

The Case For The ACES Act

Introduction.

The Aviator Cancer Examination Study (ACES) Act is proposed legislation that would provide support for a Veteran aviator cancer causation study. The National Academy of Sciences, Engineering, and Medicine (NASEM) would conduct the study with the purpose of determining the causes of significantly elevated cancer diagnosis in the U.S. military’s aviation operating environments.

Background.

- The problem of significantly elevated cancer diagnosis/death among current and Veteran U.S. military active-duty, air guard, and reserves flyers is documented in three studies in four years:
 - o (2021) U.S. Air Force Aviator Cancer Study: 34,000+ flyers
 - o (2023) DOD Aviator Cancer Phase 1a Study: 156,000+ aviators
 - o (2024) DOD Aviator Cancer Phase 1b Study: 138,000+ aircrew

2021 AF Study	Pancreas	Melanoma	Prostate	NH Lymphoma	Brain & CNS	Thyroid
Men	+13%	+25%	+19%	+13%	+6%	---
Women	---	+51%	---	+450%	---	+4%

DOD Studies	All Sites	Melanoma	Prostate	Testis	Brain & CNS	Thyroid	Female Breast
Phase 1A: MAR 2023	+24%	+87%	+16%	+10%	0%	+39%	+16%
Phase 1B: MAY 2024	+20%	+80%	+21%	+2%	+3%	+38%	+18%

Key Points Going Forward.

- Next, determine what in military aviation is most likely causing military/Veteran flyer cancers
- Elsewhere, DOD is conducting a “Phase 2” study to identify how to mitigate exposures. This DOD study will do nothing for Veterans diagnosed with cancer after military service
- Some assert the ACES Act is duplicative of PL117-168—we respectfully disagree. Our view is based on two portions of the law’s text that support our claim, the **first** excerpt is below:
 - “(2) The Secretary shall—“(A) establish and maintain a list that contains an identification of one or more such substances, chemicals, and airborne hazards as the Secretary, in collaboration with the Secretary of Defense, may determine appropriate for purposes of this section; and...[136 Stat.1779]
 - The above excerpt belies a non-existent source: what will inform SecVA’s sense that Veteran flyers should be in a presumptive cohort? We hold that source is the ACES Act
 - The **second** portion of the law’s text we dispute is bounding Veteran aircrew cancer exposures to flight in **only** certain areas/times. This logic rules out other aviation exposures but does so using no peer-reviewed evidence. The law’s area/time bounds are prejudicial to the service and care of Veteran aviators who flew elsewhere at other times

Bottomline.

- The ACES Act is not work already being done elsewhere. Other work is not related to VA’s duty of care of America’s Veteran aviators. Scientifically, the ACES Act will identify what is causing cancer among fixed-wing Veteran flyers years after they leave DOD.