

**Department of Veterans Affairs  
Veterans' Advisory Committee on Environmental Hazards**

**Minutes of the Meeting  
July 30-31, 2007**

Committee Members Present:

Amir H. Soas, M.D., Ph.D., Full Chair  
Henry D. Royal, M.D., Scientific Chair  
Edward R. Epps, Ph.D.  
Nancy L. Oleinick, Ph.D.  
Mary Ann Stevenson, M.D. Ph.D.  
Ernest T. Takafuji, M.D., M.P.H.  
Carrie W. Nero, Brig. Gen, ANC, USAR (RET)  
George Hunt  
Shannon Middleton

In Attendance from VA:

Bernice Green, VBA, Compensation and Pension Service, Acting Designated  
Federal Officer  
Ersie Farber-Collins, VBA, Compensation and Pension Service  
Caryl Kazen, Department of Veterans Affairs, Chief, Library Service  
Neil Otchin, M.D., VHA Public Health and Environmental Hazards Office

In Attendance from the Public

Dr. Sarah Comley  
Mr. Paul Fischer  
Dr. Glenn Reeves  
Tom Pamperin, VBA, Compensation and Pension Service, Deputy Director,  
Policy and Procedures

The meeting was held at the Department of Veterans Affairs (VA) Central Office, 810 Vermont Avenue, Washington, DC 20420.

Ersie Farber called the meeting to order at 8:09 a.m., July 30, 2007. Ms. Farber welcomed all the committee members and visitors and asked all visitors to sign the attendance sheet. She announced the appearance of the Secretary [Department of Veterans Affairs] on tomorrow at 11:30 am.

The meeting was turned over to the general chairman, Dr. Soas and the scientific chairman, Dr. Royal. Dr. Royal asked everyone to introduce himself or herself. Dr. Soas delivered words of thanks to Dr. Royal for the hard work and excellent quality of selecting articles for review by the Committee. Other members of the Committee echoed the compliment.

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During this meeting, Dr. Royal introduced Ms. Caryl Kazen, Director, Central Office Library, and she is responsible for providing the scientific and medical articles assigned to the Committee members. Ms. Kazen introduced one of her staff persons [Ms. C.J. Janice] and she explained the process used for submitting the abstracts and citations to Dr Royal for review and selection purposes. Typically, the librarian per week sends 75 to 100 references to Dr. Royal and he selects 5 to 15 of those references per week to be obtained. The Committee agreed that this is a lot work and all were pleased with the papers elected.

Dr. Royal stated that papers not previously considered for review by the Committee will now be reviewed by the Committee. In part, this is due to Dr. Takafuji joining the Committee and his interest not only in low-level radiation but what to do if or should troops be exposed to high-levels of radiation. We can look at this in terms of proactively thinking about issues and preventing injury in the future to the extent possible.

Dr. Royal continued to follow the agenda by calling on Dr. Otchin to present.

Dr. Otchin, a physician in the Office of Public Health and Environmental Hazards is responsible for providing medical opinions to assist in the adjudication of disability compensation claims due to exposure to radiation; also in other activities relating to radiation including the VA's Ionizing Radiation Registry examination program, the depleted uranium screening and surveillance programs, and emergency preparedness. He stated that the VA continues to use the NIOSH version of the Interactive Radioepidemiological Program computer software for most radiation opinions. In general, VA has followed NIOSH guidance as contained in its online User's Guide and technical documentation report with a few differences. For claim involving multiple malignancies and/or other disorders each disease has been considered individually.

Beginning in late 2006, the Defense Threat Reduction Agency (DTRA) has reported worst-case doses for a number of cataract claims. These worst-case doses are much higher than the doses that the agency previously reported for these disorders and have resulted in higher percentages of favorable medical opinions for claims from atomic veterans.

