

EXHIBIT B

S. HRG. 117-584

**HONORING OUR PROMISE TO
ADDRESS COMPREHENSIVE TOXICS ACT OF 2021**

HEARING

BEFORE THE

**COMMITTEE ON VETERANS' AFFAIRS
UNITED STATES SENATE**

ONE HUNDRED SEVENTEENTH CONGRESS

SECOND SESSION

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Chairman TESTER. I appreciate your testimony and your frankness, and you are now released.

Secretary MCDONOUGH. Good.

Chairman TESTER. And now we are going to hear from three VSOs whose members are impacted by the consequences of toxic exposure every day. I want to first introduce somebody who has been at this Committee a lot, Shane Liermann, the Deputy National Legislative Director of the Disabled American Veterans. We also have Christopher Slawinski, who is the National Executive Director of the Fleet Reserve Association. And lastly, we have Kristina Keenan, Associate Director of the National Legislative Service for the Veterans of Foreign Wars, the VFW.

In many respects, this panel is the most important panel we are going to hear from today because these three groups represent part of the men and women who have served for the last 20 years that we are talking about with toxic exposure. So I want to thank you all for being here, and I am going to turn it over to you for your opening statement, Shane.

PANEL II

STATEMENT OF SHANE LIERMANN

Mr. LIERMANN. Thank you. Chairman Tester, Ranking Member Moran, and members of the Committee, on behalf of DAV's more than one million members who have wartime service related wounds, injuries, diseases, and illnesses, we thank you for the opportunity to discuss toxic exposures and the impact of Honoring Our PACT Act which DAV strongly supports. I defer to our written testimony where we discuss the bill and all of our recommendations to strengthen it.

Mr. Chairman, we thank you, the Ranking Member, and this Committee for all of your efforts and hard work on the COST of War Act and many other pieces of toxic exposure legislation.

Today is National Vietnam War Veterans Day, and we are still discussing legislation that will impact veterans exposed to Agent Orange 50 years later. We recognize the service and sacrifice of Vietnam veterans, their families, and survivors.

Mr. Chairman, we are at the precipice of a monumental event, solving the puzzle of comprehensive toxic exposure legislation for past, current, and future generations of veterans exposed to environmental hazards. As a Nation, we have responded too slowly to provide health care and benefits for toxic-exposed veterans. It took over 60 years to recognize diseases due to contaminated water at Camp Lejeune, 50 years for mustard gas exposure, 40 years for radiation exposure, and we are still adding diseases of location for Agent Orange-exposed veterans 50 years later.

There are thousands of veterans exposed to toxins and burn pits who we are already too late for, such as Ms. Ashley McNorrill. She was deployed to Iraq, where she was exposed to burn pits which she noted was only a few feet from her chow hall. After service, Ashley and her husband tried to start a family but were unable to conceive due to what they were told was endometriosis, which required a hysterectomy. After they adopted two small twin boys, she

decided to have the hysterectomy, and during the surgery it was discovered she had stage four appendiceal cancer, a rare form of the disease occurring only in one or two cases out of a million.

After years of VA claims and appeals without success, she sought out the assistance of a DAV benefits advocate in South Carolina, and then Ashley was awarded total and permanent VA disability benefits. However, shortly thereafter, she succumbed to her burn pit-related cancer and left her husband and two young sons behind. The Honoring Our PACT Act would ensure that Ashley and veterans like her would have access to health care and benefits sooner rather than later.

We recognize comprehensive toxic exposure legislation would increase VBA's workload, and we must be focused on solutions to mitigate these increases. We suggest VBA develop a plan now that considers the following mitigation strategies, to include establish a unique end product code for all new presumptives added by new toxic exposure legislation and implement a triage unit to address presumptives directly as they come into the VA. Also, they can use authority similar to pre-stabilization ratings, administrative decisions, or memorandum ratings as well.

These suggestions can be implemented under VBA's current authority. However, we recommend that they are codified. This will give VBA those same authorities for future presumptives or similar instances of increased workloads.

In addition, the PACT Act authorizes \$150 million for VBA to begin a major overhaul of IT infrastructure, including claims automation. These funds can be used to automate and implement the suggestions we have noted. We urge VA to develop a plan now that includes leveraging these existing authorities.

DAV supports waiving PAYGO for comprehensive toxic exposure legislation as it cannot truly happen otherwise. Toxic exposure legislation must be considered a cost of war and not hindered by PAYGO.

Mr. Chairman, we must take full advantage of the opportunity to enact thoughtful and meaningful toxic exposure legislation, but veterans and their families cannot afford to continue to wait for decades like past generations who were exposed to mustard gas, radiation, contaminated water, and Agent Orange. As noted historian C. Northcote Parkinson said, "Delay is the deadliest form of denial." We must act now.

Mr. Chairman, this concludes my testimony, and I am pleased to answer any questions you or the Committee may have.

[The prepared statement of Mr. Liermann appears on page 78 of the Appendix.]

Chairman TESTER. Shane Liermann, I want to thank you for the testimony for the Disabled American Veterans. Thank you very much.

Next, we have Christopher Slawinski who is with the Fleet Reserve Association. Chris, you are up.

STATEMENT OF CHRISTOPHER SLAWINSKI

Mr. SLAWINSKI. Thank you. Chairman Tester, Ranking Member Moran, and members of the Committee, my name is Chris