Blast Overpressure Accountability Act (BOAA)

by the Cohort of OverPressured Warfighters - www.overpressured.com

119th CONGRESS
H.R. [TBD]

A BILL

To amend the Honoring our PACT Act of 2022 to recognize occupational exposure to low-level blast overpressure and associated airborne particulate matter as a toxic exposure, granting presumptive service connection for affected veterans and ensuring accountability for their care.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

PREAMBLE

Repetitive low-level blast overpressure and inhaled toxic airborne particulate matter exposures, akin to PACT Act-covered burn pit smoke and regional dust with radiation-like blast trauma, are inherent to the occupational duties of veterans in heavy weapons or explosives training. These cumulative exposures cause traumatic brain injuries, lung disease, and a fourfold suicide risk, as seen in Navy SEAL Ryan Larkin's story (*60 Minutes*, March 2025). In spite of robust evidence linking these exposures to TBI diagnoses and respiratory diseases, the VA does not recognize them as a 'toxic exposure' under the PACT Act. Concerns over the need for "conclusive science" overlook the VA's own "as likely as not" standard (38 U.S.C. § 5107(b)), which requires a 50% probability of a link, not certainty. This threshold is clearly met and exceeded by years of peer-reviewed studies and available VA data. Similarly, fears of PACT Act "strain on the system" ignore its purpose and the VA's binding commitment to service and care. Ignorance and inconvenience will no longer suffice as alibis in delaying its responsibilities to deserving veterans marginalized by political nuance and semantics.

SECTION 1. SHORT TITLE

This Act may be cited as the **Blast Overpressure Accountability Act (BOAA).**

SECTION 2. FINDINGS

(a) Nature and Risks of Blast Overpressure Exposure in Training. Congress finds that occupational exposure to low-level blast overpressure during military training, impacting 70 percent of veterans in Tier-1 heavy weapons roles like mortar crews and tankers, poses severe risks (NY Times, 2024; Army Times, 2024). Pressure waves from such weapons deliver over 4 pounds per square inch (psi), causing traumatic brain injuries and neurological damage (Lisov et al., 2016; Martindale et al., 2022). The blast's combustion produces toxic smoke with metals, increasing lung cancer risk by 20 to 30 percent (Pope et al., 2011; Brook et al., 2010; IARC, 2010). High-stress training amplifies exposure, boosting toxic inhalation by 30 to 40 percent (West, 2012; OSHA, 2023).

(b) Veteran Health Outcomes. Veterans in these roles suffer 6,000 annual traumatic brain injury cases, chronic lung disease, heart issues, and cognitive decline, impairing cognition by five to ten percent over 20 years (Stone, 2024; ATSDR, 2020). The VA reports 8,000 yearly lung cancer cases, potentially linked to explosives smoke (VA, 2023). Exposure drives a fourfold higher suicide rate, with tank brigades at 60.4 versus 30.2 per 100,000 active-duty members (Army Times, 2024).

(c) Evidentiary Standard Met. The VA's "as likely as not" standard (38 U.S.C. § 5107(b)) requires a 50% probability that blast overpressure with its smoke and dust causes these conditions, not absolute certainty. This threshold is far exceeded by decade's worth of peer-reviewed studies (Martindale et al., 2022; Pope et al., 2011) and the VA's own available data (430,000 TBI diagnoses, 185,000 veterans seeking TBI care).

(d) Accountability Imperative. A proven occupational hazard, with inhaled toxic airborne particulate matter matching PACT Act-covered burn pit smoke and regional dust, caused these injuries through training exposures, compounded by radiation-like blast trauma. The VA is legally obligated to provide care and compensation. Likewise, the PACT Act, enacted by Congress to address service-related toxic exposures like those proposed by this Act, binds Congress and the VA to uphold its framework for veterans' care (38 U.S.C. § 101). Nuanced and semantic deflection of these responsibilities for fear of cost and inconvenience are now simply excuses, leaning on "conclusive science" or "strain" as alibis that marginalize veterans, contradicting the VA's and PACT Act's intent to deliver care. Congress and the VA have all they need to act.

SECTION 3. AMENDMENT TO THE HONORING OUR PACT ACT

(a) Definition of Toxic Exposure.

- Section 101 of the Honoring our PACT Act of 2022 (38 U.S.C. 101) is amended by inserting:

"*(5) Low-Level Blast Overpressure and Associated Particulate Matter - Exposure to low-level blast overpressure, including roles like mortar crews, artillerymen, Special Forces breachers, combat engineers, and tankers, and particulate matter (e.g., lead, copper, zinc, polycyclic aromatic hydrocarbons) from weapon firing, considered a toxic exposure due to its combined physical and chemical health impacts."*

(b) Presumptive Service Connection.

- Veterans who served in Tier-1 heavy weapons and explosives roles shall be granted presumptive service connection for conditions associated with blast overpressure and particulate matter exposure, including traumatic brain injuries, post-traumatic stress disorder, chronic obstructive pulmonary disease, cardiovascular disease, lung cancer, and neurological disorders. The VA shall establish a list of presumptive conditions, informed by scientific evidence (Pope et al., 2011; Brook et al., 2010; IARC, 2010).

(c) Retroactive Claims and Screenings.
- The VA shall provide retroactive claims for eligible veterans and conduct health screenings for 250,000 affected veterans focusing on blast overpressure-related conditions using the S06.8A diagnostic code (DePalma, 2022).

(d) Family Support and Education.
- The VA shall allocate funding annually to educate families of affected veterans about blast overpressure effects, providing counseling to address the psychological toll (NY Times, 2024).

SECTION 4. EFFECTIVE DATE
This Act shall take effect immediately upon passage.

SECTION 5. SEVERABILITY
If any provision or application is held invalid, the remainder remains unaffected.

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