

OPINION: The VET PFAS Act Honors the Sufferings of Toxic Exposure Victims by Removing the Hurdles That Complicate the Personal Injury Claims Process

The Veteran Exposure to Toxic PFAS Act is the latest legislation to address toxic exposure cases among military veterans. It is made distinct and more effective by provisions that can effectively minimize the burden on victims.

Similar to its predecessors, the VET PFAS Act also aims to address the exposure of U.S. military veterans to per- and polyfluoroalkyl substances (PFAS). Also known as 'forever chemicals', PFAS can persist in the environment and the human body years after initial exposure and has been linked to severe health conditions, including cancers, ulcerative colitis, and thyroid disease.

At Robins Air Force Base, PFAS levels were measured at 276,000 parts per trillion (ppt) in the groundwater. This contamination is primarily attributed to a firefighting foam called aqueous film-forming foam (AFFF). Training exercises and emergency responses at the base frequently called for the use of the substance. Over time, the contamination reached the soil and water systems, which eventually accumulated elevated levels of the chemicals.

The contamination exposed several potential health risks for service members, base personnel, and nearby communities. Health experts have linked various health issues, including cancers, thyroid disease, and immune system disorders, to toxic PFAS exposure.

Meanwhile, the Moody Air Force Base reported contamination levels of 375,000 ppt in its water sources. Similar to Robins AFB, the high levels of contamination are attributed to the historical use of AFFF. The concentration levels at Moody raised alarms, being among the highest recorded at military installations.

At Air Force Plant 6, PFAS levels were recorded at 98,000 ppt. The facility has a history of aircraft manufacturing and maintenance, and firefighting training activities contributed to PFAS contamination.

Although the contamination levels at Air Force Plant 6 are lower than at Robins or Moody, they are still significantly higher than the EPA's health advisory level for PFAS, which is set at 70 ppt. The levels of contamination on the three bases mentioned far exceed the EPA's health advisory limits, which supports the possibility of severe health risks for those exposed. Though the

military has been working on remediation plans, PFAS is highly persistent, making cleanup efforts challenging and long-term.

While other legislation aims to assist veterans who are victims of various types of toxic exposures, this act is solely focused on PFAS. With this targeted approach, it will be easier for victims to build a personal injury case and get compensated for what's owed to them. All they need is a verifiable diagnosis of one linkable disease and proof of one cumulative year spent on the base.

In addition, the VET PFAS Act is geared to abolish another significant hurdle through presumptive condition provisions. If enacted, veterans and their families will no longer be required to prove the connection between their military service and their illness. Those who are afflicted with the diseases specified in the legislation can automatically be eligible for compensation regardless of where they rendered their services or the nature of their work.

PFAS contamination has affected military bases worldwide, and this law targets all veterans who served at these contaminated sites, especially those involved in firefighting, hazardous waste management, and military occupations where PFAS-containing substances were used. While other laws, like the PACT Act, are honed in on burn pits and specific deployment environments, the updated, PFAS-focused act can help any military personnel and their families who are exposed to the said substance. This means more victims can file a personal injury claim and be compensated for their health-related sufferings.

The complex processes that many veterans had to go through to establish the relationship between their sicknesses and their service made it much more challenging to receive the financial aid they needed to improve their health. Now, with the presumptive condition provision, the victims are saved from further aggravation with a faster and less complex benefits process.

This legislation also doesn't stop at compensation. While it's integral, the act also aims to provide victims with ongoing care as new symptoms or illnesses emerge. By keeping track of veterans' health, the government can give the victims specialized care for diseases attributable to poisonous exposure that may take years or even decades to manifest.

It also pushes for increased research and monitoring specifically focused on the health impacts of PFAS exposure in veterans. While other laws, like the Honoring Our PACT Act, include provisions for toxic exposure research in general, this act concentrates efforts on better understanding PFAS-related health issues, with the goal of expanding benefits and care as more information becomes available.

Exposure to the forever chemicals not only harmed human health but also permanently altered land, water sources, plants and trees surrounding the military bases. To address this, the VET PFAS Act emphasized the need for environmental remediation and cleanup of contaminated military sites.

Because provisions of this legislation strategically tied the issue of veterans' health to the broader problem of military base contamination, the root of the problem can no longer be ignored. In effect, it urges the Department of Defense and other government bodies to take accountability and address ongoing contamination to prevent further exposure.

The VET PFAS Act is still under consideration in the U.S. Congress and has yet to be fully enacted. It was introduced in both the House of Representatives and the Senate in mid-2023 and submitted to both chambers for review, but it has yet to progress beyond these stages. If approved, this act will be a beacon of hope for more people affected by the exposure and, with enough success, set a precedent for similar cases.