

Honoring our Promise to Address Comprehensive Toxics (PACT) Act of 2022 – **Veteran Town Hall/Stakeholder Engagement**



2022



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Purpose

This presentation provides an overview of the Honoring Our Promise to Address Comprehensive Toxics (PACT) Act of 2022 including:

- Definition of toxic exposure
- Health care eligibility changes
- Toxic exposure screening and education
- Toxic exposure research
- Presumption of service connection changes



Honoring Our PACT Act



The Senate Veterans' Affairs Committee named the bill after **Sergeant First Class Heath Robinson**, who deployed to Kosovo and Iraq with the Ohio National Guard.

After returning home from his last deployment, doctors diagnosed him with an autoimmune disorder and late-stage lung cancer—both associated with burn pit exposure.

SFC Robinson passed away in May 2020. He was 39 years old.



How will the PACT Act help VA serve Veterans?

- VA remains committed to ensuring all Veterans and their family members receive the benefits and care they have earned and deserve.
- The PACT Act is expected to be one of the largest expansions of Veteran benefits and health care in VA's history and could impact up to several million Veterans.
- VA will ensure that a “Veteran-centric” approach to timely and efficient delivery of health care and benefits is executed.
- The law includes the tools and resources to ensure VA can effectively implement it and meet the growing needs of Veterans today and in the future.



Shereef Elnahal, M.D., MBA
Under Secretary for Health



Military Environmental Exposure

- Includes exposures to a wide variety of agents including nuclear, chemical, and physical (such as sound, vibration, noise, and x-rays) that are part of the military environment, both deployed and in garrison.
- Military environmental agents have the potential to cause adverse health effects, either alone or in combination.
- The PACT Act defines the term “toxic exposure,” but generally, “toxic exposure” refers to a subset of Military Environmental Exposures. Whether an exposure is “toxic” is determined by the substance, the concentration of exposure, route of exposure (inhalation, ingestion, transdermal or intradermal, intravenous, etc.), and duration of exposure.



Toxic Exposure

The PACT Act defines the term "toxic exposure," but as a general matter, there are several types of possible exposures or hazards Veterans may have experienced during their military service.

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| Chemicals | Herbicides (Agent Orange) used during Vietnam era, burn pits, sulfur fire in Iraq, Camp Lejeune water supplies, pesticides used during Gulf War, depleted uranium, industrial solvents |
| Air Pollutants | Burn pits, oil well fire during Gulf War, sulfur fire in Iraq, Atsugi (Japan) waste incinerator, sand, dust, and very small, fine particles or liquid droplets |
| Occupational Hazards | Asbestos, industrial solvents, lead, radiation, vibration, noise, fuels, polychlorinated biphenyl (PCBs), and special paint used on military vehicles |
| Radiation | Nuclear weapons and testing, x-rays, depleted uranium |
| Warfare Agents | Chemical weapons, Project 112/Project Shipboard Hazard and Defense (SHAD), herbicide tests and storage, and chemical experiments |



Expanding VA Health Care Eligibility

Section 103 of the law requires VA, in a phased approach, to provide hospital care, medical services, and nursing home care for any illness to three new categories of Veterans:

- Category 1 Veterans are those who participated in a toxic exposure risk activity, as defined by law, while serving on active duty, active duty for training, or inactive duty training;
- Category 2 Veterans who were assigned to a duty station in (including airspace above) certain locations during specific periods of time;
 - On or after August 2, 1990, in the following countries: Bahrain, Iraq, Kuwait, Oman, Qatar, Saudi Arabia, Somalia, or the United Arab Emirates
 - On or after September 11, 2001, in the following countries: Afghanistan, Djibouti, Egypt, Jordan, Lebanon, Syria, Yemen, Uzbekistan, or any other country determined relevant by VA; and
- Category 3 Veterans are those who were deployed in support of Operation Enduring Freedom, Operation Freedom's Sentinel, Operation Iraqi Freedom, Operation New Dawn, Operation Inherent Resolve, and Resolute Support Mission.



Current Schedule for VA Health Care Eligibility

- Veterans identified in **Categories 1 and 2** will be eligible beginning:
 - October 1, 2024: Veterans who were discharged or released between August 2, 1990, and September 11, 2001
 - October 1, 2026: Veterans who were discharged or released between September 12, 2001, and December 31, 2006
 - October 1, 2028: Veterans who were discharged or released between January 1, 2007, and December 31, 2012
 - October 1, 2030: Veterans who were discharged or released between January 1, 2013, and December 31, 2018
- Veterans identified in **Category 3** will be eligible beginning October 1, 2032.

Veterans may be eligible for VA health care earlier if they have service-connected illnesses or conditions or if they meet existing eligibility criteria.

VA may modify this schedule to an earlier date, if appropriate, based on the number of Veterans receiving care and services and resources available to VA. If a modification is made, VA will notify Congress and publish the modified date in the Federal Register.



Extended Health Care Eligibility for Certain Combat Veterans

- Between October 1, 2022, and October 1, 2023, Veterans who served on active duty in a theater of combat operations during a period of war after the Persian Gulf War or in combat against a hostile force during a period of hostilities after November 11, 1998, and who were discharged between September 11, 2001, and October 1, 2013, **may receive care upon enrollment for VA health care**. Enrollment is free, there are no annual costs, and your care may be free as well.



