

**STATEMENT FOR THE RECORD
OF
VETERAN WARRIORS
FOR THE
HOUSE COMMITTEE ON VETERANS' AFFAIRS
SUBCOMMITTEE ON DISABILITY
ASSISTANCE AND MEMORIAL AFFAIRS
CONCERNING
TOXIC EXPOSURES: EXAMINING AIRBORNE HAZARDS IN
THE SOUTHWEST ASIA THEATER OF MILITARY OPERATIONS
SEPTEMBER 23, 2020**

Chairman Luria, Ranking Member Bost, and members of this Committee, Veteran Warriors expresses their gratitude for the opportunity to offer our views on the potential health effects of exposure to burn pits (operated in combat areas of operation).

Currently, the Department of Defense (DoD) and the Department of Veterans Affairs (VA), maintain the collective position that there is no conclusive evidence linking the use of open-air burn pits in combat zones and ill-effects on those who live and work around them. Both agencies claim that 1) the air quality at the bases in question has not been studied enough to provide evidence and 2) that more research is necessary to formulate conclusions as to any causal links between the contaminants emitted from the burn pits and the injuries sustained by those who have served near them; before either agency will openly acknowledge this dangerous issue.

The DoD and VA have consistently denied earned benefits and services to those service members who have contracted all manner of toxin related injuries for over fifteen (15) years. These injuries range from pulmonary diseases to rare cancers, autoimmune diseases and even death. The public relations arm of the DoD has gone so far as to fabricate information that is completely contradicted by the military's own reports; to downplay the role of the burn pits and their severe threats to human life. ¹ Despite the DoD's own regulations, enacted in 2009, to stop the use of burn pits for waste disposal; they have continued to defy their own edicts and even lay blame on third party contractors to avoid responsibility.²

In 2010, the VA issued a policy which expressly describes the way the rating examiners were to handle burn pit and water contamination claims.³ The entire section regarding the burn pits was completely ignored by Congress as it fast-tracked benefits and services for those who were exposed (for as little as 30 days) to contaminated water at Camp Lejeune, SC. The VA

was later forced to create a Burn Pit Registry in 2014, to track and assist veterans with care and benefits and it currently has approximately 214,000 veterans registered. Though as nearly every beta-tester of the registry predicted; a Congressionally mandated study released by the National Academy of Science in February of 2017 highlighted the conspicuous dysfunction and complete lack of efficacy of the registry. The study confirmed that the registry, its questions and collected data are essentially useless and not being utilized by the VA in making ratings decisions or providing health care to affected veterans. ⁴ This information forces us to question VA's statements that they are using this database for "showing relationships" between "Blast injuries and lung dysfunction". VA is touting extremely slanted numbers...they claim to have 12,582 "claims for burn pit exposures" and have approved 2,828. With over 214,000 veterans listed on the Registry, it begs the question of why VA only processes "burn pit claims" if the veteran specifically states that on the claim. What VA is NOT stating is that VA is REQUIRED by its own policy, to treat claims for such exposure related illnesses, as BURN PIT CLAIMS, even without the specific language. They are NOT doing so.

Additionally, VA has repeatedly stated that they do not and will not TRAIN rating examiners

1. Evidence:

On **December 20, 2006**; LtCol Darrin L. Curtis, Bioenvironmental Engineering Flight Commander, (Balad Air Base, Iraq) issued a now well-know "Balad Memo"; discussing in depth, the contaminants found in and around the base's open-air burn pit. He explicitly detailed that Balad's burn pit had **"...been identified as a health concern for several years in numerous after-action reports..."**. He emphatically recommended not only the use of incinerators at that base, but that all such locations in the future be fitted with incinerators to protect the health of all stationed on these bases.

LtCol Curtis clearly documented the specific (toxic) chemical compounds that had been found at Balad, "The smoke hazards are associated with burning plastics, Styrofoam. paper, wood, rubber, POL products, non-medical waste, some metals, some chemicals (paints, solvents, etc.), and incomplete combustion by-products. A list of possible

Contaminants includes: acetaldehyde, acrolein, arsenic, benzene, carbon dioxide, carbon monoxide, dichlorofluoromethane, ethylbenzene, formaldehyde, hydrogen cyanide, hydrogen chloride, hydrogen fluoride, various metals, nitrogen dioxide, phosgene, sulfuric acid, sulfur dioxide, toluene, trichloroethane, trochloropropane, and xylene. Many of these chemical compounds have been found during past air sampling."⁵

Despite the cautionary recommendations made by in that report, it would be another three (3) YEARS (a full eight years since operations began in Afghanistan and five years in Iraq); before U.S. Central Command (CENTCOM) would issue an actual regulation governing the management of waste disposal in its areas of operation.

