

**CWV Promise to Address Comprehensive
Toxics (PACT) Act of 2022**

Thursday, November 17, 2022

12 pm ET

Attendee Questions

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**VA Veterans Benefits Administration (VBA)
and Office of Women's Health (OWH)
Responses**

Question 1: Why isn't Breast Cancer one of the diseases lists for the Camp LeJeune Contaminated Water, but the VA accepts it as one of the diseases covered for treatment for the Camp LeJeune Contaminated Water?

VA Response: Congress passed the [Caring for Camp Lejeune Families Act of 2012](#) which makes any Veteran who served on active duty at Marine Corps Base Camp Lejeune, North Carolina, for at least 30 days between January 1, 1957, and December 31, 1987, and their family members, eligible for hospital care and medical services through the VA for 15 listed cancers and other illnesses or condition, which includes breast cancer. This legislation did not confer Veteran benefits such as compensation for any of these conditions; rather, it conveyed healthcare eligibility and healthcare reimbursement.

In January 2017, the Secretary of Veterans Affairs exercised his authority to establish benefits and services for the eight conditions listed below. VA published a [final regulation](#) for the presumption of service connection for Veterans, Reservists, and National Guard members exposed to contaminants in the water supply at Camp Lejeune from August 1, 1953 through December 31, 1987 who later developed one of the following eight diseases:

- Adult leukemia
- Aplastic anemia and other myelodysplastic syndromes
- Bladder cancer
- Kidney cancer
- Liver cancer
- Multiple myeloma
- Non-Hodgkin's lymphoma
- Parkinson's disease

Presently, these conditions are the only ones for which there is sufficient scientific and medical evidence to support the creation of presumptions; however, VA continues to review relevant information as it becomes available.

Question 2: I have received numerous emails about the Camp Lejeune Contaminated Water. Since this is now part of the PACT Act. I have been denied a claim before should I now go back to my primary care physician and talk to her or just go to the VSO or DAV and refile a new claim.

VA Response: The PACT Act has not added additional service-connected compensation benefits for Veterans exposed to contaminated water at Camp Lejeune. Section 804 of the PACT Act, specifically named the Camp Lejeune Justice Act of 2022, only establishes a Federal cause of action allowing individuals (including Veterans), or their legal representatives, who were residing working, or otherwise exposed for not less than 30 days between August 1, 1953, and December 31, 1987, to bring an action in the U.S. District Court for the Eastern District of North Carolina to obtain appropriate relief for harm that was caused by exposure to the water at Camp Lejeune.

However, if you would like to re-file your claim you can submit a [Supplemental Claim](#). Veterans Service Organizations can also assist with resubmitting a claim.

Question 3: I've read that the PACT act mandates outreach to veterans whose claims were denied if those claims might have been decided differently under the PACT Act. My question is whether there is a mandatory automatic review of those claims, or whether the veteran must reopen the claim?

VA Response: In order to have a new decision completed for a previously denied claim, you must submit a [Supplemental Claim](#).

For more information on how to file claim for disability compensation benefits, please visit our website at [How To File A VA Disability Claim | Veterans Affairs](#).

Question 4: Can radiation or tritium/uranium/plutonium (contents of a nuclear bomb/warhead) exposure be claimed if the Woman Veteran has proof of this different exposure to toxics - PRIOR to 09/11/2001?

VA Response: Yes, you can submit a claim for a disability believed to be related to toxic exposure during active-duty military service regardless of the date of exposure.

Veterans and their dependents are encouraged to visit VA's PACT act website at <https://www.va.gov/resources/the-pact-act-and-your-va-benefits/>. Veterans can utilize links on the site to submit claims and address any questions to maximize

their entitlement related to the act's recent passage. Veterans and their dependents are also welcomed to visit their local regional office or call 1-800-MY-VA-411 for more information about all VA benefits; including benefits related to the PACT Act.

Question 5: If previously denied and now a presumptive, does the claim get backdated to original denied date or when claim was filed again?

VA Response: Generally, if a Veteran applies for benefits under the PACT Act before August 10, 2023, and that claim is granted, that person may receive benefits backdated to the date of the bill signing: August 10, 2022. This is the earliest effective date that can be applied to claims granted under the PACT Act.

Question 6: Is there a time limit as to when you were in country for when this applies? For instance, weeks, months, or years. Thank you.

VA Response: For verification of toxic exposure under the PACT Act, there is no minimum time limit requirements associated with exposure. Veterans and their dependents are encouraged to visit VA's PACT act website at <https://www.va.gov/resources/the-pact-act-and-your-va-benefits/>.

