

Testimony of:

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Good afternoon Mr. Chairman, ranking member Blumenthal and to all of the esteemed members of this committee. I want to expressly thank Chairman Isakson for including S-2888 in this legislative hearing. My name is Jerry Ensminger. I am a retired U.S. Marine and I spent more than 11 of my 24 ½ years of service at Camp Lejeune, NC.

I would like to commend both Senators Burr and Tillis for writing and introducing this bill. This bill confirms to the hundreds of thousands of Marines, Sailors, their families, and the thousands of civilian employees who were negligently exposed to the highest levels of harmful contaminants ever recorded in a major drinking water system that the U.S. Senate delegation of NC has our backs. Not only is this legislation another step in rectifying the gross injustice committed against the Camp Lejeune victims, it also has the potential of saving the American taxpayers hundreds of thousands, if not millions of dollars in the future. This bill when passed, will require the Veterans Administration (VA) to utilize the Agency for Toxic Substances and Disease Registry (ATSDR) rather than exclusively contracting external government entities to perform evaluations and/or opinions on health effects related to the Camp Lejeune drinking water issue. ATSDR was created and mandated by Congress in 1980 to investigate, evaluate, and remediate human exposures to potentially harmful contaminants found at National Priority Listed (Super Fund) contamination sites such as Camp Lejeune. We all need to take a step back and ask ourselves why the VA refuses to utilize the preeminent governmental institutions

such as ATSDR, the National Center for Environmental Health (NCEH), or the National Institute for Environmental Health Sciences (NIEHS) for those evaluations and/or opinions relating to issues where veterans have been exposed to hazardous substances? Why does the VA automatically and exclusively resort to contracting external government entities for these evaluations and/or opinions? Here are some of the findings we have made concerning those questions. You can draw your own conclusions;

1) When the VA contracts an external entity to provide them with an evaluation and/or opinion, the VA writes a charge to the contractor. This is where the legitimacy of this practice comes into serious question. Every member of this committee is a politician and the best analogy I can use to describe the flaws in this process is political poll questions. A pollster with an agenda can write poll questions in a fashion which would provide them the response(s) they desire. There is no difference when writing a charge to a contractor. The person(s) writing the charge can fashion it in such a manner as to narrow the final evaluation and/or opinion.

2) None of the work performed by these external government entities falls under the Freedom of Information Act. We have no access to the procedures or what scientific materials the contractor used in creating their evaluations and/or opinions. Where is the transparency in this process? There is none!

3) Every time the VA contracts an external government entity for an evaluation and/or opinion, the American taxpayer is paying double. We are paying to maintain, equip, and staff our governmental agencies who are fully capable of performing these tasks. We are also paying the VA's contracted price for those external governmental entities to execute

this work.

Several years ago, I asked VA's Dr. Terry Walters why the VA constantly insists on using external government entities when seeking evaluations and/or opinions regarding potentially harmful exposures. She claimed that the VA uses external government contractors for such work because the veterans wouldn't trust the work product of a Governmental agency. Her response almost made me choke! Of course, most veterans don't know that the VA (an interested party) writes a charge to the external government entity (another interested party) to provide them with an evaluation and/or opinion. On the other hand, governmental agencies such as ATSDR, NCEH, and the NIEHS are uninterested parties who would give an evaluation / opinion based on available scientific evidence instead of a "charge" which could restrict the evaluation to the desires of the contractee. Furthermore, all of the procedures and scientific materials utilized by the aforementioned governmental agencies would be accessible under the Freedom of Information Act.

Mr. Chairman, if the VA truly had the best interests of Camp Lejeune veterans and their families at heart, they would never have created and utilized the training power point (Attachment A). This power point presentation was utilized to train VA clinicians who would be screening Camp Lejeune veterans and their family members pursuant to the passage and the President signing the "Honoring America's Veterans and Caring for Camp Lejeune Families Act" of 2012. This power point not only regurgitated outdated and disputed science (Attachment B), it reads like a "road map" for how to deny these Veterans and their families the care outlined in the law. Finally, the description of Dr.

Walters' vision of a Camp Lejeune veteran's wife (slides #10 & #12 of Attachment A) went beyond the pale. It was demeaning and outright despicable. What makes this even worse is the fact that when Dr. Walters was asked if this depiction was a real individual, she replied, "No, I took several actual individual cases and lumped them together to create that one example." Does anyone need to wonder why we don't trust the VA?

Lastly, the VA created a Camp Lejeune task force in 2012 to map out a direction forward supposedly to meet the requirements of the new law. It wasn't until last month that we were finally made aware of the make-up of that VA task force (Attachment C/D) and oddly enough, we discovered that Dr. Kelly Brix, Division Director, Research Development, Department of Defense, Defense Health Headquarters, and a Mr. Scott Williams, DoD liaison, were members of this Camp Lejeune task force. It is our belief that this task force was directly responsible for the creation and eventual implementation of the now infamous so-called VA Camp Lejeune SME Program. We can't confirm our suspicions on this subject because the VA has refused to honor our FOIA requests.

I challenge every member of this committee to research how much money the VA has expended since FY-2012 on external governmental contracts for evaluations and/or opinions. I would venture a guess that between Camp Lejeune and the C-123 aircraft Agent Orange issues alone, hundreds of thousands of taxpayers dollars were spent. A lot of money that could have been spent caring for our veterans rather than devising methods in attempts to cheat them out of the benefits they deserve. Thank you and I look forward to answering any questions you may have.

Attachments:

- Attachment A - VA Training Power Point dated August 2013**
- Attachment B - Director ATSDR letter dated October 22, 2010**
- Attachment C - VA Camp Lejeune Task Force Roster (1)**
- Attachment D - VA Camp Lejeune Task Force Roster (2)**