure to toxins in Vietnam, VA recognized three additional presumptive conditions for Agent Orange/herbicide exposure: bladder cancer, hypothyroidism and Parkinsonism.
- VA began processing disability claims for asthma, rhinitis and sinusitis on a presumptive basis by conceding exposure to veterans who served in the Gulf War and Global War on Terror theaters of operations.

What Can Congress Do?

- Mandate VA to recognize more presumptive conditions by establishing a transparent framework to determine additional presumptive illnesses when scientific evidence displays a positive association between exposure and illness.
- Pass comprehensive legislation providing health care for millions of veterans exposed to toxic hazards, thereby conceding exposure while establishing a presumption of service connection for illnesses and cancers related to exposure when the scientific research displays positive association.

Relevant Resolutions:

- Resolution No. 11 (2018): *Agent Orange and Kidney Disease*.⁷
- Resolution No. 19 (2018): *Burn Pits and Environmental Exposures*.⁸
- Resolution No. 35 (2016): *Agent Orange*.⁹
- Resolution No. 118 (2016): *Environmental Exposures*.¹⁰

⁷ The American Legion Resolution No. 11 (2018): [*Agent Orange and Kidney Disease*](#)

⁸ The American Legion Resolution No. 19 (2018): [*Burn Pits and Environmental Exposures*](#)

⁹ The American Legion Resolution No. 35 (2016): [*Agent Orange*](#)

¹⁰ The American Legion Resolution No. 118 (2016): [*Environmental Exposures*](#)