He stated that his office has provided medical opinions on 302 radiation claims from October 18, 2006, through June 25, 2007. Of these 243 claims involved atomic veterans. In addition, there were 55 claims involving occupationally exposed veterans such as Navy veterans who worked on nuclear powered ships, nuclear weapons, former military X-ray technicians, and so forth. Also three claims involved medical radiation exposures during military service, and one claim involved environmental exposure stationed near Hanford. Overall, his office returned favorable opinions on 81 of the 302 claims or 27 percent.

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- Favorable opinions were provided on 77 of the 243 claims involving atomic veterans or 32 percent,
- Favorable opinions in 40 claims relating to skin cancer,
  - one of which also included a favorable opinion for actinic keratoses
- Favorable opinions on 31 claims relating to cataracts,
- Favorable opinions for four claims relating to both skin cancer and cataracts,
- Favorable opinion for one claim of testicular cancer, and
- Favorable opinion for one claim of colorectal cancer
  
- Also there was one favorable opinion for an occupational exposure claim relating to skin cancer.
  - This veteran participated in the post-operation crossroads activities involving target ships.
- There were three favorable opinions on claims relating to medical exposure in service, and included
  - a veteran who had skin cancer and received nasopharyngeal radium treatments,
  - a parotid tumor in a veteran who received x-ray treatments in service for acne and lung cancer, and
  - a veteran who received x-ray treatments in service for arthritis.
- Favorable opinions were provided for two claims relating to non-ionizing radiation, and included
  - one for cataracts following a radar accident, and
  - one for actinic keratoses after intense sun exposure in service.

Dr. Otchin provided the Committee members with a more detailed summary (individual medical opinions) of the claims reviewed, and presented the below background information and stated that the VA is asking the Committee to provide a recommendation on how to proceed with claims from atomic veterans for non-radiogenic conditions.

**Background:** VA regulations permit a veteran to claim conditions besides those on the VA's presumptive and non-presumptive list. However, in November 2006, DTRA expressed concerns about providing dose estimates for claims for conditions other than those VA recognizes as potentially radiogenic. DTRA's concerns included the cause associated with providing dose assessments for claims with little or no likelihood of favorable adjudication and delays in other claims.

**DTRA's Recommendation(s):** DTRA made recommendations that include a review of such claims by VHA to determine if scientific or medical evidence exists to support the claim, and a preliminary review to

determine if the conditions may be induced by the maximum radiation doses received by participant.

**VA's Response to DTRA Recommendation(s):** There are a number of disorders that are recognized as potentially related to radiation exposure, in addition to diseases on the presumptive and non-presumptive lists. Specific tests are not generally available to determine whether or not radiation was responsible for various medical conditions. While the dose is a key factor for estimating likelihood the radiation was responsible for a claimed condition, neither the veteran nor his or her physician has radiation doses available when the claim is filed. DTRA is responsible for providing dose information and for determining whether or not an individual veteran's exposure scenario was extraordinary or unique. Therefore, it would be inappropriate for the VA to be involved in actions that could result in a denial of a claim from an atomic veteran before a dose is provided.

Dr. Otchin also stated that Mr. Steve Sloane, has been appointed as Deputy Director of the Environmental Agent Service and is the new editor of the Ionizing Radiation Review Newsletter. He succeeds Dr. Don Rosenblum, who retired in September 2006. The most recent newsletter was published in September 2006 and the next issue is to be published in the fall of 2007.

The floor was opened for questions pertaining to Dr. Otchin's presentation. Members of the Committee and guests participated in the discussion.

Dr. Royal suggested to Dr. Otchin that in the future he continue to segregate the amount because it is misleading to say a favorable opinion has been rendered in 26 percent of the claims without pointing out that it is skin cancer.

Dr. Royal also stated that the Committee would like to have someone from DTRA come to the next meeting and provide a little more information about how NIOSH is calculating skin doses versus how DTRA is calculating skin doses. He also sought clarity of the issue of DTRA and VA not agreeing about radiogenic and non-radiogenic diseases and how they should be handled. This request is rather vague and who is asking the Committee to address this issue?

