

## 38 CFR 3.309 Radiation Presumptive Provisions

Diseases specific to radiation-exposed veterans is defined in 38 CFR 3.309 (d). The regulation contains a list of cancers associated with exposure to radiation along with the definition of a “radiation-exposed veteran” and other pertinent definitions and time frames.

“The term radiation-exposed veteran means either a veteran who while serving on active duty, or an individual who while a member of a reserve component of the Armed Forces during a period of active duty for training or inactive duty training, participated in a radiation-risk activity.”

Two types of cancer are specifically excluded from the list of presumptive diseases associated with radiation exposure:

**Chronic Lymphocytic Leukemia (CLL)** - Although most types of leukemia are known to be radiogenic, to date very few studies have provided substantial evidence for a radiogenic excess of chronic lymphocytic leukemia (CLL). However, the view that CLL is not caused by radiation has been questioned, and more recent studies based on incident rather than mortality outcomes have suggested a radiation effect on CLL as well as on other types of leukemia.<sup>2</sup> With that in mind, current regulation does not endorse radiation exposure as a factor in the onset of CLL.

**Hodgkin's Disease** - Hodgkin's disease is one of a group of cancers called lymphomas. Lymphoma is a general term for cancers that develop in the lymphatic system. Little evidence has been recorded of a possible connection between Hodgkin's disease and exposure to ionizing radiation. However, there is evidence from studies conducted at Los Alamos National Laboratory and other nuclear sites that suggests an increased likelihood of developing Hodgkin's disease for workers who have been exposed to ionizing radiation.<sup>3</sup> As with CLL, current regulation does not endorse radiation exposure as a factor in the onset of Hodgkin's Disease.

### Fact Sheet | July 2018

<sup>1</sup> 38 CFR 3.309 (d) 3 i

<sup>2</sup> Radiation and the Risk of Chronic Lymphocytic and Other Leukemias among Chornobyl Cleanup Workers

<https://ehp.niehs.nih.gov/1204996/>

<sup>3</sup> Hodgkin's Disease and Exposure to Ionizing Radiation

[http://www2.clarku.edu/mtafund/prodlib/jsi/Hodgkins\\_Disease\\_and\\_Exposure\\_to\\_Ionizing\\_Radiation.pdf](http://www2.clarku.edu/mtafund/prodlib/jsi/Hodgkins_Disease_and_Exposure_to_Ionizing_Radiation.pdf)