Vietnam Era Veteran VA Health Care Eligibility

Veterans who served in the following locations and time periods are also eligible to enroll in VA health care effective on enactment (August 10, 2022):

- Republic of Vietnam (between January 9, 1962, and May 7, 1975),
- Thailand at any US or Royal Thai base (between January 9, 1962, and June 30, 1976)
- Laos (between December 1, 1965, and September 30, 1969)
- Certain Provinces in Cambodia (between April 16, 1969, and April 30, 1969)
- Guam or American Samoa or their territorial waters (between January 9, 1962, and July 31, 1980)
- Johnston Atoll, or a ship that called there, between January 1, 1972, and September 30, 1977



Expanding Presumptions of Service Connection

The PACT Act establishes presumptions of service connection for more than 20 conditions related to toxic exposures.

For Gulf War and Post-9/11 Veterans

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|--|---------------------------------|
| Asthma diagnosed after service | Interstitial lung disease (ILD) |
| Brain cancer | Kidney cancer |
| Chronic bronchitis | Lymphatic cancer of any type |
| Chronic obstructive pulmonary disease (COPD) | Lymphoma of any type |
| Chronic rhinitis | Melanoma |
| Chronic sinusitis | Neck cancer |
| Constrictive bronchiolitis or obliterative bronchiolitis | Pancreatic cancer |
| Emphysema | Pleuritis |
| Gastrointestinal cancer of any type | Pulmonary fibrosis |
| Glioblastoma | Reproductive cancer of any type |
| Granulomatous disease | Respiratory cancer of any type |
| Head cancer of any type | Sarcoidosis |

For Vietnam Veterans and other Veterans exposed to tactical herbicides

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| Monoclonal gammopathy of undetermined significance (MGUS) |
| High blood pressure (also called hypertension) |

Filing and Processing Claims Associated with the PACT Act



VA will contact Veterans when a presumption of service connection is established or changed. Veterans can learn more at www.va.gov/PACT.



However, Veterans who were previously denied a toxic-exposure related claim are encouraged to file a **supplemental claim** using VA Form 20-0995, Decision Review Request: Supplemental Claim. Most claims that were previously denied will not be automatically reviewed under the PACT Act. Survivors who were previously denied dependency and indemnity compensation (DIC), related to any of the new presumptive conditions, are likewise encouraged to re-file a claim.



Veterans who have not previously filed a claim and are diagnosed with one of the new presumptive conditions and meet eligibility requirements should **submit a new claim** on VA Form 21-526EZ, Application for Disability Compensation and Related Compensation Benefits. Survivors who have not previously filed a claim and meet eligibility requirements should **submit a new claim** on VA Form 21P-534EZ, Application for DIC, Survivors Pension, and/or Accrued Benefits.



Veterans should be prepared to submit any supportive medical and lay evidence along with their claims.



Expanding Mammography Screenings through the SERVICE Act

- Separate from the PACT Act, the Dr. Kate Hendricks Thomas Supporting Expanded Review for Veterans In Combat Environments (SERVICE) Act also expands toxic-exposure eligibility for Veterans who served overseas.
- Signed into law on June 7, 2022, the SERVICE Act expands eligibility for clinically appropriate mammography screening to Veterans, of any age, who served in the following locations (does not include bodies of water around or air space above):
 - Iraq
 - August 2, 1990 – February 28, 1991
 - March 19, 2003 – until burn pits are no longer used
 - Southwest Asia theater of operations including Kuwait, Saudi Arabia, Oman, and Qatar
 - August 2, 1990 – until burn pits are no longer used
 - Afghanistan, Djibouti, Syria, Jordan, Egypt, Lebanon, and Yemen
 - September 11, 2001 – until burn pits are no longer used
 - Such other locations and corresponding periods as set forth by the Airborne Hazards and Open Burn Pit Registry (AHOBPR)
 - Such other locations and corresponding periods as VA, in collaboration with the Department of Defense, may determine appropriate
- The SERVICE Act does not change health care enrollment or claims and benefits application requirements.



Dr. Kate Hendricks Thomas, PhD

VHA Toxic Exposure Screening & Education

- Beginning in November 2022, every enrolled Veteran will receive an initial toxic exposure screening and a follow-up screening at least once every five years.
- Veterans not enrolled who meet eligibility requirements will have an opportunity to enroll and receive the screening.
- Veterans will be asked questions about potential exposure to an open burn pit or other hazards commonly associated with military environmental exposure.
- VA health care providers and claims processors will also receive additional training and education on toxic-related exposures. Details on the training for health care personnel are still in development.
- VA will publish a list of resources for toxic-exposed Veterans and Veterans who report toxic exposure, the families and caregivers of such Veterans, and the survivors of such Veterans.
- VA will develop an outreach program for Veterans on benefits and support programs.



Strengthening VA's Military Environmental Research

- A multi-agency workgroup will identify collaborative research activities and develop a five-year strategic plan.
- The PACT Act requires studies on:
 - Mortality of Veterans who served in Southwest Asia during the Gulf War
 - Post 9/11 Veterans' health trends
 - Veterans' cancer rates
 - Effects of toxic exposures and mental health outcomes
 - Effects of waste related to the Manhattan Project
 - The state of access and barriers to benefits for Veterans in U.S. Territories
 - Effects of jet fuels



Find Out if You are Eligible for VA Health Care or Benefits

- Visit www.va.gov/PACT.
- Apply for VA health care:
 - [Apply For Health Care | Veterans Affairs \(va.gov\)](#)
- Submit a VBA claim:
 - [File for disability compensation with VA Form 21-526EZ | Veterans Affairs](#)
- Call 1-800-MyVA411 (800-698-2411)
- Airborne Hazards and Open Burn Pit Registry: [HOME - Airborne Hazards and Open Burn Pit Registry \(va.gov\)](#)

