



# HEALTH PHYSICS SOCIETY

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*Specialists in Radiation Safety*

9 October 2001

Director  
Office of Regulations Management (02D)  
Department of Veterans Affairs  
810 Vermont Ave., NW  
Room 1154  
Washington, DC 20420  
VIA FAX 202/273-9289

**GEORGE ANASTAS, CHP**  
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As President of the Health Physics Society, the following comments are provided in response to **RIN 2900-AK64**, the Department of Veterans Affairs (VA) proposal to amend its adjudication regulations concerning presumptive service connection for certain diseases for veterans who participated in radiation-risk activities. This proposal is intended to ensure that veterans who may have been exposed to ionizing radiation during military service have the same burden of proof as civilians exposed to ionizing radiation who may be entitled to compensation for these cancers under comparable Federal statutes.

The Health Physics Society is an independent non-profit scientific organization of approximately 6000 professionals who specialize in radiation safety. The Society supports the intent of the proposed rulemaking in that it believes that veterans should not be compensated any differently than other group. In a broader focus, however, the Society believes that sound science should not be disregarded in accomplishing any legislative or regulatory action.

Regarding the use of sound science in compensation programs, the Society has a formal position titled "*Compensation For Diseases That Might Be Caused By Radiation Must Consider The Dose.*" I have enclosed a copy for your information and reference. The Society's position is succinctly stated in the position statement's Executive Summary which is "*Based on the extensive knowledge of radiation health effects, the Health Physics Society believes that a person's radiation dose must be considered in determining whether to provide compensation for a disease that could have been caused by radiation. Further, there should be no compensation for persons whose lifetime doses are less than approximately 0.1 Sv (10 rem).*" Scientific evidence does not support the assumption that cancers should be considered presumptively caused by radiation exposure.

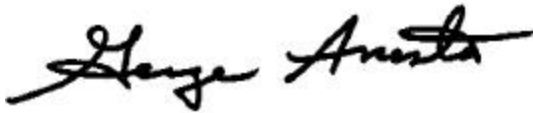
This position of the Society, and statement of the current scientific knowledge about radiation health effects is the same conclusion reached by the Veterans Advisory Committee on Environmental Hazards (VACEH). In his December 7, 2000, letter to the Under Secretary for Benefits, Dr. Armon F. Yanders, Chair of the VACEH, writes "There is little scientific evidence to support the use of the current compensation plan if the goal of the plan is to compensate veterans whose diseases are more likely caused by their service connected radiation exposure. The Committee is of the opinion that the use of probability of causation eliminates the need for a presumptive list and explicitly and objectively accounts for the radiogenicity of the condition."

The Defense Threat Reduction Agency (DTRA) was able to reasonably reconstruct veteran's doses. Multiple scientific reviews by the National Academy of Sciences and a recent report by the General Accounting Office (GAO/HEHS-00-32 of January 2000) have validated the reasonableness of the DTRA reconstructed doses. The DTRA reports that of the approximately 210,000 military and civilian personnel that participated in U.S. nuclear tests over 99 percent received radiation doses below 5 rem per year with an average dose of about 0.6 rem (DTRA fact sheet "*Radiation Exposure in U.S. Atmospheric Nuclear Weapons Testing*"). Similarly, in the 195,000 who participated in the occupation of Hiroshima and Nagasaki, Japan, or were prisoners of war, the maximum dose was less than 1.0 rem with a probable dose of less than 0.1 rem (DTRA fact sheet "*Hiroshima and Nagasaki Occupation Forces*"). The likelihood of radiation-induced disease below this level, if it exists at all, is so small that it is not a matter of scientific fact, and it can only be estimated utilizing hypothetical mathematical dose-response models.

The Society recognizes that the basis for the proposed rule is a decision based on making the veteran's compensation program equitable with other compensation programs, regardless of scientific validity. As stated above, the Society believes that veterans should not be compensated any differently than other groups.

Thank you for the opportunity to comment on the proposed action.

Sincerely,

A handwritten signature in black ink, appearing to read "George Anastas". The signature is fluid and cursive, with a long horizontal stroke at the end.

George Anastas, President

Enclosure