

1 S.111

2 Introduced by Senators White, Ashe, Bray, Clarkson, Collamore and Pollina

3 Referred to Committee on Government Operations

4 Date: February 19, 2019

5 Subject: National Guard; veterans; Airborne Hazards and Open Burn Pit

6 Registry

7 Statement of purpose of bill as introduced: This bill proposes to require the
8 Commissioner of Health to develop educational materials to make veterans
9 and members of the U.S. Armed Forces aware of the health effects associated
10 with exposure to open burn pits during overseas military deployments and of
11 the existence of the U.S. Department of Veterans Affairs' Airborne Hazards
12 and Open Burn Pit Registry and to require the Adjutant and Inspector General
13 and the Vermont Office of Veterans Affairs to contact certain members of the
14 U.S. Armed Forces and veterans regarding the health effects associated with
15 exposure to open burn pits during overseas military deployments and of the
16 existence of the U.S. Department of Veterans Affairs' Airborne Hazards and
17 Open Burn Pit Registry.

18 An act relating to the U.S. Department of Veterans Affairs' Airborne
19 Hazards and Open Burn Pit Registry

1 It is hereby enacted by the General Assembly of the State of Vermont:

2 Sec. 1. FINDINGS

3 The General Assembly finds that:

4 (1) According to the U.S. Department of Veterans Affairs, “burn pits
5 were a common way to get rid of waste at military sites in Iraq and
6 Afghanistan.”

7 (2) At present the U.S. Department of Veterans Affairs provides
8 contradictory information about the health impacts on soldiers of exposure to
9 burn pits.

10 (3) On the one hand, the Department’s website says “at this time,
11 research does not show evidence of long-term health problems from exposure
12 to burn pits. VA continues to study the health of deployed Veterans.”

13 (4) On the other hand, under the heading “Health effects from burn pit
14 smoke” the VA states that “Toxins in burn pit smoke may affect the skin, eyes,
15 respiratory and cardiovascular systems, gastrointestinal tract and internal
16 organs. Veterans who were closer to burn pit smoke or exposed for longer
17 periods may be at greater risk. Health effects depend on a number of other
18 factors, such as the kind of waste being burned and wind direction. Most of
19 the irritation is temporary and resolves once the exposure is gone. This
20 includes eye irritation and burning, coughing and throat irritation, breathing
21 difficulties, and skin itching and rashes. The high level of fine dust and

1 ~~ution common in Iraq and Afghanistan may pose a greater danger for~~
2 respiratory illnesses than exposure to burn pits, according to a 2011 Institute of
3 Medicine report.”

4 (5) According to the VA, the waste products in burn pits include
5 “chemicals, paint, medical and human waste, metal/aluminum cans, munitions
6 and other unexploded ordnance, petroleum and lubricant products, plastics,
7 rubber, wood, and discarded food.”

8 (6) In the past, the U.S. Armed Forces have been slow to acknowledge
9 the physical and mental health injuries associated with environmental exposure
10 during service members’ active duty. Notable examples of this include
11 exposure to Agent Orange during the Vietnam War and the condition known as
12 Gulf War Syndrome.

13 (7) After a period of equivocation, the U.S. government has usually
14 acknowledged what veterans know too well—that their illnesses and suffering
15 are real, that it is connected to their military service, and that the U.S.
16 government must treat and compensate the veterans.

17 (8) Exposure to burn pits should be addressed proactively, and the State
18 of Vermont and the U.S. government should prioritize the health of service
19 members and veterans and not repeat past patterns of denial.

20 (9) A registry called the Airborne Hazards and Open Burn Pit Registry
21 ~~has been created to track service members who may have been exposed to burn~~

1 nits. Between June 2014 and September 2018, 366 Vermonters joined the
2 registry.

3 (1) It is important that every Vermonter who was or may have been
4 exposed to burn pits join the registry because veterans are permitted to file a
5 claim for disability compensation for health problems they believe are related
6 to exposure to burn pits during military service.

7 Sec. 2. DEPARTMENT OF HEALTH; EDUCATIONAL MATERIALS

8 (a) On or before July 1, 2019, the Department of Health shall develop
9 written educational materials that provide information about symptoms
10 associated with exposure to open burn pits during overseas military
11 deployments. The materials shall include contact information for the U.S.
12 Department of Veterans Affairs' Airborne Hazards and Open Burn Pit Registry
13 and for the Vermont Environmental Health Coordinator at the White River
14 Junction VA facility.