The *Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012* establishes presumption of service connection for active duty, reserve, and National Guard members exposed to contaminants in the water supply at Marine Corps Base Camp Lejeune or Marine Corps Air Station New River for at least 30 days (cumulative) between August 1, 1953, and December 31, 1987. Veterans and their dependents are encouraged to visit <https://www.va.gov/disability/eligibility/hazardous-materials-exposure/camp-lejeune-water-contamination/> for more information.

Question 7: If Vet died from a now considered presumptive, what is the surviving spouse entitled to?

VA Response: Surviving spouses of a deceased Veteran may qualify for various VA benefits due to the additional disabilities defined in the PACT Act if they meet eligibility requirements. Benefits available include Dependency and Indemnity Compensation (DIC), Accrued, and Burial benefits.

- **DIC** is a monthly payment for the eligible surviving spouse of a deceased Veteran who died in the line of duty or from a service-connected disability or disabilities. Evidence must show the Veteran's death was caused by, or related to, the Veteran's time in service. Additionally, if VA grants DIC benefits, and the Veteran died on or after December 16, 2016, burial benefits may be granted under PL 114-315. If the Veteran died prior to December 16, 2016, claims processors will solicit for a VA Form 21-530, Application for Burial Benefits, in the DIC notification letter.
- **Accrued benefits** are one-time payments that may be paid to an eligible surviving spouse of a deceased Veteran when the evidence of record shows benefits, such as disability compensation or the Veteran's nonservice connected pension, were due but unpaid prior to the Veteran's passing.
- **Burial benefits** are a flat-rate payment to assist in covering eligible Veteran burial and funeral costs. VA may provide burial benefits to a surviving spouse of a deceased Veteran who met the qualifications at the time of their passing. VA can pay a service-connected burial or a non-service-connected burial benefit and may also pay a plot/interment allowance and/or a transportation reimbursement.
- Health care through the Civilian Health and Medical Program of the Department of Veterans Affairs (CHAMPVA) may be available for survivors who are now, or who would have been, eligible for a service-connected disability.
- A surviving spouse may submit [VA Form 21P-534EZ, Application for DIC, Survivors Pension, and Accrued Benefits](#), to apply. [VA Form 21P-530EZ, Application for Burial Benefits](#), must be used to apply for burial benefits.

For a consolidated reference point which contains information for all potential benefits, applicable forms, and examples of how to complete them, please see the [VA Survivors and Burial Benefits Kit](#).

Question 8: Has the VA hired additional claims personnel and navigators for PACT processing?

VA Response: As of October 31, 2022, VBA has hired 97% of the 2,000+ positions authorized to support military environmental exposure processing. More than 94% of the 1,642 claims processing positions have already onboarded and started training.

Question 9: I'm a Veteran Services Officer. I have many claims and supplemental claims denied that should have been presumptive due to the PACT ACT (sinusitis and COPD). The claims are being denied due to not being diagnosed with in 10 years. Does the 10 years still apply? Should I be putting certain key words on the claim so the claims will be held until January?

VA Response: The requirement for these conditions to be diagnosed within 10 years after release from active-duty military service has been removed with the implementation of the PACT Act. A mandatory automatic review of previous claims will not be completed. In order to have a new decision completed for a previously denied claim, you must submit a [Supplemental Claim](#).

You may indicate on your application that the claim should be considered under the PACT Act, but it is not required to be considered a PACT Act claim.

Question 10: Can the pact act be applied for while there is another claim processing for non-related filed?

VA Response: Yes. A Veteran can submit a claim for any condition while they have another unrelated claim pending.

Veterans are encouraged to file a claim for disability compensation benefits if they believe they have a disability due to service, to include exposure to toxic materials.

For more information on how to file claim for disability compensation benefits, please visit our website at [How To File A VA Disability Claim | Veterans Affairs](#).

Question 11: Should you still apply for new conditions even if you have been rated 100 for other combined conditions?

VA Response: A Veteran who has an overall 100 percent combined evaluation may be entitled to additional special monthly compensation depending on the severity of their disability(ies). Veterans are encouraged to file a claim for

disability compensation benefits if they believe they have a disability due to service, to include exposure to toxic materials.

For more information on how to file claim for disability compensation benefits, please visit our website at [How To File A VA Disability Claim | Veterans Affairs](#).

Question 12: What if the qualifying Woman Veteran passed already from one of the "presumptive" conditions, (e.g., Pancreatic Cancer). Can the survivor submit a PACT ACT Claim on behalf of the late Veteran who served in SW Asia?