On **November 2, 2009**, CENTCOM issued Regulation Number 200-2 "Environmental Quality CENTCOM CONTINGENCY ENVIRONMENTAL GUIDANCE". This regulation was designed using the **Environmental Protection Agency's** very (heavily researched) criteria and

“acceptable levels” of contaminants that were to be monitored. Contained in it are numerous specific regulations regarding every manner of waste; but it specifically addresses the use of burn

pits and incinerators.

Chapter 3, section 4(d): “Develop a burn pit, landfill and/or incinerator operation to dispose of non-reusable SW. If a burn pit is used, develop a plan to transition to an incinerator as the camp matures and population increases. Burning waste (burn pits) gives off toxic fumes that can affect the life, health and safety of USCENTCOM and coalition forces.”

Chapter 9, section 2: “Burn pits are typically utilized as contingency operations bases are first stood up. The burn pits must be replaced by SW incinerators when the transition is practical (See Chapter 13: Waste Incineration).” **Chapter 9, section 3(a):** “Solid Waste Strategy: Base camps are required to implement a SW management strategy that reduces the volume of SW disposal. The most common method to accomplish this reduction is to transition from burn pits to incinerators. This will be done as soon as practical after the base is established.”

Chapter 13, section 2: “Burn pits/burn boxes should operate from three hours after sunrise to three hours before sunset to ensure good smoke dispersion. Discontinue (do not add additional material) burning three hours before sunset.” **Subsection (1):** Consider the following pollutants for periodic (at least yearly) sampling/monitoring. ...

- (a) Dioxins
- (b) Polycyclic Aromatic Hydrocarbons (PAH)
- (c) Volatile Organic Compounds (VOC)
- (d) Carbon Monoxide (CO)
- (e) Hexachlorobenzene
- (f) Particulate Matter (PM) – both PM10 and PM2.5

(2) Sampling/monitoring results that show high levels of a particular pollutant must be worked on a case-by-case basis to determine cause(s) and resolution(s). Problem solving must include SMEs from various disciplines, including Environmental, FHP and USACHPPM.”

It is important to note that these very chemicals were described as found in high levels at Balad, in the 2006 memo. This same base again the subject of an air quality testing in 2011, which specifically addressed the air quality and contaminants found at Balad; as well as the potential severe health risks to personnel stationed there.

CENTCOM’s regulation provides a specific threshold—“...**when an installation exceeds 100 U.S. personnel for 90 days—that determine when an installation must develop a plan for installing alternative waste disposal technologies...**”, such as incinerators, so that open-air burn pit operations can cease. The regulation does not state that incinerators must be used, only that an alternative solid waste disposal method to open-air burn pits needs to be employed.

Two (2) years later, another study of air quality was performed at Balad. The ensuing report was by far, more in depth and specific as to the toxins found and specific affects that a person could have if exposed.

April 15, 2011

“...the purpose of this memorandum is to summarize the results of air samples taken at BAF;

which includes Camp Sabalu-Harrison, and the potential long-term effects that the air quality may have on Service Members. Results of air samples taken over approximately the last eight years

indicate that there may be an increased risk of long term adverse health conditions as a result of the poor air quality here on BAF...The primary contributor to the elevated PM10 and PM2.5 was a burn pit which services the trash generated on BAF with a population of up to 10,000 Service

Members and contractors. Throughout the deployment the burn pit smoke plume drifted over the LSA exposing Service Members to increased air contaminants. The long term health risks associated with air conditions on BAF from PM2.5 and PM10, indicates there is a potential that long-term exposure at these levels may increase the risk for developing chronic health conditions such as reduced lung function or exacerbated chronic bronchitis, chronic obstructive pulmonary disease (COPD), asthma, atherosclerosis, or other pulmonary diseases...".⁶

The DoD was not solely focusing its research of air quality in Afghanistan; although the consistency and breadth of the studies was minute compared to the consistent efforts in Afghanistan. This was understandable and likely due to the highly kinetic operational tempo of the combat area. The battle space was urban rather than rural and the enemy engagement drastically outpaced that which was happening in Afghanistan. Though the overall results were far too similar to those found in Afghanistan and yet they too were ignored. However, in August 2007, a report was issued on the air quality at "FOB Hammer".⁷

"The occupational and environmental health risk (OEH) estimate for exposure to the ambient air at FOB Hammer, Iraq, based on samples for particulate matter less than 10 microns in diameter (PM10) and metals is high. **The high-risk estimate is due the average PM10 level being at a concentration the U.S. Environmental Protection agency considers "hazardous" and is likely to affect the health of all personnel.** In generally healthy troops, increased medical visits and respiratory infections may cause some operational impact (that is, lost duty days), particularly if exposures are repeated or continuous."

