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Official Business

Alaska State Legislature

Senate Committee on State Affairs

Vic Fischer, Chair • Pouch V
Juneau, Alaska 99811
(907) 465-4954

RECEIVED

MEMORANDUM

TO: Senator Joe Josephson, Chair
Senate HESS

FROM: Senator Vic Fischer

DATE: March 1, 1984

Attached is back-up material on SB 463, currently pending in the Senate HESS committee. I would appreciate it greatly if you could schedule this bill as soon as possible in order to assure its passage this year.

(And, as usual, thanks.)

POSITION PAPER

SENATE BILL NO. 463

For an Act entitled: "An Act relating to veterans exposed to radiation from above-ground nuclear weapons testing or to a biological or chemical agent, including Agent Orange."

This Bill requires that physicians or hospitals treating veterans who may have been exposed during their military service to radiation or to biological or chemical agents to submit a report, if the veteran so requests, to the Department which describes the veteran's symptoms, the diagnosis and the treatment prescribed. The Department is obligated to prepare and distribute a form and to compile the results of the reports filed and to report to the Legislature on the findings. In addition, the Department must include in its annual report current research findings regarding health effects of radiation exposure from above-ground nuclear testing and of biological and chemical exposures. The Department is also required, unless the Commissioner determines that such efforts would be duplicative, to develop a program to refer affected veterans to State and Federal agencies in order to assist them in filing appropriate claims. The Bill also authorizes the Department of Law to represent affected veterans as a class in order to obtain disclosure of information relating to exposure and for release of individual medical records.

The purpose of the Bill is presumably to assist the Legislature in determining the extent to which Alaska veterans attribute ill health to exposure to radiation or biological or chemical agents while on active duty and to assist veterans in pursuing possible redress for injury. Completeness of reporting will depend upon awareness on the part of the veteran of the existence of this information gathering effort and upon cooperation on the part of health care providers in submitting reports at the request of the veteran since no sanctions are mentioned for failure to report. It is difficult to predict how great a yield can be expected. A wide variety of illnesses have been attributed to chemical, biological and radiation exposure and a number of studies have been conducted or are in process nationally and internationally to determine causal relationships.

The Department has no objection to assisting in this information gathering as long as it is realized that the results will indicate only how the affected veterans associate their current health status with their possible active duty exposure to chemical or biological agents or radiation. The effort will probably add little to the scientific understanding of possible relationships.

Position Paper SB 463
Page 2

The Department believes that the requirement for establishing a referral program in Section 18.17.060 should be deleted. It would only add another bureaucratic layer between the veteran and appropriate agencies.

Recommended by: E. S. Rabeau
E. S. Rabeau, M.D.
Director
Division of Public Health

Date: 2/24/84

Approved by: Robert London Smith
Robert London Smith, Ph.D.
Commissioner
Department of Health
and Social Services

Date: 2/28/84

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date _____, 1984

REQUEST
 Bill/Resolution No.: SB 463
 Title: "Veterans exposed to radiation
 from above-ground nuclear weapons testing"
 Sponsor: V. Fischer
 Requestor: Senate HESS
 Date of Request: 2/23/84

II. FISCAL DETAIL
 Agency Affected: Health & Social Servs.
 Program Category Affected: Public Health
 BRU, Program of Subprogram(s) Affected:
Public Health Admin.

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES		0				
200 TRAVEL		0				
300 CONTRACTUAL		9.0	4.8	4.8	4.8	4.8
400 SUPPLIES		0				
500 EQUIPMENT						
600 LANDS & STRUCTURES		0				
700 GRANTS, CLAIMS, ETC.		0				
800 MISCELLANEOUS		0				
TOTAL OPERATING		9.0	4.8	4.8	4.8	4.8
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		9.0	4.8	4.8	4.8	4.8
FEDERAL FUNDS						
OTHER						
TOTAL		9.0	4.8	4.8	4.8	4.8

POSITIONS:

FULL-TIME		0	0	0	0	0
PART-TIME		0	0	0	0	0
TEMPORARY		0	0	0	0	0

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for Analysis

Prepared By: Dean Tirador, M.D.