VA Response: A survivor may not submit a PACT Act claim on behalf of a late Veteran. There is no language in the PACT Act that supersedes [38 CFR. § 3.1010\(g\)](#), so a substitute claimant can only pursue claims and appeals that were pending, and such an individual could not pursue a new claim that was not filed by the deceased Veteran.

However, if the Veteran had filed a claim prior to death and she passed away prior to the claim being decided by VA, a qualified individual seeking accrued benefits or substitution may file a substitution claim within one year of the original claimant's death by submitting [VA Form 21P-0847, Request for Substitution of Claimant Upon Death of Claimant](#).

For a consolidated reference point which contains information for all potential benefits, applicable forms, and examples of how to complete them, please see the [VA Survivors and Burial Benefits Kit](#).

Question 13: After you register, what are next steps?

VA Response: It is assumed this question pertains to myHealthvet or Navigator. VBA defers a response to VHA.

Question 14: How are claims that are in the appeal process that are related to these changes going to be handled?

VA Response: VA will adjudicate all pending appeals considering both pre-existing laws and regulations and under the new PACT Act liberalizing legislation.

Question 15: What about Ft McClellan exposures? Will it ever be added?

VA Response: Based on previous concerns regarding hazardous materials in or around Fort McClellan, Alabama, VA has reviewed credible evidence from the Department of Defense, and other sources, such as the Centers for Disease Control Agency for Toxic Substances and Disease Registry. However, VA has not identified scientific evidence that any environmental contaminants at Ft. McClellan caused long term negative health effects among the Veterans who served there. VA continues to monitor medical and scientific data on this issue and will develop or change benefits policies, as appropriate.

Section 801 of the PACT Act requires the Secretary of Veterans Affairs to conduct an epidemiological study on the health trends of Veterans who served in the Armed Forces at Ft. McClellan at any time during the period beginning January 1, 1935, through May 20, 1999.

More information on potential exposure at Fort McClellan can be found here:

<https://www.publichealth.va.gov/exposures/fort-mcclellan/>

Question 16: Clarification: Presumptives per PACT Act will be backdated to Aug 10?

VA Response: Generally, if a Veteran applies for benefits under the PACT Act before August 10, 2023, and that claim is granted, that person may receive benefits backdated to the date of the bill signing: August 10, 2022.

Question 17: Should you still apply for new conditions even if you have been rated 100 for other combined conditions?

VA Response: A Veteran who has an overall 100 percent combined evaluation may be entitled to additional special monthly compensation depending on the severity of their disability.

Veterans are encouraged to file a claim for disability compensation benefits if they believe they have a disability due to service, to include exposure to toxic materials.

For more information on how to file claim for disability compensation benefits, please visit our website at [How To File A VA Disability Claim | Veterans Affairs](#).

Question 18: Will VBA provide more details regarding the more general presumptive conditions example Reproductive Cancers of Any type? Will that presumptive consider, Breast Cancer, Cervical Cancer, Ovarian Cancer, Prostate Cancer?

VA Response: VA will provide sub-regulatory guidance to assist claims processors in identifying conditions that are covered by the PACT Act when processing begins on January 1, 2023. For transparency, VA will also publish the sub-regulatory policy guidance in the Federal Register by January 1, 2023.

Question 19: Are you qualified for the PACT Act if you served on military base built on a superfund site and later developed breast cancer?

VA Response: Section 406 of the PACT Act established presumptive service connection for reproductive cancer of any type (including breast cancer) for Veterans who served in specific Gulf War locations. For Veterans claiming breast cancer based on service in locations that are not covered by the PACT Act, their claims will be decided on a case-by-case basis.

Veterans and their dependents are encouraged to visit VA's PACT act website at <https://www.va.gov/resources/the-pact-act-and-your-va-benefits/>. Veterans can utilize links on the site to submit claims and address any questions to maximize their entitlement related to the act's recent passage. Veterans and their dependents are also welcomed to visit their local regional office or call 1-800-MY-VA-411 for more information about all VA benefits; including benefits related to the PACT Act.

Question 20: I am service connected for some Gulf War issues and being tested for others. If the results do fall under PACT, how will this impact my current benefits?

VA Response: Veterans who currently receive compensation for service-connected conditions will not have their previously awarded claims re-adjudicated simply because they file for new benefits under the PACT Act. Veterans who are already service connected for any of the PACT presumptive conditions, such as asthma, need not file a new claim related to that illness unless their condition has worsened. Otherwise, the PACT Act does not change their existing benefits.