The DoD went so far as to state in January 2011, that the burn pits in Iraq were shut down and that those remaining in Afghanistan would be shut down by the end of the year ⁸;

"...I was able to confirm that the burn pits have ceased operations," said Lt. Col. Michael T. Lawhorn, chief of media relations for U.S. Central Command, which oversees operations in Iraq and Afghanistan. There are still burn pits operating in Afghanistan, however, but those are also scheduled to close, Lawhorn said. "Currently there are more than 100 burn pits in [Afghanistan], but all are targeted for conversion to incinerators or eventual shutdown," Lawhorn wrote in an email Friday morning. "There are 33 operational incinerators in [Afghanistan], but we expected there to be well more than 100 by the end of 2011."

This seemed like a victory to those who were exposed to the toxic chemicals. It would be another two (2) years before the truth came to light; that the DoD had not shut down the burn pits and converted waste management to incinerators.

In fact, several scathing reports by the Special Investigator for Afghanistan Reconstruction

(SIGAR) would provide factual information as to the wanton disregard for service members health and safety. We would discover that the taxpayers paid for millions of dollars in equipment, service members were promised protections and none of it was true. ⁹

“...This report highlights the ways in which incinerator operations in Afghanistan were not conducted in a manner that resulted in the most efficient use of U.S. taxpayer funds. Unfortunately, in many instances DOD officials did not take sufficient steps to ensure the proper management of contracts for the construction of the incinerators to address the problems identified during our inspections of particular incinerator facilities. Given the fact that DOD has been aware for many years of the significant health risks associated with open-air burn pits, it is indefensible that U.S. military personnel, who are already at risk of serious injury and death when fighting the enemy, were put at further risk from the potentially harmful emissions from the use of open-air burn pits...” (Emphasis added).

Three years later (June 7, 2018), Congress held the first ever hearing on the effects of the burn pits on service members. This hearing was a full twelve (12) YEARS after the first memo was received by CENTCOM. The DoD refused to attend this hearing or provide testimony or answers to the most glaring question...***WHY is this still going on despite the overwhelming evidence that the use of open air burn pits is hazardous to human life?***

During this hearing, the VA representative, Dr. Ralph L. Erickson, Chief Consultant, Post-Deployment Health was questioned as to whether or not burn pits were still being used. He responded that, *“According to the (DoD), they are all shut down.”* He later testified that the *“...VA has processed 9,000 claims for burn pit related conditions...”*, though he did not elaborate on the outcomes of those processed. Recently released reports from VA indicate that just over 2,000 veterans claims for burn pit exposures have been APPROVED. Anecdotally, veterans across the nation are consistently reporting being outright denied benefits and services for burn pit related injuries.

Veteran Warriors has obtained photographs taken by a service member in Taji, Iraq, (one of the oldest Iraq FOB's); that were taken over the course of several months in 2018. These photos show the plume from the burn pit on Taji, operated SOS International, Ltd., (a DoD contractor).



Most noteworthy during that hearing, some members of Congress posited that more research is necessary to determine if the burn pits are the primary cause of these injuries. Some even proffered the outlandish suggestion that before any further discussion takes place towards providing benefits and services to injured veterans; that the local populace and localities need to be studied further to determine if there was a contagion responsible for these injuries. As there is no known single contagion that is the primary cause for respiratory, blood, autoimmune and cancer diseases, this suggestion borders on a willful denial of reality.

Inside the U.S. borders, it is illegal (under numerous federal and state statutes) to burn a wide variety of items in open-air burn pits. Yet, as the conflicts in the Middle East have worn on; the use of open-air burn pits not only was permitted, but it was openly sanctioned as “necessary”.

Each and every item burned in these pits emits a chemical or group of chemicals. Each of these chemicals has been studied by **thousands** of researchers around the world. The consistency in the results of that research is what the USG has used repeatedly to create and enforce laws about open-air burning of trash, inside our borders; yet the DoD and VA still refuse care and benefits to tens of thousands of service members on the basis of their myopic and pigeon-hole research base.

The irony and insult to each service member is obvious and overt. The DoD has lengthy and specific regulations regarding burning such items as any piece of military equipment painted with CARC paint. As all military equipment is painted with CARC paint, it is a logical conclusion that no military equipment or part of such equipment be burned in an open-air pit. Yet the DoD has sanctioned the burning of all manner of military equipment painted with CARC paint for the entire duration of the Middle East conflict.

