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Congress Poised to Help Veterans Exposed to ‘Burn Pits’ Over Decades of War

By Jennifer Steinhaur, The New York Times, February 12, 2019



“The smell was horrendous,” said Ryne Robinson, who was in Iraq from 2006 to 2007 and breathed in fumes from open-air trash fires there. Credit Whitten Sabbatini for The New York Times

WASHINGTON — Everywhere he went in Iraq during his yearlong deployment, Ryne Robinson saw the burning trash pits. Sometimes, like in Ramadi, they were as large as a municipal dump, filled with abandoned or destroyed military vehicles, synthetic piping and discarded combat meals. Sometimes he tossed garbage on them himself.

“The smell was horrendous,” said Mr. Robinson, who was in Iraq from 2006 to 2007.

About nine years after returning home to Indiana, where he worked as a corrections officer, he began to suffer headaches and other health problems, which doctors attributed to post-traumatic stress. After having a seizure while driving on Christmas Day last year, though, he was told he had glioblastoma, an aggressive brain tumor.

Of the ailments endured by the newest generation of veterans — post-traumatic stress disorder, traumatic brain injuries, lost limbs and more — among the least understood are those possibly related to exposure to toxic substances in Iraq and Afghanistan, especially from those fires known as burn pits.

Now, with [the largest freshman class of veteran lawmakers](#) in a decade, Congress appears determined to lift the issue of burn pits from obscure medical journals and veterans’

websites to the floors and hearing rooms of Capitol Hill. Members are vowing to force the Pentagon and the Department of Veterans Affairs to deal with the issue.

Tens of thousands of those who served in Iraq and Afghanistan were exposed to burn pits, which were regularly used to dispose of all manner of refuse in giant dumps ignited by jet fuel. Discarding waste was an especially acute problem for troops there, as huge bases were established in locations that had no infrastructure for proper disposal or existing sanitation services had been shattered by combat.

From June 2007 through Nov. 30, 2018, the Department of Veterans Affairs processed 11,581 disability compensation claims with at least one condition related to burn pit exposure, according to Curt Cashour, a department spokesman. Of those, 2,318 claims were granted.

But almost 44 percent of burn-pit-related claims were denied because the condition had not been officially diagnosed, while roughly 54 percent were “due to a lack of evidence establishing a connection to military service,” Mr. Cashour said.

Tens of thousands more veterans have signed up with a national registry, noting that they were exposed to the more than 250 burn pits used in Iraq and Afghanistan, like those at the smallest outposts or the giant dump at Balad Air Base, where [an immense pit](#) burned 24 hours a day. There is no clearinghouse that enumerates deaths associated with these toxic exposures, something that advocacy groups seek.

After Mr. Robinson’s diagnosis, his wife, Chasity, was grilled by a local Department of Veterans Affairs representative about his deployment. Where had he been and for how long? She wondered, What did this have to do with his tumor?

“I started to do the research,” she said, and realized that many other veterans and their families, including former Vice President Joseph R. Biden Jr., believed that such tumors stemmed from breathing toxic fumes from the open-air trash fires that were standard on American military bases in the desert war zones since Sept. 11, 2001. “I wish they would have told us about this instead of throwing us to the wolves,” she said.

Congress is listening. Both the House and Senate Committees on Veterans’ Affairs plan to review the process for adding diseases to the Department of Veterans Affairs’ list of

presumed service-connected illnesses used to determine disability compensation. That already worries department officials because of the potential for explosive costs — and the difficulty of accurately determining whether diseases are caused by burn pit exposure.

“It is a top priority to make sure veterans who have service-connected diseases have the care and benefits they are owed,” said Senator Johnny Isakson, Republican of Georgia and the chairman of the Senate Committee on Veterans’ Affairs. There are also concerns about exposure to depleted uranium, which was used in tank armor and in the ammunition intended to penetrate enemy-armored vehicles.

“We are going to make a lot of noise this year,” said Representative Raul Ruiz, Democrat of California and the co-chairman of the bipartisan House caucus on burn pits. “You are starting to see more and more people come out of the military with illness and diagnosis and realizing they have been exposed to burn pits.” He and other members have already introduced a flurry of bills.

In interviews, Mr. Biden [has speculated](#) that toxic substances from burn pits contributed to the brain cancer of his son Beau. The younger Mr. Biden served in Iraq, as a major in the Delaware Army National Guard in 2009, and died of the illness in 2015.

Scores of other veterans and their families have said they believe those toxic substances contributed to their illnesses, many of them fatal, a claim the Department of Veterans Affairs said [is not supported by evidence](#).

“The V.A. looks continually at medical research and follows trends related to medical conditions affecting veterans,” Mr. Cashour, of the veterans department, said.

Megan Kingston, who was deployed to Iraq in 2007, described her path from the Army to civil servant, and now as a disabled veteran in need of constant oxygen.