Question 21: AO exposure, i.e., dioxin levels, & when exposed cannot be reliably tested according to latest research. My husband has been dx w/ chloracne but his exposure, on a military transport, was not 'a listed location'. How likely to be accepted in a claim; especially when the Claims Review Team does not include any health professional?

VA Response: Veterans are encouraged to file a claim for disability compensation benefits if they believe they have a disability due to service, to include Agent Orange exposure.

For more information on how to file claim for disability compensation benefits, please visit our website at [How To File A VA Disability Claim | Veterans Affairs](#).

Question 22: Where can one find the list of exposures?

VA Response: Please see VA's Public Health website at [Military Exposures - Public Health \(va.gov\)](#)

Question 23: Will the PACT extend to other areas such as Plattsburgh AFB regarding contaminated water?

VA Response: The PACT Act does not specifically address contaminated water at Plattsburgh AFB, New York. Veterans are encouraged to file a claim for disability compensation benefits if they believe they have a disability due to service, to include toxic exposure.

For more information on how to file claim for disability compensation benefits, please visit our website at [How To File A VA Disability Claim | Veterans Affairs](#).

Question 24: I retired in 2014 and was denied compensation for allergic rhinitis? I filed a supplement claim since I was deployed 2001-2003. Will that automatically be compensated? Will the VA look at my complete record to see if I am appropriately compensated?

VA Response: An automatic review of previously adjudicated claims will not be completed.

VA will review a new or pending claim under the new process to determine if a grant of benefits is now warranted. Disability compensation amounts are based upon the severity level of the disability as shown by the medical evidence of record.

In order to have a new decision completed for a previously denied claim, you must submit a [Supplemental Claim](#).

For more information on how to file claim for disability compensation benefits, please visit our website at [How To File A VA Disability Claim | Veterans Affairs](#).

Question 25: I submitted my VA disability claim in conjunction with my retirement effective 1 Sep 2022. At least one claimed item would now apply to the presumptive list. I am still awaiting my disability rating determination, but I did receive an email from the VA asking me to rate my experience with PACT act submission. however, I never did a PACT act submission, just the standard disability claim. Was this a result of a condition automatically being considered under the PACT act?

VA Response: All claims in which a Veteran has a verified toxic exposure will be examined under the PACT Act guidelines.

Question 26: When will VA begin the toxic screening for Women Veterans? And does the Veteran have to have a chronic disease FIRST before submitting a claim?

VA Response: If you are assigned to a primary care health team, you can complete the screening during an upcoming primary care appointment. If you wish to complete the screening prior to your next Primary Care appointment or aren't assigned to a Primary Care team and want to be screened. You can call the 1-800-MyVA411 and press 8 or call your local VA to connect with the toxic exposure screening navigator. If you have not enrolled in VA care, you should enroll in VA care to complete your toxic exposure screening. All enrolled Veterans are to receive toxic exposure screening.

[Toxic Exposure Screening Information - War Related Illness and Injury Study Center \(va.gov\)](#)

In order to be eligible for disability compensation benefits, a Veteran must have a current, chronic illness or injury that affects the mind or body. For more information on eligibility requirements, see [Eligibility For VA Disability Benefits | Veterans Affairs](#)

Question 27: Can you confirm if breast cancer counts as reproductive cancer (metastatic if that makes a difference)

VA Response: Reproductive cancers including breast cancers are now considered presumptive conditions in the PACT Act. Veterans with these conditions will be

able to apply for service-connected disability. For further information about filing a claim, please visit: <https://www.va.gov/disability/>.

Question 28: I received treatment for 2 types of cancer through civilian hospitals. When I apply do I need to submit the documentation or complete a form authorizing the VA to pull the forms

VA Response: It is best to bring all records with you, but VA's Medical record office can also assist.

Question 29: Is the burn pit registry different from toxic exposure screening?

VA Response: Yes, the Airborne Hazards and Open Burn Pit Registry (AHOBPR) is separate from the toxic exposure screening. Eligible Veterans may register in the AHOBPR by following the link below. The toxic exposure screening is a new initiative under the PACT Act to screen all enrolled Veterans for any toxic exposure(s) they may have had during their military service.

Link : [VA Airborne Hazards and Open Burn Pit Registry - Public Health](#)

Question 30: Does PACT ACT cover exposures from service at Ft McClellan, AL or Ft Ord, CA? I served 01/1973 through 07/1975. What about military family's exposures while living at areas the service member was stationed? Example: Daily base-wide open-air spraying of DDT at Ft Buchanan, PR 1963-1966

VA Response: Potential exposures at Ft. McClellan or Ft. Ord are not covered under the PACT Act. The diseases and locations covered under the PACT Act as well as additional information can be found at this [link:](https://www.va.gov/resources/the-pact-act-and-your-va-benefits/)
<https://www.va.gov/resources/the-pact-act-and-your-va-benefits/>.