Division: Public Health

Phone: 465-3090

Date: 2/23/84

Approved by Commissioner: Robert Gordon Smith, Ph.D.

Agency: Dept. of Health & Social Services

Date: 2/23/84

Distribution (by Agency preparing fiscal note):

Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

12/1/83

Fiscal Note SB 463

ASSUMPTIONS

Design, printing and distribution of forms: 1.0 in first year and 0.3 thereafter.

Design, printing and distribution of informational materials for health care providers and veteran's organizations: 1.00 in first year and 0.5 thereafter.

Newspaper and radio announcements: 4.0 per year

Data analysis program: 3.0 in first year

John + Vic

Opinion

Anchorage Daily News

Winner, 1976 Pulitzer Prize Gold Medal for Public Service

Gerald E. Grilly
Publisher



Howard Weaver
Managing Editor

Steve Lindbeck, Editorial Page Editor

Katherine Fanning, Editor and Publisher 1971 to 1983
Lawrence Fanning, Editor and Publisher 1967 to 1971

Alaska's Only Morning Newspaper • Founded in 1948 by Norman C. Brown

Senate should know it's time to help vets

The veterans benefits bill that the U.S. House has just passed and the U.S. Senate will now have to consider is only a stop-gap measure. But it is the right stop-gap measure.

For years the Veterans Administration refused to acknowledge that Vietnam veterans exposed to Agent Orange, a chemical defoliant the U.S. sprayed extensively in Vietnam, had suffered any lasting health effects as a result of that exposure. Although Agent Orange spraying was halted during the war because of indications that it might be causing cancers and birth defects among the civilian population of Vietnam, the VA saw no reason to believe the chemical had had any such effect on American soldiers.

Congress finally forced the VA to conduct a study of the issue, but after several years it produced a report so inadequate that Congress turned the task over to researchers at the federal Center for Disease Control. That study will not be completed until 1987 at the earliest. Meanwhile the VA continues to deny war-injury compensation to veterans suffering even from the particular soft-tissue cancers and liver diseases that several outside studies by now have linked directly to the chemicals in Agent Orange.

The VA's record on this issue is shameful, and given that the delays in answering the key medical questions are entirely its fault, it makes no sense that the disabled veterans should be suffering the consequences. Thus, the House bill would require that — until the Center for Disease Control study is completed — the VA consider any Vietnam veteran suffering from the soft-tissue cancers, the liver diseases or the chloracne that have been strongly associated with Agent Orange exposure to be eligible for veterans' disability benefits. The Senate should have no qualms about agreeing to this measure and extending such interim relief to a group that certainly deserves it.

335 CANNON H.O.B.
WASHINGTON, D.C. 20515
(202) 225-3527

FOR IMMEDIATE RELEASE

CONTACT: Jim Holley
(202) 225-3527

HOUSE PASSES
CONTROVERSIAL MEASURE

"There are more than 60 federally sponsored research efforts currently being conducted relating to Agent Orange. I would have preferred to have waited for more scientific information, but this is a burning issue with the Vietnam-era veteran, and I understand it."

Representative G. V. (Sonny) Montgomery (D-Miss.), Chairman of the House Committee on Veterans' Affairs, made his comments following debate in the House of Representatives on H.R. 1961, the Agent Orange and Atomic Veterans Relief Act. The measure cleared the House by voice vote on January 30.

Montgomery says he is "generally pleased" with the measure adding that "H.R. 1961, as amended, is clearly a compromise pending the final results of the C.D.C. study." According to Montgomery, some Members feel that such legislation should not be enacted until the near \$100-million Agent Orange study now being conducted by the Centers for Disease Control in Atlanta is submitted to Congress sometime in 1988 or 1989.

The Agent Orange and Atomic Veterans Relief Act would provide a new disability (or death) allowance for veterans who served in Southeast Asia during the Vietnam-era and who later suffer from one of three conditions presumably related to exposure to herbicides: soft-tissue sarcoma; porphyria cutanea tarda (PCT), a liver condition; or chloracne, a skin condition. The soft-tissue sarcoma must be shown to exist within 20 years from the date of the veteran's departure from the Vietnam theatre. The other two conditions must have become manifest within one year from date of departure.