A small burn pit on a small forward operating base in Kandahar Province, Afghanistan, in 2012. Credit Sebastian Meyer/Corbis, via Getty Images

“I looked at that trash pit and knew it was going to hurt us one day,” Ms. Kingston said. In 2014, she was training for a triathlon, and “one day, I went for a run,” she said. “Next day, I could not breathe.”

“This is our generation’s Agent Orange,” said Senator Amy Klobuchar, Democrat of Minnesota, referring to [an herbicide known to sicken veterans in Vietnam](#). She has already gotten [some research legislation](#) passed on burn pits and has more on the horizon, motivated, like many members of Congress, by the stories of [affected constituents](#).

Proving a link between toxic substances in war zones and subsequent illnesses suffered by veterans — especially years after a war — has long been difficult, expensive and politically onerous.

Years after Agent Orange has become widely accepted as a cause of illness among veterans of the Vietnam War, there has been [a protracted struggle over benefits](#) for those who were sickened after serving off the coast during that conflict.

Last month, the United States Court of Appeals found those sailors, known as Blue Water Navy veterans — [an estimated 90,000 who served in ships off the coast of Vietnam](#) — to be eligible for the same Agent Orange exposure benefits as troops who served on land in Vietnam. The Department of Veterans Affairs has yet to respond.

The Supreme Court [recently rejected an appeal](#) to hold private companies responsible for burn pits, upholding an appellate court ruling that blocked more than 60 lawsuits from moving forward.

“It took decades and decades for the U.S. government to acknowledge that Agent Orange created devastating health effects for soldiers,” Ms. Klobuchar said. “We can’t let that happen again. I think

you're not going to get help in the courts, so we are going to have to step up — a lot of this will be oversight.”

Lawmakers and some doctors say that the Pentagon has also been doubtful of claims.

“It thought it was telling that last hearing, D.O.D. refused to send a representative,” said Representative Tulsi Gabbard, Democrat of Hawaii, referring to the Defense Department. She has helped sponsor legislation to [evaluate the exposure of service members to toxic chemicals](#).

“There is no question a large number of individuals were exposed to high levels of toxic waste,” said David A. Savitz, who served as the chairman of a committee that [studied the issue](#) for the veterans department. “But when you go to the level of ‘show me’ the increased risk of the health conditions, that’s where the evidence breaks down pretty quickly.”

Some doctors — and many patients and their families — are more certain.

“I started seeing young people with similar types of presentations of uncharacteristic malignancies at young ages,” said Dr. Warren L. Alexander, an oncologist who has worked extensively with veterans at the [William Beaumont Army Medical Center](#) in El Paso. “There were about 10 percent of unexplained malignancies, where the patient had no history of drinking or smoking. When you have very aggressive cancers that do not respond to standard therapy, that’s what makes you think it was due to exposure.”

In 2004, Dr. Robert F. Miller of Vanderbilt University studied soldiers who returned from Iraq with unexplained shortness of breath. He performed surgical biopsies on about 60 veterans’ lungs, which in most cases revealed evidence of constrictive bronchiolitis, an incurable disease stemming from tiny particles lodged in the airways.

Many believe that the small number of Americans serving in the military — less than 1 percent of the population — has kept the issue from public view.

“The burn pit issue has not gained traction in terms of research money or public policy,” said Dr. Anthony M. Szema, an allergist-immunologist and the former chief of allergy medicine at the Veterans Affairs Department who has researched the relationship between particles and respiratory illnesses. “I have been invited to give lectures at the Pentagon and it’s two hours of them yelling at me. They understand there is a problem, but they don’t want to take the blame for it.”

Pentagon officials acknowledge that the Defense Department is concerned that toxic substances from burn pit emissions may pose health risks and is assessing the long-term effects. “D.O.D. and V.A. are working to develop a standard approach to screening and evaluation of service members and veterans with post-deployment respiratory complaints to improve care,” said Jessica Maxwell, a spokeswoman for the defense secretary.

Advocates say that without a diagnosis and recognition of illnesses, benefits are often denied, especially for the families of the dead.

“What happens when the veteran has died, you have many families left with no benefit of the death,” said Rosie Torres, the executive director of [Burn Pits 360](#), which helps press for those who believe they were sickened by burn pits. Her husband, Le Roy Torres, an Army captain in Iraq in 2007, has been told he has constrictive bronchiolitis.

She said her organization has tracked at least 130 deaths related to toxic exposure.

Veterans’ service organizations — which sometimes compete for attention on certain policy matters — are beginning to form a coalition around the issue.

“We know that our government’s senior leaders need confirmatory data as the basis for changes to current policy,” said Derek Fronabarger, a legislative director for the Wounded Warrior Project.

“And we are asking them to take the issue of toxic exposure seriously and work with us to determine correlation.”