Question 31: Does it matter how long the toxins have been in your system. Will all toxins always show up or do some dissipate over time?

and

Is there a timeline that symptoms had to have started after exposure? For example, develop hypertension 2 years later vs 40 years later?

VA Response: Each toxic substance has its own unique pathways in terms of absorption into the body, location, and duration of storage in the body, bioactivity within the body, as well as paths of degradation in the body or elimination from the body.

Some, such as certain heavy metals may cause incremental health impacts over time. Some are stored in various body tissues for longer periods of time and may or may not have impacts. Some exposures have long latency periods before health outcomes, such as malignancies, might emerge.

For most chemicals and toxic substances these features are fairly well understood and described. Questions regarding these issues can be often answered through information on this VA website:

<https://www.publichealth.va.gov/exposures/index.asp>. The A-to-Z index is especially helpful in looking up specific locations or exposures. There is also an app for your smartphone called Exposure Ed, which can be downloaded for free from your app store. The app has the same information that can be found on the website.

Question 32: Can you confirm if breast cancer counts as reproductive cancer (metastatic if that makes a difference)?

VA Response: Reproductive cancers including breast cancers are now considered presumptive conditions in the PACT Act. Veterans with these conditions will be able to apply for service-connected disability. For further information about your particular care, please connect with your VBA office.

The SERVICE Act requires that the Department of Veterans Affairs ensure that any Veteran who was deployed during active military, naval, or air service, to an identified area where they may have had a toxic exposure such as burn pits is eligible for a mammography screening by a VA health care provider.

Question 33: If I am already a disabled vet, do I still need to get the initial toxic exposure screening? If so, how do I do that?

VA Response: Yes, all enrolled Veterans must complete the toxic exposure screening.

If you have a primary care health team, you can receive the toxic exposure screening during your next primary care provider appointment. If you are enrolled but with no primary care team or you do not want to wait until your next primary care provider appointment to be screened, you can call the 1-800-MyVA411 and press 8 or call your local VA to connect with the toxic exposure screening navigator.

Question 34: What if your site does not do mammograms on site?

VA Response: Mammograms can be completed via community partnership when your local VA does not have them on site. VA is developing processes to ensure Veterans that are not enrolled but are eligible for mammography under the SERVICE Act can get mammograms at the VA or in the community.

Question 35: I was recently treated for breast cancer and have a good oncology Dr, but they are not VA, do I have to switch to VA for care?

VA Response: Switching to VA for your care is not required, especially if you have a trusted oncologist.

Question 36: Are there two screening exams? Apply for each?

VA Response: You don't have to apply for toxic exposure screening. The screening is a two-part screen and can be completed by the toxic exposure navigator or your primary care team at this time. All Veterans enrolled in VA health care are required to have a toxic exposure screening under the PACT Act.

Question 37: Is the screening more than just telling your VA PCM?

VA Response: Yes. The toxic exposure screen is a two-part screen that must be completed in its entirety.

All Veterans enrolled in VA health care are to have a toxic exposure screening completed. The Veterans are asked if they believe they experienced any toxic exposures while serving in the Armed Forces. The screening asks about possible specific exposure(s). The screening also ensures Veterans are connected to

appropriate resources such as healthcare eligibility, benefits, and eligibility for exposure registries.

Question 38: Can vets access navigators via myhealthvet?

VA Response: Toxic exposure screening may not be completed via MyHealthVet. If you have a primary care health team, you can receive the toxic exposure screening during your next primary care provider appointment. If you are enrolled but with no primary care team or you do not want to wait until your next primary care provider appointment to be screened, you can call the number 1-800- MyVA411 and press 8 or call your local VA to connect with the toxic exposure screening navigator.

If you have not enrolled in VA care, you should enroll VA care so screening can be completed.

Question 39: I thought I did not have questions, but with new information now I do. How soon will the Navigators be accessible? Is there a phased roll-out or are all in place now?

VA Response: Yes, each facility has designated two toxic exposure screening navigators. VA is doing a phased toxic exposure screening roll out.

Question 40: If you ask for Navigator----there are navigator for each medical specialty like cancers. How do we get a PACT Navigator?

VA Response: The Toxic Exposure Screening (TES) Navigators are staff who specifically assist with toxic exposure screening, provide information on available resources, and connect you with appropriate services. If you have a primary care team, they can help guide you through his process as well.