H.R. 1961 contains a sunset provision, terminating all benefits one year after the C.D.C. epidemiological study is completed. This is meant to allow the Congress to re-examine the issue once additional technical and scientific information is available.

Representative John Paul Hammerschmidt (R-Ark.), the Committee's Ranking Minority Member, said he felt "strongly that we ought to legislate very cautiously in a field of medicine that thus far is devoid of the scientific expertise that ought to be available before laws are passed by the Congress." Hammerschmidt expressed "serious reservations about providing compensation for diseases not yet scientifically linked to the dioxin known as Agent Orange."

occupation of Hiroshima or Nagasaki during World War II. Veterans who suffer from leukemia, polycythemia vera (a chronic bone marrow disease), or carcinoma of the thyroid within 20 years from the date of participation in the test or occupation would be eligible.

"I think that the proponents of this aspect of H.R. 1961 stand on a well-built platform of knowledge as compared to the one still under construction for Agent Orange," said Hammerschmidt. He added, however, that veterans presumably suffering from the effects of exposure to Agent Orange "are the very special charges of the Congress of the United States and we ought to resolve reasonable doubt in their favor as to the origin of their difficulties."

Representative Thomas A. Daschle (D-South Dakota), author and principal proponent of H.R. 1961 and a Member of the House Committee on Veterans' Affairs, said the measure is far from perfect, but termed it a "first step."

"It doesn't address the problems of offspring", said Daschle, who had also sought to include a provision for an advisory committee, independent of the Veterans Administration, to analyze all new and existing scientific evidence pertaining to dioxin exposure. "House approval will be a landmark decision," said Daschle during debate, "and an implicit acknowledgement that there are long-term health effects from exposure to the dioxin-contaminated defoliant, Agent Orange."

Representative Douglas Applegate (D-Ohio), Chairman of the Subcommittee on Compensation, Pension, and Insurance, said that "the highly complex medical questions presented by Agent Orange are so novel and unique that innovative approaches by the Congress are warranted... This is a reasonable and limited approach to a problem which will not go away."

The cost of the bill would be \$4.7 million in Fiscal Year 1984, \$4.9 million in Fiscal Year 1985, and \$5.2 million in Fiscal Year 1986. Funds for Fiscal Year 1984 are included in the First Concurrent Budget Resolution adopted by the Congress.

"There have been few more serious and controversial issues to come before the Committee and the Congress," said Montgomery. "I believe we have addressed the matter head-on, and we are meeting our obligation to these veterans. My colleague, Mr. Daschle, said it best: 'We are listening.'"

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February 1, 1984

House passes Agent Orange bill

DAILY NEWS 1/31/84

The Associated Press

WASHINGTON — The House on Monday took Congress' first, limited step toward compensating two generations of military veterans whose health problems are presumed linked to the herbicide Agent Orange in Vietnam and radioactivity from open-air atomic testing.

A compromise bill approved by voice vote and sent to the Senate would set up a compensation and death-benefit program for veterans diagnosed as suffering from a limited number of diseases until the federal Centers for Disease Control completes a study in 1987 or 1988 on the possible links between Agent Orange and later health problems.

For the Veterans Administration, the annual expenditure on the program — increasing slowly from \$4.7 million this year to \$5.4 million in fiscal 1988 — would be a tiny addition to an agency budget that now exceeds \$25 billion a year.

But members of the House Veterans Affairs Committee, who had reported the bill out on a 30-0 vote last November, said it had an important symbolic value to former GIs who for years have battled the VA to compensate them.

While "this legislation, in my opinion, does not go far enough," it is a signal to

veterans "that we are listening," said Rep. Tom Daschle, D-S.D., who served in Vietnam.

Rep. Marcy Kaptur, D-

Ohio, said she also had mixed emotions about the bill — pleased that it was being brought to the floor, "but saddened it has taken so long."