15 (b)(1) The information shall be made available on the Department of
16 Health and the Office of Veterans Affairs websites.

17 (2) The Department of Health shall disseminate the information to
18 health care providers through the Vermont Medical Society and other medical
19 professional associations.

~~Sec. 3. COMMUNICATION TO SERVICE MEMBERS AND VETERANS,~~

NATIONAL GUARD; OFFICE OF VETERANS AFFAIRS

(a) The Adjutant and Inspector General and the Executive Director of the Vermont Office of Veterans Affairs shall collaborate to contact all members of the Vermont National Guard and all veterans and members of the U.S. Armed Forces residing in Vermont who may be eligible to participate in the U.S. Department of Veterans Affairs' Airborne Hazards and Open Burn Pit Registry. In particular, the Adjutant and Inspector General and the Executive Director of the Vermont Office of Veterans Affairs shall contact all members of the Vermont National Guard, and any veteran or member of the U.S. Armed Forces who served in any of the following:

(1) Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New Dawn;

(2) Djibouti, Africa, on or after September 11, 2001;

(3) Operation Desert Shield or Operation Desert Storm; or

(4) in the Southwest Asia theater of operations on or after August 2, 1990.

(b) Each veteran or service member contacted shall be encouraged to join the Registry and shall be provided with:

(1) contact information for the U.S. Department of Veterans Affairs

Airborne Hazards and Open Burn Pit Registry; and

1 ~~(2) basic information regarding the potential symptoms and health~~
2 ~~effects of exposure to open burn pits, which may include educational materials~~
3 ~~created by the Commissioner of Health pursuant to Sec. 2 of this Act.~~
4 Sec. 4. EFFECTIVE DATE
5 ~~This act shall take effect on passage.~~

Sec. 1. FINDINGS

The General Assembly finds that:

(1) According to the U.S. Department of Veterans Affairs (VA), “burn pits were a common way to get rid of waste at military sites in Iraq and Afghanistan.”

(2) At present, the U.S. Department of Veterans Affairs provides contradictory information about the health impacts on soldiers of exposure to burn pits.

(3) On the one hand, the Department’s website says, “At this time, research does not show evidence of long-term health problems from exposure to burn pits. VA continues to study the health of deployed Veterans.”

(4) On the other hand, under the heading “Health effects from burn pit smoke” the VA states that “Toxins in burn pit smoke may affect the skin, eyes, respiratory and cardiovascular systems, gastrointestinal tract and internal organs. Veterans who were closer to burn pit smoke or exposed for longer periods may be at greater risk. Health effects depend on a number of other factors, such as the kind of waste being burned and wind direction. Most of the irritation is temporary and resolves once the exposure is gone. This includes eye irritation and burning, coughing and throat irritation, breathing difficulties, and skin itching and rashes. The high level of fine dust and pollution common in Iraq and Afghanistan may pose a greater danger for respiratory illnesses than exposure to burn pits, according to a 2011 Institute of Medicine report.”

(5) According to the VA, the waste products in burn pits include “chemicals, paint, medical and human waste, metal/aluminum cans, munitions and other unexploded ordnance, petroleum and lubricant products, plastics, rubber, wood, and discarded food.”

(6) In the past, the U.S. Armed Forces have been slow to acknowledge the physical injuries associated with environmental exposure during service members' active duty. Notable examples of this include exposure to Agent Orange during the Vietnam War and the condition known as Gulf War Veterans' Medically Unexplained Illness.

(7) After a period of equivocation, the U.S. government has usually acknowledged what veterans know too well—that their illnesses and suffering are real, that it is connected to their military service, and that the U.S. government must treat and compensate the veterans.

(8) Exposure to burn pits should be addressed proactively, and the State of Vermont and the U.S. government should prioritize the health of service members and veterans and not repeat past patterns of denial.

(9) A registry called the Airborne Hazards and Open Burn Pit Registry has been created to track service members who may have been exposed to burn pits. Between June 2014 and December 2018, 394 Vermonters joined the Registry.

(10) It is important that every Vermonter who was or may have been exposed to burn pits should participate in the Registry.