1. https://phc.amedd.army.mil/PHC%20Resource%20Library/CARC_Paint_37-011-0313.pdf
2. https://phc.amedd.army.mil/PHC%20Resource%20Library/TG144_NOV2012.pdf

The VA also has a public policy about veterans who have been exposed to burning CARC paint and acknowledges that this paint contains toxic chemicals that can be harmful to humans.

1. <https://www.publichealth.va.gov/exposures/carc-paint/index.asp>

“Health problems associated with CARC paint:

Paint fumes present the most potential risk to users especially when CARC is spray painted, rather than applied with a brush or roller.

CARC paint contains several chemical compounds that can be hazardous when inhaled or exposed to the skin:

- Isocyanate (HDI) – Highly irritating to skin and respiratory system. High concentrations can cause: itching and reddening of skin; burning sensation in throat and nose and watering of the eyes; and cough, shortness of breath, pain during respiration, increased sputum production, and chest tightness.
- Solvents – Inhaling high concentrations can cause coughing, shortness of breath, watery eyes, and respiratory problems, including asthma
- Toluene diisocyanate (TDI) – High levels released during the drying process can cause kidney damage.”

CARC paint is only one specific known chemical compound that has been routinely burned in open-air pits. There are literally thousands more.

On April 26, 2010; the VA issued the “Environmental Training Letter” to all VA facilities nationwide. It is a policy document which clearly directs all rating examiners and clinical providers on specific chemicals known to be found in the open-air burn pits and how to rate and treat veterans who claim exposures.

http://archive.sgtsullivancenter.org/wp-content/uploads/2014/11/Training-Letter-10-03-OIF_OEF-Exposures.pdf

Most are familiar with parts of this document; as it has supported the legislation surrounding the Camp Lejeune Water Contamination presumption of exposure that the VA has granted to those who served on that base.

The existence of this “Training Letter” provides yet another layer of evidence that the VA is aware of the toxins veterans’ who served near open-air burn pits were exposed to and continues to defy even its own edicts. Under this policy, the VA has granted “Presumptive Status” to those exposed to contaminated water at Camp Lejeune (only); even though this very policy encompasses the burn pits in Iraq, Afghanistan and Djibouti; as well as water contamination at Camp Lejeune and Atsugi, Japan.

As nearly all trash burned releases toxic chemicals and the USG has regulated this for decades; there is no excuse why it should even be an option, let alone continue.

Those doing so are subject to fines and criminal sanctions inside the U.S. borders. Those service members exposed to these chemicals should not be denied access to any medical care or benefits when the hazards are well known to the USG.

The Center for Disease Control (CDC) lists all of the chemicals found in the Middle East conflict

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As a nation, forcing our service members to fight or die waiting for rightfully earned benefits and services; solely based on two agencies refusal to acknowledge peer accepted science; should be a source of shame. To continue to behave as if these veterans are fabricating their injuries is tantamount to denying their service.

To those who believe that “more research” is STILL necessary before the DoD and VA drop the false denial of causality; we recommend that the following agencies be convened as a hearing, to provide sworn testimony as the decades of peer-reviewed, empirical evidence that has been used to support thousands of environmental and human safety laws in our nation;

1. The Environmental Protection Agency
2. The Center for Disease Control
3. The Occupational, Health and Safety Administration
4. The World Health Organization
5. The American Lung Association
6. The American Cancer Society
7. The thousands of universities and private research facilities around the world.

As a direct result of the decades of research by these public and private entities, our nation mandates under the color of law; the burning of trash on private land, smoking in public buildings, safety requirements for thousands of professions, the chemical composition of paint in your home, what can and not be discharged into the water supply system, the burning of tires, plastics,

Styrofoam, and even the military’s own regulations for handling of all manner of trash and hazardous materials – including the very paint that ALL military equipment is painted with. CARC (Chemical Agent Resistant Coating) contains known hazardous chemicals and every single part of every single piece of military equipment is painted with it. This paint (in all forms) contains known carcinogens and should never be burned, ignited or welded without extensive respiratory and skin protection. Despite this knowledge, all damaged equipment or parts of, that are not otherwise repaired or reserviced; are put into the pits.¹⁰

The DoD has been doing its own research for nearly two decades and is fully aware of the dangers of open air burning. Despite the continued public denial of harm, the DoD and VA have all the evidence necessary or can acquire from other agencies whatever is necessary to begin immediately providing benefits and services to the tens of thousands who are injured.

Congress has the responsibility to hold them accountable and if necessary, force these two agencies to immediately begin caring for “those who have borne the battle” (President Abraham Lincoln).

For more information, please contact:

YN1 Lauren Price USN, (Ret.)
Founder / Managing Director
Veteran Warriors, Inc.



P: 727.247.8141 ext: 6

E: Lauren@veteran-warriors.org

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