U.S. SILVER DOLLARS

Legislator proposes panel to analyze Agent Orange

Associated Press

Washington — The senior member of the House Veterans Affairs Committee recommended Friday that an international panel of scientists, excluding Americans and Vietnamese, study the effects of Agent Orange in "the living laboratory" — Vietnam.

Rep. Don Edwards, D-Calif., who visited Vietnam for the committee Dec. 30 through Jan. 5, said such a study could speed decisions for thousands of U.S. Vietnam veterans who claim the herbicide made them ill.

The Veterans Administration has so far refused to pay compensation to ex-servicemen whose claims were based solely on exposure to Agent Orange.

VA spokesman John Scholzen said the agency believes there is "no accepted medical evidence that Agent Orange has caused any of the various disabilities or diseases attributed to it."

Some 12 million gallons of the dioxin-laced herbicide were sprayed in an effort to strip away the jungle canopy that concealed communist troops during the Vietnam War.

Edwards, in an interview, said he visited Vietnamese hospitals where women suffered from uterine cancer and babies had birth defects. Hospital administrators claimed the women and the babies' mothers were exposed to Agent Orange, the congressman said.

But Edwards said world opinion will accept neither the U.S. nor the Vietnamese view, and that's why an international panel is needed.

"It is essential that the research in Vietnam be done by scientists who are as non-political and objective as it is possible to be," Edwards said in the draft

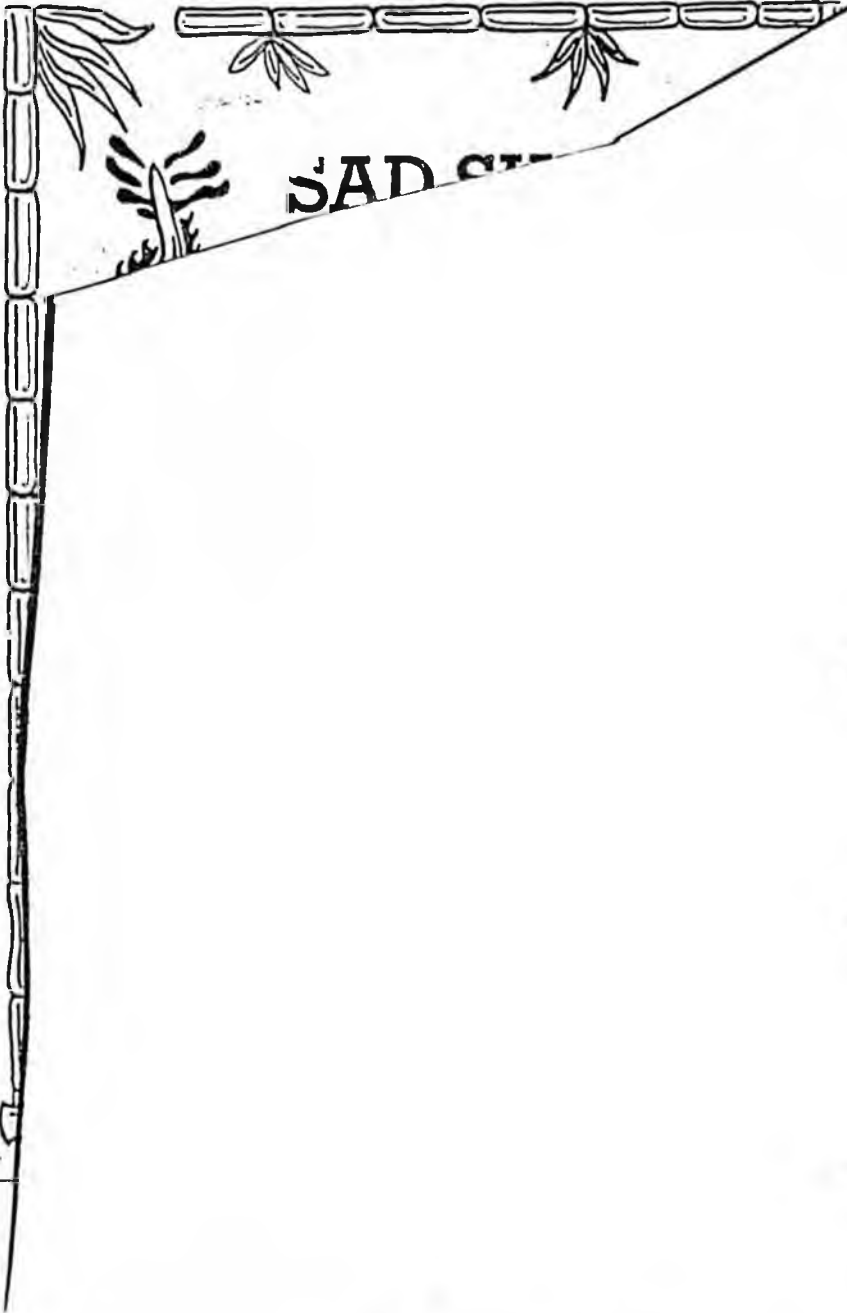
of a report he is preparing on the trip.