Sec. 2. DEPARTMENT OF HEALTH; EDUCATIONAL MATERIALS

(a)(1) On or before July 1, 2019, the Commissioner of Health, in consultation with the Adjutant and Inspector General and the U.S. Department of Veterans Affairs, shall develop written educational materials that provide information about health effects that are associated with chemicals identified at open burn pits during overseas military deployments, including:

(A) information regarding how to participate in the U.S. Department of Veterans Affairs' Airborne Hazards and Open Burn Pit Registry and resources that can provide assistance with the registration process;

(B) information regarding the eligibility requirements for participation in the Registry, including deployment locations and dates;

(C) contact information for the U.S. Department of Veterans Affairs' Airborne Hazards and Open Burn Pit Registry; and

(D) contact information for the Vermont Environmental Health Coordinator at the White River Junction VA facility.

(2)(A) On or before July 1, 2019, the information shall be made available on the Department of Health and the Office of Veterans Affairs websites.

(B) The Department of Health, in cooperation with appropriate professional licensing boards and professional membership associations, shall ensure the information is made available to all licensed health care providers in Vermont on or before July 1, 2019.

(b) On or before July 1, 2019, the Commissioner of Health and the Adjutant and Inspector General, in coordination with any available and interested federal or State agency, shall develop a pamphlet or other written informational material regarding the U.S. Department of Veterans Affairs' Airborne Hazards and Open Burn Pit Registry, including:

(1) information regarding the eligibility requirements for participation in the Registry, including deployment locations and dates;

(2) information regarding how to participate in the Registry and resources that can provide assistance with the registration process;

(3) the symptoms associated with exposure to open burn pits during overseas military deployments;

(4) contact information for the U.S. Department of Veterans Affairs' Airborne Hazards and Open Burn Pit Registry; and

(5) contact information for the Vermont Environmental Health Coordinator at the White River Junction VA facility.

Sec. 3. COMMUNICATION TO SERVICE MEMBERS AND VETERANS;
NATIONAL GUARD; OFFICE OF VETERANS AFFAIRS

(a) Beginning on or before July 1, 2019, the Adjutant and Inspector General and the Executive Director of the Vermont Office of Veterans Affairs, in consultation with any available and interested federal or State agency, shall collaborate to contact all members of the Vermont National Guard and all known veterans and members of the U.S. Armed Forces residing in Vermont who may be eligible to participate in the U.S. Department of Veterans Affairs' Airborne Hazards and Open Burn Pit Registry. In particular, the Adjutant and Inspector General and the Executive Director of the Vermont Office of Veterans Affairs shall contact all members of the Vermont National Guard and any veteran or member of the U.S. Armed Forces residing in Vermont who may have served in any of the following:

(1) Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New Dawn;

(2) Djibouti, Africa, on or after September 11, 2001;

(3) Afghanistan, on or after September 11, 2001;

(4) Operation Desert Shield or Operation Desert Storm; or

(5) in the Southwest Asia theater of operations on or after August 2, 1990.

(b) Each veteran or service member contacted shall be encouraged to join the Registry and shall be provided with:

(1) contact information for the U.S. Department of Veterans Affairs' Airborne Hazards and Open Burn Pit Registry; and

(2) a copy of the pamphlet created by the Commissioner of Health and the Adjutant and Inspector General pursuant to Sec. 2 of this Act.

**Sec. 4. ADJUTANT AND INSPECTOR GENERAL; COORDINATION
WITH U.S. DEPARTMENT OF VETERANS AFFAIRS**

(a) On or before July 1, 2019, the Adjutant and Inspector General shall encourage the U.S. Department of Veterans Affairs to enhance and simplify the registration process for the Airborne Hazards and Open Burn Pit Registry by providing for:

(1) identification verification for DS Logon Level 2 access to be made available at U.S. Department of Veterans Affairs' community-based outpatient clinics throughout Vermont;

(2) the creation of a paper registration option; and

(3) the creation of a process for deceased veteran's family members to participate in the Registry on behalf of a deceased veteran.

(b)(1) On or before July 1, 2019, the Adjutant and Inspector General shall request that the Periodic Health Assessment for members of the Vermont National Guard determine whether the Guard member was deployed to a location that would make him or her eligible to participate in the U.S. Department of Veterans Affairs' Airborne Hazards and Open Burn Pit Registry, and whether the Guard member was exposed to open burn pits during his or her deployment to that location.

(2) On or before July 1, 2019, the Adjutant and Inspector General shall request that any member of the Vermont National Guard who during his or her Periodic Health Assessment is identified as having been potentially exposed to open burn pits during a deployment is automatically registered to participate in the U.S. Department of Veterans Affairs' Airborne Hazards and Open Burn Pit Registry.

Sec. 5. EFFECTIVE DATE

This act shall take effect on passage.