Dr. Otchin responded by stating that Thomas Pamperin, Deputy Director, Policy and Procedures of the Compensation and Pension Service is asking the question.

Dr. Royal continued and stated that it does not seem proper for this Committee to tell the VA how to administratively handle these claims. This is not a scientific decision, but more a logical decision. In addition, in the past, the VA directly

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communicated with this Committee and asked specific question(s) and even though we do not have a specific question from the VA, we will prepare a letter to Tom Pamperin.

Dr. Royal asked the Committee members to look over the papers provided by Dr. Otchin for discussion on the next meeting day.

Dr. Royal continued with the next item on the agenda, discussion paper entitled, "Dose Reconstruction for Conditions Not Likely Induced by Exposure to Ionizing Radiation." The entire Committee and Drs. Fischer and Otchin participated in the open discussion. Dr. Royal provided some background information and stated that, there are two program versions, the NCI version of IREP and the NIOSH version of IREP. The NIOSH version was being used for DoE workers, who were being compensated, and this Committee asked VHA (Dr. Otchin) to use the NIOSH version as well, because we wanted to as much as possible be in parity with what was going on, in terms scientific evidence. The primary discussion focused on skin cancers, melanoma, basal cell melanoma, squamous cell carcinoma.

Dr. Royal dedicated the rest of the morning to reviewing the scientific publications (72 articles) as shown in the attachment to the Agenda. The floor was opened for questions and answers after each presentation.

Dr. Otchin reentered the meeting and distributed handouts (sensitive veteran specific material) of medical opinions to Committee members only (not distributed to the public). This will be discussed later (tomorrow morning) in the session(s).

Dr. Royal opened the afternoon session and continued the review of the scientific publications as shown in the attachment to the agenda.

Mr. Tom Pamperin, Deputy, Director, Policy and Procedures, Compensation and Pension Service, Veterans Benefits Administration, addressed the Committee. He asked the Committee to make a recommendation to either recommend a legislative change or a regulatory change to address a master of radiogenic diseases.

Dr. Royal and other members of the Committee presented a series of questions and comments. In particular, it was stated that the term radiogenic does not have a single definition, however, the BEIR VII report concluded that radiogenic is when there is enough of an association between that disease and the radiation defined quantitatively. On the hand, the other definition of radiogenic disease is a political/regulatory definition, a presumptive disease(s) that people who are not scientists for whatever reason add to the list of diseases. The Committee

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concluded that they would discuss this matter further after they have had an opportunity to look at the DTRA point paper, as well as the e-mail exchanges between Dr. Otchin and Mr. Fischer, and would certainly come up with a way to respond that would be helpful to VA as well as DTRA.

The Committee returned to the review of the scientific papers, number 37 as shown in the attachment to the agenda.

The meeting was adjourned at approximately 4:33 p.m. on July 30, 2007.

Dr. Royal reconvened the meeting at 8:04 a.m. on July 31, 2007, with a discussion of the DTRA Point Paper and e-mail exchanges between Dr. Otchin and Mr. Fisher.

Mr. Jonathan Gurland and Ms. Erica Dornbrug, Staff Attorney, Office of the General Counsel, Professional Group II, presented "Ethics Rules for Advisory Committee Members who are Special Government Employees. The Committee was invited to direct questions regarding travel, ethics, financial statements, and/or general inquiries about committee meetings to OGC, Mr. Gurland or Ms. Dornburg.

The Committee returned to the reviews of the scientific papers, starting with number 46.

The Honorable R. James Nicholson, Secretary of Veterans Affairs presented appointment certificates to Dr. Ernest T. Takafuji (Scientific member) and Gen. Carrie W. Nero, Ph.D. (lay member). He also informed the Committee of his resignation and highlighted accomplishments made by the VA during his stay. The floor was opened to questions/comments.

The Committee again resumed the review of the scientific papers. A list of the papers reviewed, in the order of review, may be found in the attachment to these minutes.

The meeting was adjourned at approximately 12:59 p.m. on July 31, 2007.