"Scientists from the U.S. or from Vietnam would have little credibility. Representatives of each nation should be there as observers," he said.

"The important thing is to get the studies started in Vietnam,

while the living laboratory is there . . . before it is too late to help the men and women . . . who were hurt by the spraying of Agent Orange."

Edwards suggested that international agencies conduct the study.



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News-miner 2/24/84

Agent Orange study result said reassuring

WASHINGTON (AP)—The Air Force told Congress today that a new study had found some medical problems among veterans who sprayed Agent Orange in Vietnam but said the overall findings were "reassuring."

Briefing congressmen and their staffs on the results of a study of the health of 1,200 pilots and crew members who flew spraying missions, the Air Force said it found higher rates than expected of skin cancers, liver disorders and reported birth defects in children born to the veterans.

In addition, a high number of deaths were reported in the offspring of veterans within 28 days of birth.

"The study has disclosed numerous medical findings, mostly of a minor or undetermined nature, that require detailed follow-up," the study concluded.

But it added:

"In full context, the baseline study results should be viewed as reassuring Ranch Handers and their families at this time."

Ranch Hand was the code name for the program under which 12 million gallons of the plant-killing substance, which contained the toxic chemical dioxin, were sprayed over Vietnamese jungles to strip away hiding places used by communist forces.

"I would strongly dispute that statement," Rep. Thomas Daschle, D-S.D., said of the Air Force's conclusion.

He said the briefers reported "a significant amount of infighting and differences of opinion with regard to the interpretation of the data" among scientists who reviewed the findings.

The briefing was closed to the press but Daschle and some congressional staff members were willing to discuss the report in advance of a 2 p.m. EST news conference at which the Air Force was to make the long-awaited study public.

It is the most exhaustive investigation into the health of Americans exposed to Agent Orange that the government has conducted so far.

John - 671
Starr

Agent Orange suit survives court challenge

Associated Press

Washington — Manufacturers of the controversial herbicide Agent Orange lost a preliminary legal round in the Supreme Court today. The justices, in effect, said a massive "class action" lawsuit against the manufacturers may go to trial May 7.

The suit charges that the herbicide, used extensively by the U.S. military in Vietnam, caused cancer, birth defects and numerous other illnesses for millions.

The court, without comment, today rejected arguments that U.S. District Judge Jack Weinstein, who is to preside over the trial in New York City, exceeded his authority in ordering the lawsuit to proceed on behalf of all people possibly harmed by the herbicide.

Potentially included in the "class" of plaintiffs are millions of individuals — including veterans of the U.S., Australian and New Zealand armed forces who served in Vietnam from 1961 to 1972, as well as their spouses, parents and children.

The suit charges that exposure to dioxin contained in Agent Orange caused great harm to human health.

Weinstein said he would allow such a large class of plaintiffs because, in part, "a single, class-wide determination on the issue of causation will focus the attention of Congress, the executive branch and the Veterans Administration on their responsibility, if any, in this case."

TIMES
2/27/84

Agent Orange, cancer linked

Associated Press

Washington — A study has found higher rates of skin cancer and other medical problems among veterans who sprayed Agent Orange in Vietnam, the Defense Department has told Congress.

But the report said its findings require further study and should be "reassuring" overall to the veterans.

Briefing congressmen and their staffs Wednesday on the results of a study of the health of 1,200 pilots and crew members who flew spraying missions, the Air Force said it found higher

rates than expected of skin cancers, liver disorders and reported birth defects in children born to the veterans.

In addition, a high number of deaths were reported in the offspring of veterans within 28 days of birth.

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AmTimes 2/24/84 Front Page

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Alaska State Legislature

Senate

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Official Business

FOR IMMEDIATE RELEASE:
February 13, 1984

Pouch V
State Capitol
Juneau, Alaska 99811

VIC FISCHER BILL WOULD ASSIST VETERANS

EXPOSED TO AGENT ORANGE, CHEMICAL-BIOLOGICAL AGENTS

JUNEAU, AK. -- A bill designed to help Alaska's military veterans who may have been exposed to radiation or chemical and biological agents, including Agent Orange, was introduced in the State Senate today by Sen. Vic Fischer (D-Anchorage). And half the members of the Senate have signed onto the bill as co-sponsors.

"Recent reports at the national level have revealed an incredibly callous and inhumane attitude on the part of the federal government toward our men and women in uniform," Fischer continued.

"In many instances they appear to have been considered as little more than 'human guinea pigs' for one military program or another. It's appalling that our national government would so treat the very people who are serving their country," Fischer said.

The bill would let physicians or hospitals treating veterans submit, with the veteran's consent, a report to the State Department of Health and Social Services (HESS). The report would include a description of symptoms, the physician's or hospital's diagnosis, and the method of treatment prescribed.

Under the Fischer bill, HESS would compile and evaluate the information and publish it in an annual report which would be distributed to the Alaska Legislature, the federal Veterans Administration, and other veterans' groups.

(more)

Veterans, page two

The annual report would also contain current research findings on the effects of exposure to radiation from above-ground nuclear weapons tests, or to a biological or chemical agent, including Agent Orange.

Statistical information compiled from reports submitted by physicians or hospitals would also be included in the annual report.

"It is important to note that this legislation prohibits release of the veteran's name unless the veteran gives his or her consent," Fischer said today.

Alaska's population currently has a larger percentage of veterans, including 27,000 Vietnam era veterans, than that of any other state.

The Fischer legislation also seeks to protect physicians and hospitals from any civil or criminal liability which may result from providing information to HESS under the conditions set forth in the bill. It also would allow the state's attorney general to represent veterans in a suit for release of information compiled by the federal government which may be pertinent to the veterans' medical history, diagnosis, and treatment.

Fischer's bill has been co-sponsored by Sens. Pappy Moss (D-Delta Junction), Jay Kerttula (D-Palmer), Dick Eliason (R-Sitka), Pat Rodey (D-Anchorage), Joe Josephson (D-Anchorage), Rick Halford (R-Chugiak), Don Gilman (R-Kenai), Arliss Sturgulewski (R-Anchorage), and Bettye Fahrenkamp (D-Fairbanks).

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For further information, contact:
John Hartle, Tel.: 465-4954

021384

SECTIONAL ANALYSIS OF SB 463 - RELATING TO VETERANS EXPOSED
TO RADIATION FROM ABOVE-GROUND NUCLEAR WEAPONS TESTING OR TO
A BIOLOGICAL OR CHEMICAL AGENT, INCLUDING AGENT ORANGE.

SECTION 1 Provides that a physician or hospital treating a veteran shall, at the request of the veteran, submit a form to the Department of Health and Social Services. The form shall include:

the symptoms relating to exposure

the diagnosis

the method of treatment

other information required by the department

An annual report of statistical data and research summaries shall be submitted to the Legislature and the Veterans' Administration and veteran groups by the Department.

The identity of veterans shall be protected unless consent for disclosure is granted by the veteran.

The physician or hospital complying with this law may not be held civilly or criminally liable for providing the required information.

The Attorney General may represent the individuals in a class action suit for release of information relating to exposure during military service

The Department shall establish a program, unless it duplicates a federal program, to assist veterans in filing claims for medical or financial assistance to solve problems created by exposure.

Definitions.