

[posted by Michele Vollmer at Penn State Law; feel free to email me questions at mrv3@psu.edu]

[Date]

[insert name and address of POA]

Re: [insert client name], VA File No. _____

Dear [insert name]:

I am a licensed oncologist in the State of _____ and have been practicing for __ years. I specialize in the treatment of _____. I regularly diagnose and treat __ patients per year with _____. [insert other information about your credentials or attach a CV; if you are Board certified, please include a sentence about that even if it is mentioned in your CV]

I was responsible for _____'s treatment for urothelial cancer and [insert description of other relevant conditions] at _____. His treatment included _____.

I have reviewed the pertinent military and medical records. From that review and my treatment of _____, I understand that _____ served in Vietnam where he was exposed to Agent Orange. [add details such as exposure to diesel fuel as well]

From my reading and research of the resources listed on Exhibit 1, I understand the following:

1. VA medical experts and the medical community both agree that benzene is a component of the toxin Agent Orange dispersed in Vietnam, and a toxin that contaminated the water at Camp Lejeune.
2. Vietnam veterans have "testified that in the field, Agent Orange was frequently mixed with other unhealthy substances such as kerosene, JP-4 jet fuel, and other toxic aromatic hydrocarbons. David P. Steensma, *Agent Orange, United States Military Veterans, and Myelodysplastic Syndromes*, The MDS Beacon, (Oct. 18, 2012, 3:09 PM), <http://www.mdsbeacon.com/news/2012/10/18/agent-orange-united-states-military-veterans-and-myelodysplastic-syndromes/>.
3. Congress passed the Camp Lejeune Honoring Americas Veterans and Caring for Camp Lejeune Families Act that pays health care costs related to bladder and renal cancer for veterans exposed to benzene at Camp Lejeune because of the scientific evidence that shows a link between benzene and those cancers. In addition, the VA promulgated a regulation to administer that statute and the regulation presumptively awards service-connected disability benefits for bladder and renal cancer for veterans exposed to benzene at Camp Lejeune because of the strength of the scientific evidence showing a link between the two.

4. Many studies provide the scientific evidence that shows a link between benzene exposure and bladder and renal cancers.
5. Many studies provide the scientific evidence that shows a link between diesel fuel exposure and bladder and renal cancers.

That review of records also showed me that _____ had no family history of urothelial cancer and [insert description of other relevant conditions]. Thus, he had no hereditary basis for the disease.

_____ also had no history of smoking or use of nicotine [or if possible, state that he had only a short exposure to tobacco] [note that if exposure to tobacco was high, then a favorable nexus opinion may be difficult to obtain, and even if it is obtained, that opinion could be rebutted by the VA with its own opinion]

_____ also had no lifestyle or work history before or after military service showing occupational or other exposure to environmental toxins. More specifically, before or after military service, _____ did not work with diesel exhaust and fumes or arsenic, and did not work with chemical exposures, such as occur in the petroleum industry and the manufacturing of paints, pigments, and agrochemicals. Instead, _____ worked _____.

_____ also did not have chronic cystitis or human papillomavirus infection or chronic bladder inflammation, and did not take diabetic medication. All of these are other potential risk factors for urothelial cancer or bladder cancer. [insert description of other relevant conditions and any other risk factors for those conditions].

Urothelial cancer is more likely to have an environmental cause when it has an early on set and is highly aggressive. [insert facts that match these facts or remove this paragraph if not applicable]

Because I was able to rule out other factors or causes that can lead to the development of urothelial cancer and [insert description of other relevant conditions], I am of the opinion that Agent Orange herbicide exposure, including exposure to its components TCDD and benzene, was at least as likely as not [or more likely than not] the cause of _____'s urothelial cancer and [insert description of other relevant conditions]. Based upon all of the above, I also am of the opinion, and the coroner agreed, that _____'s cause of death was urothelial cancer and [insert description of other relevant conditions].

Respectfully,

[insert signature]

[type name and title]

Exhibit 1

Benzene is in Agent Orange and Agent Orange was mixed with diesel fuel to disperse

1. *Facts About Herbicides*, U.S. Dep't of Veterans Aff. (Jun. 5, 2015), <https://www.publichealth.va.gov/exposures/agentorange/basics.asp>
2. U.S. Dep't of Health & Human Servs., *Toxicological Profile for Chlorinated Dibenzo-p-Dioxins* (1998)
3. 38 C.F.R. § 3.307
4. H. Van den Berghe et al., *Chromosome Analysis in Two Unusual Malignant Blood Disorders Presumably Induced by Benzene*, 53 *Blood*, 558, 558 (1979)
5. Arnold Schecter et al., *Dioxins: An Overview*, 101 *Envtl. Research* 419, 421 (2006)
6. Institute of Medicine of the National Acadamies, 2 *Gulf War And Health: Insecticides And Solvents* (2003)
7. Song-Nian Yin et al., *An Expanded Cohort Study of Cancer Among Benzene-exposed Workers in China*, 104 *Environmental Health Perspectives* 1339 (Supp. 6 1996)

Benzene is a contaminant at Camp Lejeune that is linked to bladder and renal cancer

8. 81 Fed. Reg. 62,419-01, 62,419 (Sept. 9, 2016)
9. 38 C.F.R. § 3.309(f)

[this exhibit is still in progress; a final form will be uploaded